

Building the Legacy: IDEA 2004 Training Curriculum

Module I

The Top 10 Basics of Special Education



Written by: Lisa Küpper
National Dissemination Center
for Children with Disabilities

NICHCY, PO Box 1492, Washington, DC 20013
1.800.695.0285 (V/TTY) nichcy@aed.org www.nichcy.org

July 2007

National Dissemination Center for Children with Disabilities

Copyright free. You're welcome to share this module far and wide. Please do give credit to its producer, the National Dissemination Center for Children with Disabilities.

Suggested citation:

Küpper, L. (2007, July). The top 10 basics of special education (Module 1). *Building the legacy: IDEA 2004 training curriculum*. Washington, DC: National Dissemination Center for Children with Disabilities. Available online at: www.nichcy.org/training/contents.asp



1.800.695.0285 (V/TTY)
www.nichcy.org

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, 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 *The Top 10 Basics of Special Education*.

Welcome to IDEA and to Special Education!

Thanks to a powerful and important federal law called the *Individuals with Disabilities Education Act*, or IDEA, more than 6.8 million children¹ with disabilities attend public schools every year. Once there, these children work with their peers toward achievement of high academic standards, participate in large-scale testing programs to measure their achievement, and steadily learn, moving toward adulthood and the time they'll leave secondary school, reach their age of majority, and...what? Hopefully, have their fair share of economic opportunity and self-sufficiency, live independent and fulfilling lives, and participate freely in the great adventure of life. Certainly, those are IDEA's stated purposes. The statute passed by Congress (Public Law 108-446) and signed into law by President George W. Bush in December 2004 opens with:

(c) FINDINGS.—
Congress finds the following: (1) Disability is a natural part of the human experience and in no way diminishes the

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.

right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

The final regulations for Part B of IDEA, published in August 2006,² open with a statement of the IDEA's purposes, which are:

(a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs

and prepare them for further education, employment, and independent living;

(b) To ensure that the rights of children with disabilities and their parents are protected;

(c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and

(d) To assess and ensure the effectiveness of efforts to educate children with disabilities. (§300.1)



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.



Thus, because of IDEA, children with disabilities are entitled to a “free appropriate public education” (often called FAPE). This means that schools must provide eligible children who have a disability with specially designed instruction to meet their unique needs, at no cost to the child’s parents. This specially designed instruction is known as *special education*.

To say that IDEA has a huge impact on educational policy and practice is to understate the reality. IDEA’s Part B regulations provide States with extensive guidelines and requirements in how to design and implement special education programs for children with disabilities, including federal fiscal support via formula grants to States exceeding \$10.5 billion annually.³

This Module in Time and Space

This module on *The Top 10 Basics of Special Education* falls within the umbrella topic of **Theme A, Welcome to IDEA**. There are two modules under that umbrella, as follows:

- *Top 10 Basics of Special Education* (this module) looks at the steps involved in accessing special education and related services and 10 key definitions in IDEA everyone should know.

- *Overview of Key Changes in IDEA 2004* takes a brief and summarizing look what’s new and different in IDEA 2004.

For Whom Is This Module Designed?

For educational personnel who work with children with disabilities in our schools, getting to know the IDEA is essential. The same is true for parents, grandparents, and other family members of a child who has a disability. This module opens the *Building the Legacy* training curriculum and serves as the introduction to IDEA. It is primarily intended for audiences who are newcomers to the law and the special education process. As such, it’s best suited for:

- parents who suspect that their child may have a disability and who want to know where to get help and what to do next;
- parents whose school-aged child has been recently diagnosed with a disability and who are just beginning the journey into special education and related services;
- other family members of a child with a disability;
- preservice teachers who are learning about the special educational needs of children with disabilities and the legal foundation for the IDEA-funded services they receive in public schools;

- practicing regular education teachers who now have children with disabilities in their classrooms or who are retraining and expanding their certifications to include special education;
- new staff, school board members, advocates, policy makers, administrators, or educators who will be working with children who have disabilities, their families, or school personnel involved in planning or providing special education services, but who have little prior knowledge of disability or special education.

Organization of the Module

This module is divided into three sections:

- *Section 1*: the 10 steps involved in the special education process as prescribed by IDEA;
- *Section 2*: five acronyms frequently heard (and used) in the special education field; and
- *Section 3*: five additional essential terms that are defined within IDEA and applied in our public schools every day, thousands upon thousands of times.

The first two sections are covered in one slide show file and described herein, with supportive background information in abundance. The slide show file for these first two sections is:

1A-slideshow.zip

The last section—five essential terms defined—is treated in a *separate* slide show file (although it is also described herein) and is intended for the hardest and most deeply involved of trainee participants. We’ve split off this last section into a separate slide show to give trainers the maximum flexibility in its use. Not all trainees will need to look in such depth at the five key terms the last section addresses (child with a disability, special education, related services, supplementary aids and services, and secondary transition services). Trainers can make that judgment on their own, using what they know about their audience in a given training session. Find the slide show for this third section in the file:

1B-slideshow.zip

Files You’ll Need for This Module

Module 1 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 passed by Congress in December 2004 and the final regulations for Part B published in August 2006.

The discussion is provided via four PDF files that are consecutively numbered as 1A, 1B, 1C, and 1D to make it clear the order in which they should be printed out and compiled. The equivalent of all this content is also available in one accessible, quite long Word® file. Here are the files’ full names and where to find them on NICHCY’s Web site:

1A-PDF of discussion for Slides 1-12 of sections 1 and 2.
www.nichcy.org/training/1A-Slides1-12.pdf

1B-PDF of discussion for Slides 13-end of sections 1 and 2.
www.nichcy.org/training/1B-Slides13-end.pdf

1C-PDF of discussion for section 3, Slides 1-15.
www.nichcy.org/training/1C-section3-Slides1-15.pdf

1D-PDF of discussion for section 3, Slides 16 to end.
www.nichcy.org/training/1D-section3-Slides16-end.pdf

The discussion in an accessible Word® file.
www.nichcy.org/training/1-discussion.doc

- **Handouts in English.** The handouts for this module are provided within an integrated package of handouts for the entire umbrella topic of Theme A, **Welcome to IDEA**, which includes two different modules. If you’ve already downloaded the handouts for other modules in Theme A, then you have what you need for this module, too. If not, then find Word® and PDF versions of these handouts as follows:

PDF version of the Handouts.
www.nichcy.org/training/A-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/A-handouts.doc

- **PowerPoint® slide show.** NICHCY is pleased to provide two slide shows (produced in PowerPoint®) around which trainers can frame their presentations and training on the basics of special education. As described in “Organization of This Module,” the files you’ll need are:

www.nichcy.org/training/1A-slideshow.zip

www.nichcy.org/training/1B-slideshow.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.)





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.

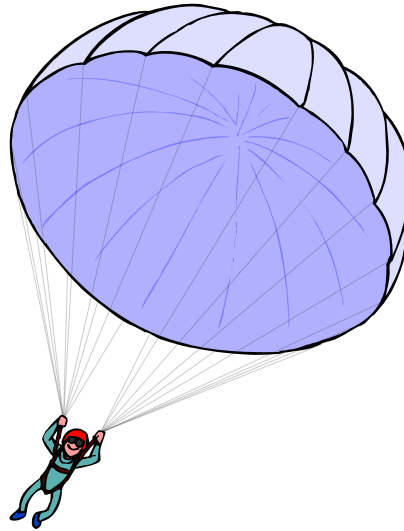
The final Part B regulations are codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It’s not unusual to see references to specific sections of IDEA’s regulations include this—such as 34 CFR §300.173. We have omitted the 34 CFR in this training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



References

- ¹ U.S. Department of Education. (2007). *FY 2008 education budget summary and background information*. Retrieved May 26, 2007, at: <http://www.ed.gov/about/overview/budget/budget08/summary/edlite-section2b.html>
 - ² 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 C.F.R. pt.300). Available online at:
 - www.nichcy.org/reauth/IDEA2004regulations.pdf
 - <http://idea.ed.gov>
- Unless otherwise noted, the citations to the final Part B regulations are to those that took effect on October 13, 2006.
- ³ U.S. Department of Education. (2007). *FY 2008 education budget summary and background information*. Retrieved May 26, 2007, at: <http://www.ed.gov/about/overview/budget/budget08/summary/edlite-section2b.html>



The Top 10 Basics of Special Education

How to Operate the Slide:

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

CLICK to advance to next slide.

Use Slide 1 (above) to orient your audience to what this training will be about: The top 10 basics of special education.

Use **Handout A-1** to break the ice and involve participants immediately in the training session (see instructions on the next page). Then engage them in a discussion that activates their prior knowledge about special education—its acronyms, in particular.

Be sure to explore how today's training on special education and IDEA is personally relevant to their lives.

Theme A, Among Other Themes

While this slide presents the title for the training session, it can also be used to highlight that this module on the top 10 basics of special education is one of two in *Building the Legacy's*

Themes in *Building the Legacy*

Theme A

Welcome to IDEA

Theme B

IDEA
and General Education

Theme C

Evaluating Children
for Disability

Theme D

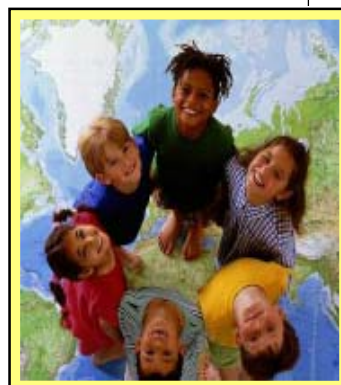
Individualized Education
Programs (IEPs)

Theme E

Procedural Safeguards

Available online at:

www.nichcy.org/training/contents.asp



Theme A, Welcome to IDEA. As identified in the introduction, the other module in Theme A is *Key Changes in IDEA*.

And just as this module exists within a series, Theme A exists within a curriculum of multiple themes. Those themes represent 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 in this training curriculum is provided in the box on the previous page. If participants want to learn more on their own (or share informa-

tion with their family or colleagues), they're welcome to visit NICHCY's Web site and download any and all modules they wish.



Opening Activity

Purpose

To have participants focus on acronyms in a fun way and then identify what special education acronyms they may know or have heard.

Total Time Activity Takes

15 minutes.

Group Size

Work in pairs, then discuss in large group.

Materials

Handout A-1

Instructions

1. Refer participants to **Handout A-1**. Indicate that this is the activity sheet they have to complete. They will have 5 minutes to work with a partner.

2. At the end of the time allotted, call the audience back to large-group focus.

3. Take 2-3 minutes to see how they did—could they match the license tag abbreviations with the car owner's profession?

4. Take 5 minutes to relate this exercise to the training and explore what trainees already know about special education, its acronyms, and other key terms. Highlight any experiences that trainees have had where they were bewildered by a term they heard (this doesn't necessarily have to be related to special education or IDEA). What terms or aspects of IDEA do they *wish* to know? Why have they come to this training session today? How do their lives intersect with IDEA? How do they expect to use the information they gain today at some future point in time?

This module looks at:

10...

... Steps in the
special education
process

5...

... Acronyms
to know

5...

... Key terms
defined

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

CLICK AGAIN to advance to next slide.

Slide 2 is an advance organizer for the audience, to alert them to the areas covered in this training module. You can talk with the audience about what they think each of these elements will involve, asking such questions as:

- What steps might you guess would be involved in accessing special education services for a child with a disability?
- What acronyms have you heard that made you wonder, huh? What does that mean?
- Have you ever had an experience with an acronym—in special education or otherwise—where knowing what the acronym meant made all the difference in the world?
- What key terms might you expect to hear defined here? Any wild guesses?

Make a list of the terms and acronyms that people mention and refer back to it if one of the terms or acronyms comes up in the training.

Trainer Note

Remember that the third section of this training module—represented on the slide as “5 key terms defined”—is provided through a separate slide show (1slideshow-Part3.zip). The five terms are examined in a level of detail that not all audiences may need. If you don’t intend to “go there” with your current audience, you may need to adjust what you say here on this agenda slide.

10 Steps: The Basics of Special Education Process under IDEA

Step 1. Child is identified as possibly needing special education and related services



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

CLICK to advance to next slide.

The first section of this training session, meant for green-horns to special education, focuses on the 10 basic steps involved in the special education process. Participants will find the 10 steps depicted on **Handout A-2**.

Slide 3 talks about Step 1, when a child is identified as possibly needing special education and related services. Translate this to mean: the child is having some sort of difficulty in school—and this can cover a broad range of possibilities, including:

- academic troubles (although a child does not need to show academic difficulties in order to be “identified” as *possibly*

needing special education and related services, which we’ll discuss in a moment);

- behavioral problems;
- a physical issue that adversely affects his or her educational performance;
- emotional or social dysfunction or difficulty; or

- some other manifestation of difficulty (e.g., inattention, hyperactivity, tics or odd outbursts, speech problems).

When children are having any of these difficulties in school, someone generally notices, becomes concerned, and wants to get to the root of the problem. This may be the child’s teacher or parent(s). At other times, the child’s performance

Trainer Note

Handout A-2 will also serve you well if you have only a short amount of time available for this training session and need to present the 10 steps in their barest bones. If that’s not the case and you don’t need to minimize, much additional information is provided in the discussion section for each slide to flesh out those bones and offer participants a more substantial look at each of the 10 steps.

on a large-scale test may be what sounds the alarm bell. To find out what's amiss and whether or not the child needs special education and related services, a full and individual evaluation of the child must be conducted. (That's Step 2, the subject of the next slide.) Let's look at two of the mechanisms through which children come to be evaluated under IDEA.

Child Find

IDEA includes a component called *child find* that requires States to identify, locate, and evaluate all children with disabilities, aged birth to 21, who are in need of early intervention or special education services. IDEA's Part B child find provisions are found at §300.111 and begin:

§300.111 Child find.

(a) *General.* (1) The State must have in effect policies and procedures to ensure that—

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

(ii) A practical method is developed and implemented to determine which children are currently receiving needed

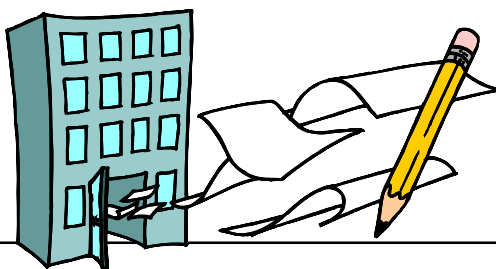
special education and related services.

Thus, each State must operate comprehensive systems of child find in order to identify, locate and evaluate children with disabilities residing in the State and who are in need of special education and related services. Before children are old enough to attend public school, however, it's not uncommon for a babysitter, a daycare provider, or preschool staff to express concern to the young child's parents about developmental or learning delays and suggest that the parents contact the appropriate State agency to have the child screened to determine whether the child should be referred for a full evaluation to determine eligibility for special education and related services. Such screenings cover a range of skill areas—vision and hearing (often over-

looked as the root of the problem), gross and fine motor skills, speech and language use, and more.

Parents don't have to wait until someone suggests that their child be screened, though. If they are concerned about their child's developmental progress, they should get in touch with the State agency themselves and arrange to have their child screened. Such screenings are free of charge to parents. They are considered part of the State's responsibility toward the well-being of its resident children.

If the screening finds some sort of problem or greater cause for concern based on the child's age and skills, then a full and individual evaluation is in order. This, too, is free of charge to parents and child, and requires the parents' informed written consent, among other things (to be discussed in the next slide).



The Term “Public Agency”

The term “public agency” in IDEA refers to the agency that is responsible for providing education to children with disabilities. The “public agency” may vary from location to location and from child to child. In some instances, it is the State educational agency (SEA); in others, it is the local educational agency (LEA), a public charter school, or some other entity responsible for providing education to children with disabilities.

Although *public agency* is not a term most people are familiar with, we have chosen to use this term to refer to the agency in your area that is responsible for providing education to children with disabilities. In most cases, this agency will be your local school district.

For school-aged children, the request to conduct an initial evaluation typically comes through the school itself—or in the terms used by IDEA, what’s called the *public agency*. You’ll hear a lot in this training curriculum about the responsibilities and rights of the agency that’s responsible for providing education to children with disabilities. There’s more in the box on the previous page about this term. It may be very helpful to your audience to specifically mention the term and discuss what it means, since it’s used consistently throughout IDEA.

Requesting an Evaluation

As stated above, a parent or a public agency is usually the one that requests that a school-aged child (K-12) be evaluated. The regulations at §300.301 cover requests for initial evaluations:

(b) *Request for initial evaluation.* Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

The public agency may contact the parents, explain its concerns, and request the parents’ permission to evaluate the child. IDEA is very specific about the information that must be included in such a request (more on that below). Alternatively, parents may contact the school (or the public agency, the Director of Special Education for the district, or the principal of the

child’s school), indicate that they think their child has a disability and needs special education help, and ask the school to evaluate the child. If the public agency agrees that the child may have a disability, the agency must evaluate the child at no cost to the child or parents.

It’s important for parents to know that the public agency does not have to evaluate the child just because parents have asked. The public agency may refuse to do so if it “does not suspect that the child has a disability” (71 Fed. Reg. at 46636). In keeping with IDEA’s provisions governing such a refusal, the public agency must provide written notice to the parents [consistent with §300.503(b)], “which explains, among other things, why the public agency refuses to conduct an initial evaluation and the information that was used as the basis to make that decision. The parent may challenge such a refusal by requesting a due process hearing” (*Id.*). Due process hearings are discussed in the module *Options for Dispute Resolution*.



Finding Your State’s PTI

NICHCY, the National Dissemination Center for Children with Disabilities, maintains *State Resource Sheets* for every State and territory of the U.S. These will list the contact information for the PTIs serving the State. State resource sheets are available online 24/7 (www.nichcy.org/states.htm), or people may call or email NICHCY for the information.

If the public agency refuses to evaluate the child, there are two things parents can do immediately:

- Ask the school system for information about its special education policies and obtain a copy of the procedural safeguards, as well as parent rights to disagree with decisions made by the school system. These materials should describe the steps parents can take to challenge a school system’s decision.
- Get in touch with the State’s Parent Training and Information (PTI) center. The PTI is an excellent resource for parents to learn more about special education, their rights and responsibilities, and the law. The PTI can tell parents what steps to take next to find help for the child. The box below provides information on how to get in touch with your State’s PTI.

New Timeframe for Evaluation

Congress added a specific timeframe to IDEA 2004 within which initial evaluations must be conducted. This has been addressed in the regulations as follows:

The initial evaluation—

(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or

(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe...[§300.301(c)(1)]

Under prior law, public agencies were required to conduct initial evaluations within a “reasonable period of time” after receiving parental consent [34 CFR §300.343(b)(1999)], so the specification of a 60-day timeframe in IDEA 2004 represents a significant change that should be identified as such to your audience. It’s important to note, however, that *any timeframe established by the State takes precedence over the 60-day timeline required by IDEA*, as is clear in use of the word “or” between (i) and (ii).

Before Conducting an Initial Evaluation

Before conducting any initial evaluation of a child, there are three actions that a public agency must take:

- Provide parent with prior written notice,
- Provide parent with procedural safeguards notice, and
- Obtain parent’s informed written consent.

As discussed in Module 10, *Initial Evaluation and Reevaluation*, these actions are very important; depending on the time you have available for training and the

needs of your audience, you may either state these as solid requirements of law and move on, or examine parent notification (both the prior written notice and the procedural safeguards notice) and parent consent in more detail.



What is Prior Written Notice?

Prior written notice refers to the public agency’s obligation to inform parents a reasonable time before it proposes to take specific actions, or refuses to take specific actions—in this case, initiate an initial evaluation of the child.

According to the regulations at §300.503(a) (provided in this training package in the module *Introduction to Procedural Safeguards*, as Handout E-2), the public agency must provide parents with prior written notice whenever it:

(1) Proposes to initiate or change the identification, evaluation, or educational

placement of the child or the provision of FAPE to the child; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. [§300.503(a)]

Within the context of the current module, the prior written notice that the public agency provides to parents must describe its proposed action—in this case, to conduct an initial evaluation of a child or its refusal to do so. IDEA requires that this description be comprehensive, as can be seen in its provisions detailing the “content of the prior written notice” given a bit further below. It is not sufficient for the agency to tell parents that it would like to evaluate their child or that it refuses to evaluate their child. The agency must also:

- explain why it wants to conduct the evaluation (or why it refuses);
- describe each evaluation procedure, assessment, record, or report used as a basis for proposing the evaluation (or refusing to conduct the evaluation);

Trainer Note

Be aware that both prior written notice and the procedural safeguards notice are discussed in full as part of the module *Introduction to Procedural Safeguards*. Some of the background text accompanying that module is reproduced here, for convenience, but if you intend to take up either of these subjects in any detail, you may want to read that background material completely rather than rely on what’s presented here, which has been streamlined to focus on how either of these two notices might look when they are provided regarding initial evaluation.

- let parents know that they have protection under IDEA's procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which parents can obtain a description of those safeguards;
- where parents can go to obtain help in understanding IDEA's provisions;
- what other options the agency considered and why those were rejected; and
- a description of any other factors that are relevant to the agency's proposal (or refusal) to evaluate the child. [§300.503(b)]

The purpose behind this thorough explanation is to ensure that parents are fully informed, understand what is being proposed (or refused), and understand what an evaluation of their child will involve (or why the public agency is refusing to conduct an evaluation of the child).

What is the Procedural Safeguards Notice?

The *procedural safeguards notice* refers to the comprehensive written explanation that public agencies must provide parents on specific occasions to, among other things, fully inform them of IDEA's procedural safeguards. "Upon initial referral or parent request for evaluation" are two occasions that trigger the provision of the procedural safeguards notice [§300.504(a)(1), see Handout E-4 in the module

Introduction to Procedural Safeguards].

Making These Notices Understandable

IDEA requires more of public agencies than simply providing parents with the two aforementioned notices. Agencies must also ensure that parents can understand the notices, which must involve, as necessary:

- providing notice to parents in their native language or other mode of communication used



by the parent, unless it is clearly not feasible to do so; and

- writing the notice in language that is understandable to the general public. [§300.503(c)(1)]

What if the parents' language is not a written one? IDEA 2004 and the final regulations include the following requirements in such cases:

- (2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—

Provisions in IDEA 2004 and the Final Part B Regulations: Content of the Prior Written Notice

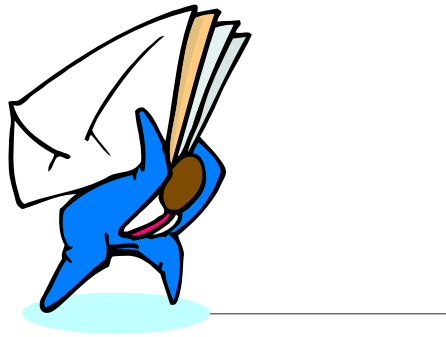
(b) *Content of notice.* The notice required under paragraph (a) of this section must include—

- (1) A description of the action proposed or refused by the agency;
- (2) An explanation of why the agency proposes or refuses to take the action;
- (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- (7) A description of other factors that are relevant to the agency's proposal or refusal. [§300.503(b)]

(i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(ii) That the parent understands the content of the notice; and

(iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met. [§300.503(c)(2)]



from the parent of the child before conducting the evaluation. [§300.300(a)(1)(i)]

Parental Consent

Consent within IDEA has a very specific meaning that rises out of, and is closely tied to, its provisions regarding prior written notice. Consent, in IDEA, means *informed written* consent. The comprehensive description of a proposed or refused action, as contained in the prior written notice, is intended to inform parents fully about a specific issue. Only by building that foundation of understanding can *informed* consent be given.

Therefore, before a public agency may initiate the evaluation of a child, it must obtain a parent's informed written consent for that evaluation. The following provision makes that very clear:

The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§300.503 and 300.504, obtain informed consent, consistent with §300.9,

Reasonable Efforts to Obtain Consent

The final regulations implementing IDEA 2004 add a provision that “[p]ublic agencies must make reasonable efforts to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability” [§300.300(a)(1)(iii), see Handout C-1]. To illuminate what is meant by “reasonable efforts,” another new provision has been added to the final regulations at §300.300(d)(5) and reads, in part:

...the public agency must document its attempts to obtain parental consent using the procedures in §300.322(d).

What *are* the procedures in §300.322(d)? They're the same as those required when the public agency seeks parental consent for initial evaluation—namely, detailed records of phone calls made or attempted, any correspondence sent to parents and responses received, and visits made to the parent's home or place of employment and the results of those visits.

What if the Public Agency Cannot Obtain Parental Consent?

There are two circumstances under which a public agency would not be able to obtain a parent's consent for an initial evaluation. For each, IDEA contains explicit provisions to guide public agencies in executing their duties and ensure that the rights of parents regarding consent are not violated. These circumstances are:

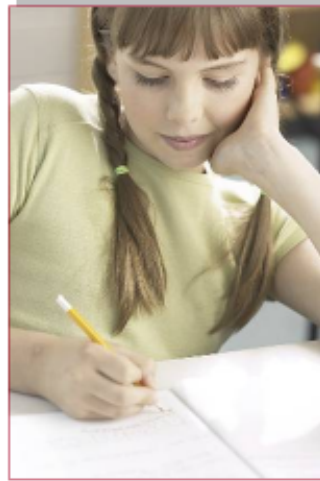
- The parent explicitly refuses to provide consent.
- The parent fails to respond to a request to provide consent.

Both of these circumstances are examined in Module 10, *Initial Evaluation and Reevaluation* (see Slide 7). We won't repeat that information here but, rather, refer you to Module 10 if you feel it's important to share that information with the audience.

10 Steps: The Basics of Special Education Process under IDEA

Step 1. Child is identified
as possibly needing
special education and
related services

Step 2. Child is evaluated



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

CLICK AGAIN to advance to next slide.

Step 1 has been completed. The public agency has adhered to IDEA's requirements about providing parents with prior written notice and the procedural safeguards notice, and has obtained their informed written consent to conduct the evaluation. Now comes Step 2—evaluating the child. This, too, appears on **Handout A-2**, with a bare bones summary.

How do the final Part B regulations define evaluation? Do they define evaluation? Yes, they do, as follows:

§300.15 Evaluation.

Evaluation means procedures used in accordance with §§300.304

through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Although you could talk all day about what evaluation entails, this is, after all, only an

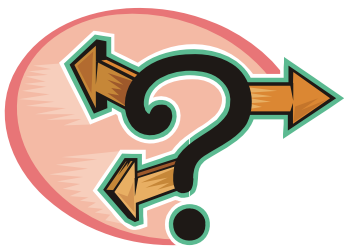
introduction to IDEA and the 10 basic steps in special education. In pursuit of brevity, you may wish to paint the broad picture for the audience, which might be summarized as follows: Information gathered during the evaluation process is used to fully understand the educational needs of the child and to guide

Trainer Note

Evaluation is an enormous topic in its own right—that's why the three modules in Theme C or this training curriculum are devoted to it. The background material provided for the current slide is drawn from those modules with an eye to identifying the information most important to share with newcomers to special education, especially parents. How much detail you provide, however, is your choice, given the needs of the audience and by selecting additional material from the three evaluation modules.

decision making about the kind of educational program that is appropriate for the child. From evaluation, it is possible—no, it is imperative—to *fully learn* the *nature* and *extent* of the special education and related services the child needs, so that a comprehensive and appropriate individualized education program (IEP) can be developed and implemented. The underlying standards to be used and the multiple ways in which schools are to learn this vital information about each child with a disability is the focus of Module 9, *Introduction to Evaluation*.

Here are some key points also important to share with the audience, adding detail as you deem responsive to the needs and interests of participants. We've grouped these points into areas of concern or intent and included a brief summary, when appropriate.



Purposes of Evaluation

- To see if the child is a “child with a disability,” as defined by IDEA;
- To gather information that will help determine the child’s educational needs; and
- To guide decision making about appropriate educational programming for the child



Who’s Involved?

Who’s involved in the evaluation process? According to IDEA, the group involved in the evaluation is the IEP Team (including the parents) and other qualified professionals [§300.305(a)].

Since we haven’t gotten to IEPs in this training module yet, this point may be a bit sticky to discuss. Be aware that true beginners in the audience may not know what an IEP is, let alone who’s on an IEP Team. Therefore, identify the typical players in evaluation by mentioning “qualified professionals” and then going down IDEA’s regulations describing the IEP Team, as follows:

- The parents of the child;
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the public agency who must have specific qualifications;

- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team already described (but not the parent);
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability. [§300.321(a)]

Scope of Evaluation

A child’s initial evaluation must be full and individual. This is a longstanding provision of IDEA, found at §300.301(a). Make it clear to participants that an “individual” evaluation is just that—*individual*. Focused on that child and that child alone. An evaluation of a child under IDEA means much more than the child sitting in a room with the rest of his or her class taking an exam for that class, that school, that district, or that State. How the child performs on such exams will contribute useful information to an IDEA-related evaluation, but large-scale tests or group-administered instruments are not enough to diagnose a disability or determine what, if any, special education or related services the child might need, let alone plan an appropriate educational program for the child. More information available in Module 9, *Introduction to Evaluation*.

The evaluation must gather relevant functional, developmental, and academic information about the child, including information provided by the parent [§300.304(b)(1)]. When conducting an initial evaluation, it is necessary to examine all areas of a child's functioning related to the suspected disability (e.g., intelligence, language, speech, hearing, vision, fine and gross motor skills, social/emotional behavior) to establish baseline information on the child and to recognize areas of impairment. As the IDEA states:

Each public agency must ensure that—

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

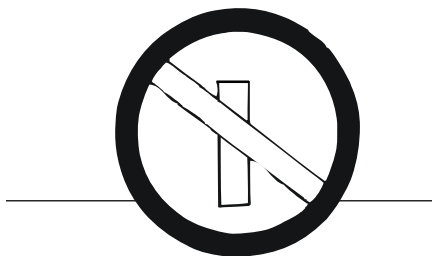
(5)...

(6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. [§300.304(c)]

An example may help crystallize the comprehensive scope of evaluations: Consider a first-grader with suspected hearing and vision impairments who's been referred for an initial evaluation. In order to *fully* "gather relevant functional,

developmental, and academic information" and "identify *all* of the child's special education and related services needs," evaluation of this child will obviously need to focus on hearing and vision, *as well as* cognitive, speech, language, motor, and social/behavioral skills, to determine not only the degree of impairment in vision and hearing and related educational needs, but also:

- the impact of these impairments (if any) on the child in other areas of functioning, *and*
- if there are additional impairments in any other areas of functioning (including those not commonly linked to hearing and/or vision impairment).



The evaluation must use a variety of assessment tools and strategies. In other words, it cannot be based solely on one test or criterion. As IDEA states at §300.304(b)(1) and (2):

(b) *Conduct of evaluation.*

In conducting the evaluation, the public agency must—

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining...

(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child...

These provisions are not new in IDEA 2004. In fact, one of the cornerstones of the IDEA's evaluation requirements is that it is inappropriate and unacceptable to base any eligibility or placement decision upon the results of only one procedure. Tests alone will not give a comprehensive picture of how a child performs or what he or she knows or does not know. Only by collecting data through a *variety of approaches* (e.g., observations, interviews, tests, curriculum-based assessment, and so on) and from a *variety of sources* (parents, teachers, specialists, child) can an adequate picture be obtained of the child's strengths and weaknesses. Synthesized, this information can be used to determine whether the child has a disability under IDEA, the specific nature of the child's special needs, whether the child needs special education and related services and, if so, to design an appropriate program.

Ensuring Technical Quality and Soundness

IDEA 2004 (as in prior law) requires public agencies to use technically sound instruments and processes in evaluation [§300.304(b)(3) and (c)]. “Technically sound instruments” generally refers to assessments that have been shown through research to be valid and reliable (71 Fed. Reg. at 46642). “Technically sound processes” requires that assessments and other evaluation materials must be:

- administered by trained and knowledgeable personnel;
- administered in accordance with any instructions provided by the producer of the assessments; and
- used for the purposes for which the assessments or measures are valid and reliable.

Much more information on this aspect of evaluation is available in Module 9, *Introduction to Evaluation*.

Considering Language, Communication Mode, and Culture

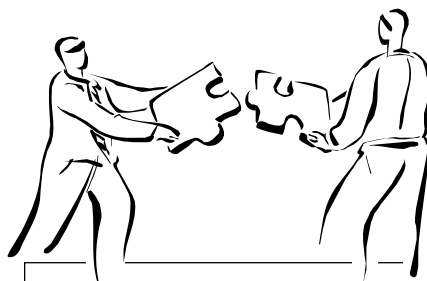
Slide 13 in Module 9 addresses an issue that may be very important to many audience members, especially those working with or parenting children:

- for whom English is not the native language,
- who communicate by signing,
- who use alternative augmentative communication, or

- who use other means to communicate.

Assessments of such children must be conducted in accordance with their typical, accustomed mode of communication (unless it is clearly not feasible to do so) and in a form that will yield accurate information. To assess the child using a means of communication or response not highly familiar to the child raises the probability that the evaluation results will yield minimal, if any, information about what the child knows and can do.

IDEA’s requirements in this regard appear at §300.304(c)(1) (i) and (ii) and in the box on this page (relevant provisions in bold).



Avoiding discriminatory practices. Concern has been expressed in recent years about the overrepresentation of minority children in special education programs, particularly in programs for children with mild disabilities, and a great deal of research has been conducted to identify the reasons why. This is much more fully addressed in the module on *Disproportionality and Overrepresentation*, but briefly, here, many factors appear to contribute, including bias against children from different cultural and linguistic backgrounds, particularly those who are poor. For example, on many tests, being able to answer questions correctly too often depends upon having specific culturally-based information or knowledge. If children have not been exposed to that information through their culture, or have not had the experiences that lead to gaining specific knowledge, then they will not be able to answer certain questions

§300.304 Evaluation procedures.

- (a)...
- (b)...
- (c) *Other evaluation procedures.* Each public agency must ensure that—
 - (1) Assessments and other evaluation materials used ...
 - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (ii) **Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;**

at all or will answer them in a way that is considered “incorrect” within the dominant culture. This can lead to inappropriate conclusions about whether a child has a disability, as defined by IDEA.

When English proficiency is limited. Before conducting any formal testing of a child who is a non-native speaker of English, it is critical to determine the child’s preferred language and to conduct a comprehensive language assessment in the appropriate language. It is highly inappropriate to evaluate children in English when that is not their dominant language (unless the purpose of the testing is to assess the child’s English language proficiency). If possible, the evaluator in any testing situation or interview should be familiar to the child and speak the child’s language.

When tests or evaluation materials are not available in the child’s native language, examiners may find it necessary to use English-language instruments. Because this practice is fraught with the possibility of misinterpretation, examiners need to be cautious in how they administer the test and interpret results. Alterations may need to be made to the standardized procedures used to administer tests. These can include paraphrasing instructions, providing a demonstration of how test tasks are to be performed, reading test items to the child, allowing the child to respond verbally rather than in writing, or allowing the child to use a dictionary. However, if any such alterations are made, it is important to recognize that standardization has been broken, limiting the usefulness and

applicability of test norms. Results should be cautiously interpreted, and all alterations made to the testing procedures should be fully detailed in the report describing the child’s test performance in accordance with standard test administration practice (71 Fed. Reg. at 46633). It is also essential that other assessment approaches be an integral part of collecting information about the child, such as interviews and observations.



When the child uses another mode to communicate. Language and cultural difference is not the only factor that can confound effective evaluation. As IDEA recognizes, so can having another mode of communicating—such as sign, augmentative communication devices, or Braille. It should be readily apparent that using speech or the written word to evaluate a child who uses another mode of communication would produce inaccurate and misleading results. Such results could not be used to determine if the child is a “child with a disability” or to plan an appropriate educational program for that child. Therefore, unless it is clearly not feasible to do so, the child’s mode of communication must be the mode through which evaluation is conducted—only in that way can the child accurately demonstrate what he or she knows or can do. If not feasible to do so, then results must be interpreted cautiously and all

modifications described thoroughly in the evaluation report, along with their implications for the test results.

Reviewing Existing Data

The points above speak more to the responsibilities of the public agency than they do to the actual step-by-step process of evaluation. For those who will be involved in evaluating a child, it is important to understand the step-by-step, too. Evaluation typically begins with a review of existing evaluation data on the child, which may come from the child’s school file, his or her recent test scores on State or district assessments, classroom work, and so on. This requirement is stated in the final Part B regulations at §300.305(a)(1):

(a) *Review of existing evaluation data.* As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—

(1) Review existing evaluation data on the child, including—

(i) Evaluations and information provided by the parents of the child;

(ii) Current classroom-based, local, or State assessments, and classroom-based observations; and

(iii) Observations by teachers and related services providers...

Following this review, the group involved in the evaluation must identify what additional

data (if any) are needed to determine:

- If the child is a “child with a disability” as defined by IDEA;
- The child’s educational needs;
- The child’s present levels of academic achievement and related developmental needs;
- Whether the child needs special education and related services; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet annual goals in the IEP and to participate in general education curriculum (*as appropriate*).
[§300.305(a)(2)]

This review of existing evaluation data may be held without a meeting [§300.305(b)]. How is that possible, you might ask, considering the questions that must be addressed and the determinations that must be made? Neither the statute nor the regulations, however, require that the public agency call a meeting for the purpose of reviewing a child’s existing evaluation data, nor do they specify what other means or methods the evaluation group might use to make the determinations they need to make, based on the review of existing evaluation data and parent input. As in many other matters, this is left up to State and local authority. Either might require a meeting be held to review these data, but the IDEA does not require this. The IDEA only requires that the review be conducted by the group speci-

Provisions in IDEA and the Final Regulations at §300.305(d): Requirements if Additional Data Are Not Needed

(d) *Requirements if additional data are not needed.* (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs, the public agency must notify the child’s parents of—

(i) That determination and the reasons for the determination; and

(ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child’s parents.

fied at §300.305(a) and that the determinations identified above are made.

More data are needed. Suppose the group determines that there is not enough information available in the existing evaluation data to make the determinations they need to make. What happens then? As stated in IDEA 2004 and the final regulations at §300.305(c):

(c) *Source of data.* The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.

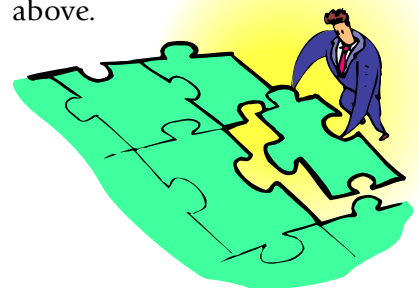
Before the public agency may proceed with gathering additional information for the initial evaluation of the child, it must notify the parents (in other words, provide prior written notice), request their consent for the evaluation, provide the procedural safeguards notice,

and obtain their informed consent. The evaluation may then proceed.

Enough data exist. Suppose the group determines there is sufficient information available to make the determinations they need. In this case, the public agency must notify parents:

- of that determination and the reason for it; and
- that parents have the right to request assessment of the child.

The public agency is not required to conduct the assessment of the child unless the parents request that it does so. Relevant regulations appear at §300.305(d) and in the box above.



10 Steps: The Basics of Special Education Process under IDEA

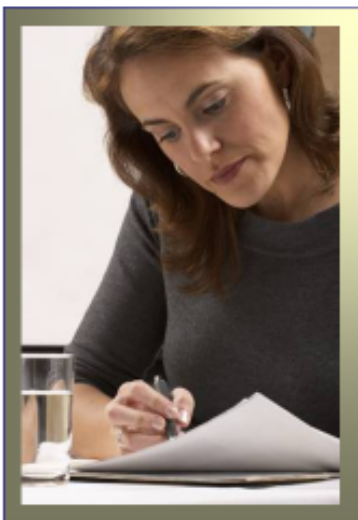


Step 3. Eligibility is decided

View I

Slide loads with this view listing Step 3.

10 Steps: The Basics of Special Education Process under IDEA




Step 3. Eligibility is decided

Parents are part of the group that decides eligibility

Click I

Click 1:
"Parents are part of the group..." loads.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 5 moves to the next step in the special education process—determining the child’s eligibility for special education and related services under IDEA. A bare bones description of the step appears on **Handout A-2**.

Group Determining Eligibility

The first noteworthy element of this important step is that IDEA assigns the task of determining eligibility to “a group of qualified professionals and the parent” [§300.306(a)(1)]. It is left up to the public agency to determine what constitutes a “qualified professional.”

This group may or may not be the same individuals who were involved in the review of existing evaluation data. That group was comprised of “the IEP Team and other qualified professionals, as appropriate” [§300.305(a)], so there may be overlap in the membership of these two groups. Certainly the parents are entitled to be involved in both groups and in the decisions each group makes.

Factors to Consider: Special Rule

The second noteworthy element involved in determining a child’s eligibility relates to the range of factors that IDEA 2004 requires the eligibility group to consider as part of making that determination. The first of these factors is called a “special rule,” which reads:

(b) *Special rule for eligibility determination.* A child must not be determined to be a child with a disability under this part—

(1) If the determinant factor for that determination is—

(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency; and

(2) If the child does not otherwise meet the eligibility criteria under §300.8(a).

The overall thrust of this special rule is to ensure that children are not found to be eligible for special education and related services because of a lack of appropriate instruction in specific key subjects or because they have a limited proficiency in English. The determination of



whether a child has received “appropriate instruction” is, in the words of the Department, “appropriately left to State and local officials” (71 Fed. Reg. at 46646). Much more is said about this special rule (including how Elementary and Secondary Education Act (ESEA) defines the essential components of reading instruction) in Module 10, *Initial Evaluation and Reevaluation*. If you’d like to elaborate on the special rule, please consult that module.

Factors to Consider: A “Variety of Sources”

When a child’s eligibility for special education and related services is being determined, the public agency must also:

(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and

(ii) Ensure that information obtained from all of these sources is documented and carefully considered.
[§300.306(c)(1)]

Requiring eligibility determinations to be based on “a variety of information sources” dovetails nicely with requiring the public agency to “document and carefully consider” the information from all of these sources. It’s not enough to merely gather it and have it available in a folder. There must also be evidence that the information, in its variety, was considered in making the determination regarding the child’s eligibility.

Additional Procedures for Identifying Children with Learning Disabilities

Does the audience need to know that, in addition to all that’s been said so far on this subject, there are yet more provisions within IDEA that may be very relevant to the evaluation process and the factors that must be considered when determining a child’s eligibility—namely, provisions in IDEA and the final regulations at §§300.307-300.311, called “Additional Procedures for Identifying Children with Specific Learning Disabilities.” These provisions are the subject of Module 11, *Identification of Children with Specific Learning Disabilities*.

Alert the audience to both the existence of additional evaluation procedures to be applied to identifying children with learning disabilities, and the availability of stand-alone training on the matter.

In Conclusion

Ultimately, the group responsible for the child’s evaluation (which includes the parents) must make a determination as to whether or not the child is eligible for special education and related services—yes or no. Which will it be? Go on to the next slide, where both scenarios are discussed.

10 Steps: The Basics of Special Education Process under IDEA



Step 3. Eligibility is
decided

Yes

Step 4. Child is found
eligible for services

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

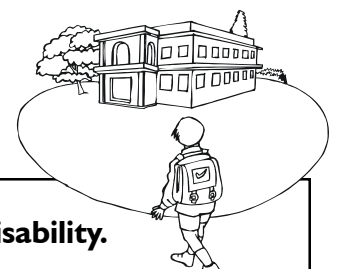
CLICK AGAIN to advance to next slide.

Slide 6 postulates a “yes” answer to the question of eligibility, but the answer may very well be “no,” the child is not eligible for special education and related services. We don’t want to end the story here with a “no,” but that scenario will be discussed, including what alternatives parents may have in that situation. First, it’s important to state what’s involved in making either determination.

The question of eligibility under IDEA comes down to its definition of the term “child with a disability.” In this introduction to the 10 basics of special education, it’s not necessary to go into that definition in great detail; that’s a treat provided in the training in Section 3 of this module—which, as was

explained in the introduction, is provided via a separate slide show file focusing solely on “five key terms defined.” If you don’t judge Section 3’s level of detail appropriate to this audience, then you’ll find key points about the meaning of “child with a

disability” summarized below. Use the opening paragraph of IDEA’s definition (in the box below) as your reference point for this discussion.



The Beginning of §300.8 Child with a disability.

(a) *General.* (1) *Child with a disability* means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.



A Brief Look at the Big Definition

Point 1: The meaning of “child with a disability” is extremely, extremely important in IDEA. A great deal pivots on that definition, *especially* the eligibility determination and the child’s right to special education and related services. Every time IDEA uses the term “child with a disability,” it means the same thing—the definition appearing at §300.8.

Point 2: IDEA provides a list of 13 disability categories under which a child may be identified. These are: mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities.

Each of these terms has its own definition, all of which appear at §300.8(c). Regardless of how much detail you go into here, the entirety of IDEA’s definition of “child with a

disability” appears on **Handout A-3**, including the individual disability terms defined.

Point 3: Another critical part of IDEA’s definition is contained within the phrase “by reason thereof.” As participants can see in the opening paragraph of §300.8(a) (on **Handout A-3** and in the box on the previous page), it’s not enough for a child to have one of the disabilities listed in IDEA. That child must also have been “evaluated in accordance with §§300.304 through 300.311” (discussed here in brief as Step 2), have one of the disabilities listed—and, *by reason thereof*, need special education and related services. It’s the “by reason thereof” that sometimes causes confusion and even gets forgotten in IDEA’s definition of “child with a disability.” This short phrase adds another level to what it means for a child with a disability to be eligible for special education and related services under IDEA 2004. “By reason thereof”—meaning, *because* that disability causes the child to need special education and related services. Many disabilities don’t result in the need for special education (which is, as we’ll see, specially designed instruction). (Refer to Section 3 for an elaborated discussion of this point.)

Point 4: And that brings us to the crucial role that State definitions play in eligibility determinations. An entire slide is devoted to making this point in the separate slide show for Section 3 of this module (see Slide 9). As described there, States can establish criteria in the disability areas and frequently do, establishing policies of their own that explain each of these disabilities in their own terms (provided that all children with disabilities who are in need of special education and related services who have impairments listed in the definition of “child with a disability” in IDEA and the final regulations are identified and receive appropriate special education and related services).

Specific learning disability is an excellent example. States differ in how they explain this term; in one State a child may be considered to have a specific learning disability, while in another State the child will not.

Thus, while the term “child with a disability” is defined within IDEA 2004, the term also has an operational explanation at the State level. So what the term really means, and whether or not a group of people decide

Important!

Every time IDEA uses the term
“child with a disability”

it means the same thing—
the definition appearing at §300.8.

that a child has a particular disability, is a matter of how this federal definition intersects with State definitions and policies.

Point 5: The last point you'll want to include in this training relates to State use of the term "developmental delay." As extensively discussed in Module 10 (see Slide 22), under §300.8(b) and repeated in its detail in Section 3 of this module, a State may adopt a definition of "child with a disability" that includes children aged 3 through 9 (or any subset of that age range that the State establishes) who are experiencing "developmental delays" and "who, by reason thereof," need special education and related services. (Hmmm, there's that phrase again, *by reason thereof*...it means the same thing here as just discussed.)

This provision allows States to find a child with developmental delays (aged 3 through 9, or any subset of age ranges that the State establishes) to be an eligible "child with a disability" and to provide that child with special education and related services without having to classify the child under a specific disability category. This provision



And So Is This!

State explanations of disability play a crucial role in eligibility determinations.

of law is intended to address the often difficult process of determining the precise nature of a child's disability in the early years of his or her development.

Additional clarifying information: States do not have to adopt use of the term "developmental delay" in their definitions of "child with a disability." It's an option for States. Even if the State adopts the term (which includes defining the age range of children to which it applies), it can't force any of its LEAs to do so. If the State does not adopt the term, its LEAs may not independently decide they *will* use the term. It's only an option for LEAs if the State adopts the term—and then, the LEA must use the State's definition, including the age range specified by the State.

Point 6: Regardless of what the eligibility determination is—*yes*, the child is eligible, or *no*, the child isn't—the public agency must provide the parent with a copy of the evaluation report and the documentation of determination of the child's eligibility. Both of these must be provided at no cost to the parent. The relevant regulatory provision states:

§300.306 Determination of eligibility.

(a) *General.* Upon completion of the administration of assessments and other evaluation measures—

(1)...

(2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Of additional interest to your audience may be the Department's observation in the Analysis of Comments and Changes that accompanied publication of the final Part B regulations:

[I]t would not be appropriate for a public agency to provide documentation of the determination of eligibility prior to discussing a child's eligibility for special education and related services with the parent. Section 300.306(a)(1) and section 614(b)(4)(A) of the Act require that a group of qualified professionals and the parent determine whether the child is a child with a disability. Therefore, providing documentation of the eligibility determination to a parent prior to a discussion with the parent regarding the

child's eligibility would indicate that the public agency made its determination without including the parent and possibly, qualified professionals, in the decision. (71 Fed. Reg. at 46645)

The “Yes” Determination

Back to the 10 steps in the special education process. Based on all that's been said so far, let us say that the eligibility group determines that, yes indeed, the child is a “child with a disability” as defined by IDEA and the State. That child is then considered eligible for special education and related services and moves to the Steps 5-10 (described in upcoming slides).

The “No” Determination

Now let's suppose that the eligibility group determines that the child in question is *not* a “child with a disability.” It's a distinct possibility and must be mentioned to participants.

If the eligibility determination is “no,” parents must receive a copy of the evaluation report and the documentation of that determination (mentioned in Point 5 above). Under the IDEA, parents must also be given information about what they can do if they disagree with the eligibility decision.



IDEA itself gives parents (and the public agency as well) the right to request mediation or a due process hearing to resolve a dispute about the child's identification, evaluation, or educational placement, or any aspect related to the provision of FAPE to the child [§300.507(a)]. As described in Module 10, *Initial Evaluation and Reevaluation*, and in Module 17, *Introduction to Procedural Safeguards*, parents also have the right to obtain an independent educational evaluation (IEE), the results of which must be considered. It's beyond the scope of the current module to discuss either of these two rather involved avenues, but information can certainly be borrowed from either module to expand the discussion here of parental options. At a minimum, you may wish to observe that:

- Parents may wish to get in touch with their State's Parent Training and Information (PTI) center, which can describe a parent's options at this point and what steps to take next (as was said on Slide 3, PTIs are listed on NICHCY's *State Resource Sheets*);

- A child who has a disability but who is not eligible under IDEA may be eligible for the protections afforded by other laws—such as Section 504 of the Rehabilitation Act of 1973, as amended. It's not uncommon for a child to have a 504 plan at school to address disability-related educational needs, instead of an IEP.

10 Steps: The Basics of Special Education Process under IDEA



Step 5. IEP
meeting is
scheduled

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

CLICK AGAIN to advance to next slide.

Slide 7 doesn't seem like much, does it? But we're verging into IEP territory now, and that, in and of itself, is a vast terrain to cross. In this overview of the 10 basic steps to special education, we'll try to be as succinct as possible and leave all the bridges and bogs of IEPs for more detailed modules. If you need to make the bare-boniest of summaries, refer to the skeleton list of points for Step 5 on **Handout A-2**.

What's an IEP?

This is an acronym standing for *individualized education program*, the centerpiece and crown jewel of special education. IEP is definitely one of the five

acronyms mentioned in the next section of this training module. Because it will be discussed in more than one upcoming slide, you only need to lay the foundation here—what IEP means, who develops the IEP, what type of information the document contains, and what's involved in scheduling a meeting to develop the IEP (the subject of the current slide).

Very briefly, an IEP is a written statement of the educational program designed to meet a child's individual needs. Every child with a disability who receives special education and related services under IDEA must have an IEP. The IEP has two general purposes: (1) to set reasonable learning goals for the

child; and (2) to state the services that the public agency will provide for the child. This vital document is developed by a team of individuals defined within IDEA, including the parents. The actual membership of the IEP Team was discussed under Slide 4 and is thoroughly examined in Module 9, *The IEP Team: Who Is A Member?*

Timeframes for IEP Meetings

An IEP meeting must be held within 30 calendar days after it is determined, through the full and individual evaluation, that a child has one of the disabilities listed in IDEA and needs special education and related services [§300.323(c)(1)]. (Note: The IEP meeting may go by different

Key IDEA Provisions at §300.322: Parent Participation

(a) *Public agency responsibility—general.* Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) *Information provided to parents.* (1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

(2) For a child with a disability 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, the notice also must—

(i) Indicate—

(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with §300.320(b); and

(B) That the agency will invite the child; and

(ii) Identify any other agency that will be invited to send a representative.

[§300.322(a)-(b)]



names in different locales; for example, in some places, you won't hear the term IEP meeting but, rather, ARD meeting.) A child's IEP must be reviewed at least annually thereafter to determine whether the annual goals are being achieved and must be revised as appropriate [Section 300.324(b)].

Scheduling the Meeting

For such a basic step in special education, IDEA includes an extensive set of provisions regarding scheduling all IEP meetings. These provisions are found at §300.322(a)-(b) (see the box at the left) and are thoroughly examined in Module 14, *Meetings of the IEP Team* (see Slide 9). We've extracted key points below, but refer you to the fuller discussion in Module 14, should you wish to expand the discussion here.

Point 1: IDEA's provisions involve both common sense and courtesy, and are intended to ensure that parents have every opportunity to attend the meeting and contribute. In a nutshell, the school and parents have to agree when and where they are going to meet.

Point 2: Parents must be notified of the meeting early enough to ensure they have an opportunity to attend. As the provisions in the box indicate, the public agency must tell parents the purpose, time and location of the meeting; who will be at the meeting; and that both the parents and public agencies have the right to invite other people with knowledge or special expertise about the child, including related services personnel as appropriate. (Additional clarification: The party inviting such an individual makes the determination that the individual possesses the requisite knowledge or special expertise regarding the child.)

In the case of a child who was previously served under Part C of IDEA (the early intervention system) and who is now transitioning to Part B services for school-aged children (including children ages 3-5), this notice must also let parents know that, if they request it, the Part C service coordinator or other representatives of the Part C system must be invited to attend the initial IEP

meeting [in accordance with §300.321(f)].

Knowing each of these elements in advance of the meeting gives parents the opportunity to prepare and more fully participate in meeting discussions and decisions.

Point 3: If parents need an interpreter, including a sign language interpreter, they should let the public agency know in advance of the meeting, so that the public agency has time to make suitable arrangements. Public agencies are required to take the necessary steps to give parents the opportunity to understand the proceedings at

an IEP Team meeting [§300.322(e)], but parents should not assume that such an arrangement will be made by the public agency. Parents who need an interpreter may wish to check with their school district to find out how much time is needed to arrange for an interpreter to be present at the IEP meeting.

—Space for Notes—

10 Steps: The Basics of Special Education Process under IDEA



Step 6. IEP meeting is held, and the IEP is written

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

CLICK AGAIN to advance to next slide.

Oh boy, now we're getting into the vast landscape of IEP development. All of Theme D is devoted to the IEP, so it's easy to see that there's a lot to say. Here, in this overview, though, we've narrowed this down to its essence and a few key points. Again, the bare bones appear on **Handout A-2**.

Point 1: As was mentioned on the last slide, the first IEP meeting must be held within 30 calendar days of the eligibility determination that, yes, the child needs special education and related services.

Point 2: Writing the IEP is a challenge the IEP Team undertakes together, drawing on the evaluation data and the picture it provides of the child's strengths

and academic, developmental, and functional needs; and the parents' concerns for enhancing the education of their child. [§300.324(a)]

Point 3: The IEP must contain specific information about the child, as detailed at §300.320 (Content of the IEP), as the "bonus term" on **Handout A-3**, in the box on the next page, and in the separate module *Content of the IEP*. Go through the content of the IEP that appears as the last item on **Handout A-3** with participants to ensure they get the story straight from the horse's mouth. Especially emphasize the importance of how the IEP starts—the description of "the child's present levels of academic achievement and functional performance"

[§300.320 (a)(1)]. The child's "present levels" statement is, in essence, a comprehensive description of a child's abilities, performance, strengths, and needs. It is no exaggeration to say that a fully developed, well-written "present levels" statement 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.

Point 4: IDEA has a strong preference for educating children with disabilities within the regular educational environment. While you're looking at the content of an IEP (Point 3), ask

continued on page 1-35 ➡

§300.320 Definition of individualized education program.

(a) *General.* As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that 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;

(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;

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

(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;

(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;

(5) 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;

(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

(7) 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.

(b) *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.

(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.

(d) *Construction.* Nothing in this section shall be construed to require—

(1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or

(2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

trainees to identify the phrases that illustrate this preference: How the child's disability affects the child's involvement and progress in the general education curriculum... To be involved in and make progress in the general education curriculum.... To be educated and participate with other children with disabilities and nondisabled children.... An explanation of the extent, if any, to which the child will not participate with nondisabled children....

To support the actualization of this preference, IDEA requires the IEP Team to consider what types of supports the child needs in order to receive his or her education in the general education environment to the maximum extent appropriate for that child (e.g., classroom, curriculum, range of school activities in which children without disabilities participate). For example, what supplementary aids and services, assistive technology, or supports for school personnel are needed in order to support the child's involvement and participation in general education and other activities in the school? The regulations may list the content of an IEP as one item, then another, but they are intended to go together and work together in support of the child's educational attainment.

Point 5: In addition to including these specific elements in a child's IEP, the IEP Team must also consider what are called *special factors*, listed at §300.324(a)(2) and provided in the box on this page for your convenience in guiding the discussion. These are extensively discussed in Module 14, *Meetings of the IEP Team*, from which you can draw to expand what's said here. The IEP Team must consider the child's individual needs associated with behavior problems, limited English proficiency,

blindness or visual impairment (especially the child's need for instruction in Braille), and communication issues (especially for children who are deaf or hard of hearing). The IEP Team must also discuss whether the child needs assistive technology (AT) devices and services, an area of tremendous growth in recent years.



IDEA 2004 Provisions: Special Factors to Be Considered

(2) *Consideration of special factors.* The IEP Team must—

(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child needs assistive technology devices and services. [§300.324(a)(2)]

When the IEP is Written

A longstanding provision of IDEA requires that the public agency provide a copy of the child's IEP to the parent at no cost to that parent. The regulation is found at §300.322(f) and reads:

(f) *Parent copy of child's IEP.* The public agency must give the parent a copy of the child's IEP at no cost to the parent.

Placement

Placement—where the child will receive his or her special education and related services—is a complicated issue to explain and is the subject of an entire module: *LRE Decision Making*. We would not recommend delving into it at this time beyond a few summary remarks drawn directly from IDEA's regulations at §300.116 (provided in the box at the right):

- A child's placement is based on his or her IEP.
- Unless that IEP requires some other arrangement, the child is to be educated in the school he or she would attend if nondisabled and as close as possible to his or her home.
- It is not permissible to remove the child from being educated in age-appropriate regular classrooms solely because modifications need to be made in the general education curriculum.

- The placement decision is made by a group of people that includes the parents.
- That group must also include other persons who are knowledgeable about the child, the meaning of the evaluation data, and the options for placement;
- The placement decision must be made in conformity with IDEA's LRE provisions.

Other Points of Interest

While you may not have time in the training session to delve into the myriad of other points of interest, there are numerous additional issues that may be important to share with the



§300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that—

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§ 300.114 through 300.118;

(b) The child's placement—

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

audience. Rather than repeat information already available elsewhere, we're going to list several areas of common interest to audiences, especially parents, and indicate where these are treated in other modules. Pull material from those modules as you deem appropriate to your training objectives and the needs of audience members.

- What kind of information is a parent expected to share in an IEP meeting? See Module 12, *The IEP Team: Who Is A Member?*, Slide 2.
- What kind of information is a regular educator expected to share in an IEP meeting? See Module 12, *The IEP Team: Who Is A Member?*, Slide 5.
- The child with a disability doesn't attend IEP meetings?! Oh yes, the child may certainly attend the meeting where his or her IEP is developed. If secondary transition services are going to be discussed at the meeting, the student must be invited to attend. Find out more in Module 12, *The IEP Team: Who Is A Member?*, Slides 11 and 12.
- May an IEP meeting be held without the parents attending? Yes, given certain conditions. See Module 14, *Meetings of the IEP Team*, Slide 20.
- May a member of the IEP Team be excused from attending the meeting? Yes, given certain conditions. See Module 14, *Meetings of the IEP Team*, Slides 17 and 18.
- Does the IEP Team always have to physically meet? No, but conditions apply. See Module 14, *Meetings of the IEP Team*, Slides 28 and 29.
- What resources on addressing behavior problems exist? Lots! See Module 14, *Meetings of the IEP Team*, Slide 12.
- What kind of assistive technology is available to help children with disabilities? Lots, with more emerging every year. See Module 14, *Meetings of the IEP Team*, Slide 16.

10 Steps: The Basics of Special Education Process under IDEA



Step 7. Services are provided

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

CLICK AGAIN to advance to next slide.

Once the IEP is written, it is time to carry it out—in other words, to provide the child with the special education and related services as listed in the IEP. This includes all supplementary aids and services and program modifications that the IEP Team identifies as necessary. Unfortunately, it is beyond the scope of this module to discuss in detail the many issues involved in implementing a child's IEP, but several points are worth noting. These are:

Point 1: The public agency must have the parents' written informed consent before the initial provision of special education and related services to the child. [§300.300(b)]

Point 2: IDEA states that, as soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. [§300.323(c)(2)]

Point 3: IDEA also requires that the public agency ensure that all service providers who will be implementing the IEP:

- have access to the IEP.
- are informed of their specific responsibilities.
- are informed of specific accommodations, modifications, and supports to be provided to the child, in accordance with the IEP. [§300.323(d)]

Point 4: At the beginning of each school year, each public agency must have an IEP in effect for each child with a disability within its jurisdiction. [§300.323(a)]

10 Steps: The Basics of Special Education Process under IDEA



Step 8. Progress
is measured and
reported to
parents

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

CLICK to advance to next slide.

Part of a child's IEP must specify how the child's progress will be measured. That progress, whatever it is, must also be *reported* periodically to parents, as the regulations make clear (see box at right).

The examples of how a public agency might periodically report to parents are just that—examples. 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. (71 Fed. Reg. at 46664)

The periodic reporting of 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.



IDEA Provisions at §300.320(a)(3)

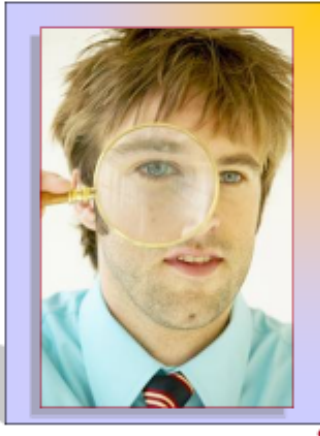
(3) A description of—

- (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...

View 1

10 Steps: The Basics of Special Education Process under IDEA

Step 9. IEP is reviewed

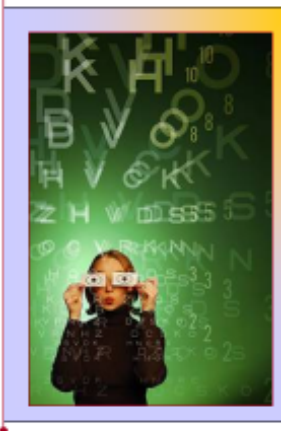


Left half of slide loads, with Step 9.

10 Steps: The Basics of Special Education Process under IDEA

Step 9. IEP is reviewed


Step 10. Child is reevaluated



Click 1

Click 1:
Right half of slide
loads, with Step 10.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



This slide contains two steps to discuss, Step 9 (reviewing the IEP) and Step 10 (reevaluation).

Step 9: Reviewing the IEP

The IEP is not a static document. It can be changed to reflect the child's learning and growth—or, as the case may be, his or her lack of expected progress. The IEP Team is responsible for determining how and when the IEP needs to be changed to appropriately address the child's needs.

The reviewing of the IEP (and its revision, as warranted) is examined in Module 14, Meetings of the IEP Team. Here are some key points from that discussion you may wish to share with the audience:

Point 1: IDEA requires that the IEP Team review the child's IEP "periodically" but not less than once a year. One purpose of this review is to see whether the child is achieving his or her annual goals and to revise the document to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate. [§300.324(b)]

Point 2: The IEP Team may find it necessary to review and revise the IEP more often. Either the parents or the school can ask to hold an IEP meeting to revise the child's IEP.

Point 3: The basic process already described for developing the IEP—parent notification, scheduling, arranging for interpreters, membership of the IEP

Team, considering the special factors, the parents' right to a copy of the IEP, ensuring that all service providers of the child have access to the child's IEP and know their responsibilities—also applies when the IEP is reviewed and, as appropriate, revised.

Step 10: Reevaluation

Made it! We've come to Step 10 of 10, is reevaluation of the child. There's a lot that can be said about reevaluation, as most of the provisions governing initial evaluation apply to the reevaluation process. Detailed information is available in Module 10, *Initial Evaluation and Reevaluation*. The material below is drawn from that module in summary fashion.

Purpose of Reevaluation

The purpose of reevaluation is to find out:

- if the child continues to be a "child with a disability," as defined by IDEA and the final regulations, and
- the child's educational needs.



§300.303 Reevaluations.

(a) *General.* A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311—

(1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

(2) If the child's parent or teacher requests a reevaluation.

(b) *Limitation.* A reevaluation conducted under paragraph (a) of this section—

(1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

When Reevaluation May Occur

IDEA's provisions regarding reevaluations are provided below in the box. Specifically, under IDEA:

- Reevaluations are not to occur more than once a year—unless the parent and the public agency agree otherwise.
- Reevaluations must occur at least once every three years—unless the parent and public agency agree that a reevaluation is unnecessary.

As you can also see in the provisions at §300.303, IDEA provides that a reevaluation must be conducted:

- If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If the child's parent or teacher requests a reevaluation.

Children grow and change, and the public agency has an affirmative obligation to monitor their educational and developmental progress. As progress is noted, or as the child's needs change, the public agency may ask to reevaluate the child to ensure that his or her educational program reflects current educational or related services

needs. Teachers are also in a good position to observe a child's development and progress, and may request a reevaluation to determine if the existing program of special education and related services continues to appropriately address the child's needs. The same is true of the parent.

What Reevaluation Shares with Initial Evaluation

As Slide 10 in Module 10 describes, IDEA's provisions regarding reevaluation share a great deal in common with its requirements for initial evaluation. This includes:

- Its purposes
- Prior written notice

- Procedural safeguards notice upon parent request for an evaluation
- Review of existing evaluation data
- Parent consent
- Gathering additional data, if needed
- Parent involvement in evaluation group
- Parent involvement in eligibility determination
- Factors involved in determining eligibility
- Reporting to parents



Concluding Section I of Training Module

You've come to the end of Section 1 of the 10 basic steps in the special education process. Next up will be a look at five special education acronyms everyone should know.

Time for a break first? It's good timing, and hopefully the audience will return refreshed and ready to go again.