The Individualized Education Program (IEP) Process and Special Education
Division of Special Education
March 21, 2017
LAW: INDIVIDUALS WITH DISABILITIES EDUCATION ACT – IDEA 2004

- 1975 – Education of All Handicapped Children Act

- Provides for a free appropriate public education (FAPE) for students with disabilities

- Last reauthorized in 2004

- Provides parents of a child with a disability steps to protect a child’s right to special education: Procedural Safeguards

- Overall goal of IDEA is to provide children with disabilities the same opportunity for education as children who do not have a disability
There is a process for determining whether or not a child is eligible for special education services and, if so, what special education services are most appropriate for the child.

There are five basic steps in this process:

1. Referral for Assessment;
2. Assessment;
3. Individualized Education Program (IEP) Team Meeting;
4. Determination; and
5. IEP Review.
STEP ONE: REFERRAL FOR ASSESSMENT

- A parent, foster parent, guardian, teacher, or other service provider may submit a written request for assessment.

- If the District determines that an assessment is appropriate, parent will receive an Assessment Plan within 15 days of the referral for assessment not counting days between school sessions or school vacations over 5 days.

- If the District determines that an assessment of the student is not appropriate, parent will receive a written notice of this decision.
STEP ONE: REFERRAL FOR ASSESSMENT

School teams may consider scheduling a Student Support and Progress Team (SSPT) Meeting to address referral concerns and implement targeted pre-referral interventions.

After the parent consents to the assessment/evaluation, the child is evaluated and an IEP team meeting is scheduled (within 60 days of the receipt of signed assessment plan).
STEP ONE: REFERRAL FOR ASSESSMENT

- The following guidelines will be followed:
  - Student will be assessed only after parent/guardian consents to the Assessment Plan.
  - Student will be assessed in all areas related to his or her suspected disability.
  - The assessment will be administered in the student’s primary language or a qualified interpreter will be provided.
  - The assessment must include a variety of appropriate tests to measure the student’s strengths and needs.
STEP TWO: ASSESSMENT

The following guidelines will be followed:

- The persons administering these tests must be qualified to do so.
- The assessment will be adapted for students with impaired sensory, physical or speaking skills.
- A multidisciplinary team, including at least one teacher or other specialist with knowledge in the area of the child's suspected disability, will assess the child.
- Testing and assessment materials and procedures must not be racially, culturally or sexually discriminatory.
STEP TWO: ASSESSMENT

- An assessment involves:
  - Gathering information about the child to determine whether the student has a disability and,
  - If he or she is eligible, the nature and extent of special education services that the student may need.
STEP TWO: ASSESSMENT

Assessments may include:

- Individual testing,
- Observation of the child at school,
- A review of your child’s developmental and family history,
- Interviews with the child and school personnel who work with the child, and
- Review of school records, reports and work samples.
An Assessment Plan describes the types and purposes of the assessments which may be used to determine the student’s eligibility for special education services.

- Parent must consent to the assessment by signing the Assessment Plan.

- The school has sixty (60) days, not counting school vacations greater than five (5) days, of the receipt of the signed Assessment Plan to complete the assessment and hold an Individualized Education Program (IEP) meeting.
After the student has been assessed, an IEP team meeting will be held.  

- The IEP team meeting must be held at a time and place convenient for both parent and the school's representatives.  
- At this meeting, the IEP team will discuss the assessment results and determine whether the student is eligible for special education services.  
- If the student is eligible, then an IEP will also be developed during the meeting.
The school must provide the parent with notice of the IEP team meeting within a reasonable time prior to the meeting.

This notice will include: the date, time, and place of the meeting; the reason for the meeting; who will be attending the meeting; and a statement of the right of participants to electronically record the meeting.

If parent is unable to attend the meeting, parent may call the school to reschedule.

If parent needs an interpreter to be present for the meeting, it may be requested on the meeting notice.
STEP THREE: IEP TEAM MEETING PARTICIPANTS

- The following people are members of the IEP team:
  - Parent or guardian, and/or parent’s representative;
  - The child's current teacher(s);
  - A school administrator or qualified representative who is knowledgeable about program options appropriate for the student;
  - Other persons whom the parent or the school wishes to invite. May include the student, when appropriate; and
  - When appropriate, the person(s) who assessed the student or someone familiar with those assessment procedures.
The Individualized Education Program (IEP) is the written plan that describes a child's abilities and needs, and the placement and services designed to meet the child's unique needs.
If the student is found to be eligible for special education services, the IEP will contain:

- Annual goals and short-term objectives focusing on the student’s current level of performance;
- The services the student will receive;
- When services will begin, how often they will be provided, and for how long;
- The instructional program(s) where these services will be delivered;
- The amount of time the student will spend in general education and
- How the school will measure the student’s progress.
WHEN MUST AN IEP TEAM MEETING BE HELD

- At least annually to review a student’s progress and the individualized education program, including whether the annual goals for the student are being achieved, the appropriateness of the placement, and to make any necessary revisions;

- Every three years to review existing assessment data on the student, including assessments provided by the parents, current classroom-based assessments and observations, and teacher and related service providers’ observations;

- If reassessment is warranted, as determined by District personnel, or if requested by the student’s parent, the three year review will include an assessment to determine student’s eligibility;
WHEN MUST AN IEP TEAM MEETING BE HELD (cont.)

- If parent or teacher feels that the student demonstrates significant educational growth or a lack of anticipated progress;
- When parent or a teacher request a meeting to develop, review, or revise the IEP;
- To develop a transition plan, beginning at age fourteen (14);
- To determine whether a student's misconduct was a manifestation of his or her disability before expelling or suspending the student from school for more than ten (10) school days.
TRANSITION SERVICES

- Transition services are a set of coordinated activities to assist a student's movement from school to post-school activities.

- These services are designed to help the student adjust to life after he or she is no longer eligible for school-related services.

- The District requires that transition services be provided to all students with disabilities, beginning at fourteen (14) years of age. When appropriate, the IEP team will plan and oversee the implementation of these transition services.

- The law also requires that coordinated activities for transition include instruction, community experiences, and the development of employment and other post-school living skills.
If transition services are going to be discussed at an IEP team meeting, the notice of the IEP team meeting will indicate the following:

- The meeting will discuss transition services;
- The student will be invited; and
- Any agency representatives that the school invited who may be able to provide and/or pay for transition services.

If any agency representatives cannot be at the meeting, the District will attempt to obtain their input through other means.
STEP FOUR: DETERMINATION

- If the student is eligible for special education services, the outcome of the IEP team Meeting should be a complete recommendation of the kinds of special education programs and services he or she will need to be successful in school.
  - Based on assessments = Eligibility determined
  - Based on individual needs = Goals developed
  - Based on goals = Placement determined
  - Based on placement = Supports and services determined

- Parent must consent to any recommendation
STEP FOUR: ELIGIBILITY DETERMINATION

- Eligibility of students with disabilities for special education is determined by the IEP team according to specific criteria for each of the eligibility categories.

- A student cannot be eligible for special education if the determining factor for eligibility is:
  - A lack of appropriate instruction in reading, including the essential components of reading instruction;
  - Lack of instruction in math; or
  - Solely because they are an English learner.
Children may receive special education services under one of the following eligibilities:

- Autism
- Deaf-Blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment Including Blindness

Special education services can begin at birth and continue until the age of twenty-two (22).
ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES

- Meet All Criteria for an Eligibility as Defined in Law
- Disability Adversely Affects Student Performance
- Require Special Education Services to Meet Educational Needs
STEP FOUR : ELIGIBILITY DETERMINATION

- Preschool children, ages 3 to 5 years old, may qualify for special education services if they have one of the previously listed eligible disabilities or an "established medical disability."

- An "established medical disability" is a disabling medical condition or congenital syndrome very likely to require special education services.

- In California, children with disabilities younger than three (3) years of age may also qualify for early instruction and intervention.
STEP FOUR: ELIGIBILITY DETERMINATION

Children younger than three (3) years of age who qualify for early services will receive services from the District only if they have a visual, hearing, or severe orthopedic impairment.

All other children in this age range who exhibit developmental delays or have established risk conditions with harmful developmental consequences will receive early intervention services from their local regional center.

The law requires that to the maximum extent appropriate, children with disabilities be educated with children without disabilities.

This placement is called "the least restrictive environment (LRE)."
STEP FOUR: PLACEMENT DETERMINATION

- Placement and Supports
  - At the IEP team meeting, the team must discuss the special education programs and services available at the student’s current or zoned public school and how to ensure that they are sufficient to meet the student’s needs.
  - The IEP team includes the student’s parent(s).

- First Consideration Must Be
  - Home school
  - General education classroom
STEP FOUR: PLACEMENT DETERMINATION

- Individually Determined Based on
  - Child’s abilities, needs and goals

- Not Determined Solely on Following Factors
  - Category of disability
  - Availability of services
  - Service delivery configuration
  - Availability of space
  - Administrative convenience
RELATED SERVICES INCLUDE, BUT NOT LIMITED TO

- Audiology Services
- Counseling Services
- Health and Nursing Services
- Language and Speech Therapy
- Occupational Therapy
- Orientation and Mobility Services
- Physical Therapy
- Psychological Services
- Counseling and Guidance Services
- Social Work Services
- Transportation
- Parent Counseling and Training
ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES

- Consider Curriculum-Based Assessments
- Rule Out 6-Exclusionary Factors
  - Social maladjustment
  - Temporary physical disability
  - Lack of instruction in reading
  - Lack of instruction in math
  - Limited English proficiency
  - Environmental, cultural or economic factors
- Consider Section 504 Plan
IF A STUDENT IS TO BE SUCCESSFUL...IT TAKES EVERYONE’S INVOLVEMENT

• Parent
• Student
• School
STEP FIVE: IEP REVIEW

- Parent can request an IEP review to consider a different program for their child. The school can also request a review.

- A requested review can take place without the parent if efforts to contact parent via formal notices have been unsuccessful. School districts must document its efforts to contact parent.

- When a requested review is called for certain purposes (such as to reduce or end services, to increase them, or to place the student in a more restrictive environment) all the members of the IEP team (the full committee) must be present.
STEP FIVE: IEP REVIEW

- An IEP team meeting is held every school year to review the child's progress. This is called an Annual Review.

- Every three years, school districts are required to conduct a complete review of every child's IEP, with new evaluations if needed.

- This is to ensure that the recommendations reflect the student's current level of achievement and that non-beneficial services are not carried over.

- This is called a “mandated three-year reevaluation"
STEP FIVE: IEP REVIEW

At the IEP team meeting, parents may want to ask about:

- their child’s progress towards meeting his or her IEP goals;
- things parents can do to support the IEP goals;
- the method and frequency for measuring their child’s progress;
- what types of standardized tests and/or District assessments will be administered to their child during the term of the IEP;
- graduation requirements for high school students;
- how many credits their high school student has earned.
STEP FIVE: IEP REVIEW

- If there are concerns that the student’s educational needs are not being met, parent or school personnel may request a reassessment or an IEP team meeting to review the IEP at any time during the year.

- Parent may request an IEP team meeting by sending a written request to the school.
  - Once the request is received, the meeting must be held within thirty (30) days, not counting days in between regular school sessions or school vacations greater than five (5) days.
STEP FIVE: IEP REVIEW

- Parent may request a reassessment by sending a written request to the school or completing a Request for Special Education Assessment which can be obtained at any District school.
- The school must obtain your permission before reassessing your child.
Parent can withdraw consent for special education services at any time.

Request must be made in writing.
ENDING SPECIAL EDUCATION SERVICES

- The written document should specify the request for revocation of all special education and related services, and must be dated and signed by the parent.

- Within five (5) business days from the receipt of a parent’s request to revoke consent, the District will provide prior written notice informing the parent about the impact of the request on the child's educational program and the timeline for the cessation of services.

- All special education and related services will cease fifteen (15) calendar days from the date documented on the completed prior written notice form.
ENDING SPECIAL EDUCATION SERVICES

- Student may be considered for reintegration and exit from special education by the IEP team.
- Student has made academic and/or behavioral progress meeting annual IEP goals.
  - Decisions to reintegrate and exit are made based on data.
- IEP teams will discuss the range of supports and services, including exit, at the initial IEP.
- When IEP teams consider exit from special education, a comprehensive assessment must take place.
- IEP team determines that a student is no longer eligible for services and needs can be best met in the general education.
The greatest danger for most of us is not that our aim is too high and we miss it, but that it is too low and we reach it.

~Michelangelo