Preface

Iowa’s area education agencies (AEAs) have a long history of sharing ideas, products and materials. On August 1, 2009 Iowa’s AEAs released the first Area Education Agency Special Education Procedures. This manual represented the culmination of a significant AEA effort to work as a unified, state-wide system. The manual’s purpose was, and continues to be, the creation and implementation of consistent, seamless, high quality, legally compliant special education procedures that communicate clear expectations across the state. This January 2013 edition advances the purpose of the August 2009 original and its revisions with updates, additional information and clarifications.

These procedures are intended to:

- Provide a vehicle to accomplish results for students with disabilities
- Drive positive meaningful, change
- Assure accurate data
- Meet the requirements of law and regulations
- Provide clarity for the professionals who implement the procedures
- Provide accountability to various audiences (government agencies, parents, working professionals, etc.)
- Assure legal protections for AEAs, schools and working professionals;
- Reduce the human and monetary costs of writing and revising procedures and of preparing for professional development in order to focus resources on instruction and interventions
- Provide a familiar process for parents who move and change AEAs
- Provide a familiar process for teachers who move and change AEAs
- Provide familiar documentation to AEAs and schools when students move
- Facilitate inter-agency communication with a common process and documentation
- Model a process that might transfer to other state-wide initiatives
- Facilitate consistent, high quality support and professional development to working professionals

Acknowledgements

Many, many professionals from all area education agencies (AEAs) and from the Iowa Department of Education (IDE) contributed to the initial, August 2009 edition and to revised editions of this manual. Deserving of particular recognition are: those individuals who served as AEA Special Education Directors from the 2007-2008 school year to the 2012-13 school year, Jeananne Schild (retired Special Education Director & chief editor, August 2009 edition) and Adrienne Ancell (Administrative Assistant, August 2009 edition: IDE) and the professionals who have served on the AEA Special Education Procedures Coordinating Council.

All Iowa AEAs are required to adhere to state and federal laws that prohibit discrimination in programs, activities, and employment practices. For specific information, contact your AEA.
# Table of Contents

<table>
<thead>
<tr>
<th>Topic</th>
<th>Navigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Find</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Individualized Education Programs (IEPs)</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Types of IEP Meetings</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>IEP Teams and Meeting Attendance</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Preparation for IEP Meetings</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Development of an IEP</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Guidelines for Making Changes to an Eligible Individual’s IEP</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Transitions</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Exiting Special Education Services</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Students Who Transfer Schools</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Behavior and Discipline: Behavior</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Behavior and Discipline: Discipline</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Unique Placements</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Role of Parents in Special Education</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Resolving Differences in Special Education</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Personnel Procedures</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Using Insurance to Pay for Special Education and Related Services</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Special Education Records</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Waiver Evaluations</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Accredited Nonpublic Schools (Private Schools)</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Specialized Evaluations</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Special Health Services</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Index</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
<tr>
<td>Appendix: Documentation Guide</td>
<td>Go to TOC detail  Go to Section</td>
</tr>
</tbody>
</table>

[Top](#)
<table>
<thead>
<tr>
<th>Child Find</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>11</td>
</tr>
<tr>
<td>Expectations of General Education</td>
<td>12</td>
</tr>
<tr>
<td>Systematic Problem Solving</td>
<td>14</td>
</tr>
<tr>
<td>Disability Is Suspected</td>
<td>19</td>
</tr>
<tr>
<td>Written Parental Consent for Evaluation</td>
<td>25</td>
</tr>
<tr>
<td>Full and Individual Evaluation</td>
<td>38</td>
</tr>
<tr>
<td>Exclusionary Factors Considered</td>
<td>40</td>
</tr>
<tr>
<td>Documenting Progress, Discrepancy &amp; Need</td>
<td>46</td>
</tr>
<tr>
<td>Eligibility Determination</td>
<td>56</td>
</tr>
<tr>
<td>Additional Information</td>
<td>63</td>
</tr>
<tr>
<td>Medical or Mental Health Diagnoses and Special Education Eligibility</td>
<td>63</td>
</tr>
<tr>
<td>Assessment Methods and Sources Matrix</td>
<td>65</td>
</tr>
<tr>
<td>Individualized Education Programs (IEPs)</td>
<td>67</td>
</tr>
<tr>
<td>Types of IEP Meetings</td>
<td>69</td>
</tr>
<tr>
<td>Initial IEP Meetings</td>
<td>70</td>
</tr>
<tr>
<td>Review IEP Meetings</td>
<td>72</td>
</tr>
<tr>
<td>Reevaluation IEP Meetings</td>
<td>73</td>
</tr>
<tr>
<td>Amendment IEP (With or Without a Meeting)</td>
<td>79</td>
</tr>
<tr>
<td>Interim IEP</td>
<td>81</td>
</tr>
<tr>
<td>IEP Teams and Meeting Attendance</td>
<td>82</td>
</tr>
<tr>
<td>Preparation for IEP Meetings</td>
<td>89</td>
</tr>
<tr>
<td>Development of an IEP</td>
<td>92</td>
</tr>
<tr>
<td>PLAAFP (Present Levels of Academic Achievement and Functional Performance)</td>
<td>93</td>
</tr>
<tr>
<td>Four Parts to Developing a PLAAFP</td>
<td>95</td>
</tr>
<tr>
<td>PLAAFP Development - Part One: Establish Context of Discussion</td>
<td>96</td>
</tr>
<tr>
<td>PLAAFP Development - Part Two: Identify Special Considerations</td>
<td>97</td>
</tr>
<tr>
<td>Print Disability Procedures</td>
<td>101</td>
</tr>
<tr>
<td>PLAAFP Development - Part Three: Describe the Overall Performance</td>
<td>106</td>
</tr>
<tr>
<td>PLAAFP Development - Part Four: Establish Priority Needs</td>
<td>108</td>
</tr>
<tr>
<td>Goal Development and Progress Monitoring</td>
<td>109</td>
</tr>
<tr>
<td>Developing Annual Goals</td>
<td>110</td>
</tr>
<tr>
<td>Goal Development - Part One: Link the Goal to the General Curriculum</td>
<td>111</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Options for Parents Interested in Competent Private Instruction (CPI)</td>
<td>228</td>
</tr>
<tr>
<td>Responding to Requests for Competent Private Instruction (CPI)</td>
<td>230</td>
</tr>
<tr>
<td><strong>Role of Parents in Special Education</strong></td>
<td>233</td>
</tr>
<tr>
<td>Determining and Defining “Parent”</td>
<td>234</td>
</tr>
<tr>
<td>Surrogate Parents</td>
<td>238</td>
</tr>
<tr>
<td>Extended Educational Decision Maker</td>
<td>243</td>
</tr>
<tr>
<td>Parental Role Q &amp; A</td>
<td>249</td>
</tr>
<tr>
<td>Parental Participation</td>
<td>252</td>
</tr>
<tr>
<td>Parent Consent</td>
<td>255</td>
</tr>
<tr>
<td>Parent Agreement</td>
<td>257</td>
</tr>
<tr>
<td>Prior Written Notice of a Proposed or Refused Action (Parent Notice)</td>
<td>259</td>
</tr>
<tr>
<td>Prior Written Notice: Examples of Actions and Refusals</td>
<td>260</td>
</tr>
<tr>
<td>Documentation of Consent, Agreement, and Prior Written Notice</td>
<td>262</td>
</tr>
<tr>
<td>Parent Procedural Safeguards</td>
<td>263</td>
</tr>
<tr>
<td><strong>Resolving Differences in Special Education</strong></td>
<td>264</td>
</tr>
<tr>
<td>AEA Resolution Facilitator Process</td>
<td>267</td>
</tr>
<tr>
<td>Preappeal Conferences</td>
<td>269</td>
</tr>
<tr>
<td>Procedures for Preappeal Conferences</td>
<td>270</td>
</tr>
<tr>
<td>Mediation Conference</td>
<td>272</td>
</tr>
<tr>
<td>Due Process Complaints</td>
<td>273</td>
</tr>
<tr>
<td>Types of Hearings</td>
<td>275</td>
</tr>
<tr>
<td>Timelines Involving Parent-Initiated Due Process Complaint Hearing</td>
<td>276</td>
</tr>
<tr>
<td>Resolution Meeting</td>
<td>278</td>
</tr>
<tr>
<td>Tips for LEA/AEA When Conducting a Resolution Meeting</td>
<td>280</td>
</tr>
<tr>
<td>Q &amp; A Resolution Meeting Tips</td>
<td>281</td>
</tr>
<tr>
<td>State Complaints</td>
<td>285</td>
</tr>
<tr>
<td><strong>Personnel Procedures</strong></td>
<td>286</td>
</tr>
<tr>
<td>Procedures for Monitoring Personnel Caseloads</td>
<td>287</td>
</tr>
<tr>
<td>Procedures for Monitoring AEA Personnel Caseloads</td>
<td>288</td>
</tr>
<tr>
<td>Procedures for Monitoring the Caseloads of LEA Special Educators</td>
<td>290</td>
</tr>
<tr>
<td><strong>Using Insurance to Pay for Special Education and Related Services</strong></td>
<td>292</td>
</tr>
<tr>
<td>Procedures for Claiming Medicaid</td>
<td>293</td>
</tr>
<tr>
<td>Procedures for Accessing Parents’ Private Insurance</td>
<td>294</td>
</tr>
</tbody>
</table>
295
Contents and Maintenance of Special Education Records .................................................. 297
Confidentiality ......................................................................................................................... 299
Access to Records by Parents and Eligible Students ............................................................. 300
Disclosures That Require Parent or Eligible Student Consent ................................................ 302
Disclosures That Do Not Require Parent or Eligible Student Consent ................................... 303
Access to Records by AEA and School District Personnel ..................................................... 305
Specific Disclosure Requirements for Disciplinary Records ................................................ 305
Amendment of Records ......................................................................................................... 306
Destruction of Personally Identifiable Information .................................................................... 307
Waiver Evaluations ................................................................................................................. 310
Evaluations for Eligibility for Home and Community Based Waivers ..................................... 310
Criteria for Determining Intellectual Disability ...................................................................... 312
Procedures for Responding to ID Waiver Requests .................................................................. 314
Accredited Nonpublic Schools (Private Schools) ..................................................................... 321
Placement of Children by Parents in Nonpublic Schools .......................................................... 322
Referrals and Placement to Private Schools by an AEA or LEA .............................................. 324
Child Find for Private School Children with Disabilities .......................................................... 326
Consultation with Nonpublic School ......................................................................................... 327
Individualized Education Programs (IEPs) and Nonpublic Schools ......................................... 329
State Law Requirements .......................................................................................................... 331
Confidentiality ......................................................................................................................... 332
Specialized Evaluations .......................................................................................................... 338
Special Health Services .......................................................................................................... 344
Delivering Special Health Services .......................................................................................... 345
Special Health Services for Eligible Individuals ...................................................................... 349
Individual Health Plans (IHP) .................................................................................................. 351
Administration of Medication in Schools .................................................................................. 353
Prohibition on Mandatory Medication ..................................................................................... 357
Manual TOC
Appendix TOC
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extended School Year Page 2</td>
<td>465</td>
</tr>
<tr>
<td>Justification for Special School Placement</td>
<td>467</td>
</tr>
<tr>
<td>Early Childhood Outcomes Summary</td>
<td>469</td>
</tr>
<tr>
<td>Summary for Post-Secondary Living, Learning, and Working Page 1</td>
<td>472</td>
</tr>
<tr>
<td>Summary for Post-Secondary Living, Learning, and Working Page 2</td>
<td>474</td>
</tr>
<tr>
<td>Support for Accommodation Request (SAR)</td>
<td>476</td>
</tr>
<tr>
<td>Functional Behavioral Assessment (FBA) Page 1</td>
<td>480</td>
</tr>
<tr>
<td>Functional Behavioral Assessment (FBA) Page 2</td>
<td>482</td>
</tr>
<tr>
<td>Functional Behavioral Assessment (FBA) Page 3</td>
<td>484</td>
</tr>
<tr>
<td>Behavior Intervention Plan (BIP) Page 1</td>
<td>486</td>
</tr>
<tr>
<td>Behavior Intervention Plan (BIP) Page 2</td>
<td>488</td>
</tr>
<tr>
<td>Behavior Intervention Plan (BIP) Page 3</td>
<td>490</td>
</tr>
<tr>
<td>Manifestation Determination Guide Page 1</td>
<td>492</td>
</tr>
<tr>
<td>Manifestation Determination Guide Page 2</td>
<td>494</td>
</tr>
<tr>
<td>Competent Private Instruction Worksheet</td>
<td>496</td>
</tr>
<tr>
<td>Weighted Enrollment</td>
<td>498</td>
</tr>
<tr>
<td>Weighted matrix</td>
<td>499</td>
</tr>
<tr>
<td>Translations of Iowa Special Education Forms</td>
<td>500</td>
</tr>
<tr>
<td>Surrogate Parent Recommendation Form</td>
<td>501</td>
</tr>
<tr>
<td>Procedural Safeguards</td>
<td>503</td>
</tr>
<tr>
<td>Parent Rights Summary</td>
<td>504</td>
</tr>
<tr>
<td>Power of Attorney for Educational Decision Making</td>
<td>506</td>
</tr>
<tr>
<td>Revocation of Power of Attorney for Educational Decision Making</td>
<td>508</td>
</tr>
<tr>
<td>Authorization for Exchange of Information Page 1</td>
<td>510</td>
</tr>
<tr>
<td>Authorization for Exchange of Information Page 2</td>
<td>512</td>
</tr>
<tr>
<td>Authorization for Release of Health and/or Educational Information</td>
<td>514</td>
</tr>
<tr>
<td>Notice of Area Education Agency Special Education Records Destruction</td>
<td>516</td>
</tr>
<tr>
<td>Notice of School District Special Education Records Destruction</td>
<td>518</td>
</tr>
<tr>
<td>EER Samples</td>
<td>520</td>
</tr>
<tr>
<td>EER Academic Sample</td>
<td>520</td>
</tr>
<tr>
<td>EER Communication Sample</td>
<td>530</td>
</tr>
<tr>
<td>EER Behavior Sample</td>
<td>538</td>
</tr>
<tr>
<td>EER Early Childhood Sample</td>
<td>546</td>
</tr>
</tbody>
</table>

Manual TOC

Appendix TOC
Child Find

Introduction

Citation

34 C.F.R. § 300.111
Iowa Rules of Special Education 281—41.111; 281—41.312

Overview

IDEA regulations and Iowa Rules require that “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 who attend private schools, regardless of the severity of their disability, and who are in need of special education and related services, must be identified, located, and evaluated.” To that end, Iowa’s area education agencies (AEAs) were created by the legislature in order to “provide an effective, efficient, and economical means of identifying and serving children ... who require special education.”

The standards and procedures contained in this chapter assure that the determination of eligibility for special education and related services in each AEA and LEA within the state of Iowa:

- identifies and serves all children intended to be served under the Individuals with Disabilities Education Act (IDEA);
- conforms with state rules and federal regulations;
- addresses initial placement and exit decision making;
- defines a process to collect and consider data within the context of the individual’s unique educational circumstances related to -
  - Educational Progress,
  - Educational Discrepancy, and
  - Instructional Needs;
- reduces the disproportionate representation of culturally and linguistically diverse subgroups in special education; and
- establishes both the existence of a disability and the need for special education services.

Manual TOC  Appendix TOC
Expectations of General Education

Citation

Iowa Rules of Special Education 281—41.51(15); 281—41.111(2); 281—41.312; 281—41.313; 281—41.314

The General Education Context

The expectation of general education is that all students will attain the educational standards of the LEA.

Each LEA, in conjunction with the AEA, shall attempt to resolve the presenting problem or behaviors of concern in the general education environment prior to conducting a full and individual initial evaluation.

General education personnel, with occasional or incidental assistance from special education instructional and support personnel, provide:

- high quality general education instruction.
- targeted or intensive general education instruction or interventions to all students in need of such support and assistance.

Note: Receipt of additional support and assistance alone does not create suspicion that a child is an eligible individual.

Occasional or Incidental Assistance

High quality general education instruction is the responsibility of general education, including assistance to students who need additional support. [41.111(2)]

However, Iowa’s rules recognize that special education personnel may have strategies, techniques, insights, and lesson plans that might be of assistance to general educators. That is the origin of the rule allowing special education personnel to provide “occasional and incidental” assistance to general educators or their students.

Iowa’s rules recognize that district and AEA professionals are communities of scholar-practitioners, and professionals should be able to share knowledge and provide support to each other. The rule is a “safe harbor,” allowing brief periods of assistance and collaboration based on the needs of the moment. The rule does not allow for continuous or in-depth involvement of special educators in general education.

If you have any questions regarding occasional and incidental support, consult with your AEA administrators and Iowa Department of Education written guidance.
Targeted or intensive general education instruction and interventions (general education interventions) are intended for students whose performance in the general education environment is of concern. Interventions must be:

- carefully matched to the underlying concerns regarding the student’s performance and
- implemented consistently as described in an intervention plan.

General education interventions shall include consultation with special education support and instructional personnel.

General education intervention activities shall be documented and include:

- measurable and goal-directed attempts to resolve the presenting problem or behavior of concern,
- communication with parents,
- collection of data related to the presenting problem or behavior of concern,
- intervention design and implementation, and
- systematic progress monitoring to measure the effect of the interventions.

[defined in 41.51(15)]

The requirement of general education interventions may be met through a systematic problem solving process. Whenever intervention results are used in eligibility determinations, the intervention must meet the requirements of systematic problem solving. [41.313]
Systematic Problem Solving

Systematic Problem Solving Defined

Systematic problem-solving [41.313] is a set of procedures used in Iowa to examine the nature and severity of an educationally related problem. This process must be documented and minimally includes:

- Description of problem
- Data collection and problem analysis
- Intervention design and implementation
- Progress monitoring
- Evaluation of intervention efforts

Description of problem

The presenting problem or behavior of concern shall be described in objective, measurable terms that focus on alterable characteristics of instruction, the curriculum, the individual and the environment.

The individual and environment shall be examined through systematic data collection.

The presenting problem or behaviors of concern shall be defined in a problem statement that describes the degree of discrepancy between the demands of the educational setting and the individual’s performance.

Data Collection and Problem Analysis

A systematic, data-based process for examining all that is known about the presenting problem or behaviors of concern shall be used to identify interventions that have a high likelihood of success.

Data collected on the presenting problem or behaviors of concern shall be:

- used to plan and monitor interventions
- relevant to the presenting problem or behaviors of concern and
- collected in multiple settings using multiple sources of information and multiple data collection methods.

Data collection procedures shall:

- be individually tailored
- be valid and reliable,
- allow for frequent and repeated measurement of intervention effectiveness.

Manual TOC | Appendix TOC
**Intervention Design and Implementation**

Interventions shall be designed based on:
- the data collected and problem analysis,
- the defined problem,
- parent input, and
- professional judgments about the potential effectiveness of interventions.

The interventions shall be described in an intervention plan that includes:
- a goal,
- strategies to address goal attainment,
- a progress monitoring plan,
- a decision–making plan for analyzing and summarizing progress monitoring data (e.g. comparison of data to 4 point rule), and
- responsible parties.

Interventions shall be implemented as developed and modified on the basis of objective data and with the agreement of the responsible parties.

The data derived from interventions that are not implemented as developed or properly modified cannot be used to make educational decisions.

For example, the intervention calls for 3 sessions of 20 minutes each week of additional assistance. Additional assistance is provided less than 3 times a week. The child does not make expected progress. The failure of the child to make expected progress cannot be used to make educational decision because the intervention was not implemented as designed.

**Progress Monitoring**

Progress monitoring of targeted general education instruction or interventions is the systematic and on-going collection of data on student performance over time. It is important that progress monitoring is implemented consistently as described in an intervention plan.

Progress monitoring data is used to determine:
- the effectiveness of an individual's current instruction or intervention, and
- if changes in instruction or intervention need to be made.

**Progress Monitoring: Monitoring Measures**

Progress monitoring data is systematically collected using instructionally sensitive measures that directly assess the intended outcomes of the general education instruction or intervention. Progress monitoring measures and data collection must be designed to assure that the data are reliable and valid for decision making.

When monitoring more intensive instruction or interventions, measures must be repeated frequently as intensive instruction or interventions require more frequent monitoring than general instruction.

The frequency of progress monitoring must be in direct relation to:
- the intensity of the problem being monitoring, and
- the intensity of the intervention being implemented.
Progress Monitoring: Data Collection and Display

Systematic progress monitoring shall include:

- regular and frequent data collection, and
- graphic display of the data.

Regular data collection is defined by the intervention plan. The frequency of data collection is based on the nature and severity of the problem.

Seven to 12 data points are required to make instructional decisions that are statistically valid. In order to have sufficient data points to make a valid instructional decision, data must be collected regularly and frequently.

If progress is monitored:

- daily, effectiveness of instruction may be determined after 2 weeks. (10 data points).
- twice a week, effectiveness of instruction may be determined after 1 month. (8 data points).
- once a week, effectiveness of instruction may be determined within 1 quarter (9 data points).
- quarterly, every 9 weeks, effectiveness of instruction may not be determined, even after a year (4 data points).

Progress Monitoring: Decision Rules

Decision rules for determining how to evaluate intervention effects based on progress monitoring data must be in place and consistently implemented. Examples of Decision Making Rules include:

- 4 Point Decision Making Rule (e.g., “Given a minimum of two weeks of instruction and a minimum of seven data points following the initiation of or change in instruction, a four point rule will be applied. Raising Jenny’s goal will be considered if four data points fall above the fluency goal line; changing Jenny’s program (instructional approach, services, supports, etc.) will be considered if four data point fall below the fluency goal line.”

- Trendline Analysis (e.g., “Given a minimum of four weeks of instruction and a minimum of eight data points following the initiation of or change in instruction, the trendline will be analyzed. Raising Jared’s goal will be considered if the trendline is steeper than (i.e., above) the goal line; changing Jared’s program (instructional approach, services, supports, etc.) will be considered if the trendline is less steep than (i.e., below) the goal line.” Note: This example presumes a goal line with a positive slope (i.e., a goal for increased performance).
The effectiveness of interventions shall be evaluated through a systematic procedure in which patterns of individual performance are analyzed and summarized. Decisions regarding the effectiveness of interventions focus on comparisons of student’s progress with their initial level of performance (i.e., baseline) and the target level of the intervention. This process includes data analysis and application of the decision rule.

Data are used to answer the following questions:

- Is the data valid for decision making? (Was the intervention implemented as developed or properly modified? Was the data collected as regularly and frequently as required?)
- What does the decision rule tell us in relationship to the data (see examples, below)? Should the intervention be continued or modified?
- Is there a suspicion that the child has a disability?
Suspicion of disability

The determination that a child would be suspected of being a child with a disability requires the consideration of all relevant facts and circumstances as a whole.

The AEA or the AEA in conjunction with the district is responsible for determining if a child is a child with a disability.

When a child is suspected of having a disability by the AEA or the AEA in conjunction with the district, the AEA or district must get parental consent for an initial evaluation of the child.

Refer to the “Disability is Suspected” section that follows.

Parent Request for Evaluation

Parents may request an evaluation at any time.

A full and individual initial evaluation, however, is required only if the child is suspected of having a disability. A Disability Suspected Form has been developed to guide teams through this decision making process. Given a parent request, teams are encouraged to examine all performance domains using the Disability Suspected Form to ensure appropriate consideration of multiple factors which may impact educational performance.

In cases where the parents request an evaluation and the team concludes that a disability is not suspected, the agency need not conduct an initial evaluation. Prior written notice must be provided to the parent, which includes an explanation of why the public agency refuses to conduct the evaluation and the information upon which this decision is based.
### Disability Is Suspected

**Citation**

34 CFR §§ 300.111(c), 300.134(a)(1); 300.226(c), 300.304, 300.308-.309, and 300.311. Iowa Rules of Special Education 281-41.111(3)

**Evaluation required when disability is suspected**

At the point when a public agency (the AEA or the AEA in conjunction with the local education agency) suspects a child is a child with a disability, it must seek parental consent for an initial evaluation.

**Definition of an Educational Disability**

A disability for purposes of the Individuals with Disabilities Education Improvement Act (IDEA, 2004) is referred to in this document as an “educational disability.” An educational disability requiring the services of Special Education is a skills deficit, a health or physical condition, a functional limitation, or a pattern of behavior that adversely affects educational performance. An educational disability 1) results in educational performance that is significantly and consistently different, diminished, or inappropriate when compared to the expectations for peers and 2) significantly interferes with: a) access to general education settings and opportunities, b) developmental progress, c) involvement and progress in the general curriculum, or d) interpersonal relationships or personal adjustment.

*Special Education Eligibility Standards, Iowa Department of Education, July 2006*

**Disability Depends on Specific Laws**

There are many laws providing protections (e.g., civil rights) and services (e.g., public benefits, tax credits) to persons with disabilities. These laws do not have the same definitions of disability. A person may have a disability under one law and not have a disability under another law.

If a child is determined to have a disability by another agency [Department of Human Services (DHS), Social Security, a private provider], that is important information; however, it is not binding under the IDEA.

*Continued on next page*
Disability Suspected, Continued

Context for Suspecting the Presence of a Disability

Children with disabilities and their families are entitled to timely evaluation and determination of eligibility for special education and support and related services. If it is suspected that a child’s educational difficulties arise from a disability and that the child may need special education services, the AEA or AEA in conjunction with the local school is obligated to promptly seek parental consent to conduct a Full and Individual Initial Evaluation.

Attempts to resolve educational difficulties prior to the decision to conduct a full and individual initial evaluation are an important function and responsibility of general education in the general education setting. However, supplemental or intensive instruction delivered in the general education setting or delivered under Coordinated Early Intervening Services (CEIS) must not delay appropriate evaluation if the child is suspected of having a disability, regardless of the number of days, tiers, or levels in such interventions the child has completed, if any. As stated by the United States Department of Education concerning “pre-referral interventions”, “the LEA cannot refuse to conduct the evaluation or delay the evaluation until the alternative strategies have been tried if the LEA suspects the child has a disability.” Letter to Anonymous, 19 IDELR 498 (OSEP 1992). A child who has not failed, is making academic progress, and is passing from grade to grade may still be suspected of having a disability, [34 C.F.R. § 300.101(c); Iowa Admin. Code r. 281—41.101(3)].

Parents may request an evaluation at any time. A full and individual initial evaluation, however, is required only if the child is suspected of having a disability. A Disability Suspected form has been developed to guide teams through this decision making process. Given a parent request, teams are encouraged to examine all performance domains using the Disability Suspected form to ensure appropriate consideration of multiple factors which impact educational performance.

In cases where the parents request an evaluation and the team concludes that a disability is not suspected, the agency need not conduct an initial evaluation. Prior written notice must be provided to the parent, which includes an explanation of why the public agency refuses to conduct the evaluation and the information upon which this decision is based.
Disability Suspected, Continued

When is Disability Suspected?

1. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there data to suggest that:
   - the child has a diagnosis of a condition that is specifically listed in IDEA’s disability categories (autism; deaf-blindness; deafness; 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) or is clearly included within one of IDEA’s disability categories, and
   - the condition has a discernible, adverse effect on educational performance (i.e., a child’s progress and relative status in relationship to: access to general education settings and opportunities, developmental progress, involvement and progress in the general curriculum, or interpersonal relationships or personal adjustment).

   IDEA’s categories of disability are just that, categories, and these categories are purposefully broad. The definition of “orthopedic impairment” lists numerous potential causative diagnoses. The “other health impairment” and “specific learning disability” definitions include lists of examples of potential diagnoses.

   Note: Additional guidance may be found in the Medical or Mental Health Diagnoses and Special Education Eligibility Technical Support Paper, here.

2. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that the child has received high quality instruction (including universal instruction and, when appropriate, targeted or intensive interventions), and the child’s performance:
   - is not meeting standards and is not progressing towards meeting standards; and
   - is unique when compared to peers; and
   - cannot be explained by other, more plausible factors than a suspected disability.

3. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that the child has received high quality instruction, and:
   - is meeting standards or is progressing towards meeting standards with the provision of targeted or intensive interventions that are matched to the area(s) of concern and implemented with integrity; and
   - may require ongoing and substantial resources)

If any of these criteria (1, 2, or 3) are met, it is reasonable to suspect that a disability exists. Parental consent to conduct a Full and Individual Initial Evaluation must be sought.

If none of these criteria (1, 2, or 3) are met, it is reasonable to assume that a disability is not suspected. If the parent requested an evaluation a Prior Written Notice of the decision to NOT conduct an evaluation must be provided to the parent.

Note: The Disability Suspected form will guide teams through this decision making process.

Continued on next page
For a toddler eligible for Early ACCESS, the Early ACCESS Service Coordinator must initiate a transition planning meeting at least 3 months and up to 9 months prior to the child’s third birthday with approval of the family. AEA staff knowledgeable about Part B special education collaborate with IFSP Teams in planning the transition. The Part C federal regulations outline two transition planning pathways for children and their families:

1) determine whether the child is suspected of having a disability as defined by IDEA Part B after age three; or
2) choose other community services after age three.

The IFSP Teams, in collaboration with the AEA special education staff, analyze and discuss ongoing child and family assessment data to determine the pathway the Early ACCESS team will follow. This team must determine if the child is suspected of having a disability and if a Full and Individual Initial evaluation is warranted.

1. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there data to suggest that:
   - the child has a diagnosis of a condition that is specifically listed in IDEA’s disability categories (autism; deaf-blindness; deafness; 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) or is clearly included within one of IDEA’s disability categories, and
   - the condition has a discernible, adverse effect on educational performance (i.e., a child’s progress and relative status in relationship to: access to general education settings and opportunities, developmental progress, involvement and progress in the general curriculum, or interpersonal relationships or personal adjustment).

IDEA’s categories of disability are just that, categories, and these categories are purposefully broad. The definition of “orthopedic impairment” lists numerous potential causative diagnoses. The “other health impairment” and “specific learning disability” definitions include lists of examples of potential diagnoses.

**Note:** Additional guidance may be found in the *Medical or Mental Health Diagnoses and Special Education Eligibility Technical Support Paper,* [here.](#)

2. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that the child has received high quality instruction (including universal instruction and, when appropriate, targeted or intensive interventions), and the child’s performance:
   - is not meeting standards and is not progressing towards meeting standards; and
   - is unique when compared to peers; and
   - cannot be explained by other, more plausible factors than a suspected disability.
3. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that the child has received high quality instruction, and:

- is meeting standards or is progressing towards meeting standards with the provision of targeted or intensive interventions that are matched to the area(s) of concern and implemented with integrity; and
- may require ongoing and substantial resources)

If any of these criteria (1, 2, or 3) are met, it is reasonable to suspect that a disability exists. Parental consent to conduct a Full and Individual Initial Evaluation must be sought.

If none of these criteria (1, 2, or 3) are met, it is reasonable to assume that a disability is not suspected. If the parent requested an evaluation a Prior Written Notice of the decision to NOT conduct an evaluation must be provided to the parent.

**Note:** The *Disability Suspected* form will guide teams through this decision making process.

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**Specific Requirements for Children Approaching Age Three**

For children referred by Early ACCESS in which informed parental consent for Full and Individual Initial Evaluation is obtained, the team must meet the following Part B requirements and timelines:

- complete the *Full and Individual Initial Evaluation* and hold the meeting to determine eligibility:
  - prior to the child’s third birthday; and
  - on or before the 60th calendar day following receipt of the signed *Consent for/Notice of Full and Individual Initial Evaluation* by the public agency; and
- implement an Initial IEP for children eligible for special education prior to the child’s third birthday.

**Note:** The earliest age an IEP may be implemented for a child who is being served in Early ACCESS is 2 years 9 months. However, if in the rare and unusual circumstance that an IEP is considered for a child younger than 2 years 9 months, the team must contact the AEA Director of Special Education or designee for approval.

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**Team Membership**

The team membership for completing the Disability Suspected Form, includes at a minimum, a representative from the local education agency (LEA) and the Area Education Agency (AEA) who have direct knowledge of the child or the interpretation of performance data. Parent participation is strongly encouraged, but not required. Additional members may be included who have direct knowledge of the child (e.g., Title 1, Reading Recovery specialist, school guidance counselor, Early ACCESS Service Coordinator).

If the child is in a preschool, Head Start, or other similar setting for children of preschool age, a representative from that agency who has knowledge of the child will be considered “a representative from the local school (LEA)”.
Sources of Information when considering if a disability is suspected

A team including staff from the LEA and AEA, along with the parents, considers and analyzes available information about the child. The team may consider the following data sources, as well as others:

- formative assessment or other screening information;
- performance monitoring from supplementary instruction;
- educational, health and family history;
- reports from outside providers;
- observations;
- progress toward achieving IFSP outcomes,
- interviews with teachers, parents, child and others familiar with the individual; and
- additional student records.

Data gathered may all be used in guiding the team’s responses on the Disability Suspected Form.
Informed Parental Consent Required

Prior to conducting a full and individual initial evaluation, informed parental consent must be obtained. This occurs when the public agency (the AEA or the AEA in conjunction with the local education agency), suspects that the child may have a disability and need for special education and related services. Parental consent is documented with a signature on the Consent for/Notice of Full and Individual Initial Evaluation form.

As long as a parent has the legal authority to make educational decisions for the child (married parents, divorced parents when each retain decision making authority, etc.), the school or AEA must accept either parent’s consent or revocation of consent.

Definition of Informed Consent:

1. The parent has been fully informed of all information relevant to the activity (evaluation) for which consent is sought, in his or her native language, or other mode of communication.

2. The parent understands and agrees in writing to the carrying out of the activity (evaluation) for which his or her consent is sought, and the consent describes that activity (evaluation).

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

4. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Note: Prior to obtaining consent, the evaluation team, including the parents, must determine if any additional assessments are needed and procedural safeguards must be reviewed with the parent. Details related to these activities are found in later sections of this chapter.
When is Special Education Consent for an Evaluation Needed?

The potential need for an evaluation* is being considered.

Is the child an eligible individual?

No

Is disability suspected?

Yes

Obtain consent for an initial evaluation.

No

Special education consent is not required. Follow school procedures including, if appropriate, obtaining parent permission.

Yes

Does the current IEP include services or supports of any kind in the area being considered for assessment?

No

If existing information is sufficient, consent is not required. If new information is needed, obtain consent for a reevaluation.

Yes

On the basis of available information, is there any reasonable possibility that services or supports may be added to the IEP as a result of the assessment?

No

Yes

* Evaluations do not include screening for instructional purposes (i.e., screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation) or group screenings (e.g., hearing, vision). Special education consent is not required for these screening purposes.
Consent for Evaluation, Continued

Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation; or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children. Before conducting a Full and Individual Initial Evaluation, however, reasonable attempts must be made to obtain written parental consent.

1. If the parent of a child does not provide consent for initial evaluation or if the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing procedural safeguards. The public agency does not violate its obligations to find and evaluate children suspected of having disabilities if it declines to pursue the evaluation. Prior Written Notice must be provided to the parents indicating the decision to NOT pursue the evaluation.

2. If a parent of a child who is receiving competent private instruction or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the parent fails to respond to a request to provide consent, the public agency may NOT use the consent override provisions of the due process procedures, and the public agency is not required to consider the child as eligible for services.

3. If the parent consents and then revokes consent once the evaluation has begun, the revocation is not retroactive. Prior Written Notice documents the team’s decision to honor the parent request to end the evaluation. The eligibility determination worksheet must be completed and the IMS Data Summary form (or other designated paperwork) submitted to IMS. Any data gathered to the point of consent revocation may be summarized and placed in the student’s educational record.

4. For initial evaluations only, if the child is a ward of the State (e.g., in foster care or in the custody of DHS) and is not residing with his or her parent, the public agency is not required to obtain informed consent from the parent if:
   - despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
   - the rights of the parents have been terminated in accordance with State law; or
   - the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

In situations described in the first or second bullets, the AEA must appoint a surrogate parent, who will decide whether or not to give consent. Only a person meeting the definition of parent may consent to beginning services.
5. If a child who has reached the age of majority requests an evaluation, the public agency must consider this request the same as if a parent requests the evaluation. A full and individual initial evaluation is required only if the child is suspected of having a disability. The evaluation team should complete the Disability Suspected Form to guide their decision making. If the team concludes that a disability is not suspected and that an initial evaluation is not warranted, Prior Written Notice must be provided to the individual, since he or she has reached the age of majority, including an explanation of why the public agency refuses to conduct the evaluation and the information upon which this decision is based. If the team concludes that an evaluation is warranted because a disability is suspected, the individual may sign the Consent for/Notice of Full and Individual Initial Evaluation.

The public agency (the AEA or the AEA in conjunction with the local education agency) requesting the evaluation will review with the parents and provide a copy of the Procedural Safeguards Manual for Parents. A summary of the procedural safeguards may be used to assist in explaining and reviewing parental rights, however it must not be used in place of a complete copy of the Procedural Safeguards Manual for Parents document.

The public agency (AEA/LEA) requesting the evaluation will complete the Consent for/Notice of Full and Individual Initial Evaluation form. The consent must be presented to the parents in a language that they understand.

Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

The evaluation team must ensure that the child is assessed in all areas related to the suspected disability, and that the evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to a particular disability or performance domain. For preschool children the evaluation must include sufficient information to address the early childhood outcome areas.

Iowa Rules state that evaluations must be comprehensive including, if applicable, the collection of additional information needed to design interventions intended to resolve the presenting problem, behaviors of concern, or suspected disability. This includes, if appropriate, assessment or evaluation of health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, adaptive behavior and motor abilities. This is not an exhaustive list of areas that may be assessed. Decisions regarding the areas to be assessed are determined by the suspected needs of the child.

Continued on next page
Consent for Evaluation, Continued

The assessment areas for the comprehensive evaluation can be summarized within seven performance domains: academic, behavior, health, physical, hearing/vision, adaptive and communication. Evaluation in these performance domains addresses the federal disability categories (refer to Eligible Individual section). Evaluation teams review available and current information in each of the performance domains to determine whether the area warrants further evaluation or can be ruled out as a relevant contributing factor to the presenting problem or behavior of concern. These performance domains serve three purposes.

- They represent areas of skill and function that are inherent in the thirteen federally designated disability categories.
- By evaluating or ruling out each of the domains, Iowa’s AEAs assure that all children who have disabilities and need special education and support and related services are identified.
- The performance domains provide a framework for consideration of the child’s instructional needs.

<table>
<thead>
<tr>
<th>Performance Domains</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic</strong></td>
<td>Grade level achievement of standards related to listening comprehension, oral expression, basic reading skills (reading comprehension &amp; fluency), math calculation, mathematical problem solving, and written expression.</td>
</tr>
<tr>
<td><strong>Behavior</strong></td>
<td>Awareness of self, identification and expression of emotions, self-regulation, and interaction with others.</td>
</tr>
<tr>
<td><strong>Physical</strong></td>
<td>Gross motor skills, fine motor skills and mobility for learning, living and work.</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td>General condition of the body or mind, especially in terms of the presence or absence of illness, injury or impairments.</td>
</tr>
<tr>
<td><strong>Hearing/Vision</strong></td>
<td>The ability to perceive sound and/or the ability to see.</td>
</tr>
<tr>
<td><strong>Adaptive Behavior</strong></td>
<td>Everyday living skills (e.g., dressing, eating, toileting), work skills, or school functioning skills (e.g., meeting timelines, organization of materials) that a child learns in the process of adapting to his/her surroundings.</td>
</tr>
<tr>
<td><strong>Communication</strong></td>
<td>Receptive and expressive language (form, content or use). This includes, but is not limited to, language (social communication), vocabulary, speech sound production, voice (nasality), or fluency.</td>
</tr>
</tbody>
</table>

Attention to each of the performance domains assures that the evaluation process is sufficiently comprehensive to identify all of the child’s special education and related service needs.
Consent for Evaluation, Continued

Academic Domain

Academic performance in Iowa’s K-12 system is defined as grade level achievement of the general curriculum, including the district’s implementation of the Iowa Core Curriculum, related to listening comprehension, oral expression, basic reading skills (phonics, phonemic awareness, fluency), reading comprehension (vocabulary and comprehension), math calculation, mathematical problem solving, and written expression. For Early Childhood (ages 3-5) academic performance is achievement of the Iowa Early Learning Standards related to skills for mathematics, scientific reasoning, problem solving, early literacy, and early writing.

Further evaluation is warranted in this domain when there is evidence of discrepancy and limitation of progress which persist despite attempted assistance and supplemental instruction beyond the core in one or more of the areas listed above.

Guiding Questions:

- What evidence indicates the child has received appropriate core instruction in listening comprehension, oral expression, basic reading skills (reading comprehension & fluency), math calculation, mathematical problem solving, and written expression?

- For preschool children what evidence indicates the child has received appropriate core instruction and activities in the Iowa Early Learning Standards provided at home or in early childhood settings?

- What evidence indicates the child has received appropriate supplemental instruction including research based intervention?

- What evidence indicates the academic performance and progress discrepancy are not the result of limited English proficiency, socio-economic status, ethnic, racial, cultural or familial differences, poor attendance or mobility?

Documentation:

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Academic Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.

Continued on next page

Manual TOC  Appendix TOC
The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Academic Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.

Continued on next page
Behavior Domain

Behavior as a performance domain means awareness of self, identification and expression of emotions, self-regulation, and interaction with others.

Further evaluation is warranted in this domain when there is evidence of discrepancy and limitation of progress which persist despite attempted assistance and supplemental instruction beyond the core in one or more of the areas listed above.

Guiding Questions:

- What evidence indicates the student has received appropriate instruction in awareness of self, identification and expression of emotions, self-regulation, and interaction with others? (e.g., Love and Logic, Character Counts, Body Basics, and OLWEUS Bullying)

- What evidence indicates the student has received appropriate supplemental instruction (systematic and individualized strategies for achieving social and learning outcomes) and positive behavior supports based on a function of the behavior?

- What evidence indicates the behavior performance and progress discrepancy are not the result of limited English proficiency, socio-economic status, ethnic, racial, cultural or familial differences, poor attendance or mobility?

Documentation:

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Behavior Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.

- The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Behavior Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.
Consent for Evaluation, Continued

Physical Domain  The physical performance domain includes gross motor skills, fine motor skills and mobility for learning, living and work.

Further evaluation is warranted in this domain when there is evidence of discrepancy and limitation of progress which persist despite attempted assistance and supplemental instruction beyond the core in one or more of the areas listed above.

Guiding Questions:

- What evidence indicates the student has received appropriate instruction and supports in the areas of gross motor, fine motor and mobility?
- What evidence indicates the student has received appropriate supplemental instruction and supports to address their physical needs?
- What evidence indicates the student’s physical skills are adversely impacting educational performance, or access to and participation in the educational environment or setting?

Documentation:

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Physical Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.
- The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Physical Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.

Continued on next page
Consent for Evaluation, Continued

**Health Domain**

Health is the general condition of the body or mind, especially in terms of the presence or absence of illness, injury or impairments. Further evaluation is warranted in this domain when there is evidence of a health condition that adversely affects a child’s educational performance.

**Guiding Questions:**

- What evidence exists that the student has a health condition (illness, injury or impairment)?
- What evidence indicates the student’s health condition is adversely impacting educational performance, or access to and participation in the educational environment or setting?

**Documentation:**

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Health Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.
- The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Health Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.

**Hearing/Vision Domain**

The ability to perceive sound and/or the ability to see.

Further evaluation is warranted in this domain when there is evidence of a vision or hearing loss that adversely affects a child’s educational performance.

*Continued on next page*
Consent for Evaluation, Continued

Hearing/Vision Domain (continued)

Guiding Questions:

- What evidence exists that the student has a vision loss?
- What evidence exists that the student has a hearing loss?
- What evidence indicates the student’s vision or hearing loss is adversely impacting educational performance, or access to and participation in the educational environment or setting?

Documentation:

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Hearing/Vision Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.

- The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Hearing/Vision Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.

Communication Domain

Communication as a performance domain means demonstrating receptive and expressive language (form, content or use). This includes, but is not limited to, language (social communication), vocabulary, speech sound production, voice (nasality), or fluency. This performance domain is aligned with the Iowa Core Curriculum Essential Components for Literacy, including speaking and listening skills.

Further evaluation is warranted in this domain when there is evidence of discrepancy and limitation of progress which persist despite attempted assistance and supplemental instruction beyond the core in one or more of the areas listed above.

Continued on next page
Guiding Questions:

- What evidence indicates the student has received appropriate core and supplemental instruction in speaking and listening skills?
- What evidence indicates the student has received appropriate core and supplemental instruction including research based intervention for language–based activities, comprehending information presented orally or conveying information?
- What evidence indicates the communication performance and progress discrepancy are not the result of limited English proficiency, socio-economic status, ethnic, racial, cultural or familial differences, poor attendance or mobility?
- What evidence indicates the student has received appropriate core and supplemental instruction including research based intervention to use language and vocabulary appropriate to the message and the audience?
- What evidence indicates the student has received appropriate core and supplemental instruction including research based intervention to apply active listening strategies in a variety of settings to focus, think and respond verbally and nonverbally?

Documentation:

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Communication Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.

- The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Communication Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.

Continued on next page
Consent for Evaluation, Continued

**Adaptive Behavior**

Adaptive functioning as a performance domain means demonstrating everyday living skills (e.g. dressing, eating, toileting), work skills, or school functioning skills (e.g. meeting timelines, organization of materials) that a student learns in the process of adapting to his/her surroundings.

Further evaluation is warranted in this domain when there is evidence of discrepancy and limitation of progress which persist despite attempted assistance and supplemental instruction beyond the core in one or more of the areas listed above.

**Guiding Questions:**

- What evidence indicates that the student’s background of developmental support (parenting, childcare, early childhood educational opportunities) is similar to peers?
- What evidence indicates that the cultural and social expectations (e.g., expectations for self-care) of this student related to adaptive behavior skills are similar to peers?
- What evidence indicates the student has received appropriate core and supplemental instruction in adaptive skills such as, social problem solving and daily living skills as well as organization, time management or other work related skills?
- What evidence indicates the adaptive performance and progress discrepancy are not the result of limited English proficiency, socio-economic status, ethnic, racial, cultural or familial differences, poor attendance or mobility?

**Documentation:**

The Consent for/Notice of Full and Individual Initial Evaluation form requires an indication of the team’s determination of concerns in each of the performance domains.

- First, the team must determine which of the performance domains will be evaluated. The Adaptive Behavior Domain is selected from the left column on the Consent for/Notice of Full and Individual Initial Evaluation form if review of available data, interviews with others and observation information suggest that this is an area of concern.

- The team must then determine if sufficient information is available to answer the guiding questions above or if additional assessment is warranted in this domain area. The Adaptive Behavior Domain is selected from the right column on the Consent for/Notice of Full and Individual Initial Evaluation form if additional assessments requiring parental consent are needed as part of the evaluation.
Full and Individual Evaluation

Citation

34 C.F.R. § 300.304(c)(4), (6)
Iowa Rules of Special Education 41.301(6)”d”, 41.304(3)

Discussion

The purpose of the full and individual initial evaluation is two-fold:

a) to determine the educational interventions required to resolve the presenting problem, behavior of concern, or suspected disability, including whether the educational interventions are special education (exceeds capacity of general education resources alone); and

b) to determine if the individual is eligible for special education. In Iowa, an individual is eligible for special education when there is:

1. a disability (determined by assessing rate of educational progress and discrepancy from expectations); and
2. an instructional need that can only be met through the use of special education resources.

The evaluation consists of procedures by which the team gathers sufficient data to identify the instructional needs of an individual and determine the presence of a disability. Specifically, the Full and Individual Initial Evaluation gathers and summarizes information around four key concepts: the exclusionary factors, progress, discrepancy, and need. The steps in conducting the Full and Individual Initial Evaluation are:

1. Collect any information not already available to rule out the impact of exclusionary factors (e.g., lack of appropriate instruction, Limited English Proficiency, socio-economic or cultural circumstances, attendance) on student performance.

2. Collect any information not already available about discrepancy, progress (rate of growth) and need.

3. Summarize all of the information to be used for eligibility determination in the Educational Evaluation Report.

4. Set up the Eligibility Determination Meeting where team members will review that data collected during the Full and Individual Initial Evaluation.

60 Calendar Day Timeline

Once informed parental consent is obtained, the team must complete the evaluation and hold the meeting to determine eligibility on or before the 60th calendar day following receipt of the signed Consent for/Notice of Full and Individual Initial Evaluation by the public agency. The date the Consent is received by the public agency should be noted on the form and submitted for data entry into IMS.

Note: For children transitioning from Early ACCESS the team must complete the evaluation and hold the meeting to determine eligibility within 60 days and prior to the child’s third birthday.
### Assessment Tools and Strategies

In conducting the full and individual initial evaluation, the evaluation team must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information including information provided by the parent to make decisions. The team may not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability. Iowa has adopted four assessment methods (Review, Interview, Observe, and Test/Task - RIOT) each of which include multiple possible sources of information which examine instruction, curriculum, environment and learner supports (ICEL). The Assessment Methods and Sources Matrix provides additional detail.

Assessment should be functional in nature so that the resulting data can be linked to designing and evaluating interventions that address the individual’s area(s) of concern. Information from the functional assessment will inform the Individualized Educational Program (IEP) for the child if found eligible for special education. Functional assessment is multi-dimensional and utilizes measures that are specific and direct and have a clear connection between the questions being answered and the data being gathered.

When a test is used in decision making, the test must be technically sound, selected and administered so as not to be discriminatory on a racial or cultural basis, administered in the child’s native language or other mode of communication, in a form most likely to yield accurate information on what the child knows and can do, and be a valid and reliable measure for the stated purpose. Each test should be administered by trained and knowledgeable personnel and administered in accordance with instructions.

### Evaluation Team Membership

Members of this team include: parents of the individual being evaluated; the general education teacher(s); a representative of the LEA or AEA who is qualified to provide or supervise the provision of specially designed instruction and who is knowledgeable about general education curriculum and the availability of the resources of the LEA; any individual completing various components of the evaluation as well as interpret the instructional implications of the evaluation results; other individuals with knowledge or special expertise regarding the eligible individual, as appropriate; and the individual being considered for eligibility as appropriate.
Exclusionary Factors Considered

Citation
34 C.F.R. § 300.306(b)(1)(i-iii)  
Iowa Rules of Special Education 41.306(2)

Discussion
Evaluation teams examine relevant information through RIOT methods to rule out whether a child’s performance difficulties are primarily the result of a lack of appropriate instruction, socio-economic variables, cultural differences or poor attendance.

A child must not be determined to be a child with a disability if the team determines that the educational difficulty is primarily related to:

- A lack of appropriate instruction in reading, including the essential components of reading instruction (Phonological Awareness, Phonics, Fluency, Vocabulary, and Comprehension)
- A lack of appropriate instruction in math
- Limited English proficiency

Evaluation teams should also consider if the determinant factors for the child’s educational performance is primarily related to other ecological variables, including

- socio-economic status,
- cultural or ethnic differences, or
- school attendance or mobility (multiple moves, different districts).

Continued on next page
Exclusionary Factors, Continued

Lack of Appropriate Instruction, Attendance and Mobility

To ensure that underachievement in a child suspected of having a disability is not primarily due to lack of appropriate instruction in reading or math, or due to inconsistent instruction based on attendance and/or mobility the team must consider data that demonstrate:

- that prior to, or as a part of, the evaluation process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel;
- that during the instructional intervention the student was present on a regular basis for instruction; and
- repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during such instruction.

The procedure for determining whether or not lack of instruction is a contributing factor has three components.

1. Gather and review class-wide data on all students, and attendance data of the student being evaluated. If most students in the classroom are achieving or are progressing at rates different from the child being evaluated, and the child being evaluated has been in school within the same school district, lack of instruction is not a likely factor and can be ruled out as a contributing factor.

2. Gather and review progress monitoring data from supplemental instruction on similarly performing students. If many students in the group receiving supplemental instruction are progressing at a faster rate than the child being evaluated, then lack of instruction is not likely a contributing factor.

3. Implement an intervention either prior to or as part of the evaluation. The best “test” of whether or not lack of instruction is a causative factor is to implement instruction systematically and evaluate its effect. If, during supplemental intervention (either prior to or as part of the Full and Individual Initial Evaluation), the child’s performance improves to the point that short-term intervention will result in performance consistent with grade level expectations, then instruction is likely a causal factor. The child cannot be determined to be a child with a disability. It is appropriate for supplemental instruction to continue in the general education setting.

Continued on next page
Exclusionary Factors, Continued

Limited English Proficiency

The context in which evaluation and eligibility decisions are made includes the consideration of linguistic variables unique to the individual. For example, if an individual’s performance does not fall below the expectations of peers with similar linguistic backgrounds, the individual’s needs are not likely due to a disability requiring special education.

When the family’s primary language is not English, a member of the school team who is proficient in the family’s language or a trained interpreter should conduct interviews with the family. For students whose primary language is not English, communication deficits only constitute a disability if the communication problem is present in both English and the individual’s primary language. During the eligibility decision-making process, the evaluation team must rule out language and acculturation as the primary reason for performance deficits. An assessment of the individual’s English language proficiency may be needed in order to develop appropriate interventions or evaluate the individual’s response to interventions and to make eligibility decisions. It is important to have someone on the team who is knowledgeable about the student’s linguistic diversity and who has the skills to help differentiate between language acquisition and disability characteristics. The team may find it helpful to review and discuss the following questions:

- How is the student’s performance when compared to others of like linguistic backgrounds?
- Are the materials and methods used in the evaluation to measure progress, discrepancy and need non-discriminatory?
- Have assessments been administered in the language and form most likely to yield accurate information on the student’s performance?
- Did the interventions from which progress data is gathered adequately address linguistic variables impacting the student’s performance?
- What is the student’s performance on measures of linguistic aptitude (e.g. Basic Interpersonal Communication Skills, Cognitive Academic Language Proficiency)? Does the student speak and understand the language of instruction?
- Based on the information gathered and analyzed with respect to this student, does the team feel that the individual’s educational performance is primarily the result of linguistic variables?

If it is determined that the child’s performance is primarily a function of limited English proficiency, the team will document this conclusion on the Educational Evaluation Report. At the Eligibility Determination meeting the exclusionary factors will be discussed and the student will be determined “not eligible” for special education services. Documentation of the eligibility determination must be provided to parents on the Prior Written Notice and the IMS Data Summary form (or other designated paperwork) must be submitted to IMS.

Continued on next page
Ecological Variables of Socio-economic Status

The context in which suspected disability and eligibility decisions are made includes the consideration of the socio-economic factors unique to the individual. To ensure that socio-economic status is not a primary reason for underachievement in a child suspected of having a disability, AEA and LEA staff must be aware of the impact of socio-economic variables on learning and take proactive steps to ensure that students from low SES backgrounds are provided the necessary supports, instruction and enrichment activities to ensure academic success.

During the eligibility decision-making process, the evaluation team must rule out economic factors as the primary reason for performance deficits. It is important to have someone on the team who is knowledgeable about the effects of socio-economic variables on educational performance. The team may find it helpful to review and discuss the following questions:

- Are the child’s needs a result of, or in part related to, a lack of having similar opportunities to learn as peers?
- What social contexts (e.g. health, nutrition, safety, mobility) may be impacting educational performance?
- What strategies have been employed to assist learning (e.g. modeling, scaffolding, strength based instruction, school based opportunities for drill/practice) have been provided? Describe the impact.
- What behavioral strategies have been used to foster resilience, positive responses, motivation and engagement? Describe the impact.
- Is the child’s pattern of learning similar to other students with similar socio-economic status?

Teams are encouraged to gather and analyze educational history, ecological, contextual, instructional and behavioral information during the full and individual initial evaluation to ensure that students from low SES are not over-identified for special education and related services. Considering the elements of lack of appropriate instruction may provide teams with additional guidance.

Continued on next page
Ethnic, Racial, Cultural, and Familial Variables

The context in which eligibility decisions are made includes the consideration of ethnic, racial, cultural, and/or familial variables unique to the individual. If the team determines that such factors might explain the individual’s lack of academic achievement or functional performance, further inquiry needs to occur to determine their impact. It is important to have someone on the evaluation team (or who has consulted with the team) who is knowledgeable about the student’s ethnic, racial, cultural or familial diversity and who has the skills to help differentiate between cultural differences and learning problems. To ensure that ethnic, racial, cultural or familial factors are not the primary reason for underachievement in a child suspected of having a disability, the team might find it helpful to review and discuss the following questions:

- How is the individual’s performance compared to others of similar backgrounds?
- Are the materials or techniques used to measure the child’s performance non-discriminatory?
- Did interventions address cultural, racial, ethnic or familial variables impacting student performance?
- Are the school curriculum, instruction and climate respectful of the values, beliefs, customs and traditions of the child and his/her family?
- Is the child’s pattern of learning similar to other students with similar cultural, racial, ethnic or familial ecological variables?

Based on the information gathered, analyzed, and documented, the team must determine if the individual’s educational performance is primarily the result of cultural, racial, ethnic, or familial variables or the result of a disability. If it is determined that the educational performance is primarily a result of any of these factors, the team will document this conclusion on the Educational Evaluation Report. At the Eligibility Determination meeting the exclusionary factors will be discussed and the student will be determined “not eligible” for special education services. Documentation of the eligibility determination must be provided to parents on the Prior Written Notice and the IMS Data Summary Report (or other appropriate documents) must be submitted to IMS for processing.
### Exclusionary Factors, Continued

| Factors Not a Primary Reason for Educational Performance | After reviewing available information and determining that the student’s lack of educational performance is not caused by one or more of the exclusionary factors, the team documents the information gathered in the Ecological Factors section of the *Educational Evaluation Report* and continues with the evaluation to address progress, need and discrepancy. |

Manual TOC  Appendix TOC
Documenting Progress, Discrepancy & Need

Citations
Iowa Rules of Special Education 41.306(3); Special Education Eligibility Standards, Iowa Department of Education, July 2006

Progress, Discrepancy and Need Evaluation
The full and individual initial evaluation documents the examination of an individual’s performance over time (progress), performance as compared to grade level expectations or developmental norms (discrepancy) at the point in time the evaluation is conducted, and needs in the context of the individual’s unique circumstances. The evaluation also attempts to identify those circumstances under which the individual experiences the most growth or success.

Progress Discussion
The full and individual initial evaluation uses a child’s response-to-intervention or instruction data to support the conclusion that a disability is present. Specifically, the individual’s rate of progress is compared to the expected rate of progress for typically developing peers. Progress data provides objective evidence that an individual’s performance over time and during targeted instruction/intervention is substantially different than the rate of progress for typical peers.

Analysis of the rate of progress data includes a comparison of the:

- individual’s rate or slope of improvement during intervention;
- amount of resources necessary to ensure a positive slope (growth, progress) that differ from those provided within the general education context; and
- targeted intervention rate of progress data, along with other convergent data regarding the individual’s rate of progress.

There may be times when targeted interventions conducted prior to consent, have generated sufficient data to answer the progress questions. If so, further documentation of the progress components may not be necessary. For purposes of the initial evaluation, the team may simply be documenting in the Educational Evaluation Report, data which answers the progress components and summarizes the analysis of progress data for decision making.

Continued on next page
In rare and unusual cases, educational teams may not have intervention data and it may not be needed in order for the team to determine that the child has a disability. These include, and are not limited to:

- a significant status change due to a health or medical condition, injury, etc.
- an obvious and immediate need for service that is only available through special education; or
- the child is affected by a health or physical condition or a functional limitation that has a high probability of adversely affecting educational performance (e.g., a progressive condition, a condition strongly associated with adverse effects on developmental progress or educational performance).

In such cases the evaluation team should document in the *Educational Evaluation Report* the reasons it believes the health, sensory or physical limitation will have an impact on the progress of the student in the Educational Progress section.

Components of progress which must be provided as evidence for this indicator include:

- a clearly defined area of concern which includes a measure or performance indicator, baseline data and frequent and repeated data collection over time
- a clearly articulated and targeted intervention which meets scientifically research or evidence based practices and ensures that the individual’s rate of progress is not directly related to a lack of appropriate instruction, absenteeism or mobility issues
- a description of the data collected and the decisions made based on that data (conclusions). This description must include a summary of the individual’s rate of progress when compared with expected performance. It must also include a convergence of data that substantiates defensible conclusions about progress and response to instruction/intervention.

Additionally, whenever intervention results are used in eligibility determinations, the intervention *must* meet the requirements of systematic problem solving [41.313]. See Systematic Problem Solving, above.

If the components of progress are available at the time of the consent for evaluation, then no additional progress data is required. If the components of progress are not available at the time of consent, then a targeted intervention will need to be developed and implemented concurrently with the evaluation and which meets all of the above data requirements.

If sufficient data are not available for the team to conclude that the individual’s rate of progress is substantially different than the rate of progress of typical peers, then the team must determine the child to be “not eligible” for special education and related services.
Progress, Discrepancy & Need, Continued

Progress data available from the web I-Plan

If formal intervention data are not available to answer the components of Progress, team members may wish to use the web-based I-Plan system to document the instructional intervention and the individual’s progress. The I-Plan data may also be used to answer questions related to appropriate instruction as a causative factor for the individual’s performance. While revisions of this system are being considered, it should be noted that the I-Plan system provides a comprehensive method for gathering data related to student performance which teams may use for their data analysis during the full and individual initial evaluation. Teams are strongly encouraged to use the I-Plan system or an alternative system which employs the same rigor of intervention components.

Progress Decision Making

In addressing progress for the full and individual initial evaluation, teams consider and document objective evidence to answer the following questions.

- What is the child’s rate of skill acquisition?
- What is the expected rate of skill acquisition (standard and/or peers)?
- Based on the previous two questions what can the team predict about the amount of time it will take for the child to reach the standards and “catch up” with his/her peers?
- Under what conditions did the child experience the most growth? For example:
  - What curriculum level was used to ensure a positive acquisition rate?
  - What frequency or immediacy of reinforcement was needed to provide for a positive acquisition rate?
  - What group size? Time? Frequency? Intensity of instruction was needed to ensure progress?
  - What does the sustained progress data gathered over 6 to 9 weeks suggest about the student’s rate of acquisition?

Progress Documentation

The information gathered to document the progress components and the team’s decision making is summarized in the Educational Evaluation Report.

Continued on next page
In addition to evaluating progress, the disability determination focuses on the magnitude of discrepancy. The discrepancy decision is based on the selection of appropriate standards of comparison and the individual’s performance compared to that standard.

Once a standard of comparison is selected and the individual’s performance is measured and compared to this standard, a decision must be made as to the magnitude of the discrepancy and if the discrepancy is large enough to warrant special education and related services. The discrepancy needs to be made on reliable, valid, current and relevant measures.

Discrepancy data provides objective evidence that an individual’s performance is significantly different than the majority of children or youth of similar age or grade and discrepant from standards (e.g. Iowa Core Content Standards, Iowa Early Learning Standards) or the essential skills and concepts of the Iowa Core Curriculum.

There may be times when sufficient existing data are available to respond to the discrepancy components. For purposes of this initial evaluation, the team may simply be documenting in the *Educational Evaluation Report*, that data which answers the discrepancy components and questions. If the components of discrepancy are not available at the time of consent, then the team will need to assess the student’s present levels of performance on standards for comparison. Data gathered from these assessments will be described in the *Educational Evaluation Report*.

As stated previously, in rare and unusual cases, evaluation team may not need intervention data to determine that the child has a disability. In such unique cases, the team should document in the *Educational Evaluation Report* the health, sensory or physical limitation discrepancy from typical same age/grade peers that will have an impact or currently impacts the individual in the Educational Discrepancy section.
Components of Discrepancy

Components of discrepancy which must be provided as evidence for this indicator include:

- a clearly articulated standard of comparison,
- a description of the child’s current level of performance, and
- a description of the discrepancy and the significance of this discrepancy

An appropriate expectation would likely be based on a minimal level of student performance relative to the comparison group. A standard of comparison is selected and used to evaluate the individual’s performance. The standard chosen must be relevant to the targeted area of concern. Teams are encouraged to consider first, if the individual is discrepant from:

- Iowa Core Curriculum Essential Concepts and Skills
- Iowa Early Learning Standards
- Iowa Core Content Standards

Absent the first three standards of comparison, the following standards of comparison (in order of rigor) may be used:

- district measure of peer performance,
- local district, AEA, state or national norms,
- district standards and benchmarks,
- developmental norms,
- classroom expectations, and
- school policy statements (e.g. student code of conduct).

The description of the student’s current levels of performance is reported on the same standard the team uses for comparison and should have the highest level of rigor.

Discrepancy Decision Making

In addressing discrepancy for the full and individual initial evaluation, teams consider and document objective evidence to answer the following questions.

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<td>1</td>
<td>What are the <strong>multiple sources of data</strong> that demonstrate the individual’s performance is significantly discrepant from that of peers and expected standards?</td>
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<td>2</td>
<td>How does the individual’s current level of performance compare to that of typical peers or expected standards?</td>
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<td>3</td>
<td>What is the magnitude of the discrepancy?</td>
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<td>4</td>
<td>What are the functional implications of the discrepancy? (Meaningful in a practical sense and reliable in a statistical sense.)</td>
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**Note:** Eligibility determination is made using the convergence of data from multiple sources.
Progress, Discrepancy & Need, Continued

**Magnitude of Discrepancy**

Although there are no specific “cutoff” scores that eligibility determination teams must utilize for decision making, there are guidelines based on data that teams need to follow when determining magnitude of discrepancy.

- When considering benchmarks and standards (Iowa Core Content, Iowa Early Learning, Iowa Core Curriculum’s essential skills and concepts) as the standard of comparison, the student’s performance should be below grade level.

- In some cases, discrepancy can be measured in terms of years behind in the curriculum. This needs to be a decision that is made relevant to the targeted area of concern. For example, one would not want to wait until an individual was two years behind before providing instruction in specific reading skills.

- When a measure is utilized that provides the opportunity to identify a percentile rank, a score near or below the 12th percentile may be considered to be significantly discrepant.

- When standard scores are available, at least one standard deviation may represent a significant discrepancy. If a measure providing standard scores is utilized the data gathered must also be used to guide instruction, not merely to establish a discrepancy.

- For preschool children, where developmental norms are available, a 25 percent or more delay from expected level might be considered significant.

- For specific areas such as speech/language therapy, occupational therapy, physical therapy, vision and hearing, the teams will need to refer to discrepancy guidelines set for those disciplines/domains.

Teams should note that discrepancy decision making occurs following targeted intervention to remediate the area of concern, not the point at which the area of concern is first noted.

Continued on next page
The information gathered to document the discrepancy component must include answers regarding the following questions.

- What is the student’s current level of performance?
- What is the expectation in this area (standard and/or peers)?
- What is the magnitude of discrepancy?
- Does a significant discrepancy exist?

Answers to these questions should be summarized in the Educational Discrepancy section of the Educational Evaluation Report for each area of concern and all performance domains listed on the Consent for/Notice of Full and Individual Initial Evaluation. Although the discrepancy decision is based on a child’s performance at a given time, teams are encouraged to look at multiple sources of data such as the child’s performance on the less preferred standards or additional assessments (e.g. interviews with teachers, classroom products, district wide assessments) which provides convergent data for the discrepancy decision making.

It should be noted that the web I-Plan provides a graphic representation of the discrepancy component for eligibility determination. Teams are strongly encouraged to use the I-Plan system or an alternative system which employs the same graphic representation of the discrepancy components following targeted intervention. If the Department issues requirements for progress monitoring in eligibility determinations, teams will following those requirements.

Instructional need is the third required component of eligibility determination, and is reflected in the team’s judgment that an individual requires special education and related services in order to receive a free and appropriate education. Specifically, teams assess through multiple methods (Review, Interview, Observe, Test), the needs of the individual in each of four areas.

- Instruction
- Curriculum
- Environment
- Learning Supports

Teams must consider the individual’s learning characteristics, ecological variables, and any other relevant information collected as part of the evaluation to determine what accommodations, modifications, services and supports the individual needs in each of the above areas. To meet the need component of eligibility, however, identification of only one area is required.
There may be times when sufficient data are available to answer the need components. For purposes of the evaluation, the team may simply be documenting the Educational Needs in the *Educational Evaluation Report*

Based on the convergence of all data collected as part of the evaluation process, instructional need is a data-based description of the resources necessary to improve and maintain the student’s rate of learning at an acceptable level and requires teams to operationally define the conditions under which learning is enabled or enhanced. The discussion of need summarize the unique constellation of services and supports that an individual requires that go beyond the capability of general education to provide without special education resources.

The educational services, activities, supports, accommodations and modifications required by the individual to be successful and which cannot be sustained without special education services must be determined through careful analysis of all evaluation data – represented in the following graphic.

The team’s conclusion regarding the individual’s needs for specialized services or resources should be described in the Educational Needs section of the *Educational Evaluation Report* and if the student is determined eligible for special education should guide the Individualized Education Program.
Need Decision Making

Need is the IEP team’s judgment that an individual requires special education and related services in order to receive a free and appropriate education. In addressing need, teams consider the following questions:

1. What are the individual’s needs in the areas of instruction, curriculum, and environment? For example:

   In instruction, does the individual require instruction from someone with specialized preparation or training? Does the individual require instruction that includes frequent repetitions of key concepts?

   In curriculum, does the individual require alternative textbooks (digital media, alternative accessible media) or instructional materials? Does the individual require curriculum at a different or extended grade level?

   With respect to the environment, does the individual need a distraction free environment or a ratio with fewer students to teacher? Does the child need visual supports?

   In the area of learning supports does the child need an individualized reinforcement system, assistive technology, additional passing time, etc?

2. What are the instructional strategies, accommodations, and modifications that will enable the individual’s learning performance to improve?

3. What accommodations and modifications were provided which enhanced the individual’s performance and allowed opportunity to acquire educationally relevant skills?

4. What, if any, ecological variables are related to the individual’s needs and potentially contribute to the interventions, accommodations or modifications not enhancing the individual’s performance?

5. What is the pervasiveness of the area of concern across settings and time?

6. What ongoing, substantial, additional services are needed that exceed the capacity of general education resources alone?

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Manual TOC       Appendix TOC
Progress, Discrepancy & Need, Continued

Need Documentation

The information gathered to document the need areas and to determine the answers to need decision is summarized in the Educational Needs section of the *Educational Evaluation Report*. If the individual’s instructional needs require services and supports that extend beyond what typical general education resources alone can provide then the individual has met the criteria for instructional need which is indicated on the form.

Summarizing the Evaluation Information in the Education Evaluation Report

The *Educational Evaluation Report* is where teams summarize the information gathered through the full and individual initial evaluation. It provides the evidence (objective data and supportive information) that the individual is eligible and in need of special education and related services or is not eligible. The report’s information will address the following questions:

1. Does the individual have a disability? (A disability is a significant skills deficit, a health or physical condition, a functional limitation, or a pattern of behavior that adversely affects the individual’s rate of progress and current level of performance.)

2. Are special education resources required to meet the individual’s educational needs?

Note: When the answer to both 1 and 2 is “yes” then the individual is eligible for special education and related services.
Eligibility Determination

Citation

Iowa Rules of Special Education 41.306; 41.322; 41.328; 41.501
Special Education Eligibility Standards, Iowa Department of Education, July 2006

Eligibility Determination Discussion

Upon completion of the full and individual initial evaluation (e.g. administration of assessments, summarizing existing data) and prior to the 60 day time limit, a group of qualified professionals and the parent of the child determine whether the child is a child with a disability and eligible for special education.

Eligibility is defined as the individual’s right to receive special education and/or related services. Eligibility determination relies on the establishment of both the presence of a disability and the need for special education instructional support and related services. The evaluation team will answer two questions:

1. Does the individual have a disability? (A disability is a significant skills deficit, a health or physical condition, a functional limitation, or a pattern of behavior that adversely affects the individual’s rate of progress and current level of performance.)

2. Are specially designed instruction and related services required to meet the individual’s educational needs?

When the answer to both questions is “yes” then the individual is eligible for special education and related services.

Eligibility Determination Meeting

When the evaluation is complete (or nearing completion), the evaluation team will schedule an Eligibility Determination Meeting for the purpose of addressing the question, “Does the child’s performance suggest the presence of a disability and the need for specialized instruction and related services?”

Schedule the eligibility meeting on a date and at a time and location convenient for the parent and for the public agencies. Parents must be provided a completed Meeting Notice. Advanced notice of the meeting date, time and location must also be provided to all participants to assure meaningful participation. If interpreter services are required to meet the needs of the parent and/or the student, they must also be provided.

If the parent(s) is unable to attend the meeting, additional attempts must be made to ensure the parent can be a part of this process.

Continued on next page
Eligibility Determination, Continued

Documenting the Evaluation Timeline

The date of the eligibility determination meeting must meet the 60 day timeline requirements for initial evaluations and must be noted on the Eligibility Determination Worksheet. The Eligibility Determination Worksheet also requires that a reason be selected when such a meeting is not held within the 60 day timeframe.

There are only two special circumstances to consider when meeting the 60 day timeline:

- If the parent/legal guardian refuses or repeatedly fails to make the child available for the evaluation, an eligibility meeting must still occur within the 60-day timeframe.
- If the child enrolls in a school in another district after consent has been received the 60-day timeframe remains in effect. However the receiving school may be allowed additional time provided sufficient progress is being made to ensure prompt completion of the evaluation and the parents and public agency agree to a specific timeframe to complete the evaluation.

Evaluation Timelines for Children Transitioning from Part C

For Part C children being considered for Part B eligibility, the eligibility determination meeting must be completed within the 60 day timeline. In addition, the evaluation and subsequent IEP meeting if the child is eligible for special education must occur before the child turns age 3 to meet state performance indicators.

The Eligibility Determination Worksheet for a Child Transitioning from Early ACCESS requires that a reason be selected when an eligibility determination meeting is not held prior to the child’s third birthday and within the 60 day timeframe. No reason is considered acceptable and not holding the meeting within the timeframe will be considered non-compliant for meeting federal data requirements.

Eligibility Determination Meeting Notice

A designated member of the IEP team will complete the Meeting Notice, mail it to the parent and provide a copy to the remaining IEP team members. The Meeting Notice must be presented to the parents in a language that they understand. Steps for completing the Meeting Notice form are found in the Iowa Special Education Processes and Documentation technical assistance manual.

Note: It is recommended that a copy of the Educational Evaluation Report be sent to the parent at the time the Meeting Notice is sent.
Eligibility decisions are made by a team of individuals comprised of the individualized education program (IEP) team and other qualified professionals, as appropriate. Required participants must be identified and invited to the eligibility determination meeting. The general requirements for team membership are:

c) parents of the individual being evaluated;
d) general education teacher;
e) at least one special education teacher or, if appropriate, at least one special education provider for the eligible individual;
f) a representative of the LEA or AEA who is qualified to provide or supervise the provision of specially designed instruction and who is knowledgeable about general education curriculum and the availability of the resources of the LEA;
g) an individual(s) who can interpret the instructional implications of the evaluation results;
h) other individuals with knowledge or special expertise regarding the eligible individual, as appropriate; and
i) the individual being considered for eligibility as appropriate.

Additional participants may be invited. This group of individuals is hereafter referred to as the Individualized Education Program (IEP) team.

**Note:** An individual, when qualified may hold two or more positions on the evaluation team. An AEA representative is a required participant with knowledge or expertise to interpret the instructional implications of the evaluation results and intervention outcomes.
Eligibility Determination, Continued

Convene the IEP team to share the results of the Full and Individual Initial Evaluation and to determine eligibility for Special Education. Copies of the *Educational Evaluation Report* should be available for all participants in the meeting. (Note: Parents should receive a copy of the evaluation report prior to the meeting to ensure their active participation.)

The following questions are addressed during the meeting:

1. Does the individual have a disability? (A disability is a significant skills deficit, a health or physical condition, a functional limitation, or a pattern of behavior that adversely affects the individual’s rate of progress and current level of performance.)

2. Are specially designed instruction and related services required to meet the individual’s educational needs?

When the answer to both questions is “yes” then the individual is eligible for special education and related services.

In addition, the IEP team must once again review the exclusionary reasons to ensure that the individual’s performance difficulties are not primarily due to:

- a lack of appropriate instruction in reading, including the essential components of reading instruction (Phonological Awareness, Phonics, Fluency, Vocabulary, and Comprehension)
- a lack of appropriate instruction in math
- limited English proficiency

The IEP team must also be careful to not decide that the child has a disability if the determinant factor is primarily related to other ecological variables, including socio-economic status, cultural or ethnic differences, or school attendance or mobility.

The student is deemed to be an eligible individual if the team determines the answers to each of the eligibility questions is yes and the exclusionary reasons are not a primary factor for the student’s performance.

*Continued on next page*
Eligible Individual

In Federal law, a “child with a disability” is an individual who has one or more of thirteen defined disabilities and, by reason thereof, requires special education and related services. It is not required that children be classified by their disability so long as each child who has one of the federally listed disabilities and requires special education and related services is identified as eligible for special education. The State of Iowa, as permitted by federal law [34 C.F.R. § 300.111(d)], utilizes a non-categorical designation for all individuals, birth through age 21. The following figure illustrates how Iowa’s non-categorical designation encompasses federal disability categories.

Eligible Individual (EI) is used as the designation for individuals who are determined to be an individual with a disability and who are in need of special education and related services.

The Iowa Department of Education has adopted the position that disability categories or labels across all ages are not needed in the educational setting for the following reasons:

a) the use of labels does not identify an individual’s unique needs;
b) labeling encourages the perception that all individuals in a category have the same characteristics;
c) a label, in and of itself, does not provide educators with information regarding the individual’s instructional needs;
d) educators’ expectations based on labels may influence the performance of students;
e) labeling, in most cases, is negatively loaded terminology and may be permanently stigmatizing;
f) labeling puts the burden of failure on the student; and

g) the use of labels may become the basis for assigning an individual to more restrictive services than required.

Continued on next page
Eligibility Determination, Continued

If the team determines the child is a child with a disability the designation of eligible individual (EI) will be used for a disability category.

<table>
<thead>
<tr>
<th>Eligibility Determination Documentation Procedures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If the student is determined to be...</td>
<td>then</td>
</tr>
<tr>
<td>an Eligible Individual</td>
<td>A final copy of the <em>Educational Evaluation Report</em> is provided to the parents/legal guardians. The public agency provides a copy of the evaluation report to the parents at no cost. The <em>Eligibility Determination Worksheet</em> or the <em>Eligibility Determination Worksheet for a Child Transitioning from Early ACCESS</em> is completed and turned into appropriate IMS staff. <em>Prior Written Notice</em> is completed and provided to the parents indicating that this student is identified as an “eligible individual.” The AEA shall ensure that the name and required special education, support and related services of each eligible individual is entered into the Information Management System (IMS) and that the AEA director annually certifies the entitlement of the eligible individuals. [41.306(4)] The team develops an <em>Individualized Education Program</em> and schedules an IEP meeting for no later than 30 days (and prior to the child’s third birthday if transitioning from Early ACCESS) from the date eligibility was determined. Refer to that section of the manual for further guidance.</td>
</tr>
<tr>
<td>NOT an Eligible Individual</td>
<td>A final copy of the <em>Educational Evaluation Report</em> is provided to the parents/legal guardians. The public agency provides a copy of the evaluation report to the parents at no cost. The <em>Eligibility Determination Worksheet</em> is completed and turned into appropriate IMS staff. <em>Prior Written Notice</em> is completed and provided to the parents indicating the child is NOT eligible for special education.</td>
</tr>
</tbody>
</table>

Continued on next page
Eligibility Determination, Continued

| Development of an Individualized Education Program (IEP) | For an individual who is eligible for special education, data resulting from the full and individual initial evaluation as well as other relevant information is used to develop an IEP. A meeting to develop the IEP must occur within 30 days of eligibility determination [41.323(3)]. Developing the IEP may occur during the Eligibility Determination Meeting. A meeting to develop the IEP must occur within 30 days of eligibility determination and prior to the child’s 3rd birthday for children transitioning from Early ACCESS. Note: If the child is between the ages of 3-5 and not in kindergarten, the team must complete the *Early Childhood Outcomes Summary (ECO)* and submit it with the IEP. |

[Manual TOC] [Appendix TOC]
Additional Information

Medical or Mental Health Diagnoses and Special Education Eligibility
Technical Support Paper

Educational teams may encounter parents and/or health providers who believe a medical diagnosis automatically entitles their child to special education services and specific accommodations. While medical diagnoses are important pieces of information in the process whereby teams determine if a child is suspected of having a disability, they do not answer all the question necessary to determine special education eligibility. Special education multidisciplinary teams must determine if the student’s rate of progress, discrepancy from peers and instructional needs are substantial enough to warrant special education and related services.

The law provides that a determination of whether a child is eligible to receive special education must be made by a team, not an individual; furthermore, the law specifies what factors the team must consider. 34 C.F.R. §§ 300.304-.305. Medical diagnoses do not meet these standards for team participation. Also, the law specifically states that “evaluations and information provided by the parents of the child” are one source of the team’s data. 34 C.F.R. § 300.305(a)(1)(i). The team must consider a medical diagnosis, but it is not bound by any conclusions contained in the diagnosis. Additionally, the law specifies that an eligibility determination may not be made on a single piece of information, 34 C.F.R. § 300.304(b)(2), such as a medical diagnosis. While a diagnosis from a private provider may be enough to create a suspicion that a child is a child with a disability, the diagnosis itself is never enough to determine eligibility.

Commentators have provided analysis that supports the requirements in the law. Beth Hardcastle indicates there is confusion regarding special education eligibility in the medical community. For example, "Physicians tell parents of students with ADHD to inform the school district that their child is OHI and parents think the school has to comply [in terms of eligibility]. Some schools make the mistake of caving in to that demand -- we make sure to follow our own eligibility criteria." (Caruso, 2006).

Attorney Jim Walsh, a noted special education attorney and speaker at several Iowa Special Education Law Conferences, suggests a three step response when parents request an evaluation based on a medical or mental health referral. (Walsh, 2006).

First, the parents should be thanked for their interest and concern regarding their child’s education, as well as for sharing any information that they have which might assist the team in educating the child.

Second, the parents should be asked to sign an exchange of information form, explaining to parents that school staff will want to share information with the doctor regarding progress and may want to ask specific questions about how the health or mental health diagnosis might impact the child’s educational progress.
The third step is to follow up with the doctor. Ask the doctor to describe how the decision to refer was made. Did the physician visit with anyone from the school or review school records? What information was the parent able to share with the physician? What is the history of the physician with the child and has the issue been present over time? In turn, the school or AEA staff member visiting with the doctor should share how special education eligibility is determined in the state of Iowa, most specifically the three components of discrepancy, rate of progress and instructional need.

Given the medical referral, school based teams might best be served by completing the Disability Suspected Form to determine if an evaluation for special education is warranted. All information available in each of the performance domains is reviewed to determine if an educational disability (discrepancy from peers, rate of progress different than peers) is suspected.

District evaluation teams should consider a range of data when determining IDEA eligibility, not just medical diagnoses in order to make informed eligibility decisions based on information from a variety of sources. While school teams may certainly grant weight to the recommendation of physicians, doctors do not determine eligibility. As explained above, special education eligibility is determined based on the child’s educational performance and by “a team of qualified professionals and the parent of the child.” 34 C.F.R. § 300.306(a)(1).

**Bibliography**

In addition to the law cited, the following documents were gathered from the Special Education Connection at [www.specialedconnection@lrp.com](http://www.specialedconnection@lrp.com) and served as guidance for the procedures above.

Greenwood, Melissa. *Scrutinize medical information when determining eligibility, accommodations*. November 26, 2007 Special Ed Connection

Greenwood, Melissa. *Consider range of data, not just medical diagnoses, when making eligibility decisions*. September 21, 2007

Caruso, Brian. *Don't put students with ADHD on 'fast-track' for OHI eligibility*. November 9, 2006


## Assessment Methods and Sources Matrix

### Assessment Domains/Data Sources

#### Domain: Instruction

<table>
<thead>
<tr>
<th><strong>R</strong> Review</th>
<th><strong>I</strong> Interview</th>
<th><strong>O</strong> Observe</th>
<th><strong>T</strong> Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesson plans</td>
<td>Teachers about:</td>
<td>Teacher’s instructional</td>
<td>Instructional</td>
</tr>
<tr>
<td>Permanent products (e.g. written pieces, worksheets, projects) for skill/degree of difficulty requirements</td>
<td>effective teaching practices</td>
<td>style/preferred style of presenting</td>
<td>Placement Tests (diagnostic assessments)</td>
</tr>
<tr>
<td>Benchmarks/ standards</td>
<td>instructional decision making regarding choice of materials, placement of students</td>
<td>Clarity of instructions/directions</td>
<td>Assessment alternatives (e.g. projects, portfolios, retell)</td>
</tr>
<tr>
<td></td>
<td>sequencing/pacing of instruction</td>
<td>Effective teaching practices</td>
<td>Progress data (formative evaluation)</td>
</tr>
<tr>
<td></td>
<td>choice of screening, diagnostic and formative assessments</td>
<td>Communication of benchmarks/expectations and criteria for success</td>
<td></td>
</tr>
<tr>
<td></td>
<td>product methods</td>
<td>How new information is presented</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(e.g. dictation, oral retell, paper pencil, projects)</td>
<td>Percent of time with direct instruction, whole group instruction, practice time, etc.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>groupings used</td>
<td>How the teacher gains/maintains student attention</td>
<td></td>
</tr>
<tr>
<td></td>
<td>decision making regarding instructional change</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>accommodations/ modifications used</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>reinforcement strategies</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>allowable repetition or direct instruction</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>who is providing the supplemental/intensive instruction</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>what supportive technology is used</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Domain: Curriculum

<table>
<thead>
<tr>
<th><strong>R</strong> Review</th>
<th><strong>I</strong> Interview</th>
<th><strong>O</strong> Observe</th>
<th><strong>T</strong> Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curriculum selected</td>
<td>Teachers/Curriculum Director</td>
<td>Peer group response to curricular demands</td>
<td>Readability/level of text books</td>
</tr>
<tr>
<td></td>
<td>core curriculum</td>
<td>Variety of practice opportunities</td>
<td>End of chapter/unit tests</td>
</tr>
<tr>
<td></td>
<td>support curriculums used for supplemental and intensive instruction</td>
<td>Allowance for peer sharing/mentoring during work time</td>
<td>Readability level/difficulties of tests</td>
</tr>
<tr>
<td></td>
<td>supplemental teaching materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Teachers/Counselors</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>expanded core curriculum (e.g. friendship skills, study skills)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teacher(s)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>philosophical orientation of curriculum (e.g. whole language, phonics)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>expectations of district for pacing/coverage of curriculum</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>content/outcomes of course</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>modifications of benchmarks made for students</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>readability of textbook</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>prerequisite skills/prior understanding needed for success</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>allowable repetition for mastery/understanding</td>
<td></td>
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<tr>
<td></td>
<td>technology integration</td>
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<td></td>
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</tbody>
</table>

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**Manual TOC**  
**Appendix TOC**
## Domain: Environment

<table>
<thead>
<tr>
<th><strong>R</strong> Review</th>
<th><strong>I</strong> Interview</th>
<th><strong>O</strong> Observe</th>
<th><strong>T</strong> Test</th>
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</thead>
<tbody>
<tr>
<td>School/ classroom rules</td>
<td>Teacher(s)</td>
<td>Classroom’s physical layout/arrangement</td>
<td>Classroom mapping</td>
</tr>
<tr>
<td>Physical layouts of school, classrooms, property, and busses as appropriate</td>
<td>• classroom routines, rules, behavior management plans, situational expectations (e.g. classroom vs. hallway, phy ed, recess) and how rules were developed</td>
<td>Lighting/sound sources, temperature, noise levels</td>
<td>Setting analysis</td>
</tr>
<tr>
<td></td>
<td>• make-up of peers</td>
<td>Environmental/other student distractions</td>
<td>Systematic Observation</td>
</tr>
<tr>
<td></td>
<td>• (re)organization of room’s layout (e.g. desk location selection, changes)</td>
<td>Posting of classroom rules and/or daily schedule</td>
<td>Sociogram</td>
</tr>
<tr>
<td></td>
<td>• limited distractions area</td>
<td>Social expectations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Principal</td>
<td>Established routines versus new/novel expectations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• school wide discipline</td>
<td>Peer makeup</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parents</td>
<td>Interaction patterns</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• discipline used at home</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• what does study area look like</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• impact of environment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• impact of peers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other school staff as appropriate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Domain: Learner

<table>
<thead>
<tr>
<th><strong>R</strong> Review</th>
<th><strong>I</strong> Interview</th>
<th><strong>O</strong> Observe</th>
<th><strong>T</strong> Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Product vs. peer product</td>
<td>Teacher</td>
<td>Student’s learning style match for instruction</td>
<td>ITBS/ITED and other academic assessments</td>
</tr>
<tr>
<td>Cumulative file/ records</td>
<td>• instructional strategies working best for the student</td>
<td>Use of supportive technology</td>
<td>Cognitive assessments</td>
</tr>
<tr>
<td>Health records, including vision and hearing</td>
<td>• student performance compared to peers</td>
<td>Setting analysis including:</td>
<td>Preference/ interest inventories</td>
</tr>
<tr>
<td>Teacher’s grade book</td>
<td>• patterns of performance errors/ behavior setting(s) where behavior is problematic</td>
<td>• target behavior, antecedents, conditions, consequences</td>
<td>Motivation scales</td>
</tr>
<tr>
<td>Assignment notebook</td>
<td>• significance of academic, speech, social, task or motor difficulties</td>
<td>• dimensions and nature of the problem</td>
<td>Personal adjustment and behavior rating scales</td>
</tr>
<tr>
<td>Previous interventions if available</td>
<td>• onset and duration of problem</td>
<td>• transitions</td>
<td>CBM/CBA/CBE</td>
</tr>
<tr>
<td>Patterns of performance, including attendance, retention, and moves</td>
<td>• consistency from day to day, subject to subject</td>
<td>• large group instruction</td>
<td>Progress monitoring</td>
</tr>
<tr>
<td>Error analysis of permanent product</td>
<td>• interference with personal, interpersonal, and academic adjustment</td>
<td>• small group instruction</td>
<td>Response to interventions</td>
</tr>
<tr>
<td>Response to interventions as reflected by systematic progress monitoring</td>
<td>• performance using different modes of expression (e.g. verbal, written, kinesthetic)</td>
<td>• independent work time</td>
<td>FBA - nature and dimensions of behavior (frequency, duration, latency, intensity), including anecdotal notes</td>
</tr>
</tbody>
</table>

### Processing directions

- Cultural factors
- Access barriers
- Interactions

### Manual TOC

### Appendix TOC
## Individualized Education Programs (IEPs)

### What is an IEP?
An individualized education program (IEP) is a written document for each child with a disability that describes the student’s educational program. The IEP must be in effect prior to the student receiving services. Each eligible individual shall have only one current IEP. [41.320]

### Purpose of the IEP
The purpose of the individualized education program (IEP) is to provide a plan designed to meet the educational needs of an eligible individual and to commit the resources necessary to meet those needs.

### Guiding Principles of the IEP
The IEP is based on the following guiding principles:

- The IEP is a process and a product that documents that the student is receiving a free and appropriate public education (FAPE) consistent with all federal and state requirements
- To the maximum extent appropriate, students are educated and participate with other students with disabilities and nondisabled children in the general education environment
- IEP development is a collaborative process
- The IEP team develops a program that is designed so that the student can progress toward meeting annual goals of the IEP, be involved in and progress in the general curriculum (including the LEA’s implementation of the Iowa Core Curriculum,) participate in nonacademic and extracurricular activities, and be educated with nondisabled peers, and
- The IEP process involves on-going progress monitoring and decision-making. Decision-making is based on the student’s needs and is used to improve student results

### Iowa Code Requirements in Developing an IEP
The IEP is developed, reviewed, and revised in accordance with Iowa’s Rules and includes:

- A statement of the child’s present levels of academic achievement and functional performance [41.320(1)a]
- A statement of measurable annual goals including academic and functional goals [41.320(1)b]
- A description of benchmarks or short-term objectives for those students who take alternate assessments aligned to alternate achievement standards [41.320(1)c]
- A description of how progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided [41.320(1)d]
- A statement of the special education and related services and supplementary aids and services provided to the student [41.320(1)c]
• An explanation of the extent, if any to which the student will not participate with nondisabled students in the regular class [41.320(1)f]
• A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments and, if the student must take an alternate assessment, why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate [41.320(1)g]
• The projected date for the beginning of the services and any modifications and the anticipated frequency, location, and duration of those services and modifications [41.320(1)h]

Beginning not later than the first IEP to be in effect when the student turns 14, or younger if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include:
• Appropriate, measurable, postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills
• The transition services, including courses of study, needed to assist the student in reaching the goals [41.320(2)]

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Why Use an IEP Form and Have an IEP Team?

Iowa IEP forms are designed to document the information upon which plans and decisions are made.

The IEP team’s decisions regarding goals, activities, services, service locations, and to document due process procedures are required by law.

The focus of an IEP meeting is be on the development of an individualized, appropriate educational program. The completion of the forms and the critical information contained in them is also important, as this information documents the commitment of resources to address an eligible individual’s needs.

---

What is the IEP Team’s Authority?

IEP teams have significant responsibilities and hold substantial authority in making determinations regarding a child’s educational program. IEP teams have the authority to create a binding contract – the IEP, committing services and supports to and on behalf of an eligible individual.

However, IEP teams do not, by virtue of a child’s disability, assume authority over all aspects of a child’s education. IEP teams do not determine whether a child is eligible for free or reduced lunch; if a child will make the basketball team; which grade level, teacher, building or classroom to which a child is assigned; or whether a child is eligible for English language learner or gifted and talented services or the nature of those services.
Types of IEP Meetings

The Five Types of IEP Meetings

There are five types of IEP meetings:

- Initial
- Review
- Reevaluation
- Amendment, and
- Interim
Initial IEP Meetings

Initial IEP meetings are held following the completion of a full and individual evaluation, and the determination of eligibility for special education services.

This meeting must be held within 30 days of determining that the child needs special education and related services. After the initial IEP is developed, special education and related services should be made available as soon as possible. [41.323(3)]

The meeting in which a team reviews evaluation results, and determines eligibility is often held in conjunction with the initial IEP meeting.

The requirements of an initial IEP meeting are the same as any other IEP meeting but must also take into account:

- When a single eligibility/IEP meeting is held, that meeting must be held within 60 calendar days of the date the school or AEA has received signed parent consent for an initial evaluation, or [41.301(3)]
- If two meetings are held — one to establish eligibility and one to develop an IEP — the initial IEP meeting must be held within 30 calendar days of the meeting at which eligibility was established, and [41.323(3)]
- For children who are transitioning from Part C (infant and toddler services) to Part B (preschool and school-age services), an IEP must be developed and implemented prior to the child’s third birthday. [(41.124(2))]

Parental Consent for Services

Prior to the initial provision of special education services the AEA or LEA must obtain informed consent from the student’s parents.

A student may not receive special education services until informed parental consent is obtained.

The AEA or LEA must make reasonable efforts to obtain informed consent. Attempt to obtain informed consent must be kept, including:

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parents and any replies received
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits
<table>
<thead>
<tr>
<th>Refusal to Give Consent</th>
<th>If the parent fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the AEA or LEA:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• May not use procedural safeguard in order to obtain consent or use a ruling from a hearing, mediation, preappeal or state complaints to provide services to the child</td>
</tr>
<tr>
<td></td>
<td>• Will not be considered in violation of the FAPE requirement because of failure to provide special education services</td>
</tr>
<tr>
<td></td>
<td>• Is not required to convene an IEP team meeting or develop an IEP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revoking of Consent</th>
<th>If, at any time following the initial provision of special education services, the parent of the child revokes consent in writing for continuing the special education services the AEA or LEA:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• May not continue to provide special education services, but must provide written prior notice ceasing the provision of special education services</td>
</tr>
<tr>
<td></td>
<td>• May not use procedural safeguards in order to obtain agreement or use a ruling from a hearing, mediation, preappeal or state complaints to provide services to the child</td>
</tr>
<tr>
<td></td>
<td>• Will not be considered in violation of the FAPE requirement because of failure to provide special education services</td>
</tr>
<tr>
<td></td>
<td>• Is not required to convene an IEP team meeting or develop an IEP</td>
</tr>
</tbody>
</table>
Review IEP Meetings

What is a Review Meeting?
IEP reviews are conducted periodically, but must be conducted at least annually.
The eligible individual’s entire IEP must be reviewed. Typically, changes will be made to reflect the student’s growth in present levels of academic achievement and functional performance over the past year. This growth may have implications for goals, services, LRE, and communication with parents. [41.324(2)]

Purpose of the Review Meeting
In a review, the IEP team must determine if annual goals are being achieved and will need to revise the IEP as appropriate to address the following: [41.324(2)]
- Progress toward annual goals and in the general education curriculum (Note: consider both lack of progress or greater than expected progress)
- Results of any reevaluation
- Information about the child provided to or by the parents
- The child’s anticipated needs for the coming year and;
- And any other relevant information (e.g., the results of an outside evaluation)

Steps to Follow in the Review Process
Steps to follow in the review process:
1. Schedule an IEP meeting before the anniversary of the current IEP [41.324(2)”a”(1)]
2. Invite the appropriate general and special education teachers, support staff, and local school representatives [41.321(1)]
3. Provide a Meeting Notice to all IEP team members, including parents [41.322(2)]
4. Provide parents with a copy of the Procedural Safeguards and review this information at the IEP meeting [41.504(1)]
5. Review the existing IEP [41.324(2)”a”(1)]
6. Write a new IEP with a duration of no more than one year [41.324(2)”a”(2)]
7. Provide parents with Prior Written Notice of a Proposed or Refused Action for any changes in the student’s educational program if the district or AEA proposes to change the identification or placement, or change the provision of a free appropriate public education [41.503]

Manual TOC Appendix TOC
Reevaluation IEP Meetings

Reevaluations of eligible individuals are required at a minimum, every three years. Reevaluations are required sooner if:

- The child’s parent or teacher requests a reevaluation – [41.303(1)”b”]
- The IEP team determines that a reevaluation is warranted in order to address the educational or related services needs of the eligible individual including improved academic achievement and functional performance. As the team addresses these needs by considering the addition, deletion or change to a service or support on the IEP, it does not automatically mean that a reevaluation must be conducted. The team needs to look at what information is already available (e.g., classroom-based assessments, etc.) that will assist the IEP team in their planning and decision making on behalf of the eligible individual. If adequate data already exist, then no reevaluation is required. [41.303 (1)”a”]
- The IEP team will be considering whether a child is no longer an eligible individual (i.e., returning to regular education with no special education services is being considered) [41.305(5)]
- The available data for a transfer student from out-of-state is insufficient to establish eligibility for special education in Iowa or to develop an appropriate IEP. [41.323(6)”a”]

If the reevaluation due date is close to the due date for the annual review, make every effort to consolidate these meetings for the child. Both due dates (annual and reevaluation) must be met, so the earlier of the two dates is the target for a meeting. For example, if the review is due April 15 and the reevaluation is due May 15 you may combine them but the meeting must be held by April 15 or the annual review is late.

Reevaluations are not required before the termination of a child’s eligibility from school with a regular diploma, or due to exceeding the age eligibility for FAPE under state law. [41.305(5)b]

However, at the time of graduation or termination due to age from special education services, the student must be provided a summary of the their academic achievement and functional performance which shall include recommendations on how to assist the child in meeting his/her postsecondary goals. [41.305(5)”b”]
[41.305(5)”c”] See form, “Summary for Postsecondary Living, Learning, and Working” (pp.88-89.)

Reevaluations may not be conducted more than once per year, unless it is agreed upon by the parents and the AEA and LEA. [41.303(2)”a”]
Steps to Follow in the Reevaluation Process

1. Determine when a reevaluation needs to be conducted. Take into account practical considerations, such as aligning the IEP review date with the reevaluation.

2. Begin the process in a timely manner. All required procedures in the reevaluation process must be completed and an IEP meeting with the parents must be held on or before the three year anniversary date of the last evaluation. [41.303]

3. Involve the appropriate people. The reevaluation process, including the review of existing information, is completed by the IEP team. The IEP team includes: [41.321]
   - The parents of the student
   - The student, if appropriate at any age or when required to be invited as a transition services participant [41.321(2)]
   - At least one regular education teacher of the child if the child is, or may be, participating in the regular education environment
   - At least one special education teacher of the child or, where appropriate, at least one special education provider of the child
   - A representative of the LEA who:
     - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of eligible individuals
     - Is knowledgeable about the general education curriculum
     - Is knowledgeable about the availability of resources of the LEA
   - An individual who can interpret the instructional implications of evaluation results
   - Other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

   In fulfilling the last two mentioned roles (above) for IEP team members, a reevaluation IEP team must include an AEA support staff professional because the determination of initial and continuing eligibility is an AEA responsibility. A person may fill more than one role on an IEP team.

4. Review existing information and consider need for additional assessment. “Existing information” comprises data contained in records and the input of individuals who are knowledgeable about the eligible individual.

As part of any reevaluation the IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the eligible individual including [41.305(1)”a”]:

- Evaluations and information provided by the parents of the child
- Current classroom-based, local, or state assessments, and classroom-based observations
- Observations by teachers and related services providers
“Existing information” comprises data contained in records and the input of individuals who are knowledgeable about the eligible individual. Sources of existing information may include:

- Current IEP progress monitoring
- Previous evaluation reports
- School records
- Work samples
- Interviews
- Data from outside agencies
- Observations
- District-wide assessments
- Individual and classroom-based assessments

Procedures for Reviewing Existing Information in the Reevaluation Process

The review of existing information does not require a meeting and does not require parental consent. [41.305(2)]

However, the review process must ensure the meaningful participation of all members of the IEP team, including the parents. Educators may make a proposal to the parents regarding the reevaluation (e.g., that no additional assessments are necessary) but they must seek parental input and response regarding the recommendation.

Parents should be informed if, in the gathering of existing information, the eligible individual will come into contact with professionals who do not have routine interaction with the student (e.g., an interview by the guidance counselor or AEA support staff)

Consider the need for additional assessment. [41.305(1)”b”] Based on this review the IEP team will identify what additional data, if any, are needed to determine:

- Whether the child continues to have a disability, and the educational needs of the child
- The present levels of academic achievement and functional performance of the child
- Whether the child continues to need special education and related services
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and, as appropriate, in the general education curriculum
If the IEP team determines that no additional data are needed, the “Consent for/Notice of Evaluation” form must be completed in order to inform parents:

[41.305(4)]

- The determination that no additional data are needed and the reasons for the determination
  - The LEA and AEA are not required to conduct additional assessments unless requested to do so by the parents
  - Parents do not need to sign the form when no additional assessment procedures are being requested
- Their rights as parents to request additional assessments to determine whether the child continues to be a child with a disability and need for special education and related services
### Requirements if Additional Information is Needed

If the IEP team determines that additional information is required, then the following must be done [41.304(1)]:

- The “Consent for/Notice of Evaluation” form must be completed and parental consent to evaluate must be obtained and documented by the signature on this form.
- A copy of the “Procedural Safeguards Manual for Parents” should be made available and reviewed with the parents either in person or via phone.
- Parents must be notified of their right to request assessments in addition to those proposed if they so desire.

### Steps for Handling Parent Refusal for Additional Assessment

If the IEP team determines that additional assessment is necessary, and the parent refuses to provide the signed consent, the following steps should be followed:

1. Contact the parent to discuss their concerns with the reevaluation process. The contact may be made by any appropriate member of the IEP team.
2. If the parent refuses to consent to the reevaluation and the IEP team has decided that additional assessment information is essential, the following options are available but should only be pursued with the knowledge and support of the Director of Special Education or designee:
   - Pursue the reevaluation by utilizing the procedural safeguards including mediation. (This is not an option for children who are home schooled or placed in private schools by their parents at their own expense.) [41.300(4)“d”]
   - Decline to pursue the reevaluation with the knowledge that it does not violate the child find obligations in [41.111]

### Reevaluation without Parental Consent

If reasonable efforts have been made to obtain parental consent and the parent has failed to respond, the reevaluation may be conducted without parental consent.

“Reasonable efforts” requires that a record of attempts to secure consent be kept including:

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits [41.322(4)]

### What Happens at a Reevaluation Meeting

A reevaluation IEP meeting is held to inform parents of the results of the reevaluation and determine the special education and related services to be delivered. A new IEP is written.
Procedures for a Reevaluation Meeting

Procedures for the meeting:

1. Provide a “Meeting Notice” to the parent. This notice includes the purpose of the meeting and a mutually agreed upon date, time and location. Parents must be afforded opportunities to meaningfully participate in all meetings.

2. Provide a “Prior Written Notice of Action Proposed/Refused” to the parent if the district or AEA proposes to change the identification or placement, or change the provision of a free appropriate public education.

3. Document the reevaluation by answering the six reevaluation questions in the IEP.

Documentation of the reevaluation is included in the IEP through the answers to six reevaluation questions. The questions, and the team’s responses to the questions, are included on page R. A separate reevaluation report is not required.

Questions:

1. What progress has the student made, compared to peers or the expected standard, since the last evaluation?

2. What discrepancy, if any, still exists between the student’s performance and that of peers or the expected standard?

3. What evidence is there that the student continues to need special education and related services in order to be successful?

4. What additions or modifications to the special education and related services are needed to enable the student to meet the IEP goals and to participate, as appropriate, in the general education curriculum?

5. Does the student continue to be eligible for special education services, based on the information contained in questions 1 – 4?

   □ Yes □ No Explain (if further information is needed)

6. Under what conditions will the IEP team consider exiting the student from special education services?

For questions 1, 2, 3, 4, and 6 detail information for each goal area. For example:

1. What progress has the student made, compared to peers or the expected standard, since the last evaluation?
   
   Reading
   Math
   Behavior

2. What discrepancy, if any, still exists between the student’s performance and that of peers or the expected standard?

   Reading
   Math
   Behavior
Amendment IEP (With or Without a Meeting)

Amending an IEP (Alternate “A” Page)

An existing IEP may be amended. Amendments to an existing IEP may be made at an IEP meeting or, if the parent(s) and the LEA or AEA agree, the amendments to an existing IEP may occur without a meeting. [41.324(1)\(d\)]

Amendments to IEP’s facilitate changes that need to be made in the child’s program that arise between regularly scheduled annual review dates. Amending an IEP does not extend the duration of an IEP.

An existing IEP may be amended to make changes to a child’s program, provided the team has collected and reviewed data sufficient to justify the proposed changes.

There are no restrictions on the use of amendments to make changes in a student’s educational program or the kind of changes to an IEP that can be made without a meeting.

An existing IEP may be amended as often as necessary between required annual reviews. The determination to amend, rather than review an IEP, is mostly a practical one. The extent of the changes and the proximity to the IEP’s anniversary date should be considered in making the decision.

It is necessary to ensure that all key members of the IEP team meaningfully participate in the amendment process.

Steps for Amending an IEP

Steps for amending an IEP:

1. Determine that changes that are needed in the existing IEP

2. Determine that changes can appropriately be addressed through the amendment process

3. Contact the parents to discuss the areas of potential change to the IEP and establish, through mutual agreement, whether or not a meeting will be held

4. If a meeting is not held, document by completing Alternate form A of the IEP which includes the following information:
   - Who has agreed to amend the IEP without a meeting, and
   - How the contact with the parents was made (the LEA or AEA must make a parent contact to amend the IEP without a meeting)

5. Consider those portions of the IEP where there are potential changes

Manual TOC  Appendix TOC
6. Decide whether changes will be made.

   **Note:** An AEA or LEA may only agree to changes in the IEP concerning the resources the AEA or LEA has the authority to commit. For example – an LEA cannot commit the services of personnel it does not employ such as an Occupational Therapist employed by the AEA.

7. Document those changes on the Amended IEP

8. Assure that all members of the child’s IEP team are informed of the changes

9. Notify parents. The Prior Written Notice form is used to provide the parents with a summary of the specific change(s) made through the amendment and to provide the rationale and data that support the change(s.)

   Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. [41.324(1)f]
Interim IEP

When the IEP team determines that it is necessary to temporarily provide special education, support and related services to an individual an interim IEP may be developed.

Interim IEPs must meet the same requirements that all IEPs must meet. IEP teams cannot use interim IEPs to circumvent these requirements.

When Can an Interim IEP be Used?

Interim IEPs may only be used for students who have already been determined to be eligible for special education services.

Interim IEPs may be used to temporarily provide special education and related services in the following situations: [41.324(5)]

- As part of the evaluation process
- Before the IEP is finalized
- To aid in determining the appropriate services for the individual
- When an eligible individual has moved from one LEA:
  - And a copy of the current IEP is not available
  - Either the LEA, AEA, or the parent believes that the current IEP is not appropriate
  - Additional information is needed before a final decision can be made regarding the specific special education and related services that are needed

How Long Can an Interim IEP be Used?

An interim IEP shall not be in place for more than 30 school days. [41.324(5)a]

An interim IEP may replaced by another interim if the purpose (completing an evaluation, gathering additional information, obtaining records from a previous school or service provider, etc.) for which an interim was originally written has not been accomplished within 30 school days. However, IEP teams must keep in mind that the Rules also state:

“It is essential that the temporary provision of service not become the final special education for the individual before the IEP is finalized.” [41.324(5)]

Clearly, interim IEPs are intended to serve a temporary purpose. While it is possible to replace one interim IEP with another, this should be a very uncommon occurrence.
IEP Teams and Meeting Attendance

IEP Participants

IEPs are developed at meetings that include the participation of a number of key individuals. [41.321(1)]

Meeting participants fill a set of required roles on the team. After an initial IEP is developed, a meeting must be held at least once a year to review and revise the IEP. [41.324(2)]

The IEP may be amended without a meeting when the parents and school or AEA agree to do so and this agreement is documented in the IEP. [41.324(1)“d”]

Participants: Required Roles

The LEA shall schedule IEP meetings at a mutually agreed upon time with the child’s parents as well as the appropriate local school and AEA personnel. [41.322(1)]

An IEP team (for an eligible individual ages three through twelve) requires a minimum of five roles that must be filled: [41.321(1)]

1. A parent
2. An individual who can interpret evaluation results
3. An agency representative who:
   - Is qualified to provide or supervise the provision of special education
   - Is knowledgeable regarding the general curriculum
   - Is knowledgeable regarding available resources, and
   - Is authorized to commit agency resources

Note: If the IEP will be implemented in a setting outside of the resident district, both the attending and resident district should be represented at the IEP meeting

4. A general educator (if the student is, or may be, participating in the regular education environment,) and
5. A special education provider.

By age 14: [41.321(2)]

- Students must be invited to attend IEP meetings and, if not in attendance, provisions must be made to take into account the student’s interests and preferences.
- The LEA or AEA shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. Parent permission, or permission of a student who has reached age of majority, must be obtained to invite an outside agency that is not currently providing services to the student.
For the IEP meetings of students of any age, the student may be invited to participate. Also, the parents, the school, or the AEA may invite other individuals who have knowledge or special expertise regarding the student. If the parent invites such an individual, the parent determines whether that individual has the required knowledge or expertise. If the AEA or LEA invites such a person, the AEA or LEA determines whether that individual has the required knowledge or expertise. [41.321(1)”f” “g”]

**Essential IEP Team Member:**
**General Education Teacher**

The IEP team for each child with a disability must include at least one general education teacher of the child if the child is, or may be participating in the general education environment.

The involvement of the general education teacher is essential for ensuring each child’s educational experience is a success. It is also important for IEP teams to consider and discuss the services and supports during the development, review and revision of an IEP in order to enable a child to be educated with children without disabilities to the maximum extent appropriate.

*Note:* A person may serve in more than one role at an IEP meeting. An individual may serve as the special education teacher and general education provider if the individual is both a general education teacher of the child and a special education provider of the child (e.g., a high school teacher who serves as a special education teacher part-time and a social studies teacher part-time and teaches the student in both roles).

**General Education Teachers for Children Ages 3 – 5**

The general education teacher for a preschool child is an individual who holds a valid practitioner’s license issued by the Board of Educational Examiners under Chapter 272 and holds an endorsement that includes prekindergarten for preschool child or kindergarten for kindergarten child.

The general education teacher may be employed by a private provider or other public agency such as a community preschool child care center or Head Start program as long as they hold the appropriate teaching endorsement. The teacher is not required to be an employee of the resident or attending district.

*General education endorsements for early childhood education are:*

- 100 teacher – Prekindergarten through grade three, including special education
- 103 teacher – Prekindergarten through kindergarten
- 106 teacher – Prekindergarten through grade three, and
- 102 teacher – Elementary classroom kindergarten through grade six (for children in kindergarten)
Overlapping Roles

The required roles may be filled individually by IEP team participants or by participants serving in multiple roles.

For example, an individual who can interpret evaluation results and an agency representative are roles, not necessarily people.

Special education teachers and support service providers are trained to interpret evaluation results. Agencies, both school districts and AEAs, may authorize an educator who meets the qualifications to serve as the agency’s representative. [41.321(4)]

Even “parent” is a role that is typically filled by a biological or adoptive parent, but may also be filled by: [41.30(1)]

- A foster parent
- A guardian (but DHS may not act as a child’s guardian)
- An individual acting in the place of a biological or adoptive parent including
  - A grandparent
  - Stepparent, or other relative with whom the child lives
- An individual who is legally responsible for the child’s welfare, or
- A surrogate parent

Who Might Be Involved?

Depending upon the nature of the child’s needs, persons involved may include: [41.321(1)“f”]

- The principal
- General education teacher
- Special education teacher
- School nurse
- Counselor
- School psychologist
- Speech-language pathologist
- Audiologist
- Physical therapist
- Occupational therapist
- School social worker
- Special education consultant
- Educational interpreter, and
- Other support personnel
Completing The IEP Development Process

The IEP development process is complete when all discussion, decision making and commitment of resources that is required of IEP teams is finished through the meeting process or through the amendment without a meeting process.

When a meeting is held (initial, review or reevaluation IEPs; IEP amendments with a meeting), all discussions, decision making and commitment of resources must occur within the context of the IEP meeting. If discussion, decision making and commitment of resources is not completed, the team must reconvene.

When a meeting is not held (amendments without a meeting) all discussions, decision making and commitment of resources must include communication with the parents and/or age-of-majority student and all IEP team members whose participation is relevant to the part(s) of the IEP being amended. If it becomes apparent that discussion, decision making and commitment of resources cannot be completed without meeting, the IEP team must convene.

Put the IEP into Effect

When the IEP development process is completed, the LEA and/or AEA must:

- Provide all agreed-upon services and supports to the eligible individual:
  - immediately following the meeting, or
  - immediately upon parent receipt of documentation of an amendment without a meeting, or
  - on a date specified in the IEP, or
  - on the date specified in a Prior Written Notice.
- Inform all relevant parties of their responsibilities immediately or, if a delay in implementation is known (e.g., time is need to make transportation arrangements, the IEP will be implemented following a school break, etc.), inform all relevant parties as soon as practicable.

Provide an IEP Draft to the Parents

Provide parents a copy of a draft IEP:

- at the conclusion of the IEP meeting, or
- when an amendment is completed, or
- within five (5) school days of an IEP meeting or completion of an amendment.

Inform the parents of when they will receive a draft copy of the IEP.
**Finish the IEP Documentation Process**

If the IEP documentation was not completed at an IEP meeting, finish the IEP and any related documents. In completing documentation, keep in mind that:

- The IEP, as developed by the IEP team, will be in use immediately or at a time determined by the IEP team.
- The IEP submitted on the web will be proofread and reviewed for accuracy of information.
- Any changes made to the IEP without a meeting or amendment process may not be substantive.
- Any substantive changes proposed during the review must be discussed at a subsequent IEP meeting or through an IEP amendment process.

Submit the IEP on the web

Complete the AEA IEP review processes.

Implement the IEP on the web.

Send parents a copy of the final IEP document(s) and distribute the final IEP document(s) to others who are to be sent a copy within 30 calendar days of the meeting or completion of an amendment without a meeting.
Meeting Notice

The LEA shall send a Meeting Notice form to the parents indicating the time and the purpose of the meeting and who will be present. [41.322(2)]

By age 14, or sooner if appropriate, the Meeting Notice should indicate that transition planning is one of the meeting’s purposes. The student will also be invited to this meeting. [41.322(2)“b”]

Attempts should be made to schedule the meeting at a mutually agreed upon time. The parents (and the eligible student if appropriate) should receive the notification early enough to give them an opportunity to attend. Ten calendar days is considered to be a reasonable amount of time unless another time and date is found. If the parent cannot attend, a second meeting should be scheduled and another notification will be made and documented. [41.322(1)] A meeting may be held without a parent if the parent is unable to attend. The public agency must keep a record of attempts to arrange a mutually agreed upon time. [41.322(4)]

Documenting Meeting Notice

The LEA or AEA must document attempts to set a mutually agreed upon time and place for an IEP meeting with parents. These records, which must be part of the child’s cumulative file, might include:

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence (including meeting notices) sent to the parents and any responses received
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits

It is recommended that two attempts be made to have an IEP meeting with parents attending. It is important that if a parent does not attend either of the first two scheduled meetings those meetings should be cancelled.

If parents do not attend either of the first two scheduled meetings a third meeting notice should be sent and the IEP meeting held even if the parents do not attend.

Parent Non-Attendance at IEP Meeting

The school district may use other methods (e.g. conference telephone calls) to ensure parent participation in the development of the IEP. If the parent does not attend, or has declined to attend an IEP meeting, they must be informed of: [41.322(3)] [41.328]

- Any recommended change in placement
- The reasons for the recommended placement
- Other educational options in the school program, and
- Their right to appeal the decision of the IEP team

Any changes to the IEP require a Prior Written Notice form.
An individual filling an LEA or AEA role, including either educator role may, under appropriate circumstances, be excused. There are two ways these IEP team members can be excused:

- An IEP team member’s attendance is not necessary. This means that the member’s area of expertise is not being discussed. For example, the speech-language pathologist may be excused from a meeting where the IEP is being amended in the area of math instruction.
- The IEP team member’s area of expertise will be discussed and his/her input will be provided in writing.

In both situations, the parent and the school or AEA must agree in writing that the team member does not need to attend the IEP meeting. This agreement is documented on the *Agreement to Excuse Attendance at IEP Meeting* form.

If the parent does not agree, an IEP meeting must be scheduled when the IEP team member in question is able to attend. If parents are going to be asked to sign the *Agreement to Excuse Attendance at IEP Meeting* form at the IEP meeting, they should be contacted by phone or e-mail prior to the meeting to determine their agreement. If a request is made to excuse an IEP team member at the meeting and the parent does not agree, the meeting is discontinued and rescheduled at a time when the individual in question is able to attend. It is important to secure parent consent in a timely manner so that annual review and reevaluation timelines are met.

*Note:* Non-required participants who are part of the IEP team but cannot attend the IEP meeting should provide their input to the IEP team, but no *Agreement to Excuse Attendance at IEP Meeting* form is required.
Preparation for IEP Meetings

What to Bring to an IEP Meeting

Data regarding student progress should be collected on an ongoing basis and be made available to the IEP team. Information that would be helpful to bring to an IEP meeting includes:

- Highlights of the general education curriculum
- Copies of district standards and benchmarks as well as information about:
  - Methods of instruction
  - Materials and media
  - Assessments
  - Grading strategies
  - Classroom management
  - Assessment information
  - Recent districtwide assessment results
  - Classroom assessments
  - Recent evaluations
  - Progress monitoring data
  - Data to validate accommodations

Preparation for an IEP meeting may also include various members of the IEP team preparing drafts of suggestions for the IEP. These may be recorded on IEP forms, but each must be clearly labeled “draft” and presented in such a way that all IEP members have an opportunity for input or to make additional suggestions. [41.322(7)]

The Importance of Attendance at IEP Meetings

An IEP meeting offers an opportunity for a team of individuals to make critical decisions about a student’s educational program.

It is important that all team members come to the meeting prepared to share information and make decisions about the student’s IEP. Each member of the IEP team has a critical role to play in the IEP process.

A description of responsibilities for each member of the IEP team is included below.

Parent Responsibilities at IEP Meetings

Parent responsibilities include:

- Share information regarding their child’s strengths, interests, and preferences
- Identify their concerns and hopes regarding their child’s education
- Share information regarding their child’s present level of academic achievement and functional performance (PLAAFP)
- Assist in development of IEP goals
- Assist in developing positive behavioral instruction and strategies
- Assist in identifying the full range of supplementary aids and services the student may need to be successful in the regular education classroom and elsewhere
- Identify any supports that they might need in to assist in implementing the IEP

Ask questions (who, what, where, why) to acquire information about the IEP meeting and the programming for their child
Student
Responsibilities
at IEP Meetings

Student responsibilities include:

- Share information regarding strengths, interests, and preferences
- Provide input into all aspects of the IEP
- Assist with all aspects of the process when appropriate

General
Education
Teachers
Responsibilities
at IEP Meetings

General education teachers responsibilities include:

- Share information regarding the general curriculum and the general education classroom environment
- Share information about the student’s progress and current performance
- Assist in developing positive behavioral instruction and strategies
- Assist in identifying the full range of supplementary aids and services, and program modifications that are needed to:
  - Support the student’s advancement toward attaining annual IEP goals; and
  - Support the student’s involvement and progress in the general curriculum and general education environment, as well as participation in extracurricular activities
- Identify any supports that the general education teacher might need in order to assist in implementation of the IEP
- Assist with all aspects of the IEP process when appropriate

Special
Education
Teachers and
Service
Providers
Responsibilities
at IEP Meetings

Special education teacher and service provider responsibilities include:

- Share information regarding the students’ present levels of academic achievement and functional performance (PLA AFP)
- Share information regarding progress toward identified goals
- Provide suggestions for maximizing the extent to which the student is educated with nondisabled students
- Share information regarding accommodations and modifications to the general curriculum and the general education classroom environment
- Assist in developing positive behavioral instruction and strategies
- Assist in identifying the full range of supplementary aids and services the student may need to be successful in the regular education classroom and elsewhere
- Assist in the development of IEP goals and objectives
Principals and/or LEA representative responsibilities include:

- Facilitate the meeting and encourage participation by all IEP team members, or designate another team member to fulfill this role
- Assist in identifying positive behavioral instruction and strategies
- Assist in identifying the full range of supplementary aids and services the student may need to be successful in the regular education classroom and elsewhere
- Act as district designee to commit resources
- Assist with all aspects of the IEP process when appropriate

Other participant responsibilities include:

- Share information pertinent to IEP development
- Assist in developing positive behavioral instruction and strategies
- Assist in identifying the full range of supplementary aids and services the student may need to be successful in the regular education classroom and elsewhere
- Make linkages to outside agency services
- Assist with all aspects of the IEP process when appropriate
## Development of an IEP

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<thead>
<tr>
<th>Five Phases to Developing an IEP</th>
<th>IEP development consists of five phases:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>1. Identify present levels of academic achievement and functional performance,</td>
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<td></td>
<td>2. Develop well-written goals and effective progress monitoring strategies,</td>
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<td>3. Describe special education services, activities and supports,</td>
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<td>4. Consider the least restrictive environment (LRE), and</td>
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<td>5. Communicate responsibilities and progress.</td>
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Manual TOC  Appendix TOC
# PLAAFP (Present Levels of Academic Achievement and Functional Performance)

## What is PLAAFP?

The present levels of academic achievement & functional performance (PLAAFP) consist of a summary that describes the student’s current status in the areas of need. [41.320(1)”a”]

The statement of the “present levels of academic achievement” enables families, students, and educators to monitor student progress in the general curriculum (including the LEA’s implementation of the Iowa Core Curriculum.)

The “present levels of functional performance” provide a description of how the student applies his or her skills.

For preschool children, the PLAAFP describes how the disability affects the child’s participation in age appropriate activities.

PLAAFP development is the most crucial phase in the creation of an appropriate IEP.

## Content of the PLAAFP

This process specifically addresses the student’s strengths, interests, and preferences and includes effective approaches and instruction that enable student success.

## Who Develops the PLAAFP

Developing the PLAAFP collaboratively assures the involvement of the family, student, and educators in planning the student’s education.

## Components of the PLAAFP

The PLAAFP links these three components:
- Evaluation results
- The expectations of the general curriculum, and
- The goals for the student

The PLAAFP must address the student’s transition whenever appropriate, but at least by age 14. Therefore, these transition needs must be addressed at the IEP meeting of a student who is age 13 when the IEP is written, and who will turn 14 while the IEP is in effect.
**What Does the PLAAFP Do?**

The PLAAFP:
- Explains the needs of the student and states how the student’s disability affects his/her involvement and progress in the general curriculum.
- Summarizes and translates evaluation results into clear, understandable language.
- For preschool children explains how the disability affects the child’s participation in appropriate activities.

Through this process the specific needs of the student are identified and prioritized.

**Importance of the PLAAFP**

Every goal included on a student’s IEP must relate to a need identified in the PLAAFP. The evaluation of the student’s progress toward these goals guides instructional planning; therefore PLAAFP development is the most crucial phase in the creation of an appropriate IEP.
Four Parts to Developing a PLAAFP

There are four steps to the process of developing a PLAAFP:

1. Establish Context of Discussion
2. Identify Special Considerations
3. Describe the Overall Performance
4. Establish Priority Needs
PLAAFP Development - Part One: Establish Context of Discussion

<table>
<thead>
<tr>
<th>Overview: Establish Context of Discussion</th>
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<tbody>
<tr>
<td>The context of the discussion during the IEP meeting is established by sharing information concerning: [41.324(1)a]</td>
</tr>
<tr>
<td>- Student strengths</td>
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<tr>
<td>- Student interests</td>
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<tr>
<td>- Student preferences</td>
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<tr>
<td>- Parent concerns</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Defining Student Strengths</th>
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</thead>
<tbody>
<tr>
<td>Strengths are general things the student is good at doing.</td>
</tr>
<tr>
<td>For preschool children this may include strengths associated with the developmental skills addressed in the Iowa Early Learning Standards.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Defining Interests</th>
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</thead>
<tbody>
<tr>
<td>Interests are things, events, or people that evoke the student’s curiosity.</td>
</tr>
<tr>
<td>For preschool children this may include interests associated with their daily activities.</td>
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<table>
<thead>
<tr>
<th>Defining Preferences</th>
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</thead>
<tbody>
<tr>
<td>Preferences are things, events, or people that the student chooses above others.</td>
</tr>
<tr>
<td>These are not limited to the needs of the student in the school setting.</td>
</tr>
<tr>
<td>For preschool children this may include their choice of participation in centers or activities at home.</td>
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</tbody>
</table>

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<tr>
<th>Critical Role of Parent</th>
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<tbody>
<tr>
<td>An opportunity for parents to express their concerns regarding the education of their child is a required component of the IEP. [41.324(1)”a”(2)]</td>
</tr>
</tbody>
</table>
PLAAFP Development - Part Two: Identify Special Considerations

**Identify Special Considerations**

When developing an IEP, the team considers many variables in order to develop an appropriate educational program. The IEP Team must give specific consideration to certain potential student needs. [41.324(1)”b”]

These specific considerations include:
- Behavior concerns
- Limited English proficiency
- Braille needs
- Communication and language concerns
- Assistive technology needs
- Health needs

Also, the IEP team considers whether a student requires specialized formats:
- Braille materials
- Large print
- Audio
- Digital text

To the extent possible, the IEP team identifies all areas of special consideration appropriate to the individual prior to the discussion of goals and objectives. This is done to ensure that the educational program that is developed thoroughly addresses the student’s needs.

**Behavior Concerns**

The IEP team must decide if behavior is a concern for the student.

They do this by determining if the student’s behavior impacts his or her overall learning or the learning of other students.

The team considers the use of positive behavioral interventions or other strategies to address the behavior. The way the behavior will be addressed must be documented on the IEP.

If there are behavior concerns, this is documented either in the IEP or through a Functional Behavior Assessment and Behavior Intervention Plan.

If behavior is not a concern, then is it documented in the IEP? If a Functional Behavioral Assessment and/or Behavior Intervention Plan are completed, they must be attached to the IEP. [41.324(1)b(1)]
**Limited English Proficiency**

In the case of a child with limited English proficiency, the IEP team must consider the language needs of the child as they relate to the child’s IEP. This must be documented on the IEP. [41.324(1)b(2)]

The IEP team must decide if limited English proficiency is a concern in addition to the student having a disability. If so, the IEP team must determine that special education services and supports are needed related to limited English proficiency.

**Braille**

For students who are blind or visually impaired, instruction in Braille should be provided unless the IEP team determines that it is inappropriate.

This is determined following an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media. The child’s future needs for Braille instruction should be taken into consideration. [41.324(1)b(3)]

Once determined whether Braille will be provided, this information must be documented on the IEP.

**Assessments for Blind or Visually Impaired Students**

All students should receive a learning media assessment (LMA) to determine the current reading and writing media (Braille, large print, dual print media, and regular print with optical devices or regular print without optical devices) best suited to the students. (See information below regarding primary and secondary learning mediums.)

All students are given assessments in the nine priority content areas of the Iowa Expanded Core Curriculum (Iowa Expanded Core Curriculum Procedures Manual pp. 29-35.)

Students with any functional vision should have a functional vision assessment (FVA) to determine how the student uses the remaining vision in a variety of educational settings. It is critical to evaluate the status of a student’s visual abilities at leave every three years.

**Primary Learning Medium**

A primary learning medium:

- Is the medium most frequently used by a student with a visual impairment during classroom instruction
- Can also be used in a wide variety of settings inside and outside the classroom
- Permits independence and efficiency in both reading and writing
- Will become a primary living medium
- Must accommodate academic, nonacademic, and vocational needs and be applicable to adult activities following the completion of school
Secondary Learning Medium

A secondary learning medium:

- Is a medium that is learned in order to allow a student with visual impairment to perform specific tasks not easily performed in the primary learning medium
- May alleviate fatigue experienced when using the primary learning medium for extended periods of time
- May be appropriate when a visual prognosis indicates a future loss of vision and, therefore a changing learning medium
- May also be appropriate when functional assessment criteria suggest the student may benefit by using different media under some conditions

Communication Plan

The IEP team must decide if communication and language is a concern for the student.

A Communication Plan is a required IEP component for any student with a hearing loss who is receiving a service, support or activity from an audiologist and/or teacher of the deaf and hard of hearing. When appropriate communication or language plans may also be written for students with profound speech difficulties. The components of a communication plan may be embedded with an IEP or attached as a separate document.

What is Included in a Communication Plan?

The communication plan:

- Provides information regarding the student’s mode of communication
- Addresses the student’s language needs
- Addresses the student’s communication needs
- Addresses the student’s academic level
- Addresses the student’s full range of needs
- Describes opportunities for direct communication with peers and professionals
- Describes opportunities for direct instruction in the child’s language and communication mode, and
- Incorporates all of this information into the development of the IEP

Who Completes the Plan and When

The IEP team completes the communication plan during the IEP meeting. Team members bring information to facilitate completion of the plan.

The educational audiologist and/or teacher of the deaf and hard of hearing must be a member of the team.

If the child utilizes an educational interpreter, it would be appropriate to also invite him/her.

A draft communication plan may be developed prior to consideration of IEP goals and service planning as this information would be helpful for the IEP team as they complete the IEP process. If a draft communication plan is developed prior to the IEP meeting, it must be provided to the parents before the meeting.
Assistive Technology

The IEP team must decide if the student requires assistive technology.

This is done by determining if assistive technology is required in order for the student to access the general education curriculum.

When assistive technology will be provided for the student this must be documented in the IEP. If it is not needed, this also must be stated in the IEP.

A child’s IEP team must determine if the child needs access to a school purchased assistive technology device in the child’s home or other settings in order to receive FAPE.

[41.324(1)b(5)]

Health Needs

The IEP team must decide if health needs are a concern for the student.

This is accomplished by determining if the student has health needs that require intervention, procedures, or services in order to access education.

The way in which the health needs or concerns will be considered must be documented on the IEP. It should be documented if the health needs will be addressed only in the IEP or through a health plan. If health needs are not a concern, this also must be stated.

A student’s health plan must be part of the student’s health record. [41.405]

Other Information

In developing the PLAAFP, the team records important information that might not be recorded elsewhere in the IEP. This is recorded in the IEP section titled Other Information Essential for the Development of the IEP.

Written expression, for example, may be a concern for the IEP team, but not a need for this year. These are all examples of information that might be included in special considerations:

- Medical and evaluation information
- Updates of the status of discontinued goals, and
- Successful instructional strategies
Print Disability Procedures

Print Disability and the Need for Specialized Formats

Currently, PLAAFP development includes indicating whether a student is NIMAS eligible, only. However, the IEP team should engage in the broader discussion of whether the individual has a print disability, NIMAS eligibility, and need for specialized materials.

See also, Accessible Instructional Materials – The Decision-making Process, below

Questions to Ask in Determining a Print Disability

Ask the following questions to determine a print disability:

- Does the student require specialized formats (Braille, large print, audio, digital text) of printed textbooks and core related instructional materials that are written and published for use in elementary and secondary school instruction?
- What printed textbooks and core related instructional materials are being used in the student’s classes?
- Can this student use these materials effectively for educational achievement?
- If the information in the printed materials were provided to the student in a specialized format, would the information contained in the material be useful for the student?

Review the Student’s Evaluation Information

Review the student’s evaluation information and present levels of achievement to determine whether the student has a difficulty with the task of gaining meaning from print-based core instructional materials used in academic content areas.

Check the Iowa Library for the Blind and Physically Handicapped Database

Check the Iowa Library for the Blind and Physically Handicapped database (800-362-2587) to see if the student has been certified as having a print disability by a competent authority based on:

- Blindness or visual impairment
- Physical limitations that prevent the reading of standard printed material
- Organic dysfunction of sufficient severity to prevent reading printed material in a normal manner

What to Do if the Student Has Been Previously Certified as Having a Print Disability

If the student has been previously certified as having a print disability and is eligible for specialized formats under the Copyright Act as amended, the team:

- Initiate steps for obtaining materials in the required formats in a timely manner using the Iowa Department for the Blind (http://www.blind.state.ia.us/library)
- Identifies instruction, supports, services, and/or training that will be needed by the student and others to use the materials effectively
If the student has not been previously certified as eligible for specialized formats under the Copyright Act as amended, the team:

- Considers whether the student’s difficulties with print disabilities are due to lack of sufficient instruction or limited English proficiency
  - If the answer to either of these questions is “yes,” specialized instruction may be more appropriate than materials in specialized formats
  - If the answer is “no,” and the student is not eligible for specialized formats under the Copyright Act as amended, the team might see if the student can be certified by a medical doctor (MD) or doctor of osteopathy (DO) as having a “reading disability based on an organic dysfunction” by using the Physicians Form developed by the Iowa Center for Development and Disability.
    - Costs associated with this form can be paid for using special education dollars. If the physician indicates “yes” on the form, then the form must be sent to the library at the Department of the Blind. It may be emailed to library@blind.state.ia.us or mailed to 524 Fourth Street, Des Moines, IA 50309-2364. This student’s IEP should be marked as NIMAS eligible
  - If the physician marks “no” and the team feels that the student needs materials in a specialized format but the student is not eligible under the Copyright Act as amended, the team should follow state guidance on how to acquire the needed specialized formats for this student.

If a student with a print disability does need a specialized format as a special education service or support, the IEP must specify the following:

- The specific format(s) to be provided (Braille, large print, audio, or digital text)
- The services and/or assistive technology the student needs to use the specialized formats
- The instruction, supports, and other services, and/or training that will be needed by the student and others to use the materials effectively
- The individual or individuals responsible for providing the specialized format(s)
- Whether the format is required to be used in the student’s home or in other settings in order for the student to receive a free and appropriate education
# NIMAS Eligibility and Documentation on the IEP

If the student is NIMAS eligible under the Copyright Act as amended, check the “NIMAS eligible” box on the IEP.

If the student is not NIMAS eligible under the Copyright Act as amended and the team feels the student has a print disability and requires specialized formats, indicate this on these services page of the IEP.

If students do not use, handle, or read textbooks or core related instructional materials then the NIMAS box on the IEP should be checked “no.” The reason for this is that NIMAS relates to copyrighted instructional material. If a student does not use such materials, “no” is the appropriate indication.

# Accessible Instructional Materials

An AEA or an LEA, when purchasing print instructional materials, must acquire those instructional materials in accessible forms for children who are blind or have a print disability.

The Instructional Materials Center (IMC), a part of the Iowa Library for the Blind and Physically Handicapped at the Iowa Department for the Blind (IDB), is charged with providing accessible instructional materials (AIM) for students who have print-disabilities. See information beginning on the next page regarding the IMC’s services and procedures.

Students in need of accessible instructional materials must receive them at the same time as students receive instructional materials.

The AEA or LEA must provide accessible instructional materials for students who need such materials but do not fit under the definition of blind persons or other persons with print disabilities. [41.210(4)a]

# Further Information

National Instructional Materials Access Center or NIMAC

http://www.nimac.us/
Accessible Instructional Materials – The Decision-making Process

The Instructional Materials Center (IMC), a part of the Iowa Library for the Blind and Physically Handicapped at the Iowa Department for the Blind (IDB), is charged with providing accessible instructional materials (AIM) for students who have print-disabilities. The role of the IMC is discussed on the IDB website, here:


A wealth of information on AIM, responsibilities, eligibility, and resources is available at:


The following information outlines the IMC’s decision-making process when accessible instructional materials are ordered for a student. IMC librarians have a variety of resources from which materials can be obtained, either through purchase or production. Because each student’s abilities and needs are unique, the IMC endeavors to provide materials in the child’s preferred format or medium. In some cases, issues of complexity of material, timeliness, or lack of production capacity or capability may affect the IMC’s ability to obtain a given format. This document describes how the IMC librarians handle each request. For more information on acquisition of AIM, request processing, and tips to improve timeliness, see:


1. Teachers, AEA personnel, or parents place orders for AIM, indicating first and second preference of media. Note that “second preference” means “I will accept this medium if my first choice is not available.” The most efficient means of sending requests is to use the online order form:


2. Title is searched in all known possible sources, checking for medium of choice.

3. If title is located already produced from another source, several questions are asked:
   a. Can it be purchased (or borrowed) in the preferred medium?
   b. Is it available in the second choice?
   c. Is it available in a medium the student can read (such as hard copy Braille), even though electronic might be preferred?
   d. Is it available in an alternate medium (such as audio) or a different edition that might be acceptable? (Consult with teacher and student.)

4. If hard copy Braille is available for purchase and the source will not provide their electronic files, the IMC does not have the capacity to re-Braille the item just to provide it in electronic form.

5. If audio would be preferred over hard-copy Braille (if electronic Braille is not available), be sure to enter “audio” under second choice.

6. If audio is not already available, but the hard-copy Braille is, the student can choose between getting the Braille right away or having the Library produce the audio, which could take several months depending upon the material requested.
7. If the IMC can provide a format that is a secondary but fully accessible choice for the child, but the IEP team rejects the format because it is not the primary or preferred option, it is not the responsibility of the IMC to find or produce the preferred format.

8. If the IMC cannot find a text in either primary or secondary format, the IMC Librarian will work with the teacher to determine next steps, with the understanding that the production will take a certain amount of time. The Librarian will discuss possible formats and estimated time lines. (Note that the teacher will need to provide a print copy of the book.)

9. If NIMAS files are available, they can be converted to several different formats, including hard copy Braille, electronic Braille, Kurzweil, DAISY text, and ePub (a form of HTML that can be read on an iPad, iPhone, or iPod Touch, or some other e-readers). For a definition of NIMAS and further information on this topic, see:


10. If an item is available from Bookshare, it can be obtained in either .brf (electronic Braille) or DAISY text. It can also be converted to HTML for use on an iPad by following instructions provided by Bookshare, or the IMC can convert the Bookshare files to ePub. The fastest way to receive an item from Bookshare is for the teacher to download it for the student. For information on Bookshare, see its website:

    http://www.bookshare.org/.

11. Previously, it has been stated that the IMC could provide HTML, but the reality is that, if a book is not available from the NIMAC or Bookshare, it is not possible to produce it in HTML in a timely or efficient manner. The time and labor of scanning and coding entire books is beyond the scope of the production team’s capacity.

12. The Department of Education will reimburse the Department for the Blind for items purchased or produced for preK-12 students. Educational or vocational items for library patrons (non-students, such as adult staff) will be produced at no charge to the patron. If the item is available for purchase from another source, and it is for the patron’s job, it should be considered a reasonable accommodation and be purchased by the patron’s employer.

13. The Library can produce items in Braille, large print, audio (on digital cartridges for the new NLS player), or in particular cases, in electronic formats, including .brf, Kurzweil, text-based DAISY, HTML (see above #9-11), and mp3.

14. Locally recorded items can be converted from digital files to mp3 on request, but the mp3 files cannot be protected. This is technically a violation of copyright, so it is extremely important that the mp3 files only be used by the eligible student. Also, mp3 files cannot be navigated easily, in the manner of digital books.
**Describe the Overall Performance**

The student’s overall performance is a summary of current performance and assessment information relative to the effect of the student’s disability on: [41.320(1)a]

- Involvement and progress in the general curriculum and the functional implications of student skills; and
- For the preschool child, participation in age-appropriate activities

This information is recorded in the IEP section “Describe the effect of this individual’s disability or involvement in the general curriculum and functional implications of student’s skills.”

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**Defining Curriculum**

The term “curriculum” refers to the content of all courses of study offered by the district, not the places where the curriculum is provided (e.g., classroom, community, etc.)

The general curriculum (including the LEA’s implementation of the Iowa Core Curriculum) is the same curriculum for all students. A separate special education curriculum does not exist.

(Note: A general curriculum may not always be available for all preschool children).

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**Three Components Required in Curriculum Structure**

At least three components are required within a curriculum structure as established by Chapter 12 of the Iowa Administrative Code:

- Student learning goals
- Content standards, and
- Benchmarks

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**Defining Three Components Required in Curriculum Structure**

Student learning goals

- General statements of expectations for all graduates.

Content standards

- These general expectations are further articulated into content standards that are broad statements about what students are expected to know and be able to do.

Benchmarks

- Specific knowledge and skills anchored to content standards that specify what a student needs to accomplish by a specific grade or grade span. Some districts have identified extended benchmarks, which are benchmarks that are linked to specific content standards but not linked to specific grade or grade spans.
Other Skills to be Addressed

The functional implications of student skills must also be addressed.

This requires IEP teams to think about functional performance as being how the student uses the skills (academic, emotional, vocational) that he or she has acquired.

Considering functional performance should not be limited to students with low cognitive abilities or students with severe behaviors.
PLAAFP Development - Part Four: Establish Priority Needs

Establish Priority Needs

Priority is established in those areas for which services and supports will be needed. Goals will be written for those areas of need that will have a specific learning outcome (reading skills development, self-care independence, etc.).

Determining Goals

In some need areas, goals are not written. For example, transportation may be a need area, but a goal is not written. Physical modifications may be necessary for participation in certain activities and environments, but a goal is not written. While these are areas of need, there are no specific learning outcomes intended for the student. Specific goal areas are identified through a discussion of the expectations for the student’s age or grade, past progress and the student’s current performance.
## Goal Development and Progress Monitoring

### Goals Required in the IEP

**Iowa Rules** require the IEP to include a statement of measurable annual goals. [41.320(1)b]

The goals must meet the student’s needs that result from the student’s disability and enable the student to be involved and progress in the general curriculum (including the LEA’s implementation of the Iowa Core Curriculum.)

Annual goals also provide a system for measuring the student’s progress toward long-range expectations. To accomplish this end, goals should be:

- Meaningful
- Measurable
- Able to be monitored, and
- Useful in making decisions

### Why Set Goals?

First, goals are a legal requirement. Also, annual goals set the direction for instruction and assist in determining special courses, experiences, and skills a student will need to reach his or her goals.

There is an alignment among the annual goals and the:

- Strengths
- Interests
- Preferences of the student
- Concerns of the parents, and
- Needs identified in the PLAAFP

Annual goals are also descriptions of what a student can reasonably be expected to accomplish within a 12-month period with the provision of special education services and supports.

Annual goals may include intermediate steps to increase successful participation in the general curriculum, appropriate activities, and the general education environment.

### How to Write a Goal

A well-written goal should contain the following:

- Conditions
- Behavior
- Criterion
Developing Annual Goals

What Are the Steps?

There are three steps to developing annual goals for all students:

1. Link goal to general curriculum or other expectations of all students
2. Set measurement to determine progress
3. Describe Implementation of goal

By age 14, we must also:

- Link goal to postsecondary expectations
**Goal Development - Part One: Link the Goal to the General Curriculum**

**Link the Goal to the General Curriculum**

One of the major emphases of IDEA is that each student should have access to (i.e., be involved in and make progress in) the general education curriculum.

In order to ensure this the IEP team must use the Iowa Core Curriculum standards and benchmarks and the school district’s standards and benchmarks to guide the writing of the students' goals.

**Identify Standards and Benchmarks**

Using the curriculum comparisons identified during the PLAAFP discussion, the team should identify the Iowa standard and benchmark, if relevant to the goal, and the district standards and benchmark that the goal supports for the current grade level of the student or the student’s grade level one year after the IEP is implemented.

The team must link the goal to the standard and benchmarks that the student will meet at the end of the IEP year after completing the goal, not the standard and benchmark that the student has already met.

The entire standard and benchmark should be written on the goal page so that parents and others will understand the connection of this goal to the general curriculum.

Extended benchmarks may be used for students for whom grade level benchmarks are not appropriate.
The general education program for preschool children is a research-based or evidence-based written framework that is:

- Comprehensive
- Addresses the needs of the whole child, and
- Provides a guide for decision making about
  - Content
  - Instruction
  - Methods, and
  - Child assessment

The Iowa Early Learning Standards serve as a guide for learning and development of young children across various environments.

Current academic achievement and functional performance for each targeted need (goal) must be defined in specific, observable, and measurable terms. The student’s specific performance in comparison to general education, grade-level peers and to the standards at the level identified in the discussion, as well as the effect of the disability on progress in the general curriculum should be considered.

Functional performance can be described as:

- The ability of the student to apply academic skills in a variety of ways and settings
- Skills needed by students in order to work and live in the community such as:
  - Personal hygiene
  - Mobility around community
  - Communication
## Goal Development - Part Two: Set Measurement to Determine Progress

<table>
<thead>
<tr>
<th>Set Measurement to Determine Progress</th>
<th>There are four steps that must be followed to establish a measurement system in order to determine progress towards goals.</th>
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</thead>
</table>

### Establish the Purpose of the Goal

*First*, the IEP team establishes the purpose of the goal in relationship to the priority needs.

For school-aged students, this is done in relationship to:
- Grade-level
- Core content standards, and
- Grade-level performance expectations

### Set Baseline Measures

*Second*, baseline measures must be set.

Baseline measures must be observable and measurable.

They must also include the student’s specific level of performance from which the goal will begin.

A reliable baseline measure is generally the median of three scores of performance taken at three different times (usually 3 different days). The measurement used in the baseline must match that used in the goal and evaluation procedures.

### Establish a Goal

*Third*, from this baseline the IEP team must establish a challenging goal that may be achieved within a year and include a focus on the standards and benchmarks of the district.

The annual goal must include:
- The conditions (when and how the student will perform)
- Behavior (what the student will do,) and
- Criterion (acceptable level of performance)

### Establish Progress Monitoring Procedures

*Fourth*, the team must establish progress monitoring procedures for each goal.

Evaluation procedures are the methods and frequency with which progress on a goal will be measured.

Decision rules guide ongoing planning and, when necessary, changes to instruction or interventions.
Goal Development - Part Three: Describe Implementation of the Goal

**Implementation of the Goal**

Once a goal has been agreed upon, the IEP team is required to document on the IEP the position of the person(s) responsible for implementation of the goal. The person responsible for implementing the goal is identified by position (e.g. special education teacher, paraprofessional, speech-language pathologist, etc.) not by the name of the person.

**Additional Requirement for Alternate Achievement Standards**

For students using the alternate achievement standards and the alternate assessment, further detail about how the goal will be achieved is required. This is accomplished by adding major milestones and short term objectives for each goal.

**Writing Major Milestones**

Major milestones are written by stating the content to be learned or the skills to be performed in order to reach their annual goals. They are general statements that are measurable.

**Writing Short-term Objectives**

Short-term objectives are measurable, intermediate steps between a student’s present levels of academic achievement and functional performance, and the annual goals established for the student.

Short-term objectives are arranged in sequence and always include:

- The student’s name
- The conditions under which the skill is to be performed
- The observable behavior, and
- The criteria for success.

More than one short term objective should accompany each annual goal. Major milestones and short term objectives can be written for any student, but are only required for those students participating in the alternate assessment.
Goal Development - Part Four: Link Goal to Postsecondary Expectations

Link Goal to Postsecondary Expectations

Any goal written for students who will be age 14 or older during the period of time when an IEP is in effect must address a postsecondary need identified in the PLAAFP and link to a postsecondary expectation.

What Are Postsecondary Expectations?

A goal may link to more than one of the postsecondary expectations for living, learning and working. Every effort should be taken to make sure that the goal directly links to the postsecondary expectation, taking into account the student’s needs.

Postsecondary expectations are not:

- Passing classes
- Earning credits
- Or other general outcomes during a student’s K-12 education

Manual TOC  Appendix TOC
Special Education Services, Activities, and Supports

Developing a Description of Each Service

Based upon the needs identified in the PLAAFP and the goals that have been established for the student, the IEP team develops a description of each service, activity, and support that will be provided to the student or on behalf of the student.

Identifying the services, activities and supports that will be provided to meet the student’s needs ensures that all of the student’s educational needs are addressed on the IEP.

A clear, comprehensive description helps to ensure that all members of the IEP team know what services, including specially designed instruction, supports, and activities will be provided and when they will be provided.

Selecting Services, Activities, and Supports

The services, activities and supports are selected to allow the student to:

- Progress toward his or her annual goals
- Be involved and progress in the general curriculum (including the LEA’s implementation of the Iowa Core Curriculum)
- By at least age 14 (therefore included in IEPs written at age 13 and older) pursue the course of study and postsecondary expectations outlined in the PLAAFP
- Participate in extracurricular and other nonacademic activities with other students with disabilities and nondisabled students, and
- Be educated with other students with disabilities and nondisabled students.

Who Receives These Services?

Special education services, related services, and supplementary aids and services may be provided to:

- The student
- The parents
  - If necessary, as a related service, parent training and counseling might involve assisting the parents in understanding the special needs of their child and/or helping parents to acquire the necessary skills that will allow them to support the implementation of their child’s IEP.
- School personnel so they can best assist the student to benefit from his or her education
  - The training identified on a student’s IEP should be targeted directly to meet a unique and specific need of the child rather than being simply an in-service training program that is generally available within the district or AEA.

Note: See Transition section for further information on services, activities, and supports for ages 13-21.
What are Services?

*Services* are actions designed to meet the unique needs of a student or are required to assist the student to take advantage of, or respond to educational programs and opportunities.

Iowa’s Rules require IEP teams to consider a variety of potential services, such as:

- Specially designed instruction
- Related services
- Health services
- Assistive technology, and
- Transition services  [41.34]

What are Activities?

*Activities* are events or tasks that the student needs to complete in order to take advantage of, or respond to educational programs and opportunities.

The identification of activities is particularly relevant to the provision of transition services.

For example, applying for colleges or vocational rehabilitation services will assist students to pursue their goals, but not all students will need specially designed instruction to complete this effort.

Activities are included on the IEP form as an option for events or things that are not clearly a service or a support, but will be provided to the student and therefore need to be described on the IEP.

What are Supports?

*Supports* are things or persons provided for the student, or professional development provided for school personnel, which allow the student to have access to the general curriculum.

These would include:

- Assistive technology devices
- Consultation among teachers
- Paraprofessionals provided for the students
- In-service opportunities, or
- Professional literature provided for school personnel
## Describing Special Education Services - Four Parts

<table>
<thead>
<tr>
<th>What Are the Four Steps?</th>
<th>The four steps describing special education services are:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Identify and describe individualized service needs</td>
</tr>
<tr>
<td></td>
<td>2. Calculate total time removed from general education</td>
</tr>
<tr>
<td></td>
<td>3. Address extended school year services, specialized transportation needs, and physical education</td>
</tr>
<tr>
<td></td>
<td>4. Identify participation in districtwide assessments</td>
</tr>
</tbody>
</table>
Identify and Describe Individualized Service Needs

The IEP must describe all the services, activities and supports necessary to meet the student’s educational needs and must indicate when each will begin.

An IEP that does not clearly specify the nature and type of services, activities and supports is inadequate and fails to meet the requirements of the Rules.

The description must contain specific details about how these services, activities and supports are to be implemented. This description must also contain details of the anticipated frequency, setting and duration of each service, activity and support. [41.320(1)]

Team Review of Individualized Service Needs

The team must review each service, activity and support listed at the top of the Special Education Services page and indicates “Y” for each one that is needed by the student and will be provided in this IEP.

For each “Y” that is indicated, the IEP team must specifically describe the service, activity or support to be provided. One description may cover several “Y”s. The description must be specific enough that someone who did not attend the IEP meeting could implement the service, activity or support as intended by the IEP team.

Record Provider of Service

Once the description is written, the IEP team must identify and record the providers of service.

The provider of service is the position or agency that has primary responsibility for implementation of service. Identify both the name and the position of service providers. However, names will not be printed by the Web IEP.

Identify When and How Often Services Will Be Provided

The IEP team also needs to identify when and how often the service will be provided.

The team may do so by describing both the time and frequency of the service, or by clearly describing the circumstances under which the service will be provided.

If the service, activity or support is one that will be provided on an ongoing routine basis, time and frequency would be the most appropriate method. For example, “Beth will receive speech (service) for 20 minutes (time) three times a week (frequency).”
Describing the conditions or circumstances under which a service will be provided is more appropriate for service, activities and supports that will occur on an as needed or episodic basis. For example, Steve will receive assistance in applying for VR services (activity) after completing his job-shadowing experience (condition).

Identifying the setting(s) in which the service, activity or support will be provided completes the description of special education services. Record the specific amount of time that the service, activity or support will occur in each setting.
The least restrictive environment is defined in terms of “who you are with,” not “where you are.”

Time removed from general education represents time that the student is in any setting that is available only to students with disabilities at the time of the service, activity or support. Time spent in a sheltered workshop would be considered special education (removal) time.

The remainder of the school day is the percentage of time the individual spends in settings that are available to peers with and without disabilities.

The removal percentage is not an indicator of the amount of special education services. Special education services may be provided in general education settings through a variety of methods. The factor that determines the nature of the setting is the people in the environment.

The Web IEP will automatically calculate the percentage of time removed from the general education environment.
Describing Services - Part Three: Extended School Year Services, Specialized Transportation, and Physical Education

Extended School Year Services

Note: The Extended School Year Services (ESYS) form must be completed for students determined eligible for ESYS. See the ESYS form and accompanying directions in the Documentation Guide.

ESYS Defined

Extended School Year Services (ESYS) are special education and related services that meet the standards of the state and are provided to a child with a disability. These services go beyond the normal school year in accordance with the IEP and at no cost to the parents of the child. [41.106(2)]

ESYS Conditions

Any services provided beyond the regular school year by the LEA or AEA constitute an ESYS program when the following conditions are met:

- The IEP team has made an individualized determination that there is a need for such services to insure an appropriate education for a student with a disability
- The need and the services are documented in the IEP
- The services are accessed or provided by a public education agency
- The student’s progress is monitored by appropriate special education personnel

Pre-Meeting Notice

A consideration of ESYS could be a part of any IEP meeting and therefore does not need to be listed as a part of the purpose statement when notifying parents about an upcoming IEP meeting.

However, if a separate meeting were to be held to consider ESYS only or a discussion has already occurred that indicates ESYS will be a specified area of decision making, then ESYS considerations would need to be included as part of the purpose statement.

ESYS Eligibility

ESYS must be made available if it is necessary in order for a child to receive a free appropriate public education (FAPE.) [41.106(1)]

No single criteria can be used as a sole determining factor in determining eligibility for ESYS.

Decisions require a look into data from multiple sources. Another issue to be considered is whether benefits accrued by the child during the regular school year will be jeopardized if he or she is not provided ESYS.
Eligibility may not be limited to particular categories of disability or unilaterally limited to particular types, amounts or duration of service. This would include students receiving only support services (e.g., occupational therapy, etc.).

Determining Eligibility for ESYS

Because parents have the right to appeal the ESYS decision and exercise due process procedures, parents need to be given ample time to appeal the decision.

Therefore it is suggested that decisions regarding eligibility for ESYS should be made at least 60 calendar days before the end of the school year, and before any other school breaks for which ESYS would be a consideration. This allows parents time to consider the IEP and for parents and schools or AEAs to resolve any differences that may arise.

Because efforts are made to meet each eligible individuals needs during the school year, ESYS are the exception, not the rule. Typically, most students will not be entitled to ESYS following IEP team consideration.

If the IEP meeting occurs after the student’s annual review, an amendment to the current IEP may be completed to document ESYS rather than rewriting the entire IEP.

Least Restrictive Environment (LRE)

If the participants on the IEP team determine that the student/young child requires an ESYS program in order to receive FAPE, that program must be provided in the LRE that is appropriate.

AEAs and LEAs may provide ESYS to and individual disabled student in a non-educational setting if the student’s IEP team determines that the student could receive necessary ESYS in that setting.

Early Access service providers and the monitoring data they collect will help inform ESYS decisions for young children following their transition from Early Access services (Part C) to preschool services (Part B).
Four Main Considerations in Extended School Year Services (ESYS)

One: Goal Areas of Concern

The IEP team must determine if there are goal areas of concern that need to be acquired or maintained without interruption for the child to meaningfully benefit from FAPE. To do that the team should address these questions:

- Will acquisition of maintenance of the skill significantly enhance the student’s ability to function?
- Does the skill represent a barrier to continuous progress towards self-sufficiency?

The identification of a goal area of concern does not establish or preclude the need for ESYS. If there is a goal area of concern, the IEP team should consider the remaining three factors.

Two: Regression

The IEP team must answer the question: Has there been (or is there potential for) significant regression during periods of interruption that need to be recouped?

Regression: The inability of a student to maintain an acquired skill in an identified goal area of concern, when special education instruction or support services are interrupted so that the student requires an unreasonable period of re-teaching to regain previous competence.

In applying this standard, IEP teams should consider the following:

- ESYS may not be limited to children who have actually experienced serious regression, but also include those with a serious potential for regression
- The information considered may not be limited to empirical data, but must encompass all relevant data
- Consideration must be given to whether the child’s disability is such that he or she cannot reasonably suffer a significant regression, and
- For any IEP team using a nine-week recoupment period it must be interpreted flexibly in light of the needs of the individual child

Data that Should be Examined to Discover Potential Regression

Sources of convergent data that should be examined for potential regression may include (but are not limited to:)

- Progress monitoring data on IEP goals
- Anecdotal data
- Data provided by parents
- Data from another LEA
- Reports from outside agencies and professionals
- Grades or report cards
- Interviews
- Past ESYS data
Three: Rare and Unusual Circumstances

The IEP Team must answer the following questions:

- Are there rare and unusual circumstances that are a factor?
- Is the student at a critical stage in skill development and is continuous treatment essential?
- Are there rare and unusual circumstances that necessitate continuous instruction or service?

Rare and unusual circumstances refer to situations where failure to provide a service beyond the normal school year will result in permanently losing, or severely limiting, the student’s capacity and potential to acquire skills to benefit from FAPE.

A rare and unusual circumstance exists when it is determined by the team that:

- A skill needs to be mastered immediately
  - If the student does not master the skill immediately, the degree of mastery is likely to be permanently reduced
- The child is at a critical stage of development where there is a window of opportunity that will be lost if services are not provided
- Changes in a student’s medical, physical, or sensory status make it possible to predict an accelerated rate of learning during the ESYS program
- Continuous or year-round programming is an integral part of the methodology

Sources of convergent data that should be examined for rare and unusual circumstances may include (but are not limited to:)

- Medical records
- Research or development standards
- Interviews with parents, teachers, and service providers

Four: Other Considerations

The IEP Team must answer the question: Are there other factors to be considered in determining the student’s need for ESYS?

Sources of convergent data that should be examined for other considerations may include (but are not limited to:)

- Degree of child’s impairment
- Ability of the parents to provide educational experiences at home
- Child’s behavioral or physical condition
- Student’s rate of progress
- Areas of curriculum requiring continuous instruction
- Ability of the child to interact with nondisabled peers
- Requested service is an integral part of a program for children with the same condition
- Child’s vocational needs
- Degree of regression suffered by the child
- Child’s recovery time from regression
- Availability of alternate resources
If a decision to provide ESYS is made, the agreed upon services should be documented on the IEP.

Each IEP is marked with “Yes” or “No” on the ESYS section of the Services page:
- If “Yes” then services must be described on the Extended School Year (ESY) Services form
- If “No” describe the option to say no at the time, but meet again at a time appropriate to make the decision

If ESYS will be provided the Extended School Year (ESY) Services form must clearly indicate which standard was used to determine eligibility based on:
- Need for continued skill acquisition and maintenance
- Regression/recoupment
- Rare and unusual circumstances
- Other considerations

Prior Written Notice must be given at the following times:
- When a student has been determined to need ESYS by the IEP team
- When a parent requests ESYS, but the other IEP team members decide ESYS are not warranted
Extended School Year Considerations

Goal area of concern identified?

- Yes
  - Regression likely?
    - Yes
      - Rare and unusual circumstances present?
        - Yes
          - Eligible: Complete Description of ESYS form
        - No
          - Other considerations
            - Yes
              - Eligible: Complete Description of ESYS form
            - No
              - Not eligible
    - No
      - Not Eligible

- No
  - Not Eligible

Other considerations

- Yes
  - Eligible: Complete Description of ESYS form
- No
  - Not eligible
Planning Extended School Year Services (ESYS)

Determining if ESYS Will Meet the Individual's Needs

When the need for ESYS has been identified for an eligible individual, the nature and extent of those services must be determined.

The ESYS must meet the individually identified need and the standard of meaningful benefit.

An existing program may be utilized to provide ESYS during a school break, but if an individual's needs cannot be fully met through that program different or additional services must be provided. For example, ESYS could not be limited to a three week summer program when the needs of the individual call for services throughout the summer break.

ESYS Must Match The Purpose

ESYS need to match their purpose, e.g. to:

- Prevent regression
- Continue a program that is continuous by design
- Address a rare or unusual circumstance that affects the individual's progress in one or more areas, etc.

ESYS does not necessarily have to be a program that duplicates the program provided during the regular school year. Community resources may be utilized. However, monitoring and supervision of ESYS, even if directly delivered by other community resources, are still the responsibility of qualified special education personnel.
Specialized Transportation

Specialized Transportation

If required, specialized transportation is a related service that must be provided to assist the student with a disability in order to receive benefit from his or her special education services. [41.412, 41.34(3)]

It is provided when the student’s disability prevents the student from using the same transportation provided to students without disabilities (e.g., riding the school bus). [41.412] [41.34(3)”p“]

Transportation may also be provided when the disability prevents the student from getting to school in the same manner as students without disabilities (e.g., walking to school).

Defining Specialized Transportation

Specialized transportation includes the following:

- Travel to and from school and between schools
- Travel in and around school buildings
- Specialized equipment such as special or adapted buses, lifts, and ramps if required

Specialized Transportation and the IEP

For students in need of specialized transportation services, the need and the specialized transportation arrangements must be described on the IEP (i.e., transportation item checked on Page G and transportation services described on Page F).

During IEP development include the district’s transportation director in the conversation or another person knowledgeable regarding student transportation. An individual’s school day is not to be shortened by special transportation arrangements, but only if the individual’s IEP requires a shortened day to provide a FAPE. [41.11(2)].

Also, behavior, physical or special health needs of the student may need to be discussed. Following the IEP meeting, the needs of the individual being transported and the expectations of personnel involved in transportation must be clearly communicated. [41.324(4)]

Specialized Transportation Arrangements

If the IEP team determines the need for specialized transportation, the resident LEA (or AEA if transportation to a support service) shall make one or more of the following arrangements: [41.412(1)]

- Transport student to and from location of service, students home or to a child care placement if student is below age six
- Provide special assistance for student to get to and from the vehicle and/or on and off the vehicle
- Reimburse parents for actual costs of transportation if, by mutual agreement, parents want to transport the student themselves. Agencies are not required to reimburse parents who elect to provide transportation for their child instead of allowing the agency to provide transportation.

A vehicle driver providing specialized transportation is a paraprofessional delivering a related service and subject to Iowa Rules requirements related to preparation:

“Special education personnel may be employed to assist in the provision of special education and related services to children with disabilities and shall:

a. Complete appropriate pre-service and ongoing staff development specific to the functions to be performed. The agency shall make provisions for or require such completion prior to the beginning of service wherever practicable and within a reasonable time of the beginning of service where the pre-entry completion is not practicable.” (281—41.403(1)a)

If, in addition to being informed of transportation responsibilities, a driver requires training indicate “Y” for “Supports for school personnel” on Page F and describe the training to be provided.

Topics to be addressed in preparing drivers include:
- Confidentiality
- Behavior
- Least restrictive environment, and
- The specific needs of individual students

Refer to Iowa Rules for guidance on the following:
- Responsibility for transportation for AEA services, students dually enrolled in public and non-public schools and for diagnostic services [41.412(2)]
- Purchase of transportation equipment [41.412(3)]
- Lease of transportation equipment [41.412(4)]
- Transportation equipment safety standards [41.412(5)]
- Transportation for students in inter-district and intra-district school choice programs such as open enrollment [41.412(6)]
### Physical Education

**Description of Physical Education**

Physical education is the term used to describe: [41.39(3)”b”]
- The development of physical and motor fitness
- Fundamental motor skills and patterns
- Skills in aquatics
- Skills in dance
- Skills in individual and group games, and
- Skills in sports, including intramural and lifetime sports
- Special physical education
- Adapted physical education
- Movement education
- Motor development

**Determining Student Placement in Physical Education**

Each student with a disability must be provided the opportunity to participate in the regular physical education program available to students without disabilities. The exception to this would be if the student is enrolled full-time in a separate facility, or needs specially designed physical education. [41.108(2)]

To determine if the student needs specially designed physical education, the IEP team must consider the information in the PLAAFP, goals and other services, activities and supports.

If identified as needed, specially designed physical education must include a goal and documentation on the services page of the IEP. Modifications to regular physical education are not considered specially designed instruction but must be described on the IEP.

**Availability of Physical Education**

Physical education services, specially designed if necessary, must be made available to all students with disabilities unless the school enrolls students without disabilities and does not provide physical education to students without disabilities in the same grades. [41.108]

A child enrolled in a separate facility must receive appropriate physical education services. [41.108(4)]
### Describing Services - Part Four: Identify Participation in Districtwide Assessments

| IDEA Requirements | IDEA requires the involvement of all students with IEPs in the general curriculum as well as in districtwide assessments. [41.320(1)(g)]  
Their performance is included in the data that districts use to make decisions.  
This requirement reflects the belief that students with disabilities are more likely to benefit from high expectations when their performance is included in districtwide decision-making processes. |
|---|---|
| Defining Districtwide Assessments | A districtwide assessment is an achievement or performance measure that:  
- is required by the local school district, and  
- is given to all students in a district in a particular grade.  
Achievement or performance measures are those measures that assess student status or progress in skill areas defined in the Iowa Core.  
The most common districtwide assessments are the Iowa Assessments.  
School districts may have additional districtwide assessments. However, an end of unit test or similar classroom assessment is not considered a districtwide assessment, even if administered to all students in a district in a particular grade, *unless the specific assessment is required by the local district.* |
| Districtwide Assessments Not Required | Districtwide assessments for special education students are not required if they are not given to all students at the student’s grade level. In addition, a student who is incarcerated in an adult correctional facility is not required to participate in districtwide assessments. [41.324(4)a(1)]  
English language learners (ELLs), *including ELLs with disabilities,* who have not been enrolled for a full academic year in US schools may be exempted from one administration of the reading assessment used for AYP reporting (i.e., the Iowa Assessments in Reading). All ELLs are required to take the math portion of the Iowa Assessments. |
### Guidelines for Decision Making Regarding Participation in Districtwide Assessments

**Why Administer Districtwide Assessments?**

School districts typically administer districtwide assessments to determine areas for school improvement.

They also administer districtwide assessments to:
- Provide information and feedback to teachers, administrators, and parents about student progress, and
- To provide interested constituents with a picture of academic trends within the district

**How Will Students Participate in Districtwide Assessments?**

IEP teams must be clear that their decision is not whether the student should participate in districtwide assessments, but rather how the student will participate.

The IEP team must decide whether:
- The student can participate without accommodations
- The student can participate with accommodations, or
- The student will need to participate in the Iowa Alternate Assessment

In order to determine this, the team must consider the characteristics of the student, the nature and purpose of the assessment, and the participation option that is most appropriate. [41.320(1)“g”]

**IDEA Requirements Concerning Participation in Districtwide Assessments**

IDEA requires the IEP team to make a decision about a student’s participation in each districtwide assessment that will be administered.

If accommodations are needed for student participation, the IEP team must describe those accommodations.

If a particular districtwide assessment is not appropriate, the IEP team must explain why the student cannot participate in the regular assessment, and why the alternate assessment is appropriate. [41.320(1)g]

**Using the Alternate Assessment**

Any student not participating in the district assessments is assessed using the State Alternate Assessment.

The Department of Education website should be consulted for current procedures and information regarding Iowa’s Alternate Assessment.

It is essential for any special education teacher giving the Iowa Alternate Assessment to receive the appropriate training.
Determining Reasonable Accommodations

When considering reasonable accommodations, several factors need to be addressed.

These factors are:

- The use of accommodations in a similar fashion in the classroom and their demonstrated benefit
- The relationship of accommodation to an identified special education need, and
- The consideration of whether the accommodation will give a better picture of the knowledge of the individual

Accommodations are to be made as long as they do not negate the intent of the assessment.

For example, if reading is required in order for a student to understand math problems, then a reader is a reasonable and needed accommodation.

If, on the other hand, the test were for reading comprehension, then having a reader would negate the intent of the reading comprehension assessment and would therefore be inappropriate.

An English language learner (ELL) with a disability may, due to language needs, require assessment accommodations that are different from or in addition to accommodations required by reason of disability. Collaborate with, and whenever possible include in the IEP team, the professionals who support English language development. Typically, language support accommodations are identified by the ELL professionals. However, if the same accommodation is needed by reason of language status and disability and has conflicting guidance for ELLs and students with disabilities, the guidance for students with disabilities takes precedence.

For more information regarding accommodations, please refer to the State Accommodations Guidelines on the Iowa Department of Education website at:

http://www.iowa.gov/educate/content/view/596/926/
Additional Considerations

**What is Least Restrictive Environment (LRE)?**

The least restrictive environment (LRE) is the educational environment that enables students with disabilities to receive an appropriate education and provides the students with maximum opportunities for interaction with peers without disabilities.

Removal from the general education environment may occur only if the nature or severity of the disability is such that education in regular classes (with the use of supplementary aids and services) cannot be achieved satisfactorily. [41.114(2)b]

Supplementary aids and services are aids, services, and supports that enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. [41.42]

These aids, services, and supports are to be provided in:

- General education environments
- Education-related settings (field trips, work experience sites)
- Extracurricular settings
  - Athletics, clubs, school plays, etc.
- Nonacademic settings
  - School dances, school sponsored activities

Examples of supplementary aids and services include:

- Educational interpreters
- One-on-one paraprofessionals
- Health services (e.g., catheterization)

LRE is grounded in the idea that while the general education environment is the most ideal setting for students, some students may at times need different settings in order to receive an appropriate education.

It is also expected that an eligible individual may need special assistance in the general education setting.

The decisions regarding the setting(s) where a student will be educated is based on:

- The specific needs of the student
- Whether the student may need individualized assistance in the general education setting, and
- A review of the continuum of services
What is the Purpose of Least Restrictive Environment (LRE)?

LRE, as a concept, helps to foster a positive approach to educating students with special education needs.

Educating students with disabilities in the general education setting, with peers without disabilities, has been shown to improve learning of students with disabilities.

Consideration of LRE requires that all students with disabilities to the maximum extent appropriate, including students in public or private institutions or other care facilities, are educated with children who are nondisabled. [41.114(2)]

Continuum of Placements

LEA’s must ensure that a continuum of alternative services and placements is available to meet the special education and related services needs of eligible individuals. [41.115]

The continuum of services and placements includes the provision of special education services in:

- General education classes
- Special classes
- Special or separate schools
- Service provider location
- Home
- Hospitals
- Residential facilities

Placements in the LRE

Placement decisions must be made by a group of persons knowledgeable about the child, and include the parents. In determining placement, consideration is given to evaluation data and placement options. [41.116(1)a]

The placement is be determined annually and is based on the needs outlined in the child’s IEP.

Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he or she would attend if nondisabled. The school the child would attend if nondisabled is considered to be the school building in the resident district where the child would be assigned at the point of initial enrollment given a neutral application of the district’s attendance center policy. “Neutral”, in this context means, without consideration of disability status or court-ordered placement.

The placement is to be as close to the child’s home as possible.

Placement decisions must consider the quality of service the child needs, as well as any potentially harmful effect the placement could have on the child.

The child may not be removed from age appropriate general education classrooms solely because of “needed modifications in the general education curriculum.”
Procedures for Determining Least Restrictive Environment (LRE)

IEP Team Considerations Concerning Least Restrictive Environment (LRE)

When making placement decisions the IEP team must take into account:

- The accommodations, modifications and adaptations an individual may require to be successful in a general education environment
- Potential barriers to providing these accommodations, modifications and adaptations within the general education environment
- The supports needed to assist the teacher and other personnel in providing accommodations, modifications and adaptations
- The impact on the individual provided special education services and activities in the general education environment, and
- The impact on other students when providing special education services and activities in the general education environment

The LRE for a student is documented by:

- Describing participation in special education, general education and community settings, and
- Identifying the students’ attendance center

Placement Considerations for Preschool Children

Placement considerations an IEP team must address for preschool children include:

- Special education and support/related services the child needs
- Supplementary aides and supports needed by the child
- Early childhood program (general education environments) in which:
  - Appropriate activities occur for children of similar age without disabilities
  - General education curriculum is comprehensive, and at least 50% of the children are of similar age without disabilities
- Programs in which quality preschool program standards are implemented
- Service and environments that are appropriate and provide educational benefit for the child
Participation in General Education

Defining the General Education Environment

The general education environment includes: [41.51(7)]
- Academic and non-academic settings
- All of the opportunities and experiences students made available to all students

Examples of the general education environment for school age students include:
- Classroom settings in elementary and secondary schools
- School-sponsored field trips
- Assemblies, performances, and activities made available by an agency to all students

Defining the General Education Environment for Pre-School Children

The general education environment for preschool children who require special education includes settings where activities and instruction naturally occur for children of a similar age and more than 50% of children are not disabled. [41.51(8)]

Examples of the general education environment for early childhood ages include:
- Child development home care settings
- Early childhood center–based programs by the LEA or other agency, and
- Community-based early childhood centers

Preschool Placement Consideration

High quality research-based early learning experiences are essential to building a foundation for achieving positive outcomes for children.

Early Childhood Special Education programs and early childhood programs serving eligible individuals must implement one of the following preschool program standards:
- National Association for the Education of Young Children (NAEYC) Accreditation
- Head Start Program Performance Standards
- Iowa Quality Preschool Program Standards (QPPS)
Participation in Non-Academic Activities and Extracurricular Activities

The IEP team must consider all steps necessary, including the provision of supplementary aids and services, to ensure that the student with a disability will participate with nondisabled children in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of that child. [41.117]

The supplementary aids and services determined appropriate and necessary for this to occur should be documented on Page G of the IEP.

Nonacademic and extracurricular services and activities include: [41.117]

- Meals
- Recess
- Counseling services
- Athletics
- Transportation
- Health services
- Recreational activities
- Special interest groups
- Clubs sponsored by the school

Other activities also include referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the school and assistance in making outside employment available. [41.107(2)]
Least Restrictive Environment (LRE) Special School Placement

**Special School Placement**

Some students must have their special education needs met in special schools which only provide programs for students with disabilities. [41.116(4)b; 41.176]

Examples of this type of special school in Iowa include:
- Iowa School for the Deaf in Council Bluffs
- Iowa Braille and Sight Saving School in Vinton

**Special School Questions**

When some or all of a student’s special education is to be provided in a special school, the IEP team must complete and attach the form Justification for Special School Placement. [41.116(4)b]

Questions are:
- What are the reasons the eligible individual cannot be provided an education program in an integrated school setting?
- What supplementary aids and supports are needed to support the eligible individual in the special education program?
- Why is it not possible for these aids and supports to be provided in an integrated setting?
- What is the continuum of placements and services available for the eligible individual?
Communicate Responsibilities and Progress

**Progress Reporting Explained**

Progress reporting is the process of keeping parents informed of their student’s progress on IEP goals. [41.320(1)“d”2]

It includes identifying the frequency and method of notification and establishes a formal mechanism for communicating the student’s success.

IEP teams may decide any schedule of reporting that meets the team’s needs, as long as parents are regularly informed of their student’s progress on IEP goals at least as often as parents are informed of the progress of students without disabilities.

The report itself, in addition to describing progress on the student’s annual goals, must identify the extent to which that progress is sufficient to enable the student to achieve their goals by the end of the year.

Progress monitoring and reporting helps the IEP team decide whether adjustments in services, teaching strategies, environments, etc. are needed to help a student achieve his or her goals. Two methods of reporting are commonly used. One is to use the box located at the bottom of the IEP goal page and send copies to parents. The other common method is to write an IEP report with report cards and progress reports.

If another method is used, it should be described in the IEP, using the line provided.

**Performance Reports Released to the Public**

School districts must report to the public on the performance of children with disabilities with the same detail and frequency as they report the performance of their entire student population. [34 C.F.R. § 300.157]

The exception to this rule is a situation where reporting information on individuals with disabilities performance might result in divulging personally identifiable information about students.

As a rule, if a district has ten or fewer individuals with disabilities, the district should examine and use these data in their school improvement planning, but not report these data to the public.

**Preschool Progress Reports**

For preschool children it is necessary to complete the Early Childhood Outcomes Summary form at initial IEP meetings, IEP reviews, and reevaluation meetings.
Progress Reports for Early Childhood Special Education

**Explanation of Early Childhood Outcomes (ECO)**

Early Childhood Outcomes (ECO) is a federal reporting requirement established by the Office of Special Education Programs (January, 2006.) The purpose of the information from the ECO is to document the effectiveness of Early Childhood Special Education (ECSE) services in enhancing preschool children’s development.

IEP teams, including families, must complete the ECO Summary annually to report on a child’s current level of functionality and progress made while receiving Early Childhood Special Education services. The ECO areas represent functional skills behaviors that young children need to be successful in everyday activities and routines, which include the following three areas:

- Positive social-emotional skills (including social relationships)
- Acquisition and use of knowledge and skills (including early language/communication and early literacy)
- Use of appropriate behaviors to meet their needs (including self-help and motor skills)

Refer to Early Childhood Outcomes Summary Form.

**When Must an ECO Summary be Completed**

The ECO Summary must be completed at initial IEP meetings, IEP reviews and reevaluation meetings.

The ECO Summary must be completed when children:

- Receive ECSE instructional and/or support only services (e.g. speech)
- Receive special education services in both the ECSE and kindergarten settings
- Transition from ECSE to kindergarten services
- Move out of state or exit ECSE services due to inability to contact or locate the family

The final ECO Summary is completed at the IEP meeting in which a child leaves or exits ECSE services (instructional or support.) The final ECO Summary must be completed within ninety calendar days prior to the time a child no longer receives ECSE services.

**Example:** If a child in ECSE is transitioning to kindergarten for the following school year, the ECO Summary is completed no earlier than ninety calendar days prior to the last day of the current school year. For example, if the school year ends on May 30th, the ECO Summary must be completed no earlier than and after March 2nd.
### ECO Summary: Comparison to Peers or Standards

The IEP teams use a seven-point rating scale to decide the extent a child functions in ways considered age-appropriate with regard to the ECO areas.

An outcome rating is determined based on a child’s:
- Current level of functioning demonstrated across settings and situations
- Functioning using assistive technology or special accommodations, if applicable
- Performance of skills and behaviors compared to age appropriate expectation

### ECO Summary Progress

At IEP reviews and reevaluations, IEP teams determine if the child has gained any new skills or behaviors while receiving ECO services. At any initial IEP meeting, IEP teams will check “not applicable because this is the child’s initial IEP meeting” on the ECO summary.

A child’s progress is determined based on any of the following:
- Acquisition of a new skill or behavior
- Demonstration of increases in skill level
- Independence in mastery of a skill or behavior
- Progress toward achieving annual goals
- Improvement in the quality of skills or behavior performance

### ECO Summary: Supporting Evidence for Outcome Rating and Progress

IEP teams use a process referred to as RIOT, to document supporting evidence to determine a child’s level of functioning and progress.

RIOT stands for:
- **R**: Record reviews of existing medical reports and evaluations
- **I**: Interviews with parents, caregivers, teachers and service providers
- **O**: Observations in various settings and situations
- **T**: Tests and assessments, including research-based criterion reference, curriculum-based or play-based assessments

The purpose of RIOT is to provide information needed for decision-making in an accurate and efficient way. Sufficiency of valid and reliable information is the key principle, not the number of methods used.
Guidelines for Making Changes to an Eligible Individual’s IEP

Review Need for Services and Make Necessary Changes

An “eligible individual” is eligible for the consideration of all his or her needs that may be special education.

IEP teams often need to address new, different or additional areas of concern. Teams also need to consider decreasing or discontinuing special education services, activities or supports, which may ultimately lead to an exit from all special education services for the individual.

Changes to an eligible individual’s educational program that increase or decrease services, activities, or supports may be made through the review or amendment process. This can be done provided the team has collected and reviewed data sufficient to support any proposed changes.

In determining what changes may be necessary, the IEP team must consider the individual’s access to general education environments, and involvement and progress in the general education curriculum.

IEP teams need to base their decisions on sound data. Data may come from a variety of sources.

These decisions may require a reevaluation involving review of existing data or the need for additional assessments.

Adding Services and Supports in a “New” Area

A “new” area is one that is not closely related to existing areas that are addressed through special education services and supports.

For example, if math or behavior services and supports are added to an IEP that previously addressed only reading, math or behavior is a “new” area; if services and supports promoting multiplication and division success is added to an IEP that previously addressed addition and subtraction, multiplication and division reflect a normal progression within math and are not “new.”

The general education intervention process is not required to add areas of service to the IEP of an eligible individual. However, this process should be considered whenever the needs of an eligible individual might reasonably be addressed without special education services or supports.

The data supporting the addition of services and supports in a new area must be documented in the IEP.
IEP teams need to base their decision on sound data. Data may come from a variety of sources. When considering additional needs, the data generated through the general education classroom that reflects an individual’s progress in the context of assistance provided to the student is the first source to consider. Data must clearly support the conclusion that identified needs require special education services and supports, rather than other forms of assistance.

In the Present Levels of Academic Achievement (PLAAFP) section entitled “Other information essential for the development of this IEP:”

<table>
<thead>
<tr>
<th>What to do</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>State the IEP team’s conclusion regarding the need for supports beyond those typically provided to all general education students and summarize the data that supports this conclusion, including progress and discrepancy information.</td>
<td>The IEP team believes that Karina requires greater assistance in the area of math than is provided to most students. She has struggled with concepts and applications related to algebra variables, data analysis and probability. Her math scores on the ITBS are well below the proficient level and her test, quiz and assignment scores are consistently with the lowest 10 to 15% of the class.</td>
</tr>
</tbody>
</table>

State the IEP team’s conclusion regarding the individual’s need for special education services and supports in the new area, and summarize the information that supports this conclusion, including the impact of previous efforts. | The IEP team believes that special education services and supports, including frequent progress monitoring and adjustments to instruction, are needed. Karina currently receives her math instruction in a co-taught classroom and is frequently included in small groups of students who are experiencing difficulties and receive focused instructing by a special educator. In addition, her general education teacher affords her additional individual time (15-20 minutes, 3-4 times per week) and her parents provide nightly homework support. Weekly algebra probes show little or no gains over the past eight weeks. |

In the Current Academic Achievement and Functional Performance (CAAFP) section of Page D (Goal) provide detailed information to elaborate the summary information in the PLAAFP.

Complete all other appropriate information on the Goal and Service pages (D and F.)
Adding Services and Supports in a New Area Through Reevaluation

Address reevaluation questions one, two, and three in relation to the existing areas addressed through special education services and supports. Those questions are:

1. What progress has the student made compared to peers or the expected standard?
2. What discrepancy, if any, still exists between the student’s performance and that of peers or the expected standard?
3. What evidence is there that the student continues to need special education and related services to be successful?

In response to question four:

4. What additions or modifications to the special education and related services are needed to enable the student to meet the IEP goals and to participate, as appropriate, in the general education curriculum?

Do the following:

<table>
<thead>
<tr>
<th>What to do</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>State the IEP team’s conclusion regarding the need for supports beyond those typically provided to all general education students and summarize the data that supports this conclusion, including progress and discrepancy information.</td>
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</tr>
<tr>
<td>State the IEP team’s conclusion regarding the individual’s need for special education services and supports in the new area, and summarize the information that supports this conclusion, including the impact of previous efforts.</td>
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</tr>
</tbody>
</table>
In response to questions five and six, include consideration of the new area(s) in the response. Those questions are:

5. Does the student continue to be eligible for special education services, based on the information contained in Questions 1-4?

6. Under what conditions will the IEP team consider exiting the student from special education services?

In the Current Academic Achievement and Functional Performance (CAAFP) section of Page D (Goal) provide detailed information to elaborate the summary information in the response to Reevaluation question four.

Complete all other appropriate information on the Goal and Services pages (D and F).

---

**Decreasing or Discontinuing a Service, Activity, or Support**

One goal of special education is to narrow the performance gap between students entitled to services and their general education peers.

When using measurable goals and systematic progress monitoring, it is often found that students improve significantly and no longer require the continued intensive assistance defined in the IEP.

When a student’s performance is within the scope of general education instruction, then decreasing or discontinuing special education services, activities or supports must be considered.

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**Communicating with Parents**

It is important to have ongoing conversations with parents in order to communicate clearly and frequently regarding the possibility of decreasing or discontinuing special education supports.

This can be done by:

- Setting goals and outcomes and discussing with parents timeframes for decreasing or discontinuing special education supports as the student learns desired skills
- Reviewing frequently the progress monitoring data with parents and comparing the data to the student’s general education peers or grade level standards
- Involving the parents in considering the following questions:
  - Does the student need curriculum and instruction that is significantly different from general education?
  - Have the goals been met?
  - Is the student’s level of functioning becoming similar to that of students not receiving special education supports?
- When a decrease and/or discontinuing of special education supports is expected, discuss with parents other kinds of school supports, accommodations and the community resources that might be available to maintain the student’s success
Process for Decreasing or Discontinuing a Special Education Service, Activity, or Support

Students may be identified as likely candidates for decreasing or discontinuing special education services and supports as part of the regular, ongoing progress monitoring or at the request of any IEP team member.

Changes to the IEP that would decrease or discontinue services, activities or supports may be made through the review or amendment process.

The following question may assist the IEP team in making the decision that a student would be successful with decreased or discontinued special education services, activities, or supports:

“Can the individual’s needs be met successfully in the general education curriculum and in general education environments with the instruction and supports made available to all students?”

Data sources to answer this question may include:

- Districtwide assessments
- Attainment of IEP goals (academic, behavioral, social)
- Progress monitoring data
- Other assessment data sources
- Information from teachers and parents

Process for Discontinuation of all Services, Supports, or Activities with a Trial Period

When available data does not provide sufficient information for planning and decision-making regarding continuing eligibility for special education, a trial exit period may be implemented. [41.116(7)]

Document the Plan for the Trial Period on the IEP

The trial period may be initiated through a review or amendment process. The answers to the following questions should be documented on the IEP:

- When will the trial period begin?
- Who will be involved?
- What supports are needed?
- How will supports be faded?
- What will be monitored?
- Who will monitor?
- How often will monitoring occur?
- What is the length of time for the trial period? (The trial period may not exceed 45 school days)
| Consider the Need for Additional Assessments | If the IEP team plans new assessments that will be completed during the trial period, the Consent for/Notice of Evaluation form is processed to obtain parental consent. |
| Implement the Trial Plan and Monitor Success | During the trial exit period, data are collected on a regular basis to provide the IEP team with the necessary information to make a decision about discontinuing all special education services, supports and activities. This information will include:  
  - Data derived from monitoring the IEP goals  
  - Ongoing data on student performance that is collected for all students  
  - Input from general education teachers, special education teachers, parents and the student (if appropriate) regarding the effects of the trial  
  
  In reviewing the data on a regular basis, if the data indicate that the student is not being successful or the IEP is not being implemented as designed, then the IEP team should act immediately to review the implementation of the plan and make adjustments before continuing the trial exit. Based upon the periodic review, the IEP team may decide to resume special education services to the student prior to the projected trial exit date. |
| Reconvene the IEP Team at the End of the Trial Exit | The IEP team should meet at the end of the trial period to consider the question “Is the student ready to discontinue all special education services?”  
  
  Because this is an IEP meeting at which continuing eligibility is considered, it is a reevaluation IEP. The reevaluation process includes the Consent for/Notice of Evaluation form and process and requires the completion of page R of the IEP. Answers to these questions will necessitate a review of the monitoring data and the results of new assessments, if any.  
  
  The team will use this information to determine the overall effectiveness of the trial and the students’ continuing eligibility for special education. |
| Document Decisions | If the team decides that the individual can successfully meet the expectations of the general curriculum without special education services, the team must document this change in identification and placement on a Prior Written Notice of Proposed or Refused Action form.  
  
  Exiting a student from all special education services also requires completion of the Final Exit form. |
## IEP Changes Matrix

<table>
<thead>
<tr>
<th>When is it Required</th>
<th>Reevaluation</th>
<th>Review</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Every 3 years</td>
<td>▪ At least annually</td>
<td>▪ Not required, but can be used to make changes in student’s program</td>
<td></td>
</tr>
<tr>
<td>• Exit from all special education services (other than graduation)</td>
<td>▪ When requested by parent or team</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• When requested by parent or teacher</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• IEP team determines reevaluation is needed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Changes Permitted</th>
<th>Reevaluation</th>
<th>Review</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Change of placement</td>
<td>▪ Change of placement (other than exit)</td>
<td>▪ Change is placement (other than exit)</td>
<td></td>
</tr>
<tr>
<td>• LRE</td>
<td>▪ LRE</td>
<td>▪ LRE</td>
<td></td>
</tr>
<tr>
<td>• Goal areas</td>
<td>▪ Goal areas</td>
<td>▪ Goal areas</td>
<td></td>
</tr>
<tr>
<td>• Services to be provided</td>
<td>▪ Services to be provided</td>
<td>▪ Services to be provided</td>
<td></td>
</tr>
<tr>
<td>• Virtually any other change is permitted</td>
<td>▪ Virtually any other change is permitted</td>
<td>▪ Virtually all other change is permitted</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Documentation Requirements</th>
<th>Reevaluation</th>
<th>Review</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consent for Notice of Reevaluation. Parent signature required if additional assessment information is to be collected</td>
<td>▪ Meeting Notice</td>
<td>▪ Meeting Notice (if a meeting is held)</td>
<td></td>
</tr>
<tr>
<td>• Meeting Notice</td>
<td>▪ New IEP (review)</td>
<td>▪ “Amendment” IEP</td>
<td></td>
</tr>
<tr>
<td>• New IEP (Reevaluation)</td>
<td>▪ *Prior Written Notice of Proposed/Refused Action – documentation of data used to make decisions and justify changes</td>
<td>▪ Prior Written Notice of Proposed/Refused Action – documentation of data used to make decisions and justify changes</td>
<td></td>
</tr>
<tr>
<td>• *Six Reevaluation questions in IEP – documentation of data used to make decisions and justify changes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• *Prior Written Notice of Proposed/Refused Action</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Is a Meeting Required?</th>
<th>Reevaluation</th>
<th>Review</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Yes</td>
<td>▪ Yes</td>
<td>▪ Not required but a meeting must be held if either parent or agency requests it or if the amendment changes FAPE for the student</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>New IEP Written?</th>
<th>Reevaluation</th>
<th>Review</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Yes</td>
<td>▪ Yes</td>
<td>▪ No (web-IEP “Amendment IEP” is created.) Selected portions of existing IEP are unlocked and edited</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Duration of IEP</th>
<th>Reevaluation</th>
<th>Review</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• No more than one year</td>
<td>▪ No more than one year</td>
<td>▪ Reevaluation date remains three years from last evaluation</td>
<td></td>
</tr>
<tr>
<td>• Reevaluation date (web IEP) “rolls ahead” three years</td>
<td>▪ Reevaluation date remains three years from last evaluation</td>
<td>▪ “Duration from” date changes</td>
<td></td>
</tr>
<tr>
<td>• “Duration to” date remains the same as existing IEP</td>
<td></td>
<td>▪ “Duration to” date remains the same as existing IEP</td>
<td></td>
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</tbody>
</table>
Transitions

Transition: Early ACCESS (Part C) to Special Education (Part B)

Overview

Early intervention services through Early ACCESS are provided year round for children until the age of three. The AEAs are responsible for assuring that early intervention services are available to all eligible infants and toddlers (birth to age three) and their families. These services may be provided by a variety of agencies.

Early ACCESS services are provided to a wide variety of young children. Some of these children will be determined to be eligible for special education services when they turn three while others will not. AEAs are required to ensure that children participating in Part C early intervention services, and who will participate in Part B (special education services for children from ages three to 21), will experience a smooth and effective transition to preschool programs by their third birthday. [41.124]

Planning for transition is important in order to enhance children’s growth and development and family capacity to meet children’s needs; as well as establish services and support for children at the age of three.

This section provides background information and procedures for children whom are exiting Early ACCESS at age 3 and are suspected to be eligible for Part B special education.

Early ACCESS To Special Education Requirements

The Early ACCESS Procedures address the requirements to be taken by Early ACCESS in partnership with the LEA to support the smooth transition of a child from Early ACCESS to special education or other community services.

The steps involved in order to ensure a smooth transition to special education include, but are not limited to:

- Discussion with, and training of, parents, as appropriate, regarding future services and other matters related to the child’s transition
- Collaboration between the AEA and LEA staff responsible for the provision of special education instructional, support and related services and the IFSP team.
- Review of current data (developmental status, IFSP outcomes, etc.)
- Completion of the Disability Suspected form
- For children with a suspected disability, completion of a full and individual initial evaluation (with informed parental consent) to determine eligibility for special education prior to a child’s third birthday [41.101(2)]
- If the child is determined to be eligible for special education services, development and implementation of an initial IEP prior to a child’s third birthday [41.124(2)]

Manual TOC Appendix TOC
• Development of a transition plan that includes the child’s program options for the period from the child’s third birthday through the remainder of the school year and the services to be provided following the child’s third birthday [120.57]

• Preparation for changes in service delivery, including steps to help the child adjust to any changes in services or settings

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Timelines for Children Transitioning from Early ACCESS to Special Education

The following outlines requirements and timelines for children transitioning from Early ACCESS, who are suspected of having a disability and are evaluated to determine eligibility for special education.

<table>
<thead>
<tr>
<th>Process</th>
<th>Requirement</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| Determination of Eligibility for Special Education | ▪ Obtain written parental consent for evaluation  
▪ Conduct a full and individual initial evaluation (FIE)  
▪ Hold eligibility determination meeting  
▪ Complete the Eligibility Determination Worksheet | Complete on or before the **60th calendar day** following receipt of the signed Consent for/Notice of Full and Individual Initial Evaluation; and Prior to the child’s third birthday |
| Initial IEP Meeting             | For children determined eligible for special education, an initial IEP meeting **must** be held to develop and implement an IEP | Complete prior to the child’s third birthday |

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Eligibility Determination Meeting

Upon completion of the full and individual initial evaluation, the evaluation team will hold an eligibility determination meeting. This meeting must occur prior to the child’s 3rd birthday and on or before the 60 day time limit.

The purpose of the eligibility determination meeting is to address the question, “Does the child’s performance indicate the presence of a disability and the need for specialized instruction and related services?” A group of qualified professionals and the parent(s) of the child determine whether the child is a child with a disability and eligible for special education.

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Initial IEP/Exit Early ACCESS Meeting

For a child who is eligible for special education, the data resulting from the full and individual initial evaluation as well as other relevant information from Early ACCESS are used to develop the initial IEP.

The initial IEP meeting to develop and implement the IEP must occur within 30 days of eligibility determination and prior to the child’s third birthday. Developing the
IEP may occur during the eligibility determination meeting.

The purpose of the initial IEP meeting is to:
- Develop an initial IEP
- Determine the date special education instructional, support or related services under the IEP will begin for children turning three, and
- Complete steps necessary for exiting a child from Early ACCESS services

The initial IEP meeting must involve the required IEP team members, and the Early ACCESS Service Coordinator and/or other IFSP team members at parent request.

Prior to the provision of special education instructional, support or related services outlined in the child’s IEP, the parent(s) must sign the Consent for Initial Special Education and/or Related Services form. It is expected that an IEP of an eligible individual will be implemented as soon as possible after an initial IEP team meeting. [41.323]

Extended School Year Services (ESYS)
A child eligible for special education must be considered for extended school year services (ESYS) as necessary for the provision of Free Appropriate Public Education (FAPE). ESYS are provided in accordance with the child’s IEP; therefore, discussion of ESYS occurs at the initial IEP meeting. If a decision to provide ESYS is made by the IEP Team, the agreed upon services are documented on the IEP. [41.106]

What is the Earliest Age an IEP may be Written for a Child?
The earliest age an IEP may be implemented for an eligible individual is **2 years 9 months**.

The child and family remain eligible for early intervention services through Early ACCESS until the child’s third birthday. Those early intervention services that will continue until the child’s third birthday must be described in the IEP.

However, if in the rare and unusual circumstance that an IEP was being considered for a child younger than 2 years 9 months, the IFSP team would need to contact the AEA Director of Special Education to seek prior approval.

Early Childhood Outcomes Summary (ECO)
The IFSP team and IEP team members make a decision about the child’s age-appropriate functioning based on the 7-point rating system in the three ECO areas. The teams will document the same rating score on the IFSP and IEP Early Childhood Outcomes forms. **Both forms must be completed.** The data are used to address two different federal reporting requirements.
IEPs Written Prior to a Child’s Third Birthday

IEPs Prior to Age Three

As noted above, the earliest age an IEP may be implemented for an eligible individual is 2 years 9 months. When an IEP will be implemented prior to a child’s third birthday, the child and family remain eligible for early intervention services by Early ACCESS until the child turns three. Those early intervention services through Early ACCESS that will continue must be described in the IEP.

The following outlines the process for providing early intervention services by Early ACCESS until the child’s third birthday and meeting the requirements for a smooth and effective transition to special education services.

Summer Birthdays

Transition planning for children who turn three in the summer may require more advanced planning due to two factors:

- Scheduling meetings and other activities may be more difficult due to limited availability of AEA and LEA professionals during the summer months, and
- Transitioning from the Early ACCESS system in which year-round services are made available to all children to the special education system in which services during school breaks are provided to individual children based on the decisions of their IEP teams.
At the Initial IEP/Exit from Early ACCESS meeting for a child who will receive special education services before their third birthday the following process ensures the transition addresses two key elements:

- Early intervention services through Early ACCESS continue until the child’s third birthday, and
- Support for a smooth and effective transition to special education instructional, support or related services

The table below describes the three step process for initial IEP meetings held for a child who will receive special education services before their third birthday.

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
</table>
| 1    | At the Initial IEP/Exit from Early ACCESS meeting, inform parents of the following:  
- Early intervention services will be provided as documented on the IEP until the child’s third birthday  
- Amendment to the IEP occurs following the child’s third birthday to discontinue early intervention services  
- Determination of need for ESYS is made and ESYS are documented on the IEP, if applicable  
- Special education instructional, support or related services are documented on the IEP, and  
- IEP Team determines the date when special education services begin and documents this on the IEP  

*Note.* Early ACCESS staff will implement procedures for exit from Early ACCESS.  

| 2    | Following the initial IEP meeting, the early intervention services by Early ACCESS and special education instructional, support or related services, are implemented as documented on the IEP.  

| 3    | When the child turns three, the IEP is amended to reflect the following:  
- Current special education instructional, support or related services, and  
- Termination of early intervention services provided through Early ACCESS  

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Manual TOC  
Appendix TOC
Transition from Pre-K to K

Spring Activities

Early childhood teams should plan to hold an IEP meeting for children transitioning from pre-K to kindergarten late enough in the school year that the team will have appropriate information for planning and decision making for a student’s kindergarten program. In scheduling this meeting, keep in mind that the final Early Childhood Outcomes (ECO) must be completed within the 90 calendar days prior to the end of pre-kindergarten services.

At this meeting, IEP teams should write an IEP that describes the early childhood program and services that will complete the current school year and also describes the coming kindergarten program.

On page F, current early childhood special education services are described with an appropriate starting date (e.g., the IEP meeting date.) The page F services for kindergarten are described with the start date corresponding to the beginning of school in the fall (i.e., August.) The Web IEP will then list these as “future services” and print them separately in the IEP.

Complete a final Early Childhood Outcomes (ECO) page.

Provide parents with a Prior Written Notice describing any changes to services and supports (changes that are a result of the transition to kindergarten and any changes reflecting new or different student needs).

Inform parents that an IEP amendment will be required in the fall to complete the transition process.

Amending the IEP: Fall Activities

In the fall of the kindergarten year, the new IEP team will need to amend the IEP, making all necessary changes. Typically, teacher and least restrictive environment (LRE) or early childhood setting code information changes. Weighting and attending building often change.

As students enter into kindergarten, teams must take care to review appropriate weighting. All early childhood instructional IEPs are weighted level two or level three, only, but many IEPs will change weighting level in kindergarten.

The fall amendment may be an amendment with or without a meeting, depending on the circumstances. The IEP team will decide if an additional meeting is necessary. At minimum, page F and the early childhood setting code should be changed to reflect the kindergarten program. The services and supports descriptions may not need to be changed, but the amendment process moves kindergarten services and supports from a “future services” designation to an “immediate services” designation. This is especially important to ensure that the correct, current early childhood setting code or LRE information is reported.

Complete a Prior Written Notice, informing the parents of IEP changes (see Documentation Guide for sample Prior Written Notice language).
## Secondary Transition

### Secondary Transition Defined

Secondary transition is designed to be a results-oriented process that is focused on improving the academic and functional achievement of the child with the disability to facilitate the child’s movement from school to post-school activities [41.43(1)a]

These postsecondary experiences include:
- Postsecondary education
- Vocational education
- Integrated employment (including supported employment)
- Continuing and adult education
- Adult services
- Independent living
- Community participation

Secondary Transition services are a coordinated set of activities for a child with a disability.

### Purpose of Secondary Transition Planning

The ultimate goal of secondary transition planning is to make the adjustment from high school as easy and successful as possible.

Secondary transition should be based on specific knowledge and experiences of targeted future environments and activities, as well as transition assessment information.

The transition of youth with disabilities from high school to learning, living and working in the community is a process that involves ongoing planning, preparation, and revision. It is not a single event or a series of isolated events.

### Secondary Transition Based on the Child’s Needs

Secondary transition services must also be based on the child’s needs, taking into account the child’s strengths, preferences, and interests. These should be kept in mind when considering the following: [41.43(1)b]

- Instruction
- Related services
- Community experiences
- The development of employment and other post-school adult living objectives
- If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation

### When to Begin Secondary Transition Planning

In Iowa, secondary transition planning must begin no later than when the first IEP is to be in effect when the child turns 14, or younger if determined appropriate by the IEP team.
Post-Secondary Transition: Frequently Asked Questions (FAQ)

1. **How do three year reevaluations and transition assessments relate?**

   The purpose of the reevaluation is to determine if the student continues to need special education services, supports or activities. If the student continues to need special education services, the information from the reevaluation is used to determine the content of the IEP. A reevaluation may not occur more than once a year and must occur at least once every three years, unless parent and school agree otherwise.

   Transition assessment is done on an ongoing basis (at least annually) to identify the student’s needs for secondary services supports and activities which will be documented in the IEP. The inclusion of transition assessment in three year reevaluation is a natural step that will save time and ensure the student’s needs are met.

2. **Do I need parent consent before completing transition assessments?**

   Parent consent must be given prior to collecting new information for the purposes of transition planning. Parent consent is not needed to review existing information or when the assessment is something in which all students participate, or done as a routine activity or assignment within the curriculum.

3. **Can adult service providers be invited without parent/student consent?**

   If an adult service agency is not providing services to the student prior to the IEP meeting, but may provide services sometime in the future, then the parent (or student who has obtained majority age) must consent to invite the adult service provider. If an agency is providing services to the student prior to the IEP meeting, then the LEA may invite the agency as someone who has special knowledge or expertise about the student. Parent consent is not needed when the agency is providing services prior to the IEP meeting.

4. **What happens when IEP team members do not agree on the postsecondary expectations for living, learning, and working?**

   The postsecondary expectations for living, learning and working should reflect consensus agreement of the IEP team, as these are the statements that drive the identification of needed secondary services, supports and activities. To the extent possible, IEP team members should engage in frank discussions of the skills needed for anyone to pursue the postsecondary expectation and those that the student would need to accomplish in order to pursue the postsecondary expectation. The result of the discussion should be a postsecondary expectation that each member of the team agrees to support. At times, members specific expectations may differ for the postsecondary activity, but can still support the postsecondary expectation as the services provided would be similar. For example, a student may wish to go directly to a four year college, while other members of the team may think a community college to be an easier transition. In instances where IEP members disagree with the postsecondary expectation(s) to the extent that they cannot support it the dispute should be resolved as with any other IEP dispute.
5. **Can I add a new goal as the result of transition assessments if the student is only eligible for one type of service (e.g., reading, math, or writing)?**

Once a student is determined eligible for special education services, he or she is eligible for ANY service depending upon individual need. It is possible that an eligible individual may at first only need reading services but with time may need additional services in math or writing or other areas. It is not necessary to re-determine the individual’s eligibility for special education. That is done during the three year reevaluation. In fact, IEP teams must, under IDEA, examine all the student’s needs as a result of the disability at each annual review.

6. **Is Work Experience an AEA or LEA service?**

Iowa’s new administrative rules identify work experience as an instructional service which means that in most locations it will be provided through the LEA. Iowa’s administrative rules define a work experience coordinator as an individual who:

... plans and implements sequential secondary programs that provide on- and off-campus work experience for individuals requiring specially designed career exploration and vocational preparation when they are not available through the general education curriculum.

7. **What is the AEA’s responsibility to monitor provision of Work Experience?**

As with all other special education services, the AEA is responsible to ensure that students with disabilities receive the services they need, and the services are provided by qualified personnel. This means that if the work experience services are not provided to districts through the AEA, the AEA should have a method to ensure that districts are identifying employment services when needed by students and quality services are provided, including that the district person providing the service is appropriately credentialed, as described above. The AEA should contact the Department for assistance if the AEA encounters non-compliance the district is not willing to correct.

8. **Do you have to write a goal?**

The IDEA requires “appropriate measureable postsecondary goals” to be included in the IEP. If a student’s “transition services” are “special education” (specially designed instruction), then the student’s IEP is to contain an annual goal (or goals) and describe the special education the student is to receive. If a student’s “transition services” are “related services”, then the IEP should describe those services in the appropriate place. If a student’s postsecondary goals are attainable without special education or related services, then the general education that the student will receive is to be described in the course of study. If a student’s non-instructional transition activities are services that all students receive, the LEA, of course, must provide them. Any accommodations or modifications the student requires to progress in the general curriculum should also be described.
9. **When should the IEP team consider continuing secondary special education for students ages 18 to 21 (sometimes known as 4+ programs)?**

There are several types of services commonly referred to as 4+ programs. A 4+ program is any program or set of services that are provided for students who have earned a majority of their graduation requirements, but still have unmet needs, usually in the area of learning or work. These programs and services are located at a site other than the high school. They may be located at a community college, in the community through a collaborative program with Iowa Vocational Rehabilitation Services (known as the Transition Alliance Program), or in the community through other providers (e.g., Career Connections).

There are currently nine secondary special education programs on community college campuses in Iowa. The specific services they provide range, depending on the program. Their intent, however, is the same: to provide LEAs with an additional option of meeting needs of students with disabilities. Generally, there are three reasons that an IEP team might decide to send a student with disabilities to a secondary program on a community college campus:

1. The student will go on to college, but her or his learning characteristics and generalization skills necessitate time in the actual setting to be successful.
2. The student will go on to college, but needs to learn specific study/accommodation skills in the actual setting.
3. The student may not be successful independently at a college setting, but with supports will gain specific career and technical skills that will provide for a stronger employment outcome.

It is important to remember that these programs must be available to the student as long as the student needs the services and remains eligible for special education. Also, they are considered secondary programs – not postsecondary education. This means that the student must continue to receive a free appropriate public education. The appendix contains more details about these programs.

Collaborative programs funded by IVRS and the LEA or AEA known as TAPs may extend beyond the 4th year of high school when it has been demonstrated that the student was unable to adequately develop the work skills necessary for post secondary learning or working goals. However as early as the sophomore year students in TAPs should participate in assessments and work experiences to expose them to vocational options so that by the junior and senior year more advanced and customized training is provided. This will enable the student to be prepared for transition and graduation. Only when the student is not successful in acquiring the skills in the high school years would the student continue in the TAP program for more skill development.

10. **Do we have to provide psychological testing so that the student can receive services as an adult?**

No. The provision of specific psychometric testing that is needed solely to meet the eligibility requirements of another agency or service is not the responsibility of the educational agency. The transition requirements of IDEA mandate facilitation and coordination with agencies that might provide services to the individual. IDEA does not require the education agency to establish the individual's eligibility for those services. Many areas around the state have developed working procedures that minimize the complications that can arise from the differing eligibility procedures and practices. At the state level, the Support for Accommodations Request (SAR) form is intended to minimize the number of people who will need psychometric testing to receive accommodations at the state level.
A collaborative effort the Department of Education and IVRS along with AEA 267 has developed a Collaborative Transition Protocol. The protocol encourages and improves the transition process for students, allows for eligibility determination for IVRS services using existing IEP information, allows for Social Security determinations to be completed without additional teacher documentation, and other adult services (Medicaid Waiver) are studying the protocol for consideration of their needs. This protocol has expanded into six other AEAs (for 2010-2011). Other AEAs are studying use of this protocol.

11. Do I have to complete a Summary for Postsecondary Living, Learning, and Working if I have completed a Supports for Accommodations Request (SAR) form for the same student?

No. Either form can be used for students who are planning to attend an Iowa institution of higher education. Since the SAR will probably be completed prior to the student’s exit from high school, it is important to update it when the student does exit.

12. Does IVRS need student/family consent to access student records?

No. IVRS is a division of the Iowa Department of Education and as such, qualifies as an educational agency under 34 CFR, Section 99.3 of the Family Educational Rights and Privacy Act (FERPA). This means that student records can be shared between the school and IVRS without additional consent.
## Seven Parts of the Transition Process

### Transition Process - Part One: Transition Assessment

<table>
<thead>
<tr>
<th><strong>Initiate Transition Assessment</strong></th>
<th>The first part in the transition process is to initiate a transition assessment, that is age appropriate and related to the areas of training, education, employment and where appropriate, independent living skills. [41.320(2)]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This involves collecting and gathering relevant (appropriate) information/data on a student’s interests, preferences, strengths and needs as they related to the student’s postsecondary expectations for living, learning, and working.</td>
</tr>
<tr>
<td></td>
<td>If this assessment meets the IDEA’s definition of an evaluation, and it requires more than reviewing existing data, obtain parental consent.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Iowa Model for Transition Assessment Defined</strong></th>
<th>The Iowa Model for Transition Assessment defines transition assessment as age appropriate and an ongoing, coordinated, systematic process.</th>
</tr>
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<tr>
<th><strong>Elements to Transition Assessment</strong></th>
<th>Transition assessment provides data from which to plan and make decisions that assist the student to move to postsecondary activities of living, learning, and working.</th>
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<tbody>
<tr>
<td></td>
<td>It involves input from student, family, school personnel, and other relevant stakeholders such as adult agencies, related services personnel and all members of the IEP team.</td>
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<tr>
<th><strong>Assessment Should Answer These Questions</strong></th>
<th>1. What is the student’s postsecondary expectation in the areas of living, learning, and working? (While this is the only question asked on the IEP, answering the following additional questions will generate necessary information to complete the IEP.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. What are the essential knowledge, habits, attitudes, and skills that any individual needs for the student’s desired postsecondary expectations?</td>
</tr>
<tr>
<td></td>
<td>3. What are the student’s current attitudes, habits, basic skills, critical thinking and application skills?</td>
</tr>
<tr>
<td></td>
<td>4. What is the discrepancy between the essential skills and the current skills?</td>
</tr>
</tbody>
</table>
Tools for Answering These Questions

- Use of formal or informal assessments including observation and interview (using the RIOT approach of REVIEW, INTERVIEW, OBSERVE, and TEST)
- Matrix 1 of the Iowa Transition Assessment Model (refer to table below)
- Current existing information such as:
  - Information from general education classes, e.g. Iowa Choices (Iowa’s career information delivery system)
  - Community members, organizations and adult agencies
    - Employers
    - Vocational rehabilitation counselors
    - Disability support service providers
Transition Process - Part Two: Prepare for the Meeting

**Meeting Attendance**

All team members required to attend IEP meetings of students younger than 14 are also required to be team members for the IEP meeting for which transition is the purpose.

IDEA also requires that any agency that is likely to be responsible for providing or paying for transition services be invited to the meeting. The parent or student who has reached the age of majority must consent to the invitation of the participating agency personnel. [41.321(2)c]

If outside agencies are providing services to the student prior to the IEP meeting then the LEA may invite a representative of the agency as someone who has special knowledge or expertise about the student. Parent consent is not needed to invite representatives of an agency when an agency is providing services prior to the IEP meeting.

IDEA does not require any further action if an agency representative is unable to attend. Effective practice, however, would encourage the LEA to find other means for the agency representative to provide input to the IEP.

**Consider Need for Additional Information**

Consider the need for additional information to team members. It is possible that parents and other people invited to the meeting will need extra information or supports in order to prepare for the meeting.

For example, Iowa Vocational Rehabilitation Services counselors can arrange to meet the family and student in advance to provide information on post school opportunities to ease transition arrangements. For many, the concept of transition is new and they are unaware of the information they can contribute to the meeting.

**Invite the Student to the Meeting**

**IDEA** requires that students be invited to their IEP meeting if the purpose of the meeting is the consideration of postsecondary goals and needed transition services. [41.321(2)]

If the student does not attend, the LEA must take steps to ensure that the individual’s preferences and interests are considered in the development of the IEP.

**Prepare the Student Prior to the Meeting**

The following will help prepare the student so that he/she is able to:

- Understand his or her own strengths and skills and be able to communicate those to others
- Understand disability and communicate to others the nature of the disability and related learning characteristics
▪ Learn about types of accommodations that might help him/her succeed in the classroom
▪ Advocate for him or herself and develop skills for self determination and independent decision making
▪ Become more involved in her or her own education and provide input to the IEP team in developing goals

Sending Meeting Notice

The Meeting Notice form should be sent out to the following parties:

▪ Parents
  o The Meeting Notice needs to be sent to parents notifying them that the student will be invited to the meeting and that the consideration of postsecondary goals, and transition services will be discussed at the meeting
▪ Student
▪ Other required IEP team members
▪ Representatives from outside agencies that have been invited to attend the meeting
The IEP Meeting

The IEP meeting is the time when the services, supports, and activities a student needs in order to have a free appropriate public education are discussed, identified, and documented on the IEP. The completed IEP document is a product of the discussion, not the sole purpose of the meeting.

Beginning the Transition Discussion

The transition discussion begins as a broad conversation that focuses over time based on the student’s individual need.

There are four factors that help to determine when focused preparation should start and at what level of intensity of services should be provided. These factors are:

- Student knowledge and skill
- Student learning characteristics
- Complexity of support needs
- Number of environments affected

Developing the Secondary IEP

The development of the secondary IEP is not a linear completion of the IEP which begins at the top of Page B and moves sequentially to the end of Page G. Rather it is a dynamic conversation that incorporates a variety of information and perspectives to determine the most appropriate services, supports and activities to prepare the student to pursue further education, employment and independent living.
Consider the Student’s Interests & Preferences

It is important that the interests and preferences be from the student’s point of view. List the student’s interests and preferences that relate to the postsecondary expectations for living, learning, and working.

Documentation of Transition Assessments

The IEP must document transition assessment information for each area of living, working and learning and must include:

- Information sources
  - These are people who provided the assessment information, and/or the tests that were used. It may also include the assessment method. For example, listing student interview or employer observation provides both the source (student, employer) and the method (interview, observation)

- Results
  - These are specific data that were identified during the assessment. They may include specific skills the student demonstrated or could not do or specific test scores. If test scores are used, some interpretation of the score in terms of the targeted postsecondary expectation should be provided

It is not necessary to provide all of the assessment results, just those that are relevant to the pursuit of the student’s postsecondary expectations for living, learning, and working.

There should be enough information to determine that the postsecondary area was assessed and whether the student has need for special education services, supports or activities in the postsecondary area.
A postsecondary expectation must be written for each of the areas of living, learning and working. It should be expressed in a statement that must:

- Project beyond high school
- Be based on assessment information, including interests and preferences
- Be observable
- Include an anticipated result in each area of living, learning, and working
- Become more specific as a student approaches postsecondary transition

If a postsecondary expectation for living, learning, and/or working is an area of need then the IEP must include goals, services, or activities to address the postsecondary area. Since transition is a multi-year process, all needs may not be addressed in the current IEP but included in the course of study for another year.

The course of study must include:

- A general statement listing the means by which it will be determined that the student has met the requirements to graduate
  - Any adjustments to the district’s standard graduation requirements must be supported by district policy and be based on need as a result of the individual’s disability. The revised criteria for graduation should also be rigorous and clearly measurable
- The student’s current status should be described in terms of the completion of the requirements in order to meet the target graduation date
- Target graduation date is the date that the student is expected to have completed the graduation requirement including specified courses and activities

List additional courses that are not already included in the graduation requirements and are necessary for the student to pursue their postsecondary expectations. Also include activities that the student needs to accomplish in order to pursue their postsecondary expectations.

All goals must support the pursuit of postsecondary expectations.

All goals must meet the requirements of a well written goal.

All areas of postsecondary expectations must have a goal or service/activity unless information from the transition assessment does not indicate a need.
Follow-up After the IEP Meeting

Following the IEP meeting:

- All service providers, including participating agencies, must be given access to the IEP, and those who were not in attendance must be made aware of their responsibilities for implementing the IEP
- Begin or continue services as described on page F
- Implement the procedures for progress monitoring
The IEP must include descriptions of all supports, services, and activities including agency linkages necessary for the student to pursue the course of study and post-high school outcomes of living, learning, and working.

Supports are things or persons provided for the student, or professional development provided for school personnel, that allow the student to have access to education.

Examples are:
- Assistive technology devices [41.5]
- Educational interpreters or paraprofessional support provided to a student [41.34(3)”d [41.403]
- In-service opportunities or professional literature provided for school personnel [41.207]

For students considering postsecondary education, high school teams should address assistive technology needs. Most postsecondary institutions expect prospective students with disabilities to have the knowledge and skills to utilize assistive technology.

Services are actions designed to meet the unique needs of a student.

Services may be things that are required to assist the student, or educational opportunities.

Examples are:
- Specially designed instruction [41.39(3)”c”]
- Related services [41.34(1)]
- Health services [41.405]
- Transition services [41.43]

For students of transition age, it is important to consider the need for these services as they apply to the next environment.
Activities are those events or tasks that a student needs to complete in order to access the educational program.

For a student of transition age, identifying activities is particularly relevant as they represent the events or tasks the student needs to pursue a postsecondary goal expectation, but are areas where the student does not need specialized instruction to learn the skill.

For example, for students who need support, but not specialized instruction, to get a driver’s license (e.g., accommodations to pass the test,) obtaining a driver’s license becomes an activity.

Agency linkages are those actions that need to be taken in order to connect with any agency or organization that might be helpful or provide funding or services in the postsecondary living, learning, and work environments.

Examples are:
- Disability support service providers at postsecondary colleges and universities
- Iowa Vocational Rehabilitation Services
- Social Security Administration
- Other agencies serving adults

It is important to develop these linkages while students are still in high school as these agencies may also help with transition services.
Transition Process - Part Five: Monitor Progress

Review and Document Progress at the End of the Reporting Period

Progress monitoring and decision-making is carried out on an ongoing basis, as described on the Goal page. At the end of each progress reporting period, the student’s progress on the IEP goals and the status of special education services, activities and supports should be reviewed and reported to parents and students who have reached the age of majority.

If the special education services, activities, and supports have not been completed as indicated on the IEP, this should be explained in the progress report.

Agencies Fail to Provide Transition Services

If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student, the district that is responsible for the student’s education will, as soon as possible, initiate an IEP meeting to identify alternative strategies to meet the transition objectives and, if necessary, revise the student’s IEP.

No participating agency, including a state vocational rehabilitation agency, is relieved of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility requirements of that agency. [41.324(3)b]

Alternative Strategies if Services have not been Provided

Alternative strategies to consider if services discussed have not been provided are: [41.324(3)a]

- Identification of another funding source
- Referral to another agency
- Identification of other districtwide or community resources that it can be used to meet the student’s identified need appropriately.

[41.324(3)a]
Transition Process - Part Six: Prepare for Transfer of Rights at Age of Majority

**Description of Age of Majority**

Under the provisions of the IDEA and its implementing regulations, students in special education are adults when they reach the age of majority, which is age 18 or upon marriage in Iowa. An individual under age 18 who is tried and convicted in adult criminal court and sentenced to an adult corrections institution also attains the age of majority for some purposes. At that time the individual becomes eligible to make the individual’s own educational decisions, previously made by parents.

**Transfer of Rights**

Notice and documentation of transfer of rights are required at the following times:

- **Notice that rights will transfer**
  - Beginning at least one year prior to the student’s 18th birthday (effective practice would suggest beginning at age 14) or at the time of the student’s marriage, the IEP shall reflect that the student has been informed of the rights that will transfer to him or her. [41.320(3)]

- **Notice that rights have transferred**
  - When the student turns 18, districts must also provide notice to parents and students that the rights have transferred. This notice does not have to be sent to the parents if the student is incarcerated in an adult prison. Documentation of notification should be kept in the student’s file. [41.520(1)]

- **Notice that rights have not been transferred**
  - In special cases (e.g., establishment of guardianship or another individual has been appointed to represent the educational interests of an eligible individual) the right to determine educational decisions does not transfer to the student. The notice should document the reason why the rights did not transfer. [41.520(2)]

Contact the Iowa Department of Education for materials that will assist in fulfilling these requirements.

**Age of Majority Changes in Services Students Receive**

The IEP team should be aware that many services students receive as children change when they turn 18 so that they can assist and plan for those transitions.

For example, both foster care and social security have changes that significantly affect students. Students who receive SSI benefits as children may not continue to receive those benefits as adults. At age 18, social security will evaluate the student’s disability under the adult disability regulations, which, depending on the child’s disability, may differ significantly from the childhood disability regulations. Many students are determined not to be disabled as adults and lose their SSI benefits. IEP teams should be aware of these situations and work with the respective agencies.
Transition Process - Part Seven: Prepare for Student Exit from High School

Overview

When a student exits special education due to graduation from secondary school or due to exceeding the age eligibility for FAPE, the student must be provided a summary of his/her academic achievement and functional performance which shall include recommendations on how to assist the student in meeting his/her postsecondary goals. [41.305(5)c]

Either a Summary for Postsecondary Living, Learning, and Working form, or a Support for Accommodation Request form (SAR) must be completed to meet this requirement.

Summary: Postsecondary Living, Learning, and Working Form

This form consists of eight sections and must be completed at the senior exit meeting or in the senior year.

It must be current at the time of the student’s exit. Although not required, it is recommended that the form also be completed with students who drop out of school.

Purposes of the Summary for Postsecondary Living, Learning, and Working Form

There are several purposes for the Summary for Postsecondary Living, Learning, and Working:

- Provides students and families with a brief description, in one location, of the supports and services provided in high school in preparation for the student’s targeted postsecondary expectations
- Provides a place to list the linkages recommended for the student to pursue the targeted postsecondary expectations as well as resources to contact if something doesn’t work as planned
- Provides a document for students to use with receiving agencies to provide a brief overview of supports and services received in high school.
  - For example, vocational rehabilitation will use this form to assist the student in making the appropriate arrangements for accommodations and support services
**Summary:**

**Support for Accommodation Request Form (SAR)**

This form is to be used for students enrolling in postsecondary education. It is not necessary for IEP teams to complete both a SAR and a Summary of Postsecondary Living, Learning, and Working for one student. It is necessary however, for the form being used to be current at the time of the student’s exit.

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**Purpose of the Support for Accommodation Request (SAR)**

The Support for Accommodation Request form (SAR) provides the basis for verifying eligibility and supporting requests for accommodations, academic adjustments, and/or auxiliary aids at the postsecondary level.

Although the right to FAPE ends when students earn their high school diploma, under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973, individuals with disabilities are guaranteed certain protections and rights for equal access to programs and services, regardless of age.

In order to access these rights in higher education, an individual must present documentation indicating that the disability substantially limits some major life activity.

The information on the SAR may save the student and family time and expense needed for additional psychological assessments required for eligibility determination for accommodations at the postsecondary level.

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**Support for Accommodation Request (SAR) Content**

Students and their teachers or transition coordinators summarize relevant and useful information from a variety of sources (IEP’s, assessments, reevaluations, and high school records.)

Generally speaking, current (within three years) information provides the best picture of the current functional impact of the disability. However, disability student service providers at the postsecondary level use common sense and discretion in accepting older documentation of conditions that are permanent or stable.

Likewise, changing conditions and/or changes in how the condition impacts the individual brought on by growth and development may warrant more frequent updates in order to provide an accurate picture.

Therefore, offices of student disability services reserve the right to request additional information in order to determine eligibility and to provide appropriate and reasonable accommodations.
Exiting Special Education Services

Exit Circumstances Ending Eligibility

Once an individual is determined to be eligible for special education, four circumstances can end eligibility:

- Graduation with a regular diploma,
- Reaching the maximum age for eligibility,
- The decision of an IEP team that an individual is no longer eligible,
- Parent or age-of-majority student revocation of consent for special education and related services

Each of these circumstances requires adequate notice using the “Prior Written Notice of a Proposed or Refused Action” as well as the completion of the required statewide Exit form.

Exit Circumstances When Eligibility is Retained

There are several circumstances when an eligible individual is removed from special education rosters, but eligibility is retained:

- Attending school, but not attending special education services;
- Not attending school;
- Competent private instruction if the parent declines all special education services

Each of these circumstances requires adequate notice using the “Prior Written Notice of a Proposed or Refused Action” as well as the completion of the required statewide Exit form.

If a student returns to special education services following any of these circumstances, special education services may be reinstated (see below).
IEP Team Procedures for Determining Graduation

**Legal Requirements Concerning Graduation**

Graduation from school programs has a separate set of legal requirements:

1. All school districts are required to have a policy concerning graduation requirements for eligible individuals and procedures for the graduation of eligible individuals. [41.404(1-2)]

2. Graduation is a change of placement. Graduation with a regular high school diploma signifies the end of a free and appropriate education for the student and requires the completion of the “Prior Written Notice of a Proposed or Refused Action” form. [41.102(1)”c”(3)]

3. The term “regular high school diploma” does not include an alternative degree that is not fully aligned with the state’s academic standards, such as a certificate or a general educational development credential (GED). [41.102(1)”c”(4)]

**Establish Timelines and Criteria for Graduation**

Establish timelines and criteria for graduation:

- Document the anticipated month and date of graduation
- Document clearly what the criteria will be for the eligible individual to graduate. Possible criteria are:
  - Graduation based on meeting the same requirements as individuals without disabilities
  - Graduation based on meeting specified goals as well as completion of a stated number of graduation credits
  - Satisfactory completion of courses and activities specified in the individual’s IEP

**Determine if Graduation Requirements in IEP Have Been Met**

Determine whether or not the graduation requirements specified in the IEP have been met:

- If requirements HAVE BEEN MET and the student is graduating with a regular diploma, a reevaluation is not required to terminate special education services [41.305(5)b]
- If requirements ARE NOT MET and the IEP team recommends continued programming for a student, a new IEP should be developed
- If requirements ARE NOT MET and the student chooses to exit special education services despite the team’s recommendation, this should be document on the “Prior Written Notice of Proposed or Refused Action” form. This form should be completed at the meeting where the decision to exit services is made
Reaching Maximum Age for Service

Determine if FAPE Will Terminate Due to Student’s Age

It is necessary to determine if the obligation to make FAPE available to the student will end due to the student’s age.

A student turning 21 during the school year will be eligible to finish the school year. A part of the IEP process, linkages with community agencies will be established to assure a smooth transition to adult services.

In rare circumstances, an LEA or AEA may continue special education and related services to an eligible individual beyond the school year in which the individual turns 21 if the person had an accident or prolonged illness that resulted in delays in the initiation or interruption in that individual’s education program. The AEA director of special education must request approval from the department, which may be granted for up to the individual’s twenty-fourth birthday. [41.102(1)“e”]

Completion of Various Forms Due to the Student’s Circumstance

All students who graduate with a regular diploma or are exited due to reaching maximum age must be provided with a summary of their performance. The IEP team should complete the form appropriate to the student sometime near the time the student graduates or exits school.

Teams should complete the form appropriate to the need of the student:

- Final Exit - for all students graduating from high school or reaching maximum age
- Postsecondary Summary for Living, Learning and Working or, for students going to an institution of higher education, the Student Accommodation Request (SAR)
Parent Revocation of Consent for Services

Right to Revoke Consent for Services

Effective December 31, 2008, federal regulations were amended to permit parents to unilaterally withdraw their children from further receipt of special education and related services by revoking their consent for the continued provision of special education and related services to their children. As long as a parent has the legal authority to make educational decisions for the child (married parents, divorced parents when each retain decision making rights, etc.), the school or AEA must accept either parent’s revocation of consent.

Note: Age-of-majority students also have the right to revoke consent for their special education services.

An AEA or LEA may not use mediation or a due process hearing to challenge the parent’s decision or to seek a ruling that special education and related services must continue to be provided to the child.

Parental revocation of consent must be in writing and upon revocation of consent the LEA or AEA must provide the parent with prior written notice before ceasing the provision of special education and related services.

Revocation Ends all IEP Services and Supports

Parent/age-of-majority student revocation affects all services and supports. That is, parents/age-of-majority students do not have the right to revoke consent for one or more of a student’s special education services and to have other services continue.

If a parent or age-of-majority requests that one or more special education services end and to have other services continue, use the IEP amendment or review process to address that request.

Revocation of Consent and Competent Private Instruction (CPI, Home Schooling)

A parent request to provide CPI is not a revocation of consent for special education and related services even if the parent declines all special education services while providing CPI. If home-schooling parents re-enroll their eligible individual (wholly or through dual enrollment for special education services), IEP services may resume. Reevaluation may be pursued if current assessments are needed for sound planning and decision-making.

A parent who first revokes consent for special education services and later initiates CPI does not need to request Director approval of CPI.

Student Records Following Parent Revocation

A public agency is not required, because a parent revokes consent for continued services, to amend a child’s education records to remove references to the child’s receipt of special education and related services.

Revocation of consent for special education services does not affect the rights of parents or eligible students to request amendments to information in education records that the parents or age-of-majority student believe to be inaccurate or misleading, or to violate the privacy or other rights of a child.
Further Implications of Parent Revocation

Following revocation of consent, a student does not have IDEA discipline protections and may be disciplined as any general education student would be. The student, by virtue of revocation, is no longer an eligible individual and the LEA is not deemed to have knowledge that the child is a child with a disability.

Revocation of consent ends the IDEA responsibility to provide any general education accommodations specified in the IEP. The Iowa Department of Education has also informed school districts and AEAs that parents may not demand Section 504 plans after withdrawing their children from special education. This information is based on a policy document issued by the U.S. Department of Education Office of Civil Rights in 1996. This does not preclude districts from offering children in these circumstances appropriate accommodations that might allow the child to achieve some measure of success in school.

Revocation may also impact nonschool programs (e.g., SSI, ACT or SAT testing accommodations, etc.).

Document Revocation of Consent for Service

When it is determined that a student should be exited from special education services due to the revocation of consent for services, the student is removed from the roster and the Exit form is completed using the appropriate exit code (RRC) for IMS.

The Prior Written Notice of Proposed or Refused Action form is also completed and provided to the parents and, if appropriate, the age-of-majority student documenting the cessation of services and supports by the LEA and/or AEA. Provide Prior Written Notice of the cessation of services and supports after receiving the parents’ written revocation, but before ending services. The LEA and/or AEA work with the parents to determine an agreed-upon date in the same way as other Prior Written Notices.

In communication and notice to parents/age-of-majority students, it may also be important to inform parents and student of the potential impact on nonschool programs (e.g., SSI, ACT or SAT testing accommodations, etc.).

Re-establishing Special Education Eligibility After Parent Revocation

If, after a revocation of consent, parents or an age-of-majority student want to resume special education services an initial evaluation is conducted. Under this circumstance, existing information may provide much of the necessary data, but the assessment is processed as an initial evaluation, not a reevaluation. Evaluation teams will need to review existing information and determine if that information is sufficient enough and current enough for sound planning and decision-making.
## Nonattendance of Special Education Services or Nonattendance of School

### Nonattendance

No program should continue to maintain a student on its roster indefinitely if the student does not attend school or does not attend special education services.

### A Student Who Attends School, But Not His or Her Special Education Services

If an eligible individual is attending school but is not attending his or her special education services, the school and/or AEA should pursue the appropriate avenues to ensure attendance. These avenues include:

- Notifying and enlisting the help of parents
- Interviewing the student
- Reviewing the appropriateness of the program and implementing any necessary changes

All efforts to ensure attendance should be documented and the current IEP should be reviewed to ascertain whether any of the goals can be met in the general education setting with appropriate accommodations.

### A Student Who Does Not Attend School

If the student is failing to attend school, the school should take action to ensure attendance.

The LEA should pursue mediation or compulsory school attendance legal actions according to district policy. If the student is beyond compulsory attendance age, the IEP team should meet (attempting to include the student and parents) and discuss alternative educational options.

All efforts to ensure attendance should be documented.

### Documenting Exits Based on Nonattendance of Services or Nonattendance of School

When it is determined that a student should be exited from special education services for not attending services or for nonattendance of school, the student is removed from the roster and the Exit form is completed using the appropriate exit code for IMS.

When a student is exited when he or she **attends school, but does not attend his or her special education service**, the correct exit code is **RRT**.

When a student is exited because he or she **does not attend school**, the correct exit code is **DRO**.

Complete a Prior Written Notice of Proposed or Refused Action form documenting the actions and provide this to the parents. Note on this form that the student maintains his or her special education eligibility (disability and program recommendations) and retains the right to return to the special education program or service.
Reinstatement of Special Education Services

If a student who has been exited but retains eligibility returns to school or to services, the special education services may be reinstated as previously documented in the IEP.

The Prior Written Notice form is completed and provided to the parents/age-of-majority student documenting the action (i.e., resuming services).

If the IEP is current (i.e., the review date is not past due), consideration should be given to whether an IEP review or amendment is needed to take into account current data or circumstances.

If the IEP has expired, an IEP meeting must be held to review and revise the IEP.

If the student returns to special education services after a lengthy period, the IEP team should consider potential reevaluation needs. If additional assessments are necessary in the reevaluation process, parent or age-of-majority student consent (Consent for/Notice of Evaluation form) must be obtained.
Students Who Transfer Schools

Transfers Within Iowa

If a child with an IEP transfers from one school district to another within Iowa and enrolls in a new school within the same school year, the new district, in consultation with the parents, must provide FAPE to the child.

The new district must also provide services comparable to those described in the child’s IEP from the previous school until the new school either:

- Adopts the child’s IEP from the previous school
- Develops, adopts, and implements a new IEP

Transfers from Another State

If a child with an IEP transfers to Iowa from another state in the same school year, the new district, in consultation with the parent, must provide FAPE to the child including services comparable to those described in the child’s IEP from the previous school. This must be done until the new school reviews available information.

LEA and AEA professionals will review all available information regarding a transfer student from another state who was identified as eligible for special education in that state. If available information is sufficient to determine that the child is an eligible individual under Iowa guidelines, and that there is sufficient information to appropriately implement the existing IEP or develop a new one, no reevaluation is required.

If available information is insufficient to determine if the child continues to be an eligible individual under Iowa guidelines, or the information is insufficient to appropriately implement the existing IEP or develop a new IEP, the reevaluation process must be initiated.

This would include obtaining parental consent by completing the Consent for/Notice Evaluation form. Upon completion of the reevaluation, the Iowa IEP team must make an eligibility determination (reevaluation question #5) and, if the child is an eligible individual, develop a new IEP.

Any change in placement or eligibility would be documented on the Written Prior Notice form.

Note: In order to assure correct roster and weighting information, an Iowa IEP must be developed for transfer students from other states.
Behavior and Discipline: Behavior

Behavior Concerns Defined

Behavior concerns are any current or potential child / youth behaviors that impede student learning and require support within or outside of the general education classroom. This includes the following health concerns:

- Social
- Emotional
- Behavioral
- Mental

IEP Team Must Address Behavior and Make Decisions

An IEP team must address the behavior of all eligible individuals. The team may determine that:

- Behavior is not a concern
- Behavior needs to be addressed in some way
  - Information provided in the PLAAFP
  - Classroom accommodations
- A Behavior Intervention Plan (BIP) including a behavioral goal and specific actions based on Functional Behavioral Assessment (FBA) is necessary

Preventative Approaches to Behavior: Using PBIS

The team’s focus in addressing behavior should be on preventative approaches to increase or decrease child / youth behavior skills.

In the case of a student whose behavior impedes his or her learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports (PBIS) and other strategies to address that behavior. [41.324(1)]

Positive Behavioral Interventions and Supports (PBIS) Defined

PBIS is a broad range of systemic and individualized strategies for achieving important social and learning results while preventing problem behavior (Center on Positive Behavioral Interventions and Supports, 2001.)

Purpose and Function of PBIS

PBIS focuses on preventing academic and behavioral problems, and provides the framework for supporting children / youth with IEPs that have been identified to have academic and / or behavioral problems.

Three Tiers of Supports

The PBIS model establishes three tiers of supports for students within school systems.
Tier One - Core

Research indicates approximately 80% of students are supported by general practices and prevention efforts at the building level. When this is not systematically addressed, it will lead to an increase in suspension/expulsions and referrals to special education. The goal of this level is to prevent problem behaviors from occurring.

Tier Two - Supplemental

Research indicates approximately 15% of students require more targeted, small group supports implemented to decrease the likelihood special education services and supports will be needed. The goal at this level is to prevent problem behaviors from intensifying.

Tier Three - Intensive

Research indicates that approximately 5% of students require intensive supports implemented by specially trained educators to increase the likelihood of success in school and life. The goal at this level is to reduce the severity of problem behaviors and instances of intense behaviors. Individualized student-centered plans (Behavior Intervention Plans (BIP), based on information gathered from a Functional Behavioral Assessment, (FBA) are developed using a problem-solving approach.

General Education Preferred

It is required that general education interventions are developed, implemented and evaluated before it is decided that a student may need more targeted or intense supports and services.

If general education interventions and supports are sufficient for a behavior concern then the student should continue to be supported in the general education environment. [41.312]

Functional Behavioral Assessment Comes First

In order to consider the use of positive behavioral intervention and supports (PBIS) for an individual student, or develop a behavior intervention plan (BIP) a functional behavioral assessment (FBA) must be completed.
# Functional Behavioral Assessment (FBA)

## What is FBA?
Functional Behavioral Assessments (FBA) identify the function(s) of an individual student’s behaviors and provide information leading to effective interventions and needed supports.

## Purpose of FBA
An FBA allows educators to better understand the following areas of concern:
- Skill deficits (academic and behavioral)
- Performance deficits (academic and behavioral)
- Student preferences
- Reinforcement that is maintaining appropriate and/or challenging behavior.

For a student who becomes subject to disciplinary action a functional behavioral assessment is used to develop a behavior intervention plan within the context of the IEP process.

## When to Conduct a FBA
A FBA is conducted when child / youth behaviors impede learning and therefore require support within or outside of the general education classroom. This includes the following concerns that prohibit the students learning or the learning of other students:
- Social
- Emotional
- Behavioral
- Mental health

## Three Situations When a FBA is Conducted

1. A FBA may be conducted for any child / youth with a behavior concern in order to best understand the purpose / function of behavior and develop an effective support plan. This includes children / youth that are: [41.530]
   - In general education
   - Receiving an intervention through the IDM process
   - Being considered for special education

2. A FBA should be conducted for any eligible child / youth with a behavioral concern in order to develop an effective behavioral goal and / or behavior intervention plan (BIP)

3. A FBA must be conducted for any child / youth with an IEP who faces specific disciplinary actions that would result in removal for:
   - More than ten consecutive school days
   - More than ten school days for separate incidents of behavior that constitute a pattern (see Discipline section for specific information about when a FBA must be conducted)
The underlying philosophy of any FBA process is “thinking functionally,” or identifying the purpose (function) of why a student is exhibiting a specific behavior of concern. The severity of the behavior of concern will determine the level of intensity of the FBA.

There are three components of an FBA: (1) Descriptive Assessment (Indirect and Direct Assessment), (2) Data Analysis, and (3) Hypothesis Development.

### Descriptive Assessment - Indirect Assessment

Information is gathered about the target behavior indirectly via:

- Record reviews,
- Semi-standardized checklists, and
- Interviews.

Some examples are:

- Record review of existing documents
  - Cumulative file,
  - Special education file,
  - Special education teacher working file, and
  - General education teacher working file.

- Structured interviews
  - Teacher,
  - Parent, and
  - Student.

- Student-Assisted Functional Assessment Interview (Kern, Dunlap, Clarke, & Childs, 1994)
- Motivation Assessment Scale (Dunlap & Crimmins, 1996-2001)
- Problem Behavior Questionnaire (Lewis, Scott, & Sugai, 1994)
- Functional Analysis Screening Tool (Iwata, 1996)

### Descriptive Assessment – Direct Assessment

Information is gathered about the target behavior by observation.

Some examples are:

- Anecdotal records of observations that are then analyzed for function
- Antecedent – Behavior – Consequences (ABC)
- Direct observation; frequency count
- Preference Assessment
Data Analysis
Review data gathered from Descriptive Assessment (indirect and direct assessment.) Determine the following:
- Presence of a skill deficit and/or a performance deficit
- Patterns of behavior from individual sources
- Convergence of data from various sources that leads to Hypothesis Development

Skill or Performance Deficit
To determine the presence of skill versus performance deficit, the data analyzed should provide enough information to answer the following question. Is it that the student can’t use appropriate behavior instead of the behavior concern (skill deficit) OR is it that the student doesn’t use the appropriate behavior instead of the behavior of concern (performance deficit?) For example, the student is nonverbal and is expected to ask for help but does not do so (skill deficit) versus the child is verbal and is expected to ask for help but does not do so (performance deficit.)

Patterns of Behavior
The data analyzed should provide enough information to uncover patterns of behavior across sources used. If patterns are not able to be determined, it may be that more data should be gathered before developing a hypothesis.

Hypothesis Development – Convergence of Data
Convergence of data from various sources means that data from multiple sources suggest the same function. Such convergence can be sufficient information to design and implement a Behavior Intervention Plan (BIP). Lack of convergence evidence is evidence of the need for Experimental Analysis to identify the function of the behavior of concern.

Experimental Analysis
The main manipulation of antecedent and/or consequence variables in analogue or natural settings utilizing a reversal of alternating treatment design to establish repeating patterns of behavior. Note: Strong convergence of descriptive assessment data may eliminate the need for experimental analysis.

The two methods of Experimental Analysis are:
- Hypothesis testing-Structural Analysis (Dunlap et.al.,1991)
- Functional analysis (Iwata et. al.1982/1994)

Formal training is required to conduct a technically adequate experiment analysis. It should be noted that the function of behavior may be hypothesized strongly enough through descriptive assessment so that an experimental analysis is not necessary.

The FBA Process is not Linear
The FBA process is not linear. The process is dynamic, fluid and on-going. The response to the intervention is continually being monitored. Many times a variety of school personnel are recruited to collect data. However, the analysis and interpretation of data should be led by someone with background and knowledge in functional behavior assessment.
**Procedures for Conducting a Functional Behavioral Assessment (FBA)**

1. **Obtain Parental Consent, if Appropriate**
   - Parental consent is required in order to collect any data beyond that which is currently available to complete a FBA (see reevaluation section.)
   - If no new data are needed to complete the FBA, then no parental consent is required.

2. **Clarify the Behavior of Concern**
   - The behavior(s) of concern should be stated in clear, measurable and observable terms.
   - The behavior of concern is the target behavior you want to increase or decrease.

3. **Identify Student Strengths**
   - Identified student strengths should provide a foundation for decreasing the behavior(s) of concern and increasing replacement behaviors.
   - For example – the student has high language comprehension ability; the student is able to use picture cues / prompts.

4. **Summarize Existing Indirect Assessments**
   - Document existing data from all sources and methods. Include identification of data sources and include attachments if necessary.

5. **Determine if New Information is Needed**
   - The purpose of a FBA is to enhance an understanding of the purpose and function of a student’s behaviors and provide information leading to interventions and needed supports.
   - To do this, information / data must be able to answer questions specific to student skills, problem analysis and environmental conditions as described on the state’s Functional Behavioral Assessment Summary form.

6. **Conduct Additional Descriptive Assessments (Indirect/Direct Assessment)**
   - If the summary of existing indirect assessment is not sufficient to address these questions, new information is needed through additional indirect and / or direct assessment methods.

7. **Analyze Descriptive Assessment Data**
   - Establish the presence of a skill and/or performance deficit. Establish the presence or absence of convergence of data from various sources that suggest a function that is maintaining the target behavior.
8 – Generate a Hypothesis Statement

Based on a convergence of data reflected in the *Data Analysis*, determine the function of the behavior(s) of concern.

There are three functions of behavior:

- Positive Reinforcement (Gain)
  - Behavior to obtain attention, desired item, sensory stimulation, or activity
- Negative Reinforcement (Escape)
  - Behavior to escape a non-preferred situation, sensory stimulation or activity
- Automatic (Biologic)
  - Behavior that is related to an internal/intrinsic condition that is not mediated by social factors

Gain and Escape may occur concurrently (referred to as Multiple Function.) Gain and / or Escape should be ruled out before an Automatic function can be determined.

Document additional information such as significant setting events that may affect the behavior(s) of concern. If a hypothesized function is unclear, an experimental analysis may be necessary.

Formal training is required to conduct a technically adequate experimental analysis.

9 – Complete the State FBA Summary Form

This form provides summary documentation of the current FBA.

Document if the FBA led directly to the development of a behavioral intervention plan (BIP.)

Please note that the FBA process is dynamic, fluid and on-going and should be reviewed at least annually in conjunction with the IEP review process. An FBA that results in the development of a BIP, 504, or other intervention for any student regardless of eligibility, should be reviewed at least annually as well.

10 – Provide Results to Parents

Provide results of the FBA to all team members, including parents.

It is not required that results are provided to parents prior to a team meeting, however best practice would allow parents time to be active members of the team developing an intervention.

11 – Use FBA Results

Use results of appropriate interventions. This might be done through:

- A BIP
- IEP accommodations
- Intervention plan implemented through general education

Manual TOC  Appendix TOC
## Behavior Intervention Plan (BIP)

### Defined

A Behavior Intervention Plan is defined as a written, specific, purposeful, and organized plan which describes positive behavioral interventions and supports and other strategies that will be implemented to address goals for a student’s social, emotional, and behavioral development.

For students whose behavior prompts disciplinary action, the behavioral intervention plan addresses the behavior of concern.

Summary FBA results, relevant information, and parent, student, and school personnel input are used to develop an appropriate BIP.

### Who Should be Involved in Developing the BIP?

The IEP team determines who are the appropriate personnel involved in the development of the BIP. These members must include an LEA representative, the parents, and other relevant members.

There are no laws surrounding who must be a part of the team developing a BIP for students without IEPs.

### When to Implement a BIP

A BIP may be implemented when child / youth behaviors impede learning and therefore require support within, or outside of the general education classroom. [41.530]

This includes social, emotional, behavioral, and mental health concerns that impede the student’s learning or the learning of other students.

There are three situations where the development of a BIP (based on the results of a FBA) is considered:

1. A BIP may be developed for any child / youth with a behavior concern. This includes individuals:
   - In general education
   - In intervention through the IDM process
   - Being considered for special education

2. A BIP may be developed for any eligible child / youth with a behavioral concern that negatively impacts academic progress or school performance

3. A BIP **must** be developed for any child / youth with an IEP who faces specific disciplinary actions that would result in removal:
   - For more than ten consecutive school days
   - For more than ten school days for separate incidents of behavior that constitute a pattern (see Discipline section for specific information about when a FBA must be conducted)
A BIP must contain a clear, measurable definition of the target behavior.

For example:
- Jenny sits quietly during classroom discussions without raising her hand or adding comments for the group
- John makes noises with his mouth, limbs, or utensils during silent seatwork time
- Jada strikes other children with her hands

The BIP must be linked to the function (or hypothesized function) of the target behavior. Addressing behavior effectively also requires the BIP to include prevention strategies (antecedents) instruction in alternative / replacement behavior (skills) that achieves the same function as the target behavior, and response strategies (how to reinforce or not reinforce) for both the new behavior being taught and the old behavior being changed.

The content of the BIP is based directly on FBA results documented on the most current FBA summary form.

The following items are needed to develop an appropriate BIP:
- The most current FBA summary form
- The hypothesized function
- The exact wording of the behavior of concern from the FBA summary form
- Baseline data
- Behavior goal indicated on the IEP, if applicable
### Procedures for Developing a Behavioral Intervention Plan (BIP)

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>1 – Convene the Team to Develop the BIP</strong></td>
<td>Document on the IEP on the Service and Supports page the team of individuals who have authority to modify the BIP without full IEP team representation. This team is designated by the full IEP team.</td>
</tr>
<tr>
<td><strong>2 – Review the Results of the Most Current FBA Summary</strong></td>
<td>The BIP should be developed based on FBA summary results, and directly related to the hypothesized function. If applicable, also review progress monitoring information from general education interventions.</td>
</tr>
<tr>
<td><strong>3 – Determine Alternative or Replacement Behavior</strong></td>
<td>An alternative / replacement behavior should be identified that the child can use to reach the same function as identified in the FBA hypothesis. This behavior will replace the behavior(s) of concern for the student to obtain the same results. Further, determine whether the student is able to display the alternative / replacement behavior, as well as the level of reinforcement necessary to maintain the behavior.</td>
</tr>
<tr>
<td><strong>4 – Develop Preventative Strategies</strong></td>
<td>Review all salient information on the FBA summary form in order to develop appropriate prevention strategies, specifically:  - Problem analysis results  - Environmental conditions  - Antecedents These strategies include changes in instruction, choices, and environment which are needed to decrease or prevent the behavior(s) of concern.</td>
</tr>
<tr>
<td><strong>5 – Develop Teaching Strategies</strong></td>
<td>Review all salient information on the FBA summary form, specifically the Alternative or Replacement behavior section to develop appropriate strategies to teach the alternative / replacement behavior(s).</td>
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<tr>
<td><strong>6 – Develop Response Strategies</strong></td>
<td>Review all salient information on the FBA summary form, specifically problem analysis results, and the pattern documented under consequences in relation to the hypothesized function to develop appropriate response strategies that do not reinforce the behavior(s) of concern, and do prompt (as indicated by the FBA) and reinforce the replacement behavior.</td>
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<td><strong>7 – Develop Safety Plan</strong></td>
<td>If a safety plan is needed, define a crisis for the student, and identify actions to be taken based on the function of the student’s behavior.</td>
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</tbody>
</table>
| **8 – Develop Monitoring Plan** | There are three potential areas for monitoring on the BIP:  
  - BIP student goal  
  - Alternative or replacement behavior / skills if different from the goal  
  - BIP implementation  
  This plan needs to include who will be responsible for an action, when it will be implemented, and the frequency of monitoring. |
| **9 – Provide Results to Parents** | Provide a completed FBA summary form and the BIP to parents as part of the IEP. |
| **10 – Inform All Responsible Parties** | Inform all individuals not in attendance at the IEP meeting of their responsibilities, if any, for implementing the BIP and IEP. |
| **11 – Behavioral Intervention Plan** | Implement the developed behavioral intervention plan (BIP.) |
| **12 – Monitor the Behavioral Intervention Plan** | Monitor the efficacy of the BIP. |
Behavior and Discipline: Discipline

Overview

The administration of appropriate disciplinary procedures for students with disabilities provides significant challenges for school district administrators and staff members.

The issues surrounding the suspension of students are frequently complex and multiple factors must be considered. In general, students with IEPs are subject to the same code of conduct provisions as students without IEPs.

Discipline for students with IEPs may be different than for other students when:

- An IEP or BIP has provisions for responding to a student’s behavior that are different than the code of conduct
- A disciplinary action constitutes a change in placement

It is important to note that disciplinary procedures are there to help protect all students and school personnel. Disciplinary procedures are not positive behavioral interventions and supports.
Special Education Discipline
Step by Step Guide to Suspension/Expulsion

Consideration #1
Did the incident requiring disciplinary action involve special circumstances (i.e., weapons, drugs, or serious bodily injury)?

IF YES

Consideration #2A
Do any of the proposed days of the suspension/expulsion result in more than 10 CONSECUTIVE days of suspension/expulsion for this student?

IF NO

IF YES

Consideration #3
Was the behavior a manifestation of the student’s disability? To answer, you must conduct a manifestation determination.
A manifestation determination answers the questions (using relevant information in a student’s file, including the IEP, observations, and parent information):
1) Was the behavior caused by, or have any direct and substantial relationship, to the student’s disability?
2) Was the behavior caused by the school’s failure to implement the IEP?

IF YES

School may remove a student with a disability to an interim alternative setting, if special circumstances apply, for no more than 45 school days regardless of manifestation determination results. The school also must:
1) notify the parents of the decision to remove & provide the parents with a copy of the procedural safeguards notice on the date of the decision, and
2) continue to provide FAPE (Free Appropriate Public Education).
3) conduct a manifestation determination for guidance when student returns.

Consideration #2B
Do any of the proposed days, when added to other days, result in a cumulative number of suspension/expulsion days of 11 or more?

IF NO

IF YES

Consideration #2C
Do the days in the cumulative total constitute a pattern? A pattern means the days occurred in the same school year, are a result of similar behaviors, and/or the length, total, and proximity of the suspensions are similar.

IF NO

School may apply same discipline procedures used for all students.

IF YES

School may apply same discipline procedures used for all students. Services outlined by the school must be provided.

The behavior is not a manifestation of the student’s disability.
1) The school can suspend or expel.
2) If considering an alternate setting, continue to provide services to allow the student to continue to participate in the general education curriculum and make progress on IEP goals. Consider a Functional Behavioral Assessment to create or modify an existing Behavior Intervention Plan.

The behavior is a manifestation of the student’s disability.
1) The student stays in original placement or the IEP team decides that a change of placement should occur.
2) Conduct a Functional Behavioral Assessment to create or modify an existing Behavior Intervention Plan.

Rather than continue in short-term removals, consider review and revision of the BIP.
### Disciplinary Actions Defined
Disciplinary actions refer to specific procedures surrounding a removal (e.g., suspension, expulsion) of a child with a disability who violates a code of student conduct.

### Disciplinary Removals
When a change in placement is the result of the disciplinary actions (listed below) specific disciplinary procedures apply:

- **Expulsion**
  - The result of school board action resulting in the removal of a student from the rolls of a district (unless a student has an IEP and requires continuing services) for disciplinary reasons.

- **In-School Suspension**
  - An Administrative removal of a student from regular classes or activities for disciplinary reasons to a setting where the student continues to remain under supervision of school personnel. Saturday school does not count as an in-school suspension.

- **Out-of-School Suspension**
  - An administrative removal of a student from regular classes or activities for disciplinary reasons to another setting (e.g., home, behavior center). If the removal is for more than ten days school board action is required. Saturday school does not count as an out-of-school suspension.

### When In-School Suspensions and other Disciplinary Actions Are Not Considered Removals
In-school suspensions (and other disciplinary actions) are not considered removals if the answers to *all three* of the following questions are YES: [41.536(3)]

- Will the student be able to appropriately participate in the general education curriculum?
- Will the student be able to receive the services specified in the student’s IEP?
- Will the student be able to participate with students without disabilities (see Note) to the extent provided in the student’s current placement?

**NOTE:** In-school suspension meets the requirement of “able to participate with students without disabilities” if the in-school suspension setting is available to students with and without disabilities [41.51(8)]. If the in-school suspension setting is available to all students, then it constitutes the general education environment even if there are no students without disabilities currently there.

### When Do IDEA’s Disciplinary Procedures Apply?
The IDEA’s disciplinary procedures [41.530] apply when a removal of a student constitutes a change in placement, which occurs when the student is removed: [41.536]

- For more than ten consecutive school days
- For more than ten school days for separate incidents of behavior that constitute a pattern [41.536(1)]
Notice to Parents of Disciplinary Change in Placement

On the date that schools decide to make a removal that is a change in placement, the school must:
- Notify the child’s parents of this decision;
- Give the parents a copy of the procedural safeguards notice [41.530(8)]

How to Determine if Removal Constitutes a Pattern

Determining that removal of a child constitutes a pattern is based on: [41.536(1)]
- A series of removals of more than ten school days in a year
- The behavior that caused the removal is substantially similar to the behavior that caused previous removals
- Additional factors such as the length, time and proximity of the series of removals

Schools determine whether a series of removals constitutes a change in placement; however, parents can challenge this determination through a due process and court review.

What happens if a series of removals is not a pattern

If a child is removed for more than ten cumulative school days in a year, but the removals do not constitute a change in placement (no pattern), then the school officials (after consulting at least one of the child’s teachers) determine what services are needed, if any, to enable the child to participate in the general education curriculum although in another setting and progress toward meeting the child’s IEP goals. [41.534(4)d]

Determine if the Ten-Day Rules Apply

To determine if the ten-day rules apply: [41.536]
- If the removal is more than ten consecutive days, then a manifestation determination must be conducted
- If the removal is more than ten cumulative days that constitute a pattern, then a manifestation determination must be conducted
- If the removal is more than ten cumulative days and does not constitute a pattern, then the same disciplinary procedures used for all students may be applied, however some IEP services as outlined by the school must be provided
- If the removal is ten cumulative days or less, then the same disciplinary procedures used for all students may be applied
Consider Supports

The following should be considered for students with disabilities with behavioral concerns and/or facing disciplinary action for any number of days:

- Conducting a FBA
- Designing a BIP
- Determining placement for free appropriate public education (FAPE) and appropriate services to enable the student to continue to participate in general education and progress toward meeting IEP goals
- Designing positive behavioral interventions and supports (PBIS) for students with disabilities whose behavior impedes his/her learning or the learning of others
**Discipline: Special Circumstances**

**Determine if Special Circumstances Apply**

There are three special circumstances that allow school personnel to remove a student with disabilities to an interim alternative educational setting for no more than 45 school days regardless of the outcome of the manifestation determination.

On the date the decision is made that special circumstances apply, the school must notify the parents of the decision and provide parents the procedural safeguards notice.

**Three Circumstances that Allow Removal**

The three special circumstances are if the student: [41.530(7)]

- Carries / possesses a weapon to or on school premises, as well as to or at school functions.
- Possesses uses, sells or solicits the sale of a controlled substance or illegal drugs on school premises or at a school function.
  
  **Note:** Alcohol and tobacco violations of a school’s code of conduct are not “special circumstances”.
- Inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

**Serious Bodily Injury Defined**

Serious bodily injury is defined as bodily injury which involves:

- A substantial risk of death
- Extreme physical pain
- Protracted and obvious disfigurement
- Protracted loss of impairment of the function of a bodily member, organ, or mental faculty

Threats of serious bodily injury or attempted serious bodily injury do not constitute special circumstances. Bodily injury that is not serious (bruises, scrapes, marks) does not constitute special circumstances.

**Interim Alternative Education Settings Defined**

Interim Alternative Education Settings (IAES) are settings outside of the school. In this setting the child must receive the following: [41.530(4)]

- Educational services that enable the child to participate in the general education curriculum and progress toward meeting their IEP goals
- As appropriate, a FBA and BIP that addresses the behavior(s) of concern
| When Special Circumstances Apply | When special circumstances apply then the LEA:  
- May remove a student to an interim alternative education setting for no more than 45 school days regardless of the outcome of a manifestation determination  
- Must notify the parents of the decision to remove and provide parents the procedural safeguards notice on the date the decision is made  
- Must conduct a manifestation determination  
- Must continue to provide free appropriate public education  
- May conduct or review a FBA for guidance when the student returns to his or her original placement. |
| When Special Circumstances Do Not Apply | If special circumstances do not apply, the LEA must consider the length of time the student has been removed.  
The consideration must be given to the currently proposed action to determine if it will result in removal from classes for more than ten days (including any removals prior to this one.)  
- If the removal is less than ten days or the removal does not constitute a pattern, then no IEP team meeting is necessary. Standard school board policy governing suspension / expulsion for all students may be applied.  
- If the removal is more than ten days, or the removal constitutes a pattern, then the LEA must:  
  - Provide notice to the parents and inform IEP team members of the meeting and its purpose;  
  - Make certain that all relevant information is available. This may include information from:  
    - The student’s file  
    - Child’s IEP  
    - Teacher interviews  
    - Direct observation  
    - Progress monitoring  
    - Evaluation summary  
    - FBA summary |
# Discipline: Manifestation Determinations

<table>
<thead>
<tr>
<th>Manifestation Determination Defined</th>
<th>A manifestation determination is a procedure to determine if the behavior that precipitated removal that constitutes a change in placement is a manifestation of the student’s disabilities.</th>
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<tbody>
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<td>A determination should be made as to whether the behavior is an integral feature of the student’s disability.</td>
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<tr>
<th>When Should a Manifestation Determination be Completed?</th>
<th>A manifestation determination may be completed at any time, however it must be completed when a student with disabilities faces disciplinary actions that would result in removal of a student for:</th>
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<td>- More than ten consecutive days</td>
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<td>- Any removal for up to 45 school days because of a special circumstance</td>
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<td>- More than ten school days for separate incidents of behavior that constitute a pattern [41.536(1)]</td>
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A manifestation determination must be conducted within ten school days of a decision to change a child’s placement for violating a student code of conduct [41.530(5)]
Procedures for Completing a Manifestation Determination

Overview
To complete manifestation determination procedures, the LEA must do several things which are listed below. [41.530]

Review File
Within ten school days of any decision to change the placement of a student with an IEP because of a violation of student conduct, the AEA, LEA, parent and relevant members of the IEP team must review all relevant information in the student’s file to determine if the conduct in question is a manifestation of the student’s disability. [41.530(5)a]

Provide Notice to Parents
Provide notice to parents and inform IEP team members of the meeting and its purpose.

Gather All Relevant Information
Make certain that all relevant information is available. This includes: [41.530(5)]
- Indirect and direct assessment information
- Progress monitoring or evaluation information
- FBA summary
- Student’s IEP
- Teacher observations
- Relevant information provided by parents

Answer Two Questions
In a full IEP team discussion of all relevant information, address the following questions: [41.530(5)]
- Was the behavior caused by or have any direct and substantial relationship to the child’s disability?
- Was the behavior caused by the LEA’s failure to implement the IEP?

Complete Determination
The requirements for the LEA are dependent on the answers provided to the questions.

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<th>If</th>
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<tr>
<td>YES to either question</td>
<td>Indicates behavior is a manifestation of a student’s disability</td>
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<tr>
<td>YES to question two</td>
<td>The LEA must take immediate steps to correct those deficiencies</td>
</tr>
<tr>
<td>NO to both questions</td>
<td>Behavior is not a manifestation of the student’s ability</td>
</tr>
</tbody>
</table>
If Yes to Either Question

If YES to either question:

- Conduct a FBA or review and revise an existing FBA to either design or to modify an existing BIP
- Determine placement for FAPE which means:
  - Return the student to the placement from which the student has been removed and continue the services and supports specified in the IEP, or
  - Review and revise the IEP to reflect changes in services, supports or placement

If No to Both Questions

If NO to both questions:

- Implement disciplinary action
- Determine interim alternative educational setting, which provides a FAPE
- Conduct a FBA to design or modify an existing BIP, if warranted

Determine Interim Alternative Educational Setting

Under special circumstances and when behavior is not a manifestation of the student’s disability, the student may be removed to an IAES.

The student’s IEP team determines the IAES for all removals to an IAES (e.g., suspensions, expulsions, removals for special circumstances). [41.531]

The availability of interim alternative educational settings varies from school district to school district. During alternative placements, students will receive instruction according to the goals and objectives in their IEPs.

If the parents appeal, “stay put” is the interim alternative educational setting unless the parent and school agree otherwise. [41.533]

Timing and Placement in an Interim Alternative Educational Setting

A student with a disability could be subjected to more than one placement in an interim alternative educational setting for up to 45 school days in a given school year. For example:

- A student brings a weapon to school in the fall and is placed in an interim alternative educational setting for up to 45 days
- The same student uses illegal drugs at school in the spring and is again placed in an interim alternative educational setting for up to 45 days

NOTE: It is possible that a placement in an IAES for a special circumstance may carry over into the next school year

Results

Results, including progress reports related to IEP goals and the status of student behavior should be provided to parents as part of the IEP process.
### Appeals
A parent or the LEA has a right to appeal any decision related to placement by requesting a hearing. A hearing may occur if: [41.532-41.534]
- The LEA believes that maintaining the current placement of the student is substantially likely to result in injury to that student or to others
- The parent disagrees with any decision related to placement or the manifestation determination

### Hearing Procedures
Procedures for hearings:
- The student must remain in the interim alternative educational setting during due process [41.533]
- The state is responsible for arranging an expedited hearing which must occur within 20 school days of the hearing request [41.532(3)]
  - The administrative law judge (ALJ) must make a determination within ten school days after the hearing
  - Unless the parents or LEA waive the right to a resolution meeting or agree to use mediation, the process is:
    - Resolution meeting occurs within seven days of receiving the due process complaint
    - The hearing may proceed unless it has been resolved within 15 days of the receipt of the due process complaint

### Hearing Results
An ALJ will hear and make a determination to do either of the following: [41.532(2)]
- Return the student to the school setting
- Order a change of placement of the student to an appropriate interim alternative education setting for not more than 45 days

### Students Without Disabilities May Have the Same Protections
A student who has not been determined eligible for special education and related services may assert the same protections provided students in special education if the LEA *had knowledge* that the student was a student with a disability before the behavior that precipitated the disciplinary action. [41.534(1)]

### Establishing Had Knowledge
*Had Knowledge* is established if any of the following occurred prior to the behavior: [41.534(2)]
- The parent expressed concern in writing to a supervisory or administrative personnel or teacher that his or her child was in need of special education
- The parent requested an evaluation of his or her child
- The teacher or other personnel of the LEA expressed specific concerns about the pattern of behavior to the director of special education or other supervisory personnel of the agency
There are two exceptions to *had knowledge*: [41.534(3)]

- The parent hasn’t allowed an evaluation of his or her child
- The student was evaluated and determined not to have a disability
- The student’s parents revoked consent for continued special education services [41.534(4)]

If it is determined that the LEA and AEA had no previous knowledge that the student had a disability prior to the behavior that precipitated the disciplinary action, the student may be subjected to the disciplinary measures applied to students without disabilities who engage in comparable behaviors.

However, if during the time period the student is subjected to the disciplinary measures there is a request for an evaluation, the evaluation must be conducted in an expedited manner: [41.534(4)b]

- Until the evaluation is completed, the student remains in the educational placement that has been determined by school authorities which can include suspension or expulsion without educational services
- If it is determined through the evaluation procedure that the student is eligible for special education services, special education and related services must then be provided

Nothing in Part B prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law. [41.535]

An agency reporting a crime committed by a child with a disability must ensure that copies of the special education disciplinary records for the child are transmitted for consideration by the appropriate authorities to whatever agency reports the crime. [41.535(2)]

An agency reporting a crime under this rule may transmit copies of the child’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

FERPA allows for transmittal of records with parent or eligible student consent. FERPA also allows transmittal of records in certain situations without consent, such as health and safety emergencies or court orders or subpoenas.

For more information, contact the federal office that administers FERPA: http://www.ed.gov/policy/gen/guid/fpco/index.html
Unique Placements

Provide a Continuum of Services

It is the duty of each public agency to ensure that a continuum of alternative services and placements is available to meet the needs of children with disabilities for special education and related services. [41.115(1)]

In addition to regular classes and special classes, the continuum must include:
- Special schools
- Home instruction
- Instruction in hospitals and institutions [41.115(2)]

Changing the IEP Due to Student Placement Changes

When circumstances arise that create the need for a student to be moved into a placement outside the regular school environment, there is almost always a need to make changes to the existing IEP.

Procedures for reviewing or amending IEPs should be followed. If a child was not identified as an eligible individual prior to the need for education in one of these restrictive settings, a determination must be made as to whether considering eligibility for special education is appropriate. If special education eligibility is a consideration, all of the appropriate child find procedures must be followed.
Contracts and Billing for Non-Resident Special Education Services

Contracts for Services to Nonresident Students

A contract or agreement must be in place between the resident district or AEA of the student and the AEA or district providing that student’s special education program. These contracts must be for the actual costs of providing those special education services.

Each agency contracting with other agencies to provide special education and related services for individuals or groups of individuals shall maintain responsibility for individuals receiving such special education and related services by:

- Ensuring that all the requirements related to the development of each eligible individual’s IEP are met.
- Requiring and reviewing periodic progress reports to ensure the adequacy and appropriateness of the special education and related services provided.
- Conditioning payments on delivery of special education and related services in accordance with the eligible individual’s IEP and in compliance with these rules.

[41.903]

Actual Costs

Accounting for the costs for special education is based on the dollars actually expended not on an estimate.

The Code of Iowa requires that when billing for nonresident students, the billing is to be actual costs.

Children in Unique Placements Must be Provided Education

If a student requiring special education is living in a licensed foster care, residential treatment, or other such type of facility, the LEA in which the facility is located must provide special education if the facility does not maintain a school.

The school district in which the facility is located may contract with the facility to provide the educational program. This is the decision of the district. A facility does not have the authority to provide an educational program unless contracted by the district to do so.

School districts in which a residential treatment facility is located are responsible for the provision of education services to students residing in the unit or institution. [41.907(5)]

Students (both those requiring special education services and those not requiring special education services) residing in the unit or institution shall be included in the basic enrollment of their districts of residence.
A Student’s Resident District Must Pay for Services

The student’s resident district shall pay to the school district in which the facility is located, for the provision of educational services to the student.

The resident district will pay a portion of the district cost per pupil based upon the proportion of time each student is provided educational services while in the facility, compared to the total time for which the child is provided educational services during a normal school year, e.g., 1/180th for each instructional day.

The actual special education instructional costs incurred are paid by the student’s resident district to the district in which the facility or home is located. Billing to resident districts or AEAs for special education costs shall be based on the actual cost of providing the services, not on a per diem according to the funds being generated. [41.907(2)]

Special Circumstances and Who Pays for Services

In cases where a student’s district of residence cannot be determined, or a student has been placed by the district court and parental rights have been terminated the following procedures should be followed.

If these students are not included in the weighted enrollment of any LEA in the state, the LEA in which the facility is located may certify the costs to the director of education by August 1st of each year for the preceding fiscal year. Payment shall be made from the general fund of the state. [41.907(5)(6)]

In addition, there shall be a contract in place between the resident district and the district in which the facility is located for the provision of special education services. Any special education instructional program not provided directly by an LEA or any special education support service not provided by an AEA can only be provided through a contractual agreement. [41.903(1)]

Students Previously Requiring Special Education

If a student enters a facility and has previously been identified as requiring special education services, he or she may continue to receive that program in the facility.

When Can Special Education Services Start in the New Facility?

The special education program shall not begin for a student until the facility has received a current IEP from the resident district or previous attending district or facility. Upon receipt of the IEP, the new facility must “provide FAPE to the child including services comparable to those described in the child’s IEP from the previous public agency until the new public agency either:

a. Adopts the child’s IEP from the previous public agency; or
b. Develops, adopts, and implements a new IEP” [41.323(5)]

Therefore, billing of special education costs cannot begin until receipt of the current IEP or development of a new IEP.
Cost Responsibilities for Out-of-State Students

If a student from another state is placed in a foster care facility in Iowa, the costs for the educational services provided to both general education and special education students are billed back to the student’s home district in the other state.

This placement is facilitated through the existence of an Interstate Compact for Juveniles between Iowa and other states.

The billing procedures for the costs of providing educational services to out-of-state students shall be performed or supervised by the district responsible for providing the program.

LEAs and AEAs in Contract with Other Agencies to Maintain Responsibility

Any LEA or AEA that contracts with other agencies to provide special education and related services for students maintains responsibility for those students by:

- Ensuring that all the requirements related to the development of each student’s IEP are met
- Requiring and reviewing periodic progress reports to ensure the adequacy and appropriateness of the special education and related services provided
- Conditioning payments on delivery of special education and related services in accordance with the IEP and in compliance with all rules and regulations such as minimum length of school day, pupil-teacher ratios, and appropriately licensed teachers.

The district providing the program is responsible for assuring that there is a contract in place and for the submission of timely invoices to the sending district.
Open Enrollment

Open Enrollment Application

Parents of a child enrolled in kindergarten to grade 11 or a child who will be entering kindergarten may request to enroll their child in a district other than their district of residence through the process of open enrollment. Applications for open enrollment of children who will be entering grades one through 12 must be submitted to the potential receiving district by March 1 for the following school year. Applications for open enrollment of children who will be entering kindergarten must be submitted to the potential receiving district by September 1.

Parents of a preschool, eligible individual may also request to open enroll their child in a district other than their district of residence to receive special education instructional services in a preschool, pre-kindergarten or early childhood special education program. Parents may not make application to open enroll their nondisabled preschoolers. Applications for preschool, eligible individuals must be submitted to the potential receiving district by September 1.

There are “good cause” exceptions to the application deadlines. Identification as an eligible individual is not one of them. See the Open Enrollment Handbook for additional information:


Open Enrollment Approval or Denial

When an open enrollment application is made, the potential receiving district considers whether it has adequate classroom space and, for eligible individuals, whether it can provide a free appropriate public education (FAPE) for the child. A potential receiving district may deny an open enrollment application if it does not have space or cannot provide an appropriate program.

If an open enrollment application is denied on the basis of inability to provide a FAPE, the potential receiving district must provide the parents with a Prior Written Notice (PWN) documenting the denial. PWN is not required if the denial is due to insufficient classroom space.

Open Enrollment: Responsibility for FAPE

Once a receiving district approves the open enrollment of an eligible individual, that district is responsible for providing or making provision for a FAPE until open enrollment ends:

“Open enrollment terminates when the student graduates, moves into the receiving district, moves out of state, moves into another Iowa district and chooses to attend the new resident district, attends an accredited nonpublic school, or drops out of school. If a student is placed temporarily in foster care, a juvenile detention center, a treatment facility, or similar placement, the open enrollment status will automatically be reinstated when the student returns.”

Manual TOC  Appendix TOC
If, after accepting an eligible individual through open enrollment, the receiving district determines that it cannot meet the needs of the child, the receiving district continues to be responsible for a FAPE, but may seek placement in another district.

“While a receiving district can deny open enrollment if it asserts it does not have an appropriate program, it cannot terminate open enrollment if it determines it does not have an appropriate placement. In that case, the child’s team must meet and select a new placement. Open enrollment would continue.”

Preschool Programs

The open enrollment process, in all circumstances, requires parent application for open enrollment according to the specified deadlines. Open enrollment does not apply to the Statewide Voluntary Preschool Program (SVPP). A child who attends an SVPP or other preschool program (e.g., Head Start, private preschool) outside his or her resident district is not, solely by virtue of attending a preschool program in a district, open enrolled into that district.

Districts with Virtual Schools

Iowa currently has two districts (CAM and Clayton Ridge) that host virtual schools. Parents living in any other Iowa district may make application for open enrollment to one of these districts. Iowa’s AEA Directors of Special Education have agreed upon a process to support decision making by the districts hosting virtual schools and to establish responsibility for support services. Also, the Iowa Department of Education (DE) has issued guidance regarding the open enrollment of eligible individuals into districts offering a virtual school option. A flow chart outlining the process and DE guidance may be found on the following pages.
Parents of a student with special education services apply for open enrollment to a district with Virtual School.

District with Virtual School informs receiving AEA of the student application.

District with Virtual School and receiving AEA review student IEP and other relevant information to determine if the district has adequate “classroom space” and the district and AEA can provide an appropriate program.

No. Either 1) inform parents that request denied on the basis of inadequate “classroom space”, or 2) provide parents prior written notice that the district cannot provide an appropriate program.

Yes. Receiving AEA communicates with sending AEA.

Receiving district sends IEP meeting notice.

An IEP meeting is convened (in most cases, virtually) including the parents, sending and receiving districts and sending and receiving AEAs.

Review IEP, revise as needed.

If the IEP includes AEA support services, sending and receiving AEAs establish service delivery arrangements, based on the IEP.
Iowa Department of Education Guidance Regarding Open Enrollment of an Eligible Individual to a District Offering a Virtual School Option

1. It is a violation of the IDEA to exclude categorically children with disabilities from open enrollment to virtual schools. The same variety of program options must be available to children with and without disabilities. [41.110]

2. It is a violation of the IDEA to determine access to or appropriateness of virtual schools based on a child’s “weighting.” Whether a virtual environment is appropriate to a child with a disability must be determined by the child’s needs, not by the child’s weightedness. [41.114(3)]

3. If a child’s IEP goals cannot be met in the virtual school, with or without supplementary aids and services or modifications, the virtual environment is not appropriate to the child. While virtual schools may be schools of choice, a family is not entitled to choose an inappropriate placement. [41.116(1) – placement must be based on IEP]

4. Virtual schools require a fresh look at “least restrictive environment.” While the LRE rules require children with disabilities to be educated with nondisabled peers to “the maximum extent appropriate”, the rules contemplate that there are multiple ways to teach children. If children without disabilities participate in a virtual school, and those children interact with children with disabilities who participate in a virtual school, then the virtual school is the general education environment. [41.114(2), 41.51(8)]

5. If a team determines that a virtual school is inappropriate to a child with a disability, then the child’s parents are entitled to prior written notice and have their procedural safeguards available to them. [41.503-.504]

6. The open enrollment rules require the following two-step analysis, to be completed by the child’s team, which must include representatives of the sending and receiving districts and the relevant AEAs. This is in addition to other open enrollment requirements (timely filing of application, etc.). [17.11]

   1. Is the receiving district able to provide an appropriate education, either in the virtual school or in a “brick-and-mortar” school, with or without supplementary aids and services or modifications? If yes, continue to question 2. If no, provide prior written notice.

   2. Is the receiving district’s virtual school able to provide an appropriate education, with or without supplementary aids and services or modifications? If yes, accept the application. If not, provide prior written notice and offer the district’s brick-and-mortar school.

7. Open enrollment rules provide that the director of special education of the AEA in which the receiving district is located resolves any dispute about whether the receiving district is appropriate, based upon evaluation data. The evaluation team must include a representative of the sending district that has the authority to commit resources. If a parent disagrees with the AEA director’s decision, that parent may invoke the IDEA’s procedural safeguards. [17.11]

8. The child remains in the sending district’s program while any dispute about the receiving district’s program is pending (items 3, 6, and 7). [17.11]

9. While this guidance is limited to choosing to open enroll to virtual schools, much of its analysis will apply to other distance learning/computer-based/virtual options. An eligible individual cannot be excluded from computer-based advanced courses simply because of the child’s disability. Certain differences in context may require change at the margins of the analysis (such as computer-based education for children with disabilities who have been expelled); however, the core of the analysis remains the same. [41.110]

10. As in all other open enrollment situations involving children requiring special education, the sending district is responsible for the actual cost of providing the virtual special education program. [17.11]

11. All virtual schools must meet all standards under the Administrative Rules of Special Education [Chapter 41].
## Placement in Special Schools and Other State Institutions

| Placement at No Cost to the Parent | If placement in a public or private residential program is necessary to provide special education and related services to an eligible individual, the program, including nonmedical care and room and board, must be at no cost to the parents of the child. [41.104]  
 Students placed into state institutions will generally attend the educational programs sponsored by these institutions. The educational costs are typically paid from state appropriations to the sponsoring institution. |
|-----------------------------------|---------------------------------------------------------------|
| LEA Responsibilities               | It is the responsibility of each eligible individual’s resident LEA to provide or make provision for appropriate special education services that meet all the requirements of state and federal rules and laws.  
 The AEA shall support and assist LEAs in meeting their responsibilities for providing appropriate special education and related services. [41.400(1)] |
| Shared Responsibilities of LEAs and AEs | Special schools for eligible individuals who require special education outside the general education environment may be maintained by:  
- Individual LEAs  
- Jointly by two or more AEs  
- The state directly  
- Private providers [41.176.(1)]  
 Responsibility for assuring the appropriate program in the least restrictive environment for students placed in residential institutions remains with the resident LEA and AEA. They should be involved in IEP meetings for students prior to placement in state institutions and continue to be involved in IEP meetings as long as the student is a resident of the district. [41.114]  
 AEs are responsible for maintaining lists of all students with disabilities, including those in state institutions, to be included in the annual report of children served. [41.644] |
| List of State Institutions         | Cherokee Mental Health Institute  
- Eldora Training School for Boys  
- Glenwood State Hospital  
- Iowa Braille and Sight Saving School  
- Independence Mental Health Institute  
- Iowa School for the Deaf  
- Toledo Juvenile Home  
- University of Iowa Child Psychiatry |

### Placement in Adult Correctional Facilities

#### Legal Requirements for Special Education in Adult Corrections
Eligible students adjudicated to adult correctional facilities will receive special education services that meet applicable rules and laws of federal and state laws and rules. [(41.2(1)d)]

Requirements of special education that do not apply to adult corrections are:
- Those relating to participation in general assessments [41.320(1)"g"]
- Those requirements relating to transition planning and transition services [41.320(2)]

#### Modifications to the IEP
Modifications to the IEP or placement of an incarcerated individual may be made by the team if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. [41.324(4)]

#### Payment for Special Education in Correctional Facilities
Students served in a correctional facility are to be added to the resident district’s special education count. The resident district will pay for services for the student while incarcerated.

#### Adult Correctional Facilities List
Iowa adult correctional facilities include:
- Clarinda Correctional Facility
- Iowa Correctional Institution for Women
- Iowa Medical and Classification Center
- North Central Correctional Facility
- Mt. Pleasant Correctional Facility
- Anamosa State Penitentiary
- Iowa State Penitentiary
- Newton Correctional Facility
- Fort Dodge Correctional Facility

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[Manual TOC] [Appendix TOC]
Placement in Hospitals, Home Instruction, and Jail

**Continuum of Education Placements Include Home, Hospital, and Institution Instruction**

The continuum of educational placements includes “home instruction, and instruction in hospitals and institutions.” “Institutions” includes correctional institutions. [41.115(2)]

**LEA and AEA Financial Roles in Instructional Services**

In general (see important exceptions below) when an eligible individual requires instructional services in a setting outside of the school, the LEA where the student is being educated is responsible to provide or make arrangements for the provision of that instruction.

The resident LEA is financially responsible for that instruction.

The AEA where the student is being educated is responsible for any support services that are needed for an eligible individual who receives his or her instruction outside of the school. An inter-AEA agreement guides the determination of financial responsibility for AEAs. [41.907]

**LEA and AEA Financial Roles in Hospital Settings**

Iowa LEAs that have a hospital psychiatric unit within their district are required by Iowa Code [282.27] to provide instructional services. The LEAs whose students are served in those units are required to pay for those services.

Also, some hospitals routinely provide educational and related services to all school-age patients, both special and general education students, and bill the resident district or AEA. In these circumstances, the resident LEA or AEA shall pay for the services delivered in the hospital setting.

**LEA and AEA Financial Roles in Jail Settings**

Eligible individuals who are incarcerated in jails are the instructional responsibility of the LEA. The LEA in which the jail is located is responsible for assuring that the eligible individual receives instruction. The resident LEA is financially responsible for that instruction.

**Financial Exceptions**

An AEA in which certain institutions are located is responsible for providing or making provision for the instruction of eligible individuals who reside in those facilities. Those facilities are:

- Juvenile detention homes
- Licensed shelter care homes
- Adult prisons (AEAs are responsible for special education, only, in prisons)
Hospital-Homebound-Jail Decision Making (Not Adult Prison)
(When a student may require education outside of school)

Is the reason behavioral or health or incarceration in a jail?

Behavioral

Health or jail incarceration

Is the student suspended or expelled due to a code of conduct violation?

Yes, See Behavior and Discipline

No

Will the student be out of school for more than a few days?

Yes

Provide the student with opportunities to maintain progress.

Note: This may include reimbursing an educational provider at a hospital or other placement.

No

Was the student identified as an eligible individual before the potential need for education outside of school occurred?

Yes

Amend the IEP to reflect new services. Maintain weighting in anticipation of return to school or change weighting if warranted.

No

Can the student’s needs be met with general education instruction and resources or is disability suspected?

General education instruction and resources. Develop an intervention plan (a 504 plan if there is a 504 disability) to provide instruction

Disability suspected. Complete an Educational Evaluation Report and make an eligibility determination. If eligible, include any needed additional assessment on IEP Page F and assign weighting if there will be LEA special education expenses.
Home and Hospital Services

Special Education Must be Provided for Those Unable to Attend Schools and Related Facilities

“Special education shall be provided to eligible individuals whose condition precludes their participation in the general and special education provided in schools or related facilities.” [41.410(2)]

A condition that precludes participation in general and special education is a physical or mental health or medical condition. Behavior, alone, is not a condition that precludes participation. See Homebound Placements for Behavior Reasons, below.

Who Provides the Services for those Unable to Attend Schools and Related Facilities?

Ordinarily, instructional services shall be provided by the LEA but may be provided by a contractual agreement, subject to the approval of the LEA board, by the AEA or another qualified agency. The AEA shall provide any necessary support or related services to a homebound or hospitalized student; but through AEA board approval may contract with another qualified agency to provide these services. [41.410(2)]

Procedures Concerning Home and Hospital Services

Procedures that must be in place for home and hospital services:

- The IEP must specify the service and the location of the service [41.410(2)a]
- The status of a student receiving these services must be periodically reviewed to substantiate the continuing need for the appropriateness of the service [41.410(2)b]
- All procedural safeguards must be afforded individual receiving these services [41.410(2)c]
  - For example – the need for the services must be determined at a meeting to develop or revise an IEP and parents must give consent for or be given notice, as appropriate. If a review IEP or amendment IEP initiates home or hospital services, an IEP review or amendment must also occur at the end of home services or when the student returns to school. The IEP team must review the need for home or hospital services for medical reasons at least annually [41.410(2)c]

Note: IEP teams may want to request a physician’s written statement to determine that the student’s condition is such that he or she cannot attend school and that the home or hospital service will not interfere with the student’s health or recovery. The prognosis should indicate that the student will be out of school for more than a few days. The team should keep in mind that failing to serve a student whose condition does not preclude instruction or other services for more than 10 days would be considered a change in placement.
Homebound Placements for Behavioral Reasons

Placing Individuals on Homebound Instruction Due to Behavioral Issues

An IEP team may make a decision to place an eligible individual on homebound instruction due to extreme behavioral issues when a temporary placement as part of an evaluation process is needed.

In making a temporary placement, IEP teams need to be quite certain that the home is 1) an appropriate educational setting, and 2) the placement assists in the completion of the evaluation process.

A home placement for behavior reasons must not circumvent appropriate safeguards related to student discipline. A home placement for behavior reasons may not be used in lieu of establishing an appropriate school program for a student. Districts have an obligation to provide the appropriate instructional program for students with behavior disabilities. The IEP must be implemented by appropriately licensed staff.

When is Homebound Instruction Really Appropriate?

Homebound instruction, even when temporary and used for an evaluation purpose, is rarely the best solution. Too often this leaves the student with little supervision and no appropriate peers to model appropriate behavior. In addition, homebound instruction has limited worth in working toward improved behavior in a school setting.

Interim IEPs and Temporary Homebound Instruction for Behavioral Reasons

When an IEP is written that places a student on homebound instruction for behavioral reasons, this is considered to be an interim IEP. This type of placement is designed to be a temporary placement as part of a continuing evaluation process before a new IEP is developed, and to aid in determining the appropriate services for the individual.

An interim IEP shall not be in place for more than 30 school days. [41.324(5)a]

An interim IEP may be replaced by another interim if the purpose (completing an evaluation, gathering additional information, obtaining records from a previous school or service provider, etc.) for which an interim was originally written has not been accomplished within 30 school days. However, IEP teams must keep in mind that the Rules also state:

“It is essential that the temporary provision of service not become the final special education for the individual before the IEP is finalized.” [41.324(5)]

Clearly, interim IEPs are intended to serve a temporary purpose. While it is possible to replace one interim IEP with another, this should be a very uncommon occurrence.
Shelter or Detention Facilities

### AEA Responsibilities Concerning Facilities

An AEA shall provide or make provision for an appropriate educational program for each child living in the following types of facilities located within its boundaries:

- An approved or licensed shelter care home
- An approved juvenile detention home

The provision of the educational program shall be pursuant to a written agreement which identifies the responsibilities of the AEA, juvenile home, and any other agency with which the AEA contracts to provide the educational program. [63.5(282)]

### AEA Responsibilities Concerning Policies and Procedures

AEAs are required to establish policies and procedures for screening and evaluating students who may require special education services within shelter and detention facilities.

It is the responsibility of the AEA to ensure that all procedures related to:

- Due process
- Protection in evaluation
- Least restrictive environment (LRE)
- Development of the IEP
- All other requirements of Chapter 41

are adhered to for students provided special education in shelter or detention facilities.

Additionally, the activities of the special education program must be coordinated with other programs and services provided. [63.7(282)]

### AEA Assignment of Support Service Professionals

Appropriate support service professionals shall be assigned by the AEA in which the program is located. The AEA professionals shall have the necessary qualifications to:

- Identify students for whom a disability is suspected
- Assist in the completion full and individual initial evaluations and reevaluations
- Assist in IEP development
- Assist in the implementation of needed special education programs
Out-of-State Placement

When to Proceed with Out-of-State Placement

If any agency or school district in Iowa has an appropriate educational program and is located nearer to an eligible individual’s residence than an out-of-state placement that district or agency must be given first consideration.

When appropriate services are not available within the state, or when services in an adjoining state are nearer than those available in Iowa, the director may certify an eligible individual for appropriate special education and related services outside the state.

A placement may be made only when it has been determined by the department that the special education and related services meet the standards set forth in the Iowa Rules of Special Education. 41.116(5)

Payment for Out-of-State Placement

Funds generated through the weighting plan for special education instructional services can be used to provide special education instruction in out-of-state placements. However, itinerant instructional services and special education consultant services shall utilize special education support service funds for out-of-state placements. [41.907(7)]

LEA and AEA Responsibilities

It is the responsibility of the AEA and LEA to establish procedures for participation in the development of the individual’s IEP in an out-of-state placement, and to prepare for the individual’s transition back to the LEA before he or she is placed out of state. [41.404(2)]

Procedures for Determining Out-of-State Placement

Procedures for determining out-of-state placement:

- An IEP review meeting must be held to determine the need for an out-of-state placement. This need must be based on appropriate data to support the IEP team’s decision.
- A Prior Written Notice form is required to consider the change of placement. Educational options within the state must be explored and discussed at the meeting and determined inappropriate.
- The following must be forwarded to the AEA Director of Special Education for approval
  - Completed IEP
  - The Request for Department of Education Approval and the Addendum
  - A plan on how the student will be prepared to transition back to the LEA must be forwarded to the AEA Director of Special Education for approval. The LEA will continue to be involved in any IEP decisions. The LEA should notify the out-of-state placement of this request.
- The AEA Director of Special Education will then request out-of-state approval from the Bureau of Student and Family Support Services at the Department of Education
### Procedures for Requesting Approval of Funds for Students Placed Out-of-State

Contracts negotiated with out-of-state agencies for the provision of special education services require Iowa Department of Education approval. [41.116(6)]

To secure approval and arrange for educational costs to be paid by a local school district for a student identified as needing a special education program placement outside the state of Iowa, the following procedures will be followed:

- The referring local district or agency (County Juvenile Court or County Department of Human Service) will send a copy of the court order, if available, for court ordered placements to the Director of Special Education of the local AEA.
- Forms from the Iowa Department of Education requesting out-of-state approval are signed by the AEA Director of Special Education and the local school district’s superintendent or designee and forwarded to the Iowa Department of Education.
- After the Iowa Department of Education review, a letter will be sent to the AEA Director of Special Education with a decision to approve or not approve the request following their investigation of the proposed placement. [41.116(6)a]

An AEA designee will forward the copies of the approval letter to the local school district’s superintendent, and send a letter to the initial referring agency notifying the agency of their decision.

### Out-of-State Procedures

When the eligible student is in the out-of-state placement, the following procedures are required:

- Ongoing follow-up of the student’s IEP progress, which includes progress monitoring reports that will be documented and maintained in the student’s LEA file.
- Participation in IEP meetings via telephone conferencing, video conferencing, or physical presence by LEA staff and/or AEA staff. Resident district representatives must be invited to all IEP meetings.
- Documentation of an annual IEP review and copies of the current IEP maintained in the resident district files.

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Manual TOC | Appendix TOC
Competent Private Instruction (Home Schooling)

Overview

All students who are of compulsory attendance age must be enrolled in a recognized educational program.

Compulsory attendance age requirements apply to students who are 6 years of age by September 15th and those who are not 16 years of age by September 15th of a school year. Students whose birthday is after September 15 and who turn 16 years of age must complete the current year of school to meet compulsory attendance requirements.

The Iowa Compulsory Attendance law (Iowa Code Chapter 299) allows for competent private instruction.

Definition

Competent Private Instruction (CPI), commonly known as home schooling, is defined as private instruction provided on a daily basis for at least 148 days during the school year.

Competent private instruction means instruction using a plan and a course of study in a setting other than a public or organized accredited nonpublic school.

CPI includes both home schooled students and those in other private non-accredited “schools” or settings. CPI includes the provision of education services by a parent, guardian, or legal custodian of the child being instructed. The provider of competent private instruction is not required to be licensed or formally trained.

Qualifying to Provide CPI

A Competent Private Instruction Report (Form A) must be completed in order to indicate that a parent, guardian, or legal custodian has chosen to provide CPI for a student.

This form is available from local school districts and must be returned to the district once completed. Form A must be completed and returned by August 26 or 14 calendar days after the student is removed from the Iowa accredited public or nonpublic school. Note, however, if a child has been identified as requiring special education programs or services, prior written approval must be obtained from the special education director (or designee) of the AEA in which the child resides before the child may be home schooled or enrolled in a non-accredited nonpublic “school.”

Form A timelines relate to school district needs for accurate enrollment information.
Assessment Requirements

If the child is working with an Iowa licensed teacher who has a license that is appropriate for the age and grade of the student, there is not an annual assessment requirement. In this circumstance, the teacher is responsible for monitoring the student’s progress.

If the student is not working with an Iowa licensed teacher and is at least seven years of age and has not yet reached age 16 by September 15th of the current school year, the student must take an annual assessment. The student must take a standardized test to set a baseline of performance the first year. After the first year, the student must continue to take a standardized test or the parents or other instructional providers must develop a portfolio to show progress.

Students through grade five must be assessed in reading, language arts, and math. Students in grades 6-12 must also be assessed in science and social studies. Each year, adequate progress in academic skills must be made. For students working with an Iowa licensed teacher or developing a portfolio, the teacher or evaluator must determine that adequate progress is being made. If the student takes a standardized assessment, his/her scores must be above the 30th percentile and make six months progress from the previous evaluation results or must be at or above grade level for the student’s age. (Iowa Code299 A.6)

Dual Enrollment

Parents who choose CPI for their student may seek dual enrollment at a public school.

If a student is dual enrolled, he or she is eligible to enroll in academic and/or extracurricular activities at the public school of residence.

Dual enrollment may include the option of enrollment at the public school in order to receive special education instructional and/or support services. Districts may set a policy on the number of courses in which a student may dually enroll. A student may not enroll at the public school in all but one course. In other words, students may not use CPI to opt out of completing a specific course in the public school.

The special education weighting of an eligible individual who is dual enrolled for special education services is determined in the same manner as for other students.
Approval for Competent Private Instruction for those Requiring Special Education

[281-31.9]

These rules are intended to implement Iowa Code chapters 299 (attendance & truancy) and 299A (private instruction)

Overview

When a child has been identified as currently requiring special education, the child is eligible to receive competent private instruction with the written approval of the director (or designee) of special education of the area education agency of the child’s district of residence.

Written Decision

The area education agency director of special education or the director’s designee shall issue a written decision:

- Approving
- Conditioning approval on modification of the proposed program
- Denying approval

This decision will be based upon the appropriateness of the proposed competent private instruction program for the child requiring special education considering the child's individual disability.

When to Request Approval

The request for approval for placement under Competent Private Instruction by the parent or guardian may be presented to the special education director or designee at any time during the calendar year.

If the special education director or designee denies approval or if no written decision has been rendered within 30 calendar days, that decision or the absence of a decision is subject to review by an impartial administrative law judge.

Not Approved

If a parent, guardian, or legal custodian of a child requiring special education provides private instruction without approval, the director or designee may do one of two things. Either request an impartial hearing before an administrative law judge under the rules of special education, or notify the secretary of the child's district of residence for referral of the matter to the county attorney pursuant to Iowa Code section 256B.6, incorporating chapter 299.
State and Federal Law
A program of competent private instruction provided to a student requiring special education is not a program of special education for purposes of federal and state law.

The director of special education or the director’s designee shall advise the parent, guardian, or legal custodian of a child of the probable consequences of placing the child under private instruction and withdrawing the child from specialized instruction and services to which the child is entitled.

Parent Decisions
The director of special education or the director’s designee may require the parent, guardian, or legal custodian of a child to accept full responsibility their decision to reject special education programs and services, forgoing a later request for compensatory education for the period of time when the child was under private instruction.

These rules are intended to implement Iowa Code chapters 299 (attendance and truancy) and 299A (private instruction.)
Options for Parents Interested in Competent Private Instruction (CPI)

**Overview**
When the parents of an eligible individual express an interest in providing competent private instruction for their child, LEA and AEA professionals will seek to clarify the reason that the parents are considering CPI. If the reason includes dissatisfaction with the educational program, generally, or IEP services, specifically, LEA and AEA professionals should make an effort to resolve the issues raised by the parents. Failing to resolve issues, LEA and AEA professionals should work to assure that parents have a full understanding of the opportunities available through dual enrollment and, if the district offers one, a home school assistance program (HSAP).

If the parents decide to pursue CPI, the LEA or AEA (for support-only IEPs) may offer a meeting with relevant members of the IEP team to assist the parent to develop the CPI-required instructional program in a manner that will address their child’s special needs and develop an IEP if the parents seek dual enrollment for special education.

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**Dual Enrollment**
The first option for parents is dual enrollment.

Dual enrollment with all special education services continued or continued with only minor changes (e.g., changes in scheduling or location).

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**Dual Enrollment with Changes**
The second option for parents is dual enrollment with changes.

Dual enrollment with all special education services continued, but with significant (e.g., amount of service or nature of the service) changes.

---

**Dual Enrollment with Minor Changes**
The third option for parents is dual enrollment with minor changes.

Dual enrollment with some, but not all special education services continued.

---

**What to do to Participate in One of the Above Three Options**
The above three options include continued special education services. For these options:

- Parent completes and submits a Competent Private Instruction report (Form A, front and back)
- Parent completes and submits a course of study
- An IEP for CPI is developed at a meeting or through an amendment without a meeting
- A Prior Written Notice of any IEP changes, pending approval of CPI, is developed
The documentation above and the *Competent Private Instruction Worksheet* is submitted to the Director or designee.

The Director or designee provides the parents a letter of notification of his or her determination.

<table>
<thead>
<tr>
<th>Dual Enrollment with No Special Education Services</th>
<th>The fourth option for parents is dual enrollment without special education services. Dual enrollment for a student eligible for special education services whose parent has chosen only general education/extracurricular activities.</th>
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</thead>
<tbody>
<tr>
<td>No Dual Enrollment</td>
<td>The fifth option for parents is no dual enrollment. No dual enrollment and no school involvement provided by the LEA or the AEA.</td>
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<tr>
<th>What to do to Participate in One of the Above Two Options</th>
<th>The above two options do not include continued special education services. For these options:</th>
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<tbody>
<tr>
<td></td>
<td>- Parent completes and submits a Competent Private Instruction report (Form A, front and back)</td>
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<tr>
<td></td>
<td>- Parent completes and submits a course of study</td>
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<tr>
<td></td>
<td>- The documentation above and the <em>Competent Private Instruction Worksheet</em> is submitted to the Director or designee</td>
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<td></td>
<td>- Parent letter of notification from the Director or designee</td>
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</table>
Responding to Requests for Competent Private Instruction (CPI)

**Director or Designee**

Upon receipt of a request for competent private instruction for an eligible individual, the Director or designee will review Form A, the instructional program submitted by the parents any additional information that is provided through the completion of the Competent Private Instruction Worksheet.

In determining whether to approve or conditionally approve CPI, the director or designee will consider:

- How intensive are the individual’s special education services?
- How unique are the individual’s needs (i.e., would the parents have the requisite skills to meet this individual’s needs?)
- Will the individual be dual-enrolled for all or some of their general education instruction or special education services?
- Will the individual be enrolled in a HSAP?
- Will the CPI be provided by or overseen by a licensed teacher or a licensed special education teacher?

**Notifying Parents of Decisions**

The Director or designee must provide notice of his or her decision in writing and notice of the probable consequences of placing an eligible individual under CPI.

A model letter and enclosure may be found below. The model letter also informs the parents that their child would continue to be an eligible individual and special education needs would be considered if the CPI ends or dual enrollment for special education is later sought.
Model Approval Letter

Dear:

I have received your request to provide competent private instruction (home schooling) to your child, <Student Full Name>. Iowa Code states “A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction with prior approval of the placement by the director of special education of the area education agency of the child's district of residence.”

Please accept this letter as my approval of competent private instruction for <Student First Name>. Please note that my approval is needed in addition to meeting other requirements of competent private instruction (home schooling). A summary of parent responsibilities is included with this letter.

<Student First Name> continues to be eligible for special education services and <he/she> may continue to receive all or some of these services through dual enrollment. If <Student First Name> returns to school, <his/her> special education needs will be considered by an IEP team.

Your decision to home school is an important one and a significant one for <Student First Name>. When a student with a disability is provided home schooling, it is possible that his or her special needs may not be met. I strongly encourage you to <dual enroll/continue to dual enroll/enroll in the district’s Home School Assistance Program> to assure that <Student First Name>’s needs are met.

Please contact me if you have any questions.

Sincerely,

<Director or designee name>

Enc.
Parent, Guardian, or Legal or Actual Custodian Responsibilities

1) Parent, guardian, or legal or actual custodian must submit Form A to the district of residence for each child by **August 26**, or within 14 days of removing the child from school, or within 14 days of moving into the district. Proof of immunization is also required of all children receiving CPI, including those enrolled in a HSAP.

**If a child requires special education services,** prior written approval must be obtained from the special education director of the Area Education Agency (AEA) in which the child resides before the child may be home schooled or enrolled in a non-accredited nonpublic “school.” This consent is not required if the parent, guardian, legal, or actual custodian does not consent to initial evaluation or to reevaluation of the child for receipt of special education services or programs. Iowa Code sections 299.4, 299A.9; 281-IAC rules 31.2(1), 31.5(f), 31.10.

2) If a parent, guardian, or legal or actual custodian desires dual enrollment for a child, they must let district of residence know by September 15th (a district may decide on its own to extend this deadline). The only exception is for parents, guardians, or legal, or actual custodians who moved into the district or removed from school after September 15th. If the parents, guardians, or legal or actual custodians moved or removed the child from school after September 15th, they will have 14 calendar days to request dual enrollment. It is important for families to know that the deadline is imposed for funding purposes, and that actually waiting to sign up for dual enrollment close to the deadline may mean that a desired class is full. Families are urged to let districts know as soon as practical if they want the dual enrollment option.

3) Teach the children themselves or obtain an appropriately licensed Iowa teacher to teach or supervise. **[281-IAC 31.2(1)]**

4) If the parent, guardian, or legal or actual custodian is teaching the child and is not an Iowa licensed teacher or working with an Iowa licensed teacher and the child is between the ages of 7 and 15, inclusive, he/she must arrange baseline evaluation the first year and an annual assessment each subsequent year. The parent, guardian, or legal or actual custodian may select standardized testing, portfolio assessment, or submittal of a report card from an accredited correspondence school for purposes of fulfilling the baseline evaluation and annual assessment requirements of the law. This assessment will need to be taken by May 1 of each year. The local public school will contact parents, guardians, or legal or actual custodians of testing dates and times. A list of acceptable annual assessments is listed in the Competent Private Instruction Handbook. **[281-IAC 31.8(1)]**

5) Parents, guardians, or legal or actual custodians must send a written request to the Department of Education if the family would like the child to take a standardized test other than one of those listed in this document. **281-IAC 31.8 (2)**

6) If filing Form A for the 1st time, attach immunization information. (Proof of immunization is required of all children receiving CPI, including those enrolled in a HSAP)

7) If open enrollment is desired, the family must file the proper documents with the resident district. The deadline is March 1st. Please contact your resident district for forms.

The Competent Private Instruction Handbook is available at:

Role of Parents in Special Education

Overview

The important role of parents in the education of children with disabilities has been long recognized in the laws that govern education and in the practices of schools and area education agencies. IDEA 2004 states:

“Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home.”

A partnership among the parents, local school, and the AEA is the foundation for student success. Iowa’s LEAs and AEAs encourage and support parent participation at the first indication of a concern and believe that parents are an integral part of groups that address student concerns. Therefore, efforts are made to ensure parent involvement in all phases of the educational process and for eligible individuals, the IEP process.
Determining and Defining “Parent”

Determining Who Serves in the Parent Role

All critical special education processes require someone to serve in the role of a “parent.”

This requirement is intended to assure that the unique and extensive knowledge about a child that parents possess enhances the planning and delivery of educational services and that the authority held by parents as their child’s guardian is recognized and upheld.

Individuals Who May Act in the Role of “Parent”

In general a “parent” could be:

- A biological or adoptive parent of a child
- A guardian
- An individual such as a grandparent, stepparent, or other relative with whom the child lives and is acting in the place of a biological or adoptive parent
- An individual who is legally responsible for the child’s welfare
- An extended educational decision maker
- A surrogate parent  

Individuals Who May Not Act in the Role of “Parent”

In general a “parent” may not be:

- A foster parent (see below),
- A public or private agency involved in the education or care of a child, or
- An employee or contractor with any public or private agency involved in the education or care of the child in that employee’s or contractor’s official capacity.

Specific examples of agencies and individuals who may not serve in the role of “parent” include:

- The Department of Human Services or agencies contracted by the Department of Human Services
- Group home directors involved in the care of a child
- Caseworkers involved in the education or care of a child

Foster Parent

A foster parent may not, by virtue of his or her foster parent status, be deemed a person acting as the parent of an eligible individual for special education purposes.

However, foster parents are not precluded from acting as a parent and other circumstances may allow a foster parent to serve as a parent:

- A foster parent may act as a parent if assigned as a surrogate parent.
- A foster parent may act as a parent if the foster parent is an individual such as a grandparent, stepparent, or other relative with whom the child lives and is acting in the place of a biological or adoptive parent.
<table>
<thead>
<tr>
<th>Guardian</th>
<th>A guardian may act as a child’s parent if authorized to act as the child’s parent in all matters or if the guardian is specifically authorized to make educational decisions for the child.</th>
</tr>
</thead>
</table>
| An Individual Acting in the Place of a Parent | An individual may act in the place of a biological or adoptive parent including a:  
- Grandparent,  
- Step-parent, or  
- Other relative with whom the child lives |
| An Individual Who is Legally Responsible for the Child’s Welfare | An individual who is legally responsible for the child’s welfare may act in the place of a biological or adoptive parent. The individual must reside with the child (residence creates the legal responsibility for the child’s welfare).  
Examples include:  
- An unmarried partner of the child’s parent  
- Another adult with whom the child lives (such as a neighbor). |
| An Extended Educational Decision Maker | An extended educational decision maker is a person who has the authority to make educational decisions for an eligible individual who has attained the age of majority and would ordinarily make these decisions for himself or herself but has been determined to be unable to make these decisions.  
See additional extended educational decision maker information below. |
| A Surrogate Parent | The appointment of a surrogate parent for the purposes of special education planning and programming is made when: [41.519(1)]  
- No parent can be identified (refer to definition of parent in rule 41.30)  
- After reasonable effort, no parent can be located  
- The child is a ward of the state  
- The child is an unaccompanied homeless youth  
  **Note:** In the case of an unaccompanied homeless youth, appropriate staff of:  
  - Emergency shelters,  
  - Transitional shelters,  
  - Independent living programs, or  
  - Street outreach programs …  
  ... may be appointed as *temporary* surrogate parents without regard to 41.519(4)lb(1) until a surrogate parent can be appointed that meets all of the requirements.  
See additional surrogate parent information below. |
Ward of the State

“Ward of the State” means a child who is: [41.45(1)]

- A foster child who does not have a foster parent who meets the definition of a parent in rule 41.30 (e.g., a grandparent, stepparent, or other relative with whom the child lives). [41.45(2)]
- A child in the custody of a public child welfare agency
- A child who has been designated a “ward of the state” under state law

Evaluation of a Child who is a Ward of the State

For initial evaluations only, if the child is a ward of the state and is not residing with the parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine if the child has a disability if:

- Despite reasonable efforts to do so, the whereabouts of the parent cannot be discovered
- The rights of the parents have been terminated
- The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child

Special Circumstances in Determining Who is Qualified to Act as Parent

There are special circumstances where it may be necessary to determine who is qualified to act as the parent:

- When more than one party is qualified to act as a parent the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
- If legal authority is in question, it may be advisable to request a copy of the most recent court order to verify the custody or guardianship. [41.30(2)a]
- If a judicial decree or order identifies a specific person or persons to act as the parent of a child or to make educational decisions on behalf of a child, then such person(s) shall be determined to be the parent(s). [41.30(2)b]
- “Parent” does not include a public or private agency involved in the education or care of a child or an employee or contractor with any public or private agency involved in the education or care of the child in that employee’s or contractor’s official capacity. For example:
  - A Department of Human Services employee whose work responsibilities include facilitating a child’s residential placement could not be appointed a surrogate for that child
  - A Department of Human Services employee whose work responsibilities relate to adult services could be appointed a surrogate for an eligible individual. [41.30(2)c]
Power of Attorney for Educational Decision Making

An eligible individual who has reached the age of majority may assign another person or persons to act as an attorney-in-fact for educational decision making. The AEA Special Education Documentation Guide provides a form for this purpose.

The power of attorney for educational decision making process is intended for age-of-majority students who would like assistance in educational decision making but do not have or need to have someone else appointed to represent their interests (e.g., guardian).

Assigning another person power of attorney may only be done by an individual who fully understands and appreciates the action being taken. That is, the impact of an individual’s disability must be taken into account in determining if assigning power of attorney to someone else is appropriate for that individual. Someone who is incompetent may not execute a power of attorney.

Assigning power of attorney does not surrender any authority the individual holds, but only allows another person to exercise the same authority. For example, if you give someone power of attorney to sell your car, you can still sell it yourself.

Revoking Power of Attorney for Educational Decision Making

An eligible individual who has reached the age of majority and has assigned another person or persons to act as an attorney-in-fact for educational decision making may revoke the power of attorney at any time. If the student was competent enough to sign a power of attorney, she or he presumably is competent enough to revoke it.

When Parents are Not in Agreement

Parents with equal decision-making authority. Parents have equal IDEA decision-making authority unless the law provides otherwise, such as by a court order.

Parents with equal decision-making authority may have differences of opinion:

- Differences of opinion regarding granting or revoking consent. As long as a parent has the legal authority to make educational decisions for the child (married parents, divorced parents when each retain decision making authority, etc.), the school or AEA must accept either parent’s consent or revocation of consent. This is true even if the other parent disagrees. Prior written notice of any action or refusal is provided to both parents.

- Other differences of opinion. If two parents have any other differences under the IDEA (e.g., a disagreement over potential service or placement options), the IEP team decides what is in the educational interest of the child and acts accordingly. Prior written notice of any action or refusal is provided to both parents.

Parents without equal decision-making authority. If two parents do not enjoy equal decision-making authority (e.g., one has “sole legal custody”), the district is required to follow the direction of the parent with the superior authority. [41.30(2)b]
Surrogate Parents

**Surrogate Parent Defined**
“Surrogate parent” means an individual who acts in place of a parent in protecting the rights of a child in the education decision-making process.

**Surrogate Parent Representation for the Child**
The surrogate parent may represent the child in all matters relating to:
- Identification
- Evaluation
- Educational placement of the child
- The provision of FAPE to the child

**When to Appoint a Surrogate Parent**
The appointment of a surrogate parent for the purposes of special education planning and programming must be made when: [41.519(1)]
- No parent can be identified (refer to definition of parent in rule 41.30)
- After reasonable effort, no parent can be located
- The child is a ward of the state
- The child is an unaccompanied homeless youth

**Criteria for Selecting a Surrogate Parent**
The AEA must ensure that a person selected as a surrogate parent: [(41.519(4))]
- Is not an employee of the SEA, the AEA, or the LEA or any other public or private agency that is involved in the education or care of the child.
  
  **Note:** A person otherwise qualified to be a surrogate parent is not considered an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent. [41.519(b)]
- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents
- Has knowledge and skills that ensure adequate representation of the child

**Note:** In the case of an unaccompanied homeless youth, appropriate staff of:
- Emergency shelters,
- Transitional shelters,
- Independent living programs, or
- Street outreach programs ...

... may be appointed as temporary surrogate parents without regard to 41.519(4)b(1) until a surrogate parent can be appointed that meets all of the requirements.
Procedures for Selecting a Surrogate Parent

Procedures must be established for the assignment of an individual to act as a surrogate parent. This must include a method for determining whether a child needs a surrogate parent, and for assigning a surrogate parent to the child. 41.519(2)

The following are procedures for selecting a surrogate parent:

- The AEA team shall determine that a surrogate parent is needed for an individual.
- The AEA team shall recommend an “eligible surrogate parent” candidate (meeting the above criteria) to the AEA Director of Special Education or designee for appointment as an individual’s surrogate parent.
- The Director or designee shall ascertain whether the proposed surrogate parent is excluded from consideration as a surrogate due to the proposed individual’s employment or any conflicts of interest that may interfere with serving in the role of “parent” for the eligible individual.
- The AEA Director of Special Education or designee shall select the surrogate parent for special education purposes.
- The AEA Director of Special Education or designee shall appoint the surrogate parent by letter. The letter must contain the individual’s name, age, educational placement and other information about the individual determined to be useful to the surrogate parent, and must specify the period of time for which the person shall serve. A copy of the letter shall be sent to the Department of Education.

AEA to Train Surrogate Parents

The training of a surrogate parent is the responsibility of the AEA team.

Each AEA shall use a training procedure approved by the Department of Education, which includes:

- The rights and responsibilities of the surrogate parent.
- Sample forms used by LEAs and AEAs, including the IEP form.
- Specific needs of individuals with disabilities.
- Resources for legal and instructional technical assistance. [41.519(8)]

Iowa Department of Education Responsibilities

The Iowa Department of Education must make reasonable efforts to assure that a surrogate parent is assigned not more than 30 days after the AEA has determined that the child needs a surrogate parent.

The department shall provide assistance to, and shall monitor surrogate parent programs. [41.519(9)]
MEMO

TO: Surrogate Parent for ________________________________
   Eligible Individual’s Name

FROM: [Director or designee]

DATE:

In accordance with the Iowa Administrative Rules of Special Education relating to surrogate parents, the District Administration Office of the Iowa Department of Human Services was contacted to determine if a conflict of interest existed that would interfere with [Surrogate Parent Candidate] serving as a surrogate parent.

[Name of DHS Service Administrator], Service Administrator, [Location of District Office] District Office, was the person contacted. [He/She] stated on [Date] that no conflict of interest had been identified that would preclude you from serving as a parent surrogate. All contacts were by telephone.
Dear [Surrogate Parent Name]:

Enclosed, please find the notice of your appointment as Surrogate Parent for [child’s name] educational planning.

Please sign and return one copy of the agreement to the AEA Director of Special Education. Your responsibility is to be an advocate for him/her to protect [his/her] special education rights. You are knowledgeable about [child first name] disability and educational needs and will be participating in [his/her] educational planning.

Enclosed is the Procedural Safeguards Manual for Parents.

Sincerely,

[Director or designee name]
Position

Enc.
Dear [name of surrogate parent]:

Thank you for the interest you have demonstrated and the time you have invested in acquiring the skills and information necessary to be a surrogate parent. You have been authorized to represent [child’s name] in the capacity of surrogate parent as defined by the Iowa Administrative Rules of Special Education in all matters relating to the provision of special education programming or services provided by the [LEA name and/or AEA name]. Your appointment shall become effective upon receipt of your signature verifying your agreement to participate.

Your appointment as a surrogate parent shall be continued until such time as [child’s name]’s status and need for a surrogate parent is altered.

[Child’s name], age [age of child], is currently identified as [an eligible individual or a child with disability].

Prior to this appointment, the Department of Human Services district administration has been contacted to verify that your service as a surrogate parent would not result in conflict of interest.

You have received training from the AEA regarding surrogate parent rights and responsibilities, special education forms and procedures, and potential program and service changes that may occur in the IEP process.

If at any time you have questions regarding your rights and responsibilities as a surrogate parent or the provision of appropriate special education services for [child’s name], you may contact the building principal or staff, or [name of additional LEA or AEA contact].

In accepting this appointment, you have agreed to develop and maintain a knowledge of [child’s name]’s disability and educational needs and to act in a reasonable and prudent manner in representing [his/her] interests. Your signature below is verification of your acceptance of the responsibility as a surrogate parent for [child’s name]. Your assistance in this capacity is greatly appreciated.

________________________________________  __________________________
AEA Director of Special Education/Designee          Date

________________________________________  __________________________
Surrogate Parent                                        Date

Manual TOC     Appendix TOC
Extended Educational Decision Maker

What is an Extended Educational Decision Maker?

An extended educational decision maker is a person who has the authority to make educational decisions for an eligible individual who would ordinarily make these decisions for himself or herself but has been determined to be unable to make these decisions.

Presumption of Ability to Make Educational Decisions

It is presumed that an eligible individual who has reached the age of majority is able to make educational decisions for himself or herself.

The need for an extended educational decision maker is considered only when:

- an eligible individual has attained the age of majority, or rights have been otherwise transferred to the student, and
- a request has been made to assign an extended educational decision maker, asserting that an eligible individual is not able to provide informed consent for educational decisions.

When an Extended Educational Decision Maker May be Needed

An extended educational decision maker may be needed when an age-of-majority eligible individual’s decision-making capacity is so impaired that he or she is unable to:

- meaningfully participate in discussions related to his or her education, e.g. participate in IEP meetings, describe personal preferences and interests
- assist in educational decision making, or
- provide informed consent for evaluations.

Circumstances that would not, by themselves, create a need for an extended educational decision maker:

- The individual is capable of making decisions but the parents and/or educators disagree with or question the quality of those decisions
- The individual is affected by a specific category or disability
- An anticipated student decision may cause adverse effects for the district, AEA or state (e.g., the student’s wishes to drop out)
- The parents or other caregivers wish to continue in a decision-making role because they have always made decisions for the individual
There are certain situations that preclude the use of the extended educational decision maker process. These are:

- A guardianship order that provides that the ward (i.e., the eligible individual) shall make educational decisions.
- **Note:** A “conservatorship” order from a district court or an order by Social Security Administration appointing a “representative payee” relate *only to financial decisions*. They do not relate to the power to make educational decisions.
- A guardianship order that does not specifically exclude educational decisions from the scope of the guardian’s powers.
- Another court or administrative order that specifically provides that the student shall make educational decisions.
- A power of attorney executed by the eligible individual that names someone as attorney in fact for educational decisions.

A request can be initiated by any of the following:

- the parent(s) of an eligible individual
- an LEA administrator
- an AEA administrator

The request shall state the following information:

- name, age, and address of the eligible individual
- that this eligible individual is a person whose decision-making capacity is so impaired that he or she is unable to:
  - meaningfully participate in discussions related to his or her education, e.g. participate in IEP meetings, describe personal preferences and interests
  - assist in educational decision making, or
  - provide informed consent for evaluations

Upon receipt of a request for the assignment of an extended educational decision maker, the AEA shall make efforts to determine if any court or administrative order has assigned a guardian or other person to make educational decision on behalf of the eligible individual. Any such action by the court, occurring before or after the extended educational decision maker process supersedes a decision made by the AEA.

Copies of any relevant court or administrative orders will be requested.
Designating an Impartial Decision Maker

The determination of an eligible individual’s ability to make educational decisions will be made by the area education agency Special Education Director or the Director’s designee. The individual who makes this determination must be an impartial decision maker who has no direct responsibilities for the eligible individual’s educational program, school district, attendance center, or for LEA or AEA personnel who provide services to the eligible individual.

Proceeding to Determine Whether a Student is Able to Provide Informed Educational Consent

The AEA shall initiate a proceeding to determine if the eligible individual is able to make educational decisions. The proceeding shall be completed at no cost to the parent(s) of the eligible individual.

At the proceeding the eligible individual and party(ies) requesting the assignment of an extended decision maker must be provided an opportunity to be heard and to provide evidence. This could be accomplished through a face-to-face meeting or telephone or video conferencing.

Notice of the Proceeding

The AEA must provide the eligible individual and the party(ies) requesting the assignment of an extended educational decision maker notice of this proceeding. The notice shall state

- the agreed-upon date and time for the proceeding
- the purpose of the proceeding, and
- the parties (requestors and eligible individual) may invite others to the proceeding, just as they might invite others to an IEP meeting, or may, at their own expense, have legal representation.

Burden of Proof

The burden of proof for the determination that an eligible individual is not able to make educational decisions is on the person asserting inability and requesting the assignment of an extended educational decision maker. The eligible individual does not have the burden of proving the ability to make educational decisions.

The individual assigned by the AEA to make a determination is not an investigator, seeking to support the assertion made by the person(s) requesting the assignment of an extended educational decision maker, but a neutral party making a judgment based on the information provided.
**Determination by the Impartial Decision Maker**

The impartial decision maker shall consider credible evidence from any relevant source, including third parties such as waiver providers, residential care providers, or others.

The determination of ability to make educational decisions shall be supported by clear and convincing evidence that leaves no serious or substantial doubt about the conclusion reached by the impartial decision maker.

If, based on the evidence considered, reasonable minds could hold differing opinions, the presumption that an eligible individual who has reached the age of majority is able to make educational decisions for himself or herself must be affirmed.

The determination of the impartial decision maker shall rest solely on the eligible individual’s ability to make decisions, **not**:

- The quality of the eligible individual’s decisions,
- The eligible individual’s disability category,
- The educational impact of the eligible individual’s decisions, or
- Past practice of making decisions for, rather than by, the individual

**Notice of Determination**

The determination of the impartial decision maker shall be documented in writing and provided to the eligible individual, the party(ies) requesting the assignment of an extended educational decision maker and to the eligible individual’s school district.

If an eligible individual is determined to be unable to provide informed educational consent, the notice shall state that an extended educational decision maker will be appointed to represent his or her educational interests and that this individual has the authority to participate in all discussions and all decision making related to the student’s education, including:

- identification
- evaluation, including consent to conduct evaluations
- educational placement
- the provision of FAPE to the student

The notice shall advise the eligible individual of:

- the right to representation,
- the transfer of the student’s educational rights to the extended educational decision maker, and
- if known at the time the notice is provided, the name(s) of the extended educational decision maker(s).

**Note:** In most cases the extended educational decision maker(s) will be the parent(s).
Appointment of an Extended Educational Decision Maker

If an eligible individual to whom authority for educational decision making would otherwise transfer is determined to be unable to make educational decisions, the AEA must assign an extended educational decision maker to represent the educational interests of an eligible individual that has reached age-of-majority not more than 30 days after that determination.

If a student has been determined to not be able to provide informed consent the AEA shall appoint the parent(s) as the extended educational decision maker. A broad definition of “parent” applies in such circumstances (e.g. stepparent, grandparent, etc.) The decision rules in 281—41.30 shall be used if there is a dispute about which person who meets the definition of a “parent” to appoint. If a parent cannot be identified the AEA shall use procedures to appoint a surrogate parent.

The AEA must ensure that any person other than the parent(s) selected as an extended educational decision maker:

- is not an employee of the SEA, the LEA, or any other public or private agency that is involved in the education or care of the student
- has no personal or professional interest that conflicts with the interest of student the appointed person represents
- has knowledge and skills that ensure adequate representation of the student

Training

The AEA shall provide training needed by any person other than the parent(s) that is selected to represent the educational interest of an eligible individual that has reached age-of-majority and who has been determined to be unable to provide informed consent. AEA training procedures must be approved by the Iowa Department of Education and must include:

- rights and responsibilities of a substitute decider
- sample forms used by LEAs and AEAs
- specific needs of individuals with disabilities
- resources for legal and instructional technical assistance

Note: A parent appointed as an extended educational decision maker is not required to meet the training requirements of surrogate parents.

Responsibilities of the Extended Educational Decision Maker

An individual appointed as an extended educational decision maker may represent the student in all matters relating to the identification, evaluation (including the provision of consent for conducting evaluations), and educational placement of the student, and the provision of FAPE.
Extended Educational Decision Maker

Has the student attained or is the student approaching the age of majority or have rights otherwise transferred?

- Yes
  - Is the child under a guardianship?
  - Yes: Does the guardianship order provide that the ward (i.e., the student) shall make educational decisions?
    - No: Stop: The guardian may make educational decisions unless educational decisions are specifically excluded by the guardianship order
    - Yes: Stop: The student may make educational decisions
  - No: Stop: This process is not applicable

- No
  - Yes: Does the order provide that the student shall make educational decisions?
    - No: Stop: The student may make educational decisions
    - Yes: Stop: The student may make educational decisions

Is the student subject to another court or administrative order?

- Yes: Does the order provide that the student shall make educational decisions?
  - No: Stop: The student may make educational decisions
  - Yes: Stop: The student may make educational decisions

- No
  - Stop: Unless otherwise provided, a person appointed to make decisions may make educational decisions so long as they are consistent with the court order

Has the student executed a power of attorney naming someone as their attorney in fact for educational decisions?

- Yes: Is the student competent to enter into a contract?
  - Yes: Stop: The student or attorney in fact may make educational decisions
  - No:
    - No: On the basis of a determination of fact made by an impartial decision maker assigned by the AEA Director of Special Education, is the student able to provide informed consent?
      - Yes: The student may make educational decisions
      - No: Appoint the parent to make educational decisions and provide informed consent or, if the parent is unavailable, appoint another person, using the surrogate parent process
# Parental Role Q & A

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<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Can a biological parent sign something to give another person (e.g., a friend, a foster parent, etc.) permission to assume the role of “parent” for IDEA purposes? In other words, can a parent choose someone to act in his or her place?</td>
<td>No, not unless the person meets the IDEA/Rules definition of parent. The list of persons who may assume the role of “parent” for IDEA purposes is exhaustive and does not include a person assigned or delegated by the parent who does not otherwise meet the definition of parent. “I have a note from the parent” or “The parent has signed a power of attorney” do not meet the Rule’s standard. DHS has a process and form allowing the established parent to give a foster parent the authority to give consent to routine matters (e.g., field trips, etc.), but this assignment of authority would not apply to participation and authority as a “parent” under IDEA Part B or Part C.</td>
</tr>
<tr>
<td>How soon do you need a surrogate once it is determined that a parent, including all persons who qualify as a “parent” under IDEA, cannot be identified or located, the child is made a ward of the state, or the child is an unaccompanied homeless youth?</td>
<td>A surrogate must be appointed within 30 days after a child is determined to need a surrogate. Appoint a surrogate as soon as the need for one is identified. Do not wait until consent or agreement is needed, a “parent” needs to be provided prior written notice or a progress report, or a meeting needs to be scheduled.</td>
</tr>
<tr>
<td>Once a surrogate is appointed, how long does the person remain a surrogate?</td>
<td>As long as one is necessary and as long as the surrogate remains willing to serve in that capacity. One is necessary as long as a parent cannot be identified or located, the child is a ward of the state, or the child is an unaccompanied homeless youth.</td>
</tr>
<tr>
<td>After a surrogate is appointed, a parent comes back into the picture. Would the parent resume the parental role for IDEA purposes?</td>
<td>Yes, the parent would resume the “parent” role unless his or her authority to make educational decisions has been taken away.</td>
</tr>
<tr>
<td>In a case of divorce with joint custody, what do you do if one parent says “yes” to services and the other says “no” to services?</td>
<td>Until you hear otherwise, the answer that the school or AEA must accept is “no”. A parent has the unilateral right to revoke consent to services, including services to which the other parent has consented. If one parent grants consent and the other revokes consent, then services stop.</td>
</tr>
<tr>
<td>Can a guardian ad litem* (GAL) be considered a “parent” for granting consent for an evaluation or placement, filling the parent role at IEP meetings, receiving prior written notice, and so forth?</td>
<td>Yes, if the GAL meets the IDEA’s requirement to serve as a parent. A GAL does not automatically meet the IDEA’s definition of a “guardian” serving as a parent. However, a GAL can be a good choice for a surrogate. If appointed as a surrogate, the GAL would most likely need surrogate training.</td>
</tr>
<tr>
<td>Should a surrogate named by a judge go through the same training as a surrogate appointed by the AEA Director?</td>
<td>In this circumstance, training is not required but it should be offered.</td>
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* A guardian ad litem is a guardian appointed by a court to protect the interests of a minor or individual who is incompetent in a particular matter.

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Manual TOC  Appendix TOC
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<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the household in which a child resides includes an adult sibling of the child, could that sibling fill the role of &quot;parent&quot; for IDEA purposes?</td>
<td>It depends. The sibling could be &quot;an individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives&quot; if the sibling has assumed or shares responsibility for the child’s welfare (i.e., isn’t simply living in the same place). It would be best to inquire about the relationship before assuming that the sibling may serve as a parent. [41.30(1)d]</td>
</tr>
<tr>
<td>If the household in which a child resides includes an unrelated adult (a friend of the parent(s), for example), could that person fill the role of &quot;parent&quot; for IDEA purposes?</td>
<td>It depends. The person in question could be &quot;an individual who is legally responsible for the child’s welfare&quot;. It would be important to determine if the individual has assumed or shares responsibility for the child’s welfare (i.e., isn’t a house guest, renter, etc.) [41.30(1)d]</td>
</tr>
<tr>
<td>When multiple adults in a household appear to be qualified to act as “parents” under IDEA, can a school or AEA ask the biological or adoptive parent(s) to indicate which, if any, of them may fill the role of “parent” for IDEA purposes?</td>
<td>Yes.</td>
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<tr>
<td>The household in which a child resides includes the father’s girlfriend. The father’s girlfriend attends a meeting that is also attended by the child’s biological mother and the two disagree on a matter requiring consent or agreement (reevaluation, excusal, etc.). Which “parent” prevails?</td>
<td>The biological mother. Biological or adoptive parents have superior authority over other individuals who may qualify as parents. [41.30(2)a]</td>
</tr>
<tr>
<td>The household in which a child resides includes the father’s girlfriend. If the biological mother of the child gives consent for a placement or evaluation, does the father’s girlfriend have the authority to revoke consent?</td>
<td>No. Biological or adoptive parents have superior authority over other individuals who may qualify as parents. [41.30(2)a]</td>
</tr>
<tr>
<td>The household in which a child resides includes the mother’s boyfriend. The mother’s work includes frequent travel and meeting attendance and routine communications mostly involve the boyfriend. May formal correspondence (e.g., prior written notices, copies of evaluations, etc.) be directed to the boyfriend?</td>
<td>With the consent of or upon request of the biological or adoptive parent.</td>
</tr>
<tr>
<td>The AEA Special Education Director or designee appoints a foster parent as a surrogate parent at a point in time when neither biological parent hold the legal authority to make educational decisions for the child. Parents regain decision making rights and later lose them and the child is again placed with the same foster parent. Does the foster parent need to be assigned as a surrogate again?</td>
<td>Yes. Surrogate parent status ended when the parents regained legal authority to make educational decisions for the child.</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>A child’s living situation is subject to frequent change. Time is</td>
<td>The school or AEA must assure <em>at each point</em> of required parental involvement, agreement or consent that it has involved or sought consent or agreement from the appropriate “parent” and, in cases of disagreement between individuals qualified to act as a parent, the school or AEA must follow the wishes of the parent with superior authority.</td>
</tr>
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<td>sometimes spent with one or the other of the child’s biological parents,</td>
<td></td>
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<tr>
<td>whose households have frequent changes in adult members (boyfriends,</td>
<td></td>
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<tr>
<td>girlfriends, relatives, and friends). The child has spent time in</td>
<td></td>
</tr>
<tr>
<td>several different foster care placements. Biological parents sometimes</td>
<td></td>
</tr>
<tr>
<td>do and sometimes do not hold the legal authority to make educational</td>
<td></td>
</tr>
<tr>
<td>decisions for the child. What is the school or AEA’s responsibility</td>
<td></td>
</tr>
<tr>
<td>for assuring “parent” participation and assuring that consent or</td>
<td></td>
</tr>
<tr>
<td>agreement is obtained from the correct individual(s)?</td>
<td></td>
</tr>
<tr>
<td>The household in which a child resides includes the father’s girlfriend.</td>
<td>No. The “with whom the child lives” clause applies to the father’s girlfriend and her “parent” status would be lost with the foster care placement and regained if the child returns to the original living situation.</td>
</tr>
<tr>
<td>The father retains the authority to make educational decisions. Does</td>
<td></td>
</tr>
<tr>
<td>the father’s girlfriend retain “parent” status while the child is in</td>
<td></td>
</tr>
<tr>
<td>a foster care placement?</td>
<td></td>
</tr>
<tr>
<td>Is the place where the IDEA “parent” lives used to define “district of</td>
<td>The “district of residence” is typically where the child lives, unless the child is in foster care, a residential facility or other similar placement. In these circumstances, the district in which the biological or adoptive parent lives is the “district of residence”. Circumstances such as equal custody arrangements of divorced parents living in different districts, one or both parents being incarcerated and others situations may complicate the determination of district of residence.</td>
</tr>
<tr>
<td>residence” for financial responsibility purposes?</td>
<td></td>
</tr>
</tbody>
</table>
## Parental Participation

<table>
<thead>
<tr>
<th>Use of Interpreters or Other Provisions Needed for Parent Understanding; Notices Given in Native Languages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meaningful parental participation in special education processes and decision making relies on full and clear communication. AEAs and LEAs must take whatever action is necessary to ensure that the parent understands the proceedings of IEP team meetings, including arranging for an interpreter for parents with deafness or whose native language is other than English. [41.322(5)] Consent notices and Prior Written Notice must be provided in native language of the parents. This requirement applies both to the prompts printed on the consent and notice forms and the information provided to the parents in the process of completing the forms. [281—41.9; 41.503(3)] Spanish, Bosnian, Serbo-Croatian, Vietnamese, Laotian and Arabic versions of state special education forms are provided on Transact.com. This website is free to all AEs and districts in Iowa. Instructions to access this website are included in the AEA Special Education Documentation Guide.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parent Participation in Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents must be afforded an opportunity to participate in any meeting discussing the following topics as they relate to their child: Evaluation Educational placement Provision of FAPE Identification</td>
</tr>
</tbody>
</table>

**Note:** A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. [41.501(2)]

AEA and LEA personnel shall seek active parent participation throughout the process, directly communicate with parents and encourage parents to participate at all decision points.

<table>
<thead>
<tr>
<th>Notifying Parents of Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents are afforded the opportunity to participate by being notified of meetings early enough to ensure they have an opportunity to attend and by being advised of the purpose, time and location of the meeting. They are also notified of who will be attending the meeting by name and position. This is accomplished by local school districts sending parents a completed Meeting Notice form within appropriate timelines. [41.322; 41.501(2)]</td>
</tr>
</tbody>
</table>

[Manual TOC] [Appendix TOC]
**Meeting Notice Form**

The *Meeting Notice* form is required for meetings to discuss the results of a full and individual evaluation or the development of an initial, annual, reevaluation, amended or exit IEP.

The *Meeting Notice* form is not required for informal or unscheduled conversations.

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including: [41.322(1)]

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
- Scheduling the meeting at a mutually agreed upon time and place

**What Should the Meeting Notice Include?**

The meeting notice should include the following: [41.322(2)]

- The purpose, time and location of the meeting and who will be in attendance (name and position)
- Information about the right to include other individuals who have knowledge or special expertise about the child
- If age 14 (or younger if appropriate), the notice must indicate the purpose of the meeting and include the consideration of the postsecondary goals and transition services for the student and that the agency will invite the student. It should also identify any other agency that will be invited to send a representative

**Methods to Ensure Parent Participations**

If neither parent can attend an IEP meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls or video conferences. [41.322(4); 41.328]

**Conducting a Meeting without a Parent in Attendance**

A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parent that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed upon time and place including: [41.322(4)]

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits
Providing Copies of the IEP to the Parent

The public agency must give the parent a copy of the child’s IEP at no cost to the parent. [41.322(6)]

An agency shall not present a completed and finalized IEP to parents before there has been a full discussion with the parents regarding the eligible individual’s need for special education and related services, and the services the agency will provide to the individual.

Agency Preparation for the Meeting

An agency may come prepared with:
- Evaluation findings
- Proposed statements of present levels of educational performance
- Proposed recommendations regarding annual goals or instructional objectives
- Proposals concerning the nature of special education and related services to be provided

The agency shall inform the parents at the outset of the meeting that the proposals are only recommendations for review and discussion with the parents. [41.322(7)]
Parent Consent

The legal meaning of consent is described below. “Consent” is obtained when all of the following conditions are satisfied: [41.9(1)]

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication
- The parent understands and agrees in writing to the carrying out of the activity for which parental consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Note: If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that occurred after the consent was given and before the consent was revoked.) [41.9(2)]

As long as a parent has the legal authority to make educational decisions for the child (married parents, divorced parents when each retain decision making rights, etc.), the school or AEA must accept either parent’s consent or revocation of consent. See discussion above: Determining and Defining “Parent”

When is Parental Consent Required?

Parental consent is required:

- When an LEA or AEA conducts an initial evaluation [41.300(1)]
- Before special education services can begin for the first time [41.300(2)]
- When an LEA or AEA completes new assessments as part of a reevaluation [41.300(3)]
- To excuse a required IEP team member from a meeting where the member’s curricular area or related service will be discussed or changed, and the member submits written input. [41.321(5)b(1)]
- When an LEA or AEA seeks to utilize the parents’ private or public insurance to pay for a service or activity that is the responsibility of the LEA or AEA [41.154(4)] [41.154(5)]
- When personally identifiable information is disclosed to other parties, except under certain circumstances [41.622]

Note: An AEA or LEA may not use a parent’s refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of the AEA or LEA. [41.300(4)c]
When is Parental Consent Not Required?

Consent is not required:
- When conducting a review of existing data as part of an evaluation or reevaluation [41.300(4)a(1)]
- When administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children [41.300(4)a(2)]

It is important to note that consent is valid only for the specific action for which consent is obtained. For example, consent for an initial evaluation may not be construed as consent for initial placement in special education or related services.

Right to Revoke Consent for Services

Effective December 31, 2008, federal regulations were amended to permit parents to unilaterally withdraw their children from further receipt of special education and related services by revoking their consent for the continued provision of special education and related services to their children. As long as a parent has the legal authority to make educational decisions for the child (married parents, divorced parents when each retain decision making rights, etc.), the school or AEA must accept either parent’s revocation of consent.

Note: Age-of-majority students also have the right to revoke consent for their special education services.

An AEA or LEA may not use mediation or a due process hearing to challenge the parent’s decision or to seek a ruling that special education and related services must continue to be provided to the child.

Parental revocation of consent must be in writing and upon revocation of consent the LEA or AEA must provide the parent with prior written notice before ceasing the provision of special education and related services.
Parent Agreement

Differences Between Parent Agreement and Consent

In addition to those areas where consent is required, there are numerous matters that require parent agreement.

Consent always means signed, written consent.

Agreements, while they should be documented, do not always require parent signature. The principles of consent (fully informed parents, understanding of that which is agreed upon, etc.) also apply to agreements.

When is Parental Agreement Required?

Matters where parental agreement is required include:

- Establishing the timeline for the completion of an initial evaluation that was begun before a student transferred to a new LEA [41.301(5)]
- Conducting reevaluations more than once per year [41.303(2)a]
- Determining a reevaluation is unnecessary [41.305(4)a]
- Implementing and modifying systematic problem solving activities [41.313(2)]
- Setting the meeting time and place for an IEP [41.322(1)]
- Excusing a required IEP team member when the member’s area of curriculum or related service will not be discussed or changed [41.321(5)a]
- Amending an IEP without a meeting [41.324(1)d]
- Defining the services and placement specified in an interim IEP [41.324(5)b]
- Changing the IEP of a student in a private placement when the private facility has initiated an IEP meeting [41.325(2)]
- Accomplishing parent participation in an IEP meeting through alternate means (e.g., use of a speakerphone) [41.328]

Note: Many of the activities related to resolving differences of opinion regarding the education of a special education student (e.g., resolution facilitator process, preappeal conference, due process complaints) also require parent agreement at various points. See the chapter “Resolving Differences” for additional information.
When is Special Education Consent for an Evaluation Needed?

The potential need for an evaluation* is being considered.

Is the child an eligible individual?

No

Is disability suspected?

Yes

Obtain consent for an initial evaluation.

Special education consent is not required. Follow school procedures including, if appropriate, obtaining parent permission.

No

Does the current IEP include services or supports of any kind in the area being considered for assessment?

Yes

If existing information is sufficient, consent is not required. If new information is needed, obtain consent for a reevaluation.

No

On the basis of available information, is there any reasonable possibility that services or supports may be added to the IEP as a result of the assessment?

Yes

No

* Evaluations do not include screening for instructional purposes (i.e., screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation) or group screenings (e.g., hearing, vision). Special education consent is not required for these screening purposes.
Prior Written Notice of a Proposed or Refused Action (Parent Notice)

Prior Written Notice Must be Given to Parents

Prior written notice must be given to the parents of a child with a disability after a decision has been made but within a reasonable time before the LEA or AEA: [41.503(1)]

- Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child
- Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child

The proposal or refusal must relate to one of the above as these are issues over which an IEP team has the authority to make decisions.

What Must a Prior Written Notice Include?

The notice must include the following: [41.503(2)]

- A description of the action proposed or refused by the agency
- An explanation of why the agency proposes or refuses to take the action
- A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action
- A statement that the parents have protection under the due process provisions of special education and, if this notice is not an initial referral for evaluation, how the parent may obtain a copy of the description of the procedural safeguards
- Sources for parents to contact to obtain assistance in understanding the provisions of the laws and rules
- A description of other options that the IEP team considered and the reasons why those options were rejected
- A description of other factors that are relevant to the agency’s proposal or refusal

Prior Written Notice Must be Understandable

The notice must be written in language that is understandable to the general public, and must be provided in the native language of the parent (or other mode of communication) unless it is clearly not feasible to do so. [41.503(3)]

Parent Rights and the Prior Written Notice

Before any action is implemented, the parent has the right to access due process procedures to dispute any issue communicated in the Prior Written Notice form. This would include a request for a preappeal conference use of an AEA resolution facilitator or an impartial due process hearing.

Thus, the Prior Written Notice that constitutes the basis for a parent’s hearing request must include the agency’s final action, or decision, on the proposal or refusal.

Manual TOC  Appendix TOC
Examples of actions and refusals requiring Prior Written Notice:

- Decision not to conduct initial evaluation
- Change of disability designation
- Change in services or placement, including consent for initial special education services
- Addition or termination of service (including termination due to parent revocation of consent, graduation, etc.)
- Change in model of delivery of service, e.g.:
  - Mode – such as direct to indirect
  - Pull-out to general class
- Addition, deletion or change of ESY services
- Addition or deletion of goal
- Change in related service:
  - Transportation
  - Behavior plan
  - Special health plan
  - Assistive technology
  - Equipment
- Amendment to an existing IEP
  - Whenever discipline results in a change of placement
Examples of actions and refusals not requiring Prior Written Notice:

- Change of qualified service provider
- Changes or updates of goals and objectives that do not change services
- Change in location of service not controlled by school agency:
  - Foster care
  - Hospitalization
  - Parent relocation
- Change in location of service which does not change service:
  - Different classroom
  - Age/grade-appropriate movement (peer promotion to middle/junior/senior high)

**Note:** The determination of the significance of the change must be determined on a case by case basis. Each IEP team must use professional judgment in this decision. In instances of questioned significance, best practice would be to document the decision using a Prior Written Notice form.

The table on the following page details requirements related to actions requiring prior written notice.
## Documentation of Consent, Agreement, and Prior Written Notice

<table>
<thead>
<tr>
<th>Process</th>
<th>Form Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>School screenings or evaluations when consent <strong>is not</strong> obtained for all students</td>
<td>None</td>
</tr>
<tr>
<td>School screening or evaluations when consent <strong>is</strong> obtained for all students</td>
<td>School adopted forms</td>
</tr>
<tr>
<td>Full and individual initial evaluation</td>
<td>Consent for/Notice of Evaluation</td>
</tr>
<tr>
<td>Reevaluation when additional assessment information will be collected</td>
<td>Consent for/Notice of Evaluation</td>
</tr>
<tr>
<td>Initiating the provision of special education and/or related services</td>
<td>Consent for Initial Special Education and/or Related Services</td>
</tr>
<tr>
<td>Reevaluation when additional assessment information will be collected</td>
<td>Consent for/Notice of Evaluation</td>
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<tr>
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</tr>
<tr>
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<td>Consent for Initial Special Education and/or Related Services</td>
</tr>
<tr>
<td>Ending the provision of all special education and/or related services due to graduation, the team determination that services are no longer needed or parent revocation of consent for services</td>
<td>Prior Written Notice</td>
</tr>
<tr>
<td>IEP changes to activities, services, supports or placement</td>
<td>Prior Written Notice</td>
</tr>
<tr>
<td>Refusal of a parent request related to evaluation, identification, activities, services, supports or placement</td>
<td>Prior Written Notice</td>
</tr>
<tr>
<td>Excusal</td>
<td>Agreement to Excuse Attendance at IEP Meeting</td>
</tr>
<tr>
<td>Utilizing Medicaid coverage for special education services and supports</td>
<td>LEA or AEA adopted documentation</td>
</tr>
<tr>
<td>Release of educational records</td>
<td>Authorization of Exchange of Information</td>
</tr>
<tr>
<td>Release of educational records</td>
<td>Authorization for the Release of Health and/or Educational Information</td>
</tr>
<tr>
<td>Amendment without a meeting</td>
<td>Individualized Education Program (IEP) Page A</td>
</tr>
<tr>
<td>Establishing agreed upon meeting time and place</td>
<td>Meeting Notice</td>
</tr>
<tr>
<td>Dispute resolution agreements</td>
<td>See Dispute Resolution chapter</td>
</tr>
</tbody>
</table>
The Procedural Safeguards Manual for Parents must be given to parents one time per year. It can be sent to the parents with the Meeting Notice for review of IEP, or given to the parents at the IEP meeting. The requirement being met is “once a school year.”

A copy of the manual also must be given to parents: [41.504(1)]

- Upon initial referral or parental request for evaluation
- Upon the first occurrence of the filing of a state complaint or the first due process complaint in a school year
- In accordance with discipline procedures in [41.530(8)] which requires:
  - “On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision and provide the parents the procedural safeguard notice”
- Upon request by a parent

Procedural safeguards should be reviewed with the parents and the review should be documented on the Consent for/Notice of Evaluation form. When parents sign this form their signature gives consent and also acknowledges that they have received the safeguards document and understand their rights.

The Procedural Safeguards Summary may be used to facilitate the review of rights with parents and eligible students. However, the summary may not be used as a substitute for Procedural Safeguards Manual for Parents.

The Procedural Safeguards Manual for Parents for Part B (3-21) students and the Early ACCESS Procedural Safeguards Manual for Parents are available from your AEA and also online:

Early Access (birth-2):

Part B (3-21)
Resolving Differences in Special Education

Overview

From time to time differences of opinion regarding the education of a student arise. Differences of opinion may develop regarding evaluation, eligibility, placement, and the provision of FAPE. Every attempt should be made to resolve differences between individuals with differing opinions.

Efforts should include:

- Consulting with other professionals, including AEA and LEA administrators
- Utilizing a facilitator in meetings when disagreements are anticipated
- Adjourning to reconvene later with a facilitator
- Adjourning to reconvene later with additional information, and other approaches

Note: The role of an administrator who is not a member of the IEP team and whose input is sought is advisory. The authority of the IEP team to make decisions and commitments on behalf of an eligible individual is not compromised through consultation with an administrator. However, if an administrator determines that any of the proposals under consideration would be out of compliance or clearly fail to provide FAPE to an eligible individual, it is the administrator’s obligation to communicate that conclusion to the IEP team.

This section will identify and explain each of the options available to assist IEP teams as they seek to resolve their differences.

Preferred Mode of Conflict Resolution

The preferred mode of conflict resolution is direct negotiation among the persons with the disagreement. The least preferred mode is litigation, which would begin with the filing of a due process complaint.

The ideal solution is for people to address their differences themselves and work together to resolve them at the earliest possible time. Another good option is to seek the assistance of an impartial person to assist in the negotiations. Neither direct negotiations nor use of the Resolution Facilitator Process (described below) necessitate contacting the Department of Education about the disagreement.

Documentation and reporting of differing opinions

The Prior Written Notice form provided to parents calls for “A description of any other options the school considered and the reasons why those options were rejected”. Whenever varying options have been discussed at an IEP meeting, the options that were not selected by the team for inclusion in the IEP and the team’s rationale must be clearly described.

If any professional believes that the IEP fails to provide a FAPE or that the IEP contains provisions that are not in compliance with the Iowa Administrative Rules of Special Education, the professional must report this to his or her supervisor.
Moving from the broader to the narrower part of the pyramid (below,) the formality of the dispute resolution procedures increases, and the Iowa Department of Education becomes involved because someone has requested a preappeal conference, a due process hearing or has filed a written complaint.

In addition, where legal issues are a part of the dispute, lawyers are often hired by AEs, LEAs, and families. Litigation is the least desirable approach in principle because it takes decision making out of the hands of the persons directly involved in the disagreement.
Direct Negotiation Among the Persons with the Disagreement

AEA Resolution Facilitator Process

Preappeal Conference

Written Complaint with Iowa Department of Education

File for Due Process Hearing

Resolution Meeting

Mediation Following Setting a Hearing

Hearing

State or Federal Court

Iowa or U.S. Supreme Court
AEA Resolution Facilitator Process

Overview

When the parties to a disagreement are willing to continue to work together to resolve issues, using a resolution facilitator may help. Several hundred resolution facilitators across the state of Iowa have been trained as mediators.

Most “resolution facilitators” are AEA staff, some are school district staff, and some are community people. These individuals are available to work with IEP teams to resolve issues.

Each AEA has a Resolution Facilitator Coordinator who can assist with the assignment of an appropriate facilitator. The Coordinator also has a complete set of forms and procedures that may be used before, during and after the AEA Resolution Facilitator process.

Using a Resolution Facilitator is not a prerequisite to using other options to resolving differences.

What Does a Resolution Facilitator Do?

A resolution facilitator has no authority to make judgments but instead focuses the responsibility for resolving the issues on the participants. The resolution facilitator will:

- Explain the process and answer questions the participants may have
- Assist the participants in establishing basic communication guidelines
- Help clarify the issues
- Assist in a conversation about how to improve the situation

If the participants reach an understanding, the resolution facilitator will:

- Help craft the agreement, using the words of the parties
- Ask the parties to select a shepherd who will oversee the agreement and serve as the point of contact
- Make sure the statement of agreement is accurate
- Prepare a written agreement for signatures

**Note:** If the agreement reached represents a significant change in the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, this must be documented in the *Prior Written Notice* form. (See pp. 74-75 of the IEP manual)
What to do When Differences Are Not Resolved

When efforts to resolve differences do not succeed, the following procedures are applied:

- If consensus cannot be reached regarding placement or LEA services, the LEA representative will confirm the district’s proposal for placement or services and communicate this proposal through a *Prior Written Notice*.

- If consensus cannot be reached regarding AEA services, an AEA representative will confirm the AEA’s proposal for services and communicate this proposal through a *Prior Written Notice*.

- If consensus cannot be reached regarding an eligibility determination, an AEA representative will confirm the AEA’s proposed eligibility determination and communicate this proposal through a *Prior Written Notice*.

Parents Have the Right to Request a Due Process Hearing

Before any proposed action is implemented, the parent has the right to request an impartial due process hearing on any issue in the *Prior Written Notice*.

Thus, the prior written notice that constitutes the basis for a parent’s hearing request must include the agency’s final action, or decision, on the proposal or refusal.

The prior written notice forms the basis for the parents to request a hearing. When possible, this notice should be completed at the close of the meeting where the decision(s) has been made so that the contents are clear to all participants.
**Preappeal Conferences**

<table>
<thead>
<tr>
<th>Preappeal Conference Defined</th>
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</thead>
<tbody>
<tr>
<td>In Iowa practice, a request for mediation filed <em>before</em> the filing of a due process complaint is referred to as a “request for a special education preappeal conference”. Because a request for due process has not been filed at this time, the timelines related to due process are not in effect.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Who May Request a Preappeal Conference?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A parent, LEA, or AEA may request a special education preappeal conference on any decision relating to the:</td>
</tr>
<tr>
<td>- Identification</td>
</tr>
<tr>
<td>- Evaluation</td>
</tr>
<tr>
<td>- Placement</td>
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<tr>
<td>- Provision on FAPE</td>
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</tbody>
</table>

A pre-appeal conference is not a prerequisite to other options for resolving differences. Participation in this process by all parties is voluntary. [41.1002(1)]
**Request a Preappeal Conference by Writing a Letter**

Request for a preappeal conference is made by writing a letter that is mailed to the Iowa Department of Education.

Include the following in the letter:
- Name of the student
- Name of the district
- Name of the AEA

Also include facts and issues of concern or reasons for the conference. The letter must be mailed to the department as well as copies sent to the district and the AEA.

A model request form is located in the *Procedural Safeguards for Parents*.  
[41.1002(1)a]

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**Department of Education Contacts Parties**

Within five business days of receipt of the request for the conference, the Iowa Department of Education will contact all pertinent parties to determine if they desire to participate.

This contact may include providing the parties with information regarding other options for resolving issues (e.g., AEA Resolution Facilitator Process).

If a preappeal conference will be held, the Iowa Department of Education will send a checklist to the LEA and AEA to obtain information about the student.  
[41.1002(1)b]

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**Time of Preappeal Conference**

A preappeal conference will be held at a time and place reasonably convenient for all parties. Written notice will be sent to all parties by the department.  
[41.1002(1)c]

---

**LEA or AEA Submits Preappeal Checklist**

The LEA or the AEA will submit the special education preappeal checklist to the department and will provide a copy to the parent within 10 business days after receiving the request.  
[41.1002(1)d]

---

**Student’s School Records Available to Parent and Participants in Preappeal**

The student’s complete school record shall be available for review by the parent prior to the conference, if requested in writing at least ten calendar days before the preappeal.  
[41.1002(1)e]

The individual’s complete school record shall be available to all participants in the preappeal conference.  
[41.1002(1)f]
### Mediator to Chair Preappeal Conference

The preappeal conference will be chaired by a mediator provided by the Iowa Department of Education. [41.1002(1)g]

### Reaching or Not Reaching an Agreement in Preappeal

If an agreement is reached, a legally binding agreement will be prepared and disseminated by the mediator.

If an agreement is not reached, all parties will be notified of procedures to follow for filing a formal due process complaint. [41.1002(1)h,i]

The special education preappeal process shall not deny or delay a party's right to a due process hearing.

### Student Must Remain in Present Placement

Unless the parties agree otherwise (with the exception of certain preappeals concerning disciplinary removals), the student involved in the preappeal conference must remain in the present educational placement during the preappeal proceedings. [41.518(5); 41.1002(2)]

### Preappeal Request May be Withdrawn

The party who initiated the request for a preappeal may request a withdrawal of that request at any time prior to the conference.

The department will automatically close the file if any of the following circumstances apply: [41.1002(3)]

- One of the parties refuses to participate
- The preappeal conference is held but parties are not able to reach agreement
- The preappeal conference is held and parties are able to reach an agreement but the agreement doesn’t specify a date for withdrawing the preappeal request.

### Preappeal Discussions Confidential

Discussions that occur during the special education preappeal conference must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. [41.506(2)]

Prior to the start of the conference, the parties and the mediator will be required to sign an Agreement to Mediate form containing the confidentiality provision. [41.1002(4)]
# Mediation Conference

## How is a Mediation Conference Conducted?

A mediation conference is conducted in the same manner as a preappeal conference except that it is offered to parties after a request for a due process hearing has been made.

Following a request for a due process hearing, the AEA and LEA must first offer the parents a resolution meeting. If all parties jointly agree to forego the resolution meeting and jointly request a mediation conference, then it will be offered.

## Mediation Conference Participation Voluntary and Conducted by a Mediator

Participation in a mediation conference is voluntary on the part of all parties and is conducted by a qualified and impartial mediator.

The Department of Education maintains a list of qualified mediators who are knowledgeable in laws and regulations relating to special education. Mediators are trained and assigned by the Department of Education at no cost to the AEA or LEA.

[41.506(2)]

## What to do When an Agreement Has Been Reached

An agreement reached by the parties must be set forth in a written mediation agreement. It must be signed by both the parent and a representative of the LEA or AEA who has the authority to bind the agency.

This agreement is enforceable in any state court or US district court. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings.

[41.506(2)f]
Due Process Complaints

When Can a Due Process Complaint be Filed?

A parent or a public agency may file a due process complaint (i.e., request a due process hearing) on matters relating to:

- The identification, evaluation or educational placement of a child with a disability
- The provision of FAPE to the child

The due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint. [41.507(1)]

The two-year rule does not apply if specific misrepresentations by the LEA or AEA that it had resolved the problem forming the basis of the due process complaint occurred, or if the LEA or AEA withheld information from the parent that was required to be provided to the parent. [41.511(6)]

What to do When Parents Want to Request a Due Process Hearing

When parents have disagreements with the LEA or AEA that lead to impasse despite informal attempts at resolution, they should be informed of their right to an impartial due process hearing.

The Procedural Safeguards Manual for Parents should be given to parents at this time. Parents must be informed of any free or low cost legal and other relevant services available in the area. [41.507(2)]

How to File a Request for Due Process Hearing

Filing a request for a hearing is not a difficult process and an attorney is not required.

A model form is included in the Procedural Safeguards Manual for Parents. A person filing for a due process hearing may have legal or other assistance if desired.

The request for a due process hearing must: [41.508(2)]

- State the name and address of the residence of the child
- Identify the school the child attends
- Provide a description of the nature of the problem of the child and how this relates to the proposed or refused initiation or change, including the facts related to the problem
- Identify a proposed resolution of the problem
- Be sent to:
  - Director, Iowa Department of Education, Grimes State Office Building, 400 E 14th Street, Des Moines IA 50319-0146
  - The LEA and the AEA
How Should the AEA and LEA Respond to a Complaint?

AEA/LEA response to a due process complaint:

- Within 10 days of receiving a hearing request, send a prior written notice to the parent regarding the subject matter contained in the parent’s due process request if it has not been done. Send a response that specifically addresses the issues raised in the hearing request if not included in the previous prior written notice [41.508(5)(6)].

Within 15 days of receiving notice of the parent’s due process complaint, the LEA/AEA must:

- Send written notification to the DE and parent if the hearing request is not considered to meet all due process complain notice requirements.
- Provide an opportunity to hold a resolution meeting with parents and relevant member(s).

Note: Any LEA/AEA professional should contact their Special Education Director or designee at any time that they become aware of a situation in which a dispute or unresolved issue may result in a request for a due process. The formal processes related to a request for a hearing will be directed by agency administrators in consultation with legal counsel.
Types of Hearings

Three Types of Hearings

There are three types of hearings: [41.1005(4)]

- A hearing based on the stipulated record wherein the controversy is decided based upon the record, written briefs or arguments
- An evidentiary hearing in which witnesses are called and cross-examined under oath
- A mixed evidentiary and stipulated record hearing

The due process hearing is presided over by an independent administrative law judge (ALJ,) who is not an employee of the Iowa Department of Education or the public agency involved in the education of the child.

The hearing results in a decision that is final unless a party appeals by bringing a civil action. [41.514]
## Timelines Involving Parent-Initiated Due Process Complaint Hearing

*(Does not apply to expedited hearings)*

<table>
<thead>
<tr>
<th>Parents</th>
<th>LEA/AEA</th>
<th>ALJ</th>
</tr>
</thead>
</table>
| Timeline starts when LEA and SEA receive parent due process complaint (hearing) request. (Must allege a violation that occurred not more than **two years** before the date the parent knew or should have known about the alleged action that forms the basis of the complaint, or if the State has an explicit time limitation for presenting such a complaint under this part. There are exceptions.) | **Within 10 days** of receiving hearing request:  
- Send a prior written notice to the parent regarding the subject matter contained in the parent's due process request if it has not been done.  
- Send to the parents a response that specifically addresses the issues raised in the hearing request if not included in #1 (prior written notice). | **Within 5 days** of receiving notification from the LEA of alleged insufficient notice from the parent, rule and immediately notify parties of his/her determination of notice adequacy. This is to be in writing. |
| **Within 15 days** of receiving due process complaint (hearing) request:  
- Send written notification to the DE (for ALJ) and parent if the hearing request is not considered to meet all the due process complaint (hearing) notice requirements.  
- Provide an opportunity to hold resolution meeting with parents and relevant member or members of IEP team.* However, all parties have the option of using the state’s mediation process instead of holding the resolution meeting but the offer for the resolution meeting must be made. | | |
| If ALJ rules the due process hearing request notice is insufficient, the parent may amend the notice only under certain circumstances. No timeline is given. | | |
| If the parent files an amended due process hearing request the timelines shall recommence on the date of receipt by the LEA and DE, including the timeline for the resolution session. | | |
If the LEA has not resolved the complaint to the satisfaction of the parents within 30 days of receipt of the complaint, the due process hearing may occur. Adjustments to the 30-day resolution period are described at §300.510(c) and the 45-day timeline starts.

*A party may not have a hearing on a due process complaint until the party, or the attorney representing the party, files a due process complaint that meets the requirements.
## Resolution Meeting

### Overview
When other efforts to resolve disputes have been unsuccessful, parents may file a due process complaint.

When a parent requests a hearing, the LEA and the AEA are required to offer a resolution meeting to the parent, in order to provide an opportunity for resolving differences without a hearing. This must be done within 15 days of receiving the hearing notice. [41.510(1)]

### Provide Parents with Procedural Safeguards for Parents Manual
Provide parents with a copy of *Procedural Safeguards for Parents.*

One of the circumstances that require districts to provide parents of children with disabilities with a copy of this document is upon receipt of the first due process complaint in a school year.

### Contact Parents and Inform Them of Requirements
Contact the parents to inform them of the requirements related to a resolution meeting.

The conclusion of this contact will be to either schedule a meeting or jointly agree in writing to waive a resolution meeting and proceed to mediation or a due process hearing.

Unless a resolution meeting is waived, it is to take place within *15 calendar days* of receiving notice of the parent’s complaint. This timeline may be extended if the parent fails to participate within the prescribed time period. [41.510(2)c]

### Determine Which IEP Team Members Must Attend the Meeting
The parents and the LEA and AEA mutually determine which IEP team members need to attend the meeting. The meeting must include: [41.510(1)]
- Relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint
- Representatives of the LEA and AEA who have decision-making authority

**Note:** A resolution meeting *may not* include the attorney of the LEA or AEA unless the parent is accompanied by an attorney.

### Facilitator Strongly Suggested
The parties are *strongly encouraged* to have a facilitator assist in the resolution meeting. An AEA resolution facilitator may be utilized or the Iowa Department of Education can be asked to appoint a facilitator.
| **Parent Not Participating in the Resolution Meeting** | If the LEA and AEA are unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, at the conclusion of the 30 day period they may request that the administrative law judge dismiss the parent's due process complaint. [41.510(2)d] |
| **LEA and AEA Failure to Schedule the Resolution Meeting** | If the LEA and AEA fail to hold the resolution meeting within the 15 day period or fail to participate, the parent may seek the intervention of the administrative law judge to begin the due process hearing timeline. [41.510(2)e] |
| **Legally Binding Agreement Must be Signed When Resolution is Reached** | If the resolution to the dispute is reached at the meeting, there must be executed a legally binding agreement that is signed by both the parent and a representative of the AEA or LEA who has authority to bind the agency. This agreement is enforceable in any state court or US district court or by the department. [41.510(4)] |
| **What to do When a Resolution Meeting Does Not Solve the Complaint** | If the resolution meeting has not resolved the complaint to the satisfaction of the parents within 30 calendar days of the receipt of the complaint, a due process hearing may occur. The timeline for the completion of the hearing process begins after the 30 day resolution period ends. Typically, there is a 45 day timeline for the hearing after the 30 day resolution period. |
Tips for LEA/AEA When Conducting a Resolution Meeting

**Purpose of Resolution Meeting:** For the parent of the child to discuss the due process complaint and the facts that form the basis of the due process complaint so that the LEA/AEA has the opportunity to resolve the dispute without having a hearing before an administrative law judge (ALJ).

**CHECKLIST**

**First steps:**

___ Unless the LEA and AEA are already knowledgeable about the resolution meeting, the LEA and AEA carefully read all information provided by the Iowa Department of Education about the resolution meeting and the responsibilities of the agencies.

___ LEA and AEA offer and document that a resolution meeting was offered within 15 calendar days of receiving notice of parent’s due process complaint (i.e., hearing) unless all parties (parents, LEA and AEA) agree to an extension of the resolution period. This offer must be made regardless of whether the agencies’ intent may have been to use another format for resolving the parent’s identified written concerns.

___ If the LEA, AEA, and parents jointly agree to waive the resolution meeting, this is documented in writing.

___ The LEA/AEA ask the parents if an attorney will be attending with the parents. If not, the LEA/AEA does not include an attorney at the resolution meeting. If so, the LEA and AEA may bring their attorney.

**If a resolution meeting was held:**

___ LEA/AEA convene a meeting with the parents and relevant member or members of IEP Team.

___ The parents and the LEA/AEA jointly determine the relevant members.

___ Each relevant IEP Team member has specific knowledge of the facts identified in the due process complaint.

___ LEA and AEA both have a representative who had decision-making authority on behalf of its agency and has the authority to sign an agreement in order to make the agreement “legally binding.”

___ The parties attempt to resolve the dispute. If an agreement is reached, the parties execute a legally binding agreement that is signed by both the parents and a representative of both the LEA and AEA who have the authority to bind each agency.

___ All parties are informed that any party has a right to void the resolution agreement within three business days of execution.

___ An agreement is made regarding all parties’ understanding of confidentiality about the resolution meeting.

**If applicable:**

___ If the LEA and AEA argue the parent’s complaint was insufficient, the resolution meeting offer is not postponed while waiting for a ruling from the ALJ.
Q & A Resolution Meeting Tips

1. **What is the first thing a district and an AEA should do upon receiving notice that a parent has written a due process complaint?**

   **Answer:** Most agencies will probably contact their attorney. Offer a resolution meeting to the parent as required by IDEA 2004 as soon as possible. The meeting is to be held within 15 calendar days of receipt of the written notice. IDEA does not allow allowances for difficulties in communicating with parents; therefore, if the parent is not responding there is no excuse not to offer a resolution session within the timeline. The best documentation that the requirement is met is to send a written letter to the parent in the primary language of the parent if it is known the parent is literate. Provide the “why, what, when and where” information. Make certain the parent is given a contact name and telephone number from the LEA (or AEA) if the proposed date, time and location do not work for the parent.

   The agency is encouraged to initiate a phone conversation with the parent, if possible, to make certain the letter was received and understood, as well as to get a better understanding about the issues. Ask the parent if an attorney will be attending and discuss possible future actions needed such as mutual agreement on the relevant IEP Team members to attend. Document all phone contacts. Depending on the situation, a representative/s from the LEA/AEA may want to hold a face-to-face meeting with the parent prior to the resolution meeting and may visit in the parent’s home or other site, if the parent is amenable.

   The parent should also be made aware of options available in addition to the resolution meeting, although these are only available if the LEA/AEA and parent jointly waive the resolution meeting and both mutually agree to use mediation or a due process hearing provided by the Iowa Department of Education.

2. **What does the LEA/AEA do if the parent refuses to participate in a resolution meeting after the offer is made by the agencies and the LEA/AEA does not want to waive the meeting?**

   **Answer:** The Office of Special Education Services (OSEP) has made it clear that there are no provisions that allow a parent to unilaterally waive the resolution meeting. The only way it can be waived is when the parent and LEA/AEA jointly agree in writing to waive the meeting or when the parent and LEA/AEA jointly agree to use the mediation process. In other words, the parent is required to meet if the LEA/AEA wants the opportunity to attempt to resolve the due process complaint through the resolution meeting. If the parent fails to participate in the resolution meeting, the agencies would need to continue to make diligent efforts throughout the remainder of the 30-calendar day resolution period to convince the parent to participate in the resolution meeting. If, however, at the end of the 30-day resolution period, the LEA/AEA is still unable to convince the parent to participate in the resolution meeting, OSEP believes that an LEA should be able to seek intervention by an ALJ to dismiss the due process complaint (the hearing).

3. **Who must attend the resolution meeting?**

   **Answer:** The key word in the law reads “relevant” member or members of the IEP Team. It does not specify “the IEP Team.” Relevancy depends on the issue/s identified in the parent’s due process complaint. Probably the most successful resolution meetings will be restrictive in its membership. Remember: all parties must come to an agreement regarding who will attend.
4. **What if there are circumstances beyond a parent’s control (e.g., military service, hospitalization) that may prevent a parent from attending a resolution meeting in person?**

   **Answer:** If the parent informs the LEA and AEA in advance of the meeting that circumstances prevent the parent from attending the meeting in person, it would be appropriate for the LEA/AEA to offer alternative means to ensure parent participation, including videoconferences or conference telephone calls, subject to the parent’s agreement. There is no authority to permit a court-appointed advocate to attend the resolution meeting in place of a parent, unless the public agency has appointed that individual as a surrogate parent, or the agency determines that the person is a person acting in the place of the parent (in accordance with Sec. 300.30(a)(4)).

5. **Discussions held during mediations are considered confidential. However, IDEA 2004 is silent regarding confidentiality during resolution meetings. Are resolution meeting discussions confidential or not?**

   **Answer:** Because there is nothing in the Act or the IDEA regulations that would prohibit the parties from entering into a confidentiality agreement as part of their resolution agreement, they may do so. However, the LEA and AEA could not require that the participants in a resolution meeting keep the discussions confidential or make a confidentiality agreement a condition of a parent’s participation in the resolution meeting.

6. **What are some suggestions regarding how attorneys may be used?**

   **Answer:** If the parent does not have an attorney in attendance at the resolution meeting, neither can the LEA or AEA. However, that does not mean that an attorney cannot be providing guidance “behind the scene,” for any party before, during, and after the resolution meeting. In fact, LEAs and AEAs typically will be contacting their attorney/s as soon as the notice for a due process complaint is received. Parents, LEAs, and AEAs may want to have the agreement reviewed before signing or reviewed within three business days if it is signed.

7. **What if a parent brings an attorney to the resolution meeting without advanced notice?**

   **Answer:** The LEA and AEA will need to make a decision whether to continue without their own attorney. The agencies have the option of refusing to hold the meeting at that time but must still adhere to the 15-calendar day period when scheduling another.

8. **Who should facilitate the resolution meeting?**

   **Answer:** The law is silent on that. There is merit in requesting an outside facilitator (or mediator) who is not employed by the LEA/AEA. There are two options available, using the AEA Resolution Facilitator Process: (a) Contact another AEA Resolution Facilitator Coordinator and request a facilitator from that AEA; or (b) Contact Dee Ann Wilson or Rebecca Griglione at the Iowa Department of Education and request a state mediator to serve as a facilitator. A facilitator may enhance the chances of reaching a resolution. The district/AEA could explain to the parent that an impartial person with no stake or interest in the outcome would be helpful with assisting the parties to explore ways to resolve the identified concerns. If an outside facilitator is going to be used, the parent will need to agree on this person before the resolution meeting is held.
9. **What are some useful strategies to use to help resolve the due process complaint during the resolution meeting?**

   **Answer:** Review the purpose of the resolution meeting. Make certain parties have scheduled an adequate commitment of time that may allow for a resolution but all participants should have an understanding how long the meeting will last. All parties should help establish ground rules. Have an understanding of why the parent filed a complaint. Listen carefully to the parent, and then ask questions if not fully understanding anything being said. Decide if all relevant people are in the room. Don’t hesitate to allow any party to contact other people, if necessary, to resolve the complaint. (This could be done via private telephone conversations or even conference calls.) This resolution meeting provides the opportunity for the LEA/AEA to resolve the dispute without going through a time-intensive and costly due process hearing.

10. **Must the IEP Team reconvene to sanction the decisions agreed to in a resolution meeting?**

    **Answer:** Unless the agreement specifically requires that the IEP Team reconvene, there is nothing in the Act or regulations that require the IEP Team to reconvene following a resolution agreement that includes IEP-related matters. The resolution meeting is made up of relevant IEP Team members with the authority to write a legally binding agreement. If the agreement involves IEP-related matters, the IEP will need to be amended to reflect the agreement. Any time changes are made on the IEP, the LEA/AEA must ensure that the child’s IEP Team is informed of those changes. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

11. **What if the resolution meeting is held but the dispute that formed the basis for the due process complaint cannot be settled?**

    **Answer:** A due process hearing may occur but the law allows the LEA/AEA a 30-calender day resolution period (starting from the day the LEA/AEA receives the written due process complaint). Therefore, even if no settlement comes out of the resolution meeting, the LEA/AEA can continue trying to address the parent’s issues. This 30-day period may be adjusted if the parties agree in writing that no agreement is possible. A copy of this jointly signed adjustment should be sent to the Iowa Department of Education and then the ALJ will be notified so a hearing can be scheduled.

12. **It seems there is something about a 45-calender day timeline for the due process hearing. When does that timeline start?**

    **Answer:** The new language specifies that the 45-day timeline for the due process hearing starts the day after one of the following events: (a) both parties agree in writing to waive the resolution meeting; (b) after either the mediation or resolution meeting starts, but before the end of the 30-day resolution period, both parties agree in writing that no agreement is possible; and (c) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later the parent or public agency withdraws from the mediation process.
13. **If the signed settlement agreement were perceived as having been breached by one party would the other party need to seek enforcement in a State court of competent jurisdiction or district court of the United States?**

**Answer:** The act is clear that exhaustion of administrative remedies is not required. States have the option of allowing resolution agreements and mediation agreements to be enforced through other mechanisms, provided that the other enforcement mechanisms do not operate to deny or delay the right of any party to the agreement to seek enforcement in an appropriate State or Federal court. Refer to the Iowa Administrative Code:

[41.153(5)] **Failure to comply with due process decision, mediation agreement, resolution meeting agreement.** A complainant may allege a public agency has failed to comply with a due process hearing, or a mediation agreement, or a resolution meeting agreement. If the complaint is substantiated, the State will grant appropriate relief.

If you have questions, contact the Bureau of Student and Family Support Services; Iowa Department of Education: Eric Neessen, 515.281.5766, Eric.Neessen@iowa.gov or Thomas Mayes, 515.242.5614, Thomas.Mayes@iowa.gov).
### State Complaints

#### Right to File a Complaint to the State of Iowa

In addition to the processes for resolving differences previously described in this chapter, an individual or organization may file a complaint to the State of Iowa, alleging that a requirement of IDEA or Iowa Rules has been violated. The complaint must allege a violation that occurred not more than \textbf{one year} prior to the date the complaint is received. [41.153(3)]

#### Procedures for Filing a Complaint

Procedures for filing a complaint to the State of Iowa:

- The party filing the complaint must forward a copy of the complaint to the AEA and LEA serving the child at the same time they file a complaint with the state [41.153(4)]

- The Special Education Director or designee should be contacted any time there is a situation in which a dispute or unresolved issue may result in a State complaint

- If a State complaint is filed, the procedures are directed and carried out by the Iowa Department of Education. State complaint procedures include affording the parties an opportunity to resolve issues and providing for an investigation by the Department of Education.

- The AEA and LEA will provide all requested information and be prepared to participate in meetings related to resolving the issue(s). If an investigation is conducted, Iowa Department of Education personnel may interview all involved parties to the complaint.
Area education agencies are required to have procedures for providing continuing education opportunities. AEAs must meet this requirement through teacher and administrator quality programs as defined in the Iowa Administrative Code 281 Chapter 83. [41.404(2)g]

Administrative Code 281—83.6 addresses professional development for teachers, including both LEA and AEA staff. “Teacher” means an individual holding a practitioner’s license or a statement of professional recognition issued under Iowa Code chapter 272, who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under Iowa Code section 279.13.

Administrative Code 281—83.12 addresses professional development for administrators, including both LEA and AEA staff. “Administrator” or “school leader” means an individual holding a professional administrator license issued under Iowa Code chapter 272, who is employed in a school district administrative position by a school district or area education agency pursuant to a contract issued by a board of directors under Iowa Code section 279.23.
Procedures for Monitoring Personnel Caseloads

Overview of Monitoring of AEA and LEA Personnel Caseloads

Area education agencies are required to have procedures for monitoring the caseloads of LEA and AEA special education personnel to ensure that the IEPs of eligible individuals are able to be fully implemented.

This plan must include procedures for the timely and effective resolution of concerns about caseloads and paraprofessional assistance that have not been resolved at the local district level. [41.407(2)]
Procedures for Monitoring AEA Personnel Caseloads

Purpose of Monitoring Caseloads

The AEA will monitor the caseloads of its own personnel who provide special education services to students as specified in IFSPs and IEPs.

The purpose of monitoring caseloads is to ensure that services documented on the IFSP or IEP can be implemented as described and are sufficient to address the student’s needs.

AEA staff, along with the Special Education Director’s designee, have the responsibility of monitoring caseloads to ensure that services are delivered as student need and IEP documentation indicate.

Ongoing Caseload Monitoring

The special education director’s designee(s) will establish caseloads annually and make necessary adjustments as warranted by personnel changes, changes in programs or populations and other circumstances.

Each AEA support staff professional is responsible for monitoring his or her own caseloads and to report to the director’s designee if circumstances related to caseload could potentially interfere with the timely completion of evaluations or the full implementation of IEPs and IFSPs.

Informal Actions

AEA support staff professionals and director designees may, at any time, have informal discussions regarding caseload concerns. In both informal discussions and formal caseload reviews, the following will be considered:

- Number of students
- Needs of students
- Type of service required for these students

Geographical size of the assigned caseload as well as other applicable factors will also be given consideration.

What to do When Concerns Are Not Resolved by the Reviewer

When concerns are not resolved with the above process, the AEA staff member may request further consideration through submission of a written notice of the concern to the Special Education Director’s designee.

The written notice should express the specific caseload concern and a suggested or preferred resolution to the concern.

Meet with Employee to Discuss Concern

Within ten working days after receiving the notice the Special Education Director’s designee will meet with the employee to discuss the concern and then submit a written response to the employee.
Employee May Submit an Appeal

If the employee is dissatisfied with the response, the employee has five working days after receiving the written response from the Special Education Director’s designee to submit a written appeal to the AEA Director of Special Education.

Director of Special Education to Meet with the Employee

Within ten working days after receiving the appeal, the AEA Director of Special Education shall meet with the employee to discuss the concern and submit a final written decision to the employee.
# Procedures for Monitoring the Caseloads of LEA Special Educators

## LEA Caseload Monitoring Overview

Special education services are delivered by LEAs according to a plan that is approved for compliance by the AEA Special Education Director and adopted by the LEA board. This plan must include:

- A description of how the caseloads of special education teachers will be determined and regularly monitored to ensure that the IEPs of eligible individuals are able to be fully implemented  [41.408(2)]
- A description of the procedures a special education teacher can use to resolve concerns about caseload. The procedures shall specify timelines for the resolution of a concern and identify the person to whom a teacher reports a concern. The procedures shall also identify the person or persons who are responsible for reviewing a concern and rendering a decision, including the specification of any corrective actions  [41.408(2)b(3)]

A director may grant an adjusted caseload status for good cause, if an LEA submits a request to the AEA because of class size, including the size of a class served by a teacher employed less than full-time, and exceeds those limits specified in the district’s plan.  [41.408(2)g]

## Districts to Follow Caseload Guidelines

Districts will follow the caseload guidelines and monitoring systems which they developed and adopted and which were approved by the AEA.

The procedures for monitoring caseloads and timely resolution of concerns are delineated in the plan document.

## What to do When Concerns are Not Resolved at the Local District Level

If an LEA special educator or administrator has concerns that have not been able to be resolved at the local district level, a written request for review should be submitted to the Special Education Director’s designee.

## Meeting to be Held and Written Response Given

A meeting will be held with the personnel involved and a written response will be completed within 10 days of the meeting clarifying what action, if any, should be taken.
If there is dissatisfaction with the resolution proposed by the Special Education Director’s designee, the above parties may submit a written appeal to the AEA Director of Special Education.

Within ten working days after receiving the appeal, the AEA Director of Special Education shall conduct a review of the information and submit a final written decision to the specified party.

The review process will focus on two questions:

- Did the LEA follow its AEA-approved and board-adopted procedures related to setting and monitoring caseloads and resolving concerns about caseloads?
- Given the caseloads of the affected special educator(s), are the IEPs of eligible individuals able to be fully implemented?
Using Insurance to Pay for Special Education and Related Services

Medicaid and Other Public Insurance Benefits May be Used to Pay for Services

An AEA or LEA may use Medicaid or other public insurance benefits programs in which a child participates to provide or pay for services required. [41.154(4)a]

Services Required to Provide FAPE and Insurance

With regard to services required to provide FAPE to an eligible individual, the AEA or LEA: [41.154(4)]

- May not require parents to sign up for or enroll in public insurance programs in order for their child to receive FAPE
- May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-payment amount incurred in filing a claim for services but may pay the cost the parent otherwise would be required to pay
- May not, without paying the cost the parent otherwise would be required to pay, use a child’s benefits if that use would:
  - Decrease available lifetime coverage or any other insured benefit
  - Result in the family’s paying for services that would otherwise be covered by the insurance program and that are required for the child outside of the time the child is in school
  - Increase premiums or lead to the discontinuation of the insurance
  - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures
# Procedures for Claiming Medicaid

## Parent/Guardian Authorization Form

In order for the AEA and LEAs to claim Medicaid reimbursement for IEP students, the Parent/Guardian Authorization form must be signed.

Completed Parent/Guardian Authorization forms should be sent to the local AEA office.

## New Authorization Form to be Signed When Services Change

The signed authorization form is valid only for the services in the IEP for which permission is being submitted.

If claimable services are changed or additional claimable services are added to the IEP after the initial consent has been signed, a new consent must be obtained.

## Refusal to Consent Does Not Deny Service

Parents must also be notified as part of the consent request that their refusal to allow access to their public benefits or other insurance does not relieve the AEA or LEA of responsibility to ensure that all required services are provided at no cost to the parents.

## Reimbursable Services Must be Described in the IEP

Reimbursable services must be described in the IEP in two locations:
- In Section B under “Other information essential for the IEP development” place documentation describing the medical necessity of the service
- In Section F, the exact time and frequency of the service must be documented in the second column. Services may be documented in daily, weekly, or monthly increments. For services that are required but provided on an irregular basis or, only in the event of specific health criteria, it is acceptable to note “per physician’s orders” or “per IHP/IEP”

## Providing Agency Must Keep Official Record of Eligible Services Being Delivered

The providing agency must keep an official record of each eligible service being delivered.

The record must include:
- The name of the student
- The date
- Amount of time required for the service
- A description of the service provided
- The name and title of the person providing the service

Both fiscal and service records must be kept for five years from the date of service.
Procedures for Accessing Parents’ Private Insurance

Informed Consent, Reimbursement of Costs

An AEA or LEA may ask, but not require, parents of children with disabilities to use private insurance proceeds to pay for services if they (the parents) would not incur a financial cost. [41.39(3)]

A public agency may access the parents’ private insurance proceeds only if the parents provide consent.

Each time the public agency proposes to access the parents’ private insurance proceeds, the agency must:

(1) Obtain parental consent and
(2) Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents. [41.154(5)]

Note: A public agency must document parent consent and reimburse parents for out-of-pocket expenses even if the parents offer to use their private insurance without being asked.

Model Consent Language

Dear (Parents’ names)

Valley Trails AEA is responsible for providing special education support services that your child requires at no cost to you. The AEA may ask parents of children with disabilities to use their private insurance to pay for services that the AEA is responsible to provide if this can be done at no cost to the parents. Parents may refuse a request to use their private insurance. If parents refuse a request to use their insurance, the AEA will be responsible for the cost of the service.

Valley Trails AEA is requesting that you use your private insurance to pay for the following service(s):

Describe the service(s) (e.g., occupational therapy evaluation, hearing evaluation, etc.)

Valley Trails AEA will reimburse you for any out-of-pocket expenses related to this service (co-pays, insurance deductibles, transportation to this service, etc.)

I/we, the parent(s) of (student name):

☐ Agree to give our consent to use our private insurance for this service
☐ Do not agree to give our consent to use our private insurance for this service

________________________________________  ____________________________
Parent Signature                         Parent Signature
Special Education Records

Overview

AEAs and school districts are legally mandated to create and maintain records for students eligible to receive special education services. These records are required to ensure that students receive a free appropriate public education and to demonstrate compliance with federal and state special education laws. Also AEAs and school districts must meet additional requirements relating to accessing, maintaining and destroying special education records.

Record Requirements

The federal Family Educational Rights and Privacy Act (FERPA) communicates the fundamental legal requirements related to educational records and the personally identifiable information contained in those records.

All requirements of FERPA are specifically incorporated into IDEA 2004, the special education regulations adopted by the United States Department of Education and Iowa Administrative Rules. Special education laws, rules and regulations contain requirements regarding special education records that add to FERPA requirements.

Other laws and Rules may impose additional records requirements (e.g., the licensure Rules governing the practice of particular professions)

Records & Education Records

The requirements of FERPA and IDEA relate to education records and the personally identifiable information contained in those records.

A “record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

"Education records" means those records that are:

(1) Directly related to a student; and
(2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

Education records may include, for example:

- The cumulative file stored in the principal’s or counselor’s office
- Attendance records in the district’s computer system
- Free and reduced price meal financial information in the business office
- Health records in the nursing office
- Special education records, regardless of their location (e.g., a student’s classroom, in the district’s special education coordinator’s office, etc.)
- Specialized transportation procedures in the transportation office
- Special dietary directives in the food service office, and
- Email messages on the principal’s or teacher’s computer which were sent back and forth between home and school
“Personally identifiable information” is information that contains:

- The name of the child
- The name of the child’s parent or other family member
- The address of the child
- A personal identifier such as social security number, student number, or biometric record (e.g., fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; handwriting)
- Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student
- Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

The term “education record” does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

**NOTE:** The “sole possession” exception is very narrow. The federal Family Policy Compliance Office (FPCO) has regulatory authority regarding FERPA requirements. FPCO has stated “the exclusion of ‘sole possession’ records from the definition of ‘education records’ in FERPA does not apply to detailed or comprehensive notes that record specific clinical, educational or other services provided to a student, or that record direct observations or evaluations of student behavior, including a student's success in attaining specified objectives, whether or not these records have been shared with another individual.” Also, once a record or any personally identifiable information that it contains has been revealed to others (incorporated in a report, IEP or other document; shared verbally, by email or any other means with colleagues, parents, the IEP team, or other persons; the “sole possession” exception no longer applies.

Sole possession records are destroyed when no longer needed or after five years.

On occasion, staff may be asked to supply their sole possession records to agencies or individuals. In most cases they are not required to provide their sole possession records unless the record or personally identifiable information in the record has been shared.

Sole possession records are subject to subpoena in certain legal proceedings.
Contents and Maintenance of Special Education Records

Overview

“Special education records” comprise all information that 1) is recorded in any way, 2) is directly relate to a student, 3) is maintained by the AEA or school, and 4) relates to the evaluation, identification or placement of an eligible individual or the provision of FAPE to an eligible individual.

Special education records do not include general education records that are used as sources of information for special education evaluations (e.g., grades, district-wide assessments, disciplinary records, general education progress monitoring data, etc.). Special education records do include progress monitoring data collected during an intervention carried out as a part of an evaluation.

A variety of persons may create special education records; principals may send out notices of IEP meetings, teachers may complete progress notes, and speech pathologists and other providers may have records of evaluations and services.

School Districts

Local education agencies (LEAs) are responsible for maintaining individual student records for all special education students. AEA support staff shall assist school districts in assuring that records kept are complete and appropriate.

It is recommended that districts maintain special education records separate from the student’s permanent and cumulative student records and in a locked or other secure location. Districts may maintain special education records of currently-served students in a file cabinet or other secure location (e.g., password-protected computer) in a special educator’s classroom or workspace. Regardless of location, care must be taken that the record is maintained in accordance with FERPA, IDEA and Iowa Rule requirements, including insuring that only authorized individuals may access the record.

AEA Service Providers

AEAs shall maintain special education records related to each student currently receiving special education services from the AEA or school district and shall maintain special education records related to each student who is no longer receiving services, but whose records are still needed

AEA service providers, such as area education agency speech pathologists, occupational and physical therapists, social workers, psychologists, and consultants shall assure that copies of reports of the results of diagnostic evaluations and single support service IEPs are included in the district’s special education record for the student.

AEA support staff will comply with the LEA’s policies regarding collection, maintenance, accessibility, dissemination, and retention of student records.
As noted above, information that 1) is recorded in any way, 2) is directly relate to a student, 3) is maintained by the AEA or school, and 4) relates to the evaluation, identification or placement of an eligible individual or the provision of FAPE to an eligible individual is a special education record.

At a minimum, AEAs shall maintain the following special education records:

- Parent Consent for/Notice of Evaluation
- Educational Evaluation Reports (EERs) and Eligibility Data Worksheet
- Meeting Notice (AEA Support-only IEPs)
- Consent for Initial Special Education and/or Related Services
- Individualized Education Programs (IEPs)
- Prior Written Notices
- Early Childhood Outcomes Summary
- Extended School Year (ESY) Services
- Functional Behavior Assessment (FBA)
- Behavior Intervention Plan (BIP)
- Manifestation Determination (MD)
- Communication Plan for Deaf or Hard-of-Hearing
- Agreement to Excuse Attendance at IEP Meeting
- Authorization for Exchange of Information
- Authorization for the Release of Health and/or Educational Information
- Medicaid Parent/Guardian Authorization
- Justification for Special School Placement
- Assessment protocols

Note: Under Section 504, a student’s test protocols are considered “relevant records” to which parents must be afforded access, regardless of whether they are education records within the meaning of the IDEA.

- Progress or therapy notes (excluding sole possession records)
- Any correspondence meeting the definition of a special education record

Any electronic records (data bases, video recordings, emails, etc.) that meet the definition of a special education record or that contain information derived from any or all of the above records are also considered to be special educational records and will be maintained by the AEA.
Confidentiality

School districts and AEAs shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

School districts and AEAs must designate **one** official to assume responsibility for ensuring confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. However, **all** persons collecting or using student records must receive training on maintaining student records in accordance with legal requirements. That includes training support staff as well as professional staff. [41.623]

Legitimate Educational Interest

AEAs and schools may allow access to confidential information to district and AEA personnel who have a legitimate educational interest in the information (see **Access to Records by AEA and School District Personnel**, below).

FERPA requires that AEAs and schools use reasonable methods to ensure that district and AEA personnel obtain access to only those education records in which they have legitimate educational interests. FERPA regulations state:

“An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.”
Access to Records by Parents and Eligible Students

Parent & Eligible Student Right to Inspect Records
Parents and eligible student have the right to inspect records. This right includes:

1. The right to a response from the district or AEA to reasonable requests for explanations and interpretations of the records
2. The right to request that the district or AEA provide copies of the records if failure to do so would effectively prevent the parent from being able to inspect and review the records, and
3. The right to have a representative of the parent inspect and review the records

Parent and Eligible Student Access to Records
A parent or eligible student shall have access to the student’s records during regular business hours of the district or AEA. An eligible student is a student who has reached 18 years of age.

Transfer of Rights
At age 18, the rights under FERPA transfer from the parents to the student. The student, however, cannot deny parental access to educational information if the parent declares the child as a dependent on his/her income tax return. It shall be presumed that a student who has not graduated from high school is a dependent of his or her parents until such time as satisfactory evidence to the contrary is presented to AEA or school officials.

Right of Access Afforded to Both Parents
The AEA or school shall assume that both parents have the right of access to student records relating to his or her child unless the AEA or school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, or divorce. (41.613(3)]

The burden of proof is on the parent who asserts that the other parent does not have records rights to provide proof (i.e., the judicial decree) showing the court has removed the other parent’s access right. Access includes participation in conferences, obtaining or making copies of records, and reviewing the total student record.
Annually, the LEA and the AEA shall notify the parent and eligible student of their right to view the student’s records. The notice shall be given in a parent’s or eligible student’s native language. [41.612]

If any education record includes information on more than one child, the parent shall have the right to inspect and review only the information relating to their child or to be informed of that specific information. [41.615]

A fee for copies of records may be charged, but shall be waived if it would prevent the parent or student from exercising the right to inspect and review the records within 45 days of the request. A fee shall not be charged to search for or to retrieve information. [41.617]

School districts and AEAs must provide parents of students receiving special education, upon request, a list of the types and locations of education records collected, maintained and used by the district or agency. [41.616]

If a parent of a special education student requests this information, the district must identify all types of student records collected, maintained and used by the district, not just the special education records.

Parents must be permitted to inspect and review any education record relating to their children that are collected, maintained or used by the school district or AEA. Requests must be granted without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session. In all cases, records review must be allowed no more than 45 days after the request has been made. [41.613(1)]

AEAs and school districts must respond to reasonable requests for explanations and interpretations of the records and the personally identifiable information contained in those records. [41.613(2)]

The manner in which an AEA or school district responds to a request will depend on the circumstances, such as the complexity and amount of information requiring explanation or interpretation. A note, email or phone call may be sufficient in some instances. In others, a meeting with the parents may be needed.
Disclosures That Require Parent or Eligible Student Consent

**Written Consent Required**

In general, written consent must be given by the parent, legal guardian or eligible students to release student records or disclose the personally identifiable information contained in those records to other persons or agencies.

Written consent must state which records are released, to whom they are released, and the reason for the release.

For exceptions to this general rule, see Transfer of Records & Disclosure of Information Without Parent Consent, below.

**Authorization for Exchange of Information**

The Authorization for Exchange of Information (see Documentation Guide) is used by most agencies and allows multiple agencies to exchange information.

Agencies providing any type of medical services may be covered under the rules of Health Insurance Portability and Accountability Act (HIPAA). In order to comply with the HIPAA regulations those agencies may require that their release forms be used.

If medical information is needed, an additional release from the medical facility may be required. If acceptable to a medical professional or institution, the Authorization for the Release of Health and/or Educational Information (see Documentation Guide) may be used. *It is advisable to check with the medical professional or institution in advance regarding acceptable disclosure consent documentation.*

**Disclosure to a Parent Representative Through a Personal Visit**

A representative of the parent or eligible student may, with appropriate consent, inspect and review the records. Upon presentation of documented consent and proper identification, a request for information via personal visit shall be honored under the following conditions:

1. The visit is scheduled at a mutually agreed upon time or the AEA or LEA determines it is able to accommodate an unscheduled visit
2. The parent representative is properly identified
3. The purpose of the request is clearly stated
4. The type of information required is expressly stated
5. Prior written consent is given by the parent

   **Note:** Any form of written consent meeting these requirements is acceptable. The AEA or school cannot insist upon the Authorization for Exchange of Information or other specific form or document.

6. A professional staff member shall be present during the entire in-person visit and be available to interpret the data to the parent representative
7. A record of the visit shall be made
IDEA regulations require parental consent before personally identifiable information is released between an LEA (or AEA) where a child resides and an LEA (or AEA) in which an accredited nonpublic school where a child attends is located.

This release of information requirement does not apply if the accredited nonpublic school is located in the same LEA and AEA where the parent resides.

This regulation applies only to students with disabilities.

A reasonable doubt regarding any aspect of a request for records or the personally identifiable information contained in records or a concern about the authorization to process the request shall be deemed sufficient reasons for an AEA staff member to withhold all or part of the information until such time as the question or questions are resolved.

FERPA and IDEA describe a variety of circumstances when consent is not required to transfer records or disclose personally identifiable information without parental consent. Applications of these principles in special education contexts include:

- AEA and School District Personnel who have a legitimate educational interest in the personally identifiable information contained in records (see Access to Records by AEA and School District Personnel, below)

- Transfer of records to a new AEA or school
  - Records may be transferred to an AEA or school “where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer”
    
    At a minimum, a copy of the most recent evaluation and IEP from the special education record for the student should be sent to the new district and/or area education agency when a student transfers.
    
    If requested by the new district, a copy of the most recent IEP is legally required to be sent.

- Transition from Part C services (services for eligible infants and toddlers, from birth through age 2) to Part B services (services for eligible individuals form age three to 21)
  - Records may be transferred from Part C service providers (AEAs, Departments of Health or Human Services, etc.) to Part B service providers (school districts, AEAs) without parental consent

Manual TOC  Appendix TOC
• **Vocational Rehabilitation**
  - Vocational Rehabilitation is a part of the Department of Education and K-12 education records may be disclosed to Vocational Rehabilitation without parent or eligible student consent.

• **Contractors or others acting on behalf of the AEA or school**
  - A contractor, consultant, volunteer, or other party to whom an AEA or school has outsourced services or functions may be considered a “school official” according to FERPA regulations. Such individuals may have access to educational records to the extent necessary to carry out their function for the AEA or school. For example, a contracted physical therapist would have access to the individual educational records needed to provide services.

• **Health & safety emergencies**
  - If an AEA or school “determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.”

• **Child abuse investigations**
  - A school district or an area education agency may provide personally identifiable information contained in student records to Department of Human Services investigators or law enforcement officers in conjunction with a child abuse investigation without obtaining parental consent. This rule applies to children of all ages and without regard to whether a child is a child with a disability or is nondisabled. Disclosure is allowed because the Child Abuse Prevention and Treatment Act (CAPTA) requires that schools provide information to child abuse investigators that FERPA would otherwise protect from disclosure.

• **Judicial orders or lawfully issued subpoenas**
  - Disclosure of personally identifiable information to law enforcement officers for reasons other than health and safety emergencies or child abuse investigations requires a judicial order or subpoena.
  - Unless a judicial order or subpoena specifies that the parents or age-of-majority student is not to be informed of the disclosure, the parents or age-of-majority student must be informed before records are disclosed in order to afford them the opportunity to take legal action to bar the subpoena or judicial order.
Access to Records by AEA and School District Personnel

Accessing Confidential Information: AEA and School District Staff

Confidential information may be disclosed, without parental consent, to AEA support staff, school officials, teachers, and others within the AEA or school who have been determined to have legitimate educational interests. FERPA’s definition of “school officials” includes contracted service providers (e.g., a contracted physical therapist) who require access to confidential information to carry out their responsibilities.

AEAs and school districts must maintain, for public inspection, a listing of the names and positions of employees who have access to personally identifiable information of students receiving special education.

Accessing Confidential Information: Other Persons

A record must be kept of persons who access the special education record, the date, and the purpose for the access.

This record does not need to show access by parents, the student, or by those employees who were named on the district’s list of employees who have access to personally identifiable information of students receiving special education.

[41.623]

Specific Disclosure Requirements for Disciplinary Records

Disciplinary Records

Pursuant to Iowa Code section 279.9A, the state requires that a school district, an AEA or an accredited nonpublic school include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of children without disabilities.

The transmittal shall include an accurate record of any suspension or expulsion actions taken and the basis for those actions taken and any other relevant information. If a child transfers from one school to another, the transmission of any of the child’s records must include both the child’s current IEP and any statement of current or previous disciplinary action that has been taken against the child.

[41.229]
Amendment of Records

Overview
If the parent or eligible student believes the information in the record is inaccurate, misleading or violates the privacy or other rights of the student, the parent or eligible student may request the agency to amend the information.

Agency Responsibility
The agency shall decide whether to amend the information in accordance with a request within a reasonable period of time following receipt of the request.

If the agency refuses to amend the records, it shall inform the parent of its refusal and advise the parent of their right to a hearing. The parent or eligible student shall have a right to appeal the agency’s decision and shall have an administrative hearing at the agency level.

A local hearing shall be conducted according to the procedures under [41.619] and in accordance with AEA policy and administrative procedures. [41.618]

Amendment Decisions
If the agency determines, as a result of a hearing, that an amendment shall be made to the student’s records, the agency shall make the amendment and so inform the parent in writing.

If the parent’s request to amend the records is denied as a result of a hearing, the parent shall have the opportunity to place an explanatory statement in the student’s records commenting on the agency’s decision and setting forth any reasons for disagreeing with the agency.

The agency shall maintain the parent’s explanation as part of the records of the student as long as the record or contested portion is maintained by the agency. If the record of the student or the contested portion is disclosed by the agency to any party, the explanation shall also be disclosed to the party. [41.620]
Destruction of Personally Identifiable Information

**Overview**

Personally identifiable information must be maintained as long as it is needed to provide educational services to the student or to be available for audit (e.g., Medicaid records). *Iowa Administrative Rules of Special Education* specify that special education records must be maintained for five years after special education services end. [41.624(3)]

When personally identifiable information is no longer needed, districts and AEAs may choose to destroy the records.

**Destruction**

_Destruction_ means “physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable”. [41.611(1)]

Iowa’s special education electronic databases (IMS and Web IEP) are shared by multiple agencies (district, AEA, Iowa IDEA). Records in these databases are maintained in perpetuity. “Destruction”, in the case of these databases means that a school or AEA relinquishes the right to access the record.

**Example:** District A informs parents and an eligible student, Jeremy, that records will be maintained for five years after graduation and then destroyed. After five years, the district destroys all physical records. After six years Jeremy is enrolling in an institution of higher education and requests records of his disability and the accommodations he was provided. District A informs Jeremy that it has destroyed the paper records and does not have access to the electronic record.

**Procedures for Destroying Records**

AEAs _shall_ provide the AEA _Notice of Special Education Records Destruction_ to the parents and to a student who is, or will become, age-of-majority within the next five years. School districts _may_ provide the LEA _Notice of Special Education Records Destruction_ to the parents and to the student.

AEAs will make reasonable efforts to identify all of the special education records of individuals whose records are to be destroyed.

Duplicate records (e.g., a speech pathologist’s copy of an IEP, support staff copy of an EER) may be destroyed at any time if an original or copy of the record is maintained until no longer needed.

The notice of records destruction informs parents and eligible students how long records are needed, how long the records will be maintained and that records will then be destroyed. This notice also includes information about the reasons for which parents or eligible student may want the records maintained (social security benefits, etc.).

The _Notice of Special Education Records Destruction_ is given to the parents and to a student who is, or will become, age-of-majority within the next five years. Notice is provided when a child exits special education or when the student graduates from high school.
The *Notice of Special Education Records Destruction* informs parent and eligible students of when records are no longer needed and that the records will be destroyed at that time. Parents and eligible students have the right to request that records be destroyed *when no longer needed*. For AEAs, this right applies to the period of time, if any, between the point in time that the AEA has communicated that records are no longer needed and the point in time when actual destruction would occur.

This would be the same circumstance for districts opting to use the *Notice of Special Education Records Destruction*. However, if a school district would ordinarily maintain records after they are no longer needed, parents or eligible students could request that they be destroyed.

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**Permanent Record**

AEAs will maintain only those records required as “permanent” after the point in time when parents and eligible students have been informed that the records are no longer needed. The AEA’s permanent record must include:

- A student’s name
- Address
- Phone number
- Date of birth
- Dates of AEA and/or LEA special education service(s)
- Grade or age level and date of final exit from special education service

In the absence of a parent or eligible student’s request to destroy the records, the district may maintain the records indefinitely.

School districts are required to maintain a permanent record that serves as a student’s official transcript, including evidence of attendance and educational progress. [12.3(4)]

The school’s permanent record must include:

- A student’s name
- Address
- Phone number
- His/her grades
- Attendance record
- Classes attended
- Grade level completed, and year completed
Notice of School District Special Education Records Destruction

Date:   __________/________/________
Re:   ________________________________________________  Student Name

Birthdate:   __________/________/________

The ________________ Community School district maintains a permanent record for all students which includes:

- Basic demographics (name, date of birth, gender, race/ethnicity, disability status, last known telephone number and address), and
- Official transcript
  - Evidence of attendance
  - Grades/marks attained in all courses and all grade levels
  - Dates of enrollment
  - Grade level completed
  - Year completed

The ________________ Community School district maintains a student’s special education records as long as they are needed to provide educational services and for as long as they are needed to be available for audit purposes (at least five years after special education services end). The special education records are then destroyed.

I/we understand that parents/eligible students:

- may request that records be destroyed when they are no longer needed by the school, or
- may request that records be released to them when they are no longer needed by the school.

We further understand that there may be reasons (e.g., social security documentation) that student records should be maintained.

I / we understand that ____________________________________________:

<table>
<thead>
<tr>
<th>Student Name</th>
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<tr>
<td>________________</td>
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- was/will be exited from special education services on:   __________/________/________
- His/her special education records will be destroyed no earlier than:   __________/________/________
- No further notice will be given.

__________________________  ____________________________
District Representative  Parent/Guardian/Eligible Student

Manual TOC  Appendix TOC

309
Waiver Evaluations

Evaluations for Eligibility for Home and Community Based Waivers

Overview

AEA school psychologists are occasionally asked by parents and outside agencies to evaluate children’s qualifications for Medicaid waiver services.

These services, administered through the Department of Human Services, are designed to assist parents with vital services required in order for them to keep their child with a disability in the home environment as opposed to placing them in an institution.

Home and Community Based Services Intellectual Disability Waiver (ID Waiver)

While there are several categories of eligibility for Medicaid waivers, the most common request received by school psychologists is to provide information relative to a student’s eligibility for the “Home and Community Based Services Intellectual Disability Waiver” (ID Waivers).

The school psychologist is asked to write a letter describing the child’s level of functioning that will be used by the parent as part of the documentation they will submit to the Iowa Foundation for Medical Care, the entity that determines eligibility.

Who Responds to Waiver Requests?

AEA school psychologists will respond to waiver requests.

However, AEAs in Iowa are responsible for providing educational assessments for the purpose of instructional planning, intervention, and monitoring of progress.

New Assessment Information

Because AEAs employ a problem-solving approach to the design, implementation, and monitoring of interventions, many of the tests used to make clinical or medical determinations are seldom used, if at all.

New assessment information will be generated only if there is a need to answer educationally related questions or for educational decision-making. AEA school psychologists do not conduct evaluations to answer questions for other agencies as they relate to clinical or medical diagnoses such as mental retardation.
In cases where current records do not provide the information necessary to determine that the child meets the criteria for mental retardation, the school psychologist will not be able to write a statement of disability. To do so would be unprofessional and unethical practice.

In situations where available information will not allow a judgment to be made about a child’s level of functioning, or there is insufficient information to justify a label of mental retardation, parents may choose to seek private sources for the needed information at their own discretion.
## Criteria for Determining Intellectual Disability

### Purpose of ID Waivers
Home and Community Based Services Intellectual Disability Waiver (ID waivers) require data for the purpose of making the classification of intellectual disability.

### Intellectual Disability Defined
Information needed in order to make a determination of intellectual disability comes from multiple sources and needs to be considered thoughtfully and professionally.

According to the American Association on Intellectual and Developmental Disabilities (AAIDD), intellectual disability is defined as:

> “a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior, which covers many everyday social and practical skills. This disability originates before the age of 18.”

### Intellectual Functioning Defined
With regard to intellectual functioning, AAIDD indicates:

> “One criterion to measure intellectual functioning is an IQ test. Generally, an IQ test score of around 70 or as high as 75 indicates a limitation in intellectual functioning.”

### Considerations in Test Preparation
Appropriate standardized measures should reflect the individual’s social, linguistic, and cultural background and proper adaptations must be made for any motor or sensory limitation.

Psychometric instruments that assess intelligence are more subject to measurement error for those individuals scoring in either extreme beyond three standard deviations of the mean.

Potential error must be considered as we look at individuals who are already identified or suspected of having significant delay or impairment such that validity of intellectual assessments would immediately be called into question.

### Adaptive Behavior Defined
According to AAIDD adaptive behavior comprises three skill types:

- **Conceptual skills**—language and literacy; money, time, and number concepts; and self-direction.
- **Social skills**—interpersonal skills, social responsibility, self-esteem, gullibility, naïveté (i.e., wariness), social problem solving, and the ability to follow rules/obey laws and to avoid being victimized.
- **Practical skills**—activities of daily living (personal care), occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use of the telephone
Areas of Adaptive Behavior

The Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR, 2000) determination of mental retardation also makes note of the need for onset prior to age 18 and sub average general intellectual functioning (an IQ of approximately 70 or below) in conjunction with deficits in at least two areas of adaptive behavior, for example:

- Communication
- Self-care and home living
- Social skills
- Use of community resources
- Self-direction
- Functional academic skills
- Work
- Leisure
- Health
- Safety

Standard for Determining Intellectual Disability

Babies with diagnoses such as Down’s Syndrome, with a high likelihood of delayed development, must still meet the criteria for intellectual disability by showing actual significant delay in multiple areas.

Additionally, children considered for a diagnosis of developmental disability will also need to meet the criteria for mental retardation as well. Remember that the standard for determination of intellectual disability is based on the consideration of both significant cognitive and adaptive skill deficits.
Procedures for Responding to ID Waiver Requests

Overview
When a request for a ID Waiver letter is received, an AEA professional assigned to the school or service should fully explain to the parent or requesting agency the course of events that will take place. It is critical that requests be handled in a timely fashion.

Processing the ID waiver request is a team effort. Typically, several professionals are knowledgeable about referred children or have completed assessments regarding them. It is important that the school psychologist has access to and knowledge of all pertinent records regarding the child’s levels of performance.

Who Completes the Request for ID Waiver Letter?
The AEA professional is responsible for completing the “Request For ID Waiver Letter” form (see below) to document the different sources of information.

The school psychologist uses this form to guide his/her review of information in order to determine sufficiency of information to make a decision. In short, the more information that is provided on the “Request For ID Waiver Letter” form, the better the picture the school psychologist will have of the entire child.

Complete the ID Waiver Checklist
Complete the “ID Waiver Letter Checklist” (see form below)

Whenever there is a request for an ID Waiver, the school psychologist reviews pertinent information and interviews knowledgeable individuals including the parent(s.) The “ID Waiver Letter Checklist” may be used to document the school psychologist’s review and guide his or her decision making.

Send a Letter to Parents
Send a letter to the parents from the school psychologist indicating one of the following:

- That sufficient information existed to determine that the child met the criteria for intellectual disability (see sample below)
- That there was insufficient information to make that determination (see sample below), or
- That there was sufficient information to determine that the child did not meet the standard for having an intellectual disability (see sample below).
Request for ID Waiver Letter

Please complete this form when requesting the school psychologist to write a letter of disability for a student for the ID Waiver. This information will allow the school psychologist to determine which individuals may have additional information that would be helpful in writing this letter.

Parent Name: ____________________________  Today’s Date: ______/_____/______

Phone Number(s): ________________________  School: ____________________________

Student Name: ____________________________  AEA Contact: ________________________

Birth date ______/_____/______  Date of Application/Letter Due: ______/_____/______

DHS Release on File?  Yes  No

Check the domains and the location in which there is data to indicate that the child has developmental delays:

<table>
<thead>
<tr>
<th></th>
<th>IEP/IFSP</th>
<th>Personal File</th>
<th>N/A</th>
<th>IFSP/IEP</th>
<th>Personal File</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fine Motor</td>
<td></td>
<td></td>
<td></td>
<td>Communication</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross Motor</td>
<td></td>
<td></td>
<td></td>
<td>Receptive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feeding/Eating</td>
<td></td>
<td></td>
<td></td>
<td>Expressive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self Help</td>
<td></td>
<td></td>
<td></td>
<td>Academic/Cognitive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dressing/Hygiene</td>
<td></td>
<td></td>
<td></td>
<td>Cause Effect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Living</td>
<td></td>
<td></td>
<td></td>
<td>Imitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
<td>Social Play</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Indicate which AEA team members are direct service providers and/or provide goal related services to the child/family.

<table>
<thead>
<tr>
<th></th>
<th>Physical Therapist:</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Social Worker:</td>
<td></td>
</tr>
<tr>
<td>Home Interventionist:</td>
<td>Occupational Therapist:</td>
</tr>
<tr>
<td>ECSE Consultant:</td>
<td>Speech/Language Pathologist:</td>
</tr>
<tr>
<td>Other:</td>
<td>Other:</td>
</tr>
</tbody>
</table>

Please include any other information that would be helpful: ________________________________

__________________________________________
__________________________________________
__________________________________________
ID Waiver Letter Checklist

Student Name: ________________________________

1. _____ Have you received the Request for ID Waiver Letter form indicating what information is available from other agencies, team members, etc.?

2. _____ Is there a report of a standardized measure of cognitive functioning in the child’s file?

3. _____ Is there a report of a standardized measure of adaptive functioning in the child’s file?

4. _____ Have you interviewed the child’s parent(s) regarding the child’s skills across pertinent domains?

5. _____ Have you interviewed the child’s teacher(s) regarding the child’s skills across pertinent domains?

6. _____ Have you interviewed the child’s support personnel?

7. _____ Does the information available to you from the records review and interviews enable you to make a confident judgment about the child’s level of functioning? In part, the information should inform you about the child’s level of functioning, discrepancy from typical expectations of children the same age, and the rate of progress the child is making across several domains.
Dear Mr. and Mrs. Parent:

Recently you requested a letter regarding your child’s disability status to assist you in your application for an ID Waiver. Area Education Agency (AEA) school psychologists review records and interview parents and IEP teams for information regarding your child’s current level of functioning. AEA school psychologists do not typically make diagnoses such as intellectual disability, as assessments are specifically designed for the purposes of making instructional decisions regarding your child’s educational needs. Historically, we have been able to provide a statement about intellectual disability if the existing records of assessment data provide sufficient information to make such a determination.

Based on the information available, a report regarding Child’s status follows.

Summary of information obtained from record reviews and interviews.

- Address both intellectual functioning & adaptive behavior.

Summary statement indicating one of the following:

(a) there was sufficient information existed to determine that the child met the criteria for intellectual disability;

(b) there was insufficient information to make the determination that the child met the criteria for intellectual disability; or

(c) there was sufficient information to determine that the child did not meet the standard for having an intellectual disability

Closing,

Practitioner Name
Title
Agency
Dear Mr. and Mrs. Parent:

Recently you requested a letter regarding your child’s disability status to assist you in your application for an ID Waiver. Area Education Agency (AEA) school psychologists review records and interview parents and IEP teams for information regarding your child’s current level of functioning. AEA school psychologists do not typically make diagnoses such as intellectual disability, as assessments are specifically designed for the purposes of making instructional decisions regarding your child’s educational needs. Historically, we have been able to provide a statement about intellectual disability if the existing records of assessment data provide sufficient information to make such a determination.

Based on the information available, a report regarding Sam Parent’s status follows.

Sam is 12 years old and currently receiving his special education program in a self contained special class for mentally disabled students. Sam’s IEP goals consist of functional living skills, such as eating, dressing, toileting, recreations/leisure and communication skills. Sam is ambulatory, but has no verbal communications skills and receptively responds to intonation and situational conditions, instead of to specific words. Sam is very active, has no awareness of dangerous situations, and requires constant adult supervision to provide a safe environment.

At this time, due to Sam’s behavior, lack of language, and lack of imitation skills, Sam is unable to be tested by standardized intelligence tests. Therefore an IQ score is not available.

Sam’s current level of functioning in the areas of intellectual functioning and adaptive behavior places him within the severe to profound range of intellectual disability.

Closing,

Practitioner Name
Title
Agency
Dear Mr. and Mrs. Parent:

Recently you requested a letter regarding your child’s disability status to assist you in your application for an ID Waiver. Area Education Agency (AEA) school psychologists review records and interview parents and IEP teams for information regarding your child’s current level of functioning. AEA school psychologists do not typically make diagnoses such as intellectual disability, as assessments are specifically designed for the purposes of making instructional decisions regarding your child’s educational needs. Historically, we have been able to provide a statement about intellectual disability if the existing records of assessment data provide sufficient information to make such a determination.

Based on the information available, a report regarding Joey Student’s status follows.

Joey is currently receiving special education services in a self-contained special class with little integration. Joey has a diagnosis of Down’s Syndrome and has received special education services since infancy. In addition to his special education class, he also receives speech therapy.

Joey’s recent three-year reevaluation for special education focused on his functional skills within the school environment. Joey continues to need direct instruction either individually or in small group for academics. According to Joey’s teacher his skills are approximately at a beginning first grade level, however Joey does not generalize skills to new settings. His strength is in rote learning for reading and written work. He responds well to the structure of his special education class. Joey is also integrated into 2nd grade for social opportunities with same-age peers. Joey’s IEP goals are to recognize letters and develop letter-sound correspondence, recognize numerals 1-20 and develop number concepts, increase basic concepts and name common objects and their function.

At this time, there is insufficient information to make the determination that Joey meets or does not meet the criteria for intellectual disability.

Closing,

Practitioner Name
Title
Agency
Dear Mr. and Mrs. Baby:

Recently you requested a letter regarding your child’s disability status to assist you in your application for an ID Waiver. Area Education Agency (AEA) school psychologists review records and interview parents and IEP teams for information regarding your child’s current level of functioning. AEA school psychologists do not typically make diagnoses such as intellectual disability, as assessments are specifically designed for the purposes of making instructional decisions regarding your child’s educational needs. Historically, we have been able to provide a statement about intellectual disability if the existing records of assessment data provide sufficient information to make such a determination.

Based on the information available, a report regarding Betty Baby’s status follows.

Betty is currently receiving early intervention services through an Individualized Family Service Plan. Betty was a premature baby, born at 28 weeks. Areas of concern were her prematurity, low birth weight, grade 3 ventricular bleed, feeding tube, heart monitor and development of sensory-motor skills.

Helen Happy, the home intervention teacher administered the Carolina Curriculum for Handicapped Infants and Infants at Risk, 7/1/2005. Betty obtained the following results:

She is beginning to explore objects with fingers at an emerging level. Betty turns her head to sound. Betty is beginning to mouth objects and shake and bang them. She repeats actions to produce a desired result and persists in her efforts. She also responds when vocalized to (turns to name, stops activity, beginning to vocalize).

Overall, Betty’s social, communication, cognitive and motor skills are at a 3-6 month level, with many skills emerging along that continuum. Betty is displaying skills expected of an infant her age; she does not meet the criteria for intellectual disability.

Closing,

Practitioner Name
Title
Agency
**Accredited Nonpublic Schools (Private Schools)**

<table>
<thead>
<tr>
<th>Defining Nonpublic Schools (Private Schools)</th>
<th>Accredited nonpublic schools are private schools, including religious schools, or facilities that meet the accreditation standards of the Iowa Department of Education.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals Eligible for Special Education</td>
<td>AEAs are responsible to identify eligible individuals who are enrolled in nonpublic schools. Eligible students who are enrolled in a nonpublic school may receive special education or related services from a public agency (AEA or LEA). If a student is eligible for special education services, an IEP is developed and implemented.</td>
</tr>
</tbody>
</table>

Manual TOC  Appendix TOC
Placement of Children by Parents in Nonpublic Schools

**IEPs**

Article II. The AEA or LEA must offer to develop an IEP for each child with a disability who is enrolled in a private school by the child’s parents and develop an IEP if one is requested.

A parent who has voluntarily enrolled their child with a disability in a private school may not reject an IEP and demand a service plan instead.

The AEA or LEA must ensure that a representative of the private school attend the IEP meeting. If a representative is unable to attend the AEA or LEA must use other methods to ensure participation by the private school, such as individual or conference telephone calls.

[41.137(3)]

**Parents Incur Costs**

Most nonpublic school students are enrolled in nonpublic schools by their parents or guardians. LEAs and AEAs are responsible to make FAPE available to eligible individuals enrolled by their parents in nonpublic schools. If an eligible student has FAPE available and the parents choose to place the student in a nonpublic school or facility, the AEA or district is not required to pay for the student’s education at the nonpublic school or facility. AEAs and LEAs select the location where FAPE is provided.

Disagreements between a parent and the AEA or district regarding the availability of a program appropriate for an eligible student and the question of financial responsibility are subject to dispute resolution and due process procedures.

**AEA or District Incur Costs**

If the parents of an eligible student, who previously received special education and related services under the authority of an AEA or district, enroll the student in a nonpublic school, preschool, elementary or secondary school without the consent of or referral by the public agency, a court or Administrative Law Judge (ALJ) may require the AEA or district to reimburse the parents for the cost of that enrollment.

Reimbursement could occur if the court or ALJ finds that the agency had not made FAPE available to the student in a timely manner prior to that enrollment and the nonpublic placement.
The cost of reimbursement may be reduced or denied:

- If, at the most recent IEP meeting that the parents attended prior to removal of the student from the public school
- The parents did not inform the IEP team that they were rejecting the placement proposed by the public agency to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense
- At least ten business days prior (including any holidays that occur on business day) to the removal of the eligible individual from the public school, the parents did not give written notice to the AEA or district of the information described in this rule
- If, prior to the parents’ removal of the student from the public school, the AEA or district informed the parents, through the notice requirements, of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the individual available for the evaluation
- Upon a judicial finding of unreasonableness with respect to actions taken by the parents

The cost of reimbursement may not be reduced or denied for failure to provide the notice if:

- The parent is illiterate and cannot write in English
- Compliance would likely result in physical or serious emotional harm to the student
- The school prevented the parent from providing notice
- The parents had not received notice of the notice requirements. [41.148]

Note: Under a recent decision from the Supreme Court of the United States, prior receipt of special education from a public school is not an absolute requirement for tuition reimbursement under rule 41.148.
Referrals and Placement to Private Schools by an AEA or LEA

[41.146, 41.325, 41.413]

Overview

This section applies only to children with disabilities who are or have been placed in or referred to a private school or facility by a public agency as a means of providing special education and related services.

Supervising the Facility

The district hosting a private school or facility has responsibility to supervise the facility (e.g., assure appropriate teacher licensure, etc.), the ultimate responsibility for the IEP rests with the sending district.

IEP Meeting

Before a public agency, typically the resident LEA, places an eligible student in, or refers an eligible student to a nonpublic school, the public agency shall initiate and conduct an IEP meeting to develop an IEP. The public agency shall ensure that a representative of the nonpublic school attends the meeting. If the representative cannot attend, the public agency shall use other methods to ensure participation by a nonpublic school, including individual or conference telephone calls.

Subsequent IEP Meetings

The public agency and the nonpublic school must agree to which entity will initiate subsequent IEP meetings. If the nonpublic school initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative are involved in any decision about the student’s IEP and agree to any proposed changes before those changes are implemented.

Responsibilities of the Department of Education

It is the DE’s responsibility to assure that a student with a disability who is placed in or referred to a private school or facility by a public agency:

- Is provided, at no cost to the parents, special education and related services in conformance with an IEP that meets the requirements of the Rules that meets the standards that apply to the state education agency and LEA, and
- Has all of the rights of a child with a disability who is served by a public agency

The DE also:

- Monitors compliance through procedures such as written reports, on-site visits, and parent questionnaires
- Disseminates copies of applicable standards to each private school and facility to which a public agency has referred or placed a child with a disability, and
- Provides an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

Even if a nonpublic school or facility implements an individual’s IEP, responsibility for compliance with the *Iowa Administrative Rules of Special Education* remains with the public agency and the state. [41.146, 41.147]

### AEA & LEA Responsibilities

Iowa Code makes it the obligation of the AEA and its LEAs to provide services to nonpublic school students with disabilities in the same manner and to the same extent as services provided to public school students with disabilities. [Iowa Code § 256.12]

Neither the AEA nor LEA may provide services to a nonpublic school student that are significantly different than those that would be provided to the same student in a public school. Neither the AEA nor LEA should provide services to a nonpublic student that are not reasonably calculated to provide the same benefit that the student would receive if educated in a public school.

The AEA will provide IEP-directed services on accredited nonpublic school sites. Special education weightings will be determined according to AEA procedures.
Child Find for Private School Children with Disabilities

[41.131]

Provision for Children with Disabilities

The AEA will locate, identify, and evaluate all private school children, including religiously-affiliated school children, who have disabilities and reside in or attend an accredited nonpublic school (including those who reside out-of-state) in the jurisdiction of the local AEA.

To the extent consistent with their number and location in the AEA, provisions must be made for the participation of private school children with disabilities in the program assisted or carried out under Part B of IDEA by providing them with special education and related services.

Note: Children who are in competent private instruction (home instruction or enrolled in non-accredited nonpublic “schools”) may be evaluated for special education eligibility, regardless of enrollment status. [Iowa Code § 299A.9]
Consultation with Nonpublic School

[41.134, 41.144]

**Foundations in Iowa Administrative Rules**

Iowa *Rules* impose a specific requirement for “timely and meaningful” consultation between school districts and the nonpublic schools within their district. This consultation process forms the backbone of IDEA’s requirements for the use of Part B funds to serve private school students with disabilities.

**Required Consultation Process**

The required consultation process must ensure adequate participation, including an opportunity to make and respond to comments:

- Face-to-face meetings
- Telephone conference calls
- Video conferences, etc.,

The consultation process must also include parents of children with disabilities in:

- Accredited nonpublic schools
- Representatives of the nonpublic schools
- Representatives of attending (not sending) school districts, and
- An AEA representative

This meeting must occur at least annually. This process only concerns Part B funds. Consultation does not occur with non-accredited nonpublic “schools.”

**Documenting the Consultation Process**

After the consultation process, the AEA must obtain a written affirmation that the consultation has occurred, signed by the representatives of participating accredited nonpublic schools. [41.135]

**Filing Complaints about the Consultation Process**

Accredited nonpublic schools may file a complaint with the Iowa Department of Education if it believes the AEA did not:

- Engage in timely and meaningful consultation
- Give due consideration to the views of the authorized representative of the accredited nonpublic school

If the accredited nonpublic school disagrees with the Iowa Department of Education’s determination, it may then appeal to the United States Department of Education. [41.136]
Proportionate Share Calculation

The Iowa Department of Education will calculate the proportionate share for each AEA based on data provided to the Department.

The consultation process should explain to participants how data are to be gathered and reported. Child find activities will not be counted toward whether the AEA satisfied its proportionate share obligation. [41.131(4), 41.133]
Individualized Education Programs (IEPs) and Nonpublic Schools

[41.138]

Entitled to IEPs

Children with disabilities enrolled in private schools are entitled to the same FAPE that public school children with disabilities would receive (Iowa Code § 256.12).

Thus, students with disabilities who are placed by their parents in accredited nonpublic schools are entitled to IEPs developed and implemented in accordance with state and federal law.

Dissatisfied with IEP

Parents who are dissatisfied with the IEPs offered to their children with disabilities who are enrolled in accredited nonpublic schools may use the same procedural safeguards available to all parents of students with disabilities.

Restrictions to Use of Part B Funds

Federal regulations place several restrictions on the use of Part B funds to provide special education or related services to eligible students placed by their parents in private schools (including religious schools):

- Personnel who provide Part B funded special education or related services in accredited nonpublic schools must meet the same standards as personnel employed in public schools; however, elementary and secondary school teachers in accredited nonpublic schools need not meet the highly qualified teacher requirements of IDEA 04
- Special education and related services, including materials, must be secular, neutral and nonideological
- Special education and related services must be provided by an employee of an LEA or AEA, or by contract with the LEA or AEA
- Special education and related services may be provided on the private school site, if consistent with state law. (See Iowa Law requirements in the next section)
- The AEA or LEA must not use Part B funds to finance the existing level of instruction in a private school or to otherwise benefit the private school
- The AEA or LEA must use Part B funds to meet the needs of parentally place students with disabilities (consistent with the agreement reached after consultation), but must not use Part B funds to meet the needs of the private school or the general needs of the students enrolled in the private school
- LEA or AEA personnel may be used to provide services to eligible individuals enrolled in private schools to the extent necessary to provide equitable services and only if those services are not normally provided by the private school

Manual TOC  Appendix TOC
The LEA or AEA may use Part B funds to pay for the services of an employee of a private school to provide equitable services only if the employee performs the services outside of his or her regular hours of duty and LEA or AEA supervises and controls the private school employee’s services.

An LEA or AEA may not use Part B funds for classes that are organized separately on the basis of school enrollment or religion of the children if the classes are at the same site and the classes include children enrolled in public schools and children enrolled in private schools.

The LEA or AEA must control and administer funds used to provide services to private school students with disabilities, and must hold title to any real or personal property purchased with such funds.

The LEA or AEA may place equipment and supplies on private school property while necessary to provide equitable services.

The LEA or AEA must ensure equipment and supplies are used only for Part B purposes and can be removed from the private school without remodeling the private school facility.

The LEA or AEA must remove equipment or supplies if no longer needed for Part B purposes or to prevent unauthorized use.

Part B funds must not be used for repairs, minor remodeling, or construction of private school facilities.

Services provided to private school children with disabilities may be provided on-site at the child’s school, including religiously affiliated schools, to the extent consistent with the law.

If necessary for the child to benefit from or participate in the services provided under Part B, a parentally placed private school child with a disability must be provided transportation:

- From the child’s school or the child’s home to a site other than the private school; and
- From the service site to the private school, or to the child’s home, depending on the timing of services.

LEAs are not required to provide transportation from the child’s home to the private school.

Services provided with state and local dollars must meet these conditions (e.g., “secular, neutral, and nonideological”), unless the Iowa Code specifically requires otherwise. [41.138 to 41.139, 41.141 to 41.144, 41.413]
State Law Requirements

Overview
In 2006, the Iowa Legislature significantly revised Iowa Code section 256.12, concerning where services may be provided to eligible individuals enrolled by their parents in accredited nonpublic schools.

Provided Services
The following services may be provided on the premises of an accredited nonpublic school, with the permission of the “lawful custodian” of the school property:

- Health services
- Special education support, and related services provided by AEAs for the purpose of identifying children with disabilities
- Assistance with physical and communication needs of students with physical disabilities
- Services of an educational interpreter

Other Services
All other services may be provided on the premises of an accredited nonpublic school “at the discretion of the LEA or AEA provider of the service and with the permission of the lawful custodian of the property.”

Neither the AEA or the LEA nor the accredited nonpublic school is required to agree to provide services on the site of an accredited nonpublic school. Under court cases, however, the AEA or LEA must not abuse its discretion to agree to provide services on the site of the accredited nonpublic school.

Services are not provided to students enrolled in non-accredited nonpublic “schools” unless the student is dual enrolled. [Iowa Code § 299A.8] Services are not provided on the site of a non-accredited nonpublic “school.”

Manual TOC       Appendix TOC
Confidentiality
[41.622(4)]

Parental Consent

IDEA regulations require parental consent before personally identifiable information is released between an LEA (or AEA) where a child resides and an LEA (or AEA) in which an accredited nonpublic school where a child attends is located.

This release of information requirement does not apply if the accredited nonpublic school is located in the same LEA and AEA where the parent resides. This regulation applies only to students with disabilities.

Maintaining Files

For students who receive their educational services in programs operated by a public or private agency other than the school district of residence of the parent, the district must maintain files for these students which include contracts for services outside the district (tuition out students) as well as copies of IEPs.

Contracts and IEPs for students accepted from other districts on tuition in basis must also be maintained.
# Template for Issues to be Addressed during Private Schools Consultation

**Special Education Services for Parentally Placed Private School Children with Disabilities or Suspected Disabilities**

<table>
<thead>
<tr>
<th>Provision of Services</th>
<th>Special Education</th>
<th>Related and Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How</td>
<td></td>
<td></td>
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<tr>
<td>Where</td>
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<tr>
<td>When</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Affirmation of Consultation

I/We the undersigned representatives of ________________________________,

(Name of accredited nonpublic school)
do hereby affirm that the AEA in which the above nonpublic school is located, as well as the
district in which the above nonpublic school is located, held a consultation with me/us

pursuant to the Individuals with Disabilities Education Act of 2004 on _______ / _______ / _______.

(Date)

_____________________________   ______________________________
Printed Name                  Signature

_____________________________   ______________________________
Printed Name                  Signature

_____________________________   ______________________________
Printed Name                  Signature

Manual TOC                   Appendix TOC
Documentation of Consultation

I/We, the undersigned representatives of the AEA and school district listed below attach documentation to show the consultation process pursuant to the Individuals with Disabilities Education Act amendments of 2004 on ________________ that we conducted with representatives of ________________, and further state ________________ that the representatives of the nonpublic school failed to provide written affirmation of such consultation within a reasonable period of time.

_____________________________  ______________________________
Printed Name/Employer            Signature

_____________________________  ______________________________
Printed Name/Employer            Signature
Consent to Exchange Personally Identifiable Information:
Student Enrolled/Enrolling in Accredited Nonpublic School Outside
District of Child’s Residence

I am a parent of __________________________, a student who is or may be identified as a
(Name of child)

child with a disability. My child resides in __________________________
(AEA where child resides)

and in __________________________.
(LEA where child resides)

I have enrolled or seek to enroll my child in __________________________,
(Name of accredited nonpublic school)

an accredited non public school located in __________________________
(AEA where child resides)

and in __________________________.
(LEA where child resides)

I understand it may be necessary for the AEA and LEA where my child resides and the AEA and LEA
where the accredited nonpublic school is located to share personally identifiable information
about my child to provide my child with special education and related services (including, but not
limited to evaluations for special education eligibility). I understand my consent is required before
such sharing of information takes place. I understand I may withhold my consent; however, I
understand my refusal to give consent may limit the ability to provide special education and
related services to my child.

I voluntarily give my consent to exchanges of personally identifiable information about my child
between the AEA and LEA where my child resides and the AEA and LEA where the accredited
nonpublic school is located. I understand my consent may be revoked at any time. I understand
that I cannot revoke my consent retroactively.

__________________________________________   __________/________/________
Parent Signature                               Date

Note: Do not use this sample form if the child resides in the same AEA and LEA where the
accredited nonpublic school is located. No consent is necessary in that situation.
Notice to Representative of Participating Accredited Nonpublic School

TO: The authorized representative of a participating nonpublic school

You have engaged in consultation regarding special education and related services with the public school district and area education agency in whose boundaries your accredited nonpublic school is located.

This Notice is to inform you that you have the right to submit a complaint. Submit the complaint to:

Director
Iowa Department of Education
Grimes State Office Building
Des Moines, Iowa  50319-0146

You may file a complaint if you believe that the school district or AEA did not do either or both of the following:

- Engage in timely and meaningful consultation; or
- Give due consideration to your views as the authorized representative of your accredited nonpublic school.

Please state specifically why you believe the district or AEA is non-compliant with either or both of the above points.
Specialized Evaluations

There are several situations in which assessments are completed by professionals or agencies that do not routinely provide services to the student in question:

- The evaluation team needs additional information for planning and decision-making and seeks assessment assistance from specialists or a specialty team within the AEA (e.g., autism team, a vision specialist)
- The evaluation team needs additional information for planning and decision-making and desires an outside evaluation (e.g., mental health evaluation, a vocational evaluation)
- The evaluation team cannot come to consensus regarding the appropriate interpretation of evaluation results and desires a second opinion from either an outside resource (e.g., physician, therapist, clinic, etc.) or from other AEA professionals
- A parent disagrees with an evaluation completed by the AEA and LEA and requests and independent educational evaluation

Independent Education Evaluation Defined

An “Independent Educational Evaluation” is an evaluation conducted by a qualified examiner who is not employed by the AEA or LEA responsible for the education of the child in question. [41.502]

Parents’ Rights Concerning Independent Evaluations

A parent has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the AEA. The AEA will provide to parents, upon request, information about where an Independent Educational Evaluation may be obtained, and the applicable criteria for the evaluation.

While the AEA may ask the parents’ reason why they object to the public evaluation, parents cannot be required to provide the explanation and the AEA may not unreasonably delay a decision regarding the request.

Procedures for Handling Independent Evaluations at the Request of a Parent

Upon receiving a request from the parent the AEA must, without unnecessary delay, either: [41.502(2)]

1. File a due process complaint to request a hearing to show that its evaluation is appropriate. Before taking such action, consultation with the Director of Special Education or designee is recommended. If the final decision is that the AEA’s evaluation is appropriate, the parents still have a right to an independent evaluation, but not at public expense. The results of this independent evaluation, if it meets AEA criteria, must be considered by the IEP team in making appropriate decisions for the child.

2. Ensure that an independent evaluation is provided at public expense. “Public expense” means that the AEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. A parent is entitled to only one independent evaluation at public expense each time the AEA conducts an evaluation with which the parent disagrees.
The following are recommended steps to implementing the independent educational evaluation:

- Confirm that a full and individual evaluation or reevaluation has been completed and the parent(s) disagree with the conclusions or recommendations resulting from that evaluation.
- Discuss the request with the AEA Special Education Director or designee. The reason for the request must be educationally relevant.
- Complete the Independent Educational Evaluation Request (IEE) form and submit it to the AEA Special Education Director or designee for approval. Signed authorizations for release and exchange of information are also required.
- Secure the signature of the AEA Special Education Director’s designee and submit the form with supporting documentation to the AEA Director of Special Education for final approval. Following approval, a copy will be returned to the team and to the parents.
- Arrange for the evaluation. Typically that might be done by the AEA Special Education Director’s designee, in consultation with the IEP team. Whenever an IEE is completed at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the AEA uses when it initiates an evaluation [41.502(5)].
- Reimburse parents, following the evaluation, for their expenses associated with the evaluation (e.g. travel, meals, lodging, etc.) consistent with AEA policies and procedures related to reimbursements.
- Reimburse the agency or professional who conducted the independent educational evaluation following the receipt of the evaluation report to the AEA. If an evaluation is provided at public expense, and if the evaluation meets agency criteria, the results of the evaluation will be considered by the IEP team. Also, the results may be presented as evidence at a hearing regarding that child. At public expense means that the agency either pays the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent [41.502(3)].
<table>
<thead>
<tr>
<th><strong>Second Opinion Evaluations and Additional Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Diagnostic evaluations are an important component in meeting the special needs of students with academic and non-academic school-related difficulties. These evaluations are most often completed by the professionals with ongoing responsibilities for a school or geographic area.</td>
</tr>
</tbody>
</table>

Sometimes, the evaluations needed can only be provided by others with specialized expertise. Also, periodically, a difference of opinion arises regarding the process or interpretation of educational evaluations or an evaluation team feels that it needs additional information to support planning and decision-making.

The preferred method of obtaining necessary evaluations and resolving differences of opinion related to the interpretation of evaluation information is to seek an additional evaluation.

The below procedures describe “second opinion” evaluations, but are applied to evaluations when additional information is needed as well.

<table>
<thead>
<tr>
<th><strong>Complete the Second Opinion Evaluation Request Form</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The IEP team will work with parents of the child to complete the Second Opinion Evaluation Request form. (Refer to the sample form, below)</td>
</tr>
</tbody>
</table>

The request is submitted to the Special Education Director or designee. If a second opinion evaluation is deemed necessary, it shall be conducted by a diagnostic professional or team with appropriate skills related to the questions to be addressed regarding the special needs of the child.

The decision regarding who will conduct a second opinion evaluation is made by the Special Education Director or designee.

<table>
<thead>
<tr>
<th><strong>Assessment Questions Created</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment questions are specified by the IEP team to guide the second opinion evaluation.</td>
</tr>
</tbody>
</table>

In designing the assessment questions, the IEP team should consider “What specific questions, if answered, support the development of an appropriate educational program for this student?”

This information assists the second opinion evaluator in considering the IEP team’s current perspective on the issues at hand.
Who Can Provide Second Opinion Evaluations?

Second opinion evaluations may be provided by AEA staff, hospitals, clinics, and other diagnostic centers or diagnostic teams.

If the proposed evaluation would be conducted outside the AEA, the team is asked to specify any anticipated expenses and project an estimated cost.

It is necessary that these evaluations be directly related to the educational or classroom needs of the child.

The IEP team, including the parents, must take these evaluation results into consideration whenever placement or program decisions are made.
SECOND OPINION/ADDITIONAL EVALUATION REQUEST  Date  __/__/____

Student’s Name: _______________________________  Gender: □ M  □ F  DOB: ___/___/____

Parent’s Name: _______________________________

Address: ____________________________________  Home Phone: __________________________

(Street) (City or Town) (Zip)

School: ______________________________________  Grade Level___________

School District: _______________________________

School Address: ________________________________

IEP Team Contact _______________________________  Teacher: __________________________

REASON FOR REQUESTING A SECOND OPINION/ADDITIONAL EVALUATION  Describe the current situation leading to the second opinion request. If there are differences in viewpoints, identify these. Attach additional information if needed.

ASSESSMENT QUESTIONS  What specific questions, if answered, support the development of an appropriate educational program for this student?

1.________________________________________________________________________

2.________________________________________________________________________

3.________________________________________________________________________

RELEVANT INFORMATION  (Completed by AEA team with available input from parents and LEA). Given the assessment questions identified above, what is the team’s current information base for addressing these same areas of inquiry. [This may call for summary of previous interventions and results, prior evaluation results and conclusions of the IEP team based on the most recent evaluation.] Please attach appropriate reports and other information.

NOTE: If the parents are in disagreement with an evaluation, they must be made aware of their right to receive an independent educational evaluation and have agreed to obtain a second opinion. The Area Education Agency will determine the appropriate parties to complete the evaluation.

Anticipated expenses: □ None  □ Specify: __________________________________________

Second Opinion/Additional Evaluation Approval

________________________________________  ____________________________  Date

Director of Special Education/Designee

Approval for Payment of Expenses: Estimated total: __________________________

________________________________________  ____________________________  Date

Director of Special Education/Designee
INDEPENDENT EDUCATIONAL EVALUATION REQUEST

Student’s Name ____________________________________________ Sex _________ Date_______

Parent’s Name ____________________________________________ Birth Date _______________ Grade __________

Address ___________________________________________________________________________________________
                        (Street)                                               (City or Town)                             (Zip)

Home Telephone _______

School Building __________________________________________ School District ___________________________

Principal ________________________ Teacher ________________________ School Phone __________

AEA contact: Name ________________________ Position ________________________ Phone _________

REASONS FOR REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION (Completed by AEA team with available input from parents and LEA) Attach additional information if needed.

ASSESSMENT QUESTIONS: What specific questions, if answered, support the development of an appropriate educational program for this student and address the parent’s concerns for the AEA/LEA evaluation?

1.

2.

3.

RELEVANT INFORMATION (Completed by AEA team with available input from parents and LEA.) Given the assessment questions identified above, what is the team’s current information base for addressing these same areas of inquiry. [This may call for summary of previous interventions and results, prior evaluation results and conclusions of the IEP team based on the most recent evaluation.] Please attach appropriate reports and other information.

☐ Signed release/exchange of information form (page 2) is attached.

__________________________________________________________________________________________

Special Education Director Designee ________________________ Date __________ / __________ / __________

☐ Outside Agency Copy ☐ AEA Copy ☐ Director of Special Education Copy ☐ Parent Copy
Special Health Services

Special health services includes, but is not limited to, services to eligible students whose health status (stable or unstable) requires:

- interpretation or intervention
- administration of health procedures and health care, or
- use of a health device to compensate for the reduction or loss of a body function

Definition: School Health Services

Health services that are designed to enable a child with a disability to receive FAPE as described in the child’s IEP.

These services may be provided by:

- qualified school nurse or
- other qualified person

Overview – Eligible Students with Special Health Needs

Some identified special education students need special health services to participate in an educational program. These students receive special health services as part of their educational programs.

Each district is required to have policies. Each district must use the procedures listed in the AEA Statewide Procedures Manual.

FERPA/HIPAA

Health Insurance Portability and Accountability Act (HIPAA) specifically excludes identifiable health information in “education records” that are subject to the regulations outlined in Family Education Rights and Privacy Act (FERPA.)

Generally, health records in the school are considered education records and protected under FERPA, not HIPAA. When the AEA or district receives health records from a physician these become part of the child’s education record and are protected under FERPA.
Delivering Special Health Services

Nurse Practices

The Nurse Practice Act is found in the Iowa Administrative Code 655—Chapter 6.

Detailed information regarding the provision of special health services to eligible individuals is also found at http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=1729&Itemid=2524

Definition: Licensed Health Professional

According to the definitions in 41.405(1) of the Iowa Administrative Rules of Special Education, special health care services shall be provided by licensed:

• registered nurse
• physician, and other
• authorized health personnel.

Special Health Services are provided in the same setting as educational services and as described in the Individual Health Plan.

Definition: Prescriber

Licensed health personnel legally authorized to provide special health services and medications

Definition: Qualified designated personnel

A person instructed supervised and competent in implementing the eligible individual’s health plan

Role of Licensed Health Personnel

Licensed health personnel will:

• supervise the special health services,
• define the level of supervision, and
• document the supervision

Duties of Licensed Health Personnel

Duties of the licensed health personnel include:

• participating as a member of the IEP team;
• providing the health assessment;
• planning, implementing and evaluating: the written individual health plan, special emergency health services;
• serving as liaison and encouraging participation and communication with health service agencies and individuals providing health care;
- providing health consultation, counseling and instruction in cooperation and conjunction with the prescriber to:
  - the eligible individual,
  - individual’s parent, and
  - staff;
- maintain a record of special health services;
- reporting unusual circumstances to the parent, school administration, and prescriber;
- assigning and delegating qualified designated personnel;
- instructing and supervising qualified designated personnel;
- providing technical assistance to qualified designated personnel;
- updating knowledge and skills to meet special health service needs.

### Member of the IEP Team
The licensed health personnel is a member of the child’s IEP team.

### Health Assessment
A health assessment is health data collection, observation, analysis and interpretation relating to the eligible individual’s IEP.

Sources of information include, but are not limited to:
- interviews with the student, family and staff
- review of student health record, medical records, and physical examination
- health history
- consultation with other healthcare providers, and
- nursing observations

Parental consent is required when new information is needed to complete the child’s IHP.

### Planning, implementing and evaluating IHP
Individual Health Plan (IHP) is the written, ongoing and confidential plan for special health service in the education program.

It includes:
- health assessment
- planning
- implementation
- evaluation
- a plan for emergencies

The plan should be updated as needed, at least annually.
Planning, implementing and evaluating Special Emergency Health Services

Students with life threatening conditions should have an Emergency Health Plan for both individual health needs and for safe student evacuation in case of a disaster.

This plan can either be written in the intervention portion of the IHP or in a separate document referenced in the IHP.

Liaison Role

Encouraging participation and communication with:
- health service agencies
- individuals providing health services

Consultation, Counseling and Instruction

Consultation, counseling and instruction will be delivered in cooperation and conjunction with the prescriber to:
- eligible individual
- individual’s parent
- staff

Maintaining a Record of Special Health Services

Providers of special health services must maintain records including documentation of the following:
- the student’s name
- special health service
- licensed health personnel
- members of the IEP team as appropriate
- date, time and signature of the provider of the special health service
- any unusual circumstances in the provision of such services

It is suggested that these records be kept in a place that is accessible to the provider of the special health services and the implementers of the Special Emergency Health Plan. This could be the child’s cumulative folder or school nurse’s files.

Reporting Unusual Circumstances

A narrative of each unusual circumstance will be provided to the parent, school administration and prescriber.
| Assigning and Delegating | As a member of the child’s IEP team licensed health personnel shall determine the:  
  - special health services to be provided;  
  - qualifications of the service provider  

Primary consideration of the person who will provide the special health service is based on the recommendation of the licensed health personnel. This delegation of personnel considers the child’s special health service needs. Rational for this assignment and delegation must be documented. |
|--------------------------|------------------------------------------------------------------------------------------------|
| Instructing and Supervising | Health instruction is education provided by licensed health personnel to prepare individuals to deliver and perform the eligible individual’s special health services as described on the individual’s health plan.  
Documentation of this instruction shall be on file at school.  
Supervision is the assessment, delegation, evaluation and documentation of special health services by licensed health personnel.  
Levels of supervision include the licensed health personnel being:  
  - physically present  
  - available at the same site  
  - available on call |
| Technical Assistance | Licensed health personnel are to provide technical assistance for qualified designated personnel providing special health services to eligible individuals.  
Technical assistance is provided in order to assist qualified designated personnel in the provision of the appropriate special health services detailed in the eligible individual’s health plan or IEP. |
| Updating Knowledge | Licensed health personnel are to update qualified designated personnel providing special health services to eligible individuals regarding new knowledge pertaining to the child’s condition or special health services.  
Documentation of updates should be on file at school. |
## Special Health Services for Eligible Individuals

**Special Health Services for Eligible Individual**

In order to determine what special health services are to be provided to an eligible individual the licensed health professional must:

- obtain parental consent for a reevaluation in the area of health;
- collect and analyze health assessment data;
- share results of the health assessment analysis with the IEP team;
- be part of the:
  - discussion regarding the provision of special health services;
  - decision to include a health goal on the IEP, an IHP or both.

**Determining Qualifications for Service Providers**

Licensed health personnel, in collaboration with the IEP team, will determine what special education services should be provided to the student and also the qualifications of the individuals who will be providing the service.

The documented rationale for these determinations must include the following:

- analysis and interpretation of:
  - special health service needs,
  - health status stability,
  - complexity of the service,
  - predictability of the service,
  - outcome, and
  - risk of improperly performed service
- determination of the assignment and delegation based on the eligible individual’s needs
- determination that the special health service is part of the job of the qualified designated personnel
- review of the competency of the qualified designated personnel
- determination of initial and ongoing level of supervision required for quality services

**Items to Have on File**

The following must be on file before special health services can be provided to a student:

- a written statement by the prescriber (i.e., the licensed health personnel legally authorized to prescribe special health services and medications) detailing the specific method and schedule of the special health service, when indicated
- a written statement from the student’s parent requesting that the service be provided
- a written report of the preplanning staffing or meeting of the IEP team
- a written Individual Health Plan that is available in the health record and integrated into the IEP

**Manual TOC**

**Appendix TOC**
Equipment and Supplies

Parents will provide the usual equipment, supplies and necessary maintenance of the equipment.

The IHP should designate:

- the personnel responsible for the equipment
- the personnel responsible for storing the equipment in a secure area
- the role of the school, parents, and others in the provision, supply, storage and maintenance of necessary equipment
Individual Health Plans (IHP)

Individual Health Plan

An individual health plan is written documentation of the confidential, preplanned and ongoing special health services in the educational program of a student. It is updated at least annually or as needed. This plan is developed by a group identified by the IEP team and documented in the IEP. This group is to include licensed health personnel and the parents.

An individual health plan contains the following:
- assessment
- planning and implementation
- documentation
- evaluation
- plan for emergencies

Assessment

The health assessment is health data collection, observation, analysis and interpretation relating to the eligible individual’s IEP.

Refer to Health Assessment in the Delivering Special Health Services Section above for further information.

Planning, Implementation and Documentation

Planning and implementation of special health services details the delivery of health services.

Provision of the special health services must be documented to include:
- specific health service(s) provided
- the designated qualified personnel providing the service, and
- the time, duration and frequency of the service

Evaluation

Evaluation requires ongoing systematic analysis of the student’s response to the special health services. Evaluation:
- is done in collaboration with the student, family, special health service provider and licensed health personnel.
- decisions about IHP modifications, additions, or deletions are based on the data collected during the evaluation.
- data should include an annual review of the student’s current health status and progress toward meeting identified outcomes/goals.
Plan for Emergencies

Students with life threatening conditions should have an Emergency Health Plan. This plan can either be written as part of the IHP or in a separate document referenced in the IHP.

A separate plan includes:
- student demographics
- condition
- trigger
- signs of Emergency
- actions to be taken
- special instructions for staff need to know

Individual Health Plan Team Members

Members of the team developing the IHP may include:
- the student
- the parent
- administrator
- teacher
- licensed health personnel
- members of the IEP team

Documenting the IHP on the IEP

On Page A check “Health Plan”.

On the PLAAFP page, under Health Needs, mark the corresponding box for “Yes, health is a concern and will addressed in the IEP” or “Yes, health is a concern and will be addressed in the health plan” or both.

On Page F, mark Yes (Y) for support or related services. Describe the need for a health plan and identify by position the group of individuals who will be responsible to develop and monitor the health plan and who may revise the health plan. Always include the parent(s) in this group.

Revising IHP

Licensed health personnel can revise components of an IHP without reconvening the IHP or IEP team when modifications to the IHP is not within the discretion of the IHP or IEP team (e.g., a change in a prescription or physician’s order). Careful consideration needs to be given to convening a meeting any time revisions affect another professional’s practice.

Communicate any change in required activities (e.g., change in schedule, medication, responsibilities, etc.) to all relevant personnel.

IEP Health Goals

Students who are learning the skills needed to support and maintain their health may have a health goal on the IEP.

Health goals, like other IEP goals, may not be revised without an appropriate team process (amendment or review).
Administration of Medication in Schools

Schools Need to Establish Medication Administration Policies and Procedures

Many children have health conditions that may require use of prescription and/or nonprescription medications. Each school district is responsible for establishing medication administration policies and procedures which must address the requirements listed below. [41.404(3)]

Who Are Those Qualified to Administer Medications?

A statement addressing which persons are qualified to administer medication should be in the policies and procedures and should include:

- Authorized practitioners, such as licensed registered nurses and physicians
- Persons to whom authorized practitioners have delegated the administration of drugs (who have successfully completed a medication administration course)
- Students who have demonstrated competency in administering their own medications may self-administer their medication
- Students with airway constricting diseases such as asthma or anaphylaxis who are allowed to carry and administer their own medication. The parent/guardian must provide written permission and obtain written orders from the prescribing physician, replacing the need to demonstrate competency at school.

Medication Administration Course and Periodic Updates

Provision for a medication administration course and periodic updates shall be conducted by a registered nurse or licensed pharmacist.

A medication administration course is offered free online at http://www.iowaschoolmeds.com. To complete the Department of Education requirement, medication administration skills must be observed and approved by a licensed health professional who will sign the certificate of completion. A record of course completion must be on file in the district.

Written Medication Administration Records

A written medication administration record is to be on file at the school and contain the following:

- Date
- Student’s name
- Prescriber or person authorizing administration
- Medication
- Medication dosage
- Administration time
- Administration method
- Signature and title of the person administering medication
- Any unusual circumstances
- Actions or omissions
A requirement for a written statement by the parent or guardian requesting the co-administration of medication should be on file.

Students who demonstrate competency may be allowed to administer their own medications if a written statement requesting co-administration from the student’s parent is on file.

As noted above, if parent and physician consent is on file, a student may self-administer medication for asthma or other airway constriction diseases without having to demonstrate competency.

Emergency protocols for medication-related reactions must be written and available to staff. However, student names or other identifying information should not be accessible to those without the need to know.

The following are to be included in policies and procedures concerning the administration of medication:

- A statement on administration of prescription and non-prescription medication
- A statement on an individual health plan when administration requires ongoing professional health judgment
- A requirement that the parent of the student has signed and dated a written statement requesting medication administration at school
- A statement that medications are to be in the original labeled container either as dispensed or in the manufacturer’s container
- A statement that medication is to be stored in a secured area unless an alternate provision is documented
- A statement regarding confidentiality of information
PARENTAL AUTHORIZATION AND RELEASE FORM FOR THE ADMINISTRATION OF PRESCRIPTION MEDICATION TO STUDENTS

---

Student’s Name (Last), (First), (Middle) / / School
Birth date

School medications and health services are administered following these guidelines:

- Parent has provided a signed, dated authorization to administer medication and/or provide the health service.
- The medication is in the original, labeled container as dispensed or the manufacturer’s labeled container.
- The medication label contains the student’s name, name of the medication, directions for use, and date.
- Authorization is renewed annually and immediately when the parent notifies the school that changes are necessary.

<table>
<thead>
<tr>
<th>Medication/Health Care</th>
<th>Dosage</th>
<th>Route</th>
<th>Time at School</th>
</tr>
</thead>
</table>

Administration instructions

---

Special Directives, Signs to Observe and Side Effects

---

Discontinue/Re-Evaluate/Follow-up Date: / / 

Prescriber’s Signature / / Date

Prescriber’s Address

Emergency Phone

Person administering medication Title / / Date

I request the above named student carry medication at school and school activities, according to the prescription, instructions, and a written record kept. Special considerations are noted above. The information is confidential except as provided to the Family Education Rights and Privacy Act (FERPA). I agree to coordinate and work with school personnel and prescriber when questions arise. I agree to provide safe delivery of medication and equipment to and from school and to pick up remaining medication and equipment.
PARENTAL AUTHORIZATION AND RELEASE FORM FOR THE ADMINISTRATION OF PRESCRIPTION MEDICATION TO STUDENTS

_________________________________________________________  __________________________/
Parent’s Signature                                           Date

_________________________________________________________
Parent’s Address

_________________________________________________________
Home Phone

_________________________________________________________
Work Phone

_________________________________________________________
Cell Phone

Additional Information

_________________________________________________________

_________________________________________________________

_________________________________________________________

Authorization Form
### Prohibition on Mandatory Medication

<table>
<thead>
<tr>
<th>Mandatory Medication Prohibited</th>
</tr>
</thead>
</table>

No school personnel may require parents to obtain a prescription for medication identified in the Controlled Substances Act as a condition of their child attending school or receiving an evaluation or services.

However, teachers and other school personnel are permitted to share with parents or guardians regarding the student’s academic and functional performance, and behavior at school. They may also share the need for evaluation for special education or related services. [41.174]

**NOTE:** This rule applies to all children, not just children who are receiving special education services.
Index

Age of majority, 173
Amendment IEP, 79
Behavior
  Behavior intervention plan, 191; Functional behavioral assessment, 186
Behavior intervention plan (BIP), 191
Caseload monitoring (AEA), 288
Caseload monitoring (LEA), 290
Changes to an IEP, 144
Child Find
  Disability suspected, 19; Eligibility determination, 56; Exclusionary factors, 40; Full and individual evaluation, 38; General education expectation, 12; Introduction, 11; Parent consent for evaluation, 25; Progress, discrepancy & need, 46
Competent private instruction, 224
Contracting for special education services, 208
Correctional facilities, 216
Detention facilities, 221
Disability suspected, 19
Discipline
  Hearings, 205; Manifestation determination, 202; Overview, 195; Special circumstances, 200
District-wide assessments, 132
Due process complaints, 273
Eligibility determination, 56
Evaluations, specialized, 338
Exclusionary factors, 40
Exiting special education
  Graduation, 177; Maximum age, 178; Non-attendance, 181; Revocation of consent, 179
Extended school year services, 122
Full and individual evaluation, 38
Functional behavioral assessment (FBA), 186
Goals, 109
Health services, 344
Hearings, 275
Home and community based waivers, 310
Home instruction (behavior), 220
Home instruction, 217, 220
Home schooling (see Competent private instruction)
Hospital, 217
IEP development, 92
IEP meeting preparation, 89
IEP responsibilities, 141
IEP teams & attendance, 82
Independent educational evaluation (IEE), 338
Individualized Educations Program (IEP)
  Amendment IEP, 79; Changes to an IEP, 144; Development, 92; District-wide assessments, 132; Extended school year services, 122; Goals, 109; Initial IEP, 70; Interim IEP, 81; Least restrictive environment, 135; Meeting preparation, 89; Overview, 67; Physical education, 131; Present levels of academic achievement and functional performance (PLAAFP), 93; Progress reporting (early childhood), 142; Progress reporting, 141; Reevaluation IEP, 73; Responsibilities, 141, Review IEP, 72; Services, activities and supports, 116; Teams & attendance, 82; Transportation, 129
Initial IEP, 70
Insurance, 292
Interim IEP, 81
Jail, 213
Least restrictive environment, 135
Manifestation determination, 202
Mediation, 272
Medicaid, 293
Medication, 353
Medication, prohibition on mandatory medication, 357

Manual TOC  Appendix TOC
Nonpublic schools

Child find, 326; Confidentiality, 332; Consultation with, 327; IEPs, 329; Placement by parents, 322
Out-of-state placements, 222
Parent consent for evaluation, 25
Parents

Agreement, 258; Consent, 256; Definition, 234; Notice, 260; Participation, 253; Role, 233; Surrogate parents, 238
Physical education, 131
Preappeal, 269
Present levels of academic achievement and functional performance (PLAAFP), 93
Prior written notice, 259
Private schools (see Nonpublic schools)
Progress reporting (early childhood), 142
Progress reporting, 141
Progress, discrepancy & need, 46
Records

Access to records, 300; Amendment of records, 306; Contents and maintenance, 297; Destruction notice, 307; Destruction of records, 307; Disclosure of information, 302; Overview, 295
Reevaluation IEP, 73
Resolution facilitator, 267
Resolution meeting, 278
Resolving differences

Due process complaints, 273; Hearings, 275; Mediation, 272; Preappeal, 269; Resolution facilitator, 267; Resolution meeting, 278; State complaints, 285
Review IEP, 72
Second opinion evaluation, 338
Services, activities and supports, 116
Shelter facilities, 221
Special schools, 211
State complaints, 285
State institutions, 211
Transfer of rights, 173
Transfer students, 183
Transition, Early ACCESS to Part B, 151
Transition, Post-Secondary

Assessment, 162; Exit from high school, 174; IEP meeting preparation, 164; IEP meeting, 166; Introduction and frequently asked questions, 158; Process, 162; Progress monitoring, 172; Supports, services and activities, 170; Transfer of rights, 173
Transition, Pre-K to K, 156
Transportation, 129
Waiver, Home & Community Based; 310

Manual TOC Appendix TOC
Area Education Agency
Special Education Procedures

Appendix: Documentation Guide

July 1, 2012
All Iowa AEAs are required to adhere to state and federal laws that prohibit discrimination in programs, activities, and employment practices. For specific information, contact your AEA.
Disability Suspected Form

STUDENT: ___________________________ Birthdate: ______ / ______ / ______

Last (legal) First (not nickname) M.I.

Gender: ☐ Male ☐ Female Grade: ______ Teacher/Service Provider: ______________________

Resident District: ______________________ Building: ______________________

Attending District: ______________________ Building: ______________________

Disability is suspected if “yes” is checked for any of the following:

☐ Yes  ☐ No  Are there data to suggest that the child:

• has a diagnosis of a condition that is specifically listed in IDEA’s disability categories or is clearly included within one of IDEA’s disability categories, and

• the condition has a discernible adverse effect on educational performance?

(If yes, summarize the data used to conclude that the child meets these criteria)

☐ Yes  ☐ No  Are there data to suggest that the child has received high quality instruction (including universal instruction and, when appropriate, targeted or intensive interventions), and the child’s performance:

• is not meeting standards and is not progressing towards meeting standards; and

• is unique when compared to peers; and

• cannot be explained by other, more plausible factors than a suspected disability?

(If yes, summarize the data used to conclude that the child meets these criteria)

☐ Yes  ☐ No  Are there data to suggest that the child has received high quality instruction, and

• is meeting standards or is progressing towards meeting standards with the provision of targeted or intensive interventions that are matched to the area(s) of concern and implemented with integrity; and

• may require ongoing and substantial resources?

(If yes, summarize the data used to conclude that the child meets these criteria)
The disability suspected process is utilized as a part of the child find system to meet the requirements that:

- “at the point when a public agency suspects a child is a child with a disability under this chapter, the public agency must seek parental consent for an initial evaluation of that child …” [41.111(5)]
- “a public agency suspects a child is a child with a disability when the public agency is aware of facts and circumstances that, when considered as a whole, would cause a reasonably prudent public agency to believe that the child’s performance might be explained because the child is an eligible individual …” [41.111(6)]

**Are there data to suggest ...** Review available information, including the results of any previous interventions, educational records, information provided by individuals with knowledge of the child (e.g., the parents, teachers, caregivers, the child, etc.), observations of the child in learning environments, and any tests or other assessments.

Based on the review of information, consider each of the three descriptive statements. Check “Yes” to any that apply to the child being considered.

**Diagnosis of an IDEA condition.** IDEA identifies categories of disability, not specific disabilities (autism; deaf-blindness; deafness; 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). IDEA’s disability definitions are purposefully broad and potentially include a wide range of diagnoses from medical and mental health professionals. Diagnoses from mental or medical health professional will often meet the criteria for an IDEA condition, but do not check “yes” on the basis of a diagnosed condition, alone. A diagnosed condition is suspected to be an IDEA disability only if it creates an adverse effect on educational performance (see next item).

**Discernible adverse effect.** Keep in mind that the “bar” for establishing suspicion is low. “Discernible” means that the effects of the diagnosed condition are noticeable. An “adverse effect” is one that in any way impedes educational progress or performance, or impedes participation in or access to educational settings and opportunities.

**Not meeting standards.** Consider information that reflects whether or not the child’s performance is different from typical expectations for age and grade. Progress and status related to the expectations of the Iowa Core or other accepted standards and assessments allowing comparison to statewide or nationwide peers assists in this consideration.

**Uniqueness of the child’s performance.** Consider information that reflects whether or not the child’s performance is different from peers in the school or community with similar developmental and educational experiences. The purpose of this information is to assist in determining if the concerns relate to the child (i.e., are indicative of disability) or the concerns are shared by a significant number of others with similar backgrounds and may be indicative of a problem with the general education system of supports and instruction.

**Other, more plausible explanations.** A child is not suspected of being disabled if the child’s performance and needs for assistance and support are clearly due to circumstances other than disability, such as limited English proficiency.

**Ongoing and substantial resources.** “Child find … must include … a child who is suspected of being a child with a disability and in need of special education, even though the child is advancing from grade to grade”. [281-41.111(3)] Therefore, it is possible that an individual’s performance is not different from standards or expectations, but that disability is suspected because of the nature or extent of the supports needed to maintain the individual’s performance.

The expectations of general education are considerable, and this guideline is not met simply because meeting a child’s needs is difficult. Suspected needs must include specially designed instruction, support or related services.
If disability is not suspected:

If the team has responded “No” to all items above, provide a rationale for the decision not to suspect (e.g., educational performance has changed recently; other, more plausible factors than disability account for the child’s performance; needs can be met through general education interventions, etc.)

Participants involved in decision:

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<th>Name</th>
<th>Position</th>
<th>Name</th>
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</table>

Date of Determination: ____ / ____ / ____

Note:

- Written parental consent for a full and individual initial evaluation must be sought when disability is suspected.
- Prior Written Notice of a refusal to conduct an evaluation must be provided when parents have requested an evaluation and disability is not suspected.
- This form must be retained as a part of the student’s records.
Disability not suspected. The process of considering whether disability is suspected is always initiated for good cause (data suggesting difficulties, parental request, etc.). Summarize why the facts and circumstances that have been considered support the conclusion that disability is not suspected.

Participants. The obligation to determine whether a disability is suspected or not is an agency obligation. This is a determination made by the AEA or AEA in conjunction with the LEA. The individuals involved and the degree of parental involvement (information source, meeting participant, etc.) depends on the circumstances. Participants in this decision-making are identified by the AEA or AEA in conjunction with the LEA.

Date of Determination. Date on which the disability suspected process was carried out.

Notes.

Parent consent. If it is determined that a disability is suspected, parental consent for a full and individual initial evaluation must be sought promptly.

Refusal of parent request. Parents have the right to request an evaluation. A request should be refused if the conclusion of this process is that disability is not suspected. Refusal is communicated using the Prior Written Notice of a Proposed or Refused Action form.

Student records. The Disability Suspected form must be retained and treated as an educational record.
Consent for/Notice of Full and Individual Initial Evaluation

Date: ___ / ___ / ___

STUDENT: ____________________________________________ Birthdate: ___ / ___ / ___

Last (legal) First (not nickname) M.I.

Gender:   □ Male   □ Female   Grade: _____   Teacher/Service Provider: __________________________

Language in home: □ English   □ Spanish   □ Sign   □ Other: __________________________

 Interpreter needed for the child   Interpreter needed for the parents

Resident District/Building: ____________________________________________________________

Attending District/Building: ____________________________________________________________

Open Enrollment:   □ Yes   □ No

Parent Foster Parent Guardian Surrogate Student

Name: ____________________________ Home Phone: ____________________________

Address: ____________________________ Work/Cell Phone: ____________________________

E-mail address: ____________________________

Parent Foster Parent Guardian Surrogate Student

Name: ____________________________ Home Phone: ____________________________

Address: ____________________________ Work/Cell Phone: ____________________________

E-mail address: ____________________________

Description of the action proposed:

This form is intended to provide notice of an upcoming evaluation of your child and to obtain your consent for this evaluation.

The purpose of an educational evaluation is to determine interventions needed to resolve presenting problem(s) or behavior(s) of concern and to determine whether or not those interventions require special education. The Individualized Education Program (IEP) team, including you, and, as appropriate, other qualified professionals will address the following questions:

- Does your child have a disability or, in case of a reevaluation, does your child continue to have a disability?
- In comparison to peers or standards, what are your child’s present levels of performance, rate of progress and educational needs?
- Does your child need special education and related services or, in the case of reevaluation, does your child continue to need special education and related services?
- Are any additions or modifications to the special education and related services needed to enable your child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum or, in the case of preschool children, to participate in appropriate activities?

Explanation of why the school or AEA proposes to initiate an evaluation:

Description of other options the school or AEA considered and the reasons why those options were rejected.
Consent is required for all initial evaluations for eligibility and for all reevaluations when assessments, in addition to the review of existing information, will be conducted. The following requirements apply.

“Consent” is obtained when all of the following conditions are satisfied:

a. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication;

b. The parent understands and agrees in writing to the carrying out of the activity for which parental consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

c. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

If the parent of a child … does not provide consent for initial evaluation, or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing procedural safeguards, including the mediation procedures or the due process procedures.

If the parent refuses to consent to a reevaluation, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing procedural safeguards, including the mediation procedures or the due process procedures.

An AEA does not violate its obligation to evaluate if it declines to pursue an evaluation or reevaluation.

Exception. Informed parental consent for a reevaluation need not be obtained if the public agency can demonstrate that:

(1) It made reasonable efforts to obtain such consent; and

(2) The child’s parent has failed to respond.

Teacher/Service Provider – initial evaluations.

- Identify the child’s general education teacher including, when appropriate, the child’s preschool teacher.
- For a preschool-age child who is not in any school, enter “Not applicable”.
- For a school-aged child receiving competent private instruction (home schooling) enter the name of the parent(s) or an educator identified by the parents.
- For a child transitioning from Pact C (infant and toddler services), identify the Early Access service provider who has primary responsibility for the Individualized Family Service Plan (IFSP).

Teacher/Service Provider – reevaluations.

- Identify the special education service provider (teacher, AEA support staff) who has primary responsibility for the IEP.

Language spoken in the home/interpreter needs: Identify the language spoken in the home. Indicate interpreter needs (for the child/student for the evaluation and/or for the parent(s) at meetings).

Open enrollment. If the student is attending school in a district other than his or her resident district, indicate if the student is attending school under Iowa’s open enrollment law.
Parent/Student Address. Complete name, address and telephone number information for the identified ([X]) parties. The person(s) with whom the student resides must also have “Student” marked next to their address. Some examples:

<table>
<thead>
<tr>
<th>Eligible individual lives at home with both parents or a single parent</th>
<th>Primary custody with one parent; second divorced parent</th>
<th>Eligible individual placed in a foster home</th>
<th>Eligible individual placed in a residential facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Foster Parent</td>
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<td>[ ] Foster Parent</td>
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<td>[ ] Guardian</td>
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<td>[ ] Surrogate</td>
<td>[ ] Surrogate</td>
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<tr>
<td>[X] Student</td>
<td>[X] Student</td>
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<td>[X] Student</td>
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</tbody>
</table>

Explanation of why the school or AEA proposes to initiate an evaluation:

One: Provide the foundation in the Iowa Administrative Rules of Special Education for the evaluation. For example:

- General education interventions have not been effective in solving problems your child is experiencing and special education services may be needed.
- General education interventions have been effective but require continued and substantial efforts that may include special education services.
- Based on [your child’s school performance, screening results, etc.] we (school or AEA) believe there is reason to suspect that your child has a disability and special education services need to be considered.
- Your child’s injury has created an immediate need for specialized services.
- It has been three years since your child’s last evaluation: Date due: __/__/____
- Your child has moved to Iowa from another state and a reevaluation is necessary to establish eligibility.
- You have requested an evaluation.
- The IEP team including you, the parent(s), believes that your child’s needs warrant a reevaluation.

Two: State —

This evaluation will assist us in understanding your child’s needs in the areas of instruction, curriculum, the learning environment and other areas.

Description of other options the school or AEA considered and the reasons why those options were rejected.

For example:

- Continuation of general education interventions was rejected due to lack of success.
- No other options were considered [Note: This is always the correct response for required reevaluations — i.e., three-years, parent or teacher request, consideration of exit from all services, etc.]
Description of the evaluation procedures, tests, records, or reports that were used as a basis for the proposed evaluation:

- All available information was reviewed, including the results of previous interventions, educational records, information provided by individuals with knowledge of your child (e.g., you, the parents; teachers; caregivers; your child; etc.), observations of your child in learning environments, and any tests or other assessments.
- Based on that review, areas of suspected disability (if this is an initial evaluation) and areas needing additional assessments were identified.

<table>
<thead>
<tr>
<th>Domain</th>
<th>For initial evaluations: Disability is suspected in the domain(s) indicated:</th>
<th>Domain</th>
<th>For all evaluations: Additional assessments will be completed in the domains indicated:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic</td>
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<td>Academic</td>
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<tr>
<td>Behavior</td>
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<td>Health</td>
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<td>Hearing/Vision</td>
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<td>Communication</td>
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<td>Adaptive Behavior</td>
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Evaluation methods will be determined by the individual professionals involved in the evaluation and may include:

- Review of the results of previous interventions (e.g., general education data, IFSP data, current IEP, etc.)
- Reviews of relevant records (school or Early ACCESS records, work samples, previous evaluations, etc.)
- Interviews of individuals with knowledge of your child (teachers, parents, your child, etc.)
- Observations completed by team members
- Tests (classroom-based, district-wide, and individually administered)

For reevaluations:

- The IEP team has not recommended additional assessment. You (as the parent) do not need to sign this form. However, you have the right to request additional assessment to determine whether your child has or continues to have a disability and a need for special education and related services. If you want additional assessment, please contact your child’s teacher or service provider.

- The IEP team has recommended additional assessment. Please carefully read the information below and, if you consent to the evaluation, sign and date your signature.

**PARENT/GUARDIAN CONSENT TO EVALUATE**

I understand that this evaluation may provide useful information for educational planning for my child. I have received a copy of the Procedural Safeguards Manual for Parents. I understand that I have certain protections under the procedural safeguards of the Individuals with Disabilities Education Act and that these rights are detailed in the Procedural Safeguards Manual for Parents. I understand that this manual contains information about whom to contact to obtain assistance in understanding my rights. I understand that I may also contact my child’s school administrator or AEA Director of Special Education if I have any questions or wish to obtain an additional copy of Procedural Safeguards Manual for Parents.

Procedural Safeguards were reviewed by: ____________________________  ____ / ____ / ____

Name  
Date

☐ In person  ☐ Via phone

I understand my rights related to this evaluation and I give my permission for the evaluation to begin as soon as possible.

__________  
(Signature of Parent/Guardian)

Date: ____ / ____ / ____
Domains. For initial evaluations, indicate the domains in which disability is suspected. This should correspond to the areas of concern that were identified as “disability suspected” through that process.

The Iowa Performance Domains are:

- **Academic** (pre-academic skills; reading, writing & math; etc.)
- **Behavior** (social skills, emotional status, attention span, etc.)
- **Physical** (motor skills, etc.)
- **Health**
- **Hearing/Vision**
- **Communication** (articulation, language, fluency, voice)
- **Adaptive Behavior** (daily living skills, community use, orientation and mobility, etc.)

For all evaluations, consider each of the Iowa performance domains and indicate the performance domains in which additional assessments are needed for planning or decision-making.

For reevaluations. In the case of any reevaluation, indicate the decision of the team regarding the need for additional assessments.

Procedural Safeguards were reviewed by. Identify the individual who provided the parents with their procedural safeguards and the method used.

Signature. Signed, parent consent is required for all initial evaluations. Initial consent is required for the process of considering eligibility and additional assessments, if any. Signed parent consent is required for reevaluations only if additional assessments are completed.

Both parents may sign, but only one parent signature is needed. Parent means:

- A biological or adoptive parent of a child;
- A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;
- A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;
- An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child’s welfare; or
- A surrogate parent who has been appointed in accordance with rule 41.519(256B,34CFR300) or 20 U.S.C. 1439(a)(5).

Important Notes:

- When more than one party is qualified to act as a parent, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
- If a judicial decree or order identifies a specific person or persons under paragraphs to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent.
- “Parent” does not include a public or private agency involved in the education or care of a child or an employee or contractor with any public or private agency involved in the education or care of the child in that employee’s or contractor’s official capacity.
The purpose of the evaluation is to determine the educational interventions that are required for the individual to access and make progress in general education curriculum, and whether the individual is eligible for special education services. This evaluation is based on educationally relevant information gathered through reviews (monitoring data, work samples, school records, and reports from other sources), interviews (teacher, parent, and child), observations, and tests or other assessments.

An individual is eligible for special education services when there is 1) a disability which is determined by assessing rate of educational progress and discrepancy from expectations, and 2) a need for special education services. Following the evaluation, parents and professionals meet to review the results of the evaluation and to determine if the individual has a disability and needs special education.

Eligibility Meeting: ________ / ________ / ________

Name: ____________________________ Male □ Female □

Last (legal) First (no nicknames) M.I.

Birthday: ________ / ________ / ________ Grade: ________

Resident District: __________________________ Building: __________________________

Attending District: __________________________ Building: __________________________

Attending Area Education Agency: __________________________ Attending Building Phone: (____) - ______

☐ Parent Name: __________________________ Home Phone: (____) - ______

☐ Foster Parent Address: __________________________ Work/Cell Ph: (____) - ______

☐ Guardian City/State: __________________________ E-mail: __________________________

☐ Surrogate Zip: __________________________

☐ Student

☐ Parent Name: __________________________ Home Phone: (____) - ______

☐ Foster Parent Address: __________________________ Work/Cell Ph: (____) - ______

☐ Guardian City/State: __________________________ E-mail: __________________________

☐ Surrogate Zip: __________________________

☐ Student

Individuals contributing to this evaluation:

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<th>Name</th>
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Contact person for this report: __________________________

Phone: (____) - ______

E-mail: __________________________
Eligibility Meeting. The actual date the meeting is held to determine eligibility.

Name & Other Demographic Information. It is imperative that the demographic information is complete and accurate. This includes the individual’s name, date of birth, resident and attending district information and parent information.

Individuals Contributing to this Evaluation. List all AEA and LEA staff who contributed to the completion of the full and individual initial evaluation.

Contact Person for this Report. The designated AEA contact person/case manager for this evaluation is responsible for ensuring that information is gathered, the evaluation is completed, and that all documentation is submitted. This person serves as the contact if additional information or clarifications are needed.

The Purpose of the Evaluation. This section informs parents as to the purpose of the evaluation and the information gathered to complete the evaluation.
Individual Information: The evaluation must include educationally relevant information that is important for eligibility decision making. The information describes how the individual is provided access and opportunity to learn what is expected, and that his/her difficulty is not the result of other, more plausible factors.

Which **Performance Domain(s)** will be the focus of this evaluation?

- [ ] Academic
- [ ] Behavior
- [ ] Physical
- [ ] Health
- [ ] Hearing/Vision
- [ ] Communication
- [ ] Adaptive Behavior

**Reminder:** For a child not yet in kindergarten, data from this evaluation may be utilized with other information to report early childhood outcomes in the areas of: positive social-emotional skills, acquisition and use of knowledge & skills, and appropriate behaviors to meet needs.

What is the **area(s) of concern**?

What evidence suggests that **concerns are pervasive** across different times and/or different settings?

What are the **individual’s strengths** that support his or her educational success in the area(s) of concern?

Within the areas of concern, describe

a) ways in which **access and opportunity** were assured for this individual to learn what was expected

b) whether or not the concerns are primarily caused by any of the following **factors**:
   - Limited English proficiency
   - A lack of appropriate instruction in reading, including the essential components of reading instruction
   - A lack of appropriate instruction in math

c) any **ecological factors** (e.g., race, ethnicity, culture, language, or life circumstances) that affect the individual’s educational performance
Performance Domains. (See AEA Special Education Procedures Manual, Child Find Chapter, Section Consent for additional information).

Check the domains to be included in the Full and Individual Initial Evaluation as identified on the Consent for Full and Individual Initial Evaluation form.

Note: The performance domains provide a framework for consideration of the individual’s instructional needs. They are defined as follows:

- **Academic** – Grade level achievement of standards related to listening comprehension, oral expression, basic reading skills, reading comprehension, math calculation, math problem solving and written expression
- **Behavior** – Awareness of self, identification and expression of emotions, self-regulation and interaction of others
- **Physical** – Gross motor skills, fine motor skills, and mobility for learning, living and working
- **Health** – General condition of the body or mind, especially in terms of the presence or absence of illness, injury or impairment
- **Hearing/Vision** – The ability to perceive sound and/or the ability to see
- **Communication** – Receptive and expressive language (form, content or use), including but not limited to, language (social communication), vocabulary, speech sound production, voice (nasality) and fluency
- **Adaptive Behavior** – Everyday living skills, work skills or school functioning skills that an individual learns in the process of adapting to his/her surroundings.

Reminder: For children ages 3 through 5 who are not yet in kindergarten. No additional action is necessary. This is simply a reminder.

Area(s) of concern. List areas of concern (using the descriptors listed under each performance domain in #6 above) to be addressed in this evaluation. For example, basic reading skills under the domain of academics; self-regulation under the domain of behavior; receptive vocabulary skills under the domain of communication.

Concerns are pervasive across different times and/or different settings. Describe the evidence to support whether or not the area of concern is pervasive across different times and settings.

Individual’s strengths. A statement about the individual’s educationally relevant strengths in the areas of concern is provided here. This statement should include information about the strengths that will assist the team in planning to meet the individual’s educational needs. Areas of strength that have no impact or relevance in the school setting should not be included.

Individual Information Examples:

| Academic | Communication | Behavior | Early Childhood |
**Access and opportunity to learn.** Describe ways in which access and opportunity were assured for this individual to learn what was expected. Include evidence as to whether or not the individual was provided with appropriate core and supplemental instruction delivered by qualified personnel.

**Factors.** Provide a brief description of whether or not the concerns are primarily caused by any of the following factors:

- Limited English proficiency
- A lack of appropriate instruction in reading, including the essential components of reading instruction
- A lack of appropriate instruction in math

Appropriate instruction in reading is defined in IDEA 2004 as: phonemic awareness, phonics, fluency, vocabulary and comprehension. Further guidance on team considerations for these three exclusionary factors is found in the *AEA Special Education Procedures Manual*.

At the conclusion of the evaluation, the team will consider whether or not any of these factors would exclude a child from the consideration of being an eligible individual.

**Ecological factors (e.g., race, ethnicity, culture, language, or life circumstances).** Describe any relevant information regarding race, ethnicity, culture, language or life circumstances that affect the individual’s performance in the area(s) of concern. If factors are identified here, fully address them later in the report (Needs section). If these factors do not influence educational performance it is acceptable to indicate “no factors were identified”.

**Individual Information Examples:**

- Academic
- Communication
- Behavior
- Early Childhood
Educational Progress: Progress means performance over time. In addressing progress, the team considers data that have been collected about the individual’s performance over time in relation to the interventions that have been provided. The evaluation must provide evidence as to whether or not the individual’s performance is persistently below the educational standard(s), or age or grade level expectation(s).

Domain: ________________________________

List the Iowa Core Standards and Benchmarks or Early Learning Standards and Benchmarks for the individual’s age and/or grade level in this area of concern.

Using multiple assessment methods and data sources, including progress data collected on a frequent and regular basis, summarize the individual’s response to the targeted or intensified instruction that was provided.

- Describe the targeted or intensified instruction, curriculum, environmental changes provided to address this area of concern.

- Describe how the interventions were matched to the individual’s needs.

- Describe how interventions were implemented (Were interventions implemented as designed? Were changes to interventions made?).

- Response to Intervention Performance Results
  
  Standard of comparison: ______
  
  Expected level of performance prior to intervention: ______
  
  Expected level of performance following intervention: ______
  
  Expected rate of progress: ______
  
  This individual’s level of performance prior to intervention (i.e. baseline): ______
  
  This individual’s level of performance following intervention: ______
  
  This individual’s rate of progress: ______

- If the individual received supplemental instruction in a small group describe his/her response in comparison to how the other individuals in the group responded (may be answered “No other students received the same intervention”).

- Identify the instruction, interventions and environmental changes under which the individual experienced the most growth or success.

- Describe any other information relevant to understanding the individual’s rate of acquisition or progress.

Using the data above and any other relevant information, summarize the significance of this individual’s rate of progress.
Standards: List one or more Iowa Core essential concepts and skills, Early Learning Standards, or District Benchmarks/Standards of the core instruction program in the area(s) of concern for the individual’s age and/or grade level. Identify the standards that align with the functional implications of the area(s) of concern. Iowa Core essential concepts and skills are the preferred standards, however LEA Standards and Benchmarks may be used as well.

Using multiple assessment methods and data sources...Description reported in this section should be sufficient enough that the reader can identify all three of the elements listed in the evaluation prompts.

a. the elements utilized for supplemental or intensified instruction, curriculum, and environmental changes that address the area of concern.
b. details to explain how the supplemental, or intensified instruction, curriculum, and environmental changes match with the needs identified for the individual.
c. details of how the supplemental or intensified instruction, curriculum, and environmental changes were implemented (include changes made to the plan, and whether or not the plan was implemented as designed).

Standard for Comparison/Expected Performance: Provide information that (identifies) indicates the standard of comparison and the expected level of performance determined prior to engaging in supplemental or intensive instruction. Expected performance must include a numeric value.

Baseline: Provide information that indicates the individual’s performance prior to engaging in supplemental or intensive instruction. Baseline must include a numeric value. Baseline performance should be indicated for each area of instructional focus.

Performance following Supplemental or Intensified Instruction: Provide information that indicates the individual’s performance and expected performance after engaging in supplemental or intensive instruction. These must include a numeric value.

Rate of Progress: Document the analysis comparing the individual’s rate or slope of progress to the expected rate or slope of progress.

Small Group Comparison: If the individual participated in supplemental instruction with a group of peers, describe his or her rate of progress compared to the progress made by the other individuals in that group. If the individual did not receive a group intervention, the question may be answered, “No other students received the same intervention.”

Progress Examples:
Supports Yielding the Most Growth:  Describe the instruction, interventions, curricular materials, and/or environmental changes that assisted the individual in making the most growth or having the most success.

Other information relevant to understanding the individual’s rate of progress. Provide a description of any relevant factors or circumstances (e.g., health, sensory functioning, physical limitations, etc.) that have not been addressed elsewhere in this report.

Progress Conclusion:  Write a summative assessment conclusion that describes the magnitude and significance of the rate of progress difference(s). Include the educational implications for the difference(s). The summary should reference the data above, as well as implementation integrity.

Progress Examples:

- Academic
- Communication
- Behavior
- Early Childhood (Academic)
- Early Childhood (Adaptive)
Educational Discrepancy: Discrepancy is the difference between the individual’s current level of performance and the expected level of performance for individuals of the same age, grade, or other established standards. The evaluation relies on multiple sources of data for each area of concern to describe whether or not the individual is significantly discrepant from peers or educational standards, and if the individual’s performance is unique within a comparable group.

Report the discrepancy results for each Performance Domain identified on the Consent for Full and Individual Initial Evaluation.

**Performance Domain:**

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>Data Source</th>
<th>Date(s)</th>
<th>Peer/Expected Performance</th>
<th>Individual’s Current Performance</th>
<th>Discrepancy from Expected Performance</th>
</tr>
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Using the data above, and any other relevant information (including qualitative, descriptive information), summarize the significance of the discrepancy, if any, between the individual’s current level of performance and that of peers or other educational standards. (Compare this child’s performance to children across the state or nation, or to generally accepted developmental milestones or educational expectations. What additional factors are important to understanding the individual’s level of performance?)

Using the data above, and any other relevant information (including qualitative, descriptive information), summarize whether or not the individual’s performance (following the provision of adequate general education instruction and supplemental or intensified instruction) is unique from a comparable group. (Compare this child’s performance to children in his/her small group, classroom, school or district who have had similar educational experiences.)
**Performance Domain:** Identify the performance domain(s) listed on the Individual Information Section of the EER. Each performance domain identified on the *Consent for Full and Individual Initial Evaluation* form should be addressed in this section.

**Area of Concern (column):** Indicate the area(s) of concern for the data being reported. Select from the descriptors under each performance domain (refer to AEA Special Education Procedures Manual for additional guidance). This should match the area of concern(s) identified in the Individual Information section earlier in this EER. There may be multiple areas of concern within the same domain (i.e. Basic Reading and Math Computation both in the domain of Academics.)

<table>
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<tr>
<th>EER Page 1</th>
<th>EER Page 2</th>
<th>EER Page 3</th>
<th>EER Page 4</th>
<th>EER Page 5</th>
<th>Manual TOC</th>
<th>Appendix TOC</th>
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**Data Source (column):** For each area of concern, using multiple data sources, identify each source of data. A convergence of data is needed to make a discrepancy decision. Examples of data sources could include a review of cumulative record, parent interviews, classroom observations, ITBS, DIBELS ORF, etc.

**Date(s) (column):** Indicate the date(s) that the data was gathered or the assessments were completed. Data reported here should be sufficiently current and relevant to decision-making. For example, ending performance data from progress monitoring should be used as opposed to baseline data.

**Peer/Expected Performance (column):** Indicate expected performance level using established numerical standards of comparison. Possible standards include: percentile ranks; standard scores; peer performance; age/grade levels; developmental norms; medical standards; local district, AEA, state, or national norms; etc. An appropriate expectation would be based on a minimal level of performance relative to the comparison group.

**Individual’s Current Performance (column):** Identify the discrepancy following acceptable measurement conventions for nominal, ordinal, ratio and interval data.

**Discrepancy from Expected Performance (column):** Identify the discrepancy following acceptable measurement conventions for nominal, ordinal, ratio and interval data.

**Discrepancy Examples:**

<table>
<thead>
<tr>
<th>Academic</th>
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<th>Behavior</th>
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<th>Early Childhood (Adaptive)</th>
</tr>
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</table>
**Significance of Discrepancy:** Using a convergence of data, determine whether or not the individual’s performance is significantly discrepant from that of peers and/or expected performance standards/levels. (Refer to the Magnitude of Discrepancy Section of the AEA Special Education Procedures Manual). Utilize the numeric data from the discrepancy table as well as other relevant descriptive data to determine whether or not a convergence of data has been established. Convergence means there is a preponderance of data that clearly demonstrates the discrepancy conclusion reported. Consideration should be given to those measures which are direct and functional, requiring little inference.

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**Uniqueness Consideration:** Determine whether or not the individual’s performance is unique when compared to the performance of others in a comparable group receiving the same or similar instruction. This comparison allows for a local discrepancy comparison as well as allowing the team to consider setting and instruction when making a discrepancy decision. The uniqueness consideration is a local comparison of an individual to a smaller subgroup in terms of the conditions (instruction, setting) within which learning takes place and the characteristics (peer makeup within a group) of a comparable group. To consider uniqueness, the same discrepancy data are often used, but the standard of comparison is different. For example, a DIBELS reading score can be compared to a research-based benchmark in the discrepancy comparison above and to the percent of students in the grade level or small instructional group as a measure of uniqueness.

<table>
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<th>Behavior</th>
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</tr>
</thead>
</table>

382
Educational Needs: Educational needs are the instructional strategies, services, activities and supports, and the accommodations and modifications required in order for the individual to be involved and make progress in the general curriculum. The evaluation describes the individual’s educational needs in the areas of instruction, curriculum, environment and additional learning supports.

Based on evidence from the analysis of the Progress and Discrepancy components, the functional implications of the individual’s performance, as well as other educationally relevant information, describe the individual’s needs within:

- **Instruction** (i.e. instructional strategies and methods that will enable learning, reinforcement/motivational strategies)

- **Curriculum** (i.e. content of instruction, specific skills and concepts the individual needs to learn)

- **Environment** (i.e. adaptations to procedures, schedules, routines, behavioral expectations, room or seating arrangements, adaptive supports)

- **Additional Learning Supports** (i.e. family supports or involvement, community partnerships, transition supports, supports for engagement, assistive technology, other accommodations that are needed)

Which of the above needs, if any, will require services and supports that exceed the capacity and obligation of the general education program and resources?
Based on evidence from … Carefully integrate and analyze the evidence collected within this evaluation to address the progress and discrepancy components, AND the functional implications of these data, to determine the individual’s needs in instruction, curriculum, environment, and additional learning supports. A description of each of these (instructional, curriculum, environment and learning supports) should be written to address the individual needs whether or not special education services are necessary.

**Instruction:** Describe the individual’s needs in the area of instruction. Instruction is how the individual needs to be taught. For example: Does the individual need to receive instruction frequently and for a significant duration of time? Are there specific instructional practices that have been shown to be successful for the individual (i.e. additional modeling, frequent feedback, reinforcement)? It may be appropriate to indicate that the current instructional program in place within the general education setting (including supplemental supports) is sufficient to meet the individual’s needs.

**Curriculum needs.** Describe the individual’s needs for curriculum content, expectations, concepts, or skills in each area of concern. It may be appropriate to indicate that the current curricula in place within the general education setting (including supplemental supports) are sufficient to meet the individual’s needs.

**Environment.** Specify the individual’s needs for the learning environment (i.e. context for learning, adaptations to procedures, schedules, routines, behavioral expectations, room or seating arrangements, or materials that are needed). It may be appropriate to indicate that the current environmental supports in place within the general education setting are sufficient to meet the individual’s needs.

**Additional learning supports.** Identify additional learning supports needed by the individual (i.e. family supports or involvement, community partnerships, transition supports, supports for engagement, assistive technology, and other accommodations). It may be appropriate to indicate that the current learning supports in place within the general education setting are sufficient to meet the individual’s needs.

**Which of the above needs …?** Consider the needs identified above in the areas of instruction, curriculum, environment, and additional learning supports. Recognizing that each of these components (instruction, curriculum, environment and learning supports) are part of the general education program, clearly identify which, if any, of the individual’s needs exceed the capacity and obligation of the general education program to provide. If all of the individual’s needs can be met within the capacity or obligation of the general education program, indicate that as well.
Eligibility Determination Worksheet
For a School-Aged Student, or
Preschool Child who is not Transitioning from Early ACCESS Services

Student: ____________________________________________

<table>
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<tr>
<th>Last (legal)</th>
<th>First no nicknames)</th>
<th>M.I.</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>Birthdate:</th>
<th>Grade:</th>
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</table>

Resident District: __________________________
Resident Building: __________________________

Attending District: __________________________
Attending Building: __________________________

A. Consent and Meeting:

☐ A **signed Consent** for Evaluation form has not been returned.

Date signed Consent for Evaluation received by LEA/AEA: _____ / _____ / ______

Based on the receipt of the signed **Consent for Evaluation** the **eligibility meeting is due**: _____ / _____ / ______

☐ Date **eligibility meeting held**: _____ / _____ / ______

☐ **No meeting** was held, reason:

☐ Student Moved
☐ Mutual Agreement
☐ Evaluation Permission Withdrawn
☐ Death

B. Eligibility:

☐ Student is eligible:

☐ Student will receive an IEP.
☐ Parent(s) decline services.

☐ Student is not eligible.

C. Determination Timeline:

The eligibility meeting must be held within 60 calendar days of receipt of the signed Consent for Evaluation. No reason is considered acceptable for not holding the meeting within 60 days and not holding the meeting must be considered noncompliant for meeting federal data requirements. Additionally, when the eligibility meeting is not held within 60 days, the reason for the delay must be recorded for federal reporting.

☐ Yes, the eligibility meeting was held within 60 calendar days of receipt of the signed Consent.

☐ No, the eligibility meeting was not held within 60 calendar days of receipt of the signed Consent.

The reason for the delay is:

☐ Family Reason
☐ Student’s hospitalization/Long-term illness
☐ Natural Disaster
☐ Moved
☐ Transferred in
☐ No valid reason
A signed Consent for Evaluation form has not been returned OR Date signed Consent for Evaluation received by LEA/AEA.

- If a signed consent was not returned, check the box. This indicates that no evaluation and eligibility decision is forthcoming and accounts for the student in relationship to the 60 day timeline.
- If a signed consent was returned, indicate the actual date in which the signed parental consent was first received by either the LEA or the AEA.

**Date Eligibility Meeting Due.** This date is calculated by adding 60 calendar days to the “date signed consent received.”

| Eligibility Determination (3-21) | Eligibility Determination (Early Access) | Manual TOC | Appendix TOC |

**Date Eligibility Meeting Held.** This date is the actual date that the IEP team, including the parents, reviewed the comprehensive evaluation results/information to determine whether or not the child is eligible for special education and/or related services. This date will auto-enter from page one of the *Educational Evaluation Report* form.

**If no meeting was held, reason.** Please mark the reason for an eligibility meeting not being held.

**Eligibility.** Check whether the child is eligible or not eligible for special education and related services. If “Child is eligible” is marked, please indicate whether the student will be receiving IEP services **OR** if the parents have declined services.

**Determination timeline.** Please indicate the reason for any delay that results in the evaluation taking longer than 60 calendar days to complete.
Eligibility Determination Worksheet
For a Child Transitioning from Early ACCESS

Student: ____________________________

Last (legal) First no nicknames) M.I.

Birthdate: ______/____/____ Grade: __________

Resident District: ____________________ Resident Building: ____________________

Attending District: ____________________ Attending Building: ____________________

A. Consent and Meetings:

☐ A signed Consent for Evaluation form has not been returned.

Date signed Consent for Evaluation received by LEA/AEA: ______/____/____

Based on the receipt of the signed Consent for Evaluation the eligibility meeting is due: ______/____/____

☐ Date eligibility meeting held: ______/____/____

☐ No meeting was held, reason:

☐ Student Moved ☐ Mutual Agreement ☐ Evaluation Permission Withdrawn ☐ Death

Date IEP meeting was held: ______/____/____

B. Eligibility:

☐ Child is eligible:

☐ Child will receive an IEP.

☐ Parent(s) declined services.

☐ Child is not eligible.

C. Determination Timeline:

The eligibility meeting must be held within 60 calendar days of receipt of the signed Consent for Evaluation. No reason is considered acceptable for not holding the meeting within 60 days and not holding the meeting must be considered noncompliant for meeting federal data requirements. Additionally, when the eligibility meeting is not held within 60 days, the reason for the delay must be recorded for federal reporting.

☐ Yes, the eligibility meeting was held within 60 calendar days of receipt of the signed Consent.

☐ No, the eligibility meeting was not held within 60 calendar days of receipt of the signed Consent.

The reason for the delay is:

☐ Family Reason ☐ Student’s hospitalization/Long-term illness ☐ Natural Disaster

☐ Moved ☐ Transferred in ☐ No valid reason

Determination of eligibility and the implementation of the Initial IEP must occur before the child’s 3rd birthday. If not, the reason for the delay must be recorded.

☐ Yes, determination was made by child’s 3rd birthday

☐ No, determination was not made by child’s 3rd birthday.

The reason for the delay is:

☐ Family Reason ☐ Child’s hospitalization/Long-term illness ☐ Natural Disaster

☐ Moved ☐ Transferred in ☐ No valid reason
A signed Consent for Evaluation form has not been returned OR Date signed Consent for Evaluation received by LEA/AEA.

- If a signed consent was not returned, check the box. This indicates that no evaluation and eligibility decision is forthcoming and accounts for the student in relationship to the 60 day timeline.
- If a signed consent was returned, indicate the actual date in which the signed parental consent was first received by either the LEA or the AEA.

Date Eligibility Meeting Due. This date is calculated by adding 60 calendar days to the “date signed consent received.”

<table>
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<th>Eligibility Determination (3-21)</th>
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</table>

Date Eligibility Meeting Held. This date is the actual date that the IEP team, including the parents, reviewed the comprehensive evaluation results/information to determine whether or not the child is eligible for special education and/or related services. This date will auto-enter from page one of the Educational Evaluation Report form.

If no meeting was held, Reason. Please mark the reason for a final eligibility meeting not being held.

Date IEP meeting was held. Record the date that an IEP was developed for a child determined to be eligible.

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<tr>
<th>Eligibility Determination (3-21)</th>
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</thead>
</table>

Eligibility. Check whether the child is eligible or not eligible for special education and related services. If “Child is eligible” is marked, please indicate whether the student will be receiving IEP services OR if the parents have declined services.

Determination timeline. Two timelines apply to the determination of eligibility. Eligibility must be determined within 60 days of the receipt of parental consent and before the child’s third birthday. Please indicate the reason for any delay that results in the eligibility determination taking longer than 60 calendar days to complete. Please indicate the reason for any delay that results in the eligibility determination taking longer than 60 calendar days to complete.
Consent for Initial Special Education and/or Related Services

Student: ____________________________  Birthdate: ______/_____/______
(Last)   (First)   (MI)

Meeting Date: ______/_____/______  District/Building Student Attends: ____________________________

Parent(s) and Guardian(s): You have a right to receive written notice when your school district or area education agency proposes to initiate special education and/or related services for your child. Services may not begin without your written consent. Your child has been determined to be a student with a disability and to be in need of special education and/or related services. As the parent of a child entitled to special education, you have certain protections under the procedural safeguards of the Individuals with Disabilities Education Act. These protections are explained in the Procedural Safeguards Manual for Parents. This manual contains information about whom to contact to receive assistance in understanding your protections as well as a description of the state complaint process and preappeal procedures.

a) I understand that after a full and individual evaluation of my child’s educational needs that my child has been determined to be a child with a disability in need of special education and/or related services.

b) The results of the full and individual evaluation have been explained to me. The service(s) for my child has been reviewed in detail and described on his/her Individualized Education Program (IEP). I understand the service(s).

I understand and agree with the above statements. I give my consent for the special education and/or related service(s) to be provided as described in the IEP.

__________________________________________  / ______/_____
Signature of Parent or Guardian  Date
The Consent for Initial Special Education and/or Related Services form **must** be used in conjunction with the Prior Written Notice form. The Prior Written Notice form should be completed and reviewed with the parents to ensure the parent understands the options considered and is in agreement with the recommendations.

Guidance for completing a Prior Written Notice form at the time of an initial special education placement may be found [here](#).

The Prior Written Notice form **and** a signed Consent for Initial Special Education and/or Related Services form documents that parents have been provided appropriate notice and have given written consent for these services, as documented in the IEP, to begin.

The date consent for service was given is entered on Page A of the initial IEP in the “from” field of “Duration of this IEP”. Therefore, this date entered on an initial IEP specifies both the effective date of consent and the date this initial IEP is in effect.

**Parent means:**

a. A biological or adoptive parent of a child;

b. A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;

c. A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;

d. An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child’s welfare; or

e. A surrogate parent who has been appointed in accordance with rule 41.519(256B.34CFR300) or 20 U.S.C. 1439(a)(5).

**Important Notes:**

- When more than one party is qualified to act as a parent, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
- If a judicial decree or order identifies a specific person or persons under paragraphs to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent.
- “Parent” does not include a public or private agency involved in the education or care of a child or an employee or contractor with any public or private agency involved in the education or care of the child in that employee’s or contractor’s official capacity.
Prior Written Notice of a Proposed or Refused Action

Date: ______ / ______ / ______

Student Name: ___________________________________________ Birthdate: ______ / ______ / ______

Parent(s): _______________________________________________

You have protections under the procedural safeguards of the Individuals With Disabilities Education Act. These rights are explained in the Iowa Procedural Safeguards Manual for Parents. The manual contains information of whom to contact to obtain assistance in understanding your rights as well as a description of the state complaint procedures and preappeal procedures. A copy of this manual was provided on ______ / ______ / ______.

We encourage open communication between parents and the school regarding your child’s educational needs and parental rights. You may obtain an additional copy of the Procedural Safeguards Manual for Parents by contacting your building principal or area education agency.

You have a right to receive written notice prior to when the district or area education agency proposes or refuses to initiate or change the identification, evaluation, or placement of your child or the provision of a free appropriate public education. This notice must be provided within a reasonable time of any proposed action.

Purpose of this notice: ☐ An action is being proposed ☐ An action is being refused

1. A description of the action proposed or refused.

2. An explanation of why the school proposes or refuses to take the action.

3. A description of any other options the school considered and the reasons why those options were rejected.

4. A description of each evaluation procedure, test, record, or report the school used as a basis for the proposed or refused action.

5. A description of any other factors that are relevant to the school’s proposal or refusal.

6. ☐ Yes ☐ No Is the proposed action a change in identification, evaluation, or placement?

   If “yes,” when will this action be implemented? ______ / ______ / ______

   (Date)

If you have questions, please contact the school principal or district/AEA designee:

_____________________________ ___________________________ _________________________ _________________________
(Name) (Position) (Phone) (E-mail)
Prior written notice. Prior written notice must be given to the parents of a child with a disability a reasonable time before the public agency (LEA or AEA) –

- Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Before the action is implemented, the parent or agency has the right to request an impartial due process hearing on any issue in the Prior Written Notice. Thus, the prior written notice that constitutes the basis for a parent’s hearing request must include the agency’s final action, or decision, on the proposal or refusal. The Prior Written Notice forms the basis for the parents to request a hearing.

Examples of Actions/Refusals Requiring Prior Written Notice

- Decision not to conduct initial evaluation.
- Change of disability designation.
- Change in services or placement, including consent for initial special education services.
- Addition or termination of service (including graduation)
- Change in delivery of services: mode such as direct to indirect, pull-out to general class, change in service.
- Addition, deletion or change of ESY services
- Addition or deletion of goal.
- Change in related service: transportation, behavior plan, special health plan, assistive technology or equipment.
- Amendment to an existing IEP.

Examples of Actions/Refusals NOT Requiring Prior Written Notice

- Change qualified service provider.
- Changes or updates of goals and objectives that do not change services.
- Change in location of service not controlled by school agency: foster care, hospitalization, parent relocation.
- Change in location of service which does not change service: different classroom, age/grade-appropriate movement (peer promotion to middle/junior/senior high).

NOTE: The determination of the significance of a change must be determined on a case by case basis. Each IEP team must use professional judgment in this decision. Provide a Prior Written Notice in instances of uncertain significance. If there is a question whether the change meets the standard, the agency is encouraged to provide notice.

A description of the action proposed or refused. Describe the action proposed or refused by the agency (AEA, school district or both). Examples:

- Physical therapy (80 minutes per month) will be added to the services provided to Maria.
- John’s special education support in reading will be reduced from 60 minutes daily to 30 minutes daily.
- Pedro was identified as learning disabled in Montana. He will be identified as an eligible individual.
Refusals. Parents may request an action that does not become the outcome of IEP team discussion. For example, parents may request that a level of service be maintained when it is recommended that a lesser level of service is sufficient or parents may request an evaluation and the eventual decision is that existing information will support necessary actions and decision making.

Do not assume that consensus has been reached, that the parents are no longer requesting something and that a Prior Written Notice of refusal is not needed. Parents may acquiesce at the moment but remain unconvinced. Check to be sure that parents agree with and support actions that are different than what they have requested. Communicate with parents in a forum where the parents are comfortable responding (e.g., ask privately, if the parents may be reluctant to express their opinion in the IEP team setting).

If there is any doubt about the parents’ acceptance of an IEP team decision regarding a parent request, provide a Prior Written Notice of refusal.

An explanation of why the school proposes or refuses to take the action. State why the agency proposes or refuses to take the action. Examples:

- During Maria’s recovery from surgery physical therapy is needed to allow her to participate as fully as possible in her educational program.
- John is able to apply phonics and word analysis skills in decoding words. Work on these skills is no longer needed but special education services in reading focused on comprehension skills will continue.
- Iowa prefers to identify students requiring special education without designating a disability category.

A description of any other options the school considered and the reasons why those options were rejected. If no other options were considered, state that. Examples:

- No other options were considered for Maria.
- Maintaining John’s past level of service was considered. Given John’s mastery of decoding skills and growth in comprehension skills, 60 minutes of support per day is not needed.
- Maintaining Pedro’s identification as learning disabled was considered. No advantage to doing so was identified through team discussion.

A description of each evaluation procedure, test, record, or report the school used as a basis for the proposed or refused action. Examples:

- Information and recommendations from Maria’s family physician, surgeon, and hospital physical therapist were considered.
- Curriculum-based progress monitoring, teacher observations and recommendations, ITBS results.
- School records from Pedro’s former school, including his last IEP and the evaluation report documenting his disability.
A description of any other factors that are relevant to the school’s proposal or refusal. Describe any factors that were not noted in the previous item. If no other factors were relevant to decision making, state that (e.g., not applicable, none, etc.). Examples:

- Not applicable
- Parent preferences for John’s program communicated to his special education teacher at school conferences.
- No other factors were relevant to the proposal for Pedro.

Is the proposed action a change in identification, evaluation, or placement? If the Prior Written Notice describes a change in identification, evaluation or placement, state when this change will become effective. Notice must be provided a reasonable amount of time before a change, and that “reasonableness” is determined by the IEP team. A date reflecting an immediate change may be reasonable if action is urgent and the team agrees. A date in three weeks may be reasonable, if a parent requests the opportunity to discuss the proposed change with their spouse who is traveling and unavailable for several weeks. A date indicating the start of school in the fall may be reasonable when only a few days remain in the current school year. IEP teams will need to consider the particular circumstances when making this decision.

If you have questions, please contact the school principal or district/AEA designee. Provide information for a contact person who can answer parent questions regarding this notice.
Prior written notice following an initial evaluation. A completed Prior Written Notice informs parents of the eligibility determination outcome of an initial evaluation. Also, if the child is eligible for special education and the parents have consented to services, the same Prior Written Notice may inform parents that services for their child will commence. The examples below reflect one Notice for both actions. Alternately, notice of the two actions – eligibility determination and initiating services – could be provided by giving two Notice forms to parents.

Purpose of this notice. Indicate that an action is being proposed.

Description of the action proposed or refused. Indicate that the team proposes to either:

- Identify the student as an individual eligible for special education services and initiate services, OR
- Identify the student as NOT eligible for special education services.

Examples:

“The team proposes to identify Mindy as an individual eligible (a child with a disability who requires special education) and to provide the special education services described in the IEP in the areas of reading and social skills.” OR

“The team proposes to identify Freddie as an individual who is NOT eligible for special education services.”

Explanation of why the school proposes or refuses to take the action. State why the identification decision is being proposed.

Examples:

“The evaluation team has determined that Opie is a student with a disability and that special education resources are required to meet his educational needs.” OR

“The evaluation team has determined that Barbie does not have a disability nor a need for special education resources.” OR

“The evaluation team has determined that even though Skeeter has a disability, he does not require special education services in order to be successful in the general education curriculum.”

Description of options considered and rejected. State any other options that were considered and briefly describe why the options were not considered appropriate.

Examples:

“The team considered development of a 504 accommodation plan. This was rejected due to the need for specially designed instruction.” OR

“The team considered continuation of interventions in general education setting without special education supports. Rejected due to the intensity of instruction needed in small group setting with immediate correction and feedback, in addition to classroom interventions and accommodations.”

Description of evaluation procedures, test, record, or report used. State, “The evaluation procedures and assessment results used as the basis for the proposed actions are described in the Educational Evaluation Report dated xx/xx/xxxx.”

Description of other factors. Describe any other factors relevant to the decision. “None” may be appropriate.

Change in identification, evaluation or placement. If a child is identified as an eligible individual and special education services are proposed, the Notice describes both a change in identification and a change in placement. State when this change will become effective. Notice must be provided a reasonable amount of time before a change, and that “reasonableness” is determined by the IEP team. “Immediately” may be reasonable if action is urgent and the team agrees. “In three weeks” may be reasonable, if a parent requests the opportunity to discuss the proposed change with their spouse who is traveling and unavailable for several weeks. “When school resumes in the fall” may be reasonable when only a few days remain in the current school year. Decide based on the particular circumstances.
Prior Written Notice: Revocation of Consent for Services

When parents revoke their consent for continued special education services for their child, schools and/or AEAs are required to provide a *Prior Written Notice* of the cessation of services and supports *after* receiving the parents’ written revocation, but *before* ending services. The school works with the parents to determine an agreed-upon date in the same way as other *Prior Written Notices*. See next page for examples.

It may be in the child’s best interest and in the interest of promoting and maintaining positive working relationships with the parents to provide a cover letter or other form of communication explaining the reason for the *Prior Written Notice* and stating the potential availability of assistance to the student through means other than an IEP. For example, parents may not demand and schools are not required to provide a 504 plan in lieu of an IEP, but a school could choose to provide one. Supports that had been specified in the IEP and provided in the general education classroom could be continued informally or through a written intervention plan.

**Sample cover letter:**

Dear Mr. and Mrs. Jones,

You have revoked your consent for Michael’s special education services. When parents revoke consent we are required to provide *Prior Written Notice* of the school’s action. The enclosed *Prior Written Notice* details the services and supports that will end and the date when that will occur.

All parents have the right to ask that their child be considered for possible special education needs. Please contact me or one of Michael’s teachers if you wish to have special education needs considered in the future.

The West River Community Schools provide many forms of assistance and support other than special education. Please contact me or one of Michael’s teachers if you wish to discuss other ways that we can work together to help Michael.

Please contact me if you have any questions.

Sincerely,

Sharon Kielsburg, Principal
Prior Written Notice: Revocation of Consent for Services - Examples

**Purpose of this notice.** Indicate that an action is being proposed.

**Description of the action proposed or refused.** Detail all services, supports and protections that will end. State what will be done with special education records. For example:

- The following services will be discontinued: Specially designed instruction in reading and math, speech-language therapy.
- The following accommodations will be discontinued: extended testing time and shortened assignments.
- Michael will not have special education procedural safeguards in the event of a disciplinary action.
- Michael’s special education records will be maintained by the school and AEA for five years. See the notices of record destruction for further information.

**Explanation of why the school proposes or refuses to take the action.**

**Example:**

- “Mr. and Mrs. Jones requested in writing that special education services end.”
- “Mr. and Mrs. Hernandez revoked their consent for continued special education and related services.”

**Description of options considered and rejected.** State any other options that were considered and briefly describe why the options were not considered appropriate.

**Examples:**

- “After the school received Mr. and Mrs. Jones request, various means of resolving issues raised by the Jones were offered (e.g., Resolution Facilitator, mediation). Mr. and Mrs. Jones declined these offers.”
- “Potential changes to Maria’s special education program (e.g., more vocational preparation opportunities) were discussed. Mr. and Mrs. Hernandez chose not to pursue any other options.”

**Description of evaluation procedure, test, record, or report used.**

**Examples:**

- “Mr. and Mrs. Jones’ letter requesting that special education services end.”
- “Mr. and Mrs. Hernandez’s written revocation of their consent for continued special education and related services.”

**Description of other factors.** Describe any other factors relevant to the decision. In most circumstances it will be appropriate to indicate “none”, as the parent’s written revocation must be acted upon.

**Change in identification, evaluation or placement.** Check “Yes”

**When will this action be implemented?** State when this change will become effective. Notice must be provided a reasonable amount of time before a change, and that “reasonableness” is determined in consultation with the parents. “Immediately” may be reasonable. “In three weeks” may be reasonable, with parent agreement, if that would allow a student to complete a semester without jeopardizing the earning of credits. “When school resumes in the fall” may be reasonable, with parent agreement, when only a few days remain in the current school year.

*Schools will need to consider the particular circumstances when having this discussion with parents, but may not unnecessarily delay acting on the written revocation.*
Prior Written Notice: Transition to Kindergarten - Examples

For children transitioning from early childhood to kindergarten, a spring IEP describes both remaining early childhood special education services and the services that will be provided in the fall. The Web IEP identifies services that will not begin for 30 days or more as “future services”. These services are not included in LRE calculations (important if a child will turn six prior to count date) and the early childhood setting code based on pre-K services may not be correct for kindergarten. An amendment is required in the fall to reorganize information contained in the Spring IEP. It is also possible that other IEP changes may be identified (e.g., service time; setting; length of school day; support and related services, such as transportation; etc.). The following examples reflect both possibilities (i.e., reorganizing information & reorganizing and amending other aspects of the IEP).

### Purpose of this notice.
Indicate that an action is being proposed.

### Description of the action proposed or refused.

**Reorganizing information, only, example:**

Derek’s IEP has been amended to correctly reflect kindergarten services. Derek’s school building and special education teacher have been updated. Early childhood special education services have been removed from the IEP and kindergarten special education services have been moved from future services to current services. No other changes have been made to the IEP.

**Reorganizing information and making other changes example 1:**

Esperanza’s IEP has been amended to correctly reflect kindergarten services. Esperanza’s school building and special education teacher have been changed. Early childhood special education services have been removed from the IEP and kindergarten special education services have been moved from future services to current services.

Specialized transportation to and from school will be removed from Esperanza’s IEP.

**Reorganizing information and making other changes example 2:**

Susie’s IEP has been amended to correctly reflect kindergarten services. Susie’s school building and special education teacher have been changed. Early childhood special education services have been removed from the IEP and kindergarten special education services have been moved from future services to current services.

Specially designed instruction will be increased from 30 minutes daily to 45 minutes daily.
Explanation of why the school proposes or refuses to take the action.

Reorganizing information, only, example:

Information in the IEP has been updated so that information about Derek’s program is correct and current.

Reorganizing information and making other changes example 1:

Information in the IEP has been updated so that information about Esperanza’s program is correct and current.

Esperanza’s parents have informed the school that their work schedules have changed and that they will be providing Esperanza’s transportation.

Reorganizing information and making other changes example 2:

Information in the IEP has been updated so that information about Susie’s program is correct and current.

Susie’s progress at the end of the past school year and during extended school year was less than hoped.

Description of options considered and rejected. State any other options, if any, that were considered and briefly describe why the options were not considered appropriate.

Reorganizing information, only, example:

No other options to updating information were considered.

Reorganizing information and making other changes example 1:

No other options to updating information were considered.

Continuing school-provided transportation was considered but Esperanza’s parents wish to bring her to school and pick her up from school.

Reorganizing information and making other changes example 2:

No other options to updating information were considered.

The IEP Team considered having Susie continue in the current pre-K setting; however, the IEP Team determined that Susie would make progress in a kindergarten setting with age-appropriate peers and participation in the general education curriculum.
Description of evaluation procedure, test, record, or report used.

Reorganizing information, only, example:
Not applicable to updating information. Updating information is a required procedure.

Reorganizing information and making other changes example 1:
Not applicable to updating information. Updating information is a required procedure.
The transportation change was made based on the parents’ request and IEP team discussion.

Reorganizing information and making other changes example 2:
Not applicable to updating information. Updating information is a required procedure.
The decision regarding instructional time was based upon progress monitoring of IEP Goals, teacher observations, development progress measured using the GOLD Assessment and parent report.

Reorganizing information, only, example:
None

Reorganizing information and making other changes example 1:
The possibility of future changes in parent work schedule was discussed.

Reorganizing information and making other changes example 2:
None

Change in identification, evaluation or placement.

Reorganizing information, only: Check “No”

Reorganizing information and making other changes: Check “Yes”

When will this action be implemented? Notice must be provided a reasonable amount of time before a change, and that reasonableness is determined by the IEP team. A date reflecting an immediate change may be reasonable if action is urgent and the team agrees. A date in three weeks may be reasonable, if a parent requests the opportunity to discuss the proposed change with their spouse who is traveling and unavailable for several weeks. IEP teams will need to consider the particular circumstances when making this decision.
Meeting Notice

Date: _____/_____/

Student Name: ____________________ Last First M.I.

Birthdate: _____/_____/

Parent/Student Name: ____________________

Street Address: ____________________

City/State/Zip Code: ____________________

You are invited to attend a meeting to discuss the educational program for ____________________ Student

Date: _____/_____ Time: __________ Location: ____________________

At this meeting, we will review student needs, progress, and possible changes or additions to the current educational program. We will be seeking your ideas and information regarding your child’s educational program. You are welcome to have others accompany you. If you need a translator/interpreter at this meeting, if the meeting time is inconvenient or you do not plan to attend this meeting, please contact:

________________________ Name ____________________ Position ____________________ Phone ____________________ E-mail ____________________

The purpose of this meeting is to discuss and develop or review: (Check all that may apply.)

☐ Individualized Family Service Plan (IFSP) ☐ Reevaluation
☐ Individualized Education Program (IEP) ☐ Transition Planning
☐ Evaluation Information ☐ Extended School Year Services
☐ Eligibility for Special Education Services ☐ Exiting Special Education Services
☐ Other: ____________________ ☐ Other: ____________________

The following individuals have been requested to attend this meeting:

________________________ Parent ____________________ Reg Ed Tchr

________________________ Parent ____________________ Sp Ed Tchr

________________________ LEA Rep ____________________ Student

☐ For transition-age students: Representatives of outside agency(ies) involved with transition planning, have been invited to attend this meeting, with the prior consent of the parent or student who has reached the age of majority, where appropriate; OR agency participation is not applicable for this student.

☐ The school or AEA has requested that one or more individuals be excused from attending this meeting (see attached page).

School use: Written meeting notice sent by ____________________ Method: ____________________
Meeting notice. Efforts to ensure parent participation are an IDEA requirement. For any upcoming meeting at which decisions will be made regarding identification, placement, or the provision of FAPE (e.g., eligibility meetings, IEP meetings, manifestation determinations), schools and AEsAs must notify parents of the meeting early enough to ensure that they will have an opportunity to attend; and schedule the meeting at a mutually agreed-upon time and place.

Date (of the Notice). Notify the parents and others being invited 10 to 14 calendar days prior to the IEP meeting to give them an opportunity to attend.

Parent/Student Name. Parents must always be provided notice of meetings at which decisions will be made regarding identification, placement, or the provision of FAPE. Also, by age 14 the school or AEA must invite a child with a disability to attend the IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

Date (of the Meeting). Specify the meeting’s date, time, and location. Schedule the meeting at a mutually agreed upon time and place.

Please contact: Identify a contact person and enter accurate contact information. The parents may have questions regarding the meeting or may need to reschedule.

The purpose of this meeting. Check one or more meeting purposes. By age 14, indicate "Transition Planning" as a meeting purpose.

Attendance at this meeting. Identify all persons that the school or AEA has requested to attend the meeting.

For transition-age students. The school must determine whether any participating agencies should be invited to send representatives to IEP meetings. You must:

- Consider the topics to be discussed and whether or not these topics are relevant to any agencies providing or potentially providing transition services.
- Representatives of agencies already providing services may be invited, at the discretion of the school or AEA as “other individuals who have knowledge or special expertise regarding the child”.
- Representatives of agencies that are not currently providing transition services, but are likely to be responsible for providing or paying for transition services may be invited, but parent or age-of-majority student consent is required. “Where appropriate” relates to this consent requirement.

Checking the box indicates that the appropriate consideration was made regarding the involvement of other agencies and that consent was obtained, if necessary.

This box must be checked for the IEP meeting of any student age 13 and above.
The school or AEA has requested that one or more individuals be excused from attending this meeting. It is possible for the school or AEA to request that one or more individuals be excused from attending this meeting. If this is the case, request parental agreement to the excusal when scheduling the meeting and check this box. Send an Agreement to Excuse Attendance at IEP Meeting form to the parents along with the meeting notice.

Written meeting notice sent by. Document the person and method by which notice is provided to the parents.

We are required to provide parents a copy of their procedural safeguards once a year. For most students, IEPs are reviewed no more often than once per year so this may be a good choice of time to send a copy of the Procedural Safeguards Manual for Parents.
Agreement to Excuse Attendance at IEP Meeting

Parents,

An IEP Team member is not required to attend an IEP meeting if that member’s area of curriculum or service is not being modified or discussed, and the parent and the area education agency or school agree.

A IEP Team member, whose input for a meeting is required because of modification or discussion of that member’s area of curriculum or service, may be excused if the parent, and the area education agency or school consent to excuse the member, and the member submits the input in writing prior to the meeting.

The agreement to excuse any member from the IEP meeting must be documented in writing.

We agree that the following individuals do not need to attend the IEP meeting:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Input not needed</th>
<th>Input needed: written input will be provided</th>
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Signed Agreement

_________________________ / ______ / 
Parent(s) Date

_________________________ / ______ / 
School or Area Education Agency Representative Date
Individuals who would normally be required participants in IEP meetings may be excused under two circumstances:

- The topics to be addressed at an IEP meeting do not involve a modification to or discussion of a team member’s area of the curriculum or related service. In this circumstance, an IEP Team member is not required to attend an IEP meeting, in whole or in part, if the parent of the student and the school agree that the attendance of this member is not necessary.

- The topics to be addressed at an IEP meeting do involve a modification to or discussion of a team member’s area of the curriculum or related service. In this circumstance, an IEP Team member may be excused if the student’s parent(s) and school agree to this and the member submits, in writing to the parent and the rest of the IEP team, input into the development of the IEP prior to the meeting.

The school or AEA should communicate with the student’s parents regarding the need for IEP member(s) absence in a timely fashion prior to the actual meeting and obtain the necessary agreement. The meeting notice must indicate that one or more individuals are asked to be excused and the agreement form is to accompany the Meeting Notice sent to parents.

Notes: At least one AEA support service professional is a required participant at IEP meetings at which discussions and decisions regarding initial or continued eligibility for special education occur. If excused from an initial or reevaluation IEP meeting, at least one AEA support service professional must provide written input.

There may occasionally be circumstances when the process and timeline are not possible (e.g., an illness or emergency affecting one of the IEP team members). In this case, contact parents as soon as possible.

### Agreement to Excuse

**Input not needed.** Indicate this option when a team member’s attendance and input is not necessary, given the topics to be discussed and decisions to be made at the upcoming IEP meeting.

**Input needed.** Indicate this option when a team member’s input is necessary, given the topics to be discussed and decisions to be made at the upcoming IEP meeting. Provide written input to the IEP team, including the parents, prior to the meeting.

**Signed agreement.** The agreement that a team member may be excused must be written and signed by the parents and signed by either a school representative for eligible individuals receiving weighted, instructional programs or an area education agency representative for eligible individuals receiving unweighted support services. Signatures attesting to the agreement to excuse may be secured by requesting that the parents return the form or, if verbal agreement was secured, signatures can be obtained at the meeting.
Individualized Education Program

DATE: _______ / _______ / _______  TYPE: [ ] Initial  [ ] Review  [ ] Reevaluation  [ ] Amendment  [ ] Interim

STUDENT: ___________________________  Last (legal) ___________________________  First (no nicknames) ___________________________  M.I. ___________________________  [ ] M  [ ] F

Birthdate: _______ / _______ / _______  Grade: _______

Resident District: ___________________________  Building: ___________________________

Attending District: ___________________________  Building: ___________________________

Attending Area Education Agency: ___________________________

Teacher/Service Provider: ___________________________

Parent [ ]  Foster Parent [ ]  Guardian [ ]  Surrogate [ ]  Student [ ]

Name: ___________________________  Home Phone: ___________________________

Address: ___________________________  Work/Cell Ph: ___________________________

E-mail: ___________________________

Parent [ ]  Foster Parent [ ]  Guardian [ ]  Surrogate [ ]  Student [ ]

Name: ___________________________  Home Phone: ___________________________

Address: ___________________________  Work/Cell Ph: ___________________________

E-mail: ___________________________

Duration of this IEP: From _______ / _______ / _______ to _______ / _______ / _______

Reevaluation is due: _______ / _______ / _______

Procedural safeguards were reviewed by: ___________________________

Method: ___________________________

Rights will transfer at age 18: _______ / _______ / _______

Notification: Student _______ / _______ / _______  Parent: _______ / _______ / _______

Persons Present at Meeting/Position or Relationship to Student

Parent  ___________________________  Parent  ___________________________

Student  ___________________________

LEA Rep/Designee  ___________________________

Gen Ed Tchr  ___________________________

Sp Ed Tchr  ___________________________

Signature or listing indicates presence at the meeting, not approval or acceptance of the IEP

Outside written input: Name/Agency: ___________________________  Date: _______ / _______ / _______

Required System Data

Ethnicity: (See Below)  Shortened school day [ ]  Full Time: [ ]  Part Time [ ]

Basis for enrollment: _______

Disability(ies):  Served status: _______

Early childhood code: _______

Final Exit: _______

Weighted Enrollment Factor Recommended: _______

Current: _______

Domicile District: _______  Domicile Building: _______

Roster change(s): _______

[ ] Yes  [ ] No  The student receives 50% or more of his/her special education services in the Attending Building.

If no, select the building where the student receives 50% or more of his/her special education services.

50% or more of special education services provided at: _______

Facility type: _______

[ ] Yes  [ ] No  Does this student reside the majority of nights at this facility?

Setting Code: _______

The student was placed in this school/facility at the direction of: _______

Copies to: ____________________________

Show Race-Ethnicity Data >>  Manual TOC  Appendix TOC
**Individualized Education Program**

**ID number or file number.** Area education agencies or school districts that use a local student identification number or file number will record this number here.

**DATE:** _____ / _____ / ______  **TYPE:**  □ Initial  □ Review  □ Reevaluation  □ Amendment  □ Interim

**Type of IEP meeting:** (See AEA Special Education Procedures Manual for additional information)

**Initial:** An initial full and individual evaluation has been completed; eligibility has been determined. The first IEP for this eligible individual is being developed.

**Review:** All parts of a previously written IEP are being reviewed and may be revised and updated. A review of an IEP must be held within one year of the date of the current IEP.

**Reevaluation:** (Refer to Page R of the IEP for further directions.) The AEA’s full and individual reevaluation process has been completed and the IEP team has determined whether or not more information is needed. A previously written IEP is being rewritten. A reevaluation IEP **must** include responses to six specific questions contained on Page R. This new IEP must be reviewed within one year of the date of this IEP meeting. The reevaluation process must be completed within three years of the date of this IEP meeting.

**Amendment:** A previously written IEP is being amended — the IEP **is not** being completely rewritten. For example, a goal area and services might be dropped or a behavioral intervention plan might be added to the IEP. This may be done with or **without a meeting.**

Selecting “Amendment” for meeting type unlocks the IEP being amended and allows that IEP to be changed, except for the “Duration to” date. In addition to making the amendments within the IEP, complete a **Prior Written Notice,** referencing the IEP changes.

**NOTE:** Amending an IEP does not change the due date for annual review. For example, if an IEP was written in October and amended the following April, an annual review is due in October.

**Interim:** A previously written IEP is being replaced on a short-term basis by an interim IEP. This may occur when:

An eligible individual moves to a new AEA and the current IEP is unavailable, or

The IEP team determines it is necessary to temporarily provide special education as a part of the evaluation process in order to identify appropriate services. **NOTE:** An interim IEP shall not be in place for more than 30 school days. See **Rules:** 41.324(5).
Birthdate: _______ / _______ / _______ Grade: _______ Teacher/Service Provider: ____________________________

**Teacher/Service Provider.** Identify the teacher or support service provider with primary responsibility for the IEP.

Resident District: ____________________________ Building: ____________________________

**Resident District.** In most cases the district is the school district in which the parent and the child reside. In cases where the child does not reside with parent(s) refer to Iowa Rule 41.51(12) to determine resident district.

Resident Building. A child’s resident building is the building where the student would attend, based on where the child’s parents reside.

Attending District: ____________________________ Building: ____________________________

**Attending District.** District where the student attends school.

**Attending Building.** School building where the student attends school.

Attending Area Education Agency: ________________ Attending Building Phone: ____________________________

**Attending Area Education Agency.** The AEA that serves the child’s attending district and building.
Parent/Student Address. Complete name, address and telephone number information for the identified (X) parties. The person(s) with whom the student resides must also have “Student” marked next to their address. Some examples:

- Eligible individual lives at home with both parents or a single parent
- Parent
- [ ] Foster Parent
- [ ] Guardian
- [ ] Surrogate
- [X] Student

- Primary custody with one parent; second divorced parent
- Parent
- [ ] Foster Parent
- [ ] Guardian
- [ ] Surrogate
- [X] Student

- Eligible individual placed in a foster home
- Parent
- [ ] Foster Parent
- [ ] Guardian
- [ ] Surrogate
- [X] Student

- Eligible individual placed in a residential facility
- Parent
- [ ] Foster Parent
- [ ] Guardian
- [ ] Surrogate
- [X] Student

Duration of this IEP: From _____/_____/______ to _____/_____/______
Reevaluation is due: _____/_____/______

Duration of this IEP. Specify the date the IEP will go into effect and the date it is anticipated to end. The duration may be less than one year, but never more. Reasons for a duration of less than one year may include: graduation of the student, anticipated change in program, a 45-day trial placement in general education, a 45-day alternative placement related to student discipline, short-term hospital or home instruction for health reasons, and so forth. Specifying the beginning date of each service, activity and support is also required on Page F.

Reevaluation is due. Specify the date by which the reevaluation must occur. The reevaluation process must be completed within three years of the initial IEP date or the last reevaluation IEP date.
Procedural safeguards were reviewed by: ____________________________  Method: ____________________________

**Procedural safeguards were reviewed by.** Parents must be provided with a copy of their procedural safeguards at least once a year. *A copy could be provided with the IEP meeting notice or at the IEP meeting.* Complete this item with the name of the individual who has reviewed rights and has assured that the parents have a copy of Parental Rights in Special Education.

**Method.** Indicate the method used (e.g., verbal, explained through interpreter, etc.).

Rights will transfer at age 18: ____ / ____ / ____  Notification: Student ____ / ____ / ____  Parent: ____ / ____ / ____

**Rights will transfer at age 18.** The requirement satisfied by this item is “Beginning no later than one year before the child reaches the age of majority [in Iowa: 18th birthday, date of marriage, or date a prison term begins if convicted as an adult], the IEP must include a statement that the child has been informed of the child’s rights under Part B of IDEA, if any, that will transfer to the child on reaching the age of majority

**Student notification.** The notification requirement applies to the IEP written prior to and during the year that a student is 16 years old. DO NOT change this date on IEPs written at age 17 or above. Changing the date gives the appearance that notice was not given at least one year prior to the transfer of rights.

**Parent notification.** Include dates for both student and parent notification. The public agency (school district or AEA) must provide notice to both the child and the parents.

**Persons Present at Meeting/Position or Relationship to Student.** *(See alternate directions for Amendment IEPs without meetings)*. This item communicates only that these persons attended the meeting and does not indicate agreement or disagreement with the IEP. This item may be completed by the person acting as recorder for the meeting.

**Transition Note:** Students must be invited to their IEP meeting if the purpose of the meeting is consideration of post-secondary goals and needed transition services. If the student does not attend, steps must be taken to ensure that the individual’s preferences and interests are considered in the development of the IEP. Also, with parent or age-of-majority student consent, any agency likely to be responsible for providing or paying for transition services must be invited to the meeting.
Parental agreement to amend without a meeting:

Person who contacted parent: ____________________________

Method of contact: ____________________________

Date of agreement: _______ / _______ / _______

Amendment IEPs without meetings. When an Amendment IEP is indicated as the meeting type, you will be asked by the Web IEP if a meeting will be held. An Amendment IEP may be developed without a meeting when doing so has been agreed-upon by the parent(s) and the school or AEA. When no meeting is held, the IEP documents this agreement, rather than persons present, by noting:

- The person who contacted parent,
- The method of contact (phone, face-to-face contact, etc.), and
- The date of agreement

Note: When amending an IEP without a meeting, take action to assure the meaningful participation of all IEP team members affected by the amendment. This will always include the parents, but may also need to include multiple special and general educators, administrators and AEA support staff.

The duration of an amended IEP remains the same as the existing IEP. The Prior Written Notice form is used to provide the parents with a summary of the specific change(s) made through the amendment and to provide the rationale and data that support the change(s).

Outside written input: Name/Agency: ____________________________ Date: _______ / _______ / _______

Outside written input. “Outside” sources do not include school or AEA personnel. Identify any source of written information that is being considered in the development of this IEP (physician, clinic, etc.).
**Required System Data**

<table>
<thead>
<tr>
<th>Ethnicity: (See Below)</th>
<th>Shortened school day</th>
<th>Basis for enrollment:</th>
<th>Disability(ies):</th>
<th>Full Time:</th>
<th>Part Time:</th>
<th>Served status:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Early childhood code:</td>
<td>Final Exit:</td>
<td>Weighted Enrollment Factor</td>
<td>Recommended:</td>
</tr>
<tr>
<td>Domicile District:</td>
<td>Domicile Building:</td>
<td>Roster change(s):</td>
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</table>

- **Shortened school day.** Indicate the team’s determination. A shortened school day should be a very uncommon occurrence. Refer to 281-41.11(2)

- **Disability(ies).** Indicate the disability designation(s) determined through a full and individual evaluation or reevaluation. Most students with disabilities will be identified as “EI” as their sole or primary disability. See Codes.

- **Full-time/Part-time:** *For children age 3 to school entry only*, indicate if the child will be served on a full- or part-time basis.

- **Early Childhood Code:** See EC Setting Worksheet directions and Codes.

- **Weighted Enrollment Factor:** 0, 1 (1.72), 2 (2.21), or 3 (3.74). Assigning a weighted enrollment factor to a student’s program is the responsibility of the AEA Director of Special Education or the Director’s designee. The weighted enrollment matrix is included for your reference.

- **Domicile district/building.** The district and building the student would attend based upon where the student lives. Normally this is the same as resident district but there are exceptions when children do not reside with their parents. (Refer to 41.51(12))

- **Attending building(s):** The correct coding of school “type” is important for federal reporting purposes. Some students have multiple attending buildings. The “Attending Building” referred to in this item is the one identified near the top of Page “A”. Typically, this is where we “roster” the student and in the vast majority of cases the answer will be “Yes”. Check “No” to this item if more than 50% of the school day is spent at another site and identify that site from the choices on the drop down menu on the web IEP.

- **Residential placements.** Indicate “Yes” if the individual “resides” (spends more than 50% of his or her nights) at the facility identified in the previous item.
The student was placed in this school/facility at the direction of. For students in residential placements, select from the options:

Court Ordered, Parent Choice, DHS Ordered, IEP Team Choice, Student Choice

Federal Race and Ethnicity Data

<table>
<thead>
<tr>
<th>Is the student Hispanic/Latino?</th>
<th>Yes, Hispanic/Latino (A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No, not Hispanic/Latino</td>
</tr>
</tbody>
</table>

Who made this determination?

| The Student or Parent(s)       | An LEA or AEA designated observer                                                                                           |

What is the student’s race? (Check all that apply)

- American Indian or Alaska Native: (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.)
- Asian: (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)
- Black or African American: (A person having origins in any of the black racial groups of Africa.)
- Native Hawaiian or Other Pacific Islander: (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.)
- White: (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.)

Who made this determination?

| The Student or Parent(s)       | An LEA or AEA designated observer                                                                                           |

Federal Race and Ethnicity Data. Clicking on “Show Race-Ethnicity Data” opens this box. Clicking on “Hide Race-Ethnicity Data” closes this box.

Race-ethnicity data collection is accomplished through a two-part question:

- Is the student Hispanic/Latino?
- What is the student’s race?

Hispanic/Latino: The federal definition is: A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. “Spanish culture or origin” is the over-arching concept, NOT geography. For example, while people self-identify, the following are generally not considered Hispanic/Latino:

- Brazilian-Americans and Surinamese-Americans (The South American nations of Brazil and Suriname are former Portuguese and Dutch colonies, respectively)
- French Guianan-Americans (The South American Department of French Guiana remains part of France)

Race: Multiple races may be indicated. Use these definitions:

- American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Black or African American: A person having origins in any of the black racial groups of Africa.
- Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Who made determinations? Parent report or self-report is strongly preferred. If it is not possible to make an identification in this way, follow your district’s or AEA’s procedures for making a determination.
**Present Levels of Academic Achievement and Functional Performance**

**Strengths, interests and preferences** of this individual

__________________________

__________________________

Parents’ concerns regarding their child’s education

__________________________

__________________________

**The IEP team must consider** the following when developing this IEP.

**Behavior** (in the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions, supports and other strategies, to address that behavior)

☐ Yes, behavior is a concern and will be addressed in this IEP.

☐ Yes, behavior is a concern and will be addressed in the attached Functional Behavioral Assessment and Behavior Intervention Plan.

☐ No, behavior is not a concern.

**Communication** and language, especially if the student is deaf or hard of hearing.

☐ Yes, communication and language are a concern and will be addressed in this IEP.

☐ No, communication and language are not a concern.

**Health Needs** (intervention, procedures, or services required in order to access education)

☐ Yes, health is a concern and will be addressed in this IEP.

☐ No, health is not a concern.

**Limited English** proficiency (Consider the language needs related to the IEP)

☐ Yes, limited English is a concern and will be addressed in this IEP.

☐ No, limited English is not a concern

**Braille** instruction needs if this student has a visual impairment

☐ Yes, Braille is needed and will be addressed in this IEP.

☐ No, Braille is not needed.

**Assistive technology** (services, software and devices needed to access the general education curriculum)

☐ Yes, assistive technology is needed and will be addressed in this IEP.

☐ No, assistive tech. is not needed.

This student is NIMAS eligible: ☐ Yes ☐ No

**Other information** essential for the development of this IEP

__________________________

__________________________

Describe the **effect of this individual’s disability** on involvement and progress in the general education curriculum and the functional implications of the student’s skills. For a preschool child, describe the effect of this individual’s disability on involvement in appropriate activities.

__________________________

__________________________

**B (Students ages 3 through 12)**
Present Levels of Academic Achievement and Functional Performance
(PLAAFP – Page B) – Ages 3-12

The sections of the PLAAFP are intended to:

- Engage parents and students in the IEP process
- Establish a context for discussion by the IEP team
- Establish a foundation for decision-making (e.g., priorities for goals, activities, etc.)
- Establish a foundation for specially designed instruction

Gathering as much information as possible prior to the meeting will facilitate the discussion. Complete these items as a team before proceeding to discussion of the rest of the IEP.

Strengths, interests and preferences of this individual

Strengths, interests and preferences of this individual. The IEP team is required to consider the strengths of the eligible individual. Also document interests and preferences to assist in planning for the individual’s needs.

Strengths are general things the student is good at (singing, telling jokes, math computation, sports, band, following directions, etc.). For preschool children this may include strengths associated with the developmental skills addressed in the Iowa Early Learning Standards (Physical Well-Being and Motor Development, Approaches to Learning, Communication Language and Literacy, Social and Emotional Development, Mathematics and Science, Creative Arts) such as sharing, turn-taking, dressing, doing puzzles, etc.

Interests are things, events, or people that evoke the student’s curiosity (sports, rocks, peer interaction, computers, music, etc.). For preschool children this may include interests associated with their daily activities (e.g. vehicles, animals, dancing, community helpers, etc.)

Preferences are things, events, or people that the student chooses over others. They could pertain to, but not limited to the needs of the student in the school setting (e.g. prefers working with a partner, working independently, utilizing hands-on activities, etc.). For preschool children this may include their choice of participation in centers or activities in the home (e.g. cooking, dramatic play, blocks, art, etc.).

Parents’ concerns regarding their child’s education

Parents’ concerns regarding their child’s education. The IEP team is required to consider the concerns of the parents for enhancing the education of their child. Sometimes, these are general statements (“We would like more help in the area of math”, “We don’t think her reading is coming along as well as it could”), but may be quite specific (“We would like another hour of associate help for Susan”, “Jeremy needs access to a computer at all times”). For preschool children these statements might include concerns about kindergarten readiness, self-help skills, communicating their wants and needs, getting along with friends, participation in community activities, etc.

At this point in the IEP process, it is not time to set goals or define services, activities and supports. First, assure the parents that their concerns will be addressed as the IEP is developed and record their concerns in their own words. Second, make sure that the parents’ concerns are addressed as the IEP is developed.

If the parents have no concerns, state “The parents have no concerns.”

Consideration of the parents’ concerns for enhancing their child’s education is a required component of the IEP process. An effort needs to be made to obtain parent input any time it is known that the parents will be unable to attend the IEP meeting.
Special considerations to be addressed in developing this IEP. Respond to each area of consideration.

At this point in the IEP process, the team is identifying specific areas that bear consideration and potential action as the rest of the IEP is developed. Each decision must be documented, though some may require little discussion (e.g., limited English proficiency for a student whose first language is English).

**Addressed in this IEP** means only that the area represents a concern and that at least some information is provided about this area in the IEP. The discussion of a special consideration that is an area of concern and the indication that the area will be “addressed in this IEP”, could result in information being documented under Other Information, Effect of Disability, Course of Study, Goals, Services and Supports or other sections of the IEP.

For example, if behavior is of some concern, but classroom or program-wide positive behavior supports are having a beneficial effect and individualized supports are unnecessary, the team would check the first option and could note relevant information in the “Other Information” section of the IEP. However, if behavior is a significant concern that the team believes it must be addressed in the IEP (goals and services, activities or supports) and in a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP), the team would indicate both of the first two options and follow the specific requirements of the FBA and BIP.

| Behavior | Indicate that behavior is an area of concern and will be addressed in the IEP when the student’s behavior interferes with her or his learning or the learning of others. |
| Communication and Language | Indicate that communication and language is an area of concern and will be addressed in the IEP when either 1) communication needs are a known concern, or 2) the student is deaf or hard of hearing and the impairment adversely affects his or her learning. |
| Health | Indicate that health is an area of concern and will be addressed in the IEP when the student’s health interferes with access to educational environments or interferes with educational performance. |
| Braille | Indicate that Braille instruction is needed when the student’s vision is impaired to the extent that even with correction, the vision limits educational performance and Braille instruction is needed. |
| Limited English Proficiency | Indicate that limited English proficiency is a concern that will be addressed in the IEP when the student’s first language is not English and the student has not acquired academic proficiency in English. |
| Assistive Technology | Indicate that assistive technology is needed and will be addressed in the IEP when the student cannot complete or participate in daily educational tasks or activities because of the disability and assistive technology is needed. |
This student is NIMAS eligible: ☐ Yes ☐ No

NIMAS eligibility. Discuss the student’s potential need for accessible instructional materials. Students who are NIMAS-eligible comprise only some of the eligible individuals whose needs include accessible materials. For further information, click on the NIMAS link in the Web IEP.

For this IEP item, indicate “Yes” if the student is:

1) **blind** (visual acuity is 20/200 or less in the better eye with correction or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees);

2) **visually impaired** (impairment with correction prevents the reading of standard printed material);

3) unable to read or unable to use standard printed material as a result of physical limitations; or

4) certified by competent authority (i.e., a physician) as having a reading disability resulting from organic dysfunction of sufficient severity to prevent reading printed material in a normal manner.

If none of these apply, indicate “No”.

**Note:** If this item is checked “Yes”, Specialized Accessible Formats (Braille, large print, audio, digital text) will automatically be checked on Page F.

Other information essential for the development of this IEP. Document information that establishes the need for activities and supports that are not directly related to a goal of the IEP.

**Example:** Other information: “Juan is ambulatory, but walks and goes up and down stairs very slowly” This information establishes the need for an accommodation. **Service, activity or support** (Page F) “Juan is allowed six minutes to make class changes without being considered tardy.”

Document information that the IEP team believes is useful to an understanding of the eligible individual’s current status and needs, or may require future action through the IEP.

**Example:** “Tina has been diagnosed as having attention deficit disorder. Past IEPs have included behavioral goals and services. She currently receives medication which effectively controls problems of attention and work completion.”

For English language learners, document any language-support accommodations will be provided on districtwide assessments that are different from accommodations that will be provided due to disability.

**Example:** Due to her ELL status, Maria will be provided written directions in Spanish on districtwide assessments.

**Example:** In addition to assessment accommodations due to his disability, Thanh will have available an approved English/Vietnamese word-to-word dictionary on districtwide assessments.
Describe the effect of this individual’s disability on involvement and progress in the general education curriculum and the functional implications of the student’s skills. For a preschool child, describe the effect of this individual’s disability on involvement in appropriate activities.

Make a general statement regarding the impact of the individual’s disability on curriculum involvement, and, for preschool children, involvement in appropriate activities. You must include information that describes the functional implications of the effect of the student’s disability. Include both in school and out of school implications.

Note: For further definition and information regarding curricular and functional implications, see IEP Development in the body of the the AEA Special Education Procedures Manual.

Examples: Simon is progressing through the general curriculum at a level expected for his grade in math, science and social studies, but significantly below his peers in language arts. He does not independently acquire content through reading and requires assistance in creating written products in subject areas. Accommodations will be required on job placements where reading and writing skills are necessary.

Maria’s physical limitations do not interfere with acquiring the content of the general curriculum. However, she is not always able to fully participate in all learning tasks and activities (e.g., she can use a microscope to observe the cellular structure of a leaf but requires assistance to prepare a slide) and does not always participate in the same manner as peers (e.g., she creates written products with a voice-activated computer system). Maria is very mobile in her wheelchair, but at times physical barriers interfere with access to places and activities.

Torrance’s behavior does not interfere with his ability to be involved and make progress in the general curriculum. Interpersonal relationships with school peers and with adults, both in and out of school, have been affected. Job placements while in school and employment after graduation could be affected.

Tana’s progress in the general curriculum is significantly below peers in all areas. She does not always recognize potential danger in the community (traffic, strangers, etc.) In order to live independently, she will require self-help skills and assistance in accessing the community.

Gerald (age four) is developing at an age-expected rate and is able to participate in all age-appropriate activities but cannot always be understood when communicating with same-age peers and unfamiliar adults.

Tyler (age three) is developing at an age-expected rate in early literacy and early math, however, his behavior interferes with his ability to interact with same-age peers during group and center time.
**Present Levels** of Academic Achievement and Functional Performance

**Strengths**, interests and preferences of this individual

Parents’ concerns regarding their child’s education

The **IEP team must consider** the following when developing this IEP.

**Behavior** (in the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions, supports and other strategies, to address that behavior)

- Yes, behavior is a concern and will be addressed in this IEP.
- Yes, behavior is a concern and will be addressed in the attached Functional Behavioral Assessment and Behavior Intervention Plan.
- No, behavior is not a concern.

**Limited English** proficiency (Consider the language needs related to the IEP)

- Yes, limited English is a concern and will be addressed in this IEP.
- No, limited English is not a concern.

**Communication** and language, especially if the student is deaf or hard of hearing.

- Yes, communication and language are a concern and will be addressed in this IEP.
- Yes, communication and language are a concern and will be addressed in the attached Communication Plan for Deaf and Hard of Hearing.
- No, communication and language are not a concern.

**Braille** instruction needs if this student has a visual impairment

- Yes, Braille is needed and will be addressed in this IEP.
- No, Braille is not needed.

**Health Needs** (intervention, procedures, or services required in order to access education)

- Yes, health is a concern and will be addressed in this IEP.
- Yes, health is a concern and will be addressed in the health plan as a part of the student's health records.
- No, health is not a concern.

**Assistive technology** (services, software and devices needed to access the general education curriculum)

- Yes, assistive technology is needed and will be addressed in this IEP.
- No, assistive tech. is not needed.

**This student is** NIMAS eligible:  
Yes  No

**Transition assessments** and other information essential for the development of this IEP (address living, learning & working):

**Living**: Information sources: ________________________________  
Living: Results: ________________________________________________

**Learning**: Information sources: ________________________________  
Learning: Results: ________________________________________________

**Working**: Information sources: ________________________________  
Working: Results: ________________________________________________

B (Students ages 13-21)
The sections of the PLAAFP are intended to:

- Engage parents and students in the IEP process
- Establish a context for discussion by the IEP team
- Establish a foundation for decision-making (e.g., priorities for goals, activities, etc.)
- Establish a foundation for specially designed instruction

**Note:** In Iowa, secondary transition planning should begin no later than the first IEP to be in effect when the student turns 14, or younger if determined by the team.

*Complete these items as a team before proceeding to discussion of the rest of the IEP.*

---

**Strengths, interests and preferences of this individual**

**Strengths, interests and preferences of this individual.** The IEP team is required to consider the strengths of the eligible individual. Also document interests and preferences to assist in planning for the individual’s needs.

- **Strengths** are general things the student is good at (basketball, singing, telling jokes, etc.).
- **Interests** are things, events, or people that evoke the student’s curiosity (sports, rocks, etc.)
- **Preferences** are things, events, or people that the student chooses over others (e.g., a student may be interested in two activities that occur at the same time of year [e.g., track and soccer], but demonstrates a preference by participating in one over the other).

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**Parents’ concerns regarding their child’s education**

**Parents’ concerns for enhancing their child’s education.** The IEP team is required to consider the concerns of the parents for enhancing the education of their child. Typically, these are general statements (“We would like more help in the area of math”, “We don’t think her reading is coming along as well as it could”), but may be quite specific (“We would like another hour of associate help for Susan”, “Jeremy needs access to a computer at all times”). At this point in the IEP process, it is not time to set goals or define services, activities and supports. First, assure the parents that their concerns will be addressed as the IEP is developed and record their concerns in their own words. Second, make sure that the parents’ concerns are addressed as the IEP is developed.

If the parents have no concerns, state “The parents have no concerns.”

Consideration of the parents’ concerns for enhancing their child’s education is a **required** component of the IEP process. An effort needs to be made to obtain parent input any time it is known that the parents will be unable to attend the IEP meeting.
Special considerations to be addressed in developing this IEP. Respond to each area of consideration.

At this point in the IEP process, the team is identifying specific areas that bear consideration and potential action as the rest of the IEP is developed. Each decision must be documented, though some may require little discussion (e.g., limited English proficiency for a student whose first language is English).

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<table>
<thead>
<tr>
<th>Behavior</th>
<th>Indicate that behavior is an area of concern and will be addressed in the IEP when the student's behavior interferes with her or his learning or the learning of others.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indicate that behavior is an area of concern and will be addressed in a Functional Behavioral Assessment and Behavior Intervention Plan when an FBA and BIP are required to appropriately address the student's needs, or an FBA and BIP are required due to a disciplinary action.</td>
</tr>
<tr>
<td>Communication and Language</td>
<td>Indicate that communication and language is an area of concern and will be addressed in the IEP when either 1) communication needs are a known concern, or 2) the student is deaf or hard of hearing and the impairment adversely affects his or her learning.</td>
</tr>
<tr>
<td></td>
<td>Indicate that communication and language is an area of concern and will be addressed in a Communication Plan for the Deaf and Hard of Hearing when the student is deaf or hard of hearing, the impairment adversely affects his or her learning and a communication plan is needed.</td>
</tr>
<tr>
<td>Health</td>
<td>Indicate that health is an area of concern and will be addressed in the IEP when the student's health interferes with access to educational environments or interferes with educational performance.</td>
</tr>
<tr>
<td></td>
<td>Indicate that health is an area of concern and will be addressed in a health plan when the student's health interferes with access to educational environments or interferes with educational performance and specific action is required in the school setting.</td>
</tr>
<tr>
<td>Braille</td>
<td>Indicate that Braille instruction is needed when the student's vision is impaired to the extent that even with correction, the vision limits educational performance and Braille instruction is needed.</td>
</tr>
<tr>
<td>Limited English Proficiency</td>
<td>Indicate that limited English proficiency is a concern that will be addressed in the IEP when the student's first language is not English and the student has not acquired academic proficiency in English.</td>
</tr>
<tr>
<td>Assistive Technology</td>
<td>Indicate that assistive technology is needed and will be addressed in the IEP when the student cannot complete or participate in daily educational tasks or activities because of the disability and assistive technology is needed.</td>
</tr>
</tbody>
</table>
NIMAS eligibility. Discuss the student’s potential need for accessible instructional materials. Students who are NIMAS-eligible comprise only some of the eligible individuals whose needs include accessible materials.

For this IEP item, indicate “Yes” if the student is:

1) **blind** (visual acuity is 20/200 or less in the better eye with correction or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees);

2) **visually impaired** (impairment with correction prevents the reading of standard printed material);

3) unable to read or unable to use standard printed material as a result of **physical limitations**; or

4) certified by competent authority (i.e., *a physician*) as having a **reading disability resulting from organic dysfunction** of sufficient severity to prevent reading printed material in a normal manner.

For further information, click on the NIMAS link in the Web IEP.

If none of these apply, indicate “No”.

**Note:** If this item is checked “Yes”, Specialized Accessible Formats (Braille, large print, audio, digital text) will automatically be checked on Page F.
**Transition assessments.** For each post-secondary area of living, learning and working document information sources and results of transition assessments. The results must include data or skills information that are sufficient to demonstrate that the area has been assessed and to determine if there is a need for services, supports or activities. Transition assessments are broadly defined and may include review of school records and classroom data; interviews of the student, caregivers, parents or employers; observations; questionnaires, informal assessments or published assessments. The following table provides a set of prompts to assist in considering potential information needs. Transition assessment examples are provided on the following page.

*Also, see:* http://transitionassessment.northcentralrrc.org/

<table>
<thead>
<tr>
<th>Transition Planning Assessment Areas</th>
<th>Living</th>
<th>Learning</th>
<th>Working</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interests/Preferences for Post-Secondary Expectations</td>
<td>Community Living Preferences</td>
<td>Formal education with licensure, certification or degree</td>
<td>Work Style Options</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-formal education</td>
<td>Career Options</td>
</tr>
<tr>
<td>Basic Skills for Post-Secondary Expectations</td>
<td>Home and Community Living Skills</td>
<td>Literacy (math, reading, writing) skills</td>
<td>Core workplace skills</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Technology</td>
<td>(general employability)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Communication skills</td>
<td>Organizational/ time management</td>
</tr>
<tr>
<td>Attitudes-Habits-Self Awareness for Post-Secondary Expectations</td>
<td>Personal Organization Interpersonal Personal (hygiene, sexuality, etc.)</td>
<td>Study/ Test taking skills Personal learning characteristics/learning style</td>
<td>Work Ethics/Values</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ability to work on one's own and with others</td>
</tr>
<tr>
<td>Critical Thinking-Application Skills for Post-Secondary Expectations</td>
<td>Decision-making Skills Personal Life Choices</td>
<td>Application of knowledge to real life, known situations Application of knowledge to real life, unpredictable situations</td>
<td>Ability to adapt to new tasks/jobs Ability to problem solve on the job. Job specific/technical skills</td>
</tr>
</tbody>
</table>

*Page B1 Ages 13-21*  
*Page B2 Ages 13-21*  
*Manual TOC*  
*Appendix TOC*  

*Living Assessment Examples*  
*Learning Assessment Examples*  
*Working Assessment Examples*
Transition Assessment Examples (Living):

**Jared**

**Living information sources:** Parent and student interviews, school and community-based observations.

**Living results:** Jared is able to function independently to meet his needs for post-secondary living. He has a driver’s license and can access community resources, cook, clean, do laundry, take care of personal hygiene and manage his checking and savings accounts.

**Suzy**

**Living information sources:** School records, including adaptive skills inventories, parent and caregiver interviews, school and community-based observations.

**Living results:** Suzy can chew and swallow solid food when it is presented to her. She can assist in transferring her weight from a sitting position and can sit without support for five minutes. She can use her electric wheelchair to get around indoors in familiar settings but needs assistance in crowded or unfamiliar settings. She also needs assistance to complete all daily living tasks. Suzy adapts easily to new people and new routines.

Transition Assessment Examples (Learning):

**Jared**

**Learning information sources:** Teacher and student interviews, school records, Iowa Tests of Educational Development.

**Learning results:** Jared’s ITED scores all exceed the 75th percentile. His classroom work is of excellent quality and math, reading, and writing skills are comparable to that of his peers. However, Jared does not keep track of assignments nor allocate time outside of class to complete homework or study for tests. As a result, homework is turned in accurately 69% of the time, which affects his grades (1.74 GPA). A higher grade point will be necessary for Jared to pursue his post-secondary expectation of a four-year degree.

**Suzy**

**Learning information sources:** School records, teacher interviews, classroom data.

**Learning results:** Suzy uses a communication system to express basic needs. She demonstrates an understanding of common signs and symbols in the community and 250 selected sight words but does not read connected text. She understands basic concepts of quantity (e.g., more-less), follows a picture schedule and understands time signals (e.g., school bells) and can match amounts to a model but she does not count, perform calculations or tell time or read a calendar. Suzy enjoys learning new tasks and changes in routine.

Transition Assessment Examples (Working):

**Jared**

**Working information sources:** School records, parent, student and community experience supervisor interviews.

**Working results:** Jared has a job through the school work experience at the hospital where he helps transport patients and deliver lab results. At work, he is friendly and completes his assignments on time. At times, however, he does not accept changes in assignments well and is occasionally late or absent without calling in. At home, Jared has a number of chores for which he receives an allowance. He needs reminders to complete those tasks and can be explosive when asked to redo tasks. He expresses a keen interest in continuing to work and receive further education in the area of health care. He cannot complete a resume or job application nor does he know how to contact employers for potential work.

**Suzy**

**Working information sources:** School records, parent and teacher interviews.

**Working results:** Suzy can attend to tasks for up to ten minutes and can remain in the same physical position for up to 45 minutes. She has difficulty with fine motor tasks, but can follow a three-step picture routine (match-to-sample). She works well with others and prefers socially active environments with bright, active physical attributes.
Describe the effect of this individual’s disability on involvement and progress in the general education curriculum and the functional implications of the student’s skills.

Based on the transition assessments, describe the post-secondary expectations for living, learning, and working.

**Post-secondary expectation** for living: __________

☐ Yes ☐ No Is living an area of need that will be addressed with goals, services or activities in this IEP?

**Post-secondary expectation** for learning: __________

☐ Yes ☐ No Is learning an area of need that will be addressed with goals, services or activities in this IEP?

**Post-secondary expectation** for working: __________

☐ Yes ☐ No Is working an area of need that will be addressed with goals, services or activities in this IEP?

**Course of study**

What requirements does this student need to meet to graduate? __________

What is this student’s current status with regard to these requirements?: __________

Target graduation date (mo/yr): _____ / _______

Courses and activities needed to pursue the post-secondary expectations and graduate by the target graduation date.
Other information essential for the development of this IEP. Document information that establishes the need for activities and supports that are not directly related to a goal of the IEP. For example, a student with a physical limitation may need the accommodation of additional time to complete certain tasks in the school setting. Also, document information that the IEP team believes is useful to an understanding of the eligible individual’s current status and needs, or may require future action through the IEP.

Example: Other information: “Juan is ambulatory, but walks and goes up and down stairs very slowly.” This information establishes the need for an accommodation. Service, activity or support (Page F) “Juan is allowed six minutes to make class changes without being considered tardy.”

Example: Other information: “Tina has been diagnosed as having attention deficit disorder. Past IEPs have included behavioral goals and services. She currently receives medication which effectively controls problems of attention and work completion.”

NOTE: When completing this section for a Reevaluation IEP during high school, the IEP team may wish to include information needed by adult service providers to document the severity and persistence of the student’s disability over time. This information should provide a succinct summary that leads up to the next item in the IEP (effect of this individual’s disability). Include any accommodations that have proven effective for the student.

Example: File review indicates that developmental delays were recognized before age two. Jeremy has received special education support from age two to the present. He has displayed significantly slow progress in all domains and his educational needs have included academic and functional life skills components.

Describe the effect of this individual’s disability on involvement and progress in the general education curriculum and the functional implications of the student’s skills.

Make a general statement regarding the impact of the individual’s disability on curriculum involvement, pursuit of the post-secondary expectations. You must include information that describes the functional implications of the effect of the student’s disability. Include both in school and out of school implications.

Examples: Simon is progressing through the general curriculum at a level expected for his grade in math, science and social studies, but significantly below his peers in language arts. He does not independently acquire content through reading and requires assistance in creating written products in subject areas. Accommodations will be required on job placements where reading and writing skills are necessary.

Maria’s physical limitations do not interfere with acquiring the content of the general curriculum. However, she is not always able to fully participate in all learning tasks and activities (e.g., she can use a microscope to observe the cellular structure of a leaf but requires assistance to prepare a slide) and does not always participate in the same manner as peers (e.g., she creates written products with a voice-activated computer system). Maria is very mobile in her wheelchair, but at times physical barriers interfere with access to places and activities.

Torrance’s behavior does not interfere with his ability to be involved and make progress in the general curriculum. Interpersonal relationships with school peers and with adults, both in and out of school, have been affected. Job placements while in school and employment after graduation could be affected.

Tana’s progress in the general curriculum is significantly below peers in all areas. She does not always recognize potential danger in the community (traffic, strangers, etc.) In order to live independently, she will require self-help skills and assistance in accessing the community.

NOTE: It is not necessary to repeat information that has been provided in the Transition Assessments sections. Note “See Learning Results”, “See Living, Learning, and Working Results,” and so forth as appropriate. Then add any additional effects of the disability such as effects on the impact on involvement in nonacademic and extracurricular activities.
Post-secondary expectations. Statements about post-secondary expectations describe what the student will pursue after graduating from high school. The areas of living, learning and working are considered. These statements should be based on assessment information (including student and family preferences) and represent what the IEP team, including the student and parents, will use to plan goals, services, activities and supports. Post-secondary expectations should project into the future after high school. They should also be written in terms that are observable and state the actual result not the process of doing it. For example “will work at …” rather than “will apply for jobs”.

Post-secondary expectations must:

- Project beyond high school,
- Include an anticipated result in each of the areas of living, learning and work,
- Be written as observable behaviors,
- Become more specific as a student approaches his or her post-secondary transition, and
- Be the foundation for the course of study, goals, & services, activities and supports documented in the IEP.

Examples. Living: Josh will live in an apartment with roommates.

   Learning: Josh will complete an associate degree in landscaping.

   Working: Josh will work as a greenhouse/landscaping business.

Area of need. Use this box to indicate if the needs identified during the transition assessment will be addressed through the provision of services, supports or supplementary aids to complete goals or activities for the duration of the IEP under development. Keep in mind that transition is a multi-year process. It is possible that some needs identified through the transition assessment will not result in services, supports and supplementary aids in the coming year. Some may not ever rise to a level of priority to need services, supports or supplementary aids.

If the IEP indicates that no supports or services are needed in a post-secondary area (living, learning or working) for the coming year, then one of two things must also be present. Either the assessment information in the PLAAFP must be sufficient to determine that no needs exist in that post-secondary area, or the course of study should indicate that the need will be addressed in a future year. An area of need might be addressed in the course of study by specifying courses or activities that will occur at some point in the future but those needs might not be addressed through goals, services and activities in the IEP being written through goals, services and activities.

Example. “Sierra is a freshman. Her post-secondary expectation is to work as a veterinarian’s assistant. Her course of study includes junior and senior year activities specific to this occupation. If there are no freshman or sophomore year activities specific to the post-secondary expectation for work, the IEP team would document “No” to the question: “Is working an area of need that will be addressed with goals, services or activities in this IEP?”
Course of study. By age 14, include:

- **Graduation requirements.** This may be stated in any way that makes the intent very clear. Use the most specific language possible. For example, “48 credits are required for graduation” or “Thomas’s performance must meet the Self-Determination goal stated in the IEP and he must complete all vocational experiences in his course of study.”

- **Current status.** State clearly and specifically the student’s current status in relationship to the stated graduation requirements. For example, “Janine had 18.5 credits at the completion of the Fall semester” or “Thomas is projected to complete his Self-Determination goal by the end of the next semester. He has completed 50% of the vocational experiences in his course of study.”

- **Target graduation date.** Document the anticipated month and date of graduation. This date represents the IEP team’s best guess at the time the IEP is being written. This date may be changed, if necessary, in future IEPs.

- **Courses and activities needed to pursue the post-secondary expectations and graduate by the projected date.**

  **Example** Sheri will complete 4 years of English, 3 years of math, 3 years of social studies and 3 years of science. She will use one semester of consumer math and one of business math for a math credit. Sheri will also take Child Care and Career Child Care to investigate the possibility of this as a career field. She will also work with the guidance department on career awareness activities to identify a career field. Sheri will have to option to participate in an internship her senior year. Sheri will participate in Second Chance reading class to continue to improve her reading skills.

  **Example** Victoria will participate in the general education curriculum with modified expectations. She will participate in elective classes, such as child care, foods, music and PE with accommodations/modifications. Victoria will have community-based experiences for work, mobility and leisure to assist the transfer of functional performance of academic, work and living skills to real-world situations.
Goal #:

State of Iowa Core Content Standard and Grade Level Benchmark(s) upon which this goal is based:

District Standard and Grade Level Benchmark(s) upon which this goal is based:

Current Academic Achievement and Functional Performance (Results of the initial or most recent evaluation and results on district-wide assessments relevant to this goal; performance in comparison to general education peers and standards).

Baseline (Describe individual’s current performance in measurable terms using the same measurement as measurable annual goal and progress monitoring procedures).

Measurable Annual Goal: conditions (when and how the individual will perform); behavior (what the individual will do); and criterion (acceptable level of performance). For students 14 years and older, indicate if this goal is related to post-secondary expectations of: (check all that apply to this goal) □ living □ learning □ working

Progress Monitoring procedures (State how progress toward meeting this goal will be measured, how often progress will be measured, and the decision-making rule that will be used in considering instructional changes).

Position(s) responsible for services

See attached graph

<table>
<thead>
<tr>
<th>Major Milestones or Short Term Objectives/Dates Expected</th>
<th>Comments/Progress Notes/Dates Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Required for students assessed against alternate achievement standards)</td>
<td></td>
</tr>
</tbody>
</table>

Goal #: Progress Report

1 = This goal has been met.
2 = Progress has been made towards the goal. It appears that the goal will be met by the time the IEP is reviewed.
3 = Progress has been made towards the goal but the goal may not be met by the time the IEP is reviewed.
4 = Progress is not sufficient to meet this goal by the time the IEP is reviewed. Instructional strategies will be changed.
5 = Your child did not work on this goal during this reporting period (provide an explanation to the parents).

__/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5
__/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5
__/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5

__/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5  __/__/____  1  2  3  4  5
**Goal number.** Number a student’s goals, beginning with #1.

**State standard and benchmark related to this goal.** State the *Iowa* standard and benchmark related to the student’s current grade placement or the standard and benchmark related to the student’s grade placement in one year. State the standard and benchmark *in full*, not just its number or coding. For preschool children, use the Iowa Early Learning Standards. Both are available on a drop down menu on the Web IEP.

**Examples:**
- Standard: Students can comprehend what they read in a variety of literary and informational texts.
- Benchmark: Students can determine the main idea of a text.
- Standard: Students can understand and apply a variety of math concepts.
- Benchmark: Students can understand and apply problem-solving approaches and procedures.

**NOTE:** Choose option on drop down menu “No Standard or benchmark related to this area” for nonacademic goals such as motor or behavior goals, where there may be no relevant standards or benchmarks.

**District standard and benchmark related to this goal.** State the standard and benchmark related to the student’s current grade placement or the standard and benchmark related to the student’s grade placement in one year. State the standard and benchmark *in full*, not just its number or coding. The district standards and grade level benchmarks should be available from the drop down box on the Web IEP.

**Examples:**
- Standard: Read and interpret a variety of materials from a cross section of society; Benchmark: Draw conclusions from reading a short passage
- Standard: Apply properties of real numbers; Benchmark: Define/compare decimal, fraction and percent relationships
- Standard: Write a quality product which communicates ideas to different audiences for a variety of purposes; Benchmark: Write two complete paragraphs with correct punctuation, capitalization and spelling

**NOTE:** In some cases, a relevant standard and benchmark may not be available. Use a district learning goal or essential learning if one is relevant.

**Examples:**
- Learning goal: Skills, habits and traits of character for leading healthy lives as contributing members of society.
- Learning goal: Effectively generate and communicate thoughts, ideas and information to a variety of audiences.

If there is no relevant standard, benchmark, district learning goal or essential learning, choose the option “No standard or benchmark related to this area”.

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430
Current Academic Achievement and Functional Performance (CAAFP). Include *relevant* evaluation information from the initial or most recent evaluation, district-wide assessments, and current performance in comparison to general education peers and standards and the functional expectations of the environments where the individual’s skills will be performed. Relevant information is directly related to the goal area and recent enough to merit consideration in developing this particular goal.

**Example:** Maribelle reads words with short vowels correctly, but does not consistently decode vowel teams accurately. Her comprehension of fourth grade materials is poor and she does not independently acquire content from subject matter reading. Her reading composite score on the ITBS was the 9th percentile. She has mastered second grade district benchmarks in reading. *Her peers average 140 words read per minute with 98% decoding accuracy in fourth grade materials.*

**Note:** Ending this item with the data that will be compared to the baseline will make it easier for the reader of the IEP to follow the progression of items.

---

**Baseline.** State the student’s current performance on the indicator that will be used to measure progress towards the goal. The baseline, just like the goal, must be observable, measurable and specific.

- *The baseline must include a number!*
- *The baseline number is also the graph starting point for progress monitoring*
- *The measurement tool used to determine the baseline must also be the measurement tool used in progress monitoring*

**Example:** Maribelle reads 74 words per minute with 83% decoding accuracy in fourth grade materials.
Measurable annual goal. Enter one annual goal on each page. The goal represents an ambitious and realistic one-year accomplishment. The goal must address needs identified in the Present Levels of Academic Achievement and Functional Performance (PLAAFP). A well-written goal should be meaningful, measurable, able to be monitored, and useful in making decisions. The goal must include:

- **Conditions** (when and how the individual will perform): In 36 weeks, given a fourth grade level passage
- **Behavior** (what the individual will do): Maribelle will read
- **Criterion** (acceptable level of performance): 100 words per minute with 95% decoding accuracy

For students 14 and older, indicate the post-secondary expectations that the goal addresses. A single goal may relate to more than one post-secondary expectation. A reading goal might assist a student in meeting living, learning and working expectations; community mobility may assist in meeting living and work expectations.

The IEP must contain appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills. Transition skills then are designed to assist students to reach these goals. In Iowa these areas are designated as living, learning, and working. The practice of identifying appropriate measurable post-secondary goals begins with the statement of expectations and continues with determining the relationship of goals to these expectations. For example, a reading goal might be linked to an expectation to graduate from college, a math goal might be linked with an expectation that a student live (and budget) independently.

Progress monitoring procedures. Indicate 1) how progress toward this goal will be measured, 2) how often progress will be measured and graphed (every two weeks at a minimum), and 3) the decision-making rule that will be utilized to determine when changes to the goal or to the instructional or intervention approach and how the rule will be applied. *Describe frequent and repeated measures.*

**NOTE:** The baseline and goal criterion *must* have the same numeric measurement and the evaluation procedures *must* correspond to that measurement.

- **Good alignment:** Baseline: Suzy is on-task 62% of the time. Goal criterion: Suzy will be on-task 90% of the time. Evaluation: Weekly, structured classroom observations.
- **Bad alignment:** Baseline: Suzy is on-task 62% of the time. Goal criterion: Suzy will complete 95% of her assignments on time. Evaluation: Test grades.

Position(s) responsible for services. Responsible person(s) may include special education teacher, social worker, school psychologist, parent, work experience coordinator, etc. (use titles, not names as specific staff could change while the IEP is in effect).

See attached graph. Obviously, data must be collected on all goals. Visual displays facilitate both decision-making and communication. The use of a graph or other visual representation of student data and the targeted level of performance is **required! Data entry at least every two weeks is also required.** The Web IEP allows the uploading of Associated Files (e.g., an Excel file with a graph or chart). If forms of visual display other than the Web IEP are used, data must be entered at least once every two weeks and the graph must be uploaded as an associated file to the Web IEP as often as progress reports are provided to parents (e.g., at the end of each quarter, tri-semester, etc.). However, use of the Web IEP graphing option is strongly encouraged!!!
Short-term objectives or major milestones. Short-term objectives or major milestones are required only for students who will be assessed using alternate achievement standards (i.e., student who will have the alternate assessment).

Short-term objectives or major milestones may be written for other students. Keep in mind, that even if short-term objectives or major milestones are written, the goal itself must be measurable. It is not permissible to write “Joey’s reading skills will improve” in combination with measurable objectives or measurable milestones.

Short-term objectives. Short-term objectives are the skills the student needs to acquire or be able to perform in order to reach his/her goal. For the goal “In 36 weeks, James will purchase ten grocery store items from a written list with 100% accuracy”, short-term objectives might be:

- By November 1, James will read orally the names of 50 items in the grocery store where his family shops from a written list with 100% accuracy
- By December 15, James will locate 50 items in the grocery store where his family shops from a written list with 100% accuracy
- By February 15, James will select ten items from a grocery list, place them in the cart and take them to the checkout lane and place them on the conveyor belt with 100% (30 of 30 steps) accuracy
- By April 15, James will give the grocery store clerk sufficient money to make a ten item purchase with 100% accuracy (sufficient money on 10 of 10 trials)

Major milestones. Major milestones are sequentially written, logical, task-analyzed components of the annual goal. For the annual goal “In 36 weeks, given a fourth grade level passage Maribelle will read 100 words per minute with 95% decoding accuracy” major milestones might be:

- By November 1, Maribelle will read 80 words per minute with 90% decoding accuracy
- By January 1, Maribelle will read 80 words per minute with 95% decoding accuracy
- By March 1, Maribelle will read 90 words per minute with 95% decoding accuracy
- By May 1, Maribelle will read 100 words per minute with 95% decoding accuracy

Dates expected. Include the dates of expected accomplishment in the statement of each milestone or objective.

Comments, progress notes, dates achieved. (41.320(1)d) Update this information at least as often as you would prepare a parent report.

Progress report. An eligible individual’s parents must be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children’s progress, of

1. Their child’s progress toward the annual goals; and
2. The extent to which that progress is sufficient to enable the eligible individual to achieve the goals by the end of the year.

NOTE: If the method chosen to fulfill this requirement is updated goal pages, complete this section and provide to the parents.

NOTE: If the method chosen to fulfill this requirement is a “report card,” include a copy of the report card in the student’s school records.
Current Academic Achievement and Functional Performance examples

- Mariah comprehends better when reading aloud than reading silently. Her word identification needs to improve. Her peers read at an average of 115 words/minute with 98% accuracy in word identification and 80-90% comprehension.

- Milo does not play with toys. When given a toy he will interact with it briefly. Peers his age play with toys six different ways according to the toy’s function.

- John continues to need help controlling his anger. When John loses control, it often results in physical and verbal aggression. This behavior has caused John to miss more classroom instructional time than his general education peers. General education peers on the average would miss no more than 15 minutes per week according to the referral records.

- Tyrone is working on following teacher directions. His difficulty in following directions has resulted in disciplinary referrals and lack of assignment completion. Tyrone’s academic and behavioral success is lower, on average, than that of his general education peers. According to Guidance Counselor information, general education peers follow directions 80% of the time.

Baseline examples

- When asked to orally read a 200-word passage from her world history textbook, Mariah reads at an average rate of 82 words per minute with 96% accuracy in word identification and 70% comprehension on a 10 question probe.

- When given toys/objects, Milo performs five schemes with them (shake, roll, bang, throw, push). He does not combine schemes into a functional play sequence with the toys/objects.

- Mei Li can write a five-sentence paragraph using both simple and compound sentences. She scores an average of 25/50 on the district’s writing rubric.

- Currently John, on average, is missing 90 minutes a week of classroom instructional time due to physical and verbal aggression.

- Currently, Tyrone is following teacher directions with one verbal redirection/reminder 20% of the time.

- Mike correctly completes 6 out of 10 comprehension probes at the 6th grade level.

Measurable Annual Goal examples

- In 36 weeks, given a 200-word passage from her world history textbook, Mariah will read at an average rate of 125 words per minute with 99% accuracy in word identification and 90% comprehension on a 10 question probe.

- In 36 weeks, given the opportunity to play with 6-8 different toys/objects, Milo will spontaneously link four discrete schemes according to the toys/objects intended functions three times per observation period across five consecutive play times.

- In 36 weeks, when met with a frustrating situation that causes John to feel angry, he will engage in school appropriate behaviors which will result in him missing no more than 30 minutes a week instruction time.

- By October 31, 2011, when given a direction with no more than one additional verbal reminder given as needed, Tyrone will follow the direction 80% of the time.

- By September 27, 2011, when given comprehension probes at the 7th grade level, Mike will successfully answer 8 of 10 probes.
Evaluation Procedures examples

- Once a week, Mariah will orally read a 200-word passage from her world history textbook into a tape recorder and complete a ten-question probe. The teacher will calculate words per minute and percent of word identification from the tape and score the probe. Instructional changes will be considered when four consecutive data points fall below the aimline.

- During two randomly selected playtimes per week, Milo’s play with toys/objects will be observed by the classroom aide. The aide will record the number of schemes Milo performs and note any spontaneous links of discrete schemes. Instructional changes will be considered when four consecutive data points fall below the aimline.

- Mei Li’s weekly writing samples will be scored using the district’s writing rubric. Instructional changes will be considered when Mei Li’s trendline (based on at least seven data points) does not project meeting the annual goal.

- John's progress will be monitored through daily behavioral observations and records. Behavior intervention plan changes will be considered when John’s trendline (based on at least seven data points) does not project meeting the annual goal.

- Tyrone's progress will be monitored through teacher observation and tally records. Instructional changes will be considered when four consecutive data points fall below the aimline.

- Weekly, at least one comprehension probe will be assessed. Instructional changes will be considered when Jan’s trendline (based on at least seven data points) does not project meeting the annual goal.

Short-term Objective examples

- In nine weeks, given the opportunity to play with four to five different toys/objects, Milo will spontaneously link two discrete schemes according to the toys/objects intended function three times per observation period across five consecutive play times.

- In 18 weeks, given the opportunity to play with four to six different toys/objects, Milo will spontaneously link three discrete schemes according to the toys/objects intended function three times per observation across five consecutive play times.

- In 27 weeks, given the opportunity to play with five to seven different toys/objects, Milo will spontaneously link three discrete schemes according to the toys/objects intended function three times per observation period across five consecutive play times.
**Special Education Services**

Indicate the special education and related services, supplementary aids and services, based upon peer-reviewed research to the extent practicable, that will be provided in order for this individual: 1) to advance appropriately toward attaining the annual goals 2) to be involved and progress in the general curriculum; 3) to be educated and participate with other individuals with disabilities and nondisabled individuals. 4) to participate in extracurricular and other nonacademic activities; and 5) by age 14, to pursue the course of study and post-high school outcomes (living, learning & working):

- **Accommodations**: Y N
- **Linkages/Interagency responsibilities**: Y N
- **Supplementary aids and services**: Y N
- **Assistive technology**: Y N
- **Program modifications**: Y N
- **Support for school personnel**: Y N
- **Community experiences**: Y N
- **Specially designed instruction**: Y N
- **Support or related services**: Y N
- **Development of work and other post-high school living objectives**: Y N
- **Specialized Accessible Formats**

Describe each service, activity and support indicated above:

<table>
<thead>
<tr>
<th>Type</th>
<th>Code</th>
<th>Provider(s) &amp; when the service, activity or support will occur</th>
<th>Minutes in Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Provider(s):</strong></td>
<td><strong>Minutes in Setting</strong></td>
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<td></td>
<td></td>
<td><strong>Name:</strong></td>
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<td></td>
<td></td>
<td><strong>Time &amp; frequency/when provided:</strong></td>
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<td></td>
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<td><strong>Community</strong></td>
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<td></td>
<td></td>
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<td><strong>Day</strong></td>
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Total minutes per month removed from general education:

LRE: **Removal** from GE % plus Time in GE % = 100%
**Special education services ages 6-21.** The IEP must identify and clearly describe *all* services, activities and supports that are committed to or on behalf of an eligible individual. *Do not* include program-level supports that are routinely available to all eligible individuals (e.g., LEA or AEA professionals who are available for consultation). For students 13-21, refer to the AEA Special Education Procedures Manual for more information.

Indicate “Y” or “N” for each service, activity or support.

<table>
<thead>
<tr>
<th>Service, activity or support</th>
<th>Definition</th>
</tr>
</thead>
</table>
| **Accommodations**                           | Supports or services provided to help a student access the general curriculum and validly demonstrate learning  
Examples: Teacher prepared notes, peer readers, extended testing time | |
| **Assistive technology**                     | Any item, piece of equipment or product that is used to increase, maintain, or improve the functional capabilities of a child with a disability  
Examples: computerized text reader, special pencil grip, classroom amplification | |
| **Community experiences**                    | Educationally supported activities in the community necessary for FAPE  
Examples: community based activities providing instruction in the use of community resources (stores, post office, recreational facilities) | |
| **Development of work and other post-high school living objectives** | Services that lead to a job or career and important adult activities that are done occasionally such as registering to vote, doing taxes or renting a home  
Examples: work experience placements, instruction in household accounting | |
| **Linkages/interagency responsibilities**    | A statement of interagency responsibility or linkages required for a student to receive FAPE during transition to post-secondary life  
Examples: activities that secure commitments from work experience sites, DVRS responsibilities, application processes for post-high school living, working, education, training | |
| **Program modification**                     | Changes made to the context and performance standards for students with disabilities  
Examples: extensions of district standards and benchmarks, modifications in performance expectations in general education classes, modified requirements for earning credits | |
### Special education services ages 6-21, continued.

| **Specially designed instruction** | Instruction, adapted in content, methodology or delivery, provided by or under the direction of a licensed/certified special education teacher.
|                                 | Examples: reading instruction, special education teacher directed paraeducator support of general education instruction |

| **Specialized accessible formats** | Materials or media and the supports needed for them (e.g., hardware and software) such as:
|                                 | Braille materials, magnification, electronic media, Kurzweil software |

| **Supplementary aids and services** | Supports or services provided to help a student access general education settings to enable education with nondisabled peers to the maximum extent appropriate
|                                 | Examples: educational interpreter, physical assistance needed to access school programs |

| **Supports for school personnel** | Supports or services provided to school personnel to provide them with the necessary skills and assistance needed to support the implementation of the IEP
|                                 | Examples: professional development, paraeducator assistance for the educator or classroom |

| **Support or related service** | Support services are typically provided by area education agency staff and are the specially designed instruction and activities that augment, supplement and support the educational program of eligible individuals
|                                 | Examples: speech therapy, occupational therapy, physical therapy, counseling provided by a school social worker
|                                 | Related services are developmental, corrective and other services that are required to assist an individual with a disability to benefit from special education
|                                 | Examples: special transportation, training required to allow parents to support the implementation of the IEP |

| **Specialized transportation** | If “specialized transportation” is checked on Page G, arrangements must be described on Page F. |

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**Page F Services 6-21**  **Manual TOC**  **Appendix TOC**
Identify the service type:

**Service with LRE minutes:** Select this type when service time is needed for the LRE calculation (e.g., specially designed instruct, support services that do not occur at the same time as another service, etc.)

**Service without LRE minutes:** For example, transportation.

**Activity/support:** For example, assistive technology, professional development.

**Service code.** Enter the service code from the list (defaults to SD for specially designed instruction).

**Description of services, activities and supports.** Describe each service, activity or support that reflects a commitment of resources to or on behalf of the eligible individual. Provide sufficient detail that if the individual moved to a new school, the IEP could be readily understood and implemented as intended. See behavior plans and health plans for additional information.

**Examples:**
- Maribelle will receive specially designed instruction in reading. Instruction will focus on increasing her phonological awareness skills and decoding fluency.
  - A sign language interpreter will be available for all classes, nonacademic activities (e.g., recess, lunch, assemblies) and extracurricular activities in which Jason participates.
  - Mason will be allowed one-third more testing time than peers (e.g., 20 minutes for a 15 minute quiz).
  - All of Cara’s teachers will receive one hour of instruction in XYZ de-escalation techniques.

Terms such as *consultative, episodic or intermittent* may be used only if the description makes clear the commitment of services to the individual.

**Examples:**
- Consultative occupational therapy services will be provided to Sheree’s special education teacher and to her parents. Weekly contacts (approximately 20 minutes each) will be made with both parents and teacher for the first two months of the IEP with monthly contacts after that.
  - Episodic counseling. Robert will be provided with short-term counseling (two to three contacts, 30 minutes each) following any office referrals for disruptive classroom behavior. The counselor will reinforce/re-teach self-control approaches Robert has learned in the past.

Labels for services such as *skill building or integrative* for services, without description, are inadequate.

**Example:** Skill building by the speech-language pathologist. Julianne will receive direct instruction (explanation, demonstration, feedback on correct responding) in correct sound production.

**When services will change from one school year to the next or one school term to the next,** describe each separately with its beginning date and setting information. For example:

**Service:** John will receive specially designed instruction in job acquisition skills. Instruction will focus on the written application process and interviewing skills.

**Beginning Date:** 1/19/12

**Service:** John will receive job coaching at a work site in the community.

**Beginning Date:** 8/23/12
**Behavioral Intervention Plans (BIP).** BIPs, even successful ones, often require modification more frequently than the IEP is required to be reviewed. If a child requires a BIP for FAPE, the IEP needs to communicate this and identify by position the individuals who will be responsible to develop and monitor the BIP and who may modify the BIP. Always include the parent(s) in this group.

**Example:** The behavioral intervention plan included in this IEP was developed for J.J. by his special education teacher, parents and the school psychologist. The plan may be modified, as needed, without reconvening the IEP team.

**Health plans.** Individual health plans (IHPs) may require modification more frequently than the IEP is required to be reviewed. If a child requires an IHP for FAPE, the IEP needs to communicate this need and identify by position the individuals who will be responsible to develop and monitor the health plan and who may modify the health plan. Always include the parent(s) in this group.

Modifications to IHPs that are not within the discretion of the IEP team or the group that developed the IHP (e.g., a change in a prescription or physician’s order) may be made without convening a meeting. Communicate any change in required activities (e.g., change in schedule, medication, responsibilities, etc.) to all relevant personnel.

Note where the IHP may be found in the IEP.

**Example:** A health plan will be developed for Simone to address response to seizures and her feeding needs. The health plan will be developed by the school nurse, her classroom teacher, parents and the team representative. The plan may be found in the nurse’s office. The plan may be modified, as needed, without reconvening the IEP team.

**Beginning Date.** Many beginning service dates will be the same as the *Duration of this IEP: “From”* date indicated on Page A. However, there are many possible exceptions. Many IEPs bridge one school year to the next and this may include a change in levels (e.g., early childhood to kindergarten, elementary to middle school). For middle and high school students, first and second semesters may vary.

**Provider(s).** List providers by *position(s)*, not name (e.g., general education teachers, special education teacher, sign interpreter).

**Service provider name.** The provider’s name is not printed by the Web IEP. However, it must be entered here.

**Time & frequency/when provided.** The amount of services to be provided or the conditions under which services will be provided must be stated in the IEP. The amount of time and/or the conditions under which services or supports will be provided must be (1) appropriate to that specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP. For the accommodation “extended testing time”, the description “tests with short answer and essay responses” would suffice. For “specially designed reading instruction”, a description such as “45 minutes per day” is needed. For a support for school personnel (e.g., training in de-escalation techniques), the IEP might specify “within three weeks”.
Minutes in setting (K-age 21). Report the total time that an individual between kindergarten and school completion will be educated in each environment. See examples, below.

**General education.** Time in environments that are available to eligible individuals and nondisabled peers. This includes team taught classrooms and instruction involving mixed groups of students with disabilities and nondisabled students, and courses and activities that are open and available to all students, regardless of the actual make-up of the group.

**Special education.** Time in environments that are only open and available to eligible individuals. Time spent in individual services in a therapy room, instruction in a special education classroom or in a special school designed for and available to only disabled peers would count as removal time. If all the special education students in a class receive physical education at the same time and eligible individuals are the only students the class is made available to, the gymnasium or playing field is a special education environment and the PE class time is removal time.

Education in a workshop or training facility in the community which serves only clients with disabilities is considered to be special education.

**Community.** Time in community experiences such as work placements and instruction in community use. Community time is not “special education” for purposes of calculating removal from education with nondisabled peers.

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**“Minutes in setting” examples:**

<table>
<thead>
<tr>
<th>Activity Description</th>
<th>General Education</th>
<th>Special Education</th>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading is team-taught by a general and special educator. Robert receives a review of past instruction and advance preparation for upcoming instruction in the resource room.</td>
<td>45</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Learning strategies are taught one period a day in the resource room. The special education teacher oversees a community-based vocational placement two periods per day.</td>
<td>55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Erica will receive copies of the teacher’s notes and overheads in science and social studies classes. (“Time” does not need to be listed)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speech services consist of: direct instruction in the therapy room, and teacher consultation (problem solving discussions, observation, teacher feedback).</td>
<td>120</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Two hours of specially designed instruction provided daily in a special education classroom &amp; two hours of training provided daily in a work activity center.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phillip receives social skills instruction in anger management in a group that is available to both students with disabilities and nondisabled students.</td>
<td>240</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total minutes per month removed from general education. When services will vary from school year to school year or semester to semester while the IEP being written is in effect, LRE calculations are to be based on the services to be provided at the time when the IEP is first implemented.

**Removal from general education plus time in general education.** The Web IEP will calculate these amounts. The two percentages must total 100%.
Special Education Services, ages 3-5. The description of special education services information for ages 3-5 is identical to the 6-21 description process. For services description, type and code, provider information and so forth, click on this link: Page F 6-21.

Early Childhood LRE. LRE information for 3-5 year-olds is calculated differently than for 6-21 and results in a setting code, not a percentage of removal. Early childhood setting codes are utilized to document the environments in which children ages 3 through 5 participate, including 5 year olds in kindergarten. See Early Childhood Setting Code worksheet directions and EC setting codes. Note: LRE (removal from general education environments) is no longer used to compute an EC Code.

<table>
<thead>
<tr>
<th>Indicate the special education and related services, supplementary aids and services, based upon peer-reviewed research to the extent practicable, that will be provided in order for this individual: 1) to advance appropriately toward attaining the annual goals 2) to be involved and progress in the general curriculum; 3) to be educated and participate with other individuals with disabilities and nondisabled individuals. 4) to participate in extracurricular and other nonacademic activities; and 5) by age 14, to pursue the course of study and post-high school outcomes (living, learning &amp; working):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y N Accommodations</td>
</tr>
<tr>
<td>Y N Assistive technology</td>
</tr>
<tr>
<td>Y N Community experiences</td>
</tr>
<tr>
<td>Y N Development of work and other post-high school living objectives</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Describe each service, activity and support indicated above:</th>
<th>Provider(s) &amp; when the service, activity or support will occur</th>
<th>Minutes in Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type: _____________________________ Code: ________</td>
<td>Beginning Date:</td>
<td>_____ Reg EC Program</td>
</tr>
<tr>
<td></td>
<td>Provider(s):</td>
<td>_____ Special education</td>
</tr>
<tr>
<td></td>
<td>Name:</td>
<td>Service Location:</td>
</tr>
<tr>
<td></td>
<td>Time &amp; frequency/when provided:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minutes in program per month: ________</th>
<th>EC Code: ________</th>
<th>Total minutes removed from general education per month:</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRE: Removal from GE %plus Time in GE % = 100%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Minutes in setting. Record the minutes per month the child receives special education services in a Regular Early Childhood setting (includes kindergarten for five year old children) and special education settings. A special education setting also includes other locations such as a child’s home or a service provider’s location (e.g., therapy room).

Minutes per month are calculated based on a maximum of 8 hours per day (480 minutes) and 20 days per month not to exceed 9600 minutes per month.

Regular EC program: For children ages 3 through 5, a general or regular education program is a setting comprised of at least 50% of the children are NOT receiving special education instructional and/or support services on an IEP. Note: For preschool children, the setting must meet the Preschool Program Standards requirement (IQPPS, Head Start, NAEYC).
Special education: For children ages 3 through 5, a special education setting is one in which more than 50% of the children are receiving special education instructional and/or support services on an IEP. For preschool children, the special education classroom must meet the Preschool Program Standards requirement (IQPPS, Head Start, NAEYC). A special education setting may also include other locations in which special education services are provided such as a child’s home and service provider location (e.g., AEA office, SLP room).

Service location(s). Enter the name of the Regular Early Childhood program(s). For example, Little Bo-Peep Preschool, Jones Elementary Early Childhood Program, Drake Head Start.

Minutes in program per month. This value is automatically calculated by the Web IEP.

EC Code. The EC Code will be populated from the information entered on the Early Childhood Setting Code Worksheet and Page F. See Early Childhood Setting Code worksheet directions and EC setting codes. The code will change anytime information is changed in either the worksheet or Page F.

Total minutes per month removed from general education & LRE: Removal from general education plus time in general education. Removal from general education environments is no longer used to compute the EC Code for children, 3 through 5 years of age. Ignore any LRE% values calculated by the Web IEP for 3 to 5 year-olds.
Early Childhood Setting Code Worksheets

Background

Early childhood setting codes are utilized to document the environments in which children ages 3 through 5, including 5 year olds in kindergarten, participate. Setting codes are based on multiple factors that include the following:

- Type of programs child attends;
- Amount of time child attends regular early childhood program;
- Percent of special education services child receives in regular early childhood program; and
- Setting where the child receives special education services.

The early childhood setting code is populated from the Early Childhood Setting Code Worksheet. The Worksheet is accessed either from Page A (IEP Coversheet) by clicking on the “S” next to “Early Childhood Setting” in the Required System Data elements at the bottom of Page A or by clicking on the “S” next to “EC Code” at the bottom of Page F.

First question: The first question to answer on the Early Childhood Setting worksheet is: “Does the child attend a Regular Early Childhood Program, including kindergarten?”

The Regular Early Childhood Program is defined as a program that at least 50 percent of the children are NOT on an IEP for special education instructional and/or support services. The program does NOT need to be where any of a child’s special education services are provided. Therefore, the program is not required to meet program standards to be considered as a Regular Early Childhood Program in which the child attends in order to answer “Yes” to the first question.

Note:

- The Regular Early Childhood Setting includes more than a preschool program operated by a district (e.g., child care center, community preschool, Head Start, Statewide Voluntary Preschool and kindergarten).
- If a child attends a Regular Early Childhood Program for any time during the week that would be considered a typical 8-hour school day (e.g., Monday – Friday, 7:30 – 3:30), the answer to the question is “Yes”.
- If a child does NOT attend a Regular Early Childhood Program, the answer to the question is “No”.
- If a child does not attend a Regular Early Childhood Program at any time, then the Early Childhood Setting Code is determined by the setting where the child receives special education instructional and support services.

Does the child attend a Regular Early Childhood Program, including kindergarten?

“Yes” – go here – top of next page

“No” – go here – top of second page after this one
“Yes”, child attends a Regular Early Childhood Program, including kindergarten.

If the answer is “Yes” an Early Childhood Setting worksheet for A and B codes will appear in order to determine the correct code. The following information is reported on the worksheet:

- How many **MINUTES PER WEEK** does the child attend a Regular Early Childhood Program? (Cannot exceed 2,400 minutes per week; 480 minutes per day)
- The other sections on the EC Setting Code will be automatically calculated.
- The EC Setting Code (A1, A2, B1 or B2) will be populated from the data on the Early Childhood Setting worksheet and the Web-IEP Page F.

The total number of minutes per week a child attends Regular Early Childhood Programs is reported on the Early Childhood Setting worksheet for A and B codes when the question, **“Does the child attend a Regular Early Childhood Program, includes kindergarten?”** is answered as Yes.

The Early Childhood Setting worksheet for A and B codes requires information about the number of minutes per week a child attends Regular Early Childhood Programs.

The information is calculated based on the following factors:

- Total amount of time per week a child attends regular early childhood programs, including kindergarten (e.g., Monday – Friday, 7:30 – 3:30);
- Based on an 8-hour day; 5 days per week (maximum of 480 minutes per day; 2,400 minutes per week); and
- Not required to be a setting where a child receives special education services (e.g., child care center, community preschool, Head Start, Statewide Voluntary Preschool and kindergarten).

**SECTION I. REGULAR EARLY CHILDHOOD PROGRAM (includes kindergarten)**

Required information to be completed on the Early Childhood Setting worksheet is:

- How many **MINUTES PER WEEK** does the child attend the Regular Early Childhood Program? (cannot exceed 2,400 minutes per week; 480 minutes per day)

Information automatically calculated and populated:

- The **TOTAL HOURS PER WEEK** in a Regular Early Childhood Program (cannot exceed 40 hours).

**SECTION II. SPECIAL EDUCATION SERVICES (Described on Page F of IEP)**

The following information will be automatically calculated and populated based on the Web-IEP Page F, Minutes in Setting:

- **MINUTES PER MONTH** receives special education services in Regular EC Program (calculated from Minutes in Setting documented on Page F);
- **MINUTES PER MONTH** receives special education services in Special Education Program or Other Location (calculated from Minutes in Setting documented on Page F); and
- **TOTAL HOURS PER WEEK** receiving special education services.

The **EC Setting Code** will be automatically calculated and populated from the information reported on the Early Childhood Setting worksheet and Web-IEP Page F for Early Childhood.

Note. The LRE % calculations and Minutes in School Day are not applicable for children whom are ages 3 through 5 on the date of the special education weighted enrollment count (October Count Date).
"No", the child does not attend a Regular Early Childhood Program, including kindergarten.

The Early Childhood Setting worksheet for C and D codes will appear when the question, “Does the child attend a Regular Early Childhood Program, including kindergarten?” is answered as No. Complete the information as applicable.

If the child is not attending a Regular Early Childhood Program and attends a special education program, the Early Childhood Setting code is determined by the special education program where the child receives special education services.

If the child attends a special education program, check the button of the appropriate setting:

- **A special education class**
  Special education services provided within a classroom comprised of more than 50 percent of the children are on an IEP (includes any child receiving special education instructional and/or support services).

- **A special school**
  Special Education services provided within a separate school (e.g., Iowa School for the Deaf Day Program).

- **A residential facility**
  Special education services provided within a residential facility (e.g., Iowa Braille School residential placement, all educational services provided on the IBS campus with no non-disabled peers).

If the child is not attending **either** a regular early childhood program or a special education program, the Early Childhood Setting code is determined by the setting where the child receives the majority of special education services.

Check the button of the setting that describes where the child receives the majority of special education services:

- **Home**
  Special education services provided in the child’s home.

- **A service provider location or some other location**
  Special education services are provided within a service provider location or other location such as an AEA office or a designated room for AEA Support Services in an elementary school/building (includes support services such as OT, PT, or Speech etc.).

Note. If the child receives the same number of minutes of special education services in the home and service provider/other location, check **Home** as the setting.

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Page F 3-5 LRE     Page F Services 6-21     Manual TOC     Appendix TOC

446
Special Education Services, continued

☐ Yes ☐ No Are extended school year (ESY) services required? If yes, specify the goals that require ESY services and describe the services.

☐ Yes ☐ No Are specialized transportation services required that are related to the disability? If yes, describe.
  ☐ Special route (outside normal attendance area or transportation not typically provided based on distance from school)
  ☐ Attendant services ☐ Specially equipped vehicle ☐ Other

Physical Education: ☐ General ☐ Modified—describe below ☐ Specially designed—requires goal(s)

Will this student participate in district-wide assessments (DWA)?

☐ Yes ☐ No, not yet school-age ☐ No, student is incarcerated in an adult correctional facility

If yes, indicate how this individual will participate in district-wide assessments for Adequate Yearly Progress (AYP) in:

Reading: ☐ Standard assessment (ITBS, ITED) ☐ Iowa Alternate Assessment
Math: ☐ Standard assessment (ITBS, ITED) ☐ Iowa Alternate Assessment
Science: ☐ Standard assessment (ITBS, ITED) ☐ Iowa Alternate Assessment

The standard assessment will be given: ☐ with accommodations ☐ without accommodations

If with accommodations, describe accommodations necessary to measure academic achievement and functional performance

If this student will participate in the Iowa Alternate Assessment: Why can’t the individual participate in the general assessment?

Why is this alternate assessment appropriate for this student?

Non-AYP district-wide assessments will be given:

☐ with accommodations ☐ without accommodations ☐ through an alternate assessment

If with accommodations, describe accommodations necessary to measure academic achievement and functional performance

Additional Considerations

Address the following questions.

☐ Yes ☐ No Will this individual receive all special education services in general education environments?
If no, explain:

☐ Yes ☐ No Will this individual participate in nonacademic activities with nondisabled peers and have the same opportunity to participate in extracurricular activities as nondisabled peers?
If no, explain:

☐ Yes ☐ No Will this individual attend the school he or she would attend if nondisabled?
If no, explain:

☐ Yes ☐ No Will this individual attend a special school? If yes, attach responses to the special school questions.

Progress reports

Parents: You will be informed of your child’s IEP progress times per year. You will receive:

☐ An IEP report with report cards and progress reports ☐ Updated copies of the IEP goal pages

☐
Are extended school year (ESY) services required?

- Document the decision of the IEP team (yes or no);
- Identify the goals to be addressed through ESY services by number or goal area (e.g., Goals 1 and 4; Self-help and Community use); and
- Briefly describe ESY services: (e.g., Occupational therapy 60 minutes per month; Instruction in community use, 3 hours per week, etc.)
- Complete the Extended School Year (ESY) Services form

**NOTE:** If the IEP team is unable to make an ESY determination at the time of the meeting (e.g., additional progress monitoring data is needed), a) indicate “No,” b) describe the time of or circumstances of a meeting to discuss ESY.

**Examples:** The team will meet in the spring to discuss ESY if Jen has not reached 80% of the annual goal by April 15.

The team will convene in March to discuss ESY.

Are specialized transportation services required that are related to the disability?

- Document the decision of the IEP team (yes or no).
  
  **Note:** For a “yes” response, describe the specially designed transportation on Page F.

- Check or describe the specialized transportation. More than one item may be checked.
  
  - Special route: A student is transported to an attendance center different from the student’s domicile building, or a student is transported to school for a reason related to the disability even though a nondisabled student living the same distance from school would not receive transportation services.
  
  - Attendant services: An assistant or aide is required to provide physical assistance, ensure student safety, or to manage the student’s behavior.
  
  - Specially equipped vehicle: A bus with a wheelchair lift or other special equipment is required to transport the student.

Physical Education.

- Document the decision of the IEP team (general, modified, or specially designed);
- If “modified,” describe modifications; and
- If “specially designed,” PLAAFP information must support the need, a goal is required and a description of services should appear on Page F.

Participation in district-wide assessment. A districtwide assessment is an achievement or performance measure that:

1. is required by the local school district, and
2. is given to all students in a district in a particular grade.

Achievement or performance measures are those measures that assess student status or progress in skill areas defined in the Iowa Core.

All school-aged students, except those incarcerated in adult correctional facilities, are expected to participate in district-wide assessments. Preschool students are not subject to this requirement. Respond to this item according the individual’s specific circumstance. For most students, “Yes” will be correct.
AYP Assessments. District-wide assessments include assessments given as a part of the state accountability system for Adequate Yearly Progress (AYP). Iowa’s AYP measures are the Iowa Assessments and the Iowa Alternate Assessment (IAA). Indicate how the student will participate in reading, math and science assessments. See the procedures manual for a more thorough discussion of IEP team decision making regarding assessments for AYP.

If AYP assessments will not be administered during the year while the IEP is in effect, indicate how the student would participate if assessments were administered.

Students with disabilities may participate without accommodations, with accommodations, or through the state alternate assessment. Indicate the IEP team’s determination.

English language learners (ELLs). If an ELL who has not been in US schools for a full academic year will be taking an English language proficiency assessment in lieu of the AYP reading assessment, indicate “Standard assessment” for reading.

Accommodations. Describe accommodations if “With accommodations” was chosen.

Examples: “All items except reading test items will be read to Jorge”
“ Joshua may read items aloud”
“ Mara will state her selection (a, b, c, or d) and it will be recorded by an adult”
“ Petra will be allowed 10 extra minutes for the math calculation test”

NOTES: Correspondence to classroom accommodations. Accommodations for assessments generally correspond to accommodations given for classroom tests. For example, if extended testing time is not given for classroom tests, the IEP team would need a sound reason to provide this accommodation on district-wide assessments.

Eligible individuals who are English language learners (ELLs). An eligible individual who is also an ELL may be eligible for assessment accommodations due to his or her ELL status (e.g., provision of an English/native language word-to-word dictionary). ELL personnel typically make these determinations. However, if the same accommodation has conflicting guidance for ELLs and students with disabilities, the guidance for students with disabilities takes precedence. Document any language-support accommodations will be provided on districtwide assessments that are different from accommodations that will be provided due to disability in the “Other information” section of the PLAAFP.

Iowa alternate assessment. If the IEP team chooses “Through the state alternate assessment” for any area (reading, math or science), state 1) why the student cannot participate in the general assessment, and 2) why the alternate assessment is appropriate for the student.

Example: Why the student cannot participate in the general assessment. The general assessment does not afford sufficient and appropriate means for Barbara to demonstrate her skills.

Why the alternate assessment is appropriate for the student. Based upon Barbara’s communication, academic and adaptive behavior needs, she requires substantial instructional supports and accommodations. Being educated and assessed within the alternate achievement standards of the Iowa Core provides Barbara with access to multiple appropriate means of learning and multiple appropriate opportunities to demonstrate her learning.
Non-AYP district-wide assessments. Students with disabilities are expected to participate in all district-wide assessments. A districtwide assessment is an achievement or performance measure that is required by the local school district, and is given to all students in a district in a particular grade.

Indicate how the student will participate in non-AYP assessments (with accommodations, without accommodations, through an alternate assessment).

When a student cannot meaningfully access a non-AYP district-wide assessment, even with accommodations, an alternate assessment must be used. An “alternate” in the context of non-AYP district-wide assessments means a process of evaluation that accomplishes the same purpose. For example:

A school’s K-3 diagnostic assessment may not be accessible to a visually impaired student, even with accommodations. The student’s literacy skills must be assessed in some other way. Specialists working with the student will be able to assist in identifying assessment processes.

Additional Considerations. Consider the following LRE requirements:

- To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled;

- Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily;

- School districts ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services (including, instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions);

- The child's placement is as close as possible to the child's home;

- Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

- In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
Will this individual receive all special education services in general education environments? IDEA’s LRE principle is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully. Consider supplementary aids and services that, if provided, could facilitate the student’s placement in the regular classroom setting. Following that consideration, if a determination is made that a student cannot be educated satisfactorily in the regular educational environment, even with aids and services, that student could be placed in a setting other than the regular classroom. If the answer to this item is “No”, provide the team’s rationale.

Key considerations include:

1) Aids and services that would overcome obstacles to education in the general education environment must be considered.

2) Decisions are made by IEP teams for a student based on the student’s unique needs and circumstances.

3) A valid rationale will focus on the need for education in a different educational environment to ensure success for the individual.

4) A growing body of research suggests that students with disabilities educated in the general education settings acquire skills at a rate equal to or greater than students with disabilities educated in special education settings.

5) If the child’s behavior in the regular classroom, even with the provision of appropriate behavioral supports, strategies or interventions, would significantly impair the learning of others, the IEP team may consider other placement options.

6) Just as a student’s behavior could be disruptive to instruction, the provision of a service (e.g., individualized speech or occupational therapy services) in the general education setting could impair the learning of other students.

7) Potential harmful effects on the student might include consideration of the student’s sensitivity to being singled out or the student’s willingness to participate in special education services provided in the general education setting.

8) A service may carry an expectation of privacy and confidentiality (e.g., counseling, health procedures).

Examples: The adaptations of content and delivery of instruction that CeCe needs require direct instruction by a special educator in order for her to progress in the general curriculum. Efforts to adapt content and delivery of instruction in the general education setting (e.g., adapted materials and assignments, extra teacher assistance) have been unsuccessful.

John’s behavior and social interactions (shouting at teachers, throwing objects at other students) have interfered with the learning of others in the classroom. Interventions, including positive behavioral supports and peer mediation have been unsuccessful in the general education setting. John’s counseling sessions require privacy.

Dina requires direct instruction by a speech-language pathologist. She is extremely sensitive to being singled out and no other students in her general education class need the same type of assistance (i.e., a small group session would not be possible).
Will this individual participate in nonacademic activities with nondisabled peers and have the same opportunity to participate in extracurricular activities as nondisabled peers? Nonacademic activities include recess, lunch, and school assemblies. It is assumed that all students, regardless of disability, will be able to access nonacademic and extracurricular activities so long as they meet the school’s requirements for participation. If the answer to this question is “No”, provide the team’s rationale.

Will this individual attend the school he or she would attend if nondisabled? The school the child would attend if nondisabled is considered to be the school building in the resident district where the child would be assigned at the point of initial enrollment given a neutral application of the district’s attendance center policy. “Neutral”, in this context means, without consideration of disability status or court-ordered placement. If the answer is “No”, provide the team’s rationale. IDEA presumes that the first placement option considered for each disabled student by the group of persons making the placement decision, which must include the parent, is the school the child would attend if not disabled. A valid rationale will focus on the need for education in a different school location to ensure success for the individual. A “No” answer is required any time the proposed placement option is in a district other than the district in which the child resides. A “No” answer is also required when the proposed placement option is a building in the district where the child resides that the child would not attend if nondisabled. The explanation for a “No” answer to this question must describe why the special education services prescribed in the child’s IEP cannot be provided in the school the child would attend if not disabled.

Notes regarding specific placement circumstances:

Open enrollment. Answer “Yes” to this item if the student is open-enrolled.

Preschool placements. Answer “Yes” to this item if a preschool student receives special education services in a setting he or she might attend if nondisabled (e.g., a Head Start, preschool) or if the student receives special education services in the elementary school he or she would attend if school-aged. Answer “No” and provide an explanation for all other preschool circumstances.

Court ordered placements. Answer “No” to this item in cases where a court order results in a placement in a school that is not the school the child would attend if not disabled. For the explanation, simply document the facts of the court ordered placement.

Will this individual attend a special school? A special school is one that has a program specifically designed for eligible individuals and serves only eligible individuals (e.g., Iowa Braille School). If this individual will attend such a school, the answer to this question is “Yes”. If “yes”, complete the Justification for Special School Placement.

Progress reports. Indicate the frequency of progress reports and how that progress will be reported.
The early childhood setting code is populated from the Early Childhood Setting Code Worksheet. In the Web IEP the Worksheet is accessed either from Page A (IEP Coversheet) by clicking on the “S” next to “Early Childhood Setting” in the Required System Data elements at the bottom of Page A or by clicking on the “S” next to “EC Code” at the bottom of Page F (Services). The table below provides a definition for each of the setting codes.

<table>
<thead>
<tr>
<th>Code</th>
<th>Label (Name)</th>
<th>Definition (Comments)</th>
</tr>
</thead>
</table>
| A1   | Regular EC Program:  
• 10 Plus 50 | Attends Regular Early Childhood Program ≥ 10 hours per week and receives ≥ 50% special education instructional and/or support services in Regular EC. |
| A2   | Regular EC Program:  
• 10 Less 50 | Attends Regular Early Childhood Program ≥ 10 hours per week and receives less than 50% special education instructional and/or support services in Regular EC. |
| B1   | Regular EC Program:  
• Less 10 Plus 50 | Attends Regular Early Childhood Program less than 10 hours per week and receives ≥ 50% special education instructional and/or support services in Regular EC. |
| B2   | Regular EC Program:  
• Less 10 Less 50 | Attends Regular Early Childhood Program less than 10 hours per week and receives less than 50% special education instructional and/or support services in Regular EC. |
| C1   | Special Education Class | Attends Special Education Class and does NOT attend any Regular Early Childhood Program. |
| C2   | Special School | Attends Special School and does NOT attend any Regular Early Childhood Program. |
| C3   | Residential Facility | Attends Residential Facility and does NOT attend any Regular Early Childhood Program. |
| D1   | Home | Receives majority of special education and related/support services in child’s Home. Does NOT attend any Regular Early Childhood or Special Education Program. |
| D2   | Service provider or other location | Receives majority of special education and related/support services in Service Provider location (e.g., AEA office) or some Other Location not in any other category. |
### Codes and Definitions used in the Web-IEP and IMS

#### Codes - Disability

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT</td>
<td>Autism Spectrum</td>
<td>LD</td>
<td>Learning disability</td>
</tr>
<tr>
<td>BD</td>
<td>Behaviorally disordered</td>
<td>MD</td>
<td>Mental disability</td>
</tr>
<tr>
<td>CM</td>
<td>Communication disability</td>
<td>OH</td>
<td>Other health Impairment</td>
</tr>
<tr>
<td>DB</td>
<td>Deaf-blindness</td>
<td>OI</td>
<td>Orthopedic impairment</td>
</tr>
<tr>
<td>DF</td>
<td>Deafness</td>
<td>PD</td>
<td>Physical disability</td>
</tr>
<tr>
<td>EI</td>
<td>Eligible individual</td>
<td>SL</td>
<td>Speech language</td>
</tr>
<tr>
<td>HI</td>
<td>Hearing impairment</td>
<td>SP</td>
<td>Severely disabled</td>
</tr>
<tr>
<td>HJ</td>
<td>Head injury</td>
<td>VI</td>
<td>Visual impairment including blindness</td>
</tr>
</tbody>
</table>

#### Codes – Basis for Enrollment

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DE</td>
<td>Dual enrollment</td>
<td>PI</td>
<td>Private competent instruction</td>
</tr>
<tr>
<td>FC</td>
<td>Living in foster home</td>
<td>PO</td>
<td>In district due to Parent Option</td>
</tr>
<tr>
<td>GR</td>
<td>Group home</td>
<td>RD</td>
<td>District resident</td>
</tr>
<tr>
<td>IP</td>
<td>Directed by IEP</td>
<td>RI</td>
<td>Resides in Regent’s institution</td>
</tr>
<tr>
<td>JS</td>
<td>Junior/senior rule</td>
<td>RP</td>
<td>Residential placement</td>
</tr>
<tr>
<td>LR</td>
<td>Lives with a relative</td>
<td>ST</td>
<td>Shared time</td>
</tr>
<tr>
<td>OE</td>
<td>Open enrollment</td>
<td>WG</td>
<td>Whole grade sharing</td>
</tr>
</tbody>
</table>

#### Codes – Roster Change

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAD</td>
<td>Change in attending district</td>
<td>MAK</td>
<td>Moved Residence to another AEA – Known to be continuing</td>
</tr>
<tr>
<td>CPI</td>
<td>Competent private instruction with an IEP</td>
<td>MGS</td>
<td>Met goal, still served in special education</td>
</tr>
<tr>
<td>CRI</td>
<td>Change in Roster Information</td>
<td>PDS</td>
<td>Service is discontinued at parent request, student still active</td>
</tr>
<tr>
<td>CRD</td>
<td>Change in resident district</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Codes – Final Exit

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPN</td>
<td>Competent private instruction, no IEP</td>
<td>RRC</td>
<td>Returned to Iowa general education, either within or outside of AEA, Iowa IEP completed or parent revoked consent for services; <strong>student no longer eligible</strong> for special education.</td>
</tr>
<tr>
<td>DEC</td>
<td>Deceased</td>
<td>RRT</td>
<td>Returned to Iowa general education, either within or outside of AEA, Iowa IEP inactivated; <strong>student remains eligible</strong> for special education.</td>
</tr>
<tr>
<td>DRO</td>
<td>Dropped out</td>
<td>UNK</td>
<td>Unknown</td>
</tr>
<tr>
<td>GCP</td>
<td>Graduated with Certificate- Completed IEP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRD</td>
<td>Graduate- regular diploma</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MSK</td>
<td>Moved Residence –Another State, Known to be continuing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RMA</td>
<td>Reached maximum age</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Codes – Served Status

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Both State and Federal Count Eligible</td>
<td>N</td>
<td>Not applicable</td>
</tr>
<tr>
<td>F</td>
<td>Federal count eligible</td>
<td>S</td>
<td>State count eligible</td>
</tr>
</tbody>
</table>

**Required System Data**

**Page A**

**Manual TOC**

**Appendix TOC**
<table>
<thead>
<tr>
<th>Code</th>
<th>Legal (long name)</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AP</td>
<td>Adapted Physical Education Consultation</td>
<td>Provision of planning, coordination and implementation of motor or sensorimotor intervention strategies and services.</td>
</tr>
<tr>
<td>AR</td>
<td>Autism Resource</td>
<td>Provision of collaborative consultation activities to support students with learning patterns like autism or autism spectrum disorders.</td>
</tr>
<tr>
<td>AS</td>
<td>Audiometry</td>
<td>Assessment only for identification of hearing impairments provided by a qualified person other than an educational audiologist.</td>
</tr>
<tr>
<td>AT</td>
<td>Assistive Technology or Devices</td>
<td>Help in selection, acquisition or use of an assistive technology device used to increase, maintain or improve student’s functional capability.</td>
</tr>
<tr>
<td>AU</td>
<td>Audiology</td>
<td>Audiological assessment, follow-up screening, auditory training, etc. provided by educational audiologist.</td>
</tr>
<tr>
<td>CO</td>
<td>Consultation</td>
<td>Ongoing support to special and general education staff or student provided by a special education instructional specialist.</td>
</tr>
<tr>
<td>DI</td>
<td>Deaf/Hard of Hearing Instruction</td>
<td>Specially-designed instruction provided by a teacher of the deaf or hard of hearing.</td>
</tr>
<tr>
<td>GC</td>
<td>Counseling</td>
<td>Direct counseling to an individual or family provided by an appropriately certified individual.</td>
</tr>
<tr>
<td>HH</td>
<td>Hospital or Homebound Instruction</td>
<td>Special education provided to a student in a medical treatment facility or at home.</td>
</tr>
<tr>
<td>HS</td>
<td>Health Services</td>
<td>Services provided by a qualified person trained by a RN, or advanced degree nurse (i.e. catheterization, tracheotomy, tube feeding, colostomy collection).</td>
</tr>
<tr>
<td>HV</td>
<td>Home Intervention</td>
<td>Adaptation of content, methodology, or delivery of instruction to address the unique needs of a preschool child provided by a licensed Early Childhood Special Education teacher/consultant in the child’s home.</td>
</tr>
<tr>
<td>IN</td>
<td>Interpreter</td>
<td>Sign language interpreting, transliterating, or cued speech transliterating provided by a licensed interpreter.</td>
</tr>
<tr>
<td>NR</td>
<td>Nursing Services</td>
<td>Nursing services provided by a qualified nurse (RN or advanced).</td>
</tr>
<tr>
<td>OB</td>
<td>Other LEA Service</td>
<td>Other Medicaid billable services provided by LEA staff.</td>
</tr>
<tr>
<td>OM</td>
<td>Orientation Mobility</td>
<td>Assessment, instruction, collaboration or evaluation provided by an orientation &amp; mobility specialist.</td>
</tr>
<tr>
<td>OT</td>
<td>Occupational Therapy</td>
<td>Provision of planning, coordination and implementation of fine motor or sensorimotor intervention strategies and services, e.g. adaptive work, play or leisure skills.</td>
</tr>
<tr>
<td>PP</td>
<td>Medicaid Billable Paraprofessional Services</td>
<td>Use only for Medicaid billable services.</td>
</tr>
<tr>
<td>PT</td>
<td>Physical Therapy</td>
<td>Provision of planning, coordination and implementation of motor or sensorimotor intervention strategies and services, e.g. mobility and positioning.</td>
</tr>
<tr>
<td>PY</td>
<td>Psychological</td>
<td>Provides behavioral, social, emotional, developmental and educational assessment and direct services through counseling.</td>
</tr>
<tr>
<td>SD</td>
<td>Specially Designed Instruction</td>
<td>Adaptation of content, methodology, or delivery of instruction to address the unique needs of the eligible individual provided by a licensed special education teacher.</td>
</tr>
<tr>
<td>SS</td>
<td>Speech Language</td>
<td>Provision of assessment and intervention strategies related to speech and language development and disorders.</td>
</tr>
<tr>
<td>ST</td>
<td>Specialty Resources</td>
<td>Services provided to the child requiring a specialist, e.g. behavior, brain injury, music or art therapy.</td>
</tr>
<tr>
<td>SW</td>
<td>Social Work</td>
<td>Provides behavioral, social, emotional, developmental and educational assessment and direct services through counseling in the home, school and community.</td>
</tr>
<tr>
<td>TA</td>
<td>Non-Medicaid Billable Paraprofessional or Teacher Associate Services</td>
<td>Academic and all other non-Medicaid billable services.</td>
</tr>
<tr>
<td>TM</td>
<td>AEA Team Representation (psych., soc. worker, cons.)</td>
<td>AEA Team Representation (psychologist, social worker, consultant).</td>
</tr>
<tr>
<td>TN</td>
<td>Transition Services</td>
<td>Transition Services.</td>
</tr>
<tr>
<td>TR</td>
<td>Specialized Transportation</td>
<td>Transportation for student/family to enable access to services listed in IEP/IFSP, which exceeds that provided for other children or students. <strong>Note:</strong> In web IFSP, call it Transportation.</td>
</tr>
<tr>
<td>VI</td>
<td>Vision Instruction</td>
<td>Specially designed instruction provided by a teacher of the visually impaired.</td>
</tr>
<tr>
<td>VS</td>
<td>Vision Services</td>
<td>Evaluation and assessment of visual functioning; provided by a certified orientation and mobility specialist or teacher of children with visual impairments.</td>
</tr>
<tr>
<td>WE</td>
<td>Work Experience Coordination/Instruction</td>
<td>Services provided by a work experience coordinator or work experience teacher.</td>
</tr>
</tbody>
</table>
## Support Service Codes for Children Who Are Transitioning from an IFSP (Part C) to an IEP (Part B)

**Note:** These codes may only be used for a child who is birth through two years.

<table>
<thead>
<tr>
<th>Code</th>
<th>Legal (long name)</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>FT</td>
<td>Family Training, Counseling, Home Visits</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Services to assist the family in understanding the child’s special needs and child development.</td>
</tr>
<tr>
<td>MS</td>
<td>Medical Services</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Diagnosis and evaluation only, for identification and assessment of disabling conditions.</td>
</tr>
<tr>
<td>NU</td>
<td>Nutrition Services</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Conducting nutritional assessments, developing and monitoring child’s nutritional plan provided by a licensed dietician.</td>
</tr>
<tr>
<td>OE</td>
<td>Other Outcome-Linked Service</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Any other early intervention services, considered non-Early ACCESS services under IDEA, Part C. The specific service is listed on the IFSP. Service must be listed on the “IFSP Other Services.”</td>
</tr>
<tr>
<td>OH</td>
<td>Other Outcome-Health Service</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Health services, considered non-Early ACCESS services under IDEA, Part C, that are provided by Child Health Specialty Clinic, Hospital-Based, Clinic/Private or Public Health Agency. Service must be listed on the “IFSP Other Services.”</td>
</tr>
<tr>
<td>RC</td>
<td>Respite Care</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Short term, non-medical child care services to provide temporary relief to primary caregiver.</td>
</tr>
<tr>
<td>SC</td>
<td>Service Coordination</td>
<td>(To be used only for infants and toddlers birth through 2 years.) Facilitation and enhancement of Part C services.</td>
</tr>
<tr>
<td>SI</td>
<td>Developmental Services</td>
<td>(To be used only for infants and toddlers birth through 2 years.) The planning and/or direct provision of developmental activities and environments for the child/family/caregiver.</td>
</tr>
</tbody>
</table>
Reevaluation Questions

1. What progress has the student made, compared to peers or the expected standard, since the last evaluation?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

2. What discrepancy, if any, still exists between the student’s performance and that of peers or the expected standard?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

3. What evidence is there that the student continues to need special education and related services in order to be successful?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

4. What additions or modifications to the special education and related services are needed to enable the student to meet the IEP goals and to participate, as appropriate, in the general education curriculum?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

5. Does the student continue to be eligible for special education services, based on the information contained in Questions 1-4?

☐ Yes  ☐ No  Explain (if further information is needed).__________________________________________

________________________________________________________________________

6. Under what conditions will the IEP team consider exiting the student from special education services?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
**Reevaluation.** Reevaluations of eligible individuals are required:

- Every three years, or sooner –
  - If the IEP team determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
  - If the child’s parent or teacher requests a reevaluation; or
  - If the IEP team will be considering whether a child is no longer an eligible individual; or
  - If the reevaluation of a transfer student from out-of-state is needed to either establish eligibility or to develop an appropriate IEP.

Reevaluations are not to occur more than once a year, unless the parent and the LEA and/or AEA agree otherwise. Also, a reevaluation is not required to exit a student from services due to graduation with a regular diploma.

**Reevaluation questions.** For all reevaluations, the IEP team must document answers to the following questions on IEP Page R (Reevaluation Questions):

1. What progress has the student made, compared to peers or the expected standard, since the last evaluation?
2. What discrepancy, if any, still exists between the student’s performance and that of peers or the expected standard?
3. What evidence is there that the student continues to need special education and related services in order to be successful?
4. What additions or modifications to the special education and related services are needed to enable the student to meet the IEP goals and to participate, as appropriate, in the general education curriculum?
5. Does the student continue to be eligible for special education services, based on the information contained in Questions 1-4?
6. Under what conditions will the IEP team consider exiting the student from special education services?

For questions 1, 2, 3, 4, and 6 detail information for each goal area. For example:

2. What progress has the student made, compared to peers or the expected standard, since the last evaluation?
   - Reading:
   - Math:
   - Behavior:

3. What discrepancy, if any, still exists between the student’s performance and that of peers or the expected standard?
   - Reading:
   - Math:
   - Behavior:

If answering these questions requires the collection of new information, parental consent is required.
Completing an IEP That Meets Requirements for Medicaid Reimbursement

IEP Form

The following link provides a copy of the IEP form with numbered callouts, such as this one, corresponding to Medicaid-relevant IEP items. You may view or print out that IEP form by going to:

IEP with Medicaid Captions

Page A

1. The duration dates of the IEP will be the range of dates when the services are allowed reimbursement from Medicaid by either the AEA or the LEA.
2. The team listing should include a health care professional for the appropriate Medicaid covered service for which reimbursement will be claimed. For example, if there are Physical Therapy services in the IEP, then a Physical Therapist should be listed on the team.

Page B - PFAAFP

3. If the student has behavior services provided by LEA staff, Medicaid requires there be a Behavior Intervention Plan (BIP) that addresses the interventions.
4. If the student has health services provided by LEA staff, Medicaid requires a formal plan of care (health plan) designed by a health care professional and carried out by staff.

Goal Page

5. For those AEA services that are discipline specific, there should be a related goal that outlines their services. For example, there would be a speech or language goal if the AEA Speech Language Pathologist is claiming Medicaid reimbursement for their services.

Pages F & G – Special Education Services

6. If supplementary aids and services are being provided to the student, this line should be checked “Y” for Yes. This is the indication of health or behavior paraprofessional services by the LEA.
7. If support or related services are being provided to the student, this line should be checked “Y” for Yes. This is the indication of health professional services, such as a Physical Therapist or School Nurse, by the AEA or the LEA.
8. As each service is checked with a “Y” for Yes a text box is added below. A description of how the service is provided to the student is entered into the text box.

In some cases, one staff member may provide both educational and health/behavior related services. These should be entered in two separate text boxes. One text box for the education related services, such as extra time for class assignments, and one text box for the health/behavior related services, such as assistance with personal hygiene or to monitor his/her safety.

- If the service is an AEA or LEA professional service (whether direct or consultative), the description should reflect the discipline related service.
- For most services, the option of “Service - no LRE minutes” should be selected from the drop-down box for this section. “Service - no LRE minutes” is used be for any service, support or activity that is provided in a general education setting.
- LRE minutes would be entered on the IEP for those services that are provided in a pull-out situation where the student is removed from a general education setting.
9. Enter all possible staff positions that will be providing the service. For example, if health paraprofessional services are being provided the entry should be “Teacher and trained staff”. For discipline specific services, such as Physical Therapy, the entry should reflect the appropriate discipline, Physical Therapist. The Web IEP also requires the name of the service provider be entered. This name will not appear when the IEP is printed.

10. A time and frequency entry is required for Medicaid reimbursement and should reflect the amount of time staff will be providing this service. For those services with varying frequencies, it would be acceptable to lengthen the range, such as entering 200 minutes monthly instead of 10 minutes daily (10 minutes X 20 school days in a month equals 200 minutes a month), in order to blend the various times into an average amount of time. This entry will be the maximum amount of time allowed for reimbursement from Medicaid.

11. If a student receives special transportation service, it would be noted in this section of the IEP. Medicaid will only reimburse the transportation cost on an IEP for trips to and from a Medicaid provider for a medical service.
# PARENT/GUARDIAN AUTHORIZATION FORM

**MEDICAID REIMBURSEMENT** FOR STUDENT’S INDIVIDUALIZED EDUCATION PROGRAM (IEP) SERVICES

Iowa Medicaid allows for Area Education Agencies (AEAs) and Local Education Agencies (LEAs) to request reimbursement for certain covered services in a student’s IEP.

For __________________________ born on __/__/____

<table>
<thead>
<tr>
<th>Student Name</th>
<th>Birthday</th>
<th>Parent/Guardian Name</th>
</tr>
</thead>
</table>

hereby authorize the AEA or LEA listed on my student’s IEP to disclose personally identifiable information of to the Iowa Department of Human Services and its contractors, (“Medicaid”) for purposes of determining student/child’s eligibility for Medicaid, and if student/child is determined to be eligible for Medicaid, for purposes of billing Medicaid for Medicaid-covered health services provided to student/child that are in their Individualized Education Program. The following support or related services are Medicaid covered:

<table>
<thead>
<tr>
<th>Begin Date</th>
<th>Support Service</th>
<th>Staff Responsible</th>
<th>Time and Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>/</strong>/____</td>
<td>__________________</td>
<td>__________________</td>
<td>__________________</td>
</tr>
<tr>
<td><strong>/</strong>/____</td>
<td>__________________</td>
<td>__________________</td>
<td>__________________</td>
</tr>
<tr>
<td><strong>/</strong>/____</td>
<td>__________________</td>
<td>__________________</td>
<td>__________________</td>
</tr>
</tbody>
</table>

Should the student/child have other insurance in addition to Medicaid, I understand that Medicaid may forward claims to the other insurance for processing. This process is in compliance with all federal regulations and would not impact the family’s existing benefits or impact their access to any services.

I understand that, upon request, I may receive copies of student/child’s records that are disclosed pursuant to this authorization.

_______ I agree to consent for this release of information to Medicaid.

_______ I decline to consent for this release of information to Medicaid.

_________________________ ____________________________ __/__
Parent/Guardian Signature Relationship to Student/Child Date

I understand that a photocopy or other reproduction of this signed and completed form shall have the same force and effect as the signed and completed original, unless otherwise prohibited by law.

Pursuant to the Family Educational Rights and Privacy Act (“FERPA”), 20 USC § 1232g, 34 CFR §99.31, the school corporation, prior to disclosing personally identifiable information from a student’s records to the Iowa Medicaid agency, must obtain “written consent from the student’s parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student’s parents and the student if desired by the parents.” This signed authorization is valid for a period of one (1) year from the date signed. This form must be maintained and made available for audit purposes.
IDEA 2004 requires that parent consent be obtained in order for public agencies (AEAs or LEAs) to access a child’s public insurance coverage (i.e., Medicaid). Because the claiming process requires the release of educational information to the Iowa Medicaid Enterprise, parent consent is also required for information release.

**IMPORTANT NOTE:** *The parent or guardian’s signed consent is valid only for the Medicaid-claimable services in the IEP for which permission is being obtained. If Medicaid-claimable services are changed (e.g., an IEP amendment increases speech-language time, a new IEP written three months after the IEP for which permission had been obtained adds the services of a paraprofessional for behavior, etc.) a NEW CONSENT MUST BE OBTAINED.*

## Agreement to consent or declining to consent

Indicate, by checking, the parent’s decision.

**Signature.** Parent signature on this line indicates that the parents’ decision regarding Medicaid claiming.

*Complete and submit this form regardless of the parents’ decision.*

**“Parent” means:**

a. A biological or adoptive parent of a child;
b. A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;
c. A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;
d. An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child’s welfare; or
e. A surrogate parent who has been appointed in accordance with rule 41.519(256B.34CFR300) or 20 U.S.C. 1439(a)(5).

**Important Notes:**

- When more than one party is qualified to act as a parent, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
- If a judicial decree or order identifies a specific person or persons under paragraphs to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent.
- “Parent” does not include a public or private agency involved in the education or care of a child or an employee or contractor with any public or private agency involved in the education or care of the child in that employee’s or contractor’s official capacity.
Extended School Year (ESY) Services

Date: __________/________/________

Student Name: ____________________________________________
Birthdate: __________/________/________

Parent(s): ________________________________________________
Phone: __________________________

Extended School Year Services Consideration

**Goal 1:** ______________________________________________

☐ Yes ☐ No In this goal area, has there been, or is there a potential, for significant regression during periods of interruption that would require significant recoupment? If yes, please explain.

☐ Yes ☐ No In this goal area, are there any rare and unusual circumstances? If yes, please explain.

☐ Yes ☐ No In this goal area, are there other factors to be considered in determining this child’s need for ESY services? If yes, please explain.

**Goal 2:** ______________________________________________

☐ Yes ☐ No In this goal area, has there been, or is there a potential, for significant regression during periods of interruption that would require significant recoupment? If yes, please explain.

☐ Yes ☐ No In this goal area, are there any rare and unusual circumstances? If yes, please explain.

☐ Yes ☐ No In this goal area, are there other factors to be considered in determining this child’s need for ESY services? If yes, please explain.

**Goal 3:** ______________________________________________

☐ Yes ☐ No In this goal area, has there been, or is there a potential, for significant regression during periods of interruption that would require significant recoupment? If yes, please explain.

☐ Yes ☐ No In this goal area, are there any rare and unusual circumstances? If yes, please explain.

☐ Yes ☐ No In this goal area, are there other factors to be considered in determining this child’s need for ESY services? If yes, please explain.

Parents, if you have questions, please contact:

_________________________ (Name)  ___________________________ (Position)  ___________________________ (Phone)  ___________________________ (E-mail)
Extended school year (ESY). The IEP team must determine if there are goal areas of concern that represent skills that need to be acquired or maintained without interruption for the child to meaningfully benefit from FAPE. If such goal areas are identified and special education activities, services, or supports are needed during school breaks (e.g., summer recess), the child must be provided ESY services. The ESY decision making process is discussed in detail in the procedures manual. Please refer to that source for further guidance.

In completing this form, the amount of detail will depend upon the circumstances. If the summer ESY service provider is the same professional who works with the individual during the school year, less information may be needed. For a different provider there will be a greater need for information.

Student name and other demographic information. Complete all demographic information.

Goal areas. State the goal area(s) to be addressed as part of ESY. For each area identified, indicate why this individual requires ESY services. Indicate whether the ESY need is based on regression, rare and unusual circumstances, or other considerations. For any “Yes” response, provide the team’s rationale for ESY services.

Contact information. Provide information to the parents regarding the individual they should contact with any questions about ESY services. Keep in mind that this may be a different contact person than during the school year.
Goal 1: Description of Services

What services will be provided?

Minutes per session: ________________  Total sessions: ________________

Start date: _____ / _____ / ______  End date: _____ / _____ / ______

Who will provide service?

Name: ____________________________  Position: ____________________________

Where will services be provided?

Who will services be provided?

When will services be provided?

☐ Yes  ☐ No  Is transportation needed to Goal 1 services?  If yes, please describe.

Progress Monitoring Procedures

How will progress be monitored?

How often will progress be monitored?

Who will monitor progress?

Name: ____________________________  Position: ____________________________

Goal 1: Levels of Student Performance

Beginning level of performance:

End of ESY Services level of performance:

Beginning of school year level of performance:

End of First Quarter level of performance:

Additional Goals
What services will be provided? Indicate type of service (instruction, physical therapy, etc.), the minutes per session and the total number of sessions, and the beginning and ending dates of services.

Who will provide services? Indicate the provider’s name and position.

Where will services be provided? Indicate location of services (e.g., Andrews Elementary)

When will services be provided? Indicate the scheduling of services (e.g., Tuesdays in June at 2:00 PM; June 7 & 21, July 6 & 20 at 9:30 AM)

Transportation needed? Indicate “Yes” or “No”. If “Yes” describe the transportation arrangements.

How often will progress be monitored? Who will monitor the progress? Answer each question:

- Record the indicators used to monitor progress. Example: Increase the number of feet walked or % of acquisition of articulation skills.
- Record the progress monitoring schedule. Example: Progress will be monitored at every other session.
- Record the name and title of the person monitoring progress.

Performance Levels. Note the timelines (beginning level of performance, performance at the end of ESY, performance at the beginning of the return to school year, and performance at the first quarter of the year). The person responsible for documenting the levels of performance is indicated under each line. The data collected should be in numeric form, as defined by the goal and collected according to the progress monitoring procedures.

Additional goals. As needed, repeat the steps for additional goals.
The Individualized Educational Program (IEP) team must provide written justification for the placement of an eligible individual in a special school by responding to the questions below. These questions must be addressed in writing before an initial placement in a special school and must be addressed in writing at each subsequent IEP review or reevaluation, if the special school placement will continue.

1. **Reasons:** What are the reasons that the eligible individual cannot be provided an educational program in an integrated school setting?

2. **Support Needed:** What supplementary aids and services are needed to support the eligible individual in the special education program?

3. **Integrated Setting:** Why can’t these aids and services be provided in an integrated setting?

4. **Continuum of services available:** What is the continuum of services available for the eligible individual?
**Justification.** The questions the IEP team addresses are intended to reinforce the ideas that:

- special school placements are a part of the continuum of services,
- special school placements are intended for a small number of students with highly specialized needs, and therefore,
- special school placements require careful and thoughtful consideration.

**Special school.** Special schools are schools that are designed to serve eligible individuals, only. Facilities that serve both eligible individuals and nondisabled students *are not considered special schools* for the purpose of meeting this requirement. A few examples of special school placements include the Iowa School for the Deaf (ISD) and the Iowa Braille School.

**Written justification for the placement.** When an eligible individual’s special education is provided in a special school, the individual’s IEP *must* include answers to the specific questions incorporated into the Justification for Special School Placement form. This form *must be completed*:

- when an initial placement is made in a special school, *and*
- at any review that continues the special school placement.
Early Childhood Outcomes Summary

Student: ___________________________       Last (legal) _____       First (no nicknames) _____       M.I. _____       Birthdate: _____ / _____ / _____

Date: _____ / _____ / _____

1. Positive Social-Emotional Skills (including social relationships):

   a. Comparison to peers or standards: To what extent does this child show age-appropriate functioning in the area of positive social-emotional skills across a variety of settings and situations?

      Check one

      | Child’s Rating | Outcome Rating | Outcome Rating Definitions and Descriptions: |
      |----------------|---------------|---------------------------------------------|
      | 7              | Completely    | • Functioning expected for his or her age in all or almost all of everyday situations that are part of the child’s life |
      |                |               | • Functioning is considered appropriate for his or her age |
      |                |               | • No concerns about functioning |
      | 6              | Between Completely and Somewhat | Functioning generally is considered appropriate for his or her age |
      |                |               | Some concerns about functioning |
      | 5              | Somewhat      | Functioning expected for his or her age some of the time and/or in some situations |
      |                |               | Functioning is a mix of age appropriate and not age appropriate |
      |                |               | Functioning might be described as like that of a slightly younger child |
      | 4              | Between Somewhat and Emerging | |
      | 3              | Emerging      | Does not yet show functioning expected of a child of his or her age in any situation |
      |                |               | Skills and behaviors include immediate foundational skills upon which to build age appropriate functioning |
      |                |               | Functioning might be described as like that of a younger child |
      | 2              | Between Emerging and Not Yet | |
      | 1              | Not Yet       | Does not yet show functioning expected of a child his or her age in any situation |
      |                |               | Skills and behaviors do not yet include any immediate foundational skills upon which to build age appropriate functioning |
      |                |               | Functioning might be described as like that of a much younger child |

   b. Progress: Has the child shown any new skills or behaviors related to positive social-emotional skills since the last IEP meeting?

      ☐ Yes       ☐ No       ☐ Not Applicable because this is the child’s Initial IEP Meeting

   c. Supporting Evidence for Outcome Rating and Progress in Positive Social-Emotional Skills:

      | Date of Assessment | Method used (Check all that apply) | Sources of Information (Describe for each check) | Summary of Relevant Results (Include present level of performance) |
      |--------------------|------------------------------------|-------------------------------------------------|----------------------------------------------------------|
      |                    | Record Review                      |                                                  |                                                          |
      |                    | Interviews                         |                                                  |                                                          |
      |                    | Observations                       |                                                  |                                                          |
      |                    | Tests/Assessments                  |                                                  |                                                          |
      |                    | Other                              |                                                  |                                                          |
2. Acquisition and Use of Knowledge & Skills (including early language/communication and early literacy):

a. **Comparison to peers or standards:** To what extent does this child show age-appropriate functioning in the area of acquisition and use of knowledge and skills across a variety of settings and situations?

   **Check one**

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b. **Progress:** Has the child shown any new skills or behaviors related to acquisition and use of knowledge and skills since the last IEP meeting?

   ☐ Yes   ☐ No   ☐ Not Applicable because this is the child’s Initial IEP Meeting

c. **Supporting Evidence for Outcome Rating and Progress in Acquisition and Use of Knowledge and Skills:**

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3. Use of Appropriate Behaviors to Meet Their Needs:

a. **Comparison to peers or standards**: To what extent does this child show age-appropriate functioning in the area of use of appropriate behaviors to meet his or her needs across a variety of settings and situations?

Check one

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b. **Progress**: Has the child shown any new skills or behaviors related to the use of appropriate behaviors to meet his or her needs since the last IEP meeting?

☐ Yes  ☐ No  ☐ Not Applicable because this is the child’s Initial IEP Meeting

c. **Supporting Evidence for Outcome Rating and Progress in Use of Appropriate Behaviors to Meet Their Needs**:

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Summary for Post-Secondary Living, Learning, and Working
(To be completed at exit prior to graduation)

Student Name: ___________________________ Birthdate: ___ / ___ / ___ Date: ___ / ___ / ___

Attending District/Building: ___________________________ Date of Exit: ___ / ___ / ___

Post-Secondary Expectations:

Living:

Learning:

Working:

Recent Special Education Services (Indicate all received within three years prior to exit.)
- Behavior Supports
- Assistive Technology
- Modifications
- Additional Services (e.g. Speech, Occupational Therapy, Physical Therapy, Transportation)
- Communication
- Accommodations
- Specially Designed Instruction
- Braille Instruction
- ESL Services
- Health

Goal Areas (Within three years prior to exit)

Describe Student’s Current Levels of Performance, as Related to Living, Learning, Working. (Include type of assessment, date of administration, and results)

Describe Functional Impact of the Disability (as related to Living, Learning, Working)
When an eligible individual graduates or ages out the school district and/or AEA, depending upon the services provided, must provide the child with a summary of the child’s academic achievement and functional performance, including recommendations on how to assist the child in meeting the child’s post-secondary goals. The Summary for Post-Secondary Living, Learning and Working and the SUPPORT FOR ACCOMMODATION REQUEST (SAR) have been developed to meet this requirement. The SAR is used when a student will be enrolling in a two or four-year college. Use the Summary for Post-Secondary Living, Learning and Working in other circumstances.

**Date.** Information may be added to the summary throughout the student’s last year of school. This is the date the Summary for Post-Secondary Living, Learning, and Working form was finalized.

**Date of Exit.** This is the date the student will exit special education services, typically a graduation date.

**Post-Secondary Expectations.** Transition assessments of a student aged 14 or older, are described on Page B of the IEP. Based on these assessments, describe the post-secondary expectations for living, learning, and working. The statements should be very specific and current at the time of exit. If the summary sheet is completed early in the student’s last year of school, the information should be reviewed and updated, as appropriate, at the time of exit.

**Recent Special Education Services.** Identify all special education services the student received in the last three years. Remember to consider work experience, adaptive PE, or any other services that were delivered that might not be listed.

**Goal Areas.** Record any goal areas included in the student’s IEP over the last three years. List goal areas only once. Use meaningful language for students, families, and adult service providers.

**Examples:** reading, financial literacy, self-responsibility, employability skills, etc.

**Describe Student’s Current Levels of Performance, as Related to Living, Learning, and Working.** Include type of assessment, date of administration, and results. This section may help adult service providers and other organizations or institutions determine eligibility for services.

Information included here is directly related to the post-secondary expectations on Page B on the IEP and “current levels of performance” on each goal page. Assessment information may come from formal or informal assessment techniques. This section should not exclusively be scores or percentages: it could include observations and situational assessment information. Remember keep it family friendly!

**Describe Functional Impact of the Disability.** This information describes the impact of the disability and answer the “so what” question: How does the disability impact the application of skills and the completion of tasks in learning, living, and working?

Domains to consider in this section include: mobility, self-care, self-direction, cognitive/motor skills, work tolerance, interpersonal skills, and sensory/verbal communication.

Information to complete this section may be found on Page B, goal pages, and Page F of the IEP.
Response to Instruction and Accommodations (As Related to Living, Learning, Working)

Recommendations for: (include suggestions for accommodations, linkages to adult services, or other supports)

Living

Learning

Working

Adult/Community Contacts:

Agency ___________________________ Status ___________________________
Name/Position ___________________________ Phone __________

Agency ___________________________ Status ___________________________
Name/Position ___________________________ Phone __________

Agency ___________________________ Status ___________________________
Name/Position ___________________________ Phone __________

High School Contacts:

Primary High School Contact: Name/Position: ___________________________ Phone __________

Additional team members contributing to this summary:

Student ___________________________ Parent ___________________________
Name/Position ___________________________ Name/Position ___________________________
Name/Position ___________________________ Name/Position ___________________________
Response to Instruction and Accommodations as related to living, learning, and working. Describe accommodations/instructional strategies that have and have not worked and when. Progress monitoring, teacher input, and the IEP review should provide the necessary information to know when a student is or is not responding to an accommodation or instructional strategy.

This section may help adult service providers and other organizations or institutes that are developing a plan or program for the student to identify service or support needs.

Recommendations for Living, Learning, and Working. Include suggestions for accommodations, linkages to adult services, or other supports.

Make the recommendations specific to each individual student. Use the Post-Secondary Expectation information (Page B of the IEP or the Post-Secondary Expectations section of this document) to determine recommendations that would be helpful for the student to successfully pursue the post-secondary expectation in each of the areas of living, learning, and working. Avoid a laundry list of recommendations.

Adult/Community Contacts. This section is designed to assist students and families in contacting or staying in contact with community agencies or organizations.

Agency: Identify the name of the agency the student has already been referred to or an agency that would be helpful based upon the recommendations made in the previous section of the document.

Status: Indicate the current (i.e., at the time of student exit) status of a referral or transition activity, such as referral made, active case, student on waiting list, and so forth.

Name/Position: The name and position of the contact person within the identified agency.

Phone: The phone number of the contact person within the identified agency.

High School Contacts. Indicate the name and position of one person within the high school that may be contacted in the future. Those who may have questions in the future include the student, family, adult or community service providers, or post-secondary institutions.

Additional team members contributing to this summary. Identify members of the IEP team who provided information for the development of the Summary of Post-Secondary Living, Learning, and Working.
Support for Accommodation Request (SAR)

To be used in consideration of post-secondary academic accommodation requests.

Student’s Name:

1. **ELIGIBILITY/DIAGNOSTIC STATEMENT**:
   - Date of original eligibility:
   - Most recent reevaluation date:
   - Current goal area(s) of concern:

2. **FORMAL DIAGNOSIS** and DATE (when available):

3. What is the **BASIS OF DETERMINATION** for current services? (Provide available formal/informal diagnostic assessment information and recent evaluation results; include performance levels with/without accommodations.)

4. Describe the **CURRENT FUNCTIONAL IMPACT** of the disability:

5. **RESPONSE TO** specially designed INSTRUCTIONAL INTERVENTION:

6. Expected **PROGRESSION or STABILITY** of the disability:

7. **HISTORY of ACCOMMODATIONS**:
   - 9th Grade:
   - 10th Grade:
   - 11th Grade:
   - 12th Grade:

8. **SUGGESTED ACCOMMODATIONS** for post-secondary experiences:

9. **RECOMMENDATIONS** for (include accommodations, linkages to adult services, other support)
   - Living:
   - Working:

10. **ADULT/COMMUNITY** Contacts:
   - Agency: Status: Name/Position: Telephone:

11. **SIGNATURE** of Credentialed Professional

<table>
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<tr>
<th>Name of Person completing this form (Print)</th>
<th>Title/Role</th>
<th>Agency/Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Signature</td>
<td>Telephone</td>
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12. **AUTHORIZATION for RELEASE OF INFORMATION**. I hereby authorize the release of information summarized in this Support for Accommodation Request for the purpose of evaluating eligibility and accommodation requests.

<table>
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<th>Name of Student (Printed)</th>
<th>Student’s Signature</th>
<th>Date</th>
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13. **STUDENT WRITTEN RESPONSE** — Statement of Goals (Please write your statement of at least 3-5 sentences describing what you hope to accomplish in the next year.)
1) **Eligibility/Diagnostic Statement.** The diagnostic systems used by the Department of Education, the Area Education Agencies, the State Department of Rehabilitative Services or other State agencies and/or the current editions of either the Diagnostic Statistical Manual of the American Psychiatric Association (DSM-IV-TR) or the International Statistical Classification of Diseases and Related Health Problems of the World Health Organization (ICD) are the recommended diagnostic taxonomies.

**An eligibility/diagnostic statement** includes the nature of the disability and the:

- Date of original eligibility into the system
- Most recent reevaluation date, and
- Current area(s) of concern

2) **Formal Diagnosis and Date.** In this context, a “formal” diagnosis means the specific identification of a mental, physical or health condition by a practitioner or institution *other than* the school or AEA.

*When available* include the formal diagnosis, the name of the professional evaluator with credentials (certification, licensure, and/or the professional training of individual(s) conducting the evaluation should be provided), and the date of the evaluation. *Please indicate if there is no formal diagnosis available* (e.g., none available).

3) **Basis of Determination.** List the diagnostic test(s), criteria and/or process(es) used for the determination of the disability. Include specific results from the diagnostic procedures and/or tests that are relevant to the disability and when they were administered. Diagnostic methods used should be congruent with the disability and current professional practices within the field. Informal or non-standardized evaluations should be described in enough detail that a professional colleague could understand their role and significance in the diagnostic process. Useful and relevant information includes:

- Formal/informal diagnostic assessments,
- Recent reevaluation results, and/or
- Performance levels with/without accommodations

4) **Current Functional Impact.** The current functional impact of the disability is most helpful in describing either explicitly or through provision of specific diagnostic results how the student functions within the academic setting. Include current levels of function, goals, rate of progress, modifications, and accommodations. In addition, provide any information that describes the typical progression of the disability, its interaction with development across the life span, the presence or absence of significant events (since the date of the evaluation) that would impact academic performance, and the applicability of the information to the current context of the request for accommodations at the post-secondary level. Current functional impact focuses on:

- Perceptual,
- Cognitive,
- Behavioral and/or
- Physical abilities

*Include current treatments and medications.* A brief review or history of treatments and medications noting significant and/or potential side effects that may impact perceptual, cognitive, behavioral and/or physical performance should also be included.
5) **Response to Instructional Intervention.** A description of instructional interventions, assistive devices, accommodations and/or assistive services should be provided. Include statements about their effectiveness in managing and/or minimizing the impact of the disability for the individual.

6) **Description of the expected progression or stability of the impact of the disability over time.** This description should provide an estimate of the change in the functional limitations of the disability over time and/or recommendations concerning the predictable needs for reevaluation.

7) **History of Accommodations.** Depending on the impact of the condition on the individual, a history of accommodations implemented and perceived effectiveness in managing and/or minimizing the impact of the disability should be provided. For individuals graduating from high school, a record of accommodations used during eighth through twelfth grade provides a more complete picture of the student’s experiences. It also provides an opportunity for the student to engage in reflection and self-determination.

8) **Suggested Accommodations.** Depending on the functional impact of the condition on the individual, include a listing of suggestions for accommodations and supports that may be beneficial in providing full access as the student transitions. Recommendations may include:
   - Accommodations,
   - Adaptive devices,
   - Assistive services,
   - Compensatory strategies, and/or
   - Collateral support services
   As appropriate, recommendations for collateral medical, psychological, and/or educational support services or training that would be beneficial may also be included.

9) **Recommendations.** Recommendations from professionals with a history of working with the individual provide valuable information for the review process. They will be included in the evaluation of requests for accommodation and/or auxiliary aids. Where such recommendations are congruent with the programs, services, and benefits offered by the College or University they will be given deference. When recommendations go beyond services and benefits that can be provided by the College they may be used to suggest potential referrals to area service providers beyond the College or University.

10. **Adult/Community Contacts.** List agencies with current or past supportive relationships with the student. Indicate status (active/inactive) as of the time of SAR completion. Provide contact information.

11. **Signature.** The signature of the professional (i.e. secondary special education teacher, transition coordinator) completing this form along with the person’s title/role, and contact information is included for reference.
12) **Authorization of Release.** The student should be involved in this process and document his/her authorization for the release of the information for the purpose of evaluating eligibility and accommodation requests by signing and dating the release.

13) **Student Written Response.** The purpose of the student written response is to engage the student in the process of his or her transition and self-determination. The response may be handwritten or word-processed.
Functional Behavioral Assessment Summary

Assessment Date: ______ / ______ / ______

☐ New      ☐ Revision      ☐ Review without change

A substantial change requires a new FBA summary.

Name: ___________________________ ___________________________ ☐ Male ☐ Female

Last (legal) First (no nicknames) M.I.

Birth Date: ______ / ______ / ______ Grade: ______

Resident District: ___________________________ Building: ___________________________

Attending District: ___________________________ Building: ___________________________

Attending Area Education Agency: ______ Attending Building Phone: _____________

☐ Parent Name: ___________________________ Home Phone: ___________________________

☐ Foster Parent Address: ___________________________ Work/Cell Ph: ___________________________

☐ Guardian ___________________________

☐ Surrogate ___________________________ E-mail: ___________________________

☐ Student

☐ Parent Name: ___________________________ Home Phone: ___________________________

☐ Foster Parent Address: ___________________________ Work/Cell Ph: ___________________________

☐ Guardian ___________________________

☐ Surrogate ___________________________ E-mail: ___________________________

☐ Student

Individuals completing this Functional Behavior Assessment:

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<thead>
<tr>
<th>Name</th>
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Contact person for this summary: ___________________________

Phone: ___________________________ E-mail: ___________________________
A Functional Behavioral Assessment (FBA) must be completed when required to appropriately address a student’s needs, or when required due to a disciplinary action. The disciplinary requirement is:

If the AEA, the LEA, the parent, and relevant members of the IEP team make the determination that a code of conduct violation that would result in a change of placement was a manifestation of the child’s disability, the IEP team must conduct a functional behavioral assessment, unless the AEA or LEA had conducted a functional behavioral assessment before the behavior occurred, and implement a behavioral intervention plan.

*See the Procedure Manual and 281—41.530 for detailed information.*

**Assessment Date.** Document the date the FBA was completed.

**FBA type.** Indicate whether this is a new FBA, a revision of an existing FBA or a review of an existing FBA without any changes being made. A review without change indicates that the information contained in the FBA is accurate, sufficiently current and valid as a basis for planning and decision-making.

**Individuals completing this Functional Behavior Assessment.** List the individuals who contributed to the writing of this report. Do not list those who contributed information but did not actually assist in the writing. Where it is important to note the sources of information, do so in relevant parts of the report (e.g., “Based on parent interviews” “John’s third grade teacher reported that …”)

**Contact person for this summary.** Identify and provide contact information for the individual who would best be able to respond to any questions regarding this assessment.
**Behavior(s) of concern.** State a clear, measurable, and observable description of the behavior(s) of concern.

**Strengths.** What student strengths may provide a foundation for decreasing the behavior(s) of concern and increasing replacement behaviors?

**Descriptive Summary:** Document existing and newly acquired data. Include information from a variety of approaches and/or data sources: record review, interviews, observations, tests, and/or graphic displays such as scatter plots, ABC analysis, etc. The extent of data collection should reflect the complexity of the behavior(s) of concern.

**Student Skills:**

☐ Yes  ☐ No  
Are there skill deficits related to the behavior of concern?

If yes, identify or describe:

☐ Yes  ☐ No  
Does the student display appropriate skills instead of the behavior of concern?

If yes, identify or describe:

**Problem Analysis:** Based on the **Descriptive Summary**, respond to the following questions.

1. What about the behavior is concerning? Consider the behavioral dimensions of frequency (how often), intensity (to what degree), duration (how long), and latency (time between prompt and desired behavior).

2. What is the expected or desired performance? What standard was utilized to make the comparison? (e.g., standard, benchmarks, peer comparison, school norms)

3. What is the student’s current level of performance?

4. What is the discrepancy between the student’s expected and current performance?
**Behavior(s) of concern.** State a clear, measurable, and observable description of the behavior(s) of concern. Be specific. There are many ways to be aggressive, inattentive, disruptive, etc. The definition should allow someone who is unfamiliar with the student to be able to recognize when the behavior is and is not occurring.

**Strengths.** Describe student strengths that may support the development of interventions. Be specific. For example, the student has high language comprehension ability; the student is able to use picture cues/prompts; the student has good peer relationships; the student has strong math skills, with performance at or above his/her peers.

**Descriptive summary.** Based on a variety of information sources, summarize what is known about the behavior of concern and the conditions related to it. Include identification of resources. Identify outside information sources, if any. You may attach relevant documents (in the Web IEP “Associated Files” are uploaded).

**Student skills – skill deficits.** If “Yes” describe the skill deficit of concern. Is it that the student can’t use appropriate behavior instead of the behavior of concern (skill deficit) OR is it that the student won’t use appropriate behavior instead of the behavior of concern (performance deficit)? For example, the student is nonverbal and is expected to ask for help but does not do so (skill deficit) versus the child is verbal and is expected to ask for help but does not do so (performance deficit)

**Student skills – display of appropriate skills.** If “Yes” describe if the student possesses appropriate replacement behaviors. The purpose of this item is to help determine if new skills need to be taught or if existing skills need to be encouraged and reinforced. Has the student used appropriate behavior instead of the behavior of concern in the situations documented in the descriptive summary? For example, sometimes the student requests help verbally, sometimes the student uses a picture cue to request help, and then sometimes the student tantrums (commensurate with a performance deficit)

**Problem analysis.**

- **What about the behavior is concerning?** Describe the aspects of the student’s behavior that make it a concern (frequency, intensity, etc.). For example, the frequency of aggressive behavior – specifically hitting peers.

- **What is the expected or desired performance?** For some behaviors (stealing, throwing rocks at others, etc.) desired performance is zero occurrences of the behavior of concern. For other behaviors (e.g., work completion) the reasonable expectation is the typical performance of others in the classroom. For example, peers engage in hitting 0 times per day.

- **What is the student’s current level of performance?** State the student’s current performance. Use positive phrasing whenever possible (James completes 80% of his homework assignments). For example, Johnny hits his peers 5 times per day.

- **What is the discrepancy between the student’s expected and current performance?** State the difference in objective measurable terms. For example, the discrepancy between the student’s expected performance (0 hits) and the current performance (5 hits) is 5.
Environmental conditions

**Antecedents**

What are the events immediately before the behavior(s) of concern, or events that trigger the behavior(s) of concern?

**Consequences**

- What is the observed common response(s) of the teacher to the behavior(s) of concern?
- What is the observed common response(s) of peers to the behavior(s) of concern?

**Hypothesized function (purpose) of the behavior.** Based on a convergence of data reflected in the Descriptional Summary and Problem Analysis, what is the function of the behavior(s) of concern? Is the student attempting to gain something or avoid something?

**Additional Notes.** Document any additional notes or reflections here.

**Next Steps.**

An FBA is an on-going process which is directly tied to the development and implementation of a Behavior Intervention Plan (BIP). Please select the appropriate box below:

- This FBA led to the development of a BIP
- This FBA did not lead to the development of a BIP. Any needed alternative actions will be addressed in a separate plan (504 plan or intervention plan).
Environmental conditions: Antecedents. What conditions make the behavior more or less likely to occur? Using the Descriptive Summary data above, determine the common antecedents to the behaviors of concern. For example: “25/30 times that the student hit, the antecedent was independent play with no teacher or peer attention”. It is important to note the conditions must be what are actually observed, not what was believed to have happened. Describe:

- the conditions that make the behavior more likely to occur, but do not directly or immediately trigger the behavior (e.g., time of day, certain classes, particular adults or peers present, etc.); and
- The events that directly and immediately trigger the behavior (e.g., teasing, specific classroom demands, etc.)

Environmental conditions: Consequences. Consequences are the actions and events that follow occurrences of the behavior(s) of concern. Using the Descriptive Summary data above, determine the common consequences to the behaviors of concern. For example, “28/30 times the student hit, the consequence was followed by an adult reprimand”. It is important to note the conditions must be what are actually observed, not what was believed to have happened – for example, adults may indicate the behavior of concern is immediately followed by time out, however observation might show the behavior of concern is followed by time out with adult reprimand during time out.

Positive consequences (actions and events that follow the occurrences of the behavior(s) of concern and appear to reinforce that behavior – “positive” means potentially reinforcing and not necessarily desirable in the general view of others). Negative consequences: (actions and events that follow the occurrences of the behavior(s) of concern and appear to discourage that behavior – “negative” means potentially punishing in the behavioral sense and not necessarily undesirable in the general view of others).

- Describe the response of teachers/parents/caregivers to the behavior of concern
- Describe the response of peers to the behavior of concern

Hypothesized function (purpose) of the behavior. State clearly and succinctly the conclusion related to the behavior’s function. Behavior generally falls into one of two functions: Gaining or Avoiding. What the student is trying to gain or avoid will differ based on the situation (e.g. gain attention; avoid a task; gain preferred object). Most commonly, students are attempting to escape or avoid an undesirable task or gain attention from peers or adults.

A very small number of behaviors are automatic (i.e., not readily modifiable through strictly behavioral approaches). Consideration may also need to be given to outside factors that may inform intervention strategies such as gang affiliation, and relevant internal cognitive variables and beliefs. Gain and/or Escape functions should be ruled out before an automatic function can be determined.

Next steps. An FBA is typically completed only when there is a behavior of concern that is significant enough to require a systematically applied approach to dealing with the behavior (i.e., a plan). Indicate whether the behavior of concern will be addressed through a Behavior Intervention Plan (BIP), or through some other means.
Behavior Intervention Plan

☐ New  ☐ Revision  ☐ Review without change

A substantial change requires a new BIP summary.

Student: ___________________________  Date: ___/___/___  Date of most current FBA: ___/___/___

Names and positions of those who developed this Behavior Intervention Plan:

__________________________________________  Parents  _________________________________
__________________________________________  _________________________________
__________________________________________  _________________________________
__________________________________________  _________________________________

Behavior(s) of Concern identified in the Functional Behavior Analysis:

The behavior(s) of concern is a: ☐ Skill Deficit  ☐ Performance Deficit

Alternative or Replacement Behaviors and/or Skills.

Has the alternative or replacement behavior been observed?

☐ Yes  ☐ No

If yes, describe the behavior and under what conditions it was observed:

If no, can the alternative or replacement behavior be elicited by offering appropriate reinforcement?

☐ Yes  ☐ No

If yes describe reinforcement required:

Baseline. What is the student’s current level of performance?

Goal. State the behavioral goal in measurable and observable terms that include the conditions, behavior, and criterion.
IMPORTANT NOTE: These directions relate to a “stand-alone” BIP. When incorporated in an IEP that has the behavior goals targeted by the BIP, the baseline, goal, progress monitoring procedures and plan modifications (phase change notes) may be completed through the IEP goal page, and you may note “See IEP” in completing the BIP.

**BIP type.** Indicate whether this is a new BIP, a revision of an existing BIP or a review of an existing BIP without any changes being made. A review without change indicates that the information contained in the BIP is accurate, sufficiently current and provides a sound basis for the actions described.

**Date of most current FBA.** BIPs are based on information gathered through an ongoing FBA. Indicate the date of the most current FBA Summary Form that provides the foundation for this BIP.

**Names.** When an IEP makes a commitment to develop/continue a BIP, the IEP is to state the individuals who will develop the BIP and who are authorized to modify the BIP. When directed by an IEP, these names must correspond to the people/positions identified in the IEP.

**Behavior(s) of concern.** State the behavior of concern identified in the FBA.

**Skill deficit/performance deficit.** “Skill deficit” indicates that the behavior of concern occurs because the individual lacks alternative, appropriate behaviors that serve the same function as the behavior of concern. “Performance deficit” indicates that the individual has alternative, appropriate behaviors that serve the same function as the behavior of concern, but does not use these skills or does not use these skills at an expected rate.

**Alternative or Replacement Behaviors and/or Skills.** Often alternative, appropriate behaviors have not been observed or have not been observed to occur at an acceptable rate.

- **Observed.** Indicate if alternative, appropriate behaviors have been observed. Determine the alternative or replacement behavior to document on page 2.
- **Elicited by reinforcement.** If alternative, appropriate behaviors have not been observed, indicate whether the individual displays the behaviors, given reinforcement. Determine the level of reinforcement necessary to maintain the alternative/replacement behavior.

**Baseline.** State the student’s current performance on the indicator that will be used to measure progress towards the goal. The baseline, just like the goal, must be observable, measurable and specific.

- The baseline must include a number!
- The baseline number is also the graph starting point for progress monitoring
- The measurement tool used to determine the baseline must also be the measurement tool used in progress monitoring

**Example:** Carl follows teacher directions within 10 seconds 43% of the time.

**Goal.** The goal must include:

- **Conditions:** In 36 weeks, given a teacher direction
- **Behavior:** Carl will follow that direction within 10 seconds
- **Criterion:** 90% of the time
Behavior Intervention Plan (BIP) Page 2

**Implementation Plan**

**Prevention Strategies:** What changes in instruction, choices, environment, and so forth are needed to decrease or prevent behavior(s) of concern?

**Action:**

Who will be responsible for this action?

When this action will be implemented: _____ / _____ / _____

**Teaching Alternative or Replacement Behaviors and/or Skills:** This behavior will replace the behavior(s) of concern for the student to obtain the same results.

**Action:**

Who is teaching the replacement behavior?

When this action will be implemented: _____ / _____ / _____

**Response Strategies** - Teacher/parent/caregiver responses

**Action:**

Who will be responsible for this action?

When this action will be implemented: _____ / _____ / _____

**Safety plan:** Actions needed to ensure safety and the de-escalation of student behaviors in emergency situations.

**Action:**

Who will be responsible for this action?

When this action will be implemented: _____ / _____ / _____

**Other actions** that are needed to meet the needs of this individual

**Action:**

Who will be responsible for this action?

When this action will be implemented: _____ / _____ / _____
Implementation plan. Each section of the Implementation Plan calls for a clear description of the action to be taken, the individual(s) who will be responsible for the action and the timeframe for the action. In the Web IEP additional actions may be added or new actions, replacing previous actions may be added.

Prevention strategies. Review all salient information on the FBA Summary Form, as well as Problem Analysis results, specifically Environmental Conditions and Antecedents to develop appropriate prevention strategies. Actions might include adaptations to:

- Procedures
- Behavioral expectations
- Schedules
- Room or seating arrangements
- Routines
- Materials.

Teaching Alternative or Replacement Behaviors and/or Skills. Review all salient information on the FBA Summary Form, specifically the Alternative or Replacement behavior section to develop appropriate strategies to teach the alternative/replacement behavior. Actions might include:

- Direct teaching (explanation, demonstration, feedback related to correct responding) of behavioral expectations, new skills, acceptable behaviors that serve the identified function of the behavior(s) of concern.
- Structured assessment of the effects of potential reinforcers.
- Reinforcement of desirable behaviors, those directly taught or others desirable behaviors that are demonstrated.
- Reinforcement of progressively lower rates of the behavior(s) of concern.

Response strategies. Review all salient information on the FBA Summary Form, as well as Problem Analysis results, specifically the pattern documented under Consequences in relation to the hypothesized function to develop appropriate response strategies that do not reinforce the behavior(s) of concern and do prompt and reinforce the alternative/replacement behavior. In a prioritized order, these classroom, home or community actions might include:

- Reinforcement of specifically targeted replacement behaviors or alternative skills.
- Reinforcement of acceptable behavior, whether or not the behavior is a specifically targeted replacement behavior or alternative skills.
- Ignoring occurrences of targeted undesirable behaviors.
- Prompting or redirecting undesirable behavior to desirable behavior.
- Providing a negative consequence for an undesirable behavior.

Safety plan. When the behaviors of concern may pose a danger to the individual, other students or adults, a safety plan may be required. If a safety plan is needed, define a crisis for this student and identify actions to be taken based on the function of the student’s behavior. Actions might include:

- Assuring that any necessary assistance is available when needed.
- Appropriately preparing (with information, training, etc.) all responsible adults to implement the safety plan.
- Establishing a system of timely communication.

Other actions that are needed to meet the needs of this individual. Certain life circumstances do not directly trigger or make more likely an undesirable behavior, but rather place an individual generally at-risk for various undesirable outcomes. This item is intended to stimulate discussion of this potential. Actions might include:

- Referral to outside resources.
- Promoting success in other aspects of the individual’s life.
**Monitoring Plan**

**Monitoring**: complete the area(s) to be monitored

**BIP Student Goal**: State how progress toward meeting this goal will be measured and how often progress will be measured.

**Action**:

Who will be responsible for this action?

When this action will be implemented: ____ / ____ / ____

Frequency of monitoring?

**Alternative or Replacement Behavior**: State the method, person responsible and frequency of monitoring of replacement behavior success.

**Action**:

Who will be responsible for this action?

When this action will be implemented: ____ / ____ / ____

Frequency of monitoring?

**BIP Implementation**: State the method, person responsible and frequency of monitoring the implementation of the components outlined in this BIP.

**Action**:

Who will be responsible for this action?

When this action will be implemented: ____ / ____ / ____

Frequency of monitoring?
**Monitoring plan.** The monitoring plan allows the description of both goal monitoring and replacement skill monitoring. This allows tracking a goal to reduce one behavior while efforts are also undertaken to increase the occurrence of replacement behaviors. If the goal itself calls for increasing replacement behaviors, only the Goal Monitoring section needs to be completed.

**BIP student goal.** Indicate how progress toward this goal will be measured and how often progress will be measured. **Recall,** if the BIP goal is the same as an IEP goal, you may state: “See IEP”.

*Describe frequent and repeated measures.*

<table>
<thead>
<tr>
<th>Action</th>
<th>Frequency</th>
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<tbody>
<tr>
<td>Tallies</td>
<td>Weekly</td>
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<tr>
<td>Observations</td>
<td>Daily</td>
</tr>
<tr>
<td>Record Books</td>
<td>Every two weeks</td>
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**Alternative or replacement behaviors.** If the BIP goal targets reducing the behavior of concern, efforts to increase the occurrence of behavior(s) that are acceptable and serve the same function as the behavior of concern should be undertaken. Indicate how, how often and who is responsible for this monitoring.

**Plan implementation.** You **must** describe how plan implementation will be monitored. Treatment integrity is critical to the success of any BIP.
Manifestation Determination Guide

Meeting Date: ______ / ______ / ______

Student: ____________________________________ Date of Birth: ______ / ______ / ______

School District: _____________________________ School Building: _____________________________

Code of conduct violation: _____________________________

Timelines: Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of conduct, a manifestation determination must be made.

Date the code of conduct violation occurred: ______ / ______ / ______

Date of the school district’s determination that the potential disciplinary action would constitute a change of placement (educational setting change for more than 10 days): ______ / ______ / ______

NOTE: If a student possesses or sells drugs, possesses a weapon or causes serious bodily injury on school property or at a school activity, school officials may order a change in placement of up to 45 school days regardless of the manifestation determination.

IEP Team Review: The following information was considered:

☐ Evaluation and diagnostic results ☐ Information from the parents or guardian
☐ This individual’s IEP ☐ Teacher observations
☐ Other: ____________________________________

Behavioral Background Information

☐ Yes ☐ No  Has there been a history, previously documented or not, of behavioral concerns for this student?

If “No,” proceed to the Manifestation Determination section.

If “Yes”, briefly describe the history of behavior concerns:

☐ Yes ☐ No Does the history of behavior concerns include behavior similar to or related to the behavior that was a code of conduct violation?

Comments:

☐ Yes ☐ No Has a functional behavioral assessment been completed for this student? If “Yes,” what function (purpose) of the student’s behavior(s) of concern was identified?

☐ Yes ☐ No Is this function related to the behavior that was a code of conduct violation?

Comments:

☐ Yes ☐ No Have the behavior(s) of concern been considered in developing the current IEP (i.e., “Behavior” was indicated to be a Special Consideration in the Present Levels of Academic Achievement and Functional Performance)?

Comments:
A manifestation determination is required whenever the disciplinary consequence of a violation of a school’s code of conduct would constitute a change in placement for an eligible individual. Expulsions from school, suspensions of greater than ten consecutive school days, or suspensions totaling more than ten days during a school year that constitute a pattern of removal are “changes in placement”. Regardless of the outcome of the manifestation determination, the school district maintains responsibility for the student’s education. Therefore, the Manifestation Determination Guide outlines both the process that is required by IDEA for manifestation determination and a consideration of the potential behavior needs of the student.

**Code of conduct violation.** Briefly describe the behavior subject to discipline under the school’s code of conduct.

**Timelines.** The manifestation determination must be completed within ten school days of the determination that the potential consequence for the violation constitutes a change in placement. These dates are important. Record them accurately.

**Example:** Thomas receives an immediate three-day suspension for fighting, pending a parent conference. Thomas’s parents are informed immediately of Thomas’s behavior and the suspension and are invited to a meeting at school. The purpose of the meeting is to discuss Thomas’s behavior in light of the school’s code of conduct. At the meeting, the statements of witnesses and Thomas’s statement are presented to the parents. Thomas has the opportunity to explain his actions. [NOTE: IDEA 2004 states “School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.”]. Thomas and his parents are told that this violation would ordinarily draw a suspension for the remainder of the semester. Because Thomas is a student with a disability, a manifestation determination is required before a decision can be made about the consequence for Thomas’s behavior. The school has ten school days from the date of the meeting with Thomas and his parents to hold the manifestation determination.

**IEP Team Review.** Indicate the information sources that were discussed at the manifestation determination meeting.

**Behavioral Background Information.**

**History of behavior concerns.** Indicate “Yes” or “No”. If there has been no history of behavioral concerns, indicate “No” and proceed to the Manifestation Determination section. There, the team will be prompted to conduct a Functional Behavior Assessment (FBA) and create a Behavior Intervention Plan (BIP) or review the existing plan if the behavior is a manifestation of the student’s disability. If the behavior is not a manifestation, the team is prompted to consider the need for an FBA and BIP.

If there is a history of behavior concerns, briefly describe that history.

**Relationship between past behavior and the code of conduct violation.** Answer “Yes” if there is some reasonable relationship between the behavior being discussed and past behavior (e.g., reoccurrence of a past behavior, a more intense occurrence of past behavior, a progression from past behavior – e.g., a history of verbal confrontations progressing to a physical fight).

**Completion of FBA.** Answer “Yes” if an FBA has been conducted and indicate the identified function of the behavior that was evaluated in the FBA. Indicate if this function was related to the code of conduct violation. For example, if peer attention was the identified function of related, past behavior, was peer attention also a factor in the code of conduct violation?

**Behavior addressed in the current IEP.** Indicate “Yes” if the code of conduct violation or related behaviors have been addressed in the current IEP.
Have the behavior(s) of concern been addressed through interventions documented in an IEP (behavioral goal & services) or in a behavior intervention plan? If “Yes”:

- Yes □ No □ Have these interventions been matched to the identified function of the behavior(s) of concern?
  
  Comments:

- Yes □ No □ Will the supports and services specified in the IEP or the behavioral intervention plan meet this student’s future behavioral needs?

**Manifestation Determination**

- Yes □ No □ 1. Was the code of conduct violation caused by or have a direct and substantial relationship to this individual’s disability?

- Yes □ No □ 2. Was the code of conduct violation the direct result of the school’s or area education agency’s failure to implement the IEP?

If the team agrees that either question is correctly answered “Yes”, the behavior is a manifestation of this individual’s disability.

If the team agrees that both questions are correctly answered “No”, the behavior is not a manifestation of this individual’s disability.

- □ The team reached consensus that the behavior □ is □ is not a manifestation of this individual’s disability.

- □ The team did not reach consensus. Attach a Prior Written Notice, informing the parents of the school’s determination.

**Individuals Who Participated** in this Meeting

(Required Participants: Parents, an LEA Representative & Relevant IEP Team Members)

- Parent
- Parent
- LEA Rep/Designee

**If the behavior is a manifestation.** Disciplinary action constituting a change in placement may not be taken. Conduct a functional behavioral assessment and develop a behavior intervention plan. If a behavioral intervention plan already exists, review the plan and modify it, as necessary, to address the behavior that was a code of conduct violation and, if needed, other behavior(s) of concern. Indicate future actions:

- □ Remain in current program with changes to IEP □ Change current program
- □ Revise behavioral intervention plan □ Other

**If the behavior is not a manifestation.** Disciplinary action constituting a change in placement may be taken. However, the school must continue to provide educational services. These services must enable the individual to continue to participate in the general curriculum and to progress towards meeting the goals of the IEP. The team should consider the need for a functional behavioral assessment and development of a behavior intervention plan. If a behavioral intervention plan already exists, review the plan and modify it, as necessary, to address the behavior that was a code of conduct violation and, if needed, other behavior(s) of concern.
Behavioral Background Information, continued.

Behaviors of concern addressed through interventions. Indicate if behavior(s) of concern have been addressed through an IEP or BIP. Think broadly, not just about the behavior subject to discipline. If behaviors have been addressed in the past, the following questions are intended to stimulate discussion of future behavioral needs. The answers to these questions are not intended to influence the manifestation determination.

Manifestation Determination. Address the two listed questions. Little guidance is currently available to aid teams in addressing these questions.

**Question #1.** If a child whose disability includes the diagnosis of Tourette Syndrome and the symptoms of that condition include loud vocal tics, it would be unreasonable to suspend that student because those vocalizations disrupt class. That, of course, is an obvious example. Many situations will be less obvious.

**Question #2.** First discuss whether there has been any failure to follow the IEP. If the IEP has been implemented as written, the correct response to this question is “No”. *Don’t forget*, if the IEP calls for a behavior plan, carrying out that plan is an expectation of implementing the IEP.

Answering either question “Yes” means the behavior is a manifestation of the individual’s disability. Answering both questions “No” means that the behavior is not a manifestation.

Indicate the consensus of the team. When it is not possible to reach consensus, the school must make a determination and inform the parents of that determination with a Prior Written Notice.

Individuals who participated in this meeting. IDEA 2004 requires that the group conducting a manifestation determination include “the local educational agency [the school district], the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency)”. List all participants. Signature or listing does not indicate agreement with the determination.

If the behavior is a manifestation. Indicate the actions that will be taken, as determined by the team.

If the behavior is not a manifestation. Disciplinary action may be taken, but services must continue. The team should also consider whether the behavior needs to be addressed through an FBA and BIP, if none were previously done, or through modifications to an existing BIP.
Competent Private Instruction Worksheet

Student’s Name: ___________________________________________  DOB: ____ / ____ / _____

Parent’s Name: ___________________________________________  Grade Level: ______________

Address: _________________________________________________  Home Telephone: __________________

(Street)  (City or Town)  (Zip)

School District & Building: ___________________________  Cell/Work Phone: __________________

This student’s parents wish to provide competent private instruction for this eligible individual.

Current services (check one or both):  □ District instructional services  □ AEA support services

Please indicate the parents’ preferred option and attach the appropriate documentation:

☐ Option #1: Dual enrollment with all special education services continued or continued with only minor changes (e.g., scheduling or location of service).
  ➢ Completed Competent Private Instruction report (Form A, front and back).
  ➢ Course of study provided by the parent.
  ➢ Documentation of an IEP meeting or an amendment without a meeting that describes any changes to the IEP.
  ➢ Prior Written Notice of any changes, pending CPI approval.

☐ Option #2: Dual enrollment with all special education services continued, but with significant (e.g., amount of service or nature of the service) changes.
  ➢ Completed Competent Private Instruction report (Form A, front and back).
  ➢ Course of study provided by the parent.
  ➢ Documentation of an IEP meeting or an amendment without a meeting that describes any changes to the IEP.
  ➢ Prior Written Notice of any changes, pending CPI approval.

☐ Option #3: Dual enrollment with some, but not all special education services continued.
  ➢ Completed Competent Private Instruction report (Form A, front and back).
  ➢ Course of study provided by the parent.
  ➢ Documentation of an IEP meeting or an amendment without a meeting that describes any changes to the IEP.
  ➢ Prior Written Notice of any changes, pending CPI approval.

☐ Option #4: Dual enrollment for a student eligible for special education services whose parent has chosen only general education/extracurricular activities.
  ➢ Completed Competent Private Instruction report (Form A, front and back).
  ➢ Course of study provided by the parent.

☐ Option #5: No dual enrollment and no school involvement provided by the LEA or the AEA.
  ➢ Completed Competent Private Instruction report (Form A, front and back).
  ➢ Course of study provided by the parent.

Comments (attach additional information, if necessary):

Submitted to the Director of Special Education or designee by: ___________________________
Competent private instruction.

“Competent private instruction (CPI) is private instruction provided to a child in Iowa. ‘Private instruction’ means instruction using a plan and course of study in a setting other than a public school district or accredited nonpublic school. The CPI category includes both home schooled children and those in non-accredited nonpublic ‘schools.’”

“If a home school student is identified as a special education student and will be receiving Competent Private Instruction, the AEA special education director must give prior approval.”

Competent Private Instruction Handbook, Iowa Department of Education

The purpose of the *Competent Private Instruction Worksheet* is to guide the collection of information needed by the AEA Director of Special Education or his or her designee in order to determine whether CPI will be approved for an eligible individual.

**Dual enrollment.**

“Dual enrollment is enrollment with a public school district of a child who is receiving CPI for the purpose of attending one or more courses, participating in extracurricular activities offered by the district, obtaining special education programs or services (if required by the child’s IEP), or to access free of charge the annual evaluation required under chapter 299A.”

Competent Private Instruction Handbook, Iowa Department of Education

Parents providing CPI have the option to dual enroll their child in courses, activities or programs of the school district and AEA. See Form A (*Competent Private Instruction Report*) item 9, below.

9) **Do you desire dual enrollment in the public school for the child under competent private instruction?**

   Yes ___ No ___ (If no, skip to #10.)

   A. **Dual enrollment is desired for:**

   B. Academic _____ Extra-curricular activities _____ Special Education ____ Testing____

   (Check all that apply)

   C. Grade Level for the 2012-2013 school year _______

   D. **Subjects or Activities you wish your child to dual enroll in:**

<table>
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<tr>
<th>1st Semester:</th>
<th>2nd Semester:</th>
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497
Weighted Enrollment Factor

The assignment of an appropriate weighted enrollment factor to the specially designed instruction and related services provided by school districts in accordance with an eligible individual’s IEP is the responsibility of the AEA Director of Special Education.

41.402(1) Director of special education. The director shall be responsible for the implementation of special education for eligible individuals pursuant to Iowa Code section 273.5 and these rules. The director’s powers and duties shall include:

   c. Assigning appropriate weights for each child requiring special education programs or services as provided in Iowa Code ...

This responsibility is typically delegated by the AEA Director of Special Education. Follow your specific AEA’s process for determining who assigns the weighted enrollment factor.

All AEAs utilize the matrix on the following page to guide decision making.

Weighted Matrix  Required System Data  Manual TOC  Appendix TOC
# Weighted Enrollment: Assigning Level of Service

**Level I:** A student’s IEP must document that the student’s level of service requires the services of special education instructional staff or supplemental aids and services and has a total of 1-5 pts.

**Level II:** A student’s IEP must document that the student’s level of service requires the services of special education instructional staff or supplemental aids and services and has a total of 6-9 pts.

**Level III:** A student’s IEP must document that the student’s level of service requires the services of special education instructional staff or supplemental aids and services and has a total of 10-12 pts.

**NOTE:** This instrument is not designed to be used for assigning weights to preschool aged children. There will be unique circumstances, e.g., medically fragile, hearing interpreters, Braille instruction in which weightings should be assigned using other processes.

<table>
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<tr>
<th>Zero Points</th>
<th>Weighted Enrollment Factor</th>
<th>Specially Designed Instruction related to all goal areas regardless of setting (Reference IEP Pgs. B, D, E, F)</th>
<th>Support for School Personnel and LRE Efforts (Reference IEP Pg. F)</th>
<th>Supplementary Aids &amp; Services/Specialized Transportation (Reference IEP Pgs. F, G)</th>
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<tr>
<td>Student is functioning in the general curriculum at a level similar to peers.</td>
<td>Specially designed instruction regardless of setting that is designed by and/or delivered by special education personnel for less than 55% of the school day. Could include teaching, co-teaching, and collaborative instruction.</td>
<td>Special education teachers engage in joint planning for 1 hour or less per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with 1 general education teacher or para-educator over the course of each month.</td>
<td>Technology use, classroom assistance, and transportation are similar to peers.</td>
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<tr>
<td>One Point</td>
<td>Special education teachers engage in joint planning for 1 hour or less per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with 1 general education teacher or para-educator over the course of each month.</td>
<td>Special education teachers engage in joint planning for 1 hour or less per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with 1 general education teacher or para-educator over the course of each month.</td>
<td>Technology use, classroom assistance, and transportation are similar to peers.</td>
<td></td>
</tr>
<tr>
<td>Two Points</td>
<td>Special education teachers engage in joint planning for 1 hour or less per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with 1 general education teacher or para-educator over the course of each month.</td>
<td>Special education teachers engage in joint planning for 1 hour or less per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with 1 general education teacher or para-educator over the course of each month.</td>
<td>Technology use, classroom assistance, and transportation are similar to peers.</td>
<td></td>
</tr>
<tr>
<td>Three Points</td>
<td>Special education teachers engage in joint planning for more then 2 hours per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with more then 3 general education teachers and/or para-educators over the course of each month.</td>
<td>Special education teachers engage in joint planning for more then 2 hours per month with general education teachers and/or para-educators to support involvement and progress in the general education curriculum, or special education teachers conduct joint planning with more then 3 general education teachers and/or para-educators over the course of each month.</td>
<td>Technology use, classroom assistance, and transportation are similar to peers.</td>
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**Final Proof and Edit 5/31/07 – Weighted Enrollment Task Force**
To enroll on the TransACT website, do the following:

Go to www.transact.com

At the top of the page, click on “Register”

Follow the steps to Create a New Account:

The TransACT Eduportal eLibrary contains the Iowa Resources Folder. In this folder is a collection of 12 special education documents in English and 5 other languages (Spanish, Vietnamese, Laotian, Bosnian and Serbo-Croatian)
Surrogate Parent Recommendation Form

Submit completed form to the AEA Director of Special Education or designee

AE A Director/Designee Name: ___________________________ AEA: _______________________

Name of Recommended Surrogate Parent: ___________________________

Address: ___________________________________________ City, State Zip: _______________________

Email: ___________________________________________ Phone: _______________________

Name of Child/Student: ___________________________ Date of Birth: _______________________

Resident District: ___________________________ Attending District: _______________________

Submitted by: ___________________________ Email: _______________________

The recommended surrogate parent must meet the following criteria:

- Has no interest that conflicts with the interest of the child that the surrogate parent represents;
- Has knowledge and skills that ensure adequate representation of the child; and
- Not be an employee of any state agency (such as the Departments of Education or Human Services) or a person or employee providing early intervention, education, care or other services to the child or to any family members of the child. (A person who otherwise qualifies to be a surrogate parent is not an employee solely because the person is paid by a public agency to serve as a surrogate parent.)

###冲突利益，知识/技能###

| 冲突利益，知识/技能 | 支持性注释/文档
|------------------|-----------------
| 本推荐的代理父母没有冲突利益，具有代表孩子的知识和技能，或将接受必要的培训。 | □ |

###一个代理父母是需要的###

| 一个代理父母是需要的 | 支持性注释/文档
|------------------|-----------------
| 父母无法被识别 | □ |
| 公共机构，经过合理努力，无法找到任何父母 | □ |
| 孩子是州的监护人 | □ |
| 孩子是一个无家可归的青年，根据麦金尼-文托无家可归援助法案 | □ |

一旦代理父母被任命，由 AEA 特别教育主任或指定人员通知代理父母：

- AEA 特别教育主任或指定人员通过信件通知代理父母；
- 信件必须包含孩子的姓名、年龄、教育安置以及认为对代理父母有用的任何其他信息，并且必须明确规定代理人应服务的期间；
- 原稿的副本寄送给:
  Michelle Ray, Bureau of Learner Strategies and Support
  Iowa Department of Education
  Grimes State Office Building
  400 E 14th Street
  Des Moines IA 50319-0146
  Fax: 515-242-5988  Email: Michelle.Ray@iowa.gov

July 1, 2012
**Surrogate parent.** Special education processes must involve at least one person acting in the role of a “parent”. If there is no one who meets any of these requirements for being a parent under IDEA –

- A biological or adoptive parent of a child;
- A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state; or
- An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child’s welfare –

...a surrogate is appointed.

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of FAPE to the child.

**Surrogate parent qualifications.** An individual who is appointed as a surrogate parent must meet the qualifications listed on the *Recommendation* form. The purpose of these requirements is to assure that the surrogate is prepared to be actively involved in discussions and decision making and that surrogate’s priority is serving the educational interests of the child.

Not all individuals who might be recommended to serve as surrogate parents have “knowledge and skills that ensure adequate representation of the child” (e.g., a foster parent who has had no experience with the special education system. Such an individual would need to receive training through the AEA.
Procedural Safeguards

A full copy of the complete procedural safeguards that are available to the parents of a child with a disability must be given to the parents once a school year. A copy must also be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first due process complaint in a school year;
- In accordance with discipline procedures (i.e., “On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision and provide the parents the procedural safeguards notice”); and
- Upon request by a parent.

A summary of the procedural safeguards may be used to assist in explaining and reviewing parental rights but must not be used in place of a full copy of the complete procedural safeguards.

Safeguards Summary
Parental Rights Summary

This is a very brief summary of your rights. In order to assure that you have a full explanation of your rights, you are to receive a copy of the Procedural Safeguards Manual for Parents (Parental Rights in Special Education) at least one time each school year. In addition, you must be given a copy (1) upon an initial referral or your request for evaluation for your child, (2) upon your filing of a first due process complaint or first state complaint in a school year; and (3) whenever a decision is made to take a disciplinary action that constitutes a change of your child’s placement. You also get a copy of the procedural safeguards whenever you ask for one. In addition to your rights, the Procedural Safeguards Manual for Parents lists sources of assistance for parents and outlines special safeguards related to student discipline.

This summary is provided for your convenience and is not a replacement for the Procedural Safeguards Manual for Parents. If there are any differences between the Procedural Safeguards Manual for Parents and this summary, the information and guidance in the Procedural Safeguards Manual for Parents is followed.

For each child with a disability who requires special education, your public school district and area education agency have the responsibility to provide a free and appropriate public education in the least restrictive environment.

Free and appropriate public education (FAPE). Free means that special education services are provided at no cost to the parents. You may be charged the same general education fees that are charged to other parents, such as fees for extracurricular activities or lab fees. Appropriate means that your child’s program must provide the right kind of services based on your child’s needs and enough services for your child to receive educational benefit. Educational benefit is a broad term that includes access to and progress in the general education curriculum used for all children, access to the same activities and settings as children who do not have disabilities and progress towards the individual goals set specifically for your child.

Least restrictive environment (LRE). Your child will attend classes, participate in nonacademic and extracurricular activities and receive services with children who are not disabled to the maximum extent appropriate.

Parental rights. FAPE and LRE for your child are protected by rights you have as parents. These parental rights are referred to as procedural safeguards and they assure that you have an important role in planning and decision-making for your child. These safeguards include:

Participation rights:
1. You have the right to provide information for your child’s evaluation,
2. You have the right to be a member of any group that makes decisions regarding the educational placement of your child, and
3. You have the right to participate in meetings related to your child’s identification, evaluation, educational placement and the provision of FAPE.

Notice rights:
1. You have the right to be informed in a timely manner of meetings related to your child’s identification, evaluation, educational placement and the provision of FAPE,
2. You have the right to be informed of any proposed changes in your child’s identification, evaluation, educational placement and the provision of FAPE,
3. You have the right to be informed of any refusal by the school or AEA to make changes that you have requested in your child’s identification, evaluation, educational placement, and the provision of FAPE, and
4. You have the right to receive notices in a manner and language you can understand.
Consent rights:
(1) You have the right to give or withhold your consent to an evaluation to determine if your child is eligible for special education services,
(2) You have the right to give or withhold your consent to reevaluations of your child,
(3) You have the right to give or withhold your consent for your child’s initial placement in special education, &
(4) You have the right to withdraw your consent for continued special education and related services for your child. This must be done in writing.

Your consent to an evaluation may be withdrawn before the evaluation is completed. Your consent to an initial placement may be withdrawn before the placement is made.

Records rights:
(1) You have the right to review educational records,
(2) You have the right to ask that records be changed if you believe the records are incorrect or misleading, &
(3) In many circumstances, you have the right to give your consent before records are disclosed to other agencies or persons. Disclosing records without parent consent is allowed by the law only under certain circumstances, such as to another school to which the student is transferring, to respond to a health or safety emergency, to auditors, or to comply with a court order or subpoena.

Independent educational evaluation right: You have the right to request an independent evaluation at no cost to you if you disagree with the evaluation done by the school and AEA.

Dispute resolution rights:
You have the right to request mediation of a dispute. Iowa’s AEAs have trained resolution facilitators who can assist with dispute resolution for any issue. The Iowa Department of Education can also provide a mediator for special education issues. Special education mediations are also referred to as preappeal conferences. Mediation meetings provide the opportunity for parents and the school or area education agency to resolve disagreements cooperatively with the assistance of a trained mediator.

You have the right to request a due process hearing if a disagreement about your child’s identification, evaluation, educational placement or provision of FAPE is not successfully resolved in other ways. Requests must be made within two years of the action by the school or AEA that led to the disagreement. If you request a hearing, you will be offered a resolution session by your child’s school or AEA and you will be offered a preappeal conference by the Iowa Department of Education. Like mediation meetings, a resolution session or a preappeal conference provides the opportunity for you and the school district or area education agency to resolve the disagreement. A due process hearing is presided over by an impartial administrative law judge who hears both sides, reviews evidence, and makes a ruling. Due process hearing decisions can be appealed to the courts.

In most circumstances, once you have requested a preappeal or due process hearing, your child’s placement cannot be changed without your agreement until the dispute is resolved. There is an exception to this “stay put” rule when a code of conduct violation involves a weapon, drugs or serious bodily injury. In that case, the student’s placement may be changed in the interim for safety reasons.

You have the right to file a state complaint if you believe that a special education law, rule or regulation has been violated. Complaints must be made within one year of the alleged violation. Complaints are investigated by the Iowa Department of Education and a written report is issued.

Reimbursement rights: Under certain circumstances, parents have the right to be reimbursed for expenses such as attorney’s fees or private school expenses. See the Procedural Safeguards Manual for Parents for more information.

Transfer of rights. Parental rights transfer to a student with a disability at the age of majority unless the parent(s) or someone else takes the necessary legal steps to become the young adult’s legal guardian. In Iowa, a student reaches the age of majority either on the student’s 18th birthday, the date of marriage of a student under age 18, or when a student under age 18 is incarcerated in an adult or juvenile, state or local correctional institution.

Remember, this is a very brief summary of your rights. See the Procedural Safeguards Manual for Parents for complete and detailed information.
**POWER OF ATTORNEY FOR EDUCATIONAL DECISION MAKING**

The undersigned:

__________________________________________ (student name), __________________________________________ (street; city, IA zip);
does hereby make, constitute and appoint:

__________________________________________ (attorney-in-fact name), __________________________________________ (street; city, IA zip);
the undersigned’s true and lawful attorney-in-fact, with full right, power and authority for the undersigned and in the undersigned’s name, place and stead to represent the undersigned’s educational interest throughout my period of eligibility under the Individuals with Disabilities Education Act (IDEA).

My attorney-in-fact shall have full power and authority to exercise or perform any act, duty, right or obligation I now have or may hereafter acquire relating to my eligibility under the IDEA. The power and authority of my attorney-in-fact will include, but not be limited to, the power and authority to:

a. Accept notice on my behalf.
b. Attend and participate at IEP meetings.
c. Examine educational records.
d. Request independent educational evaluations.
e. Give consent for initial evaluation or reevaluation.
f. Exercise all rights consistent with state and federal laws.

This Power of Attorney is to be construed and interpreted as a General Power of Attorney relating to my educational interest under the IDEA. The enumeration of specific items, rights, acts, or powers relating to my education shall not be limited or restrict the general and all-inclusive powers relating to my educational interest under the IDEA, which I have granted to my attorney-in-fact.

My attorney-in-fact shall not be liable for any loss sustained through an error of judgment made in good faith, but shall be liable for willful misconduct or breach of good faith in the performance of any of the provisions of this Power of Attorney.

The attorney-in-fact understands that this Power of Attorney is given without any express or implied promise of compensation. Any services performed as my attorney-in-fact will be done without compensation.

This Power of Attorney shall be effective immediately, shall not be affected by my disability, and shall continue effective until I am no longer eligible under the IDEA or revoke my decision.

Dated: ______ / ____ / _____, at _______________________________

__________________________________________
Student signature

State of Iowa, County of ________________________________

This instrument was acknowledged before me on: _____ / ____ / ______

By: ________________________________

Notary Public in and for said State
Power of attorney. The power of attorney for educational decision making process was developed for age-of-majority students who would like assistance in educational decision making but do not have someone else appointed as guardian or extended educational decision maker (see Procedural Manual for further information regarding extended educational decision makers).

Assigning another person power of attorney may only be done by an individual who fully understands and appreciates the action being taken. That is, the impact of an individual’s disability must be taken into account in determining if assigning power of attorney to someone else is appropriate for that individual. Someone who is incompetent may not execute a power of attorney.

Assigning power of attorney does not surrender any authority the individual holds, but only allows another person to exercise the same authority. For example, if you give someone power of attorney to sell your car, you can still sell it yourself.

The undersigned. Enter the student’s name and address and the attorney-in-fact’s name and address.

Dated. Enter the date the student signed this form and the location (city, state) where the form was signed.

Notary Public. The power of attorney form must be signed before a notary. The notary will complete this section.
Revocation of Power of Attorney for Educational Decision Making

The undersigned:

_______________________________ (student name), ________________________________ (street; city, IA zip);

Hereby revokes the Power of Attorney given to:

_______________________________ (name), ________________________________ (street; city, IA zip);

to make educational decisions for me during my period of eligibility under the Individuals with Disabilities Education Act (IDEA).

The Power of Attorney given to ________________________________ (name) is hereby revoked.

This change will not go into effect until I tell my school. I understand that I must call or write the school office so that the school will put this change in my records.

Date: __________/________/_______

__________________________________________

Student signature
Revocation of Power of Attorney. The power of attorney for educational decision making process was developed for age-of-majority students who would like assistance in educational decision making but do not have or need to have someone else appointed as guardian.

Power of attorney may be revoked at any time. Revocation does not go into effect until the student informs his or her school. It is important that the student understands this and that he or she must contact the school office so that the school will be aware of this change.

The undersigned. Enter the student’s name and address and the attorney-in-fact’s name and address.

Power of Attorney given to. Enter the attorney-in-fact’s name.

Date. Enter the date the student signed this form.

Student signature. Have the student sign here. The student’s signature on the revocation attests that the change will not go into effect until the student informs his or her school. Assure that the student understands this and that he or she that must contact the school office so that the school will be aware of this change and place a copy of the revocation in the student’s records.
Authorization For Exchange Of Information

Student Name: ___________________________ Birthdate: ___/___/____
Address: _______________________________ Phone: _______________

Parent/Guardian/Eligible Student (over 18, own guardian): Your signature on this Authorization for Exchange of Information will give the individuals, programs, organizations, and entities listed on Page 2 of this Authorization permission to exchange the information indicated below.

The purpose for the exchange information is: ____________________________________________

Your signature will give your permission for the following specific information to be exchanged:

☑ Medical Status ☐ Current Medications/treatments
☐ Recommendations for School ☐ Other: __________________________

Information in the following areas may not be exchanged without your special permission. Your signature will give your special permission for the exchange of information in the areas indicated:

☐ Mental health ☐ Substance abuse/chemical dependence
☐ Sexually transmitted disease ☐ HIV/AIDS

Your signature will give your permission for the exchange of information by the methods indicated:

☐ Yes ☐ No The exchange of written records containing the information described in this release by the agencies or individuals specified

☐ Yes ☐ No The verbal exchange of the information described in this release by the agencies or individuals specified

Before giving your permission for exchange of information, please carefully review the following:

This authorization is good until the following date, ___/___/____, or until one year after the date of signing, whichever occurs first. You may revoke this authorization, in writing, at any time, however, this does not affect information shared prior to your request for revocation. All members of the IEP team and, as appropriate, those identified as having legitimate educational interest may review the information received. The information may also be used in the future, including if the student moves, for the purpose of IEP decision making.

Health Insurance Portability and Accountability Act (HIPAA)/Family Educational Rights and Privacy Act (FERPA) Notice. Any and all personally identifiable information regarding children receiving special education services funded under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.) is protected from unauthorized disclosure under FERPA. Personally identifiable information protected by FERPA is specifically exempted from HIPAA privacy standards. FERPA prohibits disclosure of personally identifiable information without parent consent except in limited circumstances, requires notice to be provided to the child’s family regarding their privacy rights, requires providers to keep records of access to a student’s records, and contains complaint and appeal procedures which apply to disputes over records in possession of special education or its providers, among other provisions. All special education providers comply with these procedures.

If you have questions, please contact:

Contact person: ___________________________ District/Agency: ________________
Address: _______________________________ City: ________________ State: _____ Zip: ____________
Phone: _________________________________ e-mail: __________________________

If you have questions, please contact:
In general, written consent must be given by the parent, legal guardian or eligible students to release student records or disclose the personally identifiable information contained in those records to other persons or agencies.

Written consent must state which records are released, to whom they are released, and the reason for the release. For exceptions to the general rule regarding consent for disclosure, see Transfer of Records & Disclosure of Information Without Parent Consent, AEA Special Education Procedures Manual.

**Parent/Guardian/Eligible Student.** For most students, the parents will have the authority to give consent for the exchange of information. Some students will have a guardian or extended educational decision maker who will be able to give consent. A student who has reached the age of majority and does not have an appointed guardian or extended educational decision maker must be the one to grant consent.

**The purpose for the exchange of information.** State why information is needed. Examples:
- AEA and school information is needed to assist the clinic to complete an independent educational evaluation.
- Medical information is needed to develop Jennifer’s individual health plan.

**Your signature will give your permission for the following specific information to be exchanged.** Identify the information that will be shared if permission is given. Identify the appropriate category(ies) of information or specify “Other”:
- Other: Current IEP, including progress monitoring and reevaluation data

**Information in the following areas may not be exchanged without your special permission.** Information related to mental health, substance abuse/chemical dependence, sexually transmitted disease, or HIV/AIDS is protected from disclosure and requires special permission. If permission is being sought to exchange information in any of these areas, each area must be specifically identified.

**Your signature will give your permission for the exchange of information by the methods indicated.** Indicate the method(s) that will be used to exchange information.

**Note:** Permission to exchange records does not confer permission to exchange information in other ways.

**This authorization is good until the following date.** Indicate the period of time for which this permission to exchange information will be in force. Do not exceed one year.

**Contact.** Identify a contact person.
I understand my rights related to this exchange of information. As per the conditions described on Page 1 of this *Authorization for Exchange of Information*, I consent to the exchange of information with the \( n \) (enter number) individuals, programs, organizations, and entities listed below.

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</tr>
</tbody>
</table>
**Enter number.** Indicate the number of individuals and organizations identified. Written consent authorizes the *exchange* of information. While the AEA may need information from multiple sources, it’s not necessarily the case that the sources need to exchange information with each other. For example, the IEP team may wish information from a physician for reasons related to an individual’s physical health and a counseling service for reasons related to the individual’s behavior. There may be no need for the physician and counselor to exchange information. It is also possible that the parent or guardian may not wish for the physician and counselor to exchange information. In these cases, multiple authorizations may be needed.

<table>
<thead>
<tr>
<th>Exchange Of Info, Page 1</th>
<th>Exchange Of Info, Page 2</th>
<th>Exchange of Health Info</th>
<th>Manual TOC</th>
<th>Appendix TOC</th>
</tr>
</thead>
</table>

**Signature.** Recall, an individual over 18 who is his or her own guardian or must sign, not a parent.

**Name/Agency/Relationship.** Identify the individuals and agencies involved in the exchange of information. If medical service providers (physicians, clinics, etc.) are included, please note that the confidentiality of medical information is protected by the Health Insurance Portability and Accountability Act (HIPAA). Medical professionals and institutions operate in the manner in which they have been advised to be HIPAA-compliant. *To avoid unnecessary delays, it is advisable to check with medical professionals or institutions in advance regarding acceptable information disclosure consent documentation.*

<table>
<thead>
<tr>
<th>Name:</th>
<th>Individual to whom records are to be delivered and/or has permission to discuss the specified information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Relationship:</td>
<td>For example, Foothills Health Clinic (agency); Psychiatrist (relationship)</td>
</tr>
<tr>
<td>Address/Phone/Fax:</td>
<td>Complete accurately and completely the information needed for the information exchange.</td>
</tr>
</tbody>
</table>

| Exchange Of Info, Page 1 | Exchange Of Info, Page 2 | Exchange of Health Info | Manual TOC | Appendix TOC |
Authorization for the Release of Health and/or Educational Information

Student Name: ____________________________________________ Birthdate: __ / __ / ______

Address: ____________________________________________ Phone: ____________________________

On behalf of the above named student, I authorize __________________________ (Name of health care provider, agency, or medical institution)
to release evaluation records to __________________________ and __________________________ (Area Education Agency) (School or School District)
for the purpose of determining eligibility for and/or provision of appropriate special education and related services.

AEA Contact: ____________________________________________ District Contact: ____________________________

AEA Address: ____________________________________________ District Address: ____________________________

For this purpose, I consent to the release of the following health information to the AEA and school district regarding this child from
____ / ______ / ______ to ______ / ______ / ______:

☐ Current Medical Status ☐ Current Medications/treatments
☐ Recommendations for School ☐ Other __________________________

I hereby give special permission to the above named medical entity to release records pertaining to:

☐ Mental health ☐ Substance abuse/chemical dependence
☐ Sexually transmitted disease ☐ HIV/AIDS

I understand that the released information becomes a part of the student’s educational records as defined by the Individuals with Disabilities Education Act (IDEA) and, as such, is protected by the Family Educational Rights and Privacy Act (FERPA). The information may be reviewed by all members of the IEP team and, as appropriate, those identified as having legitimate educational interest. The information may also be used in the future, including if the student moves, for the purpose of Individualized Education Program (IEP) decision making.

I understand that I have the following rights with respect to this authorization:

- The right to inspect or copy the health information to be disclosed by this form.
- The right to receive a copy of this form.
- The right to withdraw this Authorization by written notification at any time (although my withdrawal will not be effective as to uses and/or disclosures already made regarding this form).

This authorization is valid until ______ / ______ / ______, or until one year after the date of signing, whichever occurs first.

___________________________ / __________ / __________
Signature Relationship to Student Date

Printed name

Health Insurance Portability and Accountability Act (HIPAA)/Family Educational Rights and Privacy Act (FERPA) Notice

Any and all personally identifiable information regarding children and families receiving Special Education services funded under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.) is protected from unauthorized disclosure under FERPA. Personally identifiable information protected by FERPA is specifically exempted from HIPAA privacy standards. FERPA prohibits disclosure of personally identifiable information without parent consent except in limited circumstances, requires notice to be provided to the child’s family regarding their privacy rights, requires providers to keep records of access to a child’s records, and contains complaint and appeal procedures which apply to disputes over records in possession of Special Education or its providers, among other provisions. All Special Education providers comply with these procedures.
The Authorization for the Release of Health and/or Educational Information was designed to obtain records from the University of Iowa Hospitals and Clinics, including Child Health Specialty Clinics, and other medical and health providers. However, agencies and individuals providing medical services are covered under the rules of the Health Insurance Portability and Accountability Act (HIPAA). In order to comply with HIPAA regulations those agencies and individuals may require that their release forms be used.

It is advisable to check with the medical professional or institution in advance regarding acceptable disclosure consent documentation.

**Timeframe.** Indicate the period of time from which records are sought. The source may have years and years of records. Make sure you are getting the records you want without overburdening the source or filling the individual’s educational file with out-of-date and potentially irrelevant information.

**Information to be shared.** Identify the information that will be shared if permission is given.

I hereby give special permission… Information related to mental health, substance abuse/chemical dependence, sexually transmitted disease, or HIV/AIDS is protected from disclosure and requires special permission. If permission is being sought to exchange information in any of these areas, each area must be specifically identified.

This authorization is valid until …. Indicate the period of time for which this permission to exchange information will be in force. Do not exceed one year.
Notice of Area Education Agency Special Education Records Destruction

Date: __________/_________/__________

Re: ____________________________________________________________

Student Name

Birthdate: __________/_________/__________

Area Education Agency maintains a permanent record for all students who have received special education services which includes:

- A student’s name
- Address
- Phone number
- Date of birth
- Dates of AEA and/or LEA special education service(s)
- Grade or age level and date of final exit from special education service

Area Education Agency maintains a student’s special education records as long as they are needed to provide educational services and for as long as they are needed to be available for audit purposes (at least five years after special education services end). The special education records are then destroyed.

I/we understand that parents/eligible students:

- may request that records be destroyed when they are no longer needed by the school, or
- may request that records be released to them when they are no longer needed by the school.

We further understand that there may be reasons (e.g., social security documentation) that student records should be maintained.

I/we understand that __________________________________________:

Student Name

- was/will be exited from special education services on: __________/_________/__________
- His/her special education records will be destroyed no earlier than: __________/_________/__________
- No further notice will be given.

_____________________________________________________________  ________________________________________________
AEA Representative                                           Parent/Guardian/Eligible Student
**Records must be retained for five years.** AEAs must maintain special education records for at least five years after a student’s special education services end. [41.624]

**AEA special education records will be destroyed when records no longer needed.** When personally identifiable information no longer needs to be maintained in order to provide educational services to the student or to be available for audit (e.g., Medicaid records), AEAs shall destroy the records.

**Records destruction.** The following records destruction procedures must be followed:

Notice must be given to the parent and eligible student that the AEA intends to destroy the records. "Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education. The *Notice of Area Education Agency Special Education Records Destruction* form is used for this purpose. This notice includes information about the reasons for which parents or eligible students may want the records maintained (social security benefits, etc.)

**Important note:** Notice of AEA records destruction is to be provided to parents, eligible students and students who will become eligible students in the next five years at the time when a student exits special education services.

---

**Permanent AEA record.** A permanent record may be maintained without time limitation consisting of:

- A student’s name
- Address
- Phone number
- Date of birth
- Dates of AEA and/or LEA special education service(s)
- Grade or age level and date of final exit from special education service

**Date notice provided to parents and/or student.** Notice *must* be provided to the parents and an eligible student. Also, provide notice to the student if the student *will become* an eligible student (18 years of age or attending an institution of postsecondary education) before the date records will be destroyed.

**Enter the date the student exits special education.** The student may be graduating, aging out, determined to no longer be an eligible individual by his or her IEP team, or consent for services may have been revoked.

**Enter the date that is five years after the exit date.**

**Have the parent(s) and student, if an eligible student, sign.** Provide copies to the parent(s) and student if he or she is or will become an eligible student within five years.
Notice of School District Special Education Records Destruction

Date:   

Re:   

Student Name

Birthdate:   

The Community School district maintains a permanent record for all students which includes:

- Basic demographics (name, date of birth, gender, race/ethnicity, disability status, last known telephone number and address), and
- Official transcript
  - Evidence of attendance
  - Grades/marks attained in all courses and all grade levels
  - Dates of enrollment
  - Grade level completed
  - Year completed

The Community School district maintains a student’s special education records as long as they are needed to provide educational services and for as long as they are needed to be available for audit purposes (at least five years after special education services end). The special education records are then destroyed.

I/we understand that parents/eligible students:

- may request that records be destroyed when they are no longer needed by the school, or
- may request that records be released to them when they are no longer needed by the school.

We further understand that there may be reasons (e.g., social security documentation) that student records should be maintained.

I/we understand that:

- was/will be exited from special education services on:   
- His/her special education records will be destroyed no earlier than:   
- No further notice will be given.

_________________________________________    ____________________________________________
District Representative                             Parent/Guardian/Eligible Student
Records must be retained for five years. School districts must maintain special education records for at least five years after a student’s special education services end. [41.624]

Destruction allowed when records no longer needed. When personally identifiable information no longer needs to be maintained in order to provide educational services to the student or to be available for audit (e.g., Medicaid records), districts may choose to destroy the records.

Records destruction. The following records destruction procedures must be followed:

- Notice must be given to the parent that the district intends to destroy the records. This notice must also include information about the reasons for which parents or eligible individuals may want the records maintained (social security benefits, etc.)

  Important note: Notice of records destruction may be provided to parents or eligible students at the time when a student exits special education services. "Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education.

- School districts wishing to destroy special education records may, but are not required to, use the Notice of School District Special Education Records Destruction form to provide the necessary notice of destruction.

Records Destruction AEA
Records Destruction LEA
Manual TOC
Appendix TOC

Permanent record/request for destruction. If a school would ordinarily maintain records after they are no longer needed, the parents or eligible student may request that the records be destroyed. If a school receives such a request, the records must be destroyed. However, a permanent record may be maintained without time limitation consisting of:

- A student's name
- Address
- Phone number
- His/her grades
- Attendance record
- Classes attended
- Grade level completed, and year completed [41.624(2)]

In the absence of a parent or eligible student's request to destroy the records, the district may maintain the records indefinitely.

Date notice provided to parents and/or student. Notice must be provided to the parents and an eligible student. Also, provide notice to the student if the student will become an eligible student (18 years of age or attending an institution of postsecondary education) before the date records will be destroyed.

Enter the date the student exits special education. The student may be graduating, aging out, determined to no longer be an eligible individual by his or her IEP team, or consent for services may have been revoked.

Enter the date that is five years after the exit date.

Have the parent(s) and student, if an eligible student, sign. Provide copies to the parent(s) and student if he or she is or will become an eligible student within five years.
Individual Information: The evaluation must include educationally relevant information that is important for eligibility decision making. The information describes how the individual is provided access and opportunity to learn what is expected, and that his/her difficulty is not the result of other, more plausible factors.

Which Performance Domain(s) will be the focus of this evaluation?

- ☒ Academic
- ☐ Behavior
- ☐ Physical
- ☐ Health
- ☐ Hearing/Vision
- ☐ Communication
- ☐ Adaptive Behavior

Reminder: For a child not yet in kindergarten, data from this evaluation may be utilized with other information to report early childhood outcomes in the areas of: positive social-emotional skills, acquisition and use of knowledge & skills, and appropriate behaviors to meet needs.

What is the area(s) of concern?

- Reading - Basic Reading Skills
- Written Expression

What evidence suggests that concerns are pervasive across different times and/or different settings?

Record review and interviews with Sammy’s teachers and parents indicate that academic concerns have been present in reading and written expression since kindergarten. Report cards and data collected from the Basic Reading Inventory (BRI) and DIBELS show that Sammy has scored significantly below his peers since kindergarten. His difficulty in the area of reading has affected his performance across content areas. Sammy’s parents report that he does not enjoy reading at home and avoids doing so in community settings. In addition, Sammy is often able to demonstrate his wealth of knowledge and understanding verbally, but is unable to do so in written form.

What are the individual’s strengths that support his or her educational success in the area(s) of concern?

Sammy enjoys when the teacher reads to the class and listening to audio books. He can correctly answer questions that are asked about things that are read to him. He is able to share verbally, his knowledge on a topic.

Within the areas of concern, describe

a) ways in which access and opportunity were assured for this individual to learn what was expected

Sammy has attended Happy Elementary since Kindergarten. Sammy has received core reading and written language instruction each year of school. The core reading instruction has focused on the Iowa Core essential concepts and skills and has been implemented with fidelity as evidenced by classroom observations and peer progress. Additionally, Sammy has received supplemental instruction in the area of reading and written expression provided by classroom teachers and/or the district reading specialist each year beginning in first grade. Sammy’s attendance has been regular and he participates in this instruction on a consistent basis.

b) whether or not the concerns are primarily caused by any of the following factors:

- Limited English proficiency
- A lack of appropriate instruction in reading, including the essential components of reading instruction
- A lack of instruction in math

Sammy is a native English speaker and English is the only language spoken in his home. He has attended the same school since kindergarten. He has received core instruction in reading, including the essential components
of reading instruction as well as supplemental instruction in the classroom since Kindergarten. He also has had core instruction in math and has progressed and performed at expected levels. Based on his access to viable supplemental instruction, a lack of appropriate instruction has been ruled out as the primary cause of Sammy’s reading and written expression difficulties.

c) any ecological factors (e.g., race, ethnicity, culture, language, or life circumstances) that affect the individual’s educational performance

No ecological factors were found to impact Sammy’s reading and written expression concerns.

Educational Progress: Progress means performance over time. In addressing progress, the team considers data that have been collected about the individual’s performance over time in relation to the interventions that have been provided. The evaluation must provide evidence as to whether or not the individual’s performance is persistently below the educational standard(s), or age or grade level expectation(s).

List the Iowa Core Standards and Benchmarks or Early Learning Standards and Benchmarks for the individual’s age and/or grade level in this area of concern.

Reading

Iowa Core Essential Concept and Skill: Literacy

Range of Reading and Level of Text Complexity: By the end of the year, read and comprehend literature, including stories and poetry, in the grade 2 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Phonics and Word Recognition:
- Know and apply grade-level phonics and word analysis skills in decoding words.
- Distinguish long and short vowels when reading regularly spelled one-syllable words
- Recognize and read grade-appropriate irregularly spelled words.

Fluency: Read with sufficient accuracy and fluency to support comprehension
- Read on-level text with purpose and understanding.
- Read on-level text orally with accuracy, appropriate rate, and expression on successive readings.
- Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

Writing

Iowa Core Essential Concept and Skill: Written Expression (Grade 2 Writing Standards)

Text Types and Purposes: By the end of the year:
- Write narratives which recount a well elaborated event or short sequence of events, include details to describe actions, thoughts, and feelings, use temporal words to signal event order, and provide a sense of closure.
- Write information/explanatory texts which introduce a topic, use facts and definitions to develop points, and provide a concluding statement or section.
- Write narratives in which they recount a well elaborated event or short sequence of events, include details to describe actions, thoughts, and feelings, use temporal words to signal event order, and provide a sense of closure.

Production and Distribution of Writing: By the end of the year...
- With guidance and support from adults and peers, focus on a topic and strengthen writing as needed by revising and editing.
Using multiple assessment methods and data sources, including progress data collected on a frequent and regular basis, summarize the individual's response to the targeted or intensified instruction that was provided.

- **Describe the targeted or intensified instruction, curriculum, environmental changes provided to address this area of concern.**

  **Reading:** Targeted supplemental instruction was provided for a period of 12 weeks with daily 20 minute sessions specifically targeting reading decoding skills using direct instruction materials that provided multiple opportunities for modeling, practice and feedback. The intervention was provided in a small group of four other students and was lead by the Reading Specialist. The intervention targeted explicit instruction in CVCe words, vowel digraphs and diphthongs, as well as multi-syllabic words. Instruction was provided using an “I Do”, “We Do”, and “You Do” approach that allowed Sammy to demonstrate appropriate skills prior to moving into independent practice.

  **Written Expression:** Sammy was provided additional instruction in written expression focusing on writing mechanics (punctuation, capitalization, and spelling), as well as on developing a topic sentence, supporting sentences of a paragraph as well as the editing/revising process. Instructional strategies included demonstration of the skill, guided practice of the skill, as well as independent practice of the skill with immediate error correction and feedback (“I do, we do, you do” model of guided instruction). The intervention was provided to Sammy and five other students in the general education classroom by Sammy’s general education teacher. The intervention group met three times weekly for 20 minutes each session.

- **Describe how the interventions were matched to the individual’s needs.**

  **Reading:** Error analysis, teacher interview, and a review of classroom work indicated that Sammy’s reading difficulties primarily lie in the area of reading decoding. Specifically, error analysis and observation indicate Sammy needs instruction in CVCe words, vowel digraphs and diphthongs, as well as multi-syllabic words.

  **Written Expression:** A review of classroom writing samples, interviews with Sammy and his teacher, as well as observation of Sammy during writing indicate Sammy’s difficulties in writing include writing mechanics (punctuation, capitalization, and spelling) as well as the formation and expression of ideas. The intervention focused on both of these writing components.

- **Describe how interventions were implemented (Were interventions implemented as designed? Were changes to interventions made?).**

  **Reading:** Permanent products and teacher logs were used to examine the implementation of the intervention and it was determined that the intervention was implemented 100% of the sessions indicated. Additionally, each essential component of the intervention was implemented 94% of sessions as well. This exceeded the expectation of 80% session and component implementation integrity. The intervention remained the same throughout the 12-week period of time.

  **Written expression:** Permanent products from the intervention as well as teacher logs were used to examine implementation of the intervention and it was determined that the intervention was implemented 96% of the sessions indicated. Additionally, each essential component of the intervention was implemented 89% of sessions. This exceeded the expectation of 80% session and component implementation integrity.
Response to Intervention Performance Results

Reading

**Standard of comparison:** **Reading:** Peer Performance on local district norms. **Writing:** Grade level peer performance on local district norms.

**Expected level of performance prior to intervention:** **Reading:** Typical 2nd grade peers read 30-94 correct words per minute (cwpm) (16-84th percentile) with a minimum of 95% accuracy. **Writing:** When given a topic with one minute to think and three minutes to write, typical peers write with 10-28 Total Words Written (TWW), 8-25 Words Spelled Correctly (WSC), 5-22 Correct Words Sequences (CWS), and 39-85% Correct Word Sequences (16th – 84th percentile).

**Expected level of performance following intervention:** **Reading:** Typical 2nd grade peers read 54-127 cwpm (16-84th percentile) with a minimum of 95% accuracy. **Writing:** When given a topic with one minute to think and three minutes to write, typical peers write with 12-30 Total Words Written, 10-27 Words Spelled Correctly, 6-23 Correct Words Sequences, and 41-78% Correct Word Sequences (16th – 84th percentile).

**Expected rate of progress:** 2.0 words per week: **Reading:** 24 words over the 12-week intervention period **Writing:** .33 TWW/week, .33 WSC/week, .13 CWS/week, and .07 %of CWS/week: 3.96 TWW, 3.96 WSC, -1.56 CWS, and 0.84% CWS over the 12-week intervention period

This individual’s level of performance prior to intervention (i.e. baseline): **Reading:** 15 cwpm with 83% accuracy **Writing:** 8 TWW, 4 WSC, 2 CWS, and 17% CWS

This individual’s level of performance following intervention: **Reading:** 25 cwpm with 85% accuracy **Writing:** 10 TWW, 6 WSC, 2 CWS, and 20% CWS

This individual’s rate of progress: **Reading:** .83 words per week, 10 words gained over the 12-week intervention period **Writing:** 0.16 TWW, 0.16 WSC, 0.0 CWS, and 0.25% CWS

If the individual received supplemental instruction in a small group, describe his/her response in comparison to how the other individuals in the group responded (may be answered “No other students received the same intervention”).

Basic Reading Skills

Sammy’s instruction took place in a small group of four other students. His progress (.83 words per week) was significantly less than the other members of the group, whose performance gains ranged from 1.5 words gained/week to 3.0 words gained/week.

Written Expression

Sammy’s instruction took place in a small group of five other students. His progress of 0.16 TWW, 0.16 WSC, 0.0 CWS, and 0.25% CWS, was significantly slower than the other members of the group. Group gains ranged from 0.60 TWW, 0.90 WSC, 0.5 CWS, and 1.25% CWS.

Identify the instruction, interventions and environmental changes under which the individual experienced the most growth or success.

Basic Reading Skills

Data indicates Sammy benefited most from reading instruction in a small group setting that allowed for frequent opportunities to respond/practice skills, frequent feedback and error correction, and instruction to be targeted specifically on the skills Sammy needed. He also benefited from repeated reading strategies using first-grade level (independent level) materials that were used as part of core instruction. Sammy was also highly motivated to graph his own progress.
Written Expression

Data indicate Sammy benefited from direct and explicit instruction in forming complete sentences with accurate capitalization, punctuation, and spelling. He made progress, albeit slower than peer progress, when instruction was provided in the general education setting with a small group. The small group setting allowed for frequent opportunities to respond/practice skills, frequent feedback and error correction, and instruction to be targeted to Sammy’s needs.

- Describe any other information relevant to understanding the individual’s rate of acquisition or progress.

  No additional information is relevant to understanding Sammy’s rate of acquisition at this time.

Using the data above and any other relevant information, summarize the significance of this individual’s rate of progress compared to the expected rate of progress.

Basic Reading Skills

Sammy’s rate of progress given small group instruction on specific decoding skills and multiple opportunities for guided and independent practice with feedback has not resulted in the expected rate of progress, and was not sufficient to demonstrate that he is narrowing the gap between his performance and peer performance. At the current rate of progress, the gap between Sammy’s skills and his peers will continue to increase over time. Additionally, his slow reading will require him to spend more time reading and will likely impact his comprehension of the material he reads. Overall, these data would suggest that when given intensified instruction matched to Sammy’s skills deficits, he continues to make inadequate progress. Sammy’s progress was most improved when he received small group instruction using materials that were explicit and provided many opportunities to respond and receive feedback. Use of these type of materials requires specialized teacher training.

Written Expression

Sammy’s rate of progress when given intensified instruction matched to his needs in written expression is significantly slower than peer progress. His progress is not sufficient to demonstrate a narrowing of the gap between Sammy’s progress and that of peers. At his current rate of progress, the gap will increase over time. Overall, these data would suggest that when given intensified instruction matched to Sammy’s skills deficits, he continues to make inadequate progress. Sammy’s progress was most improved when he received small group instruction using materials that were explicit and provided many opportunities to respond and receive feedback.
**Educational Discrepancy:** Discrepancy is the difference between the individual’s current level of performance and the expected level of performance for individuals of the same age, grade, or other established standards. The evaluation relies on multiple sources of data for each area of concern to describe whether or not the individual is significantly discrepant from peers or educational standards, and if the individual’s performance is unique within a comparable group.

Report the discrepancy results for each Performance Domain identified on the Consent for Full and Individual Initial Evaluation.

### Performance Domain: Academics

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>Data Source</th>
<th>Date(s)</th>
<th>Peer/ Expected Performance</th>
<th>Individual’s Current Performance</th>
<th>Discrepancy from Expected Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Reading Skills</td>
<td>Diagnostic Decoding Survey</td>
<td>10/15/2012</td>
<td>48 points Criterion References Benchmarks</td>
<td>22 points</td>
<td>2.18 times discrepant</td>
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<tr>
<td>Basic Reading Skills and Comprehension</td>
<td>Qualitative Reading Inventory – 5 2nd grade narrative passage</td>
<td>10/15/2012</td>
<td>2nd grade Instructional Level: Word Reading Accuracy: 90-97% Reading Rate (Correct Words Read): 20-68 CWR Comprehension Accuracy: 67% to 89% Qualitative Reading Inventory Instructional Level Scoring Guidelines</td>
<td>Word Reading Accuracy: 45% Reading Rate (Correct Words Read): 15 Correct Words Read Comprehension Accuracy: 30%</td>
<td>Word Reading Accuracy: 2 times discrepant Reading Rate (Correct Words Read): CWR 1.3 times discrepant Comprehension Accuracy: 2.23 times discrepant</td>
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<td>Basic Reading Skills and Comprehension</td>
<td>Fountas and Pinnell Diagnostic Reading Assessment level K Non-Fiction</td>
<td>10/10/2012</td>
<td>Instructional Level: Level K with 95–97% word reading accuracy and 7 comprehension points. Mid-year 2nd Grade Instructional Level Benchmarks</td>
<td>Level K with 45% word reading accuracy and 2 comprehension points Instructional Level D with 95–97% word reading accuracy and 6 comprehension points.</td>
<td>7 levels below expectation (more than 1 year discrepant) Accuracy 2 times discrepant Comprehension 3.5 times discrepant</td>
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<td>DIBELS Next Correct Letter Sounds (CLS)</td>
<td>10/10/12 10/14/12 10/15/12</td>
<td>54 CLS DIBELS Next Researched Benchmarks</td>
<td>24 CLS</td>
<td>2.25 times discrepant</td>
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<td>10/15/12</td>
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<td>10/14/12</td>
<td>10/15/12</td>
<td>13 WWR</td>
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<td>DIBELS Next Whole Words Recoded (WWR)</td>
<td>10/10/12</td>
<td>10/14/12</td>
<td>10/15/12</td>
<td>11-47 WWR</td>
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<td>DIBELS Next Oral Reading Fluency</td>
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<td>1/10/13</td>
<td>1/12/13</td>
<td>52 Correct Words Per Minute (CWPM)</td>
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<td>Basic Reading Skills: Reading Fluency</td>
<td>DIBELS Next Oral Reading Fluency</td>
<td>1/7/13</td>
<td>1/10/13</td>
<td>1/12/13</td>
<td>54-127 Correct Words Per Minute (CWPM)</td>
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<td>Reading Accuracy</td>
<td>DIBELS Oral Reading Fluency</td>
<td>1/7/13</td>
<td>1/10/13</td>
<td>1/12/13</td>
<td>96-100% accuracy</td>
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<td>16th Percentile Rank (PR) to 84th PR (+/- 1 standard deviation)</td>
<td>13th PR</td>
<td>Near 12th Percentile</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>Written Expression</td>
<td>Curriculum-Based Measurement: Total Words Written</td>
<td>1/8/13, 1/11/13, 1/13/13</td>
<td>12-30 Total Words Written (16th - 84th PR) District Peer Comparison</td>
<td>8 Total Words Written (7th percentile)</td>
<td>Below the 12th percentile</td>
</tr>
<tr>
<td>Written Expression</td>
<td>Curriculum-Based Measurement: Words Spelled Correctly</td>
<td>1/8/13, 1/11/13, 1/13/13</td>
<td>10-27 Words Spelled Correctly (16th - 84th PR) District Peer Comparison</td>
<td>4 Words Spelled Correctly (&lt;2nd percentile)</td>
<td>Below the 12th percentile</td>
</tr>
<tr>
<td>Written Expression</td>
<td>Curriculum-Based Measurement: # Correct Writing Sequences</td>
<td>1/8/13, 1/11/13, 1/13/13</td>
<td>5-22 Correct Writing Sequences (16th - 84th PR) District Peer Comparison</td>
<td>2 Correct Writing Sequences (2nd percentile)</td>
<td>Below the 12th percentile</td>
</tr>
<tr>
<td>Written Expression</td>
<td>Curriculum-Based Measurement: % Correct Writing Sequences</td>
<td>1/8/13, 1/11/13, 1/13/13</td>
<td>41-78% Correct Writing Sequences (16th - 84th PR) District Peer Comparison</td>
<td>17% Correct Writing Sequences (&lt;1st percentile)</td>
<td>Below the 12th percentile</td>
</tr>
<tr>
<td>Written Expression</td>
<td>Beginning Writing Rubric</td>
<td>1/8/13, 1/11/13, 1/13/13</td>
<td>Expected local peer performance is a score of 87.5% (21/24 points) District Peer Comparison</td>
<td>Rubric score of 37.5% (9/24 points)</td>
<td>12 point discrepancy (50 percentage points below expectation)</td>
</tr>
<tr>
<td>Written Expression</td>
<td>ITBS Language Total</td>
<td>10/2012</td>
<td>16th to 84th PR</td>
<td>11th PR</td>
<td>Below the 12th PR</td>
</tr>
</tbody>
</table>
Using the data above, and any other relevant information (including qualitative, descriptive information), summarize the significance of the discrepancy, if any, between the individual’s current level of performance and that of peers or other educational standards. (Compare this child’s performance to children across the state or nation, or to generally accepted developmental milestones or educational expectations. What additional factors are important to understanding the individual’s level of performance?)

**Basic Reading Skills**

The convergence of data indicates Sammy’s performance in reading is significantly below that of grade level peers. He struggles to decode new words and lacks the skills to decode even basic CVC words with fluency. Sammy’s reading performance is below the 12th percentile, and more than 2 times discrepant from expectations in Basic Reading Skills.

**Written Expression Skills**

Sammy’s skills in writing mechanics are significantly discrepant from grade level expectations. Sammy writes significantly less than peers. Based on performance measured on the writing rubric, he struggles with authorship factors of written expression as well. Teacher and student interview data indicate that Sammy has difficulty coming up with ideas for his writing and organizing his thoughts prior to writing.

Using the data above, and any other relevant information (including qualitative, descriptive information), summarize whether or not the individual’s performance (following the provision of adequate general education instruction and supplemental or intensified instruction) is unique from a comparable group. (Compare this child’s performance to children in his/her small group, classroom, school or district who have had similar educational experiences.)

**Basic Reading Skills**

Sammy’s performance in reading is unique compared to same grade peers in his building. Eighty-six percent of students in the second grade scored at or above the 41st percentile rank on the reading comprehension portion of the ITBS while Sammy scored at the 13th percentile. Additionally, 85% of second graders met the benchmark for DIBELS Next Oral Reading Fluency this winter. Compared to students in his small group intervention, Sammy’s performance is below that of all other students in the group, whose performance now meets benchmark expectations. Sammy continues to read well below benchmark expectations.

**Written Expression Skills**

Sammy’s written expression skills are unique when compared with others in his same grade. Eighty-nine percent of second graders in his school scored at or above the 41st percentile rank on the language portion of the ITBS while Sammy scored at the 11th percentile. Additionally, 84% of students in his same class scored at or above the 50th percentile rank on district norms for total words written, words spelled correct, number of correct writing sequences, and % of correct writing sequences. Sammy’s performance is significantly lower than this. Compared to students in his small group intervention, Sammy’s performance is below that of all five other students in the group, four of who perform at a level meeting benchmark expectations. Sammy continues to perform below expectations in written expression.
**Educational Needs:** Educational needs are the instructional strategies, services, activities and supports, and the accommodations and modifications required in order for the individual to be involved and make progress in the general curriculum. The evaluation describes the individual’s educational needs in the areas of instruction, curriculum, environment and additional learning supports.

Based on evidence from the analysis of the Progress and Discrepancy components, the functional implications of the individual’s performance, as well as other educationally relevant information, describe the individual’s needs within:

**Instruction** (i.e. instructional strategies and methods that will enable learning, reinforcement/motivational strategies)

Sammy’s instruction in both reading and written expression needs to be provided in an explicit manner. This should follow a model, lead, test (or “I do, we do, then you do”) format with many opportunities for guided practice and feedback. Sammy needs additional practice with skills that are introduced in class instruction and needs repeated practice with skills in order to acquire these. Distributed practice with skills throughout the day and in different contexts has also been shown to benefit Sammy. In addition to the core instruction, this focused instruction should occur more than 20 minutes per day in reading and more than 20 minutes three times per week in written expression order to accelerate his rate of progress. This instruction should follow a research-based scope and sequence that increases in complexity as he masters skills.

**Curriculum** (i.e. content of instruction, specific skills and concepts the individual needs to learn)

**Basic Reading Skills:** Sammy’s instruction in reading will focus on the following skills:

- increasing accuracy for word recognition
- identifying vowels, vowel teams, regular and irregular patterns in words
- decoding blends and multisyllabic words
- increasing fluency and accuracy in reading connected text

**Written Expression:** Sammy requires instruction focused on the following skills:

- encoding letter sounds and vowel patterns to spell words correctly
- developing ideas for writing
- planning and organizing in preparation for writing
- applying appropriate writing mechanics (capitalization, punctuation)

**Environment** (i.e. adaptations to procedures, schedules, routines, behavioral expectations, room or seating arrangements, adaptive supports)

Sammy benefits from a small group setting in which he can have additional opportunities to respond and receive consistent feedback and error correction. Additionally, he benefits from an environment where instruction is motivating and reinforcing.

**Additional Learning Supports** (i.e. family supports or involvement, community partnerships, transition supports, supports for engagement, assistive technology, other accommodations that are needed)

Sammy’s parents can be shown how to practice the word recognition skills he’s learning in school to help at home. Sammy can also continue to practice writing mechanics and idea formation at home with the help of his parents, who will be provided with graphic organizers and writing sheets.

**Which of the above needs, if any, will require services and supports that exceed the capacity and obligation of the general education program and resources?**

In addition to focused, small group instruction in the content areas of reading and written expression within the general education program, Sammy needs small group and intensive, individualized instruction with curriculum modifications that go beyond the general education program scope and sequence. Distributed practice of skills can be integrated into the school day using general education resources but additional resources are required to fully support implementation.
Individual Information: The evaluation must include educationally relevant information that is important for eligibility decision making. The information describes how the individual is provided access and opportunity to learn what is expected, and that his/her difficulty is not the result of other, more plausible factors.

Which Performance Domain(s) will be the focus of this evaluation?

☐ Academic       ☐ Behavior       ☐ Physical
☐ Health         ☐ Hearing/Vision  ☒ Communication
☐ Adaptive Behavior

Reminder: For a child not yet in kindergarten, data from this evaluation may be utilized with other information to report early childhood outcomes in the areas of: positive social-emotional skills, acquisition and use of knowledge & skills, and appropriate behaviors to meet needs.

What is the area(s) of concern?

- Receptive Language – listening comprehension (following oral directions, answering questions)
- Expressive Language – expressing ideas (vocabulary, basic concepts)

What evidence suggests that concerns are pervasive across different times and/or different settings?

Tommy struggles with following directions and oral speaking both at home and at school. His mother reported that he has difficulty following oral directions in both English and Spanish. Progress reports from Head Start indicated that he has been falling below benchmark in the areas of language development and literacy. Tommy’s Head Start teacher reported that he pays attention during class instruction but is often unable to complete independent work tasks. These difficulties have been seen in the Head Start setting as well as in the home, for more than a year.

What are the individual’s strengths that support his or her educational success in the area(s) of concern?

Tommy attends school regularly, is very cooperative, wants to learn, and gets along well with his peers. His attention and focusing skills are appropriate for his age. Progress reports from Head Start indicate that Tommy meets developmental outcomes in the areas of: creative arts, social-emotional development, approaches to learning, and physical health development. A review of health records reported no known concerns with vision, hearing or health.

Within the areas of concern, describe

a) ways in which access and opportunity were assured for this individual to learn what was expected

A review of records indicated that Tommy has been enrolled in the Head Start program for two years. He attends the program 4 days weekly from 9:00 AM – 2:30 PM. His classroom has 15 children, one teacher and one classroom associate. The program is using a curriculum that meets the Head Start standards. Within the Head Start curriculum, Tommy participates in large group literacy lessons daily. He also has opportunities for additional practice in small group settings and has been provided supplemental instruction to reinforce listening and concept development. Tommy has had good attendance with few absences, and accesses the curriculum and instruction on a regular basis.
b) whether or not the concerns are primarily caused by any of the following factors:

- Limited English proficiency
- A lack of appropriate instruction in reading, including the essential components of reading instruction
- A lack of instruction in math

Tommy lives in a bilingual home and was born in the United States. The family speaks both Spanish and English in their home. Concerns with communication are seen by Tommy’s family when Tommy speaks Spanish at home as well. The language differences used in the home are not the primary reason for Tommy’s communication difficulties. Based upon examination of Head Start curriculum and Tommy’s response to age appropriate large and small group supplemental instruction delivered in the area of literacy skills within the classroom, it was determined that concerns with Tommy’s listening comprehension and oral expression are not the result of a lack of appropriate instruction in pre-reading or math. Tommy’s teacher has tried repeating questions for Tommy and cues him to watch what the other children are doing to improve his direction following skills. When asked what is the one area that would most impact Tommy’s learning and class participation, the teacher stated that she would like to see him be able to answer questions and understand basic concepts/vocabulary.

c) any ecological factors (e.g., race, ethnicity, culture, language, or life circumstances) that affect the individual’s educational performance

There do not appear to be any ecological factors related to Tommy’s language, culture, or life circumstances that are affecting his educational performance at this time.

Educational Progress: Progress means performance over time. In addressing progress, the team considers data that have been collected about the individual’s performance over time in relation to the interventions that have been provided. The evaluation must provide evidence as to whether or not the individual’s performance is persistently below the educational standard(s), or age or grade level expectation(s).

List the Iowa Core Standards and Benchmarks or Early Learning Standards and Benchmarks for the individual’s age and/or grade level in this area of concern.

Tommy is working toward the Iowa Early Learning Standard in Area 10 (Communication, Language and Literacy), 10.1 Language Understanding and Use, Children understand and use communication and language for a variety of purposes. The benchmarks Tommy is struggling with include: shows a steady increase in listening, speaking and vocabulary; and asks and answers a variety of questions.

Using multiple assessment methods and data sources, including progress data collected on a frequent and regular basis, summarize the individual’s response to the targeted or intensified instruction that was provided.

- Describe the targeted or intensified instruction, curriculum, environmental changes provided to address this area of concern.

Initial concerns expressed by the Head Start teacher provided evidence that Tommy was having difficulty understanding and answering wh-questions and does not demonstrate recall of classroom activities. He also has difficulty organizing his thoughts to express ideas clearly when compared to classmates who are able to do these tasks. When he participated in large group literacy lessons in the classroom, the teacher read a story and stopped briefly to ask questions as she read.

A 6-week intervention in the area of language development was conducted as part of Tommy’s initial evaluation, implemented within general education by the teacher and teacher associate with monitoring and consultation by the speech-language pathologist. The intervention focused on wh-questions (e.g. who, what, where, why, when, how) related to literacy and consisted of multiple readings of the same book over three sessions, of 15 minutes each, by the teacher/associate. This intervention was provided to Tommy individually. After multiple readings, Tommy was asked questions about things/events in the story. The reader kept track of correct responses on a score sheet.
which indicated if a correct response was provided without cues, when cues were added or when choices of answers were provided. Data were taken at each reading, charted, and analyzed.

Tommy’s parents also participated in the intervention by reviewing a weekly story map that was sent home, asking questions about the story that had been read at preschool that week, and providing additional practice. His brother participated by reading a story to Tommy at bedtime and informally asking questions as he read the story. Over the course of the week, parents noted the number of questions that Tommy was able to answer correctly, and recorded when the story map activities and questioning activities were completed.

- **Describe how the interventions were matched to the individual’s needs.**

  The Speech Language Pathologist (SLP) consulted with the teacher to monitor student responses to questions and assist with determining the level of prompt/cue needed to increase correct answers. In addition, dynamic assessment procedures were conducted by the SLP prior to and during the 6-week intervention. This assessment indicated Tommy did not understand the meaning of wh-question words. To teach wh-questions, the SLP presented Tommy with a short story using the “dialogic” reading strategies of Before, During and After. As the story was read, the SLP stopped and asked questions about each page. Based upon the observational data reported by the Head Start teacher and SLP, it was determined that designing a targeted intervention to address Tommy’s apparent skill deficit with understanding wh-questions would be an appropriate match to his needs.

- **Describe how interventions were implemented (Were interventions implemented as designed? Were changes to interventions made?).**

  Based on teacher logs and permanent products that were kept, it was determined that Tommy’s 6-week targeted intervention was implemented as designed (100% integrity). No adjustments needed to be made over the duration of the intervention period as the plan was implemented in the Head Start and home settings.

**Response to Intervention Performance Results**

**Standard of comparison:** Expectations based on the performance of peers in Tommy’s Head Start classroom, was the standard used for this rate of progress comparison.

**Expected level of performance prior to intervention:** At the beginning of Tommy’s intervention phase, peers are expected to express ideas, follow directions and answer “wh” comprehension questions (without cues) about stories read to them with an average of 60% accuracy.

**Expected level of performance following intervention:** 80% accuracy in answering wh-questions without cues

**Expected rate of progress:** Over a 6-week period, peers are expected to grow 20 percentage points in accurately answering wh-questions without cues, which is a rate of 3.33 percentage points per week

**This individual’s level of performance prior to intervention (i.e. baseline):** Tommy’s baseline for the three conditions of answering mixed wh-questions was

- 0% accuracy for answering when no cues were provided
- 20% accuracy for answering when cues were provided
- 40% accuracy for answering when choice (answer) options were provided

**This individual’s level of performance following intervention:** Following 6 weeks of supplemental instruction, Tommy’s performance for the three wh-conditions was:

- 20% accuracy for answering when no cues were provided
- 50% accuracy for answering when cues were provided
- 60% accuracy for answering when choices (answers to choose from) were provided

**This individual’s rate of progress:** Data indicated answering wh-questions over the 6-week intervention period:

- without cues grew 20 percentage points, which is a rate of 3.33 percentage points per week
- with cues grew 30 percentage points, which is a rate of 5 percentage points per week
- through the choice option grew 20 percentage points, which is a rate of 3.33 percentage points per week
If the individual received supplemental instruction in a small group, describe his/her response in comparison to how the other individuals in the group responded (may be answered “No other students received the same intervention”).

No other students received the same intervention.

Identify the instruction, interventions and environmental changes under which the individual experienced the most growth or success.

Guided practice strategies and more opportunities to practice answering questions enabled Tommy to learn wh-questioning skills with errorless learning and supportive feedback. He showed significant improvement in comprehending wh-questions by the end of the intervention period although he continued to need a combination of specific and general prompts to achieve higher degrees of accuracy.

Team teaching and peer coaching were effective means for improving Tommy’s question comprehension skills with the SLP sharing the role of the primary provider with other communication partners (Head Start teacher and associates).

Describe any other information relevant to understanding the individual’s rate of acquisition or progress.

At the beginning of the intervention, Tommy correctly scored 0/5 for who, what, and where questions. He did appear to understand that questions required answers and Yes/No type questions were answered correctly 80% of the time. By the end of the intervention, the teacher noted that accuracy improved further when content was chunked into smaller amounts of information. Tommy also demonstrated an improvement in using key concepts and vocabulary when summarizing information to answer questions or repeat oral directions. Furthermore, Tommy demonstrated progress in his participation and interaction during the small group reading activities although he continued to require multiple readings with varying levels of prompts in order to perform at the same level as peers. He was able to answer ‘wh-questions’ when given specific picture cues.

Using the data above and any other relevant information, summarize the significance of this individual’s rate of progress.

Results of Tommy’s intervention plan were generally successful and he made progress in answering wh-questions at a rate similar to peer expectations, but his problem with listening comprehension (following directions and answering oral questions) and oral expression (vocabulary and basic concepts) was not completely resolved. The growth in Tommy’s responses to answer wh-questions over the course of the intervention period (i.e., 20 percentage points over 6 weeks for uncued responses, 30 percentage points for cued) suggests that specific instructional, curricular, and environmental conditions have been identified that will help him improve his listening comprehension skills. However, his rate of growth for this learning task (i.e., a gain of 3.3 percentage points per week for uncued) does not represent a rate that will allow Tommy to significantly narrow or close the gap when his learning is compared to peers. It is important to note that Tommy is not demonstrating an independent level of performance for answering wh-questions which most of his peers can do with a high degree of accuracy (+80% on average). He still requires specific cues/prompts to assist his understanding of the various types of wh-questions. The more independent level that peers have acquired for answering questions also indicates that they are acquiring vocabulary and concepts at a faster rate. Based on rate of progress data, it was concluded that the resources needed to maintain the intervention are beyond what is reasonable in general education.
**Educational Discrepancy:** Discrepancy is the difference between the individual’s current level of performance and the expected level of performance for individuals of the same age, grade, or other established standards. The evaluation relies on multiple sources of data for each area of concern to describe whether or not the individual is significantly discrepant from peers or educational standards, and if the individual’s performance is unique within a comparable group.

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**Report the discrepancy results for each Performance Domain identified on the Consent for Full and Individual Initial Evaluation.**

**Performance Domain: Communication**

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>Data Source</th>
<th>Date(s)</th>
<th>Peer/Expected Performance</th>
<th>Individual’s Current Performance</th>
<th>Discrepancy from Expected Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listening Comprehension and Oral Expression: Answering wh-questions</td>
<td>Wh-question accuracy during intervention period</td>
<td>3/3/2011 – 4/14/2011</td>
<td>80% accuracy answering mixed wh-questions (who, what, when, where)</td>
<td>20% accuracy answering mixed wh-questions without cues</td>
<td>60 percentage points of accuracy below expectation</td>
</tr>
<tr>
<td>Listening Comprehension and Oral Expression: Answering wh-questions</td>
<td>Wh-question accuracy during intervention period</td>
<td>3/3/2011 – 4/14/2011</td>
<td>80% accuracy answering mixed wh-questions (who, what, when, where)</td>
<td>30% accuracy answering mixed wh-questions with cues</td>
<td>50 percentage point in accuracy difference</td>
</tr>
<tr>
<td>Listening Comprehension and Oral Expression: Answering wh-questions</td>
<td>Wh-question accuracy during intervention period</td>
<td>3/3/2011 – 4/14/2011</td>
<td>80% accuracy answering mixed wh-questions (who, what, when, where)</td>
<td>50% accuracy answering mixed wh-questions with answer choices provided</td>
<td>30 percentage point in accuracy difference</td>
</tr>
<tr>
<td>Listening Comprehension and Oral Expression: Answering wh-questions</td>
<td>Prompts required to answer wh-questions correctly</td>
<td>3/3/2011 – 4/14/2011</td>
<td>10% of questions asked</td>
<td>40% of questions asked</td>
<td>30 percentage point difference in the frequency of prompts needed</td>
</tr>
</tbody>
</table>
Using the data above, and any other relevant information (including qualitative, descriptive information), summarize the significance of the discrepancy, if any, between the individual’s current level of performance and that of peers or other educational standards. (Compare this child’s performance to children across the state or nation, or to generally accepted developmental milestones or educational expectations. What additional factors are important to understanding the individual’s level of performance?)

Further evaluation of Tommy’s vocabulary and basic concept skills was completed to obtain additional quantitative data and qualitative perspective on the types of skills that he will need to learn for achieving with emergent literacy in reading and mathematics as he enters kindergarten in the upcoming Fall. The Boehm Test of Basic Concepts -3 Preschool was administered by the SLP to more specifically assess Tommy’s understanding of basic relational concepts important for language and cognitive development, as well as for later success in school. The concepts assessed are fundamental to understanding directions, classroom routines, and are an important aspect of emergent literacy. Tommy’s raw score of 37 (out of a possible 52 points) corresponded to a Percentile Rank of 9. This means that his knowledge of basic concepts is extremely low when compared to age-level peers. The majority of the children in Tommy’s age range know most of the basic concepts or lack understanding of just a few of them. Concepts in error for Tommy included the following: across, both, before, farthest, shortest, last, together, some but not many, between, least, same, middle. As Tommy moves from preschool to kindergarten and first grade, knowledge of these basic concept words will become increasingly critical for understanding what is being communicated in the classroom.

Further assessment of expressive language skills was also completed by the SLP to examine Tommy’s grammatical skills (language structure) in relation to increases in his utterance length as determined by meaning units, or morphemes. A language sample of 100 utterances was elicited during a play/spontaneous speaking scenario in the speech room. The Mean Length of Utterance (MLU) calculated for Tommy’s sample was 3.78 which means that he produced on average 3.78 morphemes per utterance in his spontaneous speech. Peers (age 59-61 months) have a predicted MLU of 5.63 which is significantly higher in comparison. Tommy’s MLU was found to be -1.56 standard deviations below the mean for his chronological age. Qualitative analysis of Tommy’s language sample indicated use of the following grammatical morphemes: present progressive tense of verb (-ing); regular plural – s; preposition in; preposition on; possessive – s; regular past tense of verb – ed.
Observations of Tommy’s questioning skills indicate he has difficulty with asking questions as well as answering them. He uses a rising intonation on his phrase or sentence when asking most yes/no type of questions. There is some evidence that he is beginning to invert the auxiliary and the subject noun to form grammatically correct yes/no questions i.e., *Can I eat this one?* or *Is that the one?* Analyzing the complexity of his production of wh-questions, it was noted that Tommy asks only one wh-question i.e., *What this/that?*

A Type-Token Ratio was also calculated by the SLP on a 50 utterance language sample of spontaneous speech elicited during a conversational/play scenario with Tommy in his Head Start classroom using toys and picture books as stimulus materials. The procedure was used to analyze Tommy’s vocabulary diversity. It allowed examination of the relationship between the total number of different words used and the total number of words used. Tommy’s language sample contained 79 different words spoken out of a total of 134 words in the 50 utterance sample. These results indicated that the vocabulary diversity found in Tommy’s sample was significantly different from peers. The number of different words he produced in the sample was – 1.96 standard deviations below the mean for his chronological age. These findings substantiate that Tommy’s acquisition of vocabulary and basic concept skills are significantly below age level expectations and that he is not using a diverse vocabulary in his verbal interactions.

Results of the current evaluation indicate that there is a significant discrepancy between Tommy’s level of performance and that of same age peers, following the provision of adequate general education instruction and supplemental instruction and targeted intensified instruction. The degree of discrepancy is more than two standard deviations below average, and between 3-4 times discrepant on most measures.

Using the data above, and any other relevant information (including qualitative, descriptive information), summarize whether or not the individual’s performance (following the provision of adequate general education instruction and supplemental or intensified instruction) is unique from a comparable group. (Compare this child’s performance to children in his/her small group, classroom, school or district who have had similar educational experiences.)

Tommy is not meeting the Head Start language/literacy standards and benchmarks. Most of the peers in his classroom are meeting expected standards. The places Tommy at critical risk for literacy failure. His lower level of achievement makes him unique compared to almost all students in his Head Start classroom. Results of language sample analysis also describe the magnitude of Tommy’s difficulties with vocabulary and concepts in comparison to peer performance. Most of the results from language sample analysis show significant differences in his receptive and/or expressive language skills of 1.5 – 2.0 deviations below the mean, compared to his Head Start classmates.
Educational Needs: Educational needs are the instructional strategies, services, activities and supports, and the accommodations and modifications required in order for the individual to be involved and make progress in the general curriculum. The evaluation describes the individual's educational needs in the areas of instruction, curriculum, environment and additional learning supports.

Based on evidence from the analysis of the Progress and Discrepancy components, the functional implications of the individual's performance, as well as other educationally relevant information, describe the individual's needs within:

**Instruction** (i.e. instructional strategies and methods that will enable learning, reinforcement/motivational strategies)

Tommy needs intensive 1:1 and small group instruction to improve his receptive and expressive language. This instruction should include many opportunities for direct teaching of key concepts with guided practice and corrective feedback, using a hierarchy of visual and verbal cues and prompts, and multiple opportunities to practice a skill. He benefits from hearing literacy materials provided through multiple presentations. The Dialogic Reading Strategy is one approach to consider, since Tommy has already had an opportunity to learn and use this strategy.

**Curriculum** (i.e. content of instruction, specific skills and concepts the individual needs to learn)

Tommy needs to continue to receive direct instruction in his preschool classroom using Head Start literacy materials. Supplemental instruction in a 1:1 or small group using the same curriculum will provide routine situations for pre-teach or re-teach of new concepts as well as multiple practice opportunities. Teaching of specific vocabulary (labeling, describing attributes, categorization) and basic concepts (spatial, quantity, quality, time) to increase understanding of word meanings are needed and provide an additional focus to his preschool curriculum.

**Environment** (i.e. adaptations to procedures, schedules, routines, behavioral expectations, room or seating arrangements, adaptive supports)

Tommy needs verbal/visual/physical cues and prompts to assist him in focusing on classroom instruction. He benefits from small group teaching and many practice opportunities with guided feedback and a gradual reduction in the level of cues/prompts needed for him to demonstrate mastery of new concepts/vocabulary. Tommy needs curricular content chunked into smaller segments with frequent review and questioning to check for comprehension while listening.

**Additional Learning Supports** (i.e. family supports or involvement, community partnerships, transition supports, supports for engagement, assistive technology, other accommodations that are needed)

Tommy will continue to need the positive and patient support of his family to assist him with learning. The family could provide multiple opportunities for Tommy to listen and interact with stories that are read repeatedly. These would provide additional opportunities for him to practice newly acquired skills.

Which of the above needs, if any, will require services and supports that exceed the capacity and obligation of the general education program and resources?

Tommy will need ongoing intensive instruction for learning skills/strategies to improve his ability to comprehend orally presented information in the classroom and to express himself adequately enough to allow his full participation in the preschool (and kindergarten) curricula. The instructional, curricular and environmental needs identified above suggest resources in addition to general education are needed. Tommy needs intensive, direct instruction focusing on the development of vocabulary and concepts that are tied to the curriculum. The amount and type of instruction that he requires, and the personnel that need to deliver the instruction, exceed the capacity and obligation of the general education program and resources.
Individual Information: The evaluation must include educationally relevant information that is important for eligibility decision making. The information describes how the individual is provided access and opportunity to learn what is expected, and that his/her difficulty is not the result of other, more plausible factors.

Which Performance Domain(s) will be the focus of this evaluation?

☐ Academic ☒ Behavior ☐ Physical
☐ Health ☐ Hearing/Vision ☐ Communication
☐ Adaptive Behavior

Reminder: For a child not yet in kindergarten, data from this evaluation may be utilized with other information to report early childhood outcomes in the areas of: positive social-emotional skills, acquisition and use of knowledge & skills, and appropriate behaviors to meet needs.

What is the area(s) of concern?

The specific areas of concern are interactions with others and self-regulation, including aggression and on-task behavior.

What evidence suggests that concerns are pervasive across different times and/or different settings?

Concerns about Adam’s behavior have been expressed by his first grade teacher and were first noted in his kindergarten report card. These behaviors have been observed to occur throughout the day in school when he is expected to follow directions or interact appropriately with peers. Concerns were also reported by his parents in the home setting and during child care. The parents report that Adam has difficulty following directions at home and is sometimes aggressive toward his younger sister or other children while at day care.

What are the individual’s strengths that support his or her educational success in the area(s) of concern?

Adam wants to please adults and enjoys attention from teachers and peers. He is able to follow directions when engaged in an activity he likes or prefers. Appropriate peer interaction has been observed when Adam is in a play setting with a game he has chosen. A review of health records reported no known concerns with vision, hearing or health.

Within the areas of concern, describe

a) ways in which access and opportunity were assured for this individual to learn what was expected

Adam was provided with similar instruction as peers in the area of social behavior. The school utilizes the Character Counts curriculum, as part of their school-wide Positive Behavioral Intervention and Supports (PBIS) framework implemented throughout the district. School and classroom rules are posted, they were taught to students at the beginning of the year, and are reviewed periodically, with positive behaviors being acknowledged daily in non-classroom and classroom settings. In addition, Adam received small group and individual supplemental instruction from the guidance counselor and classroom teacher.

Adam’s attendance is excellent. He has missed no days of school this year and only missed 2 days all of last year.
b) whether or not the concerns are primarily caused by any of the following factors:

- Limited English proficiency
- A lack of appropriate instruction in reading, including the essential components of reading instruction
- A lack of instruction in math

Adam comes from an English speaking home. His behavioral concerns are not the result of Limited English proficiency. He has attended the same school since kindergarten. He has received core instruction in reading, including the essential components of reading instruction. He is progressing at an expected rate in reading. He also has had core instruction in math and has progressed and performed at expected levels. Based on his access to viable core and the availability of supplemental instruction if necessary, a lack of appropriate instruction has been ruled out as the primary cause of Adam’s behavioral difficulties.

c) any ecological factors (e.g., race, ethnicity, culture, language, or life circumstances) that affect the individual’s educational performance

An interview with the teacher and parent identified no ecological factors that appear to impact Adam’s behavior at this time.

Educational Progress: Progress means performance over time. In addressing progress, the team considers data that have been collected about the individual’s performance over time in relation to the interventions that have been provided. The evaluation must provide evidence as to whether or not the individual’s performance is persistently below the educational standard(s), or age or grade level expectation(s).

List the Iowa Core Standards and Benchmarks or Early Learning Standards and Benchmarks for the individual’s age and/or grade level in this area of concern.

The Iowa Core has identified Essential Skills and Concepts which address student behavior. The following address behaviors that are a concern for Adam:

**Essential Skill / Social Studies - Behavioral Sciences**

- Understands interactions between self and peer group
- Understands that disagreements occur between friends.
- Understands that rules let people understand what to expect and so can reduce the number of disputes.
- Understands that telling and listening is a way that people can learn from others

**Essential Skills / 21st Century Skills – Employability**

Communicate and work appropriately with others to complete tasks.

- Concept - exhibit appropriate behavior in various situations. Identify behaviors that cause conflict. Respect others
  - Work positively and effectively with others.
  - Exhibit appropriate behavior in various situations.
  - Identify behaviors that cause conflict
  - Cooperate with others
- Use different perspectives to increase innovation and the quality of work. Generate ideas with assistance.
  - Are aware of others’ feelings and opinions.
  - Appropriately accept constructive feedback.
- Use all the appropriate principles of communication effectively.
  - Listen to others.
  - Follow directions.
  - Express ideas.
District Standards and Expectations: Adam’s district, in their implementation of PBIS, has identified school-wide expectations in the areas of demonstrating respectful, responsible, and safe behaviors in all school settings. Additionally, the school follows the Character Counts model using the Six Pillars.

Using multiple assessment methods and data sources, including progress data collected on a frequent and regular basis, summarize the individual’s response to the targeted or intensified instruction that was provided.

- Describe the targeted or intensified instruction, curriculum, environmental changes provided to address this area of concern.

  Based on assessment data, in order to address the aggressive behaviors, Adam received 6 weeks of intervention that included 25 minutes of direct instruction per day teaching several replacement behaviors (e.g. changing the order of work completion, asking for a short break before beginning the assigned task), and providing him with guided assistance on the first one or two items. Adam was taught these intervention components through modeling, individual, and small group instruction. He was also taught a “walk away” strategy which served the same function of escaping the task but did not cause harm to others. In individual instruction Adam learned other methods of communicating with peers such as negotiating for decision making (we’ll do what you want this time and then next time what I want), moving to an alternate activity rather than simply walking away from the situation and for expressing his frustration without using physical solutions. He was placed on a reinforcement system (time on the computer - a personal choice) for each day he was able to demonstrate a non-aggressive choice. When Adam was aggressive, he was required to work with the guidance counselor to review the incident, decide how to handle it differently in the future, and generate an appropriate consequence.

  Reinforcement was provided through social reinforcements (e.g. verbal praise, thumbs up, smiles from adult assisting), and through tangibles (e.g. sticker chart on his desk, positive notes home). Additionally, Adam was taught that tasks would not be removed when he refused or was aggressive, and his schedule would freeze until the work was attempted. He occasionally stayed after school (with parent support) to finish any work not completed due to these identified behaviors.

- Describe how the interventions were matched to the individual’s needs.

  FBA information was gathered through interviews, record review and observations (e.g. direct, scatterplot) and it was hypothesized that the function of Adam’s lack of following directions and aggressive behavior was to avoid less preferred tasks. Based on that information, a behavior intervention plan, matched to the function of Adam’s behavior and his needs, was developed. Adam received individual instruction on replacement behaviors for his aggression. The instruction targeted times when Adam was faced with situations where he was required to comply with non-preferred tasks when requested by teachers or peers.

- Describe how interventions were implemented (Were interventions implemented as designed? Were changes to interventions made?).

  These interventions were monitored by the School Psychologist using direct observation as well as performance data gathered by the classroom teacher, a review of the daily communication sheet, a log of aggressive events, and an interview with the guidance counselor. The components of the intervention were implemented a median of 75% of observed times. This is lower than the 80% criteria defined for implementation integrity. The components of preteaching and the positive notes home were the two components with lower implementation. A review of the data indicates that the lower implementation integrity did not have a significant impact on the effectiveness of the intervention.
• **Response to Intervention Performance Results**

**Standard of comparison:**
- Adam’s physically aggressive behavior will be compared to the same-grade peers.
- Adam’s on-task behavior will be compared to same-grade, same-gender peers.

**Expected level of performance prior to intervention:**
- Students in first grade at ABC Elementary School currently exhibit 1 incident of physically aggressive behavior per week.
- When observed, boys in Adam’s class were on-task 87% of the time during three observations one week prior to the intervention period.

**Expected level of performance following intervention:**
- Students in first grade at ABC Elementary School currently exhibit 0 incidents of physically aggressive behavior per week.
- When observed, boys in Adam’s class were on-task 92% of the time during three observations one week prior to the intervention period.

**Expected rate of progress:**
- Students in first grade decreased physically aggressive behavior during the 6-week intervention period by 1 incident. This is a rate of 0.167 incidents/week.
- Boys in Adam’s class increased their on-task behavior from 87% to 92% over the intervention period. This is an increase of 0.83% per week.

**This individual’s level of performance prior to intervention (i.e. baseline):**
- Prior to intervention, Adam exhibited 7 physically aggressive acts per week.
- Prior to intervention, Adam was on-task 35% of the time in the classroom setting.

**This individual’s level of performance following intervention:**
- Following the 6-week intervention, Adam had 1 physically aggressive act per week.
- Following the 6-week intervention, Adam was on-task 80% of the time.

**This individual’s rate of progress:**
- Adam decreased his aggressive behavior by 1 aggressive act/week over the intervention period. This is consistent with his goal and meets the expected rate of progress.
- Adam increased his on-task behavior by 7.5% per week. This growth will allow him to close the gap with peers.

• **If the individual received supplemental instruction in a small group, describe his/her response in comparison to how the other individuals in the group responded (may be answered “No other students received the same intervention”).**

Adam was a part of a small group intervention as part of the on-task behavior component of the intervention. Similar to Adam, the 4 other students who were a part of the small group instruction have all made progress as expected. On-task behavior of the other 4 students ranged from 42%-63% when the intervention began. At the end of the 6-week period, the range was 78%-96%. All students exhibited the expected rate of growth in this intervention.

No other student received the same intervention as Adam in the area of physically aggressive behavior.
• Identify the instruction, interventions and environmental changes under which the individual experienced the most growth or success.

Teaching Adam alternatives to aggression, giving him the choice of the order he completes his work, and providing him with consistent positive reinforcement for making good choices have provided the most success. A strength that was identified early in the intervention was Adam’s desire to please adults and his peers, so the social reinforcement has been important. He also seemed to be motivated by tangibles, such as stickers on his chart and positive notes home.

• Describe any other information relevant to understanding the individual’s rate of acquisition or progress.

Adam’s goal was to reduce his aggressive acts by at least one each week, and by the end of the 6 week intervention to have 2 or fewer aggressive acts per week when interacting with peers or when completing work. Although the grade level and school policy expectations are zero, team members determined it was reasonable to reduce the aggression in both areas as stated. His teacher reported that Adam was positively engaged in setting the goal to reduce his aggressive behaviors.

By the end of the intervention period, Adam reduced the number of aggressive acts to one per week. Teacher reports also indicate Adam was more accepting to interventions by adults and the time needed to deescalate his behaviors was significantly decreased. At the end of the intervention, Adam was on-task 80% of the time. He was completing both in-class and homework assignments. He needed limited adult redirection and adult assistance to remain on-task.

Using the data above and any other relevant information, summarize the significance of this individual’s rate of progress compared to the expected rate of progress.

A review of the intervention data, anecdotal comments from the teacher, counselor and parent, and follow-up observations of Adam all indicate he made good progress during the intervention phase. He made the expected progress based upon the instruction provided and the goal set for his behavior. Intervention implementation data suggests that some components may not have been implemented at the predetermined integrity level; however, the results have been positive. His social behaviors and rate of progress are not significantly different than peers. This intervention and the supports have been provided with general education resources, facilitated by the classroom teacher and guidance counselor.

Data suggest that Adam will be able to maintain his behavior, and most likely continue to improve, given the supports that are in place.
Educational Discrepancy: Discrepancy is the difference between the individual’s current level of performance and the expected level of performance for individuals of the same age, grade, or other established standards. The evaluation relies on multiple sources of data for each area of concern to describe whether or not the individual is significantly discrepant from peers or educational standards, and if the individual’s performance is unique within a comparable group.

Report the discrepancy results for each Performance Domain identified on the Consent for Full and Individual Initial Evaluation

Performance Domain: Behavior

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>Data Source</th>
<th>Date(s)</th>
<th>Peer/ Expected Performance</th>
<th>Individual’s Current Performance</th>
<th>Discrepancy from Expected Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-regulation related to task completion</td>
<td>Classroom Observation - Tally of tasks completed</td>
<td>9/30 10/4</td>
<td>3 tasks 4 tasks 3 tasks</td>
<td>3 tasks 4 tasks 2 tasks</td>
<td>10% difference following intervention</td>
</tr>
<tr>
<td>Interaction with others; self-regulation</td>
<td>Playground Observation - Tally of aggressive actions in 10 days</td>
<td>9/26 - 10/4</td>
<td>0 per week</td>
<td>1 per week</td>
<td>1 per week</td>
</tr>
<tr>
<td>Self-regulation; task completion</td>
<td>Classroom Interval Observations</td>
<td>9/26-10/4</td>
<td>On-task 92% of intervals</td>
<td>On-task 80% of intervals</td>
<td>12% of intervals</td>
</tr>
<tr>
<td>Interaction with others; self-regulation</td>
<td>Office Referrals - Disciplinary data</td>
<td>9/26 - 10/4</td>
<td>90% of first grade peers had no office referrals 10% had 1 office referral</td>
<td>2 office referrals</td>
<td>2 times discrepant</td>
</tr>
</tbody>
</table>

Using the data above, and any other relevant information (including qualitative, descriptive information), summarize the significance of the discrepancy, if any, between the individual’s current level of performance and that of peers or other educational standards. (Compare this child’s performance to children across the state or nation, or to generally accepted developmental milestones or educational expectations. What additional factors are important to understanding the individual’s level of performance?)

Adam’s performance in the areas of on-task behavior, and physically aggressive behavior when not getting his way were significant prior to intervention. Although he continues to demonstrate aggressive behaviors more frequently than same age/grade peers, his ending performance levels following the intervention are not significantly different than peers. Adam is now better able to comply with directions given by adults and maintain appropriate social behavior when confronted with situations that used to result in aggressive behavior. He also continues to be more off-task than his peers, but this is also not a significant difference. Adam now utilizes skills in self-regulation to remain on-task and focused while in the classroom.

Using the data above, and any other relevant information (including qualitative, descriptive information), summarize whether or not the individual’s performance (following the provision of adequate general education instruction and supplemental or intensified instruction) is unique from a comparable group. (Compare this child’s performance to children in his/her small group, classroom, school or district who have had similar educational experiences.)

Adam received intervention for on-task behavior in a small group with 4 other peers. In comparing his on-task behavior to theirs, his behavior is not unique. At then end of the intervention period, all of the students in the small group were on-task.
78-96% of the time, and Adam was on-task 80%. Adam’s performance is similar to those in this small group, and is not unique compared to others receiving similar intervention components.

Although Adam did not receive small group instruction in improving his physically aggressive behavior, when compared to other students in his classroom, he has slightly more incidents of aggression, but the difference is not significant, and his behavior is not unique when compared to his class.

**Educational Needs:** Educational needs are the instructional strategies, services, activities and supports, and the accommodations and modifications required in order for the individual to be involved and make progress in the general curriculum. The evaluation describes the individual’s educational needs in the areas of instruction, curriculum, environment and additional learning supports.

**Based on evidence from the analysis of the Progress and Discrepancy components, the functional implications of the individual’s performance, as well as other educationally relevant information, describe the individual’s needs within:**

- **Instruction** (i.e. instructional strategies and methods that will enable learning, reinforcement/motivational strategies)

  Adam benefits from direct instruction including modeling, both positive and negative reinforcement strategies, assistance when beginning tasks, asking for help when unsure how to work through an assignment, and frequent feedback. Providing Adam with choices with respect to work completion and pre-teaching skills to use when solving disagreements rather than aggression improves behavior.

- **Curriculum** (i.e. content of instruction, specific skills and concepts the individual needs to learn)

  Adam needs to continue to learn skills related to appropriate physical social skills and skills regarding following directions and task completion. Additionally, he needs continued support in learning core expectations for behavior. An alternative curriculum is not needed to teach Adam the skills necessary to complete work and solve disagreements with peers. The curriculum used in the guidance program was taught in a small group setting and he benefited from practicing the skills with an adult and peers. Continued involvement in the core curriculum, including the Character Counts program, will benefit Adam. No curriculum modifications have been identified.

- **Environment** (i.e. adaptations to procedures, schedules, routines, behavioral expectations, room or seating arrangements, adaptive supports)

  Like many students, Adam benefits from having posted expectations, pre-corrections, and a high ratio of positive feedback when he is meeting those behavioral expectations. He, like his peers, has benefited from having the expectations taught and acknowledged in all school settings, with the Character Counts emphasis and PBIS framework. He has benefited from identifying aggression triggers with the guidance counselor in a private session and engaging in problem solving alternative ways to handle them in the future. No further adaptations to the educational environment have been identified.

School staff need to identify a location where Adam can go when his schedule freezes. In that location, Adam will work on the task and social reinforcers will be lessened (quiet, distraction free, easy access). In addition, staff will need to be identified to supervise this time, when it occurs.
**Additional Learning Supports** (i.e. family supports or involvement, community partnerships, transition supports, supports for engagement, assistive technology, other accommodations that are needed)

Adam will receive continued support of the school-wide Character Counts, PBIS and guidance activities. The home school communication system has also been beneficial, with Adam’s parents reinforcing his successes.

Which of the above needs, if any, will require services and supports that exceed the capacity and obligation of the general education program and resources?

Currently, the core behavior expectations, instructional program, and supplemental instruction opportunities delivered through the general education program are sufficient to meet Adam’s needs.
Individual Information: The evaluation must include educationally relevant information that is important for eligibility decision making. The information describes how the individual is provided access and opportunity to learn what is expected, and that his/her difficulty is not the result of other, more plausible factors.

Which Performance Domain(s) will be the focus of this evaluation?

☒ Academic ☐ Behavior ☐ Physical
☐ Health ☐ Hearing/Vision ☐ Communication
☒ Adaptive Behavior

Reminder: For a child not yet in kindergarten, data from this evaluation may be utilized with other information to report early childhood outcomes in the areas of: positive social-emotional skills, acquisition and use of knowledge & skills, and appropriate behaviors to meet needs.

What is the area(s) of concern?

- Academic – Literacy (early reading) and Mathematics (early math)
- Adaptive Behavior - School Functioning

What evidence suggests that concerns are pervasive across different times and/or different settings?

Clay’s teacher reports concern regarding Clay’s following of the daily routine. She notes that he struggles to complete activities that all others in the class have mastered - e.g. morning arrival routine, snack routine, lunch routine, transitions for specific center activities, clean up, preparing to go home, lining up. The teacher also reported that he has difficulty following directions.

Clay’s teacher reports that he has difficulty with listening to and recalling details of a story. Observation data indicate Clay has difficulty focusing on and attending during large- and small-group instruction comparable to same age peers. These difficulties are also observed at home when parents read stories to Clay.

The classroom teacher also reports that Clay is struggling with beginning math concepts (e.g. rote counting, more/less, one to one correspondence) as seen in play activities as well as in structured teaching lessons. Clay’s parents indicate that they, too, have seen these difficulties when working on counting and feel he has not made much progress. Clay’s difficulties in the math and literacy areas have continued throughout the school year.

What are the individual’s strengths that support his or her educational success in the area(s) of concern?

Clay is outgoing, caring about his peers, and eager to participate and be a part of the group. He has a positive approach to establishing and sustaining positive relationships with peers and adults. His peers appear to initiate interactions with him as evidenced by several asking him to join what they are doing, and he joins in and sustains positive interactions with them. He offers apologies when he feels he has interfered with the play of peers. He is able to manage his feelings and can make friends easily. He is cooperative with peers and easy going.

Clay enjoys simple puzzles and playing with building toys. He is able to problem solve with 5-6 piece puzzles without assistance. He is able to make simple structures with large blocks to use with play activities.

Clay’s general understanding and use of language skills appear to be age appropriate. He can express his wants and needs. His peers can understand him. Clay can use descriptive language on topics he is familiar with.
Within the areas of concern, describe

a) ways in which access and opportunity were assured for this individual to learn what was expected

Clay has been attending preschool since the beginning of this year in a classroom that uses a research based preschool curriculum (Creative Curriculum). In addition, he has been provided supplemental and intensified instructional opportunities. He has been present all but two days of this preschool year. He has participated in whole group, small group and some individual lessons on skills he is struggling with. Mrs. Primrose reports using a variety of prompting techniques to engage Clay when he becomes distracted or loses interest. She also has provided him more opportunities throughout the day to practice counting skills as well as story retelling often through embedding the practice into routine classroom activities. Mrs. Primrose indicated that in addition to whole group directions, she makes sure that Clay has heard the directions by making eye contact and/or using his name. She also partners a buddy with Clay each day to model appropriate transitions.

b) whether or not the concerns are primarily caused by any of the following factors:

- Limited English proficiency
- A lack of appropriate instruction in reading, including the essential components of reading instruction
- A lack of instruction in math

English is the primary language spoken in the home. The preschool program uses Creative Curriculum for Preschool which is a research based developmentally appropriate curriculum, and the Teaching Strategies GOLD Assessment System (curriculum based assessment), meets the Iowa Quality Preschool Program Standards and embeds the content areas of the Iowa Early Learning Standards into daily instruction (includes both literacy and math). Based on the access and opportunity provided, as well as Clay’s participation and attendance in the preschool program for the past 3 months, the concerns identified are not primarily a result of these exclusionary factors.

c) any ecological factors (e.g., race, ethnicity, culture, language, or life circumstances) that affect the individual’s educational performance

Clay’s mother shared during an interview that she is American and Clay’s father emigrated from Africa and speaks fluent French. This, however, is not impacting Clay’s difficulties as English is his primary language. Parents are working together with the preschool staff to help their child. No ecological factors have been identified which adversely impact educational performance.
Educational Progress: Progress means performance over time. In addressing progress, the team considers data that have been collected about the individual’s performance over time in relation to the interventions that have been provided. The evaluation must provide evidence as to whether or not the individual’s performance is persistently below the educational standard(s), or age or grade level expectation(s).

Domain: Academic

List the Iowa Core Standards and Benchmarks or Early Learning Standards and Benchmarks for the individual’s age and/or grade level in this area of concern.

The district uses both the Iowa Early Learning Standards and the Teaching Strategies GOLD Objectives for Development and Learning to guide instruction. While there are several standards that apply, the following are the critical standards, benchmarks and skills Clay is not meeting and are directly related to this assessment data.

**Iowa Early Learning Standards** (Academic Performance Domain)

10 - Communication, Language, and Literacy

10.2 - Early Literacy

**GOLD Objectives** (Academic Performance Domain)

**Objective 18.** Comprehends and responds to books and other texts (corresponds to IA ELS 10)

18a. Interacts during "read-alouds" and book conversations

18c. Retells stories

**Iowa Early Learning Standards** (Academic Performance Domain)

11 - Math and Science

11.1 Comparison and number—Children understand amount including use of numbers in counting

**GOLD Objectives** (Academic Performance Domain)

**Objective 20.** Uses number concepts and operations (corresponds to IA ELS 11)

20a. Counts

Using multiple assessment methods and data sources, including progress data collected on a frequent and regular basis, summarize the individual’s response to the targeted or intensified instruction that was provided.

- Describe the targeted or intensified instruction, curriculum, environmental changes provided to address this area of concern.

**Literacy:** Clay and two peers participated in guided instruction with the focus on comprehension strategies (story retelling, making predictions, understanding vocabulary, and sequencing) three times per week for thirty minutes (two 15 minute sessions) using center-based activities. Clay and his peers were taught the meaning of unfamiliar words and encouraged to use the new vocabulary in their retell. The use of character names and prompting about story details were emphasized. The teacher used visuals (picture cards, character cards) as initial instructional supports. Parents supported the literacy activities from the classroom during their reading time at home (although this part of the intervention plan was not closely monitored). This formal intervention period was 6 weeks in length.

**Math:** In addition to core math instruction, Mrs. Primrose provided additional individual guided practice activities several times each day with respect to specific math concepts. Several modeling and practice opportunities were provided for counting to 10 (e.g. during center times, snack time), for and with the teacher. The intervention plan included at least 5 structured counting activities each day for at least three days each week. Parents also worked on rote counting during routines at home (e.g. counting forks while setting the table, counting clothing pieces as they were put on/taken off), although this part of the intervention was not closely monitored.
Describe how the interventions were matched to the individual’s needs.

**Literacy:** Teacher observations and progress monitoring using the GOLD indicate that Clay has difficulties recalling details of a story, an early literacy skill. Because the intervention was targeted on the skills identified in the areas of concern and instructional strategies were implemented to address these skills, the intervention was matched to Clay’s needs.

**Math:** Teacher observations and progress monitoring using the GOLD indicate that Clay is not able to rote or object count beyond 2, an early math skill. Because the intervention was targeted on the skills identified in the areas of concern and instructional strategies were implemented to address these skills, the intervention was matched to Clay’s needs.

Describe how interventions were implemented (Were interventions implemented as designed? Were changes to interventions made?).

**Literacy:** (Comprehends and responds to books and other texts)

A teacher log was used to monitor the implementation of the intervention noting the date, session length and activities used to teach the concepts of the intervention. A review of the log indicates implementation integrity above 90% when all of the intervention elements were reviewed.

**Mathematics:** (Uses number concepts and operations)

A teacher log of the counting trials was kept. At least 5 trials 3 times each week were implemented. Clay was absent one day on a shortened week due to parent teacher conferences. As a result trials were not implemented three times that week. Overall, however, implementation integrity was 90% or higher.

Response to Intervention Performance Results

**Standard of comparison:** Literacy: Goal Expectation  Math: Goal Expectation based on younger peers (Gold)

**Expected level of performance prior to intervention:**

**Literacy:** 2 out of 12 story elements identified on a scoring sheet (character names, sequencing, retelling details, and telling parts in order) based on skills peers have already acquired.

**Math:** 1 out of 10 numbers correctly counted in sequence

**Expected level of performance following intervention:**

**Literacy:** Identify 8 out of 12 story elements

**Math:** 2.5 (3 would be the whole number) out of 10 numbers correctly counted in sequence (on 3 consecutive trials) based on the Gold skill acquisition for younger peers learning to count.

**Expected rate of progress:**

**Literacy:** Increase of 1 story element on the scoring sheet per week

**Math:** Increase .33 numbers per week

This individual’s level of performance prior to intervention (i.e. baseline):

**Literacy:** 2 out of 12 story elements

**Math:** 1 out of 10 numbers counted correctly in sequence

This individual’s level of performance following intervention:

**Literacy:** 5 out of 12 elements

**Math:** 3 out of 10 numbers counted correctly in sequence on 3 consecutive trials

This individual’s rate of progress:

**Literacy:** .5 story elements per week

**Math:** .33 numbers per week
If the individual received supplemental instruction in a small group, describe his/her response in comparison to how
the other individuals in the group responded (may be answered “No other students received the same intervention”).

**Literacy:** Two other students received similar intervention in literacy skills. In both of these cases the peers made
the goal expectation starting at 1 story element and ending at 8 out of 12 story elements, the expected rate of
progress of 1 story element per week. Clay’s growth from 1 to 6 story elements and rate of progress of .75 was less
than the two peers. Peers were able to master the story elements of sequencing and retell without visual supports
much more quickly than Clay.

**Math:** None of the other students in the classroom received similar instruction.

**Identify the instruction, interventions and environmental changes under which the individual experienced the most
growth or success.**

**Literacy:** Intervention/support strategies that resulted in improvement in Clay’s performance included repeated
reading of the story with the explicit instruction noting the characters, the sequence of beginning, middle and end,
as well as the teaching of unfamiliar vocabulary. Retell elements supported by picture cards met with more success
than unaided retell; he was only able to consistently identify the end of the story without visual supports. Materials
which were highly engaging around concepts that Clay is familiar with as well as repetitive content resulted in
stronger story retell accuracy. A review of the home/school notebook also indicated that stories the parents read
and reinforced during the evening resulted in better recall the next day.

**Math:** Clay demonstrated more growth from repeated direct instruction, distributed practice throughout the school
day and frequent feedback for rote counting and counting objects. Peers at his table during work time joined with
the counting and Clay seemed to respond positively to this choral approach by imitating what was modeled by his
peers. The carry over to independent counting, however, was iffy.

**Describe any other information relevant to understanding the individual’s rate of acquisition or progress.**

While not a part of the formal intervention plan, the parent’s work around literacy appeared to a positive influence
in terms of improving recall. When interviewed, Clay’s mom shared that they would try to use examples from family
and home life to exemplify vocabulary terms. Parents would also have Clay retell an event from his day with
prompting of what happened first, and then, and last.

Using the data above and any other relevant information, summarize the significance of this individual’s rate of
progress.

**Literacy:** Based on Clay’s rate of progress of .5 story elements per week, he is not meeting the expected growth that
other peers who were at a similar level were able to make. In addition, the larger peer group of his class have mastered
12 out of 12 story elements and are continuing to add additional literacy skills to their repertoire (e.g. recognizing I/me
in print, using pictures to read the story as they look at a book). At the current rate of progress, it will take Clay an
additional 14 weeks of instruction just to master the elements described in his intervention. In addition, peers are
growing at a rate of 2 times faster than Clay.

**Math:** Given Clay’s current rate of progress it will take Clay an additional 21 weeks of instruction to master the rote
counting to 10. While his rate of progress was similar to younger peer skill acquisition, his same age peers have moved
on to more advanced counting.

In both literacy and math, Clay received substantial instructional and practice supports when compared to peers in his
classroom and this a factor in his positive rate of progress.
**Educational Discrepancy:** Discrepancy is the difference between the individual’s current level of performance and the expected level of performance for individuals of the same age, grade, or other established standards. The evaluation relies on multiple sources of data for each area of concern to describe whether or not the individual is significantly discrepant from peers or educational standards, and if the individual’s performance is unique within a comparable group.

Report the discrepancy results for each Performance Domain identified on the Consent for Full and Individual Initial Evaluation.

<table>
<thead>
<tr>
<th>Performance Domain: Academic</th>
<th>EER Page 4</th>
<th>EER Page 4 Directions</th>
<th>Manual TOC</th>
<th>Appendix TOC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area of Concern</strong></td>
<td><strong>Data Source</strong></td>
<td><strong>Date(s)</strong></td>
<td><strong>Peer/Expected Performance</strong></td>
<td><strong>Individual’s Current Performance</strong></td>
</tr>
<tr>
<td>Early Reading Skills – Literacy</td>
<td>Student retell testing</td>
<td>12/19/11</td>
<td>9 out of 12 (75%) identified story elements identified by classroom peers</td>
<td>5 out of 12 (42%) story elements</td>
</tr>
<tr>
<td>Early Reading Skills – Literacy</td>
<td>Brigance Age Scores**</td>
<td>12/19/11</td>
<td>Total Score** 4 year - 6 month</td>
<td>Total Score** 3 year - 4 month</td>
</tr>
<tr>
<td>Early Reading Skills – Literacy</td>
<td>Teaching Strategies Gold Assessment</td>
<td>12/17/11</td>
<td>Interacts during read-alouds and book conversations (18a): levels 3-6 uses emergent reading skills (18b); levels 2-6 retells stories (18c)</td>
<td>18a) Level 3 18b) Level3 18c) Level 2</td>
</tr>
<tr>
<td>Early Math Skills</td>
<td>Student testing</td>
<td>12/14/11</td>
<td>Peers identify the concepts of more/less/equal 92% of trials</td>
<td>Identified concepts of more/less/equal 50% of trials</td>
</tr>
<tr>
<td>Early Math Skills</td>
<td>Brigance Age Scores</td>
<td>12/17/11</td>
<td>Total Score 4 year - 6 month**</td>
<td>Total Score 2 year - 10 month**</td>
</tr>
</tbody>
</table>

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*The * symbol indicates that the discrepancy is above expected.

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Using the data above, and any other relevant information (including qualitative, descriptive information), summarize the significance of the discrepancy, if any, between the individual’s current level of performance and that of peers or other educational standards. (Compare this child’s performance to children across the state or nation, or to generally accepted developmental milestones or educational expectations. What additional factors are important to understanding the individual’s level of performance?)

**Literacy:** Based on the data collected, Clay’s early reading skills are discrepant from peer expectation in the two reading areas that were assessed – story retell and concepts. His retell scores are 1.8 times discrepant and concepts were 1.84 discrepant. This level of discrepancy is approaching significance. With time, it is expected that the difference between his performance and peer performance will continue to increase if instructional supports and repeated opportunities to practice new skills are not provided.

**Math:** Based on the above data collected as part of this assessment, Clay is significantly below peers and curricular expectations in the area of math. He is 1.8 times discrepant in counting objects, 3 times discrepant in rote counting, 2.3 times discrepant counting 1:1 to the number 7 and 4 times discrepant counting up to 12 with 1:1 correspondence. A magnitude of discrepancy of two is considered significant and Clay’s scores fell in the very significant range. As with his literacy skills, it is expected that the difference between his performance and peer performance will continue to increase if instructional supports and repeated opportunities to practice new skills are not provided.

Clay’s performance is unique when compared to setting peers in the area of early literacy and early math skills.

**Literacy:** Two other students receiving similar intervention in literacy skills have now mastered all the elements identified on the original progress tool, both having mastered 8 of the 12 story elements similar to their classroom peers who have mastered at least 9 out of 12 story elements. Classroom observations and teacher report reveal that classmates transfer knowledge gained in one literacy activity to other similar activities (e.g. concept of character in a story, sequencing beginning/middle/end). Clay currently requires re-teaching and repeated practice to recall story elements unlike his peers who are learning these skills through whole group and flexible group instruction. He is less likely to transfer knowledge from one activity to another (e.g. refers to character in previous story, recalls story element from previous story).

**Math:** Since Clay received individual instruction there is no peer group who received similar intervention. Compared to the next higher performing peer he is unique with respect to counting with one to one correspondence (he counted to 3 while the next higher peer performance counts objects to 8) and rote counting (next higher peer performance is consistently rote counting to 12). Clay’s performance with is 2.7 times discrepant in counting 1:1 which is significantly discrepant.
Educational Progress: Progress means performance over time. In addressing progress, the team considers data that have been collected about the individual’s performance over time in relation to the interventions that have been provided. The evaluation must provide evidence as to whether or not the individual’s performance is persistently below the educational standard(s), or age or grade level expectation(s).

Domain: Adaptive Behavior

List the Iowa Core essential concepts and skills, Early Learning Standards and Benchmarks, or District Standards and Benchmarks of the core instructional program in the area(s) of concern for the individual’s age and/or grade level.

The district uses both the Iowa Early Learning Standards and the Teaching Strategies GOLD Objectives for Development and Learning to guide instruction. While there are several standards that apply, the following are the critical standards, benchmarks and skills Clay is not meeting and are directly related to this assessment data.

**Iowa Early Learning Standards** (Adaptive Behavior Performance Domain - School Functioning)

8. Approaches to learning
   8.2 Engagement and Persistence—children purposefully choose and persist in experiences and activities

**GOLD Objectives** (Adaptive Behavior Performance Domain - School Functioning)

Objective 11. Demonstrates positive approaches to learning (corresponds to IA ELS 8)
   11a. Attends and engages
   11b. Persists

Using multiple assessment methods and data sources, including progress data collected on a frequent and regular basis, summarize the individual’s response to the targeted or intensified instruction that was provided.

- Describe the targeted or intensified instruction, curriculum, environmental changes provided to address this area of concern.

  Clay and two peers participated in small group instruction with the goal in increasing engagement time. The teacher used center based activities (library interest area, writing center) and materials, but supplemented them with high interest, interactive, teacher directed activities. Structured activities were repeated 30 minutes daily (3 times per week) for a six week period. Positive reinforcement was added to the intervention to reinforce Clay’s attention to task. It should be noted that the classroom uses PBIS strategies and there are visual supports posted throughout the environment.

  To improve Clay’s attention and engagement in the large group and center times, Mrs. Primrose used a variety of prompts (e.g. proximity, physical guidance, nonverbal prompts, visual and verbal cuing). She also uses a coaching strategy preparing Clay with the expectations before he joins others. While these strategies are used for all students from time to time, Mrs. Primrose indicated that she uses one of the strategies every time Clay is given a direction or the students are preparing to transition. She hoped to fade from intrusive (using his name, eye contact) to less intrusive over time.

- Describe how the interventions were matched to the individual’s needs.

  Structured observations and interview data revealed that Clay had difficulties engaging and persisting in activities whether in small group, centers, or large group settings. Because the intervention was targeted on the skills identified in the areas of concern and instructional strategies were implemented to address these skills, the intervention was well matched to Clay’s needs.

- Describe how interventions were implemented (Were interventions implemented as designed? Were changes to interventions made?).

  Observation data indicated coaching, instructional supports and environmental changes were implemented at the expected rate of 80% or above. The teacher was able to fade some of the more intrusive cues during small group instruction according to a follow up interview.
Response to Intervention Performance Results

Standard of Comparison: Classroom Peer Performance

- Expected level of performance prior to intervention: 14 out of 17 peers engaged unassisted for 5 minutes before transitioning to a different center.

- Expected level of performance following intervention: 14 out of 17 peers engaged unassisted for 7 minutes before transitioning to a different center.

- Expected rate of progress: An increase of .33 minutes per week of engagement.

This individual's level of performance prior to intervention (i.e. baseline): Engaged unassisted for 2 minutes at a center before transitioning.

This individual's level of performance following intervention: Engaged unassisted for 5 minutes at a center before transitioning.

This individual's rate of progress: An increase of .66 minutes per week of engagement.

If the individual received supplemental instruction in a small group, describe his/her response in comparison to how the other individuals in the group responded (may be answered “No other students received the same intervention”).

For the school functioning intervention, all 3 students in the group, including Clay, have shown similar improvement in the length of time they sustained engagement during center time. Clay’s growth and peer growth was from a baseline of 2 minutes at a center to five minutes at a center. Peers did, however, carry over the engagement skills to academic tasks, an area that Clay continues to struggle with.

Identify the instruction, interventions and environmental changes under which the individual experienced the most growth or success.

Clay is spending less time wandering the room and more time engaged in activities through the various strategies that have been employed. Sustaining engagement to tasks that are more academic in nature has been more difficult than his engagement during free play and center time. Allowing Clay to select during his morning routine, his center choices and his free play activity choice, has resulted in increased time engaged in these activities. In addition, using visual supports in the center to remind Clay of the expectation (including a visual timer), coaching prior to transition to the center activity and partnering Clay with a buddy all had a positive effect on engagement.

Describe any other information relevant to understanding the individual's rate of acquisition or progress.

No additional, relevant factors were identified.

Using the data above and any other relevant information, summarize the significance of this individual’s rate of progress.

Clay made better than expected progress (.66 minutes per week compared to .33 minutes). Given continued peer growth it will take Clay an estimated 6 additional weeks to catch up to peer performance at center time. This, however, is just one activity during Clay’s day. Limited carryover has been noted in his engagement with other types of tasks/activities. Follow-up conversation with the teacher indicates that the strategies used in the intervention were effective and will be applied to tasks that are more academic in nature.
Educational Discrepancy: Discrepancy is the difference between the individual’s current level of performance and the expected level of performance for individuals of the same age, grade, or other established standards. The evaluation relies on multiple sources of data for each area of concern to describe whether or not the individual is significantly discrepant from peers or educational standards, and if the individual’s performance is unique within a comparable group.

Report the discrepancy results for each Performance Domain identified on the Consent for Full and Individual Initial Evaluation.

Performance Domain: Adaptive Behavior

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>Data Source</th>
<th>Date(s)</th>
<th>Peer/Expected Performance</th>
<th>Individual’s Current Performance</th>
<th>Discrepancy from Expected Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Functioning</td>
<td>Classroom observation</td>
<td>12/2/11</td>
<td>Attention to task 80% of intervals observed for peers in the classroom</td>
<td>Attention to task 75% of intervals observed</td>
<td>5 percentage point difference</td>
</tr>
<tr>
<td>School Functioning</td>
<td>Teaching Strategies Gold Assessment</td>
<td>12/17/11</td>
<td>11a) Attends and engages - levels 5-7; and 11b) Persists - levels 4-6 with limited supports</td>
<td>11a) level 5 and 11b) level 4; with individualized supports</td>
<td>Within the range of acceptable performance</td>
</tr>
<tr>
<td>School Functioning</td>
<td>Classroom observation</td>
<td>12/9/12</td>
<td>14 out of 17 were able to engage 7 minutes or longer during center time – center time</td>
<td>Engage for 5 minutes during center time</td>
<td>2 minutes less</td>
</tr>
<tr>
<td>School Functioning</td>
<td>Classroom observation</td>
<td>12/9/12</td>
<td>15 out of 17 engage for 9 min. or longer with academic tasks with no redirects</td>
<td>Engage for 3 minutes for academics with no redirects</td>
<td>6 minutes less of independent engagement time</td>
</tr>
</tbody>
</table>

Using the data above, and any other relevant information (including qualitative, descriptive information), summarize the significance of the discrepancy, if any, between the individual’s current level of performance and that of peers or other educational standards. (Compare this child’s performance to children across the state or nation, or to generally accepted developmental milestones or educational expectations. What additional factors are important to understanding the individual’s level of performance?)

Based on the data collected throughout the intervention and evaluation period, Clay (5 minutes, level 5 on 11a and 4 on 11b) is not significantly discrepant (1.4 times discrepant) from his peers (7 minutes) in the area of attending and engagement during center time. He is able to engage for longer periods, able to stick with free time/center time when the option is preselected. He still struggles with engagement for academic tasks where he was 3 times discrepant from peers; however, the teacher would like to implement the strategies she has used for center time to see if this improves academic engagement. Finally, his attention to task was similar to peers with only a 1.1 discrepancy. It is expected that his improvement in engagement time will improve for academic times with the implementation of the strategies that were successful. It is thought that his engagement may be due in part to his academic skill deficits. Mrs. Primrose will continue an intervention in this area with periodic monitoring of progress.
Using the data above, and any other relevant information (including qualitative, descriptive information), summarize whether or not the individual’s performance (following the provision of adequate general education instruction and supplemental or intensified instruction) is unique from a comparable group. (Compare this child’s performance to children in his/her small group, classroom, school or district who have had similar educational experiences.)

Clay’s performance as indicated in the data above is not unique when compared to setting peers. The other three peers in his intervention group receiving similar instruction, had performance that was similar to Clay’s in the area of intervention focus. Clay does engage less than peers in his classroom with academic tasks; however his teacher noted that he responds with prompting/cuing. It is expected that Clay will continue to make growth in this area.

Educational Needs: Educational needs are the instructional strategies, services, activities and supports, and the accommodations and modifications required in order for the individual to be involved and make progress in the general curriculum. The evaluation describes the individual’s educational needs in the areas of instruction, curriculum, environment and additional learning supports.

Based on evidence from the analysis of the Progress and Discrepancy components, the functional implications of the individual’s performance, as well as other educationally relevant information, describe the individual’s needs within:

- **Instruction (i.e. instructional strategies and methods that will enable learning, reinforcement/motivational strategies)**
  
  Intervention data from literacy, math and engagement suggest that Clay learns best when provided direct instruction on an individual or small group basis where he has multiple opportunities for practice, is pre-taught vocabulary, where visual supports are used to aid understanding, and where the incorporation of real life examples increase Clay’s understanding of the concepts. Repeated practice opportunities should be embedded throughout his school day such as counting objects in his environment and retelling an event that has just occurred. Coaching is an additional instructional strategy that was effective for increasing engagement time. The instructional time and opportunities to practice new skills should be at least as much as the time that was designated in the intervention phase. Clay also persists with activities longer if he is given consistent positive feedback for successful responses or closer approximations (encouragement for trying, modeling correct response and correcting errors as they occur). Frequent opportunities to respond and repeated practice are needed for Clay to master a concept.

  for an introduction to concepts. This small group instructional strategy allows for frequent responding and repetition.

  d picture cues is another instructional strategy that has been successful. Math direct instruction including work on numeracy skills, using manipulatives for counting, examples (e.g. counting objects at snack time, clothing when dressing) produced limited results and it is clear that

- **Curriculum (i.e. content of instruction, specific skills and concepts the individual needs to learn)**
  
  The use of a developmentally appropriate curriculum and curriculum-based assessment which is frequently monitored is important in helping Clay to achieve skills at his developmental level. Specific instructional objectives should be linked to the curriculum objectives of 1) Demonstrates positive approaches to learning, 2) Comprehends and responds to books and other texts, and 3) Uses number concepts and operations. With respect to positive approaches to learning Clay needs to engage and persist with tasks that are related to academics as well as when working with a peer. Behavioral expectations related to engagement are met through the use of PBIS, but an individualized intervention plan for Clay will need to continue. Comprehension skills are enhanced with visual supports and Clay needs to master a retell of a story with three parts (beginning, middle, end) independent of cues, using character names in his retell and additional story details when prompted to “Tell me more.” In the area of numeracy Clay needs to expand his rote counting, counting with 1:1 correspondence and use of vocabulary terms such as one more / one less, few/several and comparative language such as shortest/longest, most/least,
first/second/third, and so on. The classroom use of Creative Curriculum/Teaching Strategies Gold may need to be supplemented with more visual supports and discrete skill lessons.

- Environment (i.e. adaptations to procedures, schedules, routines, behavioral expectations, room or seating arrangements, adaptive supports)

  In order to maintain attention and engagement, Clay needs a predictable schedule that provides consistency from day to day. His learning is facilitated with visual supports throughout the classroom, such as clear boundaries around interest areas, shelves marked to indicate where to store materials, and a system for transitions (e.g. visual timer, individual warnings of approaching transitions) from one activity to another. Multiple opportunities to practice in a variety of different activities and environments should be provided (i.e., counting during snack, center time, line up, outdoor play, etc.). Instructional materials Intervention results indicated a need for manipulatives to support counting and visual supports to aid instruction.

- Additional Learning Supports (i.e. family supports or involvement, community partnerships, transition supports, supports for engagement, assistive technology, other accommodations that are needed)

  As frequent distributed practice is important for Clay, parents should be provided with ideas of developmentally appropriate activities related to literacy and math that they can do with Clay at home and in community settings. Giving a real world context for new learning assists Clay’s mastery.

- Which of the above needs, if any, will require services and supports that exceed the capacity and obligation of the general education program and resources?

  Clay requires small group instruction with repeated opportunities to practice new skills in the area of literacy and math. Visual supports and curriculum modifications to focus on specific skills are also needed. Due to the intensity of direct instruction, including frequent positive reinforcement and immediate corrective feedback, and the amount of time needed to deliver this instruction in the area of math, the resources required to address these needs likely exceed the capacity and obligation of the general education program.

  Supports currently provided in the area of adaptive behavior have been successful for Clay and it is anticipated that these can be continued with general education support. Given the improved attention and persistence with tasks, monitoring can be done through the general education program.