

Special Edition Part 4

Did You Know?

By Cherie Takemoto

“Special Education should focus on high expectations for students with disabilities and help them to achieve their maximum potential”



R*e-evaluation* - While schools no longer have to evaluate every three years (with parental consent), they **MUST** evaluate if the parent or teacher requests...as long as it has been over one year since the last evaluation.

IEP Team Meeting Attendance is not necessary at all or part of the meeting if the parent and school representative agree that attendance is not necessary. The member must submit, in writing, input before the meeting if it involves modification to or discussion of the member’s area of the curriculum or related service. Parent agreement must be in writing.

Present Level of Performance – IEPs must consider the academic, developmental and functional needs and what the student needs to make academic and functional progress.

Short term objectives or benchmarks – are no longer necessary for students unless they are taking alternate assessments aligned to alternate standards.

Secondary Transition must be considered for the IEP in place when the student turns 16. This means that most students need to take part in their IEP planning by age 15. The previous law required transition to begin at age 14 for purposes of deciding upon course of study. Since this is routinely done for students without disabilities in middle school, course of study (what classes a student needs to take to reach transition goals, what diploma option the student will pursue, etc.) needs to occur for students with disabilities at the same time as their peers.

Research-based – To the extent feasible, the IEP should be based on practices supported by research. The US Department of Education has funded numerous projects and programs to get this information into the hands of parents and practitioners.

Prior Written Notice is a somewhat confusing term, but a powerful tool for clarifying the rationale for school decision-making that can lead to a resolution of a disagreement between the family and school.

The Spanish edition includes a translated version of the IEP checklist and a sample “Prior Written Notice” letter (in English and Spanish) geared to writers most comfortable in Spanish.

General Education Curriculum – to the extent possible, children with disabilities should be learning what other students are learning. Academic goals should be based on what it will take for the student to advance and to meet grade-level standards.

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IEP Checklist

The following is a checklist for parents and teachers to consider as they develop the IEP. Not every item on the checklist is required by special education regulations. For more information, consult the Federal regulations and other information that can be found at <http://idea.ed.gov/> or call PEATC at 800-869-6782

IEP team members include:

Required

- Parent(s)
- Student (as appropriate and invited at age 15 when discussing transition)
- Special education teacher(s)
- Regular education teacher(s)
- Professional(s) who can interpret the instructional implications of assessments
- School division representative (qualified to provide/supervise special education services)
(Members can serve more than one role. Written agreement of parent required to excuse attendance of required member. If area being discussed, written information must be provided to parent in advance of meeting.)

Optional

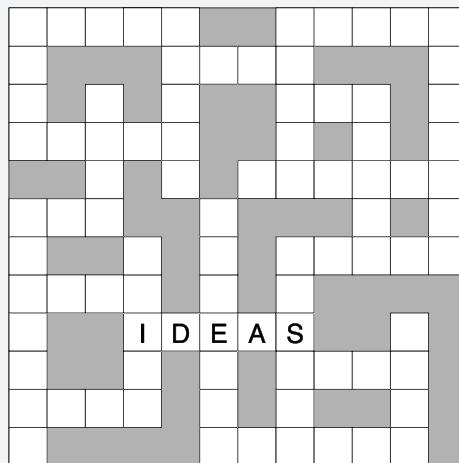
- Family members/Friends
- Peers/Advocates
- Specialists
- Other Professionals including Representatives from Early Intervention or Adult Service Agencies (optional members are at the discretion of the school and parent and may require parental consent)

IEP team members notified and the meeting scheduled:

- In time for parents to arrange to attend
- Mutually agreeable time, place & purpose
- Notice includes date, time, location, purpose and attendees

Present Level of Performance:

- Student described in positive way
- Reflects parent concerns
- Includes strengths and needs
- Results of most recent evaluations
- States academic & functional performance in objective terms
- Results of assessments including statewide or districtwide assessments
- Describes how the disability affects involvement and progress in general education (for preschool students – in appropriate activities)
- Describes academic, developmental and functional needs



Annual Goals:

- Includes academic and functional goals based on needs from assessments and described in Present Level section
- Meaningful and attainable within one school year
- Student's involvement and

- progress in the general education curriculum
- Measurable - clear about what, how, where & when
- Includes academic and functional goals
- Positive Behavioral Supports, if needed
- How progress will be measured and how often parents will be informed of progress
- High expectations, including how student will keep up with or catch up to nondisabled peers
- Based on validated research
- Measurable objectives or benchmarks (required for students taking alternate assessments aligned to alternate achievement standards)
- Prioritized in terms of the students age and time left for schooling
- Skills to help the student live as independently as possible

Related Services, Supplementary Aids and Supports:

- Help child advance toward attaining annual goals
- Help child be involved in and make progress in the general curriculum
- Help child participate with other students with and without disabilities
- Include specifics: start/finish dates: frequency: duration: location: who will deliver, delivery method (individual or group in class)

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IEP Checklist (continued)

- Assistive Technology devices or services
- Help to access nonacademic and extracurricular activities
- Needed accommodations/modifications for educational program and assessments.
- Teacher/staff training if needed to implement program

Special Factors (when needed):

- Communication
- Assistive Technology
- Behavior
- Language (English Language Learners)
- Braille (for blindness/visual impairment)
- Communication needs (for deafness/hearing impairment)

Placement:

- In the least restrictive environment (first option considered is school where child would attend if there was no disability)
- Includes interaction with non-disabled peers to *maximum extent appropriate*
- Justification, if student not participating in general education curriculum
- Coordinated with general education classroom, schedules,



activities and programs

State-wide and District-wide Assessments

- Lists assessments student will take
- Specifies needed accommodations and modifications
- If participating in an alternate assessment, aligned with challenging standards

Instruction and Adaptations:

- Assignment of a case manager or primary contact
- Person(s) responsible clearly listed i.e. special education teacher, general education teacher, specialist, aide, parents, students, other
- Extended school year recommendation (if needed)

Transition Plan (if necessary)

- Plans for a smooth transition to a new setting, ie. early intervention to preschool, or moving to kindergarten, elementary, middle school or high school (suggested a year before change)
- Includes input from service providers in current setting and future setting

Secondary Transition

- By age 15, or before as appropriate, student takes active role in planning and attending IEP
- Types of classes needed and type of diploma planned for student (this may need to begin in middle school)
- Includes postsecondary goals based on student needs, strengths, preferences and interests
- Specific transition services, related services needs and other agencies to be included
- Activities needed to assist student in reaching postsecondary

goals

- At least 1 year before age 18, information about what rights will transfer to student at age 18
- Summary of Performance for students who are graduating or who will exceed the age of eligibility for special education.

Prior Written Notice (If a revision of service or change in placement or refusal of parent request)

- Description of action proposed or refused
- The reason for the proposed change
- The date of proposed change
- Description of evaluations and other information used to make the decision
- Other options or choices described
- Other relevant factors
- What steps to take if parent disagrees (Availability of procedural safeguards and where to get more information)

Review (at least annually)

- Whether annual goals being achieved
- Lack of expected progress in annual goals and general education curriculum
- Results of any reevaluation
- Information about child provided to or by parents related to reevaluations
- Child's anticipated needs
- Other matters
- Revisions as appropriate

PEATC offers workshops in English and Spanish that help families be more informed partners in their children's education. Call Suzanne at 1-800-869-7826 for information about scheduling a training in your community.

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IEP Lista

La siguiente es una lista a considerar por los padres y maestro para desarrollar el IEP. No todos los temas en la lista son requeridos por las regulaciones de la educación especial. Para mayor información consulte las regulaciones Federales; más información puede ser encontrada en <http://idea.ed.gov/> o llama a PEATC, 800-869-6782

El equipo del IEP incluye:

Requiere

- Padre(s)
- Estudiante (según lo apropiado de acuerdo a el nivel y facultad que el niño tenga a sus 15 años para discutir transiciones)
- El maestro(s) de educación especial
- El maestro(s) de educación regular
- Profesionales que puedan interpretar las implicaciones de instrucción de las evaluaciones
- El Representante de la División Escolar
(Calificado para proveer/supervisar servicios de educación especial)
(Los miembros pueden servir más de un rol. La aceptación por escrito del padre es necesaria para excusar la falta de un miembro. Si alguna área sera discutida, se debe proveer con anterioridad al padre con información.)

Opcional

- Miembros de la familia/Amigos
- Compañeros/Defensores
- Especialistas
- Otros Profesionales incluyendo los Representantes de Intervención Temprana ó Agencias de Servicios para Adultos
(Miembros opcionales son a discreción de la escuela y los padres deben requerir consentimiento por escrito)

Los miembros del equipo de IEP deben ser notificados y/o del horario de la conferencia:

- En un tiempo que los padres puedan arreglar y atender
- En un espacio, tiempo y propósito de mutuo acuerdo
- La notificación debe incluir tiempo, lugar, propósito y personas que atenderán

Nivel Actual de Funcionamiento:

- El estudiante es descrito en forma positiva
- Refleja las preocupaciones de los padres
- Incluye las fortalezas y necesidades
- Resultados de las evaluaciones más recientes
- Describe el funcionamiento académico y funcional en términos objetivos
- Resultado de las evaluaciones incluyendo las del Estado y del Distrito
- Describe cómo la incapacidad afecta la participación y progreso en la educación general (Para los estudiantes de preescolar-en actividades apropiadas)
- Describe necesidades académicas, de desarrollo y funcionales

Logros Anuales:

- Incluye las metas académicas basadas en las necesidades descritas en las evaluaciones y descritas en la sección Nivel Actual
- Significativas y alcanzables durante el año escolar
- Participación del estudiante en y progreso en el currículo de educación especial

- Medible-claro en cuanto a qué, cómo, cuándo y dónde
- Incluye metas académicas y funcionales
- Apoyo Positivo del Comportamiento, de ser necesario
- Cómo va a ser medido el progreso y cómo; así como de que tan seguido serán los padres informados del progreso
- Altas Expectativas, incluyendo cómo el estudiante va a alcanzar o seguir con sus compañeros sin discapacidad
- Información basada en investigación validada
- Objetivos medibles y puntos de referencia (requeridos por los estudiantes que están tomando evaluaciones alternativas alineadas a los logros alternativos estandarizados)
- Establecer en orden de prioridades los objetivos teniendo en cuenta la edad del estudiante y el tiempo restante en la escuela
- Habilidades que le ayuden al estudiante a vivir lo más independientemente posible

Servicios relacionados, ayudas suplementarias y soportes:

- Que le ayuden al estudiante a avanzar hacia el logro anual
- Que le ayuden al niño a participar y progresar en el currículo general
- Que le ayuden al niño a participar con otros estudiante con o sin discapacidad.

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Incluir terminos especificos: Inicio/días finales, frecuencia, duración, lugar, quién lo va a enviar, el método de envío (individual o para la clase)

Ayudas técnicas o servicios de educación, especialistas, ayudantes, padres, estudiantes y otros

Ayuda para participar en las actividades no académicas o extra-curriculares

Necesidad de acomodación/modificaciones en el programa educativo y las calificaciones

Entrenar al maestro(s)/asi como al personal necesario para implementar el programa

Factores Especiales (De ser necesarios)

Comunicación

Ayudas técnicas

Comportamiento

Language (estudiantes aprendiendo inglés como un segundo idioma)

Braille para ceguera/ impedimento visual

Asistencia de comunciación para sordera/impedimento auditivo

Colocación:

En el ambiente menos restrictivo (primera opción considerada en la escuela de no ser por la discapacidad)

Incluir interacción con niños sin discapacidades en la mayor extensión apropiada

Justificación, si el estudiante no participa en el currículo general

Coordinar con educación general sobre salones, horarios, actividades y programas

Evaluaciones Estatales y Distritales

Lista de las evaluaciones que el estudiante tomará

Especificar las acomodaciones y modificaciones necesarias

Si se encuentra participando en evaluación alternativa, alinearla con los estandares dificiles

Intrucciones y Adaptaciones:

Asignar una persona encargada de manejar el caso

Recomendación para el Año Escolar

Transición:

Un plan de transición de ser necesario

Planes para una transición suave al ambiente nuevo, ej. Intervención temprana al prescolar, o a kindergarten, elementaria, escuela media o escuela superior (sugeridas un año antes del cambio)

Incluir el aporte de los proveedores del servicios en el sitio actual y el futuro.

Recomendación de un período escolar extendido (si es necesario)

Transición secundaria

Tipos de clases necesarias y tipo de diploma planeado para el estudiante (esto debe empezar en la escuela media)

Para los 15 años, antes de ser apropiado, los estudiantes deben tomar un rol activo en la planeación de su IEP

Incluye metas pos-secundarias basadas en las necesidades del estudiante, fortalezas, preferencia e intereses

Transiciones especificas, servicios relacionados y otras agencias a ser incluidas

Actividades necesarias para asistir al estudiante a alcanzar sus metas

Al menos un año antes de cumplir 18 años, proveer informacion de los derechos que se le

transfieren a un estudiante al cumplir los 18 años

Resumen de funcionamiento para los estudiantes que se están graduando o que excederan la edad elegible para la educación especial

Notificación Previa por Escrito (En caso de una revisión s o cambio de lugar, o al rechazo de solicitud o pregunta por el padre)

Descripción de las acciones propuestas o rechazadas

La razón para el cambio propuesto

El día de la propuesta del cambio

Descripción de las evaluaciones u otra información usada para tomar la desición

Otras opciones descritas

Otros factores relevantes

Qué pasos tomar si el padre no ésta de acuerdo (Disponibilidad de los procedimeintos de garantía y dónde obtener infomación)

Revisión (Por lo menos anual)

Si las metas anuales fuerón alcanzadas.

Ausencia de prograso esperado en las metas anuales y en el currículo general

Resultados de las re-evaluaciones

Información sobre el niño previa para o por los padres relacionadas a las re-evaluaciones

Necesidades anticipadas del niño

Otros asuntos

Revisiones apropiadas

The Virginia Procedural Safeguards are now available in Spanish. You can ask for a copy at your child's school or view it at http://www.pen.k12.va.us/VDOE/Instructions/Sped/proc_safe_spanish.pdf

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Prior Written Notice/ Notificación Previa por Escrito

Comunicación escrita con su escuela

La Ley de Educación para Individuos Discapacitados, con las siglas en inglés IDEA, otorga derechos a los niños discapacitados y requiere a cada Estado y Distrito Educativo (escuelas) proveer toda la información y acceso concerniente a Educación Especial a los niños discapacitados. La ley IDEA también enfatiza en la importancia de la participación activa de los padres en tomar decisiones sobre la educación especial de sus niños. Antes de que el distrito escolar o escuela proponga o rechace una acción relacionada con el plan de educación para su niño(a), deberán proveerle a usted de una **“Notificación Previa por Escrito” (Prior Written Notice)**, acerca del programa individualizado que su niño(a) está recibiendo (IEP), de acuerdo a los derechos que se le otorgan a usted como padre y a su niño(a). Además la información deberá proveérsele en el idioma que mejor entienda, en este caso el español. Los padres y el personal de la escuela necesitan trabajar juntos para así desarrollar con eficacia el IEP de los niños. Esto establecerá claramente los servicios que los niños requieren para alcanzar sus necesidades únicas.

La **“Notificación Previa por Escrito” (Prior Written Notice)** es confusa para mucha gente, porque suena legal, algo así como que la escuela debe proporcionarle esta información **ANTES** de que tengan la reunión, la cual debe ser así. Muchas escuelas proporcionan esta notificación antes de una elegibilidad o de una reunión de IEP. Sin embargo esta notificación debe ser otorgada también **DESPUES** de la reunión, puesto que puede ser que usted no este de acuerdo con algo que la escuela esta proponiendo o si la escuela no desea hacer lo que usted esta solicitando. Su consentimiento es muy importante y usted no debe firmar ningún acuerdo en una reunión de la escuela hasta que usted este seguro que entendió lo que se esta conviniendo. Si usted tiene preguntas, usted puede llamar **PEATC al 800-869-6782** y alguien le ayudara en español. En PEATC, no podemos escribir cartas por usted. Sin embargo intentamos hacer lo menos dificultoso para usted para que así usted pida cualquier información en español.

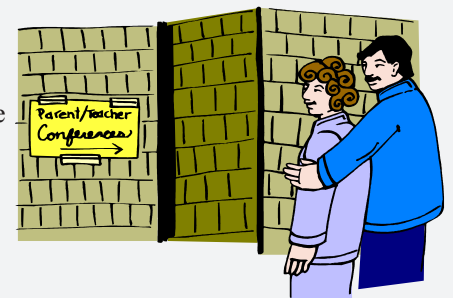
Adjunto a este documento usted encontrara una forma que le ayudara a mantener la comunicación clara con la escuela de su niño(a), con respecto a las preguntas o preocupaciones que usted tiene y lo que usted quisiera ver en el IEP de su niño(a). Esta forma le ayudara a solicitar oficialmente servicios de la escuela o rechazar los que usted no desee que le sean proporcionados para su niño(a). Así como también les hará saber que es lo que quiere que hagan o no hagan para con su niño(a). Cuando la escuela le provee a usted el **“Notificación Previa por Escrito” (Prior Written Notice)**, este le ayuda a entender el porque la escuela ha tomado decisiones, con las cuales talvez usted no este de acuerdo. También le mostraran pruebas y observaciones para que hayan tomado tales decisiones, así como las opciones que consideraron. La ley IDEA, es muy específica en el tipo de información que deben proporcionarle. Solicite a la escuela por escrito le aclaren el porque tomaron o rechazaron una acción en algo que usted considere que no esta apropiado con el desarrollo funcional y académico para con su niño(a).

Written Communication with Your School

The Individuals with Disabilities Educative Act (IDEA) gives rights to children with disabilities, and requires the State and the school district to make sure that your child receives access to special education. IDEA also emphasizes the importance of your active participation in making decisions about your child's special education. Before the school district proposes or refuses an action related to the education plan for your child, they must provide you with a **“Prior Written Notice.”** You can get information about your child's **Individualized Education Program (IEP)**, parent and children's special education rights, and other information in Spanish, if that is your native language. Parents and the school personnel need to work together developing the IEP for the child. This will clearly set forth the services that child will need to reach his/her unique needs.

“Prior Written Notice” is confusing to many people because it sounds legal and it sounds like the school must give you this information **BEFORE** they have a meeting. Many schools provide this notice before an eligibility or IEP meeting. However, this notice must also be given to you **AFTER** a meeting, if you do not agree with something the school is proposing or if the school does not want to do what you are asking. Your consent is very important and you should not sign your agreement at a school meeting until you are certain you understand what you are agreeing to. If you have questions, you can call **PEATC at 800-869-6782** and someone will help you in Spanish. At PEATC, we cannot write your letters for you. However, we have tried to make it less intimidating for you to ask for this information in Spanish.

Attached to this document you will find a form that will help you to maintain clear communication with your child's school regarding the questions or concerns that you have and what you would like to see in your child's IEP. The form will help you to officially request services or tell the school that you do not want what they are proposing for your child. It is being provided to make it easier for you to convey to the school what you are requesting that they do or do not want them to do. When the school provides you with the **“Prior Written Notice”** it will help you understand why the school has made a decision about what you have disputed. They will also tell you what tests and observations they used to make their decision, along with what options they considered. The IDEA law is very specific in what information they should provide to you. Request of the school written notification regarding any action that the school has refused or has taken that you consider not appropriate for your child's academic and functional development.





Instructional Materials to be More Accessible

On July 19, 2006, the *National Instructional Materials Accessibility Standard* (NIMAS) was published in the Federal Register as part of the *Individuals with Disabilities Education Improvement Act of 2004* (IDEA). The purpose of the NIMAS is to help increase the availability and timely delivery of printed instructional materials in accessible formats to blind or other persons with print disabilities in elementary schools and secondary schools.

Effective August 19, 2006, publishers and other producers of print-based educational materials were required to provide those materials in alternate formats, if necessary, to meet the needs of individual students. Publishers, for example, will create files of their educational content that meet the NIMAS requirements.

The Center for Applied Special Technology (CAST) has two centers to make sure that students who are blind or have a print disability have access to materials. Founded in 1984, CAST has earned international recognition for its development of innovative, technology-based educational resources and strategies based on the principles of Universal Design for Learning (UDL). More information on accessible material can be found on the NIMAS Center website: <http://nimas.cast.org/>.

According to IDEA 2004, students with disabilities are to be provided access to the general curriculum with modifications, accommodations, supplementary aids, and supports in order to make satisfactory educational progress. The term “supplemen-

tary aids and services” means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. The NIMAS Center recommends that IEP forms include a question such as the following:

Does the student require accessible, alternate format versions of printed textbooks and printed core materials that are written and published primarily for use in elementary and secondary school instruction and are required by a SEA or LEA for use by students in the classroom?

This will prompt the IEP team to consider each ‘print disabled’ student’s need for accessible, alternate format versions of print instructional materials.

If a student with a print disability does need a specialized format, the IEP should specify the following:

- the specific format(s) to be provided (Braille, audio, e-text, large print, etc.)
- the services and/or assistive technology the student needs to use the specialized format
- the individual or individuals responsible for providing the specialized format, and
- whether or not the format is required to be used in the student’s home or in another setting in order for the student to receive a free appropriate public education.

This article from:

http://nimas.cast.org/about/resources/accessible_iep.html.

Help is on the way for students who are blind or have print disabilities.

Quick Places to Find Out about IDEA

Parent Educational Advocacy Training Center (PEATC) - www.peatc.org (you can also call us at 1-800-869-6782)

Ed.Gov – Building the Legacy of IDEA – US Department of Education’s portal to information about the law and regulations. <http://idea.ed.gov/> Model forms for IEP, Prior Written Notice and Procedural Safeguards are available for download at <http://idea.ed.gov/static/modelForms>

National Association of State Directors of Special Education - www.nasdse.org

National Center for Learning Disabilities – IDEA Toolkit and IDEA Guide <http://www.nclld.org/content/view/915/456098/>

National Dissemination Center for Children and Youth with Disabilities (NICHCY) - links to state contacts, IDEA updates, research, information in Spanish and more. <http://nichcy.org/> (You can also call them at 800-695-0285)

Virginia-Specific Information - Call 1-800-422-2083 with questions or for further information

Office of Dispute Resolution and Administrative Services - <http://www.pen.k12.va.us/VDOE/duproc>

Check here to get involved as Virginia makes changes to Special Education Regulations and to view guidance documents for state/local implementation of the Federal IDEA statute and regulations

Quick Recommendations and Resources for Implementing IDEA 2004 -

<http://www.pen.k12.va.us/VDOE/duproc/IDEA2004quickref.pdf>

Procedural Safeguards including IDEA 2004 - www.pen.k12.va.us/VDOE/Instruction/Sped/proc_safe.pdf

or in Spanish at http://www.pen.k12.va.us/VDOE/Instruction/Sped/proc_safe_spanish.pdf

IEP Information including “Standards-Driven IEP Training” and Sample IEP Form -

<http://www.pen.k12.va.us/VDOE/sped/iep.shtml>