

DIANE FUNSTEN: We want to talk with you about special ed 101, if you will. We're going to be starting talking about the screening and referral process, and going all the way through to identifying a child that is needing special education, and implementation of an IEP. But before we get into the content, we need to just go through a couple of basic slides. And that is the mission of the organization that Cecil and I work for, the Pennsylvania Training and Technical Assistance Network.

And our mission is to provide support to local education agencies. You're going to hear us use that term, local education agencies, but you'll probably hear us say LEAs. And LEAs would be intermediate units or school districts or charter schools. So our mission is to support those entities as they provide services for students with disabilities.

And one other slide is that PaTTAN joins the Pennsylvania Department of Education's commitment to least restrictive environment. Certainly you probably all know that least restrictive environment has been a requirement in federal law since about 1975. And federal law states that children with disabilities must be educated to the maximum extent appropriate with children who do not have disabilities. And so our hope is that every IEP meeting begins with a discussion about placement of a child with a disability in a general education classroom and being able to bring supplementary aids and services to that child before the team considers a more restrictive environment. And even with a more restrictive environment, the law requires that there be a continuum of placement options from least restrictive to most restrictive.

Okay. So here's what we hope to accomplish today. We want to be able to discuss the general process of special education, again starting with screening and going all the way through to placement of a child and implementation of an IEP, and to discuss the roles and responsibilities of various IEP team members. IEP is really where it's at. You all probably are aware of the fact that children with disabilities have an entitlement to what we call FAPE, a free, appropriate, public education. And FAPE for children with disabilities is described in their IEP. And so it's just really important that the IEP kind of be the center of everything that we're doing. And so we're hoping to be able to reserve a good bit of time to be able to talk about that as our hour goes on.

When you look at this picture, you see the most important person in this picture, of course, is the child with the disability. One of the things that the regulations are really big on since I guess it was the 1997 reauthorization was the participation of our kids with disabilities in the general ed curriculum. And what the regulations talk about is participation and progress in the general ed curriculum. And I

think the only way that can really happen is when all of those entities combine and collaborate to make progress in the general education setting happen, and in the general education curriculum.

So special ed process, seems pretty simple. Four steps, right? Just one, two, three, four. Except that we all know it's a much more complex maze to navigate around. There are lots of -- there are lots of words that we use, that special ed-ese. You talk about, you know, words at home with your family and they look at you like, huh? What are you talking about? So we kind of have our own language. We have a lot of timelines. We have a lot of forms that we have to fill out. We just have a lot of requirements, a lot of procedural safeguards involved in educating students with disabilities.

But you need to understand that everything that Pennsylvania asks us to do is founded in federal law. There isn't anything in those forms that we fill out that isn't required by either federal or state law. And the forms are really very handy in helping us meet the requirements of all of those laws. So if you're following the forms, you don't really have to worry too much about are you being compliant or not. So there's just a whole lot of stuff that goes into educating kids with disability and that whole special ed process.

The way we're going to split this up is I'm going to talk about the first two parts, Child Find, referral, and screening. And then Cecil is going to pick up with evaluation and IEP. So let's first talk about Child Find. Child Find is a requirement under federal law under the Individuals with Disabilities Education Act. And certainly echoed in our Pennsylvania Chapter 14 and Chapter 711 regulations.

And basically what it means is that local education agencies, again intermediate units, school districts, charter schools, have to have in place and they have to demonstrate to the federal government that they have in place a system to locate and identify children who are thought to be eligible for special ed. They have to put their policy in print. It has to -- they have to develop a public notice that's made available to parents so that parents have an understanding of what this whole special ed thing is all about and how they can gain access to evaluation for their child. And under Pennsylvania regulations, that written information, that public notice, has to be published in the LEA's handbook and their website. So it's easily accessible to folks. It also needs to be available printed so that if parents don't have access to the Internet, they can still see what the policies are.

So what does child mean -- Child Find mean for schools? Well, think about it. Before a child is identified as needing special education, they're in general education. And so it's really important for the general education staff to be aware of what the special ed thing is all about. At what point do we refer

children for special education? What is the process that we're following? Do we have a pre-referral process, or do we have a response to instruction intervention process? What kinds of criteria do we have in place?

They need to be aware of things like observing children in classrooms. They need to know about collecting data. They need to know about analyzing data because the responsibility is on them when the child is going through that evaluation process. They play a really important role, and Cecil's going to be talking about this, in the evaluation process. I mean, where are we getting the information from? We're getting it from general ed teachers. So for school districts and charter schools and intermediate units, although probably not to the same extent, they need to ensure that their general education staff is aware of their policy and about that process.

Ah, pretty much what I just said. Okay, we talk about referral and screening, and they very often go hand in hand. And that screening sometimes leads us to referring a child for a special education evaluation, but that doesn't always happen. So when we talk about screening, we're really talking about kind of taking the temperature of all the students in our school. You go to the doctor, the doctor takes your temperature. The temperature's normal, they probably don't do a whole lot more. They just continue on with their examination. But if your temperature is high, then they start looking at some other things.

And that's exactly what screening is all about. We take the pulse of our students and say, are they doing okay, or do they need to -- do we need to do some additional and further evaluation? Screening is a requirement under federal and state law too. And just as we all had the hearing and vision screenings when we were in school, we're still doing them in school. Again, under federal and state law.

Another piece that's required is that the LEAs have -- provide screening, as you can see on the screen, at reasonable intervals to determine whether all students are performing on grade-appropriate standards in their core academic subjects. So some of you, especially if you're school folks, know that a lot of our schools are using benchmark assessment. Your school may be using Study Island or Foresight or Acuity or something that we give our students every couple of months to see if, in fact, they are making progress toward the Pennsylvania state standards. It's just a way of kind of taking that pulse of the kids. We do the assessments with all of our students. How well are they doing on those grade-appropriate standards?

So what does that mean for schools? Well, that means that you need to have that system in place too. There's some additional language in the screening section of the regulations that talks about the fact that LEAs can put into place something they call early intervening services. And that's kind of in a nutshell saying that you need to have something in place that identifies kids in general education who are beginning to struggle, and provide the interventions that they need to kind of get them back on track again. There are a whole bunch of regulations that are -- that you can find under the section on screening. These are just a few of them.

So that early intervening services piece has to be able to verify that the student, in fact, was provided with appropriate instruction. And there's another piece that says research-based instruction both in reading and in math. There's also a piece that talks about if a student is exhibiting academic concerns, there needs to be an assessment available of the student's performance again in relation to state-approved, grade-appropriate standards.

There are also -- there's also a piece that talks about if the child is having behavioral concerns, then there has to be an observation of the child done in the settings where the child is struggling. And it goes on and on talking about we have to ensure that a lack of progress for students isn't due to the fact that they may be limited English proficient. So all of those pieces are in place now across an entire school, and it's a way of looking at all of our students.

In terms of referral, sometimes the screening that we do, those kinds of screenings that I just talked about, lead us to believe it's kind of like having the fever. We need to look further. And very often the screening will lead us into a referral for a special education evaluation. But it doesn't have to happen that way. Sometimes parents ask for a refer -- ask for an evaluation for their child. Sometimes a teacher will ask for an evaluation for the student. If a parent request an evaluation, it has to be in writing. There's a form, of course, there's a form for everything, to get the request in writing. There are timelines that begin once we get consent because we also have to have consent from the parent to do an evaluation. And Cecil's going to go through all those timelines.

Both a parent and a teacher can request an evaluation at any time. So understand that that is also in place. Know that if your school is offering some sort of response to instruction and intervention, or what's the other thing I'm thinking of from long ago? What was our pre-referral intervention? IST, thank you. Understand that that is -- that that does not deny a child the right to an evaluation. And it's written in the regulations, and in fact the feds just came out with a letter talking about that because there were a lot of schools that were saying to parents, oh, I know he's having trouble, but you have to

give us six weeks. We think after six weeks, we'll be able to take care of this problem, or whatever. And just so you understand that that cannot deny a child an evaluation. And so hopefully we'll see a little bit less of that happening.

The other thing you need to understand is that when a parent requests an evaluation, the local education agency always has the right to say no. The way they say no is by issuing to the parent a notice of recommended education placement, which we call -- fondly refer to as a NOREP, notice of recommended educational placement, prior written notice. And on that document, the LEA explains to the parent that they are saying no to the request. And they have to explain why they're saying no.

And sometimes it happens that a school's data on a child show that the child's really doing okay. And the parent is maybe seeing some things that are a concern that the school is not seeing. So just understand that the LEA always has the right to refuse that, to refuse that request.

Okay, this next piece, thought to be -- we use the language thought to be eligible, or you'll see language not yet eligible. And it really has implications when a student is going through some disciplinary exclusion. So it's related to disciplinary issues.

Notice what it says on the slide. Once a student has been formally referred for an evaluation, that student is considered to be thought to be eligible. The language in the regulations talks about the fact that if the school had knowledge, and had knowledge actually has a couple of different pieces to it. One of them is that the child has been referred for an evaluation. So a district is considered to have knowledge if the parent referred the child for an evaluation or if the teacher referred the child for an evaluation, or even if the parent has expressed a concern about the child's academic situation to a special ed administrator.

So what it means is that if a district or a charter school or an IU had knowledge, it means that that child, when faced with a disciplinary exclusion, has the same protections as a child who is already identified as a child needing special education. And basically that comes down to this is a general ed student who we think might have a disability because of those criteria I mentioned. What it entitles the child to, or the protection it gives the child, is the right to an expedited evaluation. I mean, Cecil is going to tell you we have 60 calendar days to do an evaluation. Well, we can't take that long when there's a disciplinary issue happening.

So the child has a right to an expedited evaluation. Then based on the outcome of that evaluation and the disability category that might be attached to the child, we end up doing what's called

a manifestation determination, which is a process done by the IEP team and other knowledgeable folks that says, is the behavior due to the child's disability? Is it significantly due to the child's disability? And it's a big decision to make because it drives what's going to happen next.

If the decision is that it is -- the behavior problem is because of a disability, then the child can't be suspended from school. We have to make some changes in the child's IEP. If the outcome is the behavior problem really has nothing to do with the child's disability, then that child can be disciplined, if you will, just like any general education child. So it's a really big decision. So thought to be eligible becomes really important under disciplinary kinds of situations.

Okay, I'm going to hand it over to Cecil. But before I do that, are there any questions that you might have? We can really only take a couple and then we'll try to take more at the end. But anything about anything that I talked about? Okay, that's a good sign.

CECIL CROUCH: Hello, everybody. So we're going to pick up with starting with the evaluation process. And do Diane kind of walked us through the schools' responsibilities with regard to Child Find and with referral activities. And so if the school finds that the student does appear to be eligible to receive special education services, then the next step is to start the evaluation process. So that's where I'm going to pick up.

I just want to kind of clarify a little bit more what Diane was saying about the evaluation, that a parent can request an evaluation at any time. And so what happens is the parent requests an evaluation. The school can always say no. And if they do so, they would issue the form that she was talking about, the notice of recommended educational placement, prior written notice form. All the cool kids call it the NOREP, so you want to call it the NOREP.

And in that document, they would send it to the parents and say this is the reason why we don't think it's appropriate to evaluate your child at this time. And so with more and more school districts implementing response to instruction and intervention, one thing that a school cannot do is say to the parent, we're right in the middle of tier two intervention right now, so you can't request an evaluation. You have to wait about, you know, 12 more weeks until we find out what's going on at the end of tier two. They cannot say to the parent, you have to wait to request an evaluation. What they can do is say, yes, we're accepting your request for an evaluation, but we don't believe it's appropriate to evaluate the child right now, and here's why. And that's what the NOREP would say.

Okay. These are some of the forms that go along with the evaluation process. The first one is the permission to evaluate evaluation request form. By law, when a parent requests an evaluation, that request has to be in writing. Now most people if they're not in education aren't going to sit around and download the law to find out the appropriate way to get help for their kid. So what Pennsylvania law did is says if a parent makes an oral request for an evaluation to one of the teachers at school or to one of the administrators at school, then the school would have to send to the parent this form, the permission to evaluate evaluation request form within 10 calendar days of when the parent orally made that request.

The only purpose this form serves is to get that parent's request in writing. So if the parent sends in a written request, there's no need to use that first form, the evaluation request form. Its only purpose is to get the parent's request into writing.

Another form that's part of this process is the permission to evaluate consent form. And the parents can get this a couple of different ways. One, the school by law has to go through the Child Find process, the referral process. So throughout this process, the school might find, hey, we really need to evaluate this child to find out if he or she is eligible to receive special education services. And if that's the case, then the school would send the parent this form. And the purpose this form serves, the consent form services, is to get -- one, to get the parent's informed, written consent to give the school permission to evaluate the child. And the other purpose is to tell the parent what the concerns are, what's the timeline for the evaluations that are going to take place, and what kinds of assessments are going to be given to the child.

The other way that a parent would get the consent form is if the parent request an evaluation. Because remember, once the parent requests an evaluation, the school has to decide, do we think it's appropriate to evaluate or not? And if they do, then they would send to the parent this permission to evaluate consent form. And the -- when the school receives the permission to evaluate consent form, that really starts the timelines with regard to everything else in this process.

Next is the evaluation report. So once the school receives the parent's informed, written consent giving them permission to evaluate the child, then the evaluation process can start. And so various assessments will be given and all of this is documented in this form, the evaluation report. And so the different assessments are listed there. What those assessments mean are listed there and different kinds of information, including guidelines for the IEP team, things that the IEP team wants to

consider about what should the appropriate placement be and what kinds of services might be best for that child. So all of that goes into the evaluation report.

Okay, so let's talk more about the process. By law, what it tells us is the folks who do the evaluation is a group of qualified professionals. Now there are some people who are required, but it's pretty loose the definition, a group of qualified professionals. And the reason why it's so loose is because every kid is going to have different needs. And so it gives the school and the parents flexibility to have different people at the table making the decisions based on the individual needs of the child.

Always though, the parent has to be a part of this group who's making this decision. And in most cases, it was a lot easier to write who was not -- when a school psychologist was not required, so that's what's here. But for many of the disability categories, if you're evaluating a child, you would have to have a certified school psychologist be a part of that group as well.

Generally, a regular education teacher is a part of this group and as a required member if you're evaluating for a specific learning disability. And there's generally going to be a director of special education or a special education teacher be a part of this group as well. And the law also requires that if you're evaluating for a specific learning disability, then one of those required folks is someone who can conduct individual diagnostic examinations. And that could be met by the school psychologist as well, but that's one of the required folks on this team.

And the purpose, one of the main purposes of the evaluation report or the evaluation process, is to determine if the child is eligible to receive special education services. What makes a child eligible for special education is meeting these two prongs. We call it a two-pronged determination process. So one, does the child have a disability? And two, does the child need specially designed instruction?

The second one is kind of self-explanatory. Does the child need specially designed instruction? But the first one I want to talk a little bit about. Our federal special ed law, IDEA 2004, gives us 13 disability categories. So in order to qualify to receive special education services under IDEA, a child has to have a need for specially designed instruction and has to have one of these 13 disability categories, one or more.

And you can see that one is in red, intellectual disability. How many of you have heard of Rosa's Law? Okay, a lot of folks. In October of 2010, President Barack Obama signed into effect Rosa's Law, which said that as new laws are reauthorized and revised and any kind of documentation and

documents that go along with those laws, as that happens, then the term mental retardation will no longer be used, and instead we'll be using the term intellectual disability.

Now as you know, we haven't had any new federal special ed law since October of 2010. So that means a couple of different things to us. One, the new term is intellectual disabilities. So when you're talking about providing services to a child and developing an IEP, it's absolutely appropriate to use the term intellectual disability. However, because the new federal law hasn't changed yet, that means that the data that the state submits to the federal government is still using that term, mental retardation. So on some of the reports that the schools will send to their IUs, the IUs send to the state, the state sends to the federal government, the disability category would still be listed as mental retardation. But as far as programming goes, we absolutely need to start using the term intellectual disability.

All right, these are some of the required criteria of an evaluation report. And to find more information about the evaluation process, the evaluation report, that supplemental document really gives you about everything you would need to delve deeper into what it is and what are the different requirements. So if you haven't downloaded that supplemental document, that's a good one to have because they have hotlinks. You just click right on the link and it'll take you to a brochure or a pamphlet or a publication.

But while these are some of the requirements of the evaluation, one thing that I just want to kind of make clear is that when a child is going through the evaluation process, the school needs to make sure that it's sufficient in scope and depth to determine any potential disability that the child might have. We might suspect that a student has an autistic spectrum disorder, but we wouldn't necessarily just test to determine if the child has autism. We might be looking for different disability categories too because the purpose of the evaluation report is to make sure that all of the student's disabilities, all of the student's needs are identified.

And there are some timelines. The school, the LEA, has 60 calendar days to complete the evaluation, write the evaluation report, and get it to parents. And that 60 calendar day time starts when the school receives that signed permission to evaluate consent form from the parents. That's what starts the timeline. Once the school receives it, they stamp it received and they'll have a date there. 60 calendar days from that date, the evaluation report completed has to be provided to the parent.

After the evaluation report is completed, the next step in this process is writing the IEP. And there's some requirements with regard to timelines for the IEP team meeting. There's a minimum and a

maximum. The minimum is that the IEP team meeting cannot occur any sooner than 10 school days from the time the parent gets the evaluation report. Okay, so if we get the evaluation report to the parent today, we can't hold the IEP team meeting any sooner than 10 calendar days from today.

The purpose for that is -- especially with the initial evaluation, a parent is going through this process for the first time. There's a lot of stuff going on. New terms, all this information, there's all these tests that are written in the evaluation report. And so this 10-day period is to give the parents time to understand what all this means, time to ask the school questions, time to talk with their friends, time to talk with advocates, just to figure out what they think they would like their appropriate next course of action to be.

So the minimum is that 10 school days. However, the parent can waive this. So if the parent says, you know what, my son has been struggling for a while now. I just want him to receive services as soon as possible. I don't want to have this 10-day waiting period, this 10 school day waiting period. And so they can waive in writing that waiting period and you could have the IEP meeting tomorrow if they waive that in writing.

That's the minimum. So then the maximum is that the IEP team meeting has to happen no later than 30 calendar days from when the parents receive the evaluation report. And the maximum, the purpose for that is just to make sure we're not, you know, stringing this process along any longer than it needs to be.

Okay, the first one we just talked about there. And I do want to talk about with regard to the IEP, the general education is a huge part of the IEP in a couple of different ways. One, in the present levels of academic achievement and functional performance, which we'll talk about when we go over the IEP form. One of the things that should be discussed in that section of the IEP is, how is the student's progress in relation to non-disabled peers and meeting general education standards? So that's a big part of the present levels.

Also, the IEP has to address how the student's disability affects the child's involvement and progress in the general education curriculum. So that's another big piece where the general education comes into play. And also, by law, as Diane had already said, any student with a disability has to have access to and make progress in the general education curriculum. So the general education personnel are a big part of this IEP process.

All right, so now we're going to go through some parts of the IEP. We're not going to go through item by item because that would take forever, so I'm just going to hit on some of the items where there seems to be misinformation out in the field. Not necessarily with you all, but just out in the field. We have a quick question?

AUDIENCE MEMBER: Yeah, for when you're renewing an IEP, is the general ed teacher or administrator supposed to be part of that meeting?

CECIL CROUCH: If you're evaluating for a specific learning disability, they would be a required member of that reevaluation group as well.

AUDIENCE MEMBER: For reevaluation?

CECIL CROUCH: Yeah.

AUDIENCE MEMBER: Otherwise just a regular yearly IEP, you don't need [inaudible] or the general ed teacher?

CECIL CROUCH: Yeah. And I'll talk about the required members of the IEP team.

AUDIENCE MEMBER: Okay. This is just for the IEP that you're discussing?

CECIL CROUCH: That was for the first evaluation that we were talking about. Now we're getting into the IEP. And here we go. Here are the required members of the IEP team. And this is the bare minimum, basic group of who's required to be on the IEP team.

The parent, obviously. The LEA representative. That means that somebody from the school who has the authority to bind the school, if you will, to what's agreed upon at the IEP team meeting. So if we're going to implement some sort of a program, it can't be like working at mom and dad's store, saying, well, you know what, we'll write down maybe here because I have to go ask our superintendent to find out if we can do this or not. There has to be somebody on the IEP team who can say yes or no to the things that are discussed at the team meeting.

There needs to be at least one general education teacher, at least one special education teacher or related service provider depending on the individual situation of the child, and there needs to be someone who can interpret the results of assessments. And that can be somebody who is already on the team. That doesn't have to be a completely other person. Yeah?

AUDIENCE MEMBER: Can there be more than one LEA?

CECIL CROUCH: More than one LEA representative?

AUDIENCE MEMBER: Yes.

CECIL CROUCH: Sure, there could be.

AUDIENCE MEMBER: Okay.

CECIL CROUCH: Yep. And this is the bare minimum. This is just who's required to be there. There can always be more. For example, if the child has five general education teachers, you could have all five of them there. But by law, the school is only required to have one of them there. So this is all just bare minimum who is required.

What else did I want to say about this? In other situations, for example when -- one of the purposes of the IEP team meeting is to discuss the student's transition from being in school to what they're going to do after they graduate from school. When that transition is being discussed, there's other required members as well. For example, the student then would have to be one of the folks invited to be part of the IEP team if there's transition planning occurring.

Also, there's been some misinformation about people having access to the IEP. Anybody who works with the child or that will be implementing a part of the IEP has to have access to the information in the IEP. So you can't just lock it up and say only the special education teacher can see this information. Anybody who works with the child has to have that information. Okay. And again, these are just the bare minimum required folks. Certainly other folks can be a part of the team.

All right, so we're going to start with page one of the IEP. And I just put stars by the things that we're going to talk about. Yeah?

AUDIENCE MEMBER: I have a question about having the IEP available to everyone that would need reference to it. Would it be sufficient to just have the SDIs, or do you need to have the official -- like the whole document?

CECIL CROUCH: Everybody would have to have access to the whole document, but what you give them - I wouldn't say out loud certainly that you would just give them the SDI because they would have to know the present levels with the child, the measurable annual goals, how those measurable annual goals are going to be measured, their progress throughout the school year, also the specially designed instruction, the supports needed for other personnel, behavior intervention plan, all of those kinds of

things. So my official answer would be they would have to have access to the entire document. Okay, yeah?

AUDIENCE MEMBER: [inaudible] does the parent have a right to ask for a rescheduled meeting at that time? How does that take place? Because I know sometimes they can phone conference if they can't physically make it. But then there have been times where that person just has not participated. Is it my right as a parent to ask for a rescheduled meeting?

CECIL CROUCH: Sure. And we're going to talk about the excusal process for a little bit too because there's an excusal process involved, but that I think is different than what you've just described and showing up to the IEP meeting and not everybody is there. Those would be different things. One more and then we're going to move on.

AUDIENCE MEMBER: If the school district doesn't meet the time requirements for having the meeting, what recourse does a parent have if the timeframe isn't being met?

CECIL CROUCH: They could file a state complaint. They could file a due process complaint saying that their child's rights have been denied because the timelines haven't been met. When they go through -- when the school goes through their six-year cyclical monitoring process, IEPs in different forms are pulled to look at. Are all those timelines being met? So as a parent, though, an immediate act of recourse would be you could file a state complaint or could file a due process complaint because timelines haven't been met.

AUDIENCE MEMBER: The state reviews every six years?

CECIL CROUCH: Yeah, there's -- it's called cyclical monitoring, and so every school is monitored every six years, and different forms are looked at to look at timelines, to look at, you know, did they meet the letter of compliance.

Okay, so the first two things with a star here is the IEP team meeting date and the IEP implementation date. The IEP meeting date is just that. It's the date that the IEP team met to go over the IEP. And by law, the IEP has to be reviewed and/or revised at least once per year. The implementation date then is the date that the things that are in the IEP are being implemented. And by law, that has to happen as soon as possible, but no later than 10 school days once the IEP meeting occurs. So it has to be implemented within 10 school days, but it can happen that day if it makes sense to do so.

The second star down below has to do with revisions. The law says that the school and the parent can agree to make changes to the IEP without having a formal IEP team meeting. So it might be something like a child has been receiving speech services one day a week for 30 minutes. And the data that the school is seeing and what the parent is seeing at home is showing that's not enough. And so somebody from the school who has the authority to speak on behalf of the school can talk to the parent and say, you know, the data is showing we're not making the progress we need to be making. Would you be in agreement to your child receiving speech three days a week for 30 minutes, for example? And that can happen. Somebody from the school and the parent can agree to make a revision.

And so if that happens, then in the box the school is documenting how that conversation took place. Was it a phone call? Did you visit the home? Did the parent come in for a meeting? And then all of the information about when was the date -- when was the revision made, the people who talked, and what section of the IEP was changed.

Now what the law says is that anytime a change is made to the IEP, the school has to just make those changes in the document itself rather than just, you know, listing it on this front page, and give a copy of that new, revised IEP to the parent upon parent request. So it's upon parent request, which is what is required, but best practice is to, you know, just go ahead and make those changes and give the parent the new document. Also, the school would want to make sure anybody who works with the child is aware of what those changes are so that they can implement the IEP with those new changes.

Next page is the signature page. And I just want to point out that anybody who signs this page, it means that they were at the IEP team meeting. This doesn't mean that everybody who was there necessarily agrees with everything that's in the IEP. This means that you were there. So that's the purpose of this page, to document who was in attendance.

AUDIENCE MEMBER: Do you sign that if you're there by phone call, or do you have to physically be there?

CECIL CROUCH: No, if you're there by phone call, you can --

AUDIENCE MEMBER: They wouldn't sign it, right?

CECIL CROUCH: Yeah, you would write that you were participating by phone, or somebody would. And the second star here is the section that has to do with folks submitting information in writing. And this can happen a couple of different ways. Remember, with regard to who is required to be at the IEP team

meeting, the bare minimum is that there has to be at least one special education teacher and at least one general education teacher.

Well, if the child has five different general education teachers and maybe the teacher -- or maybe the student is receiving a bunch of services. There's a learning support teacher, a speech teacher, an occupational therapist, a physical therapist. Maybe there's no way all of those folks can get to this meeting. And so if that happens, then the school still needs information from like the speech teacher, the physical therapist, the occupational therapist, but maybe the learning support teacher who's the case manager is going to be at the IEP team meeting. And if that occurs, then you would document that you got written input from the speech teacher, the physical therapist, the occupational therapist. Can you hold it until the end, please?

And then the other way that you would use this particular box here is if the law says that the parents and the school can agree to excuse certain required members of the IEP team. And if you're going to be discussing one of those required folks' area, maybe you're going to be talking about the general education curriculum, but the general education teacher just had a baby 15 minutes ago and can't be there, you can agree to excuse that person from this meeting. But that person would have to submit in writing to all of the other IEP team members their information in writing prior to the IEP team meeting so that the information is still there and can be discussed at the team meeting. Okay, and you had a question over here?

AUDIENCE MEMBER: Well, my one question was, what if you are given the document to sign by an administrator and it has your name on it that you were there, but you were not there?

CECIL CROUCH: You wouldn't want to sign it if you weren't there. Okay, then we get into special considerations. Yeah, one more.

AUDIENCE MEMBER: One question. When you talk about the career tech [inaudible], is that a person required to be there if the child is 14 or older?

CECIL CROUCH: Not a required person, but yeah. Have to be invited, right. So then the special considerations, I'm only starring some of them because other requirements go with it. One is, is the student deaf or hard of hearing? If that's the case, this box would be checked and then that would mean that there's also a requirement for a communication plan for the child. And that gets into things like what is the student's primary mode of communication? What's the primary mode of communication at home? That kind of information.

The middle star, I just want to be clear that it says, does the student have limited English proficiency? Marking this box means that the student has a disability and also has limited English proficiency. Students who don't speak English aren't necessarily, you know, eligible to receive special education services. And so marking this box means that the child has a disability, also limited English proficiency.

And the star at the bottom is, does the child exhibit behaviors that impede his or her learning, or the learning of others? And if this is checked, it means that the IEP team has developed a positive behavior support plan for the child and that that positive behavior support plan is based on the results of a functional behavioral assessment. A functional behavioral assessment, what it for the most part looks at is, what specifically are the behaviors that the child is exhibiting? What happened right before the child exhibited that behavior? And what happened as a result of that behavior?

So an antecedent, what happened before; the actual behavior; and the consequence, what happened after the behavior. And the purpose of looking at those things is to determine, what is the purpose of the behavior? What function does that behavior serve for the child? And once you know that information, then you can have a much more effective positive behavior support plan.

AUDIENCE MEMBER: For your limited English proficiency, you said if they were [inaudible] didn't speak English, they typically were receiving special education services.

CECIL CROUCH: No, I didn't say that at all. I said checking this box means that a student has a disability, is eligible to receive special education services, and also has limited English proficiency.

AUDIENCE MEMBER: So a child could be a level one ELL, a level two, level three, and the team should be checking that also.

CECIL CROUCH: If -- right, if the student has limited English proficiency and also has a disability.

AUDIENCE MEMBER: Because there's a myth out there that it's either/or. I wanted some clarification.

CECIL CROUCH: Okay. Yeah?

AUDIENCE MEMBER: The last one for behavior impeding [inaudible]. Would that include truancy?

CECIL CROUCH: You're the behavior guru.

AUDIENCE MEMBER: [inaudible]. That would be addressed in the evaluation.

AUDIENCE MEMBER: I would say not typically. I've never really seen that listed as the reason why the behavior is impeding. I could probably make a good argument for it, but I've never seen that.

CECIL CROUCH: So that's one of many questions we probably won't be able to answer. Okay, for the remainder, if you could hold your questions because we're never going to get through this. But we'll stay here and answer questions at the end if that's okay with everybody.

Okay, so next is the present levels of academic achievement and functional performance. And I just want to kind of point out that this is one of the most important parts of the IEP because this talks about where is the student right now academically with regard to their functional performance. How is the child achieving right now? Any of these bullet points has to be addressed in this section of the IEP. And some of the things it's looking at is parent concerns. That has to be in this section of the IEP as long as the school can get it. And also student strengths, the student's needs, how the student's disability affects their involvement in the general education curriculum.

And also know that any needs that are listed in the present levels of academic achievement and functional performance needs to be addressed somewhere else in the IEP. Most of the time, you're going to see them addressed as measurable annual goals, but sometimes you'll see them addressed through specially designed instruction and related services.

You also want to see test scores in this section because it's telling you how is the student doing right now. So you want to see information related to the student's instructional level and related to where they are with regard to grade level information. And you want to see different kinds of assessments. Summative assessments like PSSA scores, PVAAS information, benchmark information. is the child taking AIMSweb or DIBELS or ForeSight, diagnostic information. And also formative data, which is probably one of the most important types of data because it shows how the student is performing in the classroom all the time. So you want to see different kinds of assessment. That's not a regulation. I'm just saying you want to see different kinds of assessment there.

But you don't want to see just test scores because the IEP isn't written for certified school psychologists. It's written for everybody. So not everybody knows what these different test results mean, so you want to see the test scores, but you also want to see an explanation of what those test scores mean with regard to the child's strengths and needs.

Next is the measurable annual goals section. And this is telling us where we as an IEP team think that the student should be, what they're going to be able to do one year from today when we're writing

this IEP. And the way that this process works, we have the present levels of academic achievement and functional performance. That's where the student is right now. And the measurable annual goals then take us to one year from now, this is what we're saying we think we're going to be able to get the student to in one year.

And so a couple of things about this. The measurable annual goals have to be written in very measurable language. You don't want to see wording like the student is going to improve his reading comprehension. That doesn't mean anything. The student is going to maintain a C average. That's not something that -- I mean, you can measure it, but what does that C mean?

Because the measurable annual goals, they're written based on some deficit that the student has in their present levels. And so maintaining a C average doesn't necessarily mean that the student is improving in that particular area. It might mean that they do their homework. It might mean that they participate in class. There's a lot of things that go into a grade. But we want to see measurable language about the child with regard to a skill that has been identified as a need in the present level of academic achievement and functional performance. And then progress is kept through the course of the school year and is documented in this column.

Down at the bottom are short-term objectives. These are only required for students who are taking an alternative assessment based on alternative achievement standards. In Pennsylvania, that's the PASA. So students who are taking the PASA, it's required that we have short-term objectives for students who take that assessment.

Now it's only required for those students, but the purpose of a short-term objective -- because remember, we're starting with where the student is right now, their present levels. And then we're saying our measurable annual goals are where the student is going to be a year from now. The purpose of the short-term objectives then are to show through that time between right now and a year from now, where should the student be? So that's what the short-term objectives are.

Now we get into the modifications, adaptations, specially designed instruction, supplementary aids and services, related services. All of these things are names for just basically what does the student need. What about instructing this student is different from what we do for everybody else? Or what do we do for everybody else, but is absolutely critical for this child? And so we're going to write it on here to ensure that the child gets that special instruction all the time.

Some things a child might need: enlarged text to be able to read. If that's the case, that's something that would be listed under specially designed instruction. If a student needs instruction through graphic organizers every time a new vocabulary term is taught to the child, that's something that would be listed here under specially designed instruction. Related services then are things like speech for certain students, occupational therapy, physical therapy, sometimes transportation. Those kinds of things would be listed as specially designed instruction.

And the last one here, I didn't put a star by it, but it's worth saying. These are supports for school personnel. These are supports for the adults in the school. If adults need some kind of instruction or help to be able to implement the IEP, that's where that help is listed. So for example, we might have a student who's receiving autistic support, but it's in the regular ed classroom. This student might have trouble socializing with his or her peers, so there's some kind of a socialization program in place for this child. Maybe it's like a circle of friends program or something.

The general education teachers have no idea what this program is or how it works. So what we might write into this then is that the general education teachers for Bobby, who we're writing the IEP for, are going to receive a total of 15 hours of instruction on the circle of friends program by the autistic support teacher. And also, once a month, the special education teacher is going to meet with those general education teachers to look at the progress that Bobby is making and make any kind of revisions as necessary. Those are just some examples of things that you might find in this section of the IEP.

Then we get to educational placement. I have five minutes, so I'm going to talk really fast. These four questions that are right here have to be discussed by the IEP team for the child. And the IEP was designed as it was for a reason. You talk about the student's present levels, their academic achievement or functional performance, how their disability affects their involvement in the general education curriculum. What kind of specially designed instruction do they need? What kind of transition planning do we need to talk about?

The absolute last thing that the IEP team talks about is where are those services going to be provided to the child. And the purpose of these four questions then is to make absolutely sure the IEP team is making the correct placement decision. What supplementary aids and services were considered? What supplementary aids and services have been provided? Have they been effective? That discussion helps determine, are we making the most appropriate placement decision for this child?

Now, as Diane talked about, for most students the appropriate placement is the general education classroom. However, for some students, maybe the IEP team decides that it's not the most appropriate placement option, so maybe the student's going to be pulled out of the regular classroom for a portion of the day. And if that happens, then after going through these questions, the IEP team then has to explain why the student is not receiving a certain part of their instruction in the general education classroom. That would be justified or explained here. And if the student is not going to be receiving all of the general education curriculum, or if certain parts of the general education curriculum are going to be modified, that would be explained in this second box.

Then we get to type of supports. And the first is the amount, which has to do with in a typical school day, what percentage of that typical school day does the child receive special education supports by special education personnel? And it could be itinerant, supplemental, or full-time. The IEP team only checks one of these boxes because this has to deal with all of the supports that are provided to the student in the day.

And next is type of special education supports. You can see them listed there. And one thing to keep in mind is that the law says the student's disability category does not dictate the type of support that they receive. For example, a student might have an autistic spectrum disorder. That doesn't necessarily mean the student has to receive autistic support. A student might have an intellectual disability. That doesn't mean the student has to receive life skill support. So once the child -- the point of this then is to look at the individual needs of the child to determine what are the most appropriate types of support for that individual student's needs.

Okay. Also, the amount of special education supports doesn't have anything to do with where those supports are provided. A student could be receiving full-time special education supports, meaning that they're receiving for 100% of the school day supports by special education personnel, but still be in the general education classroom 100% of the day. This is just about the supports provided to the student, not where those supports are provided.

Okay, then I just want to touch real quickly on the NOREPs. We have time to touch base. When the student is going through the evaluation process, we didn't talk about this, but if the -- I told you that -- or Diane and I both said if the student isn't eligible -- or I'm sorry, if the school asks the parent for permission, their informed written consent to evaluate their child, the parent can say no. If the parent says no, the school can, but is not required to, seek consent override, meaning the school really feels strongly that the student has a disability, wants this evaluation to occur. They can then go to a due

process hearing officer, who would then basically override the parents saying, no, we don't want my child to be evaluated. And that can happen by the due process hearing officer.

Now, that would then require that the evaluation occurs. But then we skip through, we've had the IEP team meeting, we have the NOREP, which is basically telling the parent this is where we are proposing your student is going to be placed to receive special education services. If the parent signs it and returns it to the school, then the school can provide those special education and related services. If the parent does not agree with the child receiving special education and doesn't sign this form, the school cannot move further. So even though a school could override the consent of parents for getting an evaluation, when it comes to actually providing special education services, the school does not have the ability to override the parents saying no. Okay, so that's another piece of this.

AUDIENCE MEMBER: There's no due process for that?

CECIL CROUCH: No. The parent -- or the school cannot go after due process to override the parent's decision to say, no, I don't want my child to receive special education services. I'm going to open it up to questions here, but thank you very much. And even after today, please download the items that are on that supplemental resource. And if you have additional questions, please email Diane. She'll be happy to answer you. And after Tracy goes through and gives the code, we'll answer some questions.