

# IDEA REAUTHORIZED

## The new Individuals with Disabilities Education Act

(IDEA 2004) became effective on July 1, 2005. The law is intended to raise accountability for results while reducing paperwork. The federal regulations to implement the act will not be out until late winter or early spring. Virginia will begin its regulation process immediately after that.

The last edition of the PEATC Press contained the first Special Edition with IDEA highlights; a description of how it aligns with No Child Left Behind (NCLB); a focus on evaluation, eligibility and the IEP; and some key definitions. That publication is available on PEATC's Web site. This edition will cover the intent of IDEA; tips for successful IEPs; and transition.

*Individuals with Disabilities Education Improvement Act of 2004* (PL 108-446), the most recent reauthorization, referred to here as IDEA 2004, contains several significant changes that are intended to increase accountability for results while reducing paperwork.

In the reauthorization of IDEA, Congress found that special education has been ineffective because of low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

Congress cited in the Findings:

*Almost 30 years of research and experience demonstrate that children with disabilities are more successful by having **high expectations** for such children and ensuring their access to the **general education curriculum in the regular classroom** to the maximum extent possible in order to meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and be prepared to lead **productive and independent adult lives** to the maximum extent possible.*

**1. Free Appropriate Public Education (FAPE) —** is the cornerstone of IDEA. *Free* means *at no cost to parents*. *Appropriate* is usually interpreted as what the parent and school agree to within the IEP. Though parents may decide to send a child to a non-public school, the public school system still has some basic responsibilities to make sure that all eligible children are assessed and offered public services. Services must meet the student's unique needs and prepare them for further education after they leave high school, employment and independent living.

**2. Rights for Children and Parents —** are meant to ensure that families have meaningful opportunities to participate in the education of their children. The new law also makes it the responsibility of parents to understand IDEA. For instance, parents may give permission to waive requirements for evaluation and IEP participation. They may also enter into legally binding agreements in dispute resolution proceedings.

**3. Tools to Improve Educational Results —** for educators and parents. These include *systemic-change activities, coordinated research and personnel preparation, coordinated technical assistance, dissemination and support, and technology development and media services*. The push for results and focus on peer-reviewed research will require a number of changes in the way special education is delivered. The US Department of Education will continue to fund national dissemination centers and technical assistance. All textbooks will be available in electronic format that meets the National Instructional Materials Accessibility Standard (NIMAS) by December 2006.

**4. Monitoring to Ensure Improved Educational Results —** consistent with No Child Left Behind (NCLB). States and localities are to report on their performance on a number of Congressionally-mandated measures and will be held accountable for results. Required reporting includes free appropriate public education in the least restrictive environment, disproportional representation, graduation and drop out rates, performance on statewide assessments, and meaningful parental involvement.

## No Objectives? How to Make IEPs Work

**T**o reduce paperwork and focus on accountability for results, the Congress decided that objectives and benchmarks would be required only for students taking alternate assessments aligned to alternate standards. In Virginia, measurable objectives or benchmarks are only required in IEPs for students in the Virginia Alternate Assessment Program (VAAP). This change in IDEA 2004 seems to be causing much angst and confusion among parents and many educators.

Virginia guidance is that schools are still ALLOWED to use short-term objectives and benchmarks. In fact, many schools, districts and states across the country will continue to use these measures because they help the team monitor progress. But what if an IEP Team does not agree to include objectives? How can parents understand the sequence of skills planned in the IEP? How will they know whether or not their child is progressing? Will there any accountability at all? What follows are some tips for increasing the chance that a child's IEP will lead to successful results.

### Present Level of Performance

**(PLOP)**— PLOP is more than just scores on tests. A good description of the student will help the whole team understand the student's unique and individual needs. It is important to understand how the student's performance compares to same age peers, and at what age or grade level the student is functioning. This information can help the team consider the type, frequency and intensity of services needed to help a child "catch up" to his grade level and be more successful in school. The PLOP helps the team make decisions about what to prioritize and what might be de-emphasized in developing a workable and individualized plan.

The Present Level of Performance includes:

- *Level of academic achievement*
- *Level of functional performance, including how the disability affects involvement and progress in the general education curriculum*
- *Child's strengths*
- *Parental concerns*
- *Evaluation results*
- *Academic, developmental and functional needs of the child*
- *Scores on state-wide or district-wide tests*
- *Evaluation*
- *Other information*

• **Measurable Annual Goals** — IDEA 2004 makes it even more important that annual goals are measurable. If there is no objective and annualized measure for success, the school and parents will not know if the student is making progress along the way. Make sure that there are quantifiable or measurable results. Go back to the Present Level of Performance section of the IEP. Use the present levels of your child's academic achievement and functional performance as a baseline to establish an objective measure of progress to be achieved by the end of the next year.

• **Peer-reviewed Research** — Remember that one of the purposes of IDEA is to provide teachers with tools to be successful. The Congress wanted IEPs to be based on peer-reviewed research. This means that as the team looks at key academic and functional goals, they should consider research. For example, the research says that there are certain key skills to becoming a successful reader. The IEP might include individual goals related to key skill areas.

• **General Education Curriculum** — Includes classes such as reading, math, science, history/social studies, art and PE. To the extent possible, your child should be learning what other students are learning. Academic goals should be standards-based—that is, based on what it will take the student to advance and meet the standards in the general education curriculum. These might be improvements in foundational skills such as reading, writing or math. Goals, for areas such as organization, assistive technology proficiency and note-taking, might address skills your child needs to progress in the general education curriculum.

• **Functional Goals** — are now required to be included in the IEP. The Present Level of Performance should describe your child's functional performance including how your child's disability affects involvement and progress in the general education curriculum. Measurable annual functional goals may address improved skills in areas such as:

- *Communication*
- *Behavior*
- *Personal Management*
- *Independence*
- *Self-advocacy/Self-determination*
- *Mobility*
- *Gross and fine motor skills*
- *Assistive Technology*

# Special Edition - Part 2

**High Expectations** — look to the future. It is important for the team to keep the overall goal of success in school and once a child leaves school in mind. Minimal progress from year-to-year will increase the gap between where a student is now and ultimate success after high school. To develop goals, the team may wish to rely on the research of successful practices.

**Description of Progress** — specifies how progress for each goal will be measured and when parents will receive progress reports. IDEA 2004 defers to the IEP Team to determine the frequency of the reports for parents. Schools no longer need to tell parents if progress is insufficient to meet a goal. These changes make it even more important for parents to have ways to monitor meaningful progress. Information in this section needs to be objective and sufficient enough for parents to understand if a student is making progress. Good measures of progress can help inform teachers and parents whether the IEP is working or if it needs to be adjusted.

**Services & Supports** — specify in the IEP what will help the student:

- *Advance appropriately toward attaining annual goals*
- *Be involved in and make progress with the general education curriculum*
- *Participate in extracurricular and other nonacademic activities*
- *Be educated and participate with other children with disabilities and nondisabled children*

Services and supports should be listed on a summary page so that everyone on the team can see the level of services and supports that will be provided. Specifics must detail when services will begin, how often, where, and how long they will be provided.

**Accommodations and Modifications** — should also be specific and understandable to the parents, the student (to the extent appropriate) and professionals who are implementing the IEP.

**Prior Written Notice** — Sometimes the parent or student may disagree with something the school or IEP team is proposing. Or, the parent or student may want something that the rest of the IEP Team does not think is necessary. This notice must contain written information about why the school disagrees with the parents including:

- *What options were considered*
- *Evaluations, assessments, observations upon which the decision was made*

- *Other relevant factors*
- *Notice of Procedural Safeguards*
- *Contacts for parents to understand their rights*

“Prior notice” or “written prior notice” means parents must have WRITTEN information BEFORE the school takes the action or refuses to take action. When there is a difference or dispute, prior written notice may help clarify issues and promote a resolution to a disagreement. Sometimes what is said by a team member may be interpreted in a way that is not intended. The written notice may help the parent and school obtain additional information that will help the team better understand each others perspectives. Remember to be clear and specific about what you disagree with or what you are requesting that you want the school to address.

**Amendments or Modifications to the IEP** — can be made to the IEP with permission of the parent and school representative authorized to make the change. The whole IEP does not have to be rewritten. Parents need to ask for a copy of the revised IEP and make sure that they fully understand and give permission for the school to make the changes.

**Re-evaluation** — can be requested by a parent or teacher as frequently as once-a-year. If a student is not making sufficient progress in his or her educational or related services, it may be time to evaluate what a child needs to be successful in school.

**Self-Advocacy/Self-Determination** — are skills that students use, to make sure that an IEP will work, by speaking up for what they want and think is important. Finding ways to promote an IEP as something that is done to support maximum self-sufficiency and self-determination may result in an IEP that is meaningful and workable for the student and school staff.

**Proactive Communication** — may lead to a successful IEP. Share your observations, thoughts and priorities with other relevant IEP members BEFORE the IEP meeting. Discuss what they think is important. Find agreement in as many areas as possible so that the meeting may be most productive and focus on the most important points.

**Put it in Writing** — To make sure that you are clearly communicating your concerns, priorities and what you want to be included in your child's IEP, organize the information in writing. Refer to PEATC publication *Put it in Writing* for pointers on this topic.

# Special Edition - Part 2

## Secondary Transition

### Plan Early for Best Results

**IDEA 2004 defines secondary transition as** — a coordinated set of activities designed to be within a results-oriented process, focused on improving the academic and functional achievement to facilitate movement from school to post-school activities.

*In order to plan effectively, begin no later than the first IEP to be in effect when the child is 16 and update annually.* Diploma options and course of study discussions should begin during 8th or 9th grade.

**NOTE:** Age 16 is the DEADLINE not the starting point! When discussing diploma options, refer to the Graduation Requirements in *Regulations Establishing Standards for Accrediting Public Schools in Virginia (Standards of Accreditation)*.

**The purpose of planning is to** — improve academic and functional performance and facilitate movement from school to post-school activities such as:

- Postsecondary education
- Career and technical education
- Integrated employment
- Continuing and adult education
- Adult services
- Independent living
- Community participation

**Planning is based upon** — individual needs, strengths, preferences, and interests. Transition services include:

- Activities needed to assist the child in reaching postsecondary goals
- Course of study

**Transition activities may include** — instruction, related services, community experience, employment and other adult living objectives, daily living skills, functional vocational evaluation.

**Requirements for postsecondary goals** — A discussion must take place with the youth, family/guardian/surrogate, and others as needed, to determine the post-school vision for the student. Goals are measurable, but not necessarily annual. They must be based on age appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. Additionally, the goals are based on the child's needs, while considering the strengths, preferences and interests.

Transition assessments may include observations, interviews, inventories, situational assessments, formal & informal assessments, and academic assessments.

**Age of majority** — Students must be informed, beginning not later than 1 year before age 18, of the rights that will be transferred to them.

**Summary of Performance** (required for students who are graduating or who will exceed the age of eligibility for a free and appropriate education) **includes** —

■ **Accommodations, modifications, Assistive Technology, etc.**—utilized for success in secondary education and needed to be successful in postsecondary environments

■ **Academic achievement**—what the youth knows such as literacy, numeracy, consumer, and learning skills; reasoning, communication, processing, etc.

■ **Functional performance**—behavior across different environments such as how the youth interacts with peers at school, in the community, at work; self-care, mobility, self-determination, safety, etc.

■ **Recommendations for attaining postsecondary goals**—for example, attend college orientation, meet with Department of Rehabilitative Services, meet with Disability Services Counselor at community college, keep a file of current disability documentation, complete employment applications, etc.

*IDEA 2004 Quick Recommendations & Resources: Secondary Transition is reprinted with permission from the VA Department of Education, Division of Special Education and Student Services. You will find Guidance Documents, IDEA 2004 Procedural Safeguards (also in Spanish) and other Quick Recommendations by visiting the VDOE site: <http://www.doe.virginia.gov/VDOE/duproc/>*

**CORRECTION:** Page 5 of the “The Special Edition PEATC Guide to IDEA 2004” contained in the Spring 2005 PEATC Press should have read “Evaluation is required before termination EXCEPT when graduating with a regular diploma or exceeding age eligibility for special education.”