

Module 13

Content of the IEP



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A Product of...

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NICHCY is here for you.

This training curriculum is designed and produced by NICHCY, the National Dissemination Center for Children with Disabilities, at the request of our funder, the Office of Special Education Programs (OSEP) at the U.S. Department of Education.

We have a tremendous amount of information available on our Web site, in our library, and in the combined expertise of our staff. Please feel free to contact NICHCY for the latest information and connections in research and disabilities. We'd also love for you to visit our Web site and help yourself to all that's there.

Background and Discussion

This module is part of a training package on the 2004 Amendments to the Individuals with Disabilities Education Act (IDEA), developed by NICHCY for the Office of Special Education Programs at the U.S. Department of Education. The training curriculum is entitled *Building the Legacy*; this module is entitled *Content of the IEP*.

Introduction

Under the 2004 reauthorization of IDEA, as with previous reauthorizations, each public school child with a disability who receives special education and related services must have an individualized education program (IEP). This requirement also applies to each child with a disability who is placed in (or referred to) a private school or facility by a public agency.

The process of developing this vital document is the subject of many of IDEA's provisions and, as such, is of great interest and importance to educators, administrators, and families alike. It also presents trainers with an enormous topic to address across the broadest of audiences.

To help you do this, we've divided training on the IEP (both document and process) into several parts within this curriculum—covering the basics of the IEP process and document and IEP “special” topics. There are five modules under the umbrella topic of **Theme D, Individualized Education Programs**, as follows:

How This Discussion Section is Organized

As with the other modules in this curriculum, this discussion section is organized by overhead. A thumbnail picture of each overhead is presented, along with brief instructions as to how the slide operates. This is followed by a discussion intended to provide trainers with background information about what's on the slide. Any or all of this information might be appropriate to share with an audience, but that decision is left up to trainers.



You'll note the “*New in IDEA*” icon that periodically appears in these pages as an easy tool for identifying new aspects of the regulations.

- *The IEP Team: Who is a Member?* describes who the law requires participate in developing a child's IEP and what type of information or expertise they might contribute;
- *Content of the IEP* (this module) focuses on IDEA's regulatory provisions for what type of information an IEP must contain;
- *Meetings of the IEP Team* describes what IDEA requires with respect to meetings of the IEP Team and what goes on there;
- *LRE Decision Making* takes a close look at IDEA's least restrictive environment (LRE) provisions and how these affect decisions regarding a child's placement; and
- *Children with Disabilities Enrolled by Their Parents in Private Schools* examines the responsibilities of public agencies to provide equitable services to children with disabilities who have been placed by their parents in private schools.



Trainer's Note

Throughout this training module, all references in the discussion section for a slide are provided at the *end* of that slide's discussion.

Files You'll Need for This Module

Module 13 includes the following components provided in separate files. If you need or want the entire module, be sure to download each of the components in either Word® or PDF format.

- **Trainer's Guide Discussion.**

The discussion text (what you're reading right now) describes how the slides operate and explains the content of each slide, including relevant requirements of the statute signed into law by President George W. Bush in December 2004 and the final regulations for Part B published in August 2006.

The discussion is provided via two PDF files, with the equivalent content also available in one accessible Word file. Here are the files' full names and where to find them on NICHCY's Web site:

PDF of discussion for Slides 1-15
www.nichcy.org/training/13-discussionSlides1-15.pdf

PDF of discussion for Slides 16-end
www.nichcy.org/training/13-discussionSlides16-end.pdf

The entire discussion in an accessible Word® file
www.nichcy.org/training/13-discussion.doc



To launch the PowerPoint presentation, double-click the **PLAY.bat** file.

- **Handouts in English.** The handouts for this module are provided within an integrated package of handouts for the entire umbrella topic of **Theme D, Individualized Education Programs**, which includes five different modules (described above). These handouts are available in both PDF and Word® files as follows:

PDF version of the Handouts.
www.nichcy.org/training/D-handouts.pdf

Word® version of the Handouts, for participants who need an accessible version of the handouts or if you'd like to create large-print or Braille versions:
www.nichcy.org/training/D-handouts.doc

- **PowerPoint® slide show.** NICHCY is pleased to provide a slide show (produced in PowerPoint®) around which trainers can frame their presentations on the information an IEP must contain. Find this presentation at:

www.nichcy.org/training/13slideshow.zip

Important note: You do NOT need the PowerPoint® software to use these slide shows. It's set to display, regardless, because the PowerPoint Viewer® is included. You may be asked to agree to Viewer's licensing terms when you first open the slideshow.



Thanks to the OGC Reviewer of This Module

NICHCY would like to express its appreciation for the hard work, timeliness, and expertise of:

Vanessa Santos, Office of General Counsel, U.S. Department of Education, for her review of this module for its legal sufficiency with the statute and final Part B regulations of IDEA.

Looking for IDEA 2004?

The Statute:

- www.nichcy.org/reauth/PL108-446.pdf
- <http://idea.ed.gov>

Final Part B Regulations:

- www.nichcy.org/reauth/IDEA2004regulations.pdf
 - <http://idea.ed.gov>
-

Finding Specific Sections of the Regulations: 34 CFR

As you read the explanations about the final regulations, you will find references to specific sections, such as §300.173. (The symbol § means “Section.”) These references can be used to locate the precise sections in the federal regulations that address the issue being discussed. In most instances, we’ve also provided the verbatim text of the IDEA regulations so that you don’t have to go looking for them.

The final Part B regulations are codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It’s not unusual to see references to specific sections of IDEA’s regulations include this—such as 34 CFR §300.173. We have omitted the 34 CFR in this training curriculum for ease of reading.

Citing the Regulations in This Training Curriculum

You’ll be seeing a lot of citations in this module—and all the other modules, too!—that look like this: 71 Fed. Reg. at 46738.

This means that whatever is being quoted may be found in the *Federal Register* published on August 14, 2006—Volume 71, Number 156, to be precise. The number at the end of the citation (in our example, 46738) refers to the page number on which the quotation appears in that volume. Where can you find Volume 71 of the *Federal Register*? NICHCY is pleased to offer it online at:

www.nichcy.org/reauth/IDEA2004regulations.pdf



How to Operate the Slide:

Slide loads with this view. No clicks needed except to advance to the next slide.

CLICK to advance to next slide.

Use this slide to introduce your audience to what this training will be about: The type of information that IDEA requires be included in the IEP of every child with disabilities receiving special education and related services under Part B of the law and its implementing regulations.¹

¹ Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540 (August 14, 2006) (at 34 CFR pt. 300). Available online at:

- www.nichcy.org/reauth/IDEA2004regulations.pdf
- <http://idea.ed.gov>

Starting View

The slide opens with this view—a steady but manageable flow of water, an analogy for why Theme D on the IEP (a huge topic) has been broken into several modules of more manageable size.



The IEP series...

- IEP Team
- **Content of the IEP**
- Meetings of IEP Team
- LRE Decision Making
- Children with Disabilities Enrolled by Their Parents in Private Schools

Click 1

Click 1:
The focus of this module in the IEP series appears.

This module looks at...

- What information must be provided in an IEP, as listed in Part B regulations



The IEP series...

- IEP Team
- **Content of the IEP**
- Meetings of IEP Team
- LRE Decision Making
- Children with Disabilities Enrolled by Their Parents in Private Schools

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



This slide is a pre-organizer for the audience as to what they're going to hear and discuss.

The slide first identifies the fact that this module is one of five modules in a series on **Individualized Education Program (IEPs)**—*Building the Legacy's Theme D*. The opening photo of a steady flow of water out of a spout, juxtaposed with the titles of the five modules in the series on the IEP, is intended to convey that the IEP is such an enormous topic, it's been broken apart in this training curriculum into separate mini-topics of more manageable size and length.

Second, the slide shows *which* aspect of the IEP process this training is going to focus on—the *Content of the IEP*—and where the module fits in the series (it's the second one). It's important that the audience recognize that, while the module stands alone, it presents only part of the information that's important to know about the IEP. The list of other modules in the IEP series give the briefest glimmer of what other content is central to IEPs.

Getting Started

If this is the first time you've presented to this audience, ask participants if they've received training in any of these other IEP modules. To activate prior knowledge of participants, as you are reviewing the agenda with your audience, ask for a quick listing of individual IEP components. Depending upon the group's level of experience,

you can anticipate hearing such things as:

- present levels,
- goals and objectives,
- benchmarks,
- related services,
- testing accommodations,
- alternate assessment,
- resource room,
- LRE, or
- transition planning.

If you have a very quiet or inexperienced group, you can offer up some of these items yourself—with a qualifying statement that these common IEP items represent *a mere handful* of everything that goes into the IEP.

It will be a significant challenge to adequately cover the vast amount of information contained in this topic, especially if you only have a brief period of time allotted to this training session. To assist you and your participants, the handout materials are structured to move everyone sequentially and smoothly through the content, from points A to Z, so that

everyone arrives at the final destination at the same time!

Theme D, Among Other Themes

As mentioned above, this slide is intended to make the audience aware that this module is just one of five in *Building the Legacy's Theme D, Individualized Education Programs (IEPs)*. Just as this module exists within a series, Theme D exists within a curriculum of multiple themes. And those themes represents critical components and organizing elements within IDEA. You may wish to make participants aware that there are other themes around which important IDEA-related issues can be (and are!) meaningfully grouped. A list of themes and corresponding modules in this training curriculum is provided in the box on the next page. If participants want to learn more on their own (or share information with their family or colleagues), they're welcome to visit NICHCY's Web site and download any and all modules they wish.

Themes and Modules in *Building the Legacy*

Theme A—Welcome to IDEA

- 1: Top 10 Basics of Special Education
- 2: Key Changes in IDEA

Theme B—IDEA and General Education

- *3: NCLB in Brief
- *4: Statewide and Districtwide Assessments
- 5: Disproportionality & Overrepresentation
- 6: Early Intervening Services and Response to Intervention
- 7: Highly Qualified Teachers
- 8: NIMAS

Theme C—Evaluating Children for Disability

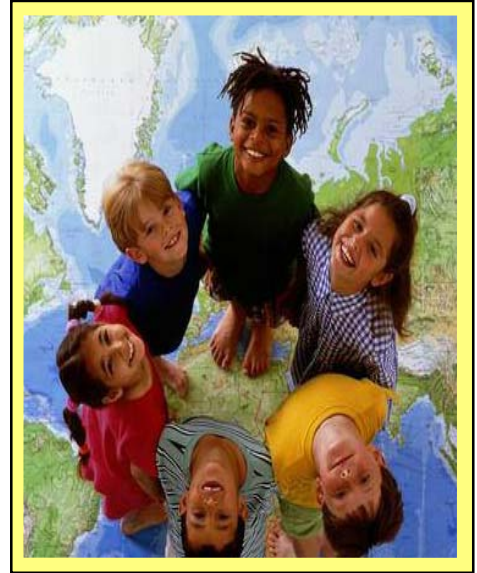
- 9: Introduction to Evaluation
- 10: Initial Evaluation and Reevaluation
- 11: Identification of Children with Specific Learning Disabilities

Theme D—Individualized Education Programs

- 12: IEP Team: Who's a Member?
- 13: Content of the IEP
- 14: Meetings of the IEP Team
- 15: LRE Decision Making
- 16: Children with Disabilities Placed by Their Parents in Private Schools

Theme E—Procedural Safeguards

- 17: Introduction to Procedural Safeguards
- 18: Options for Dispute Resolution
- 19: Key Issues in Discipline



Available online at:
www.nichcy.org/training/contents.asp

** This module is temporarily on hold, pending reauthorization of NCLB.*

Starting View

Part 1. The Big Picture

Before the IEP



After the IEP



Here's the starting view, "Before the IEP" and "After the IEP."


The slide will change *automatically* to the view below (you don't need to do anything but watch!). The picture of the blueprint is accompanied by the text "*The IEP*."

Part 1. The Big Picture



Auto-Loads

CLICK to advance to next slide.

(discussion on next page) 



This module is divided into three parts:

- Part 1: The Big Picture
- Part 2: A Concrete Example
- Part 3: A Close Look at the IEP

Here's the first slide in Part 1, the Big Picture.

Before diving into the specifics of what must be included in an IEP, it's important for your participants to have a look at the "Big Picture" of the IEP—its purposes, how it serves as a blueprint for the child's special education and related services under IDEA, and much more.

This slide, and the next several slides, are intended to paint that Big Picture, especially emphasizing the importance to the child with a disability of having access

to and involvement in the general education curriculum and in extracurricular and non-academic activities.

The Big Picture will be examined through the metaphor of construction—the tools and processes involved in building something substantial. This slide contrasts the "before the IEP" with the very beginning of the construction process and the "after the IEP" with the finished product. The IEP process and document are intended to carry the construction of an appropriate educational program for the child with a disability from the "nothing but readiness" first picture to the completed building in the second picture.

Starting View

Part 1. The Big Picture



*Access to and
participation in...*

General Education
Curriculum

← The slide opens with this view. The lead-in phrase, "Access to and participation in..." is completed by "General Education Curriculum."

Part 1. The Big Picture

Click 1



*Access to and
participation in...*

General Education
Curriculum



Extracurricular
Activities

← Click 1:
Now this ending to the lead-in phrase is added—"Extracurricular Activities."

(continued on next page) ➡

Part 1. The Big Picture



General Education Curriculum

Access to and participation in...



Extracurricular Activities

Nonacademic Activities

Click 2

Click 2:
Now *this* ending to the lead-in phrase appears—"Nonacademic Activities."

CLICK again to advance to next slide.

Slide 4: Background and Discussion

2 Clicks

Slide 4 identifies the broad areas to be considered by the IEP Team when constructing an appropriate educational program for a child with a disability:

- the general education curriculum,
- extracurricular activities, and
- nonacademic activities.

As will be discussed in more detail in upcoming slides, the emphasis that IDEA places upon involving children with disabilities in the general education curriculum is relatively new—it first appeared in the 1997 Amendments to IDEA—and has been strengthened further in 2004 Amendments. As we will see in this module, IDEA now includes specific provisions

extending the importance of a child's access to extracurricular activities and nonacademic activities.

These three areas, then, form the Big Picture of a child's access to, and participation in, experiences that characterize children's educational life. Participants will hear much more about these elements as the training moves into looking at the specific content of the IEP. For now, this slide lays the foundation for those later discussions and establishes familiarity with this terminology, which is woven through IDEA's regulations for content of the IEP.

Discussing the Slide

The slide displays three broad components of student life: the general education curriculum, extracurricular activities, and nonacademic activities. As each component comes up on the slide, talk with participants about the scope of that component to flesh out the Big Picture beyond the terminology.

What, for example, is the "general education curriculum?" Why is it important for children with disabilities to be involved in that curriculum?

Can participants name some “extracurricular activities?” How about “nonacademic activities?” These terms are defined within IDEA, as discussed under Slide 7, but for now just focus on activating participants’ knowledge of these terms and using the flip chart to record *their* examples.

Some examples you can use to prime the discussion are shown at the right.



General Education Curriculum

The subject matter provided to children without disabilities and the associated skills they are expected to develop and apply.

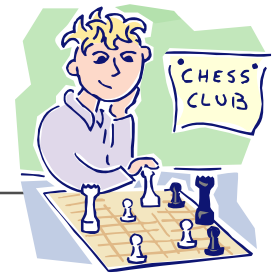
Examples: math, science, history, language arts.

Extracurricular Activities and Nonacademic Activities

School activities that fall outside the realm of the general curriculum.

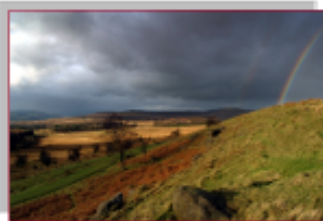
These are usually voluntary and tend to be more social than academic. They typically involve others of the same age and may be organized and guided by teachers or other school personnel.

Examples: yearbook, school newspaper, school sports, school clubs, lunch, recess, band, pep rallies, assemblies, field trips, after-school programs, recreational clubs.



Part 1. The Big Picture

A building needs...

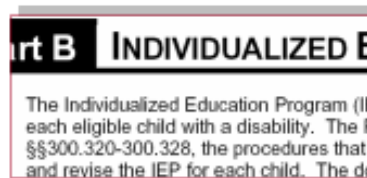


A Setting

A child with a disability needs...



A Plan



Slide loads fully. No clicks are needed except to advance to the next slide.

CLICK to advance to next slide.

Continuing with the construction theme, this slide draws direct analogies between how you go about building a building and how schools and parents are to go about building an appropriate educational program, via the IEP, for a child with a disability.

This slide visually points out that the “setting” for a child with a disability is “school” in this case, with an emphasis upon academics, as can be seen by the pictured child looking in a dictionary, pencil in her teeth.

As the bottom set of pictures show, the IEP can be understood as the blueprint, or plan, for a child’s special education experience.

More such comparisons are provided on the next slide.

Trainer Note

The picture on the bottom right of the slide shows a partially cut-off title on a piece of paper. The full unseen title reads, “Part B Individualized Education Program.”

The piece of paper being shown is actually the Model Form for an “Individualized Education Program” that the 2004 Amendments to IDEA required the Secretary of Education to develop and widely disseminate [section 617(e) of Public Law 108-446, codified at 20 U.S.C. 1417(e)]. Find the Department’s Model IEP Form online at: <http://idea.ed.gov/static/modelForms>



Starting View

Part 1. The Big Picture

A building needs...



A construction crew

A child with a disability needs...



The slide opens with this view, referring to the role that a “construction crew” plays in putting up a building or addressing the needs of a child with a disability (e.g., the IEP Team).

Part 1. The Big Picture

Click 1

A building needs...

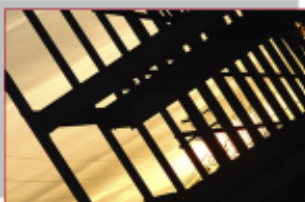


A construction crew

A child with a disability needs...



Systematic supports



Click 1:
The analogy to “systematic supports” appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



Here's an opportunity to briefly go over the IEP Team with your audience. Can they guess who the group is that's represented here as "the construction crew" for a child with a disability? Can they name the various members of the IEP Team and what type of contribution each might make to the planning of an appropriate educational program for the child?

Similarly discuss "systematic supports." In a building, those would be the internal beams shown in the picture. For a child with a disability, systematic supports come in many forms:

- special education,
- related services,
- supplementary aids and services,
- assistive technology, and
- so on.

Ask for contributions from the audience, and make a list of what might be considered "supports" to the child with a disability in order that that child might have access to, and participate in....what? Does the audience immediately think of the three areas just highlighted: general education curriculum, extracurricular activities, and nonacademic activities?

If not, make sure you point this out. And discuss the implications of the word "systematic." Why must the supports provided to children with disabilities be systematic? How is the school system involved?

Part 1. The Big Picture

Foundation

FAPE

Supports

Special education
Related servicesReinforced
materialsSupplementary aids
and services
Assistive technology

Quality work

Highly qualified
personnel

Slide loads with this first line, connecting the concept of a building's "foundation" to FAPE.

Clicks 1-3:
Each click brings up a new analogy between buildings and special education in the school lives of children with disabilities.

CLICK to advance to next slide.

Slide 7: Background and Discussion

3 Clicks



This final slide of the Big Picture serves as both a summary of the construction analogy and an opportunity to introduce some extremely central concepts in special education:

- the meaning and intent of a free appropriate public education (FAPE);
- how IDEA defines special education and related services;
- its definition for supplementary aids and services;
- its definition of assistive technology (AT); and

- how supplementary aids and services and AT may be essential to reinforce the educational access of a child with a disability.

The handouts for participants include how these key terms are defined within IDEA. Refer participants to **Handout D-6**.

Building Understanding of the Big Picture

Depending on the experience and prior knowledge of your audience, you may wish to devote some time to the content suggested on this slide. Doing so

will provide participants with a solid foundation upon which to consider the individual elements of an IEP (addressed in Part 3 of this module) without taking those individual elements out of the context in which they truly exist: the Big Picture we're spending so much time considering. We strongly recommend that you take the time necessary to build this foundation before diving into the actual components of the IEP.

The upcoming discussion is divided into the following topics:

- FAPE
- Special education
- Related services
- Supplementary aids and services
- Assistive technology

At a glance, you can see that we're going to cover a lot of ground here before we move on to Slide 8. These topics are also some of the biggest pieces from which the Big Picture of special education is built. So let's plunge in. You'll need both **Handouts D-5 and D-6**.

Identifying Needed Handouts

Handout D-5 is the opening activity sheet for this module and will help participants keep track of where various key terms are defined or addressed in the regulations. **Handout D-6** provides those terms and definitions. Understanding these will more fully inform participants on the IEP development process and the content of the IEP, as the terms in operation and the concepts behind them are integral parts of the bricks and mortar of the IEP.

Indicate to the audience that the next hour or so will be devoted to looking at key IDEA terms. Refer them to **Handout D-5**, which they will use throughout the discussion to take notes and record specific details of these terms. The handout instructs participants to write down where, in the final

Part B regulations for IDEA, the terms are defined, as well as what handout in their packet provides those regulations. The activity of noting these locations is intended to give participants a roadmap they can walk away with and refer to later when involved in developing an IEP for a child with a disability. The activity sheet will give them a handy and efficient way to find key IEP-related definitions within IDEA.

A note about Handout D-5: Participants won't complete this handout all at once. It's meant to be filled in across the first part of this training, when you're looking at the Big Picture of the IEP. The upcoming slide discussions all include a note to the trainer to guide participants to complete a specific cell in the table on **Handout D-5**.

However, if you organize this training differently and skip lengthier discussion of the various terms and concepts (e.g., FAPE, special education, related services), then you may still send participants home with a handy reference to the regulations and the key terms. Have them work

in pairs to fill in what they can of **Handout D-5**, using **Handout D-6** as their source of information (D-6 provides most of the definitional regulations for the terms/concepts listed in D-5). This will familiarize them with the key terms/concepts (at least where they can be found in the regulations!) and orient them to important elements in the Big Picture of special education.

Focusing on FAPE

FAPE is the fundamental core of the IDEA and the IEP. The acronym stands for free appropriate public education. Conceptually, FAPE is both the goal and the path to reaching the goal. FAPE is the entitlement of a child with a disability, as IDEA defines that term, and the IEP is the means by which this entitlement is mapped out. In terms of developing or building an IEP, the foundation is FAPE, and the apex is FAPE.

The definition of FAPE found at §300.17 and on **Handout D-6** is provided in the box below.

§300.17 Free appropriate public education.

Free appropriate public education or FAPE means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.320 through 300.324.



Have participants find the definition on **Handout D-6** and have a look. While they're so engaged, they should also fill in the two cells on the activity sheet (**Handout D-5**) as to where FAPE is defined in the regulations and on which handout this definition appears.

If you break the definition down, you'll see there are six components. In common-speak language, FAPE is:

1. special education and related services;
2. free to families, provided at public expense;
3. supervised and directed by a public agency via State and local education agencies (LEAs) (e.g., public schools);
4. based on the standards of the State education agency (SEA) (e.g., the State's general *and* special education standards and regulations);
5. provided in an appropriate preschool, elementary school, or secondary school in the applicable State; and
6. provided in accordance with an appropriately developed IEP.

What is not immediately clear about FAPE but what is true nonetheless is that, for each child with a disability, FAPE is different. While each child's

education must be free to him or her and while a public agency provides and pays for that education, what is "appropriate" for one child will not necessarily be appropriate for another. Defining what is appropriate for a specific child requires a process of discovery that begins with an individualized evaluation of that child, where his or her areas of strength and weakness are identified in as much detail as possible. It's also important that the evaluation provide information relative to the child's participation in the general curriculum and a number of other factors. Thus, it is through evaluation that information is gathered to illuminate the dimensions of an "appropriate" education for a given child.

A thorough discussion of evaluation under IDEA is beyond the scope of this module on the IEP. We refer you to Module 11, *Initial Evaluation and Reevaluation*, for more details about the evaluation process. Let us return to the topic of FAPE.

State's Obligation to Make FAPE Available

In addition to defining FAPE, the IDEA also specifies the scope of a State's obligation to make FAPE available to eligible children with disabilities within the State. The relevant provisions come from §§300.101 and 300.102, are shown in their entirety on the next page for your convenience, and concern the age range of children for whom FAPE must be made available and exceptions to the State's obligations to make FAPE available. This is reflected on **Handout D-5** (the activity sheet) as "FAPE: Age Ranges." When

you discuss this element of importance, have participants fill in the corresponding cells on **Handout D-5**.

The salient points you'll want to convey to your audience from these sections of the regulations are:

- FAPE must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, in accordance with §300.530(d).
 - FAPE may be provided to a three-year-old child via an IEP or an IFSP.
 - FAPE must be made available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.
- Exceptions or limitations to a State's obligation to provide FAPE include:
- FAPE does not apply to children ages 3, 4, 5, 18, 19, 20, or 21 in a State that does not require the provision of general public education to nondisabled children of these ages.



continued on page 13-22 —————→

§300.101 Free appropriate public education (FAPE).

(a) *General.* A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d).

(b) *FAPE for children beginning at age 3.* (1) Each State must ensure that—

(i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and

(ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

(c) *Children advancing from grade to grade.* (1) Each State must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

(2) The determination that a child described in paragraph (a) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.

§300.102 Limitation—exception to FAPE for certain ages.

(a) *General.* The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:

(1) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children of those ages.

(2)(i) Children aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the

Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility—

(A) Were not actually identified as being a child with a disability under §300.8; and

(B) Did not have an IEP under Part B of the Act.

(ii) The exception in paragraph (a)(2)(i) of this section does not apply to children with disabilities, aged 18 through 21, who—

(A) Had been identified as a child with a disability under §300.8 and had received services in accordance with an IEP, but who left school prior to their incarceration; or

(B) Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability under §300.8.

(3)(i) Children with disabilities who have graduated from high school with a regular high school diploma.

(ii) The exception in paragraph (a)(3)(i) of this section does not apply to children who have graduated from high school but have not been awarded a regular high school diploma.

(iii) Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.

(iv) As used in paragraphs (a)(3)(i) through (a)(3)(iii) of this section, the term *regular high school diploma* does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED).

(4) Children with disabilities who are eligible under subpart H of this part, but who receive early intervention services under Part C of the Act.

(b) *Documents relating to exceptions.* The State must assure that the information it has provided to the Secretary regarding the exceptions in paragraph (a) of this section, as required by §300.700 (for purposes of making grants to States under this part), is current and accurate.

- Further exceptions apply to children aged 18 through 21 who become incarcerated but were not previously identified as being a child with a disability and do not have an IEP.
- Children who graduate with a regular high school diploma.

Although much more could be said about FAPE, the primary FAPE components to emphasize in this IEP module are *special education* and *related services*. These pertain directly to IEP development, as we shall see.

Focusing on Special Education



How do we make real connections from “FAPE: The Foundation” to “FAPE: The Apex?” Through the IEP. What holds up the IEP? What gives it form and substance? Both FAPE and the IEP are supported by special education and related services. And what is the meaning of “special education” and “related services?”

It may seem contradictory, yet the definition of *special education* is both broad and specific. Let’s break it down and examine it. Refer participants to their activity sheet (**Handout D-5**) to fill in the needed cells on “special education” and to **Handout D-6**, where the regulatory definition of special education appears. For your convenience, that definition appears in the box on this page.

§300.39 Special education.

(a) *General.* (1) *Special education* means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

(2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

(b) *Individual special education terms defined.* The terms in this definition are defined as follows:

(1) *At no cost* means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) *Physical education* means—

(i) The development of—

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) *Specially designed instruction* means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child’s disability; and

(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) *Travel training* means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) *Vocational education* means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

If you break the definition down, you'll see there are key points to be highlighted with your audience. For example:

Special education:

- is specially designed instruction to meet the unique needs of a child with a disability;
- can take place in a number of different settings, including classrooms, homes, hospitals, or other institutions; and
- includes P.E., travel training, and vocational education.

Special education can also include:

- speech-language pathology services, or
- any other related service, *if* the service is considered special education rather than a related service by the State.

Included in §300.39 are additional definitions for some of the terms specifically used to define special education. The definition for *specially designed instruction* is of particular significance as it relates to what is “special” about special education. It’s:

- instruction that is especially adapted, as appropriate, in content, methodology, or delivery,
- designed to meet the unique needs of the child,
- designed to ensure the child’s access to the general curriculum.

Talk briefly with participants about how special education is *defined* in IDEA’s regulations and how it is *provided* in their locale.

In what settings, for example, do most children receive their special education services (e.g., general education classrooms, separate classrooms or pull-out programs, hospitals, homes)? What types of modifications in instruction can participants describe? Is travel training part of the special education services provided? How about vocational education?

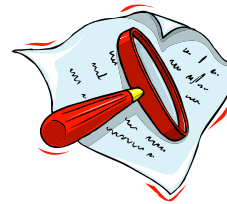
Focusing on Related Services

The term “related services” so often appears with the term “special education” that the phrase “special education and related services” is akin to other phrases we use to describe things that naturally go together: ham and eggs, peas and carrots, Bonnie and Clyde, to name a few.

But what are related services, and how does an IEP Team determine what related services a child with a disability needs? This is critical information for participants, because the related services a child is determined to need must be listed in that child’s IEP developed and provided by the public agency.

The definition of related services appears at §300.34 (and on **Handout D-6**) and is notably lengthy. It has three parts:

- the general definition of related services, which is essentially a list;
- exceptions; and
- the individual definitions of each related service.



We’ve provided the first and second parts (the general definition and the exceptions) in a box on the next page; **Handout D-6** provides the entire definition, including how each individual related service is defined in the regulations.

The “exception” at §300.34(b) regarding surgically implanted devices is new to IDEA and generated many public comments and questions when proposed regulations were published in June 2005. While the extensive discussion of these comments and questions in the Analysis of Comments and Changes is both interesting and informative, it is beyond the immediate scope of this module on *Content of the IEP*.



To give trainers flexibility in addressing the needs of their audience, however, we’ve included the Department’s comments in their entirety in the separate **Resources for Trainers** under Theme D (see **Resource D-1** in D-resources.doc or D-resource.pdf). For audiences concerned with the scope of a public agency’s responsibility with respect to services provided to children with surgically implanted devices—especially cochlear implants—the Department’s comments are extremely relevant and can easily be shared by photocopying and sharing **Resource D-1**. Other examples of *surgically implanted devices* that you may want to mention for participants’ reference include: insulin pump, baclofen pump, pacemaker, G-tube, and vagus nerve stimulator device.

Determining What Related Services a Child Needs

The evaluation process is intended to provide decision makers with the information they need to determine: (a) if the child has a disability and by reason thereof needs special education and related services, and, if so, (b) an appropriate educational program for the child. It also allows them to identify the related services a child will need. You'll recall that the law requires a child to be assessed in all areas related to his or her suspected disability. Using the data gathered during evaluation, the IEP Team can make determinations as to what related services the child needs in order to benefit from special education.

It is important to recognize that each child with a disability may not require all of the available types of related services—and that the list of services in IDEA is not considered exhaustive. In the Analysis of Comments and Changes is the following discussion concerning related services:

§300.34(a) and §602(26) of the Act state that related services include other supportive services that are required to assist a child with a disability to benefit from special education. We believe this clearly conveys that the list of services in §300.34 is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a

child with a disability to benefit from special education...

Consistent with §§300.320 through 300.328, each child's IEP Team, which includes the child's parent along with school officials, determines the instruction and services that are needed for an individual child to receive FAPE. In all cases concerning related services, the IEP Team's determination about appropriate services must be reflected in the child's IEP, and those listed services must be provided in accordance with the IEP at public expense and at no cost to the parents. Nothing in the Act or in the definition of related

§300.34 Related services.

(a) *General.* *Related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

(b) *Exception; services that apply to children with surgically implanted devices, including cochlear implants.*

(1) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

(2) Nothing in paragraph (b)(1) of this section—

(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE.

(ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

(iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in §300.113(b).



services requires the provision of a related service to a child unless the child's IEP Team has determined that the related service is required in order for the child to benefit from special education and has included that service in the child's IEP. (71 Fed. Reg. at 46569)

The Meaning of "Include"

The list of related services in IDEA is not the only non-exhaustive list you'll find in the regulations. Let's take a little side trip and discuss the word "include."

Has anyone noticed this word popping up? Where do you see it in the regulations? Is it used a lot? A little? Let's take five minutes, and have some fun with the second activity sheet in the handouts, **Handout D-7**.

Additional Training on Related Services

The presentation of information about related services here is only a small part of the topic. Much additional information is available in Module 1, "Top 10 Basics of Special Education," available online at: www.nichcy.org/training/contents.asp

In that module, the individual related services and their definitions are addressed, as are the changes in these brought about in the 2004 Amendments to IDEA. Rather than repeat that information here and create a training on the IEP that lasts into the next millennium, we've chosen to narrow the treatment of related services to a brief overview, while making sure that

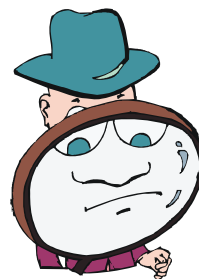
§300.42 Supplementary aids and services.

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.

participants are aware of, and possess, the complete regulatory definitions as a handout. If you'd like to expand the training you offer here on related services to include an examination of the individual services themselves, consult the information and materials in Module 1.

Focusing on Supplementary Aids and Services

Supplementary aids and services offer valuable tools for improving student access to learning and their participation across the spectrum of academic, extracurricular, and nonacademic activities and settings. IEP Teams will want to consider carefully which of these supportive aids and services to include in the IEP and provide to the child. The definition given in the box on this page, though small, is mighty! Have participants make note of this definition on **Handout D-5**, the worksheet for tracking key definitions related to IEP content and the Big Picture.



This language makes clear that the use of supplementary aids and services can be/are provided within traditional education/academic classes and other settings *and* in extracurricular and nonacademic activities/settings. This latter element—"...in extracurricular and nonacademic setting"—



is new to IDEA. Consistent with the inclusive nature of the legislation, the final Part B regulations have added this phrase to the definition of supplementary aids and services and, thus, enlarged the scope of where supplementary aids and services must be provided, as appropriate to the child's needs.

What are some of the settings and services we're talking about? IDEA's definition of supplementary aids and supports is critical, but what are actual examples from the field? And what is IDEA referring to at §§300.114 through 300.116?

To answer, we'd like to move backwards through these questions, beginning with IDEA's provisions at §§300.114 through 300.116.

Placement and IDEA's LRE Provisions

The provisions mentioned in the definition of supplementary aids and services are IDEA's requirements for:

- least restrictive environment (LRE) (§300.114);
- the continuum of alternative placements (§300.115); and
- placements (§300.116).

All of these appear on **Hand-out D-8**. Have participants take note of these, recording the location information on **Hand-out D-5** again. As a group look at the definition of LRE at §300.114 and highlight the term “supplementary aids and services” within it. For your easy reference, §300.114(a)(2) reads:

Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is *such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily* [emphasis added].



IDEA clearly has a strong preference for educating children with disabilities within the regular educational environment. While a continuum of alternative placements must be available to ensure that children receive their special education and related services in the environment appropriate to their needs, the LRE provisions above make it clear that supplementary aids and services are often a critical element in supporting the education of children with disabilities in regular classes.

LRE is a central tenet of IDEA and has been so since the law's earliest days. That is why it is addressed as part of Module 1, *Top 10 Basics of Special Education*, and why it has an entire module devoted to it—Module 15, *LRE Decision Making*. It's beyond the scope of the current module to delve into LRE as deeply and thoroughly as it deserves. We refer you to Module 15 in particular for the role that IDEA's LRE provisions play in determining a child's placement. The brief look we've taken here is intended to highlight the role that supplementary aids and services can play in improving a child's access to, and participation in, learning and school activities.

Examples from the Field

The definition of “supplementary aids and services” was new in the 1997 Amendments to IDEA. Since then, the field has fleshed out the definition through practice. Numerous States have developed IEP guides that include both the regulatory definition of “supplementary aids and services” and examples to guide IEP Teams in their considerations of what a child might need. Here are some examples that the New Mexico Public Education Department¹ provides online that you may find illuminating:

- Supports to address *environmental needs* (e.g., preferential seating; planned seating on the bus, in the classroom, at lunch, in the auditorium, and in other locations; altered physical room arrangement);
- Levels of *staff support needed* (e.g., consultation, stop-in support, classroom companion, one-on-one assistance; type of personnel support: behavior specialist, health care assistant, instructional support assistant);
- *Planning time* for collaboration needed by staff;
- Child's *specialized equipment needs* (e.g., wheelchair, computer, software, voice synthesizer, augmentative communication device, utensils/cups/plates, restroom equipment);
- *Pacing of instruction needed* (e.g., breaks, more time, home set of materials);
- *Presentation of subject matter needed* (e.g., taped lectures, sign language, primary lan-

guage, paired reading and writing);

- *Materials* needed (e.g., scanned tests and notes into computer, shared note-taking, large print or Braille, assistive technology);
- *Assignment modification* needed (e.g., shorter assignments, taped lessons, instructions broken down into steps, allow student to record or type assignment);
- *Self-management* and/or follow-through needed (e.g., student calendars, teach study skills);
- *Testing adaptations* needed (e.g., read test to child, modify format, extend time);
- Social interaction support needed (e.g., provide Circle of Friends, use cooperative learning groups, teach social skills); and
- Training needed for personnel.

Settings and Services

As said above, considering the supplementary aids and supports that a child with a disability needs should take into account the academic, extracurricular, and nonacademic environments available to, and of interest to, the child. Two related sets of provisions within IDEA are helpful in defining the range of settings and services to consider: *nonacademic services* and *nonacademic settings*. Key provisions in IDEA related to these terms are provided in the box on this page.

Note that both of these provisions directly reference

supplementary aids and services as an often-appropriate and necessary element in providing children with disabilities the opportunity to participate in nonacademic and extracurricular services and activities. Earlier in this module (under Slide 4), you may have had participants generate a list of extracurricular/nonacademic settings and activities from their own personal and professional understanding or knowledge base. How well does that list match IDEA's at §300.107(b)? You may wish to bring that earlier list up for review, adding to it or deleting from it, as appropriate.

§300.107 Nonacademic services.

The State must ensure the following:

(a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

(b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

§300.117 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in non-academic settings.

Participants should also fill in the appropriate cells on **Handout D-5**.

NIMAS

A new and exciting addition to IDEA is the requirement regarding access to instructional materials for blind or other persons with print disabilities, in accordance with the National Instructional Materials Accessibility Standard (NIMAS). A separate module is devoted entirely to the NIMAS provisions (see Module 8), so the topic will not be covered here. However, it



does bear mentioning; access to instructional materials for children who are blind or have other print disabilities is relevant to both discussion of supplementary aids and services and access to the general curriculum. For reference, two relevant NIMAS-related sections from the regulations are included on **Handout D-8**: access to instructional materials, at §300.172, and purchase of instructional materials, at §300.210.

Concluding Words

A fair amount of time and space has been devoted to this discussion of supplementary aids and services. For many children with disabilities, these are pivotal elements to participation in school-related settings, activities, and learning opportunities. The Department's comments in the Analysis of Comments and Changes summarize the role that supplementary aids and services can play in a child's school life:

The Act places great emphasis on ensuring that children with disabilities are educated, to the maximum extent appropriate, with children who are nondisabled and are included in nonacademic and extracurricular services and activities as appropriate to the needs of the child. We believe the public agency has an obligation to provide a child with a disability with appropriate aids, services, and other supports, as determined by the IEP Team, if necessary to ensure the child's participation in nonacademic and extracurricular services and activities. Therefore, we will

clarify in §300.117 that each public agency must ensure that children with disabilities have the supplementary aids and services determined necessary by the child's IEP Team for the child to participate in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of that child. (71 Fed. Reg. at 46589)

Focusing on Assistive Technology



Focusing on IDEA and assistive technology (AT) and considering the two sets of Part B provisions in the box below, you'll immediately see that IDEA divides the subject into two parts, each with its own definition: *AT device* and *AT service*.

§300.5 Assistive technology device.

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

§300.6 Assistive technology service.

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

Clearly, AT for children goes far beyond giving an assistive device to a child and hoping for the best. Schools' responsibilities are especially comprehensive, and include such aspects as evaluating the child's need for AT; acquiring AT; fitting, maintaining, and/or replacing devices; coordinating and integrating a child's use of AT across settings and activities; and providing training for the child, family, and/or professionals, as needed (including teachers and support staff).

Interestingly, IDEA does not enumerate specific AT devices, only their *purpose*—which is to increase, maintain, or improve the functional capabilities of a child with a disability. This purpose is one of two defining factors in whether or not a device would be considered an AT device under the IDEA, as the following Department comment makes clear:

The definition of assistive technology device does not list specific devices, nor would it be practical or possible to include an exhaustive list of assistive technology devices. Whether an augmentative communication device, playback devices, or other devices could be considered an assistive technology device for a child depends on whether the device is used to increase, maintain, or improve the functional capabilities of a child with a disability, and whether the child's individualized education program (IEP) Team determines that the child needs the device in order to receive a free appropriate public

education (FAPE). (71 Fed. Reg. at 46547)

You may find it helpful to build the discussion of AT atop what was just said about supplementary aids and services. The fact is that AT devices or services can be provided as supplementary aids and services. This is evident at §300.105(a)(3), which is shown in the box below.

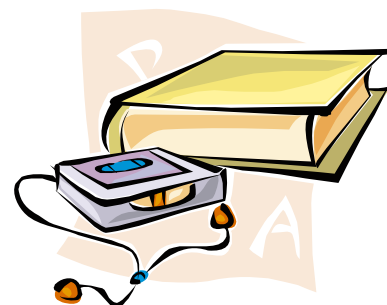
Considering AT for Every Child with a Disability

The question of whether or not a child with a disability needs AT devices or services must be considered for *every* child with a disability, regardless of disability, as part of what IDEA calls "consideration of special factors." The special factors that every IEP Team must consider are found at §300.324(a)(2)(v) and are thoroughly discussed in the next module in this IEP series, *IEP Team Meetings* (Module 14). We won't repeat that information here. Should you want to offer the audience more in-depth training on AT as consid-

ered in the IEP meeting, borrow from Module 14's discussion to augment what's provided below. Especially useful may be the basic fact sheet about AT mentioned in that module: the Family Center on Technology and Disability's (FCTD) *Assistive Technology 101*. The fact sheet is included in this training package as a *Resource for Trainers* for Theme D (our very theme at the moment!)—see **Resource D-7**—and is also available online (along with all of FCTD's fact sheets), at: www.fctd.info/resources/index.php

Pulling The Threads Together

How in the world do you summarize a breadth of information such as we've just examined on this slide? Little old Slide 7 turned out to be a whopper.



§300.105 Assistive technology.

(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's—

- (1) Special education under §300.36;
- (2) Related services under §300.34; or
- (3) Supplementary aids and services under §§300.38 and 300.114(a)(2)(ii).

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

You can either run to Slide 8 (or the hills), or you can take a bit more time and pull together the threads of this discussion via a final Big Picture activity. **Handout D-9** asks participants to consider 12 selected quotes from IDEA's regulations and identify each, using a list of the terms studied across the foregoing discussion (e.g., FAPE, LRE, related services). Give the audience five minutes to complete the activity sheet, then take five minutes more to go over their

answers and ask them to share what specific phrases in each item helped them to identify the appropriate term. Correct answers are provided in the box below.

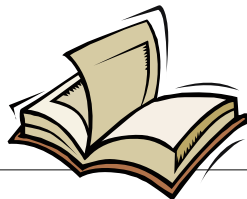
Next Slide: Break Time!

You'll probably want to take a break after this activity or let participants get up and stretch. The next slide gives you an opportunity to do just that. And when you return, it'll be time to

begin Part 2 of this module—looking at a real-life example in the form of Becky. Although short, this part will illustrate how a child's specific needs drive decision making as to what services are appropriate and necessary for that child.

Answers to Handout D-9

- | | |
|------------------------------------|--------------------------|
| 1. FAPE | 7. Core academic subject |
| 2. Assistive technology device | 8. Special education |
| 3. Vocational education | 9. Transition services |
| 4. Assistive technology device | 10. Nonacademic services |
| 5. Related services | 11. Physical education |
| 6. Supplementary aids and services | 12. Nonacademic settings |



¹ From *A Sampling of Supplemental Supports Aids & Services* developed by the New Mexico Public Education Department, available online at: www.ped.state.nm.us/se/library/qtrly.0204.lre.handouts.pdf



Slide loads fully.
No clicks are
needed except to
advance to the
next slide.

CLICK to advance to next slide.

Slide 8 is all about—taking a break! But taking a *meaningful* break, a break that stimulates the mind and muscles, stirs the blood, and reactivates attention.

This slide needs no clicks, it will self-display, showing a series of pictures of people stretching (in their chairs and on their feet). Let the slide display fully (don't click!), then tell your audience that, in a moment, the training is going to move into Part 2 of the module, but not just yet. First everyone has to clear their mind and stretch out the kinks. They can do this sitting down (like two of the pictures show) or get up and reach for the sky on their feet!

Devote at least a minute to this break. Nothing potentially vigorous enough to strain muscles or cause accidents, but movement nonetheless, accom-

panied by deep breaths. Depending on the amount of space available and the dignity and capabilities of the audience, you might have participants:

- raise their hands above their heads, reaching for the sky (or ceiling);
- lower their arms, place their hands on their hips;
- twist gently left, twist right;
- let their arms hang loose;
- touch their left shoulder with their right hand, reverse;
- lift one shoulder toward the ear, then the other;
- roll their shoulders, then their head, loosening up those neck muscles;
- reach for the sky again...

Interesting research exists to suggest the benefits that physical movement can bring to learning—in particular, a break that involves physical movement refreshes the brain, gets the blood flowing, loosens the kinks that develop from sitting in class or training, and releases stress even as it reactivates attention.

When you're ready to proceed with training, click and Part 2 will begin.

Part 2. A Concrete Example



Becky is 7, smart, and eager to learn. She has special health care needs—specifically, juvenile diabetes—that adversely affect her educational performance.

Starting View

Slide loads with this view.

Part 2. A Concrete Example



Becky is 7, smart, and eager to learn. She has special health care needs—specifically, juvenile diabetes—that adversely affect her educational performance.

List 2 critical elements you think Becky will need in school so that her diabetes doesn't interfere with her learning.

Click I

Click 1:
This paragraph appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



Time to apply all that's been said about the Big Picture and the IEP to a real-life example.

This is Becky. As you can see by the text next to her picture, Becky is 7 years old. She has juvenile diabetes, and because of that and how it adversely affects her schooling, Becky is considered a "child with a disability" under the IDEA 2004 and is eligible for special education and related services. But what will that special education and those related services be? What services and supports does Becky need to manage her diabetes in school so it doesn't interfere with her learning?

It will be helpful if you tell the audience a bit about juvenile diabetes, which will shed some light on what types of supports Becky might need in school. Read the April 2005 position statement of the Juvenile Diabetes Research Foundation International, provided in the box at the right.

Given this information, can the audience think of two things Becky's education must include, so that her diabetes remains under control while she's in school and trying to learn? Have them answer this question individually, in pairs, or in the large group (calling out their suggestions). You might put them on a flip chart to compare with the list that comes up on

the next slide. Then move onto the next slide, which looks at "Elements of Becky's IEP."

Management of Diabetes in School

from the
Juvenile Diabetes Research Foundation International¹

All students with type 1 diabetes (juvenile diabetes) need a strong support network at school to help them properly manage their type 1 diabetes on a daily basis as well as in emergency situations.

These children must be allowed to (1) test their blood glucose levels, (2) self-administer insulin, whenever or wherever they happen to be (perhaps even in the classroom), and (3) administer other corrective measures (like taking juice for low sugar levels) immediately. Children under the age of 8 years may need adult support to properly monitor their glucose levels and insulin needs.... Each school should have an adult who is trained for the emergency treatment of hypoglycemia—dangerously low blood glucose. Children must have access to trained adults who are able to recognize the warning signs and symptoms of blood sugar problems and be able to take appropriate action. Special allowances may be needed for test taking and treatment when a child is experiencing either extremely low or high glucose levels.

¹ Juvenile Diabetes Research Foundation International. (2005, April). *JDRF position statement on diabetes management in schools*. Retrieved April 10, 2007, from http://www.jdrf.org/index.cfm?page_id=102093

View I

Elements of Becky's IEP

- Training of staff



Slide loads with this view, Bullet 1 shown.


Elements of Becky's IEP

- Training of staff
- Freedom to eat in class and elsewhere
- School health services
- Specific arrangements for field trips & special events
- Specific arrangements for absences from school

**Clicks 1-4**

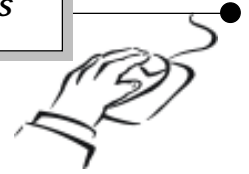
Clicks 1-4:
Each click adds a bullet to the list and changes the picture.

CLICK AGAIN to advance to next slide.

(discussion on next page) 

Slide 10: Background and Discussion

4 Clicks



Each click will bring up one new bullet, itemizing aspects to be included in Becky's IEP. Make sure that you emphasize that these are only SOME of the elements of Becky's IEP. How well did participants predict any of what's listed on the slide? Discuss with the audience each of the items and why it would be important for Becky to have these elements addressed in her IEP.

This slide allows us to see the Big Picture in operation: Which elements address Becky's access to and participation in the "general education curriculum?" How about extracurricular activities? Nonacademic activities? How do these various elements address the needs that arise from her disability?

Slide 11

Part 3: A Close Look at the IEP: Title Slide (*Slide 1 of 20*)

Part 3. A Close Look

*At the bricks
and mortar of an...*



**Individualized
Education
Program!**

Slide loads with this view, introducing Part 3 of the module. No clicks needed except to advance to the next slide.

CLICK to advance to next slide.

OK, it's time to dive into the actual contents of an IEP! This slide signals that transition into the final part of this module, where we'll move step by step, provision by provision, through *Content of the IEP*, as listed in IDEA's final Part B regulations.

IEP Document: What's Included?

View I**1***Statement of the...*

Child's present levels
of **academic achievement**
and **functional performance**

"Present Levels"

Slide loads
with this
view.

IEP Document: What's Included?

Click I**1***Statement of the...*

Child's present levels
of **academic achievement**
and **functional performance**.


"Present Levels"

This includes:

A | how child's disability affects child's involvement
and progress in the general education curriculum

Click 1:
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CLICK AGAIN to advance to next slide.

(discussion on next page) 



Refer participants to **Handout D-10**, which presents IDEA's provisions enumerating the content of an IEP. Starting at §300.320(a)(1), IDEA requires that each IEP must include:

(1) A statement of the child's present levels of academic achievement and functional performance, including—

(i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

This part of the IEP is often referred to simply as the "present levels" statement or as "present levels"—a short term for a much bigger concept that, under the 2004 Amendments to IDEA, has gotten even bigger. Prior to the 2004 Amendments, a child's "present levels" referred to a child's present levels of *educational* performance. Now, in the reauthorized IDEA, the statement of "present levels" must describe "the child's present levels of *academic achievement and functional performance*" [§300.320 (a)(1), emphasis added]. You'll notice that both of these new terms appear on this slide in red, and that's why. This is one of the changes in the IEP brought about by the 2004 Amendments to IDEA.



What's *not* new to IDEA is that the "present levels" statement must also include how the child's disability affects the child's involvement and progress in the general education curriculum—which is the same curriculum as for children without disabilities. These regulations make clear one of the aspects of the Big Picture discussed in Part 1 of this module: IDEA's emphasis on children's access to, and participation in, the general education curriculum. This emphasis was new in the 1997 Amendments to IDEA and is continued and, indeed, strengthened in the 2004 Amendments.

But what does this mean—present levels of academic achievement and functional performance? Let's take a closer look and think about this a moment, because a lot of the other information in the IEP will rise out of this "present levels" statement.

A Closer Look at "Present Levels"

The "present levels" statement is crafted by considering the areas of development in which a child with a disability may need support. These is roughly divided into the two areas of development: academic and functional. Neither of these terms—academic achievement, functional performance—is defined in the regulations. However, both are discussed by the Department in its Analysis of Comments and Changes.



Responding to public comments asking that the terms be defined, the Department states:

"Academic achievement" generally refers to a child's performance in academic areas (e.g., reading or language arts, math, science, and history). We believe the definition could vary depending on a child's circumstance or situation, and therefore, we do not believe a definition of "academic achievement" should be included in these regulations. (71 Fed. Reg. at 46662)

It is not necessary to include a definition of "functional" in these regulations because we believe it is a term that is generally understood to refer to skills or activities that are not considered academic or related to a child's academic achievement. Instead, "functional" is often used in the context of routine activities of everyday living. We do not believe it is necessary to include examples of functional skills in the regulations because the range of functional skills is as varied as the individual needs of children with disabilities. We also decline to include examples of how functional skills are measured because this is a decision that is best left to public agencies, based on

the needs of their children. However, it should be noted that the evaluation procedures used to measure a child's functional skills must meet the same standards as all other evaluation procedures, consistent with §300.304(c)(1). (71 Fed. Reg. at 46661)

Academic achievement: How do we ordinarily interpret that term? If academic achievement generally refers to a "child's performance in academic areas," then we are talking about the academic subjects a child studies in school and the skills the student is expected to master in each: reading and language arts, writing, math and the various skills expected there, science, history, and so on. Recall with participants the definition of "core academic subjects" found at §300.10 and on the first page of **Handout D-6**.

Children's circumstances will vary, as the Department notes, which means that the examination of the child's academic achievement and performance is an *individualized* consideration. Where does that child stand academically, and—a critical question—how does the child's disability affect his or her involvement and progress in the general education curriculum? The "present levels" statement must contain a description that answers these questions.



Functional performance: How do we ordinarily interpret that term? If, as the Department indicates in the quote above, functional performance refers to those activities or skills that are not academic and not related to a child's academic achievement, then we are speaking of the skills and activities of everyday living—daily living skills such as dressing, eating, going to the bathroom; social skills such as making friends and communicating with others; behavior skills, such as knowing how to behave across a range of settings; and mobility skills, such as walking, getting around, going up and down stairs. All of these types of skills are important to consider when writing the child's "present levels" statement. Where does the child stand in terms of functional performance? How does the child's disability affect functional performance and, from there, his or her involvement and progress in the general education curriculum? As with academic achievement, consideration of a child's functional performance is highly *individualized*.

When all is said and done, then, the IEP Team must talk about the impact of the child's disability on his or her ability to learn and do the kinds of things that typical, nondisabled children learn and do. This is the information that is then included in the IEP as the "present levels" statement.



An Example

Examples can be very illustrative, so we have included several below. None is a complete "present levels" statement, of course. These snippets are provided to suggest

the range of information and detail you might find in a "present levels" statement.

- Elise is essentially non-verbal and uses many ways to communicate including: gestures, facial expression, eye gaze, vocalizations, word approximations, head nods for yes, head shakes for no, and use of a Dynavox 3100 augmentative communication device which she accesses with a head switch.
- Lawrence needs a quiet, separate place to do individual work.
- Terri learns quickly when working in a small group.
- Zung understands and remembers what he hears about a subject. Learning by reading or looking at pictures is difficult for him and doesn't work as well.
- Kim imitates other children and learns from them.
- Results of standardized testing using the Woodcock-Johnson Revised (WJ-R) show Mario's basic reading skills are at a beginning-4th grade level (standard score = 89). His basic writing skills are at a 3.7 grade level (standard score = 81).

- David's performance in basic reading and writing is significantly below his ability. David makes errors when he reads and has trouble decoding long words, but his comprehension skills are strong. He uses context cues and picture cues to help him understand what he is reading.¹

Many in the audience may have experience with "present levels" statements, so be sure to ask for input. The more real-life examples that are made available, the clearer the picture of this foundational element of the IEP will be.

Summary

Reproduced on **Handout D-11** is the Department of Education's model IEP form. In the 2004 Amendments to IDEA, Congress required the Department to publish and widely disseminate "model forms" to assist States and school districts. Consistent with the instructions from Congress, the Department developed the model IEP form provided in this handout. Its contents are based upon the requirements set forth in the final Part B regulations. Although States must ensure that school districts include all of the

content that Part B requires for the IEP, States are not required to use the format or specific language reflected in this form. States also may choose to add additional content, so long as any additional content is not inconsistent with Part B requirements.

You may want to direct participants to this form and suggest they use it for adding notes while working through the content of an IEP. Summarize the "present levels" statement before moving on to the next slide, so that the audience can put the model form to immediate use as a note-taking device. Consider capturing in your summary:

- The "present levels" statement is intended to comprehensively describe a child's abilities, performance, strengths, and needs.

- It is based on, and arises out of, all the information and data previously collected and known about the child, most especially the full and individual evaluation of the child that must be conducted in accordance with IDEA's evaluation/eligibility provisions of §§300.301 through 300.311.
- A fully developed, well-written "present levels" is the foundation upon which the rest of the IEP can be developed to specify appropriate goals, services, supports, accommodations, and placement for the child.



¹ Sources for these examples of "present levels" come from:

- Anderson, W., Chitwood, S., & Hayden, D. (1997). *Negotiating the special education maze: A guide for parents and teachers*. (3rd ed.). Bethesda, MD: Woodbine House.
- Rebborn, T. (2002). Developing your child's IEP. *A Parent's Guide*, 12, 1-28. (Available online at: <http://www.nichcy.org/pubs/parent/pa12txt.htm>)

IEP Document: What's Included?

"Present Levels"

B

For preschoolers (as appropriate):

"Present levels" must state how the disability affects the child's participation in appropriate activities



Slide loads completely. No clicks needed except to advance to the next slide.

CLICK to advance to next slide.

Oh, and one more thing about the "present levels" statement. If we're talking about a preschool child, the statement will be a bit different. In this circumstance, "present levels" won't be talking about how the preschooler's disability affects his or her participation in the general education curriculum. For preschoolers, the statement needs to talk about how the disability affects the child's participation in *appropriate* activities—meaning preschool activities. Those are often different than what school-age children are involved in and include things like learning basic skills such as using scissors, coloring, grouping things, learning your letters, playing children's games,

and so on. So the "present levels" statement for a preschooler will describe how the child's disability affects his or her participation and success in the preschool environment.

Examples, you say? All right, here are two:

- Dayton prefers to play in isolation and becomes upset (e.g., cries and hits others) when another child comes too close. As a result his peer interactions at playtime are limited.¹

- Damien's attention problems result in failure to follow the teacher's directions, talking out of turn and responding inappropriately during group activities.¹

OK, enough for the moment about the "present levels" statement in the IEP. It's a very important statement, and a lot more could be said about it, but let's move on to...

¹ New York State Education Department. (2005, December). *Sample individualized education program (IEP) and guidance document*. Retrieved December 11, 2007, from www.vesid.nysed.gov/specialed/publications/policy/iep/presentlevels.htm



"Present Levels"



Comes from evaluation data, observations,
parent /teacher reports, and schoolwork

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completely.
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needed except
to advance to
the next slide.

CLICK to advance to next slide.

Where does the information for a child's "present levels" come from? Not the sky, to be sure, however convenient that would be!

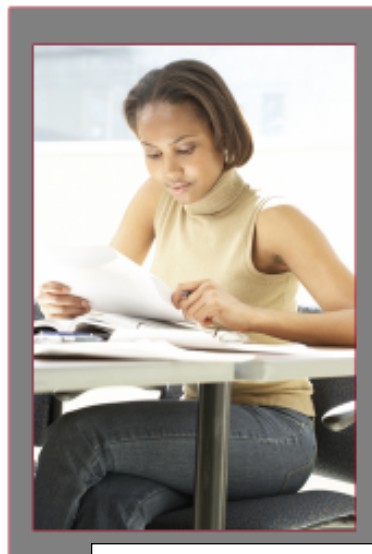
If the child is new to special education, this information will come from the tests and observations done during the child's evaluation for eligibility. If the child's IEP is being revised, the information may come from evaluations or classroom testing done during the year, from teachers and others who work with the child day to day, and/or from the parents. How functional performance is measured is left up to the State or local school system, but the law does require that evaluation procedures used to measure a child's

functional skills must meet the same standards as all other evaluation procedures, consistent with IDEA's provisions [see §300.304(c)(1), and 71 Fed. Reg. at 46661, column 3 at the top].

IEP Document: What's Included?

"Annual Goals"

2
A Statement of ...
Measurable annual goals, including academic and functional goals



Slide loads completely. No clicks needed except to advance to the next slide.

CLICK to advance to next slide.

Slide 15 moves us to the second component of the IEP as listed at §300.320(a)(2)(i) (see **Handout D-10** and IDEA's verbatim provision in the box). We're going to take several slides to discuss what's introduced here on Slide 15: *Annual Goals*.

In a manner of speaking, annual goals are like a road map. Where's the child heading this year? What will he or she work on, both academically and in terms of functional development? IDEA's use of these terms—*academic and functional goals*—indicates that the writing of measurable annual goals is to flow from the content of the "present levels" statement, where the IEP Team described the child's present levels of academic and functional performance. These annual goals identify what

the child will work on this year, what skills, what knowledge, what behavior, what learning, whatever makes sense, given his or her areas of need—and what the IEP Team feels he or she can achieve by the end of the year, academically and functionally.

The next several slides are intended to facilitate an expansive discussion of this component of the IEP. Indicate that this slide sets up the basic parameters for "annual goals" and that the next two slides will look more closely at what else the IDEA requires be considered in the development of these goals.

Stating a Child's Annual Goals: §300.320(a)(2)(i)(A) and (B)

(2)(i) A statement of measurable annual goals, including academic and functional goals designed to—

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

View 1

Slide loads with this view, including Bullet 1.

IEP Document: What's Included?

"Annual Goals"

These measurable annual goals must be designed to...

- meet child's needs that result from child's disability
to enable the child to be involved in and make progress in the general education curriculum; and



Click 1

IEP Document: What's Included?

"Annual Goals"


These measurable annual goals must be designed to...

- meet child's needs that result from child's disability
to enable the child to be involved in and make progress in the general education curriculum; and
- meet each of the child's other educational needs that result from the child's disability



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(discussion on next page) 



As Slide 16 shows (and **Handout D-10**), a child's annual goals must be crafted with careful attention to enabling the child to be involved in, and make progress in, the general education curriculum.

Again, we see in IDEA's language the close tie between the "present levels" statement and the annual goals that are then developed. The "present levels" statement, participants will recall, must include a description of how the child's disability affects his or her involvement and progress in the general education curriculum. This information will be useful to the IEP Team in developing annual goals that are mindful of the child's participation in general education.

But that's not all. As the second bullet on the slide indicates, the child may have other educational needs that result from his or her disability. Those needs must be addressed through measurable annual goals in the IEP as well.



Advice from the Field

While each State and/or local school district typically develops its own version of the IEP form, the one absolute universal from district to district and State to State is that the IEP must contain the required information described in §§300.320 and 300.324. It can be a challenge, to say the least, to create on paper a living, breathing, appropriate educational plan *and* to translate that plan into effective implementation. Some IEP forms lend themselves well to the IEP development process by incorporating descriptive, dynamic, and concrete language. One such example comes from the Implementation Guide¹ and IEP form developed by the Commonwealth of Massachusetts, portions of which are included in this curriculum. You may want to share some of this language as an example of how the development of an effective IEP can be facilitated by prompts that ask probing questions, pose appropriate considerations, and provide a format that promotes the capture of comprehensive information on, and for, a child.

Immediately below is language specific to fully developing the "present levels" statement. What's particularly noteworthy is how the questions are framed in order to elicit meaningful information to contribute to a child's IEP. For the moment, we will concentrate on the component of the IEP under focus: the writing of annual goals.

On the Massachusetts Implementation Guide, the very first prompt given for the development of annual goals says:

There must be a direct correlation between the annual goal(s) and the present level of educational performance.

The next series of prompts asks:

- What can the student currently do?
- What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
- How will we know that the student has reached this goal?

And finally, the Implementation Guidance adds:

In order for the student to make progress in the general education curriculum and life of the school, academic and functional goals should continue to be skill based, measurable and reflect individual student needs based upon the disability.

Using these types of prompts, or posing similar ones, will help IEP Teams develop annual goals for children in a logical, sequential, simple, yet comprehensive manner that connects all the related pieces and leads to an effective, appropriate IEP. It's

useful to keep in mind that a well-written annual goal will, at a minimum, build upon answering the basic questions shown below:

WHO...will achieve?

WHAT...skill or behavior?

HOW...in what manner or at what level?

WHERE...in what setting or under what conditions?

WHEN...by what time? an ending date?²

It's also useful to keep in mind that the crafting of annual goals for a child involves considering each area of that child's needs related to the general

curriculum, nonacademic and/or extracurricular activities, and any other educational needs that result from the child's disability.

The next slide suggests some of these types of prompts as a means of translating IDEA's regulatory requirements into appropriate goals for individual children.



1 Massachusetts Department of Education. (2005, September). *Implementation guide*. Retrieved December 12, 2006 from http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/iep.html

2 Anderson, W. Chitwood, S. & Hayden, D. (1997). *Negotiating the special education maze: A guide for parents and teachers* (3rd ed.). Bethesda, MD: Woodbine House.

Writing goals can be one of the hardest parts of developing the IEP

- What does the child need to learn or do **academically**?
- What does he or she need to learn or do **functionally**?
- What's reasonable to achieve **in a year**?
- Can you **measure** whether or not the child has reached the goal?



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Writing goals can be one of the most challenging parts of developing the IEP. One reason for this is because the goals may cover so many different areas.

Depending upon the child's needs, some goals may target areas of the general education curriculum. A number of helpful questions appear on the slide as tools to help IEP Teams break down the task of writing goals.

For example, what does the child need to learn or do *academically*? The answer to this question might indicate what goals might be appropriate for that child. Examples could include learning to identify a range of sight words, write more proficiently, or learn basic number facts or solve more compli-

cated word problems. Other goals may target learning that comes from a special education or individualized curriculum, such as reading Braille.

Another area for goals might be what the child needs to learn or be able to do *functionally*. These type of goals don't come under a typical "academic" curriculum. But if a child has functional needs that impact participation in the educational environment, such as learning to eat independently, use public transportation, or communicate with an augmentative communication device, then goals to meet these needs would be important to include in the IEP. The same is true of goals to address social or emotional needs,

such as impulse control, anger management, or appropriate behavioral alternatives.

Another aspect of writing annual goals is contained in the word "annual" and is captured on the slide as the third question. What might the child be expected to achieve in a year? A well-written goal must describe the skill or level of performance that the child is expected to reach by a given time, at least in a year.

And there's something else that's very important. Can you





measure whether or not the child has achieved the goal? The 2004 Amendments to IDEA, like its predecessors, requires that the annual goals be *measurable*. The IEP Team must be able to tell if the goal has been reached, because the child's performance can be counted, seen, heard, or somehow measured.

Experiences from the Field

Not surprisingly, writing IEP goals that are measurable challenges many an IEP Team. Fortunately, there are many resources available online and commercially that can help IEP Teams in this critical IEP task. NICHCY's *Connections to...the IEP* can connect you with a goodly number of 'em! It's available online at: <http://www.nichcy.org/resources/IEP1.asp>

Many States also develop guides for IEP Teams, so Teams should check with their LEA or State Department of Education to see if such IEP guidance is available. While some may have been written to conform with IDEA '97 and are not yet updated for the 2004 Amendments, they will nonetheless provide illuminating examples and/or

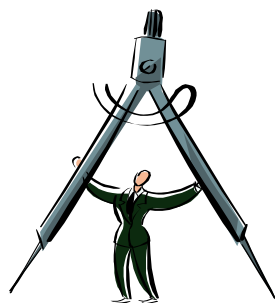
exercises that people can use to become more proficient at writing these very important elements in a child's IEP.

Briefly here, let's take apart two examples of measurable annual goals and see what their elements are.

Example 1: Including a Performance Indicator

David will achieve a reading score at the 5th grade level or above, as measured by the Qualitative Reading Inventory (QRI).¹

Here we see that the goal is for David to be reading at a 5th grade level or above by the end of the school year. The measurable part of the statement comes at the end. "As measured by..." The named reading inventory will serve as the tool for measuring David's progress. This is a common way in which goals are made measurable—by specifying a grade- or age-level performance indicator, especially one that's been established through district or State standards, or within a curriculum, within scope-and-sequence materials that the school/district/State uses.



Example 2: Indicating a Rate

By the end of the year, Elise will be able to use her augmentative communication device to produce a thought, comment, or idea in 3 out of 5 trials with no more than 50% teacher prompts or cues.¹

Here again, the measurable part of the annual goal is found in the closing phrase. "In 3 out of 5 trials..." There are conditions included to further specify what "acceptable performance" will mean: "...with no more than 50% teacher prompts or cues." Indicating a rate (80% of the time, with 75% success, with 90% accuracy) is another common way that IEPs Teams make annual goals measurable.

Other Examples as an Optional Break-Out Activity

We've listed five more examples of measurable annual goals in the box on the next page. You may wish to share them with the audience and have them identify (as a group or in pairs) the elements in each corresponding to the WHO, WHAT, HOW, WHERE, and WHEN mentioned in the last slide's discussion. All of these examples come from the Nebraska Department of Education's online guide for IEP Teams,² many pieces of which are included as *Resources for Trainers* for Theme D in conjunction with the next module in the IEP series, *Meetings of the IEP Team*.

What About Objectives?

You might be asking yourself, why not break the annual goals down into semester goals, or better still, short-term objectives? Little steps along the way, not one bigger *annual* step.

The answer to that question is that, in the past, these annual goals *were* paired with short-term objectives or benchmarks of progress. With the 2004 Amendments to IDEA, this requirement has been removed. Of course, the IEP Team can always break things down that way, if it chooses, or States can require it in their own right, but IDEA itself no longer requires this...except in one instance...discussed on the next slide.



Examples of Measurable Annual Goal Statements

Example A

In 32 weeks, across all settings, Ian will identify 20 major warning words and symbols (e.g., Stop, Poison, Danger, Hazard, etc.) with 95% accuracy and will identify appropriate actions to take when these words are seen with 100% accuracy.

Example B

In 32 weeks, when a grocery item or items are needed, Marlo will go shopping at the grocery store, pay for her purchases using the nearest dollar strategy and count change (+-\$1.00), on three consecutive trips to the store.

Example C

Given sample passages of at least 200 words or more from high school level textbooks, Michelle will read grade levels materials at an average rate of 100 words per minute with 98% accuracy or better in word identification.

Example D

In 36 weeks John will write at least a six sentence paragraph using at least three different sentence types scoring 45/50 on the writing rubric.

Example E

In 36 weeks, when given the opportunity to play with six-eight different toys/objects, Abigail will spontaneously link four discrete schemes according to the toys/objects intended functions three times per observation period across five consecutive play times.



¹ Rebhorn, T. (2002). Developing your child's IEP. *A Parent's Guide*, 12, 1-28. (Available online at: <http://www.nichcy.org/pubs/parent/pa12txt.htm>)

² Nebraska Department of Education. (1998). Measurable annual goals, benchmarks, and short-term objectives. In *Setting goals....achieving results: Nebraska IEP technical assistance guide*. Lincoln, NE: Author. (Available online at: <http://www.nde.state.ne.us/SPED/ieproj/index.html>)

IEP Document: What's Included?

2
B
Description of ...
**Benchmarks or
short-term
objectives***



* For those who take alternate assessments
aligned to alternate achievement standards

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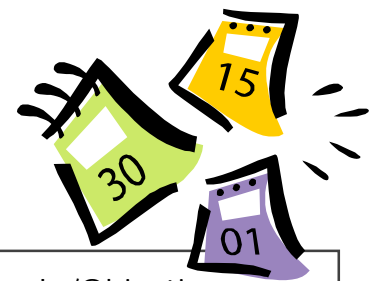
Slide 18 gives you the opportunity to discuss benchmarks or short-term objectives in the IEP, which may be a topic of interest to the audience because, in the past, these were required elements in every child's IEP. No longer, however. Now, benchmarks or short-term objectives are required only for children with disabilities who take alternate assessments aligned to alternate achievement standards, as the regulation in the box indicates. Refer participants to **Handout D-10**, so they can read IDEA's exact language.



Discussing Benchmarks and Short-Term Objectives

One of the changes made by the 2004 Amendments to IDEA concerns the requirement for benchmarks or short-term objectives in IEPs. Previously, benchmarks or short-term objectives were required to be developed in correlation with a child's annual IEP goals. While this requirement changed in the 2004 reauthorization, their general purpose has not. Benchmarks indicate the interim steps a child will take to reach an annual goal. They also serve as a measurement gauge to monitor a child's progress

and determine if the child is making sufficient progress towards attaining an annual goal. In our roadmap analogy, benchmarks and short-term objectives are used to divide the trip to the final destination into concrete, smaller steps.



When Benchmarks/Objectives
Are Needed: §300.320(a)(2)(ii)

(ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

As was said above, now benchmarks or short-term objectives are *required* only for children who take alternate assessments aligned to alternate achievement standards (e.g., an alternate, non-standard curriculum). Interestingly, States may still choose to use benchmarks with other children, but this is a matter left up to local discretion, as the Analysis of Comments and Changes makes clear. Responding to public commenters opposed to removing benchmarks and short-term objectives as required components of every child's IEP, the Department states:

Benchmarks and short-term objectives were specifically removed from...the Act. However, because benchmarks and short-term objectives were originally intended to assist parents in monitoring their child's

progress toward meeting the child's annual goals, we believe a State could, if it chose to do so, determine the extent to which short-term objectives and benchmarks would be used. However, consistent with §§300.199(a)(2) and sections 608(a)(2) and 614(d)(1)(A)(ii)(I) of the Act, a State that chooses to require benchmarks or short-term objectives in IEPs in that State would have to identify in writing to the LEAs located in the State and to the Secretary that such rule, regulation, or policy is a State-imposed requirement, which is not required by Part B of the Act or the Federal regulations. (71 Fed. Reg. at 46663)

IEP Document: What's Included?

"Measuring Progress"



3

Description of...

- How the child's progress toward meeting the annual goals will be measured

...and... →

Slide loads with this view. No clicks needed except to advance to the next slide.

CLICK to advance to next slide.

Slide 19 takes up the next component of the IEP—specifying how the child's progress will be measured. It flows naturally out of the annual goals written for the child, which must be measurable. If participants are familiar with the 1997 Amendments to IDEA, they'll recognize this component, because it is maintained under the Amendments of 2004.

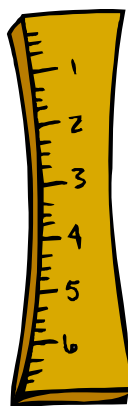
IEP Teams may find it easier to address this component of the IEP by framing the discussion around specific questions. For example, the IEP

Team might ask itself these three questions:

- *How* will the child's progress be measured?
- *When* will the child's progress be measured?

- *How well* will the child need to perform in order to achieve his or her stated IEP goals (and, for some children, benchmarks or objectives)?

Measuring a child's progress toward annual goals is tied to the subject of the next slide:



Measuring the Child's Progress: §300.320(a)(3)

(3) A description of—

(i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and

(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

informing parents of the child's progress on a regular, periodic basis. But knowing how the child is progressing toward his or her annual goals is also essential for identifying when the plan for the child's education (the IEP) needs to be adjusted. Lack of expected progress towards annual goals would be reason to convene an IEP meeting to review the IEP and revise it, if necessary. This requirement is clearly stated at §300.324(b), which we provide in the box.

When A Child Doesn't Make Expected Progress:
§300.324(b)

(b) *Review and revision of IEPs*—(1) *General*. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—

(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(ii) Revises the IEP, as appropriate, to address—

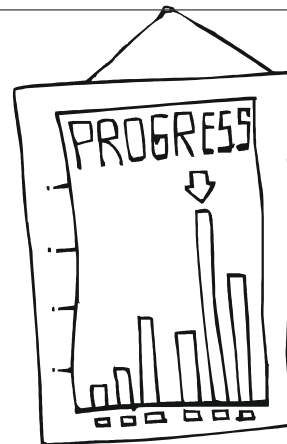
(A) Any lack of expected progress toward the annual goals described in Sec. 300.320(a)(2), and in the general education curriculum, if appropriate;

(B) The results of any reevaluation conducted under Sec. 300.303;

(C) Information about the child provided to, or by, the parents, as described under Sec. 300.305(a)(2);

(D) The child's anticipated needs; or

(E) Other matters.



View

IEP Document: What's Included?

"Reporting Progress"

Description of...

When **periodic reports** will be provided on child's progress toward meeting the annual goals

Slide loads with this view.

IEP Document: What's Included?

"Reporting Progress"

Description of...

When **periodic reports** will be provided on child's progress toward meeting the annual goals

Examples given in the law?
Quarterly or other periodic reports, concurrent with the issuance of report cards

Click 1

Click 1:
These examples appear.

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



The IEP component spotlighted in Slide 20 logically follows the requirement that each child's progress be measured. That progress, whatever it is, must also be *reported*, as the regulations in the box (and on **Handout D-10**) indicate.

The periodic reporting of each child's progress gives parents, other members of the IEP Team, and the public agency the opportunity to review the IEP and make adjustments if they are warranted.

The 2004 Amendments to IDEA are less prescriptive about the timing of such reports than the 1997 Amendments. IDEA '97 required that parents of a child with a disability be informed of their child's progress "at least as often as parents of nondisabled children" [IDEA '97, at §300.347(a)(7)]. This is no longer true. Final Part B regulations have been modified to track the language used in the statute as passed by Congress in December 2004 [specifically, section 614(d)(1)(A)(i)(III)].



It's also important to note that the statute does not require report cards or quarterly report cards. Their mention in §300.320(a)(ii) (shown in the box) "are used as examples...of when periodic reports on the child's progress toward meeting the annual goals *might* be provided" (71 Fed. Reg. at 46664, emphasis added). As the Department clarifies:

The specific times that progress reports are provided to parents and the specific manner and format in which a child's progress toward meeting the annual goals is reported is best left to State and local officials to determine. (*Id.*)



Reporting the Child's Progress: §300.320(a)(3)

(3) A description of—

(i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and

(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

IEP Document: What's Included?

"Special Education..."

4

Statement of the...

Special education and related services and supplementary aids and services* to be provided to the child, or on behalf of the child... →

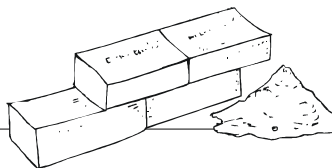
* These must be based on peer-reviewed research to the extent practicable

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CLICK to advance to next slide.

The provision shown on Slide 21 (and in the box) is the heart and soul, meat and potatoes, bricks and mortar (choose your analogy!) of the IEP. When taken off paper and operationalized in school, it becomes the education that a child with a disability receives.

Obviously, the statement required by §300.320(a)(4) is one of the most critical components in a child's IEP. Like the statement of annual goals, it arises out of, and is directly correlated with, the "present levels" statement, where the child's current performance levels and needs are described. We weren't kidding about how critical a well-crafted "present levels" statement proves to be in IEP development, were we?



Specifying a Child's Special Education: §300.320(a)(4)

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

And here is where most of the definitions and provisions introduced at the beginning of this module come to life. What special education does a child need? What related services? What supplementary aids and services? It's time to get specific.

What's Peer-Reviewed Research?

With the passage of the 2004 Amendments to IDEA, some new terms and concepts became part of the IEP process and thereby part of the actualization of FAPE for children with disabilities. One such is *peer-reviewed research*, a term that appears on the slide and in the provision at §300.320(a)(4). What might that be? As necessary, take a moment and talk about the term with the audience.



The term is not formally defined in the IDEA, but the Department's discussion in the Analysis of Comments and Changes may be helpful in understanding the term's general meaning and why no formal definition was included in the regulations:

"Peer-reviewed research" generally refers to research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published. However, there is no single definition of "peer reviewed research" because the review process varies depending on the type of information to be reviewed. We believe it is beyond the scope of these

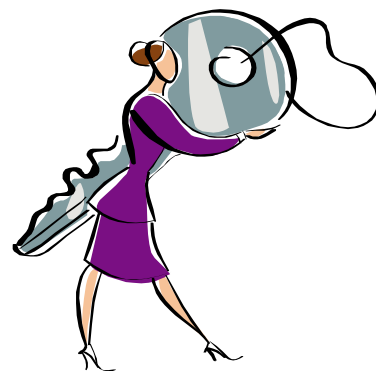
regulations to include a specific definition of "peer-reviewed research" and the various processes used for peer reviews. (71 Fed. Reg. at 46664)

The term is used in conjunction with the phrase "to the extent practicable," which many public commenters recommended be clarified. The Department's response to these comments again helps us understand the scope of how IEP Teams are to apply peer-reviewed research in their selection of services to be provided to a child with a disability.

States, school districts, and school personnel must...select and use methods that research has shown to be effective, to the extent that methods based on peer-reviewed research are available. This does not mean that the service with the greatest body of research is the service necessarily required for a child to receive FAPE. Likewise, there is nothing in the Act to suggest that

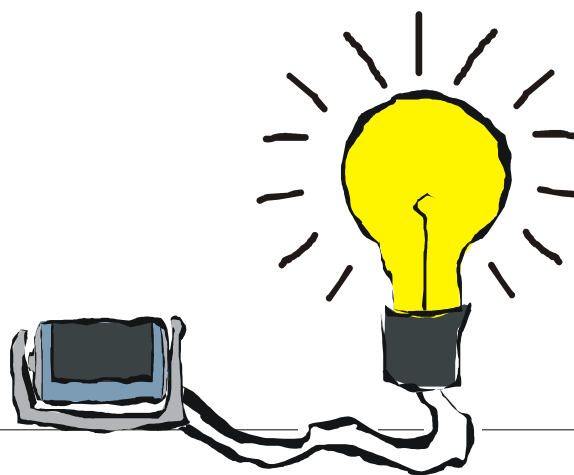
the failure of a public agency to provide services based on peer-reviewed research would automatically result in a denial of FAPE. The final decision about the special education and related services, and supplementary aids and services that are to be provided to a child must be made by the child's IEP Team based on the child's individual needs. (71 Fed. Reg. at 46665)

A related term that has bearing here is "scientifically based research," which comes to IDEA from the *No Child Left Behind Act of 2001* (NCLB), our nation's Elementary and Secondary Education Act (ESEA). The IDEA (at §300.35) gives the term the same meaning set forth in section 9101(37) of the ESEA. We've included the ESEA's definition in the box on the next page.



Finding Research to Support Decision Making

With IDEA's new requirement to use peer-reviewed research to the extent practicable, IEP Teams will want to connect with resources that help them identify appropriate research. While research is emerging all the time through any number of professional journals and other vehicles, we'd like to identify a "starter set" of research resources. These are listed on **Hand-out D-12**, represent only a small sampling of what's out there, but will surely connect you with much more.



“(37) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’—

“(a) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

“(b) Includes research that—

“(1) Employs systematic, empirical methods that draw on observation or experiment;

“(2) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(3) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

“(4) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

“(5) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

“(6) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”

View

Slide loads with this view. Only the "i" appears in the tri-box, referring to §300.20(a)(4)(i).

IEP Document: What's Included?

"Special Education..."

4

Statement of the...

Program modifications or supports for school personnel that will be provided for the child...

to ...
i
§300.20(a)(4)



IEP Document: What's Included?

"Special Education..."

4

Statement of the...

Program modifications or supports for school personnel that will be provided for the child...

to ...
i ii iii



Click 1:
The "ii" appears in the tri-box.

CLICK AGAIN to advance to next slide.

(discussion on next page)



Click 2:
The "iii" appears in the tri-box.



Also part of the IEP is identifying the program modifications or supports for school personnel that will be provided to enable the child to...do the specific things that the slide references and the provisions in the box below indicate. These should be familiar to participants by now, for they speak to the elements previously discussed, including annual goals, involvement and progress in the general curriculum, and participation in extracurricular and other nonacademic activities. Being educated and participating with other children, both those with and without disabilities, speaks directly to the principles of least restrictive environment (LRE) as described at §300.114. Detailed

examination and discussion of LRE is beyond the scope of this module, but is covered in Module 14, *LRE Decision Making*.

Have the audience tell *you* what the “i / ii / iii at §300.320(a)(4)” is referring to, consulting **Handout D-10**. Connect each of these to the lead-in element of this IEP component, “program modifications and support for school personnel.” What types of modifications and support might school personnel need in order to enable the child to address what’s described? Brainstorm a list together, to make this as concrete as possible.



What About Program Modifications or Supports for School Personnel? §300.320(a)(4)

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, **and a statement of the program modifications or supports for school personnel that will be provided to enable the child—**

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

View

Slide loads with this view, moving the discussion on to "Extent of Nonparticipation."

IEP Document: What's Included?

"Extent of
Nonparticipation"

5

Explanation of the...

Extent, if any, to which the child will **not** participate with nondisabled children in the regular class and in activities already described*

Click 1

IEP Document: What's Included?

"Extent of
Nonparticipation"

5

Explanation of the...

Extent, if any, to which the child will **not** participate with nondisabled children in the regular class and in activities already described*

Click 1:
The meaning
of the asterisk
appears.

* Involvement and progress in the general education curriculum, extracurricular activities, and other nonacademic activities

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



Slide 13 addresses the component of the IEP we'll call "extent of nonparticipation." The language at §300.320(a)(5) states the IEP must include:

An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;



This provision is pretty self-evident and re-emphasizes the value IDEA places on educating children with disabilities, to the maximum extent appropriate, with children who are not disabled. If a child's IEP places the child outside of the regular class, involvement in the general curriculum, and/or participation in extracurricular or nonacademic activities (the meaning of the phrase "the activities described in paragraph (a)(4) of this section"), the IEP must explain why.

Since the IEP is driven by the child's needs, the explanation for nonparticipation should reflect the child's needs and not be based on the needs or convenience of the school system.

Noting How The Provision Has Changed



This provision carries forward from the 1997 Amendments to IDEA, with essentially the same intent but several interesting changes in how it's worded. To highlight what's happened in this provision, we provide both the public comments and the Department's discussion in the Analysis of Comments and Changes in the box below.

Extent of Participation: Analysis of Comments and Changes

Comment: Many commenters recommended that §300.320(a)(5), regarding the participation of children with disabilities with nondisabled children, follow the language in section 614(d)(1)(A)(i)(V) of the Act and use the term "regular class" instead of "regular educational environment." One commenter stated that parents, school staff, and the community consider the "regular class" to be the place where a child's nondisabled peers go to school, while "regular educational environment" is interpreted to be anywhere in the school, such as down the hallway, in a separate wing of the school, or across the lunch room. One commenter stated that the term "regular education environment" could be interpreted to mean only special classes such as art, music, and gym. A few commenters

recommended defining "regular education environment" to mean the participation of children with disabilities with their nondisabled peers in the regular classroom and other educational settings, including nonacademic settings.

Discussion: We agree that use of the term "regular educational environment" may be misinterpreted. Therefore, we will revise §300.320(a)(5) to require the IEP to include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.

Changes: We have changed §300.320(a)(5) to refer to the "regular class" instead of the "regular education environment." (71 Fed. Reg. at 46665-46666)

View

Slide loads with this view of a structure half-built.



Half-built.

Click 1



Click 1:
Whoa! Have the audience name the parts of the IEP just discussed.

Hi-ho, whoa,
Silver!

Name the parts of the IEP
just discussed

CLICK AGAIN to advance to next slide.

(discussion on next page) →

Take a moment to review what's been said to date about Content of the IEP and the bigger picture surrounding these components.



Depending on the amount of time you have for training, you might also give participants a bathroom break or a few minutes to stretch and move around the room.



Slide 25

Part 3: A Close Look at the IEP: "Assessment Accommodations" (Slide 15 of 20)

IEP Document: What's Included?

"Assessment Accommodations"

6

Statement of...

Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments*...

*These must be consistent with section 612(a)(16)

Slide loads with this view. No clicks needed except to advance to the next slide.

CLICK to advance to next slide.

Slide 25 brings us back to our saddles and the series of 20 slides moving step by step through the individual components of the IEP. This is the 15th slide in the series, and it focuses on the provision of IDEA presented in the box on the next page. The slide summarizes this as "assessment accommodations."

Looking at the Provision in Context

The provision under the microscope right now addresses the participation of children with disabilities in State and districtwide assessment programs. It's not a new provision to IDEA (it first appeared in the 1997 Amendments), but it's an important one and corresponds

directly to the current national emphasis on higher standards and expectations for all children, including those with disabilities. Both IDEA and NCLB require *all* children with disabilities to be included in State assessment systems. IDEA requires that all children with disabilities participate in districtwide assessment programs as well and that alternate assessments be provided for

children with disabilities who cannot participate in grade-level assessments, even with accommodations.¹ This latter aspect, alternate assessment, will be the focus of the next two slides.

Summary of Options for Participation in Assessments

Deciding *how* a child with a disability will participate in a large-scale assessment conducted by the State or the LEA is the responsibility of the IEP Team. And, as we can see by this slide and the ones that follow on alternate assessment, the Team's decision (and a lot of other information related to that decision) must be included as part of the IEP.

The IEP Team has various options to consider when deciding how a child will participate in State assessment programs. We're going to discuss the range of options here, so trainers have all the information up front, but would suggest that discussion of alternate assessments be delayed until the upcoming slides and only mentioned here. That's a trainer's decision, of course.



Individual Accommodations in Assessments: §300.320(a)(6)

(6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with §612(a)(16) of the Act; and

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—

(A) The child cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the child; and

Here are the options, as presented in the U.S. Department of Education's April 2007 non-regulatory guidance on modified academic achievement standards.¹

A-2. How may students with disabilities be included in State assessment systems?

The assessment options for students with disabilities include the following:

- Participation in a general grade-level assessment.
- Participation in a general grade-level assessment with accommodations.
- Participation in an alternate assessment based on grade-level academic achievement standards.
- Participation in an alternate assessment based on modified academic achievement standards.

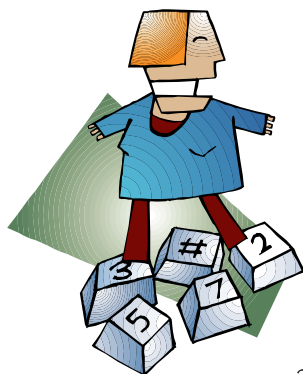
- Participation in an alternate assessment based on alternate academic achievement standards. (p. 11)

A bit of an explanation is in order, isn't it? These options are not especially apparent in IDEA and, in fact, are partially described in NCLB's regulations, not (at the moment) in IDEA's. So brace yourself for a lengthy look at what each of these options entails and incorporate the information into the training you offer on this slide and the next several slides as you deem appropriate to the needs of your audience.

Options 1 and 2: Participation With or Without Accommodations

As your audience is probably well aware, NCLB has brought with it great emphasis upon grade-level assessments that are closely aligned with grade-level content standards. Content standards establish the information or skills that a child in a specific grade is expected to

learn. Grade-level assessments are intended to find out if the child, in fact, has learned that content and to what level of proficiency.



“Students with disabilities who are not able to show what they know and can do on the general grade-level assessment, even with appropriate accommodations, must be assessed with an alternate assessment.”² The IDEA

who has a severe physical disability that cannot be accommodated in the general assessment without invalidating his or her test scores but who nonetheless is working to achieve the academic standards established for his or her grade level. This type of alternate assessment allows the child’s mastery of grade-level content to still be determined.

Children with disabilities must participate in their State’s grade-level assessments to determine their level of content mastery, just as their peers without disabilities must participate, *unless* a child’s IEP Team determines that a given assessment is not appropriate for the child. Recognizing that disability has its impact, both NCLB and IDEA include provisions that permit children with disabilities to participate in large-scale assessment programs *with accommodations*. Those accommodations are individually determined for a given child by his or her IEP Team, must be *appropriate* (we’ll talk about that below, under “Looking at Assessment Accommodations”), and are determined by the IEP Team to be “necessary to measure the academic achievement and functional performance of the child” [§300.320(a)(6)(i)].

If the Team decides that the child will participate in a given assessment program and that the child needs individual appropriate accommodations in order for the assessment to yield accurate information about the child’s academic and functional performance, then the IEP must include a statement describing what those accommodations will be.

requires States to develop and implement at least one alternate assessment, unless all children with disabilities in the State can be assessed via the general assessment, with or without accommodations. “Alternate assessments may be based on grade-level academic achievement standards, modified academic achievement standards, or alternate academic achievement standards.”² These are the options that will now be discussed. Keep in mind that a State is not required to make all of these options available to children, so it’s important to know what your State’s policies and options are. How to find out that information is discussed at the end of this section.

Option 3: Participation in Alternate Assessment Based on Grade-Level Academic Achievement Standards

This type of alternate assessment is intended for children who cannot take the regular assessment, even with accommodations, but for whom the State’s grade-level academic achievement standards are nonetheless still appropriate. An example of this might be a child

Option 4: Participation in Alternate Assessment Based on Modified Academic Achievement Standards

This type of alternate assessment is a new option recently made available to States (April 2007) with the publication of final regulations in NCLB governing its use. States are not required to develop such assessments, but they can if they so choose. Given how recently this option has been incorporated into NCLB regulations, it may not yet be available to children with disabilities, but we describe it here because it is certainly on the horizon.



Alternate assessments based on modified academic achievement standards are intended for a small group of children “whose disability has precluded them from achieving grade-level proficiency and whose progress is such that they will not reach grade-level

proficiency in the same time frame as other students.”³ For these children, the general grade-level assessments are too difficult, and the alternate assess-



ments based on alternate academic achievement standards (meant for children with the most significant cognitive disabilities; Option 5, described below) are too easy. Either type of assessment will not provide teachers, children, families, and others with accurate information on what a child with a disability knows or can do and, thus, what type of instruction or supports will help the child progress toward grade-level achievement.



When an IEP Team determines that this new type of alternate assessment is appropriate for a child, it must say so in the IEP and include IEP goals that are based on the academic content standards for the grade in which that child is enrolled. As the NCLB regulation at §200.1(f)(2)(ii) states:

These students' IEPs must—

(A) Include IEP goals that are based on the academic content standards for the grade in which a student is enrolled; and

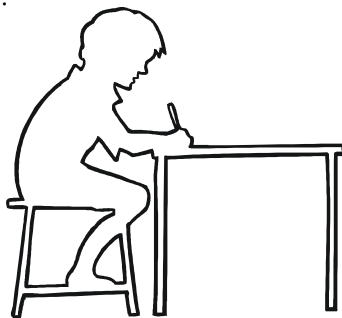
(B) Be designed to monitor a student's progress in achieving the student's standards-based goals;

While incorporating State standards in IEP goals is not new as a practice, it is new as a requirement of law. Luckily, because of the emphasis that the 1997 Amendments to IDEA placed upon each child's involvement and progress in the general education curriculum, many States "already require standards-based IEP goals and have devel-

oped extensive training materials and professional development opportunities for staff to learn how to write IEP goals that are tied to State content standards."⁵ This current practice is summarized in Project Forum's (an OSEP-funded technical assistance and dissemination project) brief called *Standards-based IEPs: Implementation in Selected States*, which is cited in the Department's guidance and at the bottom of this page. It makes for interesting reading and is available online at the address given in the footnote.

Two final points about alternate assessments that are based on *modified* academic achievement standards. First: A child may take this type of alternate assessment in one subject (e.g., reading), yet take the general assessment in another subject (e.g., math). Deciding how the child will be assessed in each applicable subject area is the responsibility of the IEP Team. However, just as it is the State's choice to develop (or not) an alternate assessment based on modified academic achievement standards, it also can decide to modify academic achievement standards only for certain grades (e.g.,

The Department has responded to this gap in assessment options by giving States "the option of developing modified academic achievement standards for a small group of students with disabilities who can make significant progress, but who may not reach grade-level achievement in the time frame covered by their IEP."² Using this approach does not alter the *content* standards established by a State for a specific grade level; in fact, such an alternate assessment must cover the same grade-level content as the general assessment. However, "the *achievement* expectations are less difficult than those on the general test" (emphasis added), which means that "the same content is covered in the test, but with less difficult questions overall."⁴



Project Forum on Standards-based IEPs

Ahearn, E. (2006). *Standards-based IEPs: Implementation in selected states*. Alexandria, VA: Project Forum, National Association of State Directors of Special Education (NASDSE). Available online at: <http://projectforum.org/docs/Standards-BasedIEPs-ImplementationinSelectedStates.pdf>

Regulations on Alternate Assessment Based on Modified Academic Achievement Standards

www.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html

Department's Non-Regulatory Guidance

<http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc>

Fact Sheet

<http://www.ed.gov/parents/needs/speced/twopercent.html>

grades 6 through 8, or for high school) and develop only those alternate assessments corresponding to those modified standards. Similarly, the State can choose to “develop an alternate assessment based on modified academic achievement standards in only one subject (e.g., reading), but not in all subjects (e.g., math, science).”⁶

Second point: Every year the IEP Team must review its decision to assess a child based on modified academic achievement standards. As the Department states:

We expect that there will be students with disabilities who take an alternate assessment based on modified academic achievement standards one year, make considerable progress during the school year, and then take the general grade-level assessment the following year. Therefore, an IEP Team must consider a student's progress annually based on multiple, objective measures of the student's achievement before determining that the student should be assessed based on modified academic achievement standards.⁷

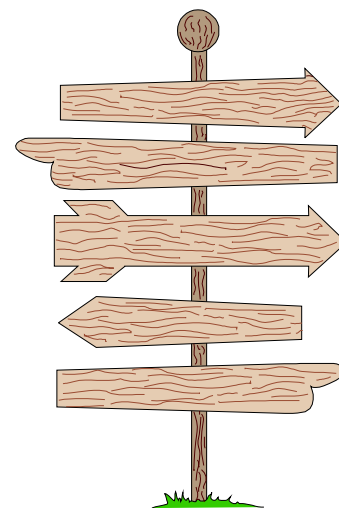
The option that States now have to develop and implement alternate assessments based on modified academic achievement standards clearly adds another dimension to how children with disabilities may participate in a State's assessment programs. However, as has been said, a State is not required to develop such assessments and, given that this option is quite recent, may not currently have such assessments available. A rigorous development and review process is prescribed and will take some time to complete. We've included in the box at the top of the page direct links to the new regulations, the Department's 51-page guidance for States, and its two-page Fact Sheet on this option to assessment.

Option 5: Participation in Alternate Assessment Based on Alternate Academic Achievement Standards

Option 5 sounds almost the same as Option 4, but it isn't. Fortunately, the difference between *modified* academic achievement standards and *alternate* ones can be easily described. Alternate assessments based on *alternate* academic

achievement standards are intended for children with the most significant cognitive disabilities. While this type of alternate assessment must be linked to grade-level content, it typically does not *fully* represent grade-level content, only a sampling of it. Moreover, this type of alternate assessment may be linked to “extended content standards” that a State develops, standards that may restrict or simplify grade-level content in order to make it accessible to children with the most significant cognitive disabilities.⁷ The State may define these content standards in grade clusters (e.g., grades 3-5). (In contrast, Option 4, alternate assessments based on modified academic achievement standards, must define content standards grade by grade.)

This is the type of alternate assessment with which your audience may be most familiar. It's the “1% cap in NCLB” people are always talking about—which we will *not* talk about in this module. If the 1% cap in NCLB is of interest to you or your audience, please refer to Module 4, *Statewide Assessments*,



where the topic is discussed in some detail.

Summing Up The Options

Each of the five options described above represents a way in which children with disabilities may participate in large-scale assessments. Looking at them one by one is useful for grasping what each is about, but when it comes to choosing *among* them—that is, deciding which represents the appropriate way to assess a specific child with a disability—a comparison of their key elements can be a handy tool. To that end, the Department provides a chart of comparisons in Appendix 1 of its non-regulatory guidance on alternate assessment based on *modified* academic achievement standards. This chart is included in the *Resources for Trainers* as **Resource D-12**. It's also available online at: www.ed.gov/policy/speced/guid/nclb/twopercent.doc

Decisions, Decisions

The IEP Team needs to know *which* of these options are available to it (based on State and/or on local policies) and determine which *one* of those is appropriate for the child. How a Team determines what's appro-



1% Cap? 2% Cap?

If the 1% cap interests you, then the 2% cap *really* will. Both are discussed in Module 4, *Statewide Assessments*. The 2% cap is new in NCLB along with Option 4, alternate assessment based on *modified* academic achievement standards. The Department's non-regulatory guidance on the subject is very helpful and can be found online at:

<http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc>

priate for the child will vary from State to State based on State policy, which the State must make clear to IEP Teams so that they can make informed and appropriate choices. As the Department summarizes:

A State that develops modified or alternate academic achievement standards must provide clear and appropriate guidelines for IEP Teams to apply in determining which students will be assessed based on alternate or modified academic achievement standards.

These guidelines must also:

(a) inform IEP Teams that students eligible to be assessed based on alternate or modified academic achievement standards may be from any of the disability categories listed in the IDEA;

(b) provide IEP Teams with a clear explanation of the differences between the general grade-level assessment and those based on alternate or modified academic achievement standards, including any effects of State and local policies on a student's education that

might result from taking an assessment based on alternate or modified academic achievement standards; and

(c) ensure that parents of students selected to be assessed based on alternate or modified academic achievement standards are informed that their child's achievement will be measured based on alternate or modified academic achievement standards.⁸

You'll note that the above refers to both *alternate* academic achievement standards (Option 5) and *modified* academic achievement standards (Option 4). With the similarity in their phrasing (alternate or modified) and the simple little "or" between the words, it's easy to overlook that we're talking about two different types of assessment here, each with its own protocols and considerations, each appropriate for different groups of children with disabilities. For both types of assessments, however, the State must provide IEP Teams with guidance, as the Department's summary above indicates.

So What Goes in the IEP?

Let's bring the discussion full circle and back to the component of the IEP that this slide addresses: any "individual appropriate accommodations" necessary for the child's functional and academic achievement to be measured on a State and districtwide assessment. If participating in such an assessment is appropriate for a specific child with a disability, then that child's IEP Team must enumerate in the IEP any individual accommodations the child will need during testing. Some children may need no accommodations. Many *will* need accommodations. It's important for IEP Teams to know what type of accommodations can be made without invalidating a child's test scores and which accommodations the State permits. The next section will provide a brief overview of assessment accommodations commonly used in the field, although what an individual State permits is a separate question entirely.

Looking at Assessment Accommodations Used in the Field

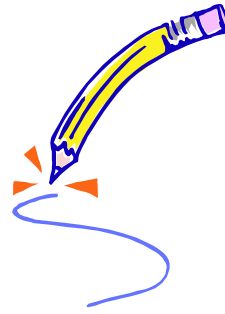
Making an accommodation in testing generally means that some aspect of the testing condition has been altered so that a child with a disability can more fully show what he or she knows or can do. Accommodations in the classroom and those in assessment situations tend to fall into several types of changes—timing, scheduling, setting, presentation, response. The Council of Chief State School Officers (CCSSO) summarizes what each of these types

of accommodations typically involves in its online accommodations manual:

Description of Accommodations Categories

- **Presentation Accommodations**—Allow students to access information in ways that do not require them to visually read standard print. These alternate modes of access are auditory, multi-sensory, tactile, and visual.
- **Response Accommodations**—Allow students to complete activities, assignments, and assessments in different ways or to solve or organize problems using some type of assistive device or organizer.
- **Setting Accommodations**—Change the location in which a test or assignment is given or the conditions of the assessment setting.
- **Timing and Scheduling Accommodations**—Increase the allowable length of time to complete an assessment or assignment and perhaps change the way the time is organized.⁹

CCSSO's Accommodations Manual contains four fact sheets with numerous examples and discussion of how these types of accommodations can be used to support both classroom instruction and child assessment. The chart on the next page distills some of that information in order to illustrate the many ways in which children's participation in both the classroom and in large-scale testing can be supported and improved. The



type of accommodation any one child with a disability receives is based on an individual consideration of that child's needs.

It's important to understand that assessment accommodations tend to be—and should be—similar to classroom accommodations children with disabilities receive, so that the children are familiar with the accommodation before using it in a formal testing situation. However, IEP Teams should not confuse classroom accommodations with assessment accommodations. What is permitted in class may not necessarily be permitted in State or districtwide assessments.

Where to Find Out More About Accommodations

At the end of this discussion section, you'll find a brief "Starter List" of resources on assessment accommodations that will undoubtedly lead you to yet more resources. Be aware that these may include discussion of classroom assessment accommodations and are often linked to discussion of classroom accommodations in general.



Finding Out More About Your State's Policies

The best place, of course, to find out more about your State's policies for assessment accommodations—what's allowable, in other words—is your State Department of Education. (Local policies may also be a factor to consider, so the LEA should also be contacted.) As was said above, the State has an affirmative obligation to inform IEP Teams regarding applicable policies.

That said, here are two places you might also consult for this information and to gain a sense of what other States are doing as well:

- State Web Sites for Accommodation Information
www.education.umn.edu/nceo/TopicAreas/Accommodations/StatesAccomm.htm
- 50 States: Content Standards by Subject
www.ccsso.org/projects/browse_by_topic/index.cfm

Accommodation Type ¹⁰	Examples
Presentation	<p>Large print</p> <p>Magnification devices</p> <p>Sign language</p> <p>Braille</p> <p>Tactile graphics</p> <p>Human readers</p> <p>Audiotape or CD</p> <p>Audio amplification devices</p>
Response	<p>Scribe</p> <p>Word processor</p> <p>Tape recorder</p> <p>Responding in test booklet (not on answer sheet)</p> <p>Monitoring of test response, if answer sheet is used</p> <p>Calculators</p> <p>Spelling and grammar devices</p>
Setting	<p>Reduce distractions to student</p> <p>Reduce distractions to other students</p> <p>Change setting to permit physical access</p> <p>Change setting to permit use of special equipment</p>
Timing/Scheduling	<p>Extended time</p> <p>Multiple or frequent breaks</p> <p>Change schedule or order of activities</p>

"Starter" List of Resources on Assessment Accommodations



- *NICHCY's Connections to... Including Students with Disabilities in State & District Assessments*
www.nichcy.org/resources/largeassessments.asp
- *An Introduction to Assessment Accommodations*
www.specialconnections.ku.edu/cgi-bin/cgiwrap/speconn/main.php?cat=assessment§ion=testaccomm/main
- *Accommodations for Students with Disabilities*
www.education.umn.edu/nceo/TopicAreas/Accommodations/Accom_topic.htm
- *No Child Left Behind: Determining Appropriate Assessment Accommodations for Students with Disabilities*
<http://www.nclb.org/images/stories/downloads/advocacy/accommodations.pdf>
- *Types of Assessment Accommodation*
www.teachervision.fen.com/teaching-methods/educational-testing/4170.html

References

- ¹ U.S. Department of Education. (2007, April). *Modified academic achievement standards* [non-regulatory guidance draft]. Washington, DC: Author. Available online at: <http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc>
- ² *Id.*, p. 12
- ³ *Id.*, p. 8
- ⁴ *Id.*, p. 20
- ⁵ *Id.*, p. 28
- ⁶ *Id.*, p. 23
- ⁷ *Id.*, p. 18
- ⁸ *Id.*, p. 29
- ⁹ Thompson, S.J., Morse, A.B., Sharpe, M., & Hall, S. (2005, August). *Accommodations manual: How to select, administer, and evaluate use of accommodations for instruction and assessment of students with disabilities* (2nd ed.). Washington, DC. Council of Chief State School Officers. (Citation from page 29.) Available online at: <http://www.ccsso.org/content/pdfs/AccommodationsManual.doc>
- ¹⁰ *Id.*, p. 25-42.



View

Slide loads with this view, describing a scenario and asking the audience to take a wild guess. Guess at what?

IEP Document: What's Included?

Take a Wild Guess!

...if the IEP team determines that the child must take an *alternate assessment* instead of a particular regular State or districtwide assessment of student achievement...



Click 1

Click 1: → Now the question appears: Given that scenario, what must be included in the IEP?

IEP Document: What's Included?

Take a Wild Guess!

What must be included in IEP?

...if the IEP team determines that the child must take an *alternate assessment* instead of a particular regular State or districtwide assessment of student achievement...



CLICK AGAIN to advance to next slide.

(discussion on next page) →



For some children with disabilities, regular State or districtwide assessments of students achievement will not be appropriate. The IDEA includes provisions to permit their assessment through alternate assessments, given specific conditions. Those provisions appear in the box below. You looked at the lead-in paragraph on the last slide, where the key part corresponding to the slide was bolded to draw your attention. Now that lead-in is grayed out, not bolded, and the middle paragraph is in bold, because it is the scenario described on the slide about which the audience is support to take a “wild guess.”

Use this slide to begin the discussion of “what happens” if an IEP Team determines that it is inappropriate for a specific child with a disability to participate in a State or LEA’s large-scale assessment. Ask the audience to “take a wild guess” at what type of information must then be included in the child’s IEP. See what the audience thinks. Then move on to the next slide, which provides IDEA’s answer to that question.

§300.320(a)(6) continues...

(6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with §612(a)(16) of the Act; and

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—

(A) The child cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the child; and

View

Slide loads with this view of Bullet 1 of a "wild answer" to the question asked on the last slide.

IEP Document: What's Included?

A Wild Answer!

Statement of...

- Why the child cannot participate in the regular assessment; and



Click 1

IEP Document: What's Included?

A Wild Answer!

Statement of...

- Why the child cannot participate in the regular assessment; and
- Why the particular alternate assessment selected is appropriate for the child



Click 1: →
Bullet 2 of the wild answer appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) →



IDEA's applicable provisions—the wild answer we're seeking—are presented in the box below and on **Handout D-10**.

These regulations, along with those discussed under Slide 26 with respect to alternate assessment options, come into play if the IEP Team determines that a child will not participate in a given State or districtwide assessment. These regulations are not new in the 2004 Amendments to IDEA; participants may be very familiar with them already. What will not be familiar are the regulations recently released for NCLB regarding alternate assessments based on modified academic achievement standards. The summary given under Slide 25 should be used to guide the training you provide here on alternate assessment.

Additional information on alternative assessment is widely available. A few "Starter" resources to share with the audience or use to augment your own knowledge base include:

- Alternate Assessments for Students with Disabilities
http://education.umn.edu/nceo/TopicAreas/AlternateAssessments/alt_assess_topic.htm
- State Alternate Assessment Policies
<http://education.umn.edu/nceo/TopicAreas/AlternateAssessments/StatesAltAssess.htm>

§300.320(a)(6) ends...

(6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with §612(a)(16) of the Act; and

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, **a statement of why—**

(A) The child cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the child; and

View

Slide loads with this view of "Service Delivery" statements, showing Bullet 1.

IEP Document: What's Included?

"Service Delivery"

7 / Statements projecting...

- When the services and modifications to be provided will begin

Clicks 1-3

Clicks 1-3:
Bullets 2, 3,
and 4 appear.

IEP Document: What's Included?

"Service Delivery"

7 / Statements projecting...

- When the services and modifications to be provided will begin
- How **often** they will be provided
- **Where** they will be provided
- How long they will last

CLICK AGAIN to advance to next slide.

(discussion on next page)





Well, we are finally out of “assessment” and are moving on to the next element that must be included in a child’s IEP—summarized in the title of the slide as “Service Delivery.” This is where the details are specified about the services that a child with a disability will receive—the when, where, how often, how long of service delivery. The box at the right provides the corresponding provision within IDEA, found at §300.320(a)(7).

Not only must the IEP state all the services to be delivered to and/or on behalf of a child, but it also must give details—dates, times, and places—for the delivery of services. OSEP’s model IEP form suggests the format shown at the bottom of the page as a means of recording this information.

§300.320(a)(7):
The IEP must include the:

...projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.

Considering Extended School Year (ESY) Services

The IEP Team should also consider whether or not a child needs to receive services beyond the typical school year. This is called *Extended School Year* or ESY services. Some children receiving special education services may be eligible for ESY services. States and LEAs typically have guidelines for determining eligibility for ESY, but whether or not a child needs ESY in order to receive FAPE is a decision that is made by the IEP Team. We’ve included IDEA’s provisions regarding ESY (at §300.106) on **Handout D-8**.

Want to know more about ESY? Here are two online resources to get you started:

- Extended School Year Services Topical Paper: Technical Assistance and Guidance <http://www.rfccnetwork.org/images/stories/MPRRC/Products/State/BIA/biaguidance-esyservices.pdf>
- Extended School Year Services <http://www.wrightslaw.com/info/esy.index.htm>



OSEP’s suggested form for recording “service delivery” information.

Service, Aid or Modification	Frequency	Location	Beginning Date	Duration

IEP Document: What's Included?

"Transition Planning"



8

Beginning no later than
the first IEP to be in effect
after the child is 16*...

**Or younger if determined
appropriate by the IEP Team*

View

Slide loads with
this view, IDEA's
provision regard-
ing the transition
planning compo-
nent of the IEP.

The meaning of
the asterisk also
appears.

IEP Document: What's Included?

"Transition Planning"



8

Beginning no later than
the first IEP to be in effect
after the child is 16*...

And updated annually
thereafter...

**Or younger if determined
appropriate by the IEP Team*

Click 1

Click 1:
"And updated
annually
thereafter"
appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Transition services and planning for a child's life after secondary school has been a component of IDEA dating back to the Amendments of 1990. Requirements were expanded under the 1997 Amendments. Now, the 2004 Amendments makes certain changes to transition services that are noteworthy, even as it maintains an emphasis upon this important aspect of preparing children with disabilities for the future.

Defining "Transition Services"

Any discussion of transition services must begin with its definition, as must any discussion of the transition-related statements that must be included in the IEPs of children with disabilities at well-specified points in time (we'll get to those times in a moment). IDEA's definition of transition services is provided in the box on this page and on page 5 of **Handout D-6**.

If you take a moment and think about what's listed in this definition, you'll see that it includes the domains of independent and adult living. The community....employment....adult services...daily living skills...vocational...postsecondary education. This definition clearly acknowledges that adulthood involves a wide range of skills areas and activities, and that preparing a child with a disability to perform functionally across this spectrum of areas and activities may involve considerable planning, attention, and focused, coordinated services. Note that word—*coordinated*.

The services are to be planned as a group and are intended to drive toward a result—they should not be haphazard or scattershot activities, but *coordinated* with each other to achieve that outcome or result.

What result might that be? From a federal perspective, the result being sought can be found in the very first finding of Congress in IDEA, which refers to "our national policy of ensuring equality of opportunity, full participation, independent

living, and economic self-sufficiency for individuals with disabilities." [20 U.S.C. 1400(c)(1)] Preparing children with disabilities to "lead productive and independent adult lives,



§300.43 Transition services.

(a) *Transition services* means a coordinated set of activities for a child with a disability that—

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—

- (i) Instruction;
- (ii) Related services;
- (iii) Community experiences;
- (iv) The development of employment and other post-school adult living objectives; and
- (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

(b) *Transition services* for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

to the maximum extent possible” is one of IDEA’s stated objectives. [20 U.S.C. 1400(c)(5)(A)(ii)]

For the children themselves, the outcome or result sought via coordinated transition activities must be personally defined, taking into account a child’s interests, preferences, needs, and strengths. This is why the public agency must invite the child with a disability to attend IEP Team meeting “if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b)” and “must take other steps to ensure that the child’s preferences and interests are considered” if the child is not able to attend [§300.321(b)].

And what does “reaching the goals under §300.320(b)” mean? What’s §300.320(b)?

In addition to the definition of transition services just provided, the provisions you’ll find at §300.320(b) are essential to understanding transition planning, in whole and in part.

Transition Statements in the IEP

The very beginning of §300.320(b) can be seen on the slide. These provisions fall under “Content of the IEP” in the final Part B regulations and read as follows:

Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually,

thereafter, the IEP must include—

(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(2) The transition services (including courses of study) needed to assist the child in reaching those goals. [§300.320(b)]

Participants will find these provisions on **Handout D-10**, where the content of the IEP is listed in its entirety. Go over the pieces that comprise this whole—e.g., training, education, employment, and so on—and have the audience identify key words in IDEA’s regulations that describe the pieces in this whole. You can organize a large-group exchange as if it were a cloze exercise where the audience fills in the missing piece, given your prompt. Examples of this back-and-forth are shown in the box on the next page.

For the Record:
What’s Changed?

The evolution of transition planning within IDEA is an interesting one. As was said above, transition services first appeared in the law in the 1990 reauthorization, which is also when EHA became known as IDEA. The next reauthorization, in 1997, added two new transition requirements to the law and its Part B regulations. The first related to “transition service needs” and required that, begin-

ning when the student was age 14 (or younger, if appropriate) and every year thereafter, the IEP had to include a statement of that young person’s transition service needs in his or her courses of study (i.e., AP courses or vocational education).

The 2004 Amendments to IDEA *remove* this requirement.

The second aspect that the 1997 Amendments added to transition services related to “age of majority,” or when the child, under State law, was considered an adult rather than a “minor.” Under those amendments, one year before the child reached the age of majority under State law, the IEP had to include a statement that the child had been informed of the rights, if any, that would transfer to him or her upon reaching the age of majority.

The 2004 Amendments *retain* this requirement. It will be discussed in the next slide.

Under the 2004 reauthorization of IDEA, all transition needs and services are now to be included with the IEP that will be in effect when the student turns age 16.

However, the language, “or younger, if determined appropriate by the IEP Team,” is retained from prior law. In keeping with the individualized nature of the IEP, the IEP Team (which includes the child and parent) retains the authority to include transition services at an age earlier than 16, as appropriate to the child’s needs and preferences.



Points of Discussion in the Analysis of Comments and Changes

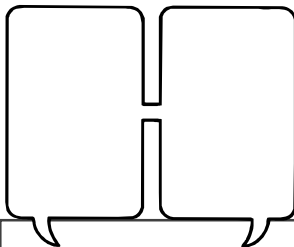
While transition services haven't changed all that much from the 1997 Amendments to those in 2004, a number of interesting points came up in the Department's Analysis of Comments and Changes that accompanied publication of the final Part B regulations. We've excerpted several below.

- Commenter request: To clarify whether "*transition assessments*" are formal evaluations or competency assessments.

The Department did not believe such a clarification was necessary, because... "...the specific transition assessments used to determine appropriate measurable postsecondary goals will depend on the individual needs of the child, and are, therefore, best left to States and districts to determine on an individual basis." (71 Fed. Reg. at 46667)

- Commenter request: To define *postsecondary goals*.

The Department did not believe such a definition was necessary, stating that: "The term is generally understood to refer to those goals that a child hopes to achieve after leaving secondary school (i.e., high school)." (71 Fed. Reg. at 46668)



Examples of prompts to engage the audience in looking closely at the final Part B regulations for transition services in the IEP (see discussion on previous page).

If you were to say leadingly...	The audience would supply IDEA's words...
Postsecondary Goals must be...	<ul style="list-style-type: none"> • Appropriate • Measurable
Postsecondary Goals must also be based on...	Age-appropriate transition assessment
Transition assessment in what...?	<ul style="list-style-type: none"> • training • education • employment • independent living skills, where appropriate
Transition services include...	Courses of study
Transition services for a student as those that the student needs...	To assist the child in reaching those goals
What goals?	The postsecondary goals

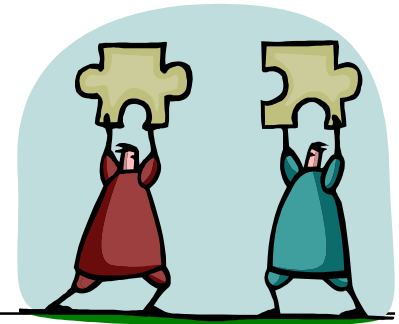
- Commenter question: Does §300.320(b)(1) require measurable postsecondary goals in each of the areas mentioned?

The Department responded: "[T]he only area in which postsecondary goals are not required in the IEP is in the area of independent living skills. Goals in the area of independent living are required only if appropriate. It is up to the child's IEP Team to determine whether IEP goals related to the development of independent living skills are appropriate and necessary for the child to receive FAPE." (71 Fed. Reg. at 46668)

- Commenter question: Can Part B funds be used to support children in transitional programs on college campuses and in community-based settings?

The Department responded: "[A]s with all special education and related services, it is up to each child's IEP Team to determine the special education and related services that are needed to meet each child's unique needs in order for the child to receive FAPE. Therefore, if a child's IEP Team determines that a child's needs can best be met through participation in transitional programs on college campuses or in community-based settings, and includes such services on the child's IEP, funds provided under Part B of the Act may be used for this purpose." (71 Fed. Reg. at 46668)

Resources of More Information



Transition is a huge topic. Its treatment within this module and in the module *Top 10 Basics of Special Education* is necessarily brief, given all that can be said on the subject. Not all audiences will need extensive information on transition planning; it really is a topic that comes in its own time. You can therefore enlarge its treatment here for participants who live with or work with children with disabilities of transition age, or give this component of the IEP a brief mention only.

Should you wish to enlarge the training (or connect interested participants with more information), here are several truckloads of transition-related materials, all summed up in NICHCY's Transition Suite, which is divided into five separate offerings:

- *Transition 101*
<http://www.nichcy.org/resources/transition101.asp>
Introducing the students, the laws, transition planning in action, transition connections state-by-state, and materials in Spanish.
- *Transition for Parents*
http://www.nichcy.org/resources/transition_parents.asp
Parents have unique transition-related questions and concerns, addressed through the resources identified here.
- *Transition for Students*
http://www.nichcy.org/resources/transition_students.asp
Calling all students! These resources are for you, to explain transition planning and to talk about what you bring to the IEP table, including your dreams.
- *Transition for Professionals*
http://www.nichcy.org/resources/transition_professionals.asp
Resources for administrators, transition specialists, secondary school teachers, job developers, youth development professionals, and those planning school-to-work programs and activities.
- *Transition for Specific Disabilities*
http://www.nichcy.org/resources/transition_disab.asp
Find transition resources specific to these disabilities: AD/HD, autism, blindness/visual impairment, deaf-blindness, deaf/hearing impairment, Down syndrome, intellectual disabilities, learning disabilities, mental health, special health care needs, and traumatic brain injury.

IEP Document: What's Included?

"Transfer of Rights"



9

Beginning no later than one year before the child reaches the **age of majority** under State law...

View

Slide loads with this view, establishing the "when."

IEP Document: What's Included?

"Transfer of Rights"



9

Beginning no later than one year before the child reaches the **age of majority** under State law...

... the child must be informed of any upcoming **transfer of rights**

Click 1

Click 1:
And now the "what" (necessary action) appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



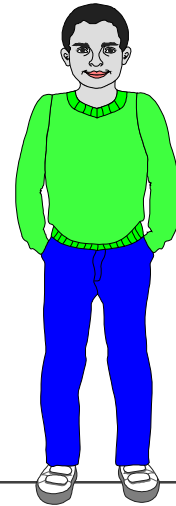
Slide 30 brings us to the last of the IEP components—the transfer of rights at age of majority. The IDEA requires the following:

(c) *Transfer of rights at age of majority.* Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520. [§300.320(c)]

Beginning at least one year before the child reaches the age of majority, then, the child's IEP must include a statement that the child has received notice and been told about the rights (if any) that will transfer to him or her at age of majority under §300.520.

What §300.520 Requires

The text of §300.520 is provided in the box below. Refer participants to **Handout D-10**, where these regulations also appear.



Reflecting on Age of Majority

"*Age of majority* is the legal age established under State law at which an individual is no longer a minor and, as a young adult, has the right and responsibility to make certain legal choices that adults make."¹ Thus, when people use the term *age of majority*, they are generally referring to when a young person reaches the age where one is considered to be an adult. Depending upon your State law, this usually happens at some point between 18 and 21.

At this juncture in a child's life, the State *may* transfer to that child all (or some of) the educational rights that the parents have had up to the moment. Not all States transfer rights at age of majority. But if your State does, then the rights and responsibilities that parents have had under IDEA with respect to their child's education will belong to that child at the age of majority.

§ 300.520 Transfer of parental rights at age of majority.

(a) *General.* A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)—

(1)(i) The public agency must provide any notice required by this part to both the child and the parents; and

(ii) All rights accorded to parents under Part B of the Act transfer to the child;

(2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and

(3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights.

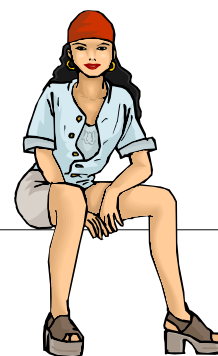
(b) *Special rule.* A State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

While these provisions may appear redundant with §300.320(c), they actually aren't. These provisions relate to informing both the child and the parents of any transfer of rights that has occurred when the child has reached the age of majority in the State; the provision at §300.320(c) stipulates in the IEP that, not later than one year before the child reaches the age of majority, he or she was informed of any rights that will transfer upon reaching that age. Moreover, the provisions at §300.520 fall under the umbrella of "Procedural Safeguards" and include the "special rule" for children who have reached the age of majority but who do not have the ability to provide informed consent with respect to their educational programs (although they have not been determined to be incompetent).

By State-designed procedures, the educational interests of these children would continue to be represented by the children's parents during the entire time of their eligibility under Part B of IDEA. Should the parent of such a child not be available, another individual would be appointed to represent the child's educational interests. So, while this special rule relates directly to the transfer of rights to the child at age of majority, it also serves an *exception* to the transfer of such rights.

How Is the Child Informed?

IDEA does not specify the manner in which public agencies must inform children of any rights that will transfer to them upon reaching the age of majority. This is a matter "best left to States, districts, and IEP Teams to decide, based on their knowledge of the child and any unique local or State requirements." (71 Fed. Reg. at 46668)



¹ National Center on Secondary Education and Transition. (2002, May). *Age of majority: Preparing your child to make their own choices*. Minneapolis, MN: Author. Quote from page 2. (Available online at: www.ncset.org/publications/parent/NCSETParent_May02.pdf)

No more.
My head is
gonna
explode!



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CLICK to advance to next slide.

The trainer can use this slide to signal that the training session on the contents of the IEP is coming to its close.

Additional Considerations When Developing the IEP

- Special factors IEP Team must consider
- Strengths of the child
- Concerns of parents for enhancing their child's education
- IEPs / IFSPs for children aged 3-5



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CLICK to advance to next slide.

There's much more to be discussed about writing an IEP. This slide lists some of the topics that still haven't been addressed by that nonetheless must be considered during IEP development.

However, as the previous slide expressed, ENOUGH FOR NOW! All of the topics listed on the slide are addressed in the next module in the IEP series under **Theme D—Meetings of the IEP Team**. You may wish to mention them here, as an advance organizer of content to come in other sessions, or delve into them more deeply, depending on the amount of time available and the needs of the participants. The trainer is referred to the next module on *Meetings of the IEP Team* for the content.



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CLICK to END the slide show..

Use this slide for a review and recap of your own devising, or open the floor up for a question and answer period. Depending on how much time you have available for this training session, you can have participants work in small groups on an IEP-related objective or to make a quick list of what information they've gleaned from this session, what's different in IEP content in the 2004 Amendments to IDEA, what's the same, or what aspects of writing an IEP are most pertinent to them.

Emphasize the local or personal application of the information presented here.