

Handouts

Theme D: Individualized Education Programs

These handouts are designed to accompany Modules 12-16.



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

Section 300.20 Definition of
individualized education program.

A "Starter Set" of Research Resources

Looking for research-based information on effective educational practices for children with disabilities? Here's a starter list of places to look online. These will surely lead you to more.



NICHCY's Research Resources

- The Research Center
<http://research.nichcy.org>
- The Research-to-Practice database
<http://research.nichcy.org/search.asp>
- Research News updates
<http://research.nichcy.org>
- Find your professional organization and see what they have to offer!
www.nichcy.org/search.asp
- Find disability-specific organizations and see what they have to offer!
www.nichcy.org/search.asp

Behavior

- www.pbis.org
- www.lehigh.edu/projectreach/
- challengingbehavior.fmhi.usf.edu/index.html

Disabilities

- www.nichcy.org/search.asp

Early intervention / Early childhood

- www.nectac.org
- www.researchtopractice.info
- www.ehsnrc.org
- www.ihdi.uky.edu/nectc
- www.naeyc.org
- www.zerotothree.org

Instruction

- www.centeroninstruction.org/index.cfm
- www.cec.sped.org
- www.ascd.org

Mental Health

- www.nichcy.org/enews/foundations/mentalhealth101.asp

Reading / Literacy

- www.readingrockets.org
- www.reading.org
- www.nifl.gov/partnershipforreading/
- www.nichcy.org/resources/literacy2.asp

Transition to Adulthood

- www.ncset.org
- www.dcdt.org/index.html
- www.nsttac.org/
- www.nichcy.org/resources/transition101.asp

Finding Research on Selected Topics

Accessing the General Curriculum

- www.k8accesscenter.org
- www.cast.org
- www.ascd.org
- www.specialconnections.ku.edu

Assessment

- education.umn.edu/nceo
- www.studentprogress.org/
- www.fpg.unc.edu/~eco/index.cfm

Assistive Technology

- www.fctd.info
- www.catea.org
- www.ataccess.org/
- www.cited.org/

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A “Starter Set” of Research Resources

What the “Heavy Hitters” Have to Say

National-level educational organizations such as the Council of Chief State School Officers and the Education Commission of the States make it a point to offer research-based guidance on hot educational issues.

Here’s a sampling of where to visit.

- www.ecs.org/
- www.ccsso.org
- www.nasdse.org
- www.nea.org
- www.aft.org
- www.nasbe.org/
- www.naesp.org/index.jsp
- www.principals.org

Finding Research in Education, Period

- <http://research.nichcy.org/researchtostart.asp>
- <http://ies.ed.gov/ncee/wwc/>
- www.ernweb.com/
- www.ers.org/
- www.rbs.org

Comprehensive Center Network

Educational research is continually being synthesized within the nationwide network of 16 regional technical assistance centers and 5 national content centers established by the U.S. Department of Education. See what the network has to offer, accessing it via:

- www.pacificcompcenter.org/ccnetwork.asp

OSEP’s TA&D Network

The Office of Special Education Programs (OSEP) at the U.S. Department of Education funds a network of projects that provide technical assistance and resources to the special education community. Find out who’s who, in what speciality area, and what each of them is up to, at:

- www.rfcnetwork.org/content/view/137/192/
- matrix2.rfcnetwork.org



1.800.695.0285 (V/TTY)
www.nichcy.org

Link No Longer Works? Need Something Else?

Please feel free to contact NICHCY, the National Dissemination Center for Children with Disabilities, for the latest information and connections in research and disabilities.



IDEA 2004's Final Regulations for:

Development, Review, & Revision of the IEP

Development of IEP

§300.324 Development, review, and revision of IEP.

(a) *Development of IEP*—

(1) *General.* In developing each child's IEP, the IEP Team must consider—

(i) The strengths of the child;

(ii) The concerns of the parents for enhancing the education of their child;

(iii) The results of the initial or most recent evaluation of the child; and

(iv) The academic, developmental, and functional needs of the child.

(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.

(3) *Requirement with respect to regular education teacher.* A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of—

(i) Appropriate positive behavioral interventions and supports and other strategies for the child; and

(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with §300.320(a)(4).

(4) *Agreement.* (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may

Relevant Terms and Their Definitions

IDEA's provisions at §300.324 contain references to several terms that are defined elsewhere in the regulations: *assistive technology (AT) device*, *AT service*, and *supplementary aids and services*. We've included IDEA's definitions of these terms on page 3 of this handout.

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IDEA 2004's Final Regulations for:

When IEPs Must Be In Effect

§300.323 When IEPs must be in effect.

(a) *General.* At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.

(b) *IEP or IFSP for children aged three through five.* (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—

- (i) Consistent with State policy; and
- (ii) Agreed to by the agency and the child's parents.

(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must—

- (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
- (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(c) *Initial IEPs; provision of services.* Each public agency must ensure that—

(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and

(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

(d) *Accessibility of child's IEP to teachers and others.* Each public agency must ensure that—

(1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and

(2) Each teacher and provider described in paragraph (d)(1) of this section is informed of—

(i) His or her specific responsibilities related to implementing the child's IEP; and

(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(e) *IEPs for children who transfer public agencies in the same State.* If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either—

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When IEPs Must Be In Effect

(1) Adopts the child's IEP from the previous public agency; or

(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§300.320 through 300.324.

(f) *IEPs for children who transfer from another State.* If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency—

(1) Conducts an evaluation pursuant to §§300.304 through 300.306 (if determined to be necessary by the new public agency); and

(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§300.320 through 300.324.

(g) *Transmittal of records.* To facilitate the transition for a child described in paragraphs (e) and (f) of this section—

(1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and

(2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

(Authority: 20 U.S.C. 1414(d)(2)(A)–(C))

Handout D-15

IDEA 2004's Final Regulations for:

Private School Placements by Public Agencies

§300.325 Private school placements by public agencies.

(a) *Developing IEPs.* (1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child in accordance with §§300.320 and 300.324.

(2) The agency must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

(b) *Reviewing and revising IEPs.* (1) After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.

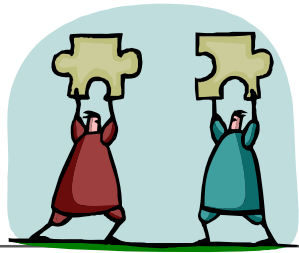
(2) If the private school or facility initiates and conducts these meetings, the public agency must ensure that the parents and an agency representative—

(i) Are involved in any decision about the child's IEP; and

(ii) Agree to any proposed changes in the IEP before those changes are implemented.

(c) *Responsibility.* Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA.

(Authority: 20 U.S.C. 1412(a)(10)(B))



Where's Handout D-16?

Handout D-16 is reserved for Module 15, LRE Decision Making, which hasn't yet been finalized. But it will be! So we're saving the space and its handout numbers.

The handouts included here now are those for Modules 12, 13, 14, and 16.



The Bell's About to Ring...

Instructions: This is the closing activity in “Parentally-Placed Private School Children with Disabilities.” Time for a quick review. Work with a partner.

1. Define “equitable services.” Describe how they are determined. (*Consult your handouts on IDEA’s regulations at §§300.130 through 300.144, if necessary. Definitely check the regulations to make sure your definition is complete.*)
2. Representatives of *what 3 groups* must engage in “timely and meaningful consultation?”
3. Who is responsible for making decisions about, administering, and paying for equitable services to a parentally-placed child with disabilities when that child’s parents reside in another State or LEA—the LEA where the private school is located, or the LEA of the parents’ residence?
4. Name at least 3 things they must discuss. Can you name more? (*Check IDEA’s regulations at §300.134 to make sure you’ve been complete.*)
5. A parentally-placed private school child has been found to have a disability through the LEA’s child find system. That child is also a resident of an LEA on the other side of the State, not the LEA where the private school is located. Who is responsible for offering the child FAPE—the LEA of the child’s residence, or the LEA where the private school is located?
6. What’s a services plan?

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Bell's About to Ring...

- 7. May equitable services be provided on the premises of the private school? What provision within IDEA states this?
- 8. *True or false?* If equitable services are being provided by a private school teacher, that teacher doesn't have to meet IDEA's "highly qualified teacher" requirements.
- 9. Are home-schooled children with disabilities eligible to participate in the equitable services an LEA offers?
- 10. *Calculating the proportionate share.* Using the numbers below and the example from the slide today, calculate the proportionate share an LEA must spend on equitable services for parentally-placed private school children with disabilities.

Number of Eligible Children with Disabilities in the LEA

In public school: 475

In private school: 25

Federal flow-through dollars the LEA receives: \$225,000

Proportionate Share: _____

Example from the Slide

Number of Eligible Children with Disabilities in the LEA

In public school: 300

In private school: 20

Total 320

Federal Part B flow-through dollars the LEA receives: \$152,500

Calculating the Proportionate Share

\$152,500 divided by 320 = \$476.57

Multiplied by # of private school students w/disabilities x 20

\$9531.25

for proportionate share