

Individualized Education Programs

IEPs

- The cornerstone of IDEA
- Purposes include
 - **Communication** (between parents and school personnel)
 - **Management** (details how FAPE is provided)
 - **Accountability** (legal contract)
 - **Compliance and monitoring** (IEPs assessed to monitor school/district compliance)
 - **Evaluation** (of student, through annual goals)

Documented Problems

- Teacher education
- Excessive paperwork and time
- Assessments and goals not linked
- Inappropriate goals
- Lack of parental consent/ involvement
- Developing IEP/ making placement decisions before IEP meeting

Planning Process

- Pre-IEP process covered in lesson on evaluation
 - Referral, assessment
- After multidisciplinary team (MDT) determines eligibility, IEP team must convene and **develop IEP within 30 days**
- IEP developed on basis of
 - Student strengths; parent concerns; recent evaluation (and records, and previous IEP); academic, developmental, and functional needs

Planning Process

- Schools **cannot bring completed IEPs to meetings**
 - **OK if it is a “draft” IEP**, so long as it is clear that it is just a draft
- IEP must be **implemented “as soon as possible”** after IEP meeting
- Two permissible delays
 - When IEP meeting is during break/ vacation
 - When circumstances require a short delay (e.g., arranging transportation)

Streamlining the Process

- IDEA 2004 introduced measures to **streamline IEP process**
 - **Members can be excused** from all or part of meeting if **parents and school agree in writing**
 - Can use **(video) conference calls** to meet
 - If parents and school agree, existing IEP can be **modified in writing rather than through meeting**

Streamlining the Process

- IDEA 2004 introduced measures to **streamline IEP process**
 - IEP teams can make changes by amending IEP rather than redrafting entire document
 - No **short term goals** for students taking regular state proficiency exam required
 - HI still uses them

IEP Team

- **Parents or guardians**
 - Must be **given notice** of IEP meeting in writing or orally **app. 10 days** in advance
 - If parents cannot meet, can use **alternate format** (e.g., conference call)
 - Schools only have to invite custodial parent
 - Although non-custodial parent has right to attend

IEP Team

- LEA representative
 - Must be knowledgeable about school district resources and **have authority to commit them**
 - Could be **principal, sp ed administrator**, designated school staff

IEP Team

- **Special education teacher**
 - Usually fills requirement of one participant being knowledgeable in disability area
- **General education teacher**
 - Can be excused from parts of meetings
 - Only one required, even in middle/ high school

IEP Team

- Person who can **interpret instructional implications of evaluation**
 - Typically a **school psychologist**
- **Student** (should attend when appropriate)
 - School must inform parents that student can attend
- **Related Services Personnel**
 - **Not required**, but appropriate (e.g., counselor, social worker, speech and language therapist)

IEP Team

- **Transition Services Personnel**
 - Transition services required in IEP @ 16
 - **School must invite rep of agency** likely to provide/pay for transition services (e.g., Voc Rehab agency)
- **Others**
 - School must inform parents if others invited, parents don't have to inform school
 - Attorneys can attend, although they cannot be awarded fees for doing so

IEP Content

- **Present Level of Academic Achievement and Functional Performance (PLAAFP)**
 - PLEP before IDEA 2004
 - Describes problems that interfere with student achievement as **basis for IEP goals**
 - Must be a **direct relationship** between PLAAFP and annual goals
 - Includes info on academic performance; test scores; physical, health, and sensory status; emotional and social development; behavioral problems, communication problems, mobility

IEP Content

- **Measurable annual goals**
 - **At least one goal per area of need**
 - Benchmarks and **short-term goals** only required for students who don't take regular state proficiency test
 - States often shown to be out of compliance with writing goals that contain
 - **Observable target behavior, conditions, criterion**
 - Should be ambitious but realistic

IEP Content

- **Special Education and Related Services and Supplementary Aids**
 - Specifies what is provided to enable student to meet goals (and be involved/ progress in general curriculum, educated with nondisabled children)
 - **Specifies amount, frequency, and duration of services**

IEP Content

- Extent **not participating in general education classroom**
 - Statement **must justify** team's decision
 - Conclusion is inappropriate
- Participation in **state proficiency tests**
 - If **alternative assessment** used, must justify why typical assessment not appropriate
 - Must list all **accommodations**

IEP Content

- **Transition services**

- In reaction to poor post-school outcomes
- **By 16**, IEP must address **long-term instruction, community service, and employment** and other adult-living objectives (or explain exclusion)
- Frequent mistakes, failing to:
 - address by age 16, include appropriate participants, inform parents, develop coordinated transition plan with measurable postsecondary goals

IEP Content

- **Reporting requirements and measurement criteria**
 - Probably **biggest compliance problem**
 - Progress toward goals must be **measured objectively**
 - Not anecdotally
 - **CBM** and **direct observations** of operationally defined behavior appropriate
 - “In God we trust, all others must have data”
 - Progress must be **reported at least as frequently as report cards for nondisabled students**

IEP Content

- **Special considerations**
 - Students with **behavior problems** must have a behavior management plan based on functional behavioral assessment
 - For **LEP students**, language needs must be considered
 - For **blind/ visually impaired**, instruction in Braille or determination of it being not appropriate
 - For **deaf/ hard of hearing**, language and communication needs must be considered
 - Consider need for **assistive technology**

IEP Content

- Projected **date of initiation** and **anticipated duration**
- **Placement decision**
 - Can't be made prior to/ outside of IEP meeting

Substantive Requirements

- **Parental participation**
 - School must make efforts for parents to **understand** meeting (e.g., interpreter)
 - **Parents can't veto** an IEP
 - **Interim plan** (e.g., previous IEP) until disagreement resolved
 - Use **mediator** or other informal means to resolve disagreement before involving due process
 - If disagreement is about a related service, implement rest of IEP while resolving disagreement
 - **9th Circuit Court** in *H.B. v. Las Virgenes* (2007) **invalidated IEP** when presented to parents for signing **without their input**

Substantive Requirements

- **Reviewing and revising**
 - Must be revised **at least annually**, and when
 - **Lack of adequate progress** shown
 - Results of a **re-evaluation** need to be considered
 - **Parents provide additional information**
 - **Student needs anticipated to change**

Substantive Requirements

- IEP must be **implemented as developed**
- When district places student in private school, IEP still **responsibility of district**

IEP-related Litigation

- In *Rowley*, Supreme Court directed courts to examine whether IEPs were reasonably calculated to enable students with disabilities to receive educational benefits **to determine FAPE**
- In recent years, **substantive violations** must occur for ruling that FAPE was denied, but **procedural violations bring greater scrutiny**
 - Courts have considered **goals, evaluation procedures, actual student progress**