

# **File Monitoring Information Part B (3-21)**

Developed by  
Rum River Special Education Cooperative  
140 Buchanan Street N, Suite 150  
Cambridge, MN 55008  
763-552-7733

September 2013  
Updated April 2014

# Table of Contents

## Part B (3-21)

	<b>Page</b>
<b>Timelines</b>	
Evaluations.....	A.1
Reevaluations.....	A.1
Secondary Transition.....	A.1
Initial IEP.....	A.1
IEP.....	A.1
Transfer of Rights.....	A.2
<b>Notices</b>	
A. Prior Written Notice for Evaluations.....	B.1
B. Prior Written Notice for a student who did not meet initial eligibility criteria for special education.....	B.4
C. Prior Written Notice for IEP.....	B.5
D. Prior Written Notice: Native Language.....	B.8
E. Parental Consent for Evaluation.....	B.9
F. Parental Consent for IEP.....	B.9
G. Prior Written Notice: Additional Guidance Examples.....	B.9
<b>Evaluations</b>	
A. Evaluation Materials and Procedures.....	C.1
B. Evaluation Report: Required Components.....	C.2
C. Determining That a Child is Not a Child with a Disability.....	C.7
D. Other Evaluation Areas.....	C.9
<b>Eligibility</b>	
Observations.....	D.1
Criteria Checklists.....	D.2
<b>Individual Education Program (IEP)</b>	
A. Team Members.....	E.1
B. Excused Absence of a Team Member.....	E.1
C. Present Levels of Academic Achievement and Functional Performance (PLAAFP).....	E.2
D. Goals and Objectives.....	E.3
E. Least Restrictive Environment (LRE).....	E.4
F. Special Education and Related Services.....	E.5
G. When IEP Must Be In Effect.....	E.9
H. Extended School Year (ESY).....	E.10
I. Progress Reporting.....	E.10
J. Secondary Transition.....	E.12
K. State and District Assessments.....	E.14
L. Revision of the IEP.....	E.15
M. Transfer Students.....	E.15
<b>Minnesota Department of Education Q&amp;As</b>	
	<b>F</b>
<b>Miscellaneous Documents</b>	
	<b>G</b>

## Revisions and/or Updates

### Part B (3-21)

Page

#### **Individual Education Program (IEP)**

- N. Discussing Extracurricular/Nonacademic Activities at an IEP Meeting..... E.16  
(Section N added April, 2014)

## Timelines

### Part B (3-21) Expectations:

#### Evaluations:

- Must be completed within 30 school days from the date the district receives parental permission to conduct the evaluation OR the expiration of the 14 calendar days if it is a reevaluation, unless a conciliation conference or hearing is requested.
- No tests can be started until receiving informed consent.
- Document date permission received by district and the 30 day evaluation completion date on the Parent Consent/Objection form.
- A DRAFT ER must be completed and available to team members at the evaluation meeting. All evaluation data must be included in the report.

#### Reevaluations:

- Must be conducted at least once every three years.
- The date documented on the Evaluation Report, is the 3 year date. If the date of the ER is later than the Date Due, the file is out of compliance.
- The date of the ER must be within the 3 year timeline.
- May be warranted when the needs of the student change or new information is brought to light. This is a new evaluation which needs to be comprehensive. The ER date changes to reflect the new information.

#### Secondary Transition:

- During grade 9, a transition evaluation must be completed if not completed as part of a comprehensive evaluation in 7<sup>th</sup> or 8<sup>th</sup> grade. Transition must be evaluated prior to writing the 9<sup>th</sup> grade IEP. All areas of transition must be evaluated (postsecondary education and training, employment, community/participation, recreation and leisure, and home living).
- If a comprehensive evaluation is done in 7<sup>th</sup> or 8<sup>th</sup> grade, transition should be a part of the evaluation.
- Transition cannot be a stand alone evaluation.
- A transition IEP must be written after evaluating in the area of transition. At the latest, a transition evaluation and IEP must be completed in 9<sup>th</sup> grade.

#### Initial IEP:

- A meeting to develop an initial IEP for a child must be conducted within 30 days of determining eligibility.

#### IEP:

- Must be reviewed annually. (annual IEP meeting)
- After an initial evaluation, a meeting to develop an initial IEP must be held within 30 calendar days.
- The IEP meeting date is the date used to determine the date of the IEP, not the service start date.
- When there are several IEP planning meetings, use the first in the series.
- **An amendment does not change the date of the IEP.**
- IEP and PWN must be sent within 10 calendar days of the planning meeting.

**Transfer of Rights:**

- Beginning no later than one year before the student reaches the age of majority, the IEP must include a statement that the child and parents have been informed of the student's rights that will transfer to the student when turning 18.
- By a student's 17<sup>th</sup> birthday, case managers must provide the parents and student a **Notice of Transfer of Parent Rights** form. This can be found in SPED forms under the heading "Service Plan." A copy should be put in section 5 of the due process file.
- The date the form was given to parents is recorded in the IEP and documented on Prior Written Notice.

***Related Q&As Regarding Evaluations***

- Clarification of Educational Record Definitions and Procedures As It Relates to Review Test Protocols Used in the Evaluation of a Student with a Disability
- Parental Consent Requirements for Evaluations, Reevaluation and Special Education Services
- Evaluations: Dismissal and Reinstatement of Services
- Transfer of Parental Rights under Individuals with Disabilities Education Act (IDEA) to the Student at Age 18

## Notices

### Part B (3-21) Prior Written Notice (PWN) and Consent/Objection Form

The PWN is a written summary of what is discussed at the IEP or evaluation planning meeting and should be **individualized to the student**.

PWN is required **whenever** the district is proposing or refusing an action.

Examples of when PWN is required:

- Conducting an evaluation
- Refusing parental request for an evaluation
- Refusing service when a student is evaluated and found not eligible
- Changing placement or services
- Discontinuing services through exiting or graduation

If a **parent makes a request**, the district must respond within 14 calendar days of the date the request was made. The parent's request does not have to be in writing. The district's response must be in writing.

Proposals made by the district cannot be acted upon until there is **informed consent**. For an initial evaluation or services, informed consent requires a signature. For everything else, it is either a signature or 14 calendar days without a signature.

If a **parent disagrees** with a proposal, the district must offer a conciliation conference within 10 calendar days. The IEP currently in effect becomes the "stay put" IEP. Exception: Transfer students from out of state who do not meet initial Minnesota criteria. After a conciliation conference the district must provide a summary of what was discussed and decided at the conference. Document all of this on a PWN. If there are changes to the IEP, include the revised IEP with the proposal.

\*If a conciliation conference is required, involve your SPED coordinator.

If a parent disagrees with the results of an evaluation, they have the right to request an **Independent Educational Evaluation (IEE)** at public expense. All requests must go through the Director of Special Education.

Case managers must make sure that parents sign the Consent/Objection Form AND check the intended box indicating agreement or disagreement!

On the bottom of the Parental Consent/Objection Form you will find a box that says "District Use Only." Document the following:

- Date PWN was sent
- Date received by district
- Date evaluation to be completed

If a Procedural Safeguards brochure is sent with the PWN, document this on the Consent/Objection Form; i.e., "Safeguards sent." Initial next to this statement.

#### A. Prior Written Notice for Evaluations

##### 1. The notice must include a description of the action proposed or refused.

- The response must include the proposal or refusal **AND** details of the proposal or refusal.
- In describing the proposed action, be clear and specific.
- When detailing the evaluation plan, do not use “and/or” or “as needed” when listing tests.
- Do not use acronyms for tests or titles.
- Identify the staff conducting the assessment by name and/or title. Do not use “SPED staff” or “staff.”
- We will rarely refuse a request for an initial evaluation. All denials must be supported by the school psychologist. The PWN refusing a request for an evaluation must be reviewed by the district’s Special Education Coordinator before sending it to parents.

Examples of Compliance:

- The district is proposing to conduct a three-year reevaluation. (the proposal)  
Specific data to be reviewed and assessments to be conducted are documented in the attached evaluation plan. (details of the proposal)
- The district is proposing to conduct an initial special education evaluation (the proposal).  
Specific data to be reviewed and assessments to be conducted are documented in the attached evaluation plan. (details of the proposal)

Intellectual Functioning	Wechsler Intelligence Scale for Children, Fourth Edition (WISC-IV)	School Psychologist
--------------------------	--	---------------------

Example of Noncompliance:

- Three-year reevaluation, see attached evaluation plan.
- The district is proposing an initial special education evaluation.

Intellectual Functioning	Wechsler Intelligence Scale for Children, Fourth Edition <b>and/or</b> the Universal Nonverbal Intelligence Test	<b>Special Education Staff</b>
--------------------------	--	--------------------------------

**2. The notice must include an explanation of WHY the agency proposes or refuses to take the action.**

- The action is often proposed in order to determine initial or continued eligibility for special education.
- A reevaluation may also be proposed in response to a student’s changing educational needs that may be evidenced by issues related to behavior or lack of progress.

Examples of Compliance:

- The IEP team determined that the evaluation procedures outlined in this Prior Written Notice were necessary to determine the student’s **current** educational needs. (Used for a reevaluation proposal)
- The IEP team is proposing a comprehensive reevaluation to address (student’s) **lack of progress** in math. The evaluation procedures outlined in this Prior Written Notice will help the team identify additional needs in the area of math that may require specialized instruction.
- (Student’s) parents have shared a recent mental health diagnosis with the district. In light of this **new information**, the IEP team is proposing a comprehensive reevaluation in order to determine if (student) has additional educational needs.
- The district’s proposal is based on the fact that pre-referral interventions were unsuccessful and (student’s) teachers continue to have concerns regarding his/her

academic progress. The team will use the information to determine if (student) meets **initial criteria** for special education services.

- This is a reevaluation to determine continued eligibility, present levels, and current needs for Claudia’s specific learning disability. Due to emerging concerns with communication, the area of language will also be evaluated to determine if Claudia’s language needs meets initial eligibility criteria for additional special education and related services.

Examples of Noncompliance:

- The district is required to do a reevaluation every 3 years.
- It’s time.
- There were no other options.

**3. The notice must include a description of each evaluation procedure, assessment, record, or report the district used AS A BASIS for the proposed or refused action.**

- This is asking what information the team used to decide on that proposed action.
- THIS IS NOT REFERRING TO THE LIST OF TESTS AND PROCEDURES TO BE CONDUCTED.
- For an evaluation, the basis for the proposed action could include: parent and teacher input, classroom performance, formal assessment results, progress on previous goals and objectives, results of pre-referral interventions and formative assessment results.

Example of Compliance:

- The team used data from pre-referral interventions and input from (student’s) parents and classroom teachers to determine the areas to be assessed.

Example of Noncompliance:

- The district is proposing to conduct the assessments listed in the attached plan.

**4. The notice must include a description of other options that the IEP Team considered AND reasons why those options were rejected.**

- Teams should always be able to identify other options. The response should reflect the discussions that took place during the planning of the evaluation as well as why they were rejected.
- For an evaluation, “other options” could include: delaying the evaluation, conducting additional pre-referral interventions, conducting different assessment procedures, or just reviewing existing data.

Examples of Compliance:

- The team considered adding an additional reading assessment to the evaluation plan, but decided against that option because all educational needs could be determined without additional assessment.
- The team considered delaying the evaluation until another pre-referral intervention was implemented, but decided against that option because the student’s behavior has made the need for evaluation urgent.
- The team considered just reviewing existing data, but decided against that option because the existing data was not specific enough to design the specialized instruction needed to meet (student’s) educational needs.



- The team considered proposing an additional reading assessment, such as the Test of Early Reading Ability, but in reviewing his scores on the most recent NWEAs and the progress on his reading goal, the team decided that there is enough existing data to determine his educational needs in reading.

Examples of Noncompliance:

- The team considered all relevant options.
- No other options were considered.
- The team considered delaying the evaluation (part missing: why it was rejected).
- The team considered just reviewing existing data (part missing: why it was rejected).
- The team considered additional assessments (part missing: why it was rejected).

**5. The notice must include a description of other factors that are relevant to the district's proposal or refusal.**

- It is possible that there are no other relevant factors affecting the proposal.
- It is OK to put "None" on the PWN as long as there is not evidence to suggest otherwise.
- Relevant factors might include behavior, Limited English Proficiency, Blind or Visual Impairment, Communication Needs, Assistive Technology.

Examples of Compliance:

- (Student) has a diagnosis of Attention Deficit/Hyperactivity Disorder (ADHD) and will need testing sessions broken into smaller segments to obtain optimal results.
- (Student) has a hearing impairment which requires the use of a personal FM system during evaluation in order to obtain optimal results.

Example of Noncompliance:

- If this section is left blank, it is not in compliance.

**B. Prior Written Notice for a student who did not meet initial eligibility criteria for special education.**

**1. The notice must include a description of the action proposed or refused.**

- The response must include the proposal or refusal **AND** details of the proposal or refusal.
- In describing the proposed action, be clear and specific.

Example of Compliance:

- The district proposes that (student) continues to be a general education student whose needs are met within the regular education setting.

**2. The notice must include an explanation of WHY the agency proposes or refuses to take the action.**

Example of Compliance:

- The district's proposal is based on information gathered during a recent evaluation and discussed at the Evaluation Meeting on (date). The team used the information to address Specific Learning Disabilities and Emotional or Behavioral Disorders criteria. Assessment results did not support initial eligibility in either area.

**3. The notice must include a description of each evaluation procedure, assessment, record, or report the district used AS A BASIS for the proposed or refused action.**

- This is asking what information the team used to decide on that proposed action.

*Example of Compliance:*

- The team considered parent and teacher input, classroom performance, formal assessment results, formative assessment results and classroom observations as a basis for this proposal.

**4. The notice must include a description of other options that the IEP Team considered AND reasons why those options were rejected.***Example of Compliance:*

- After determining that (student) did not meet initial eligibility criteria for Specific Learning Disability or Emotional or Behavioral Disorder, the team discussed whether or not there was an undisclosed medical diagnosis that would allow the team to consider Other Health Disability criteria. (Student's) mother reported that an evaluation for Attention Deficit Hyperactivity Disorder had been completed and did not result in a diagnosis of ADHD. The team rejected this option because a medical diagnosis within the past 12 months is a required component of initial eligibility. The team also discussed regular education supports that were available to (student) and possible accommodations that might address (student's) current needs. (Student's) classroom teacher agreed to try the recommended accommodations.

**5. The notice must include a description of other factors that are relevant to the district's proposal or refusal.***Example of Compliance:*

- There were no other relevant factors.

**C. Prior Written Notice for IEP****1. The notice must include a description of the action proposed or refused.**

- The response must include the proposal or refusal **AND** details of the proposal or refusal.
- In describing the proposed action, be clear and specific.
- For an INITIAL IEP, the action may refer to an attached IEP. Specify the IEP date and generally describe the contents.
- For an ANNUAL IEP, the action should describe specific goals, services or changes from the previous IEP.

*Examples of Compliance:*

- On October 14, 2010, the IEP team determined that (student) met initial eligibility for special education services in the category of Specific Learning Disability. The district is proposing to implement an INITIAL IEP which includes goals, services, accommodations and modifications to meet the educational needs identified through evaluation. The attached IEP is the district's proposal.
- The district is proposing to provide continued direct instruction in reading to address (student's) Specific Learning Disability. He will continue to receive services in the

resource room as well as accommodations and modifications in the classroom. Please see attached IEP dated October 14, 2011. (ANNUAL IEP – services don't change).

- *On September 30, 2011, the IEP team reviewed evaluation results and determined that (student) continued to meet eligibility for special education services in the category of Special Learning Disability (use this only if the team completed a reevaluation).* (Student) continues to demonstrate needs in the area of reading comprehension, math fluency and organization. The district is proposing to implement an annual IEP to address the needs identified by the team. The district proposed to continue providing reading instruction in the special education resource room. The district will continue to provide core math instruction in the mainstream setting, but are proposing to add additional math supports during the student's special education resource class. During this time the teacher will preteach math concepts, assist with the student's assignment and reteach when necessary. (Student) will also be provided instruction on organizational skills during the resource class. All other accommodations and modifications will continue. The attached IEP is the district's written proposal of special education services and supports for your child. (ANNUAL IEP after reevaluation – or when services change from previous IEP and there has been no reevaluation)
- The district is proposing to discontinue April's direct instruction in reading related to her Specific Learning Disability. She has met her goals and objectives and the team agrees she no longer has needs in the area of reading. She will continue with direct instruction in speech/language. Please see attached IEP dated October 14, 2011.

Examples of Noncompliance:

- The district is proposing the attached IEP.
- The district is proposing the attached annual IEP as discussed on October 14, 2010.

**2. The notice must include an explanation of WHY the agency proposes or refuses to take the action.**

- The explanation of "why" details the reason the district is proposing the IEP or the particular services.
- The explanation can refer to the IEP in general or specific services proposed in the IEP.

Examples of Compliance:

- (Student) has not made sufficient progress on his Individual Education Plan (IEP) goals and continues to demonstrate a need for special education and related services to address his Specific Learning Disability in reading. (ANNUAL IEP)
- (Student) has been identified with a Specific Learning Disability in reading fluency and requires direct instruction in order to make sufficient academic progress. (INITIAL)
- (Student) continues to make progress on his goals but there continues to be a gap in his/her level of achievement in comparison to his/her peers. The team has identified additional transition needs not addressed in previous IEPs. The proposed IEP reflects the specialized instruction and accommodations and modifications necessary to address (student's) current educational needs.

Examples of Noncompliance:

- The district is required to review IEPs on an annual basis. The new IEP is attached.
- (Student) qualified for special education and needs an IEP.
- It's time for a new IEP.

**3. The notice must include a description of each evaluation procedure, assessment, record, or report the district used AS A BASIS for the proposed or refused action.**

- This is asking what information the team used to decide on that proposed action.
- THIS IS NOT REFERRING TO THE LIST OF TESTS AND PROCEDURES THAT WERE CONDUCTED.
- For an IEP, the basis for the proposed action could include: parent and teacher input, classroom performance, formal assessment results, or progress on previous IEP goals and objectives.

*Examples of Compliance:*

- The team considered the results of (student's) most recent reevaluation report dated \_\_\_\_\_, to determine areas of need and appropriate services. (Only use this if the report is less than a year old)
- The team considered input from parents and classroom teachers, progress on his previous Individual Education Plan (IEP) goals, and his daily classroom performance to determine current goals and objectives.

*Examples of Noncompliance:*

- The team considered assessment results from the evaluation completed two years ago.
- 3-year reevaluation.

**4. The notice must include a description of other options that the IEP Team considered AND reasons why those options were rejected.**

- Teams should always be able to identify other options. The response should reflect the discussions that took place during the planning of the IEP.
- For an IEP, "other options considered" could include: placement decisions, adding or deleting services, accommodations and modifications, location of service provision, or adding or deleting service time.
- When faced with a challenging situation where team members do not agree on what will go into the IEP, it is important to include all options discussed and why those options were rejected. If the situation is contentious, consider inviting your special education coordinator to the meeting. Assign a notetaker so you have record of all discussions. Remember, your obligation is the provision of FAPE to the student.

*Examples of Compliance:*

- The team considered placing (student) in a setting 4 placement but decided against that option because he is making sufficient progress in the setting 3 placement as indicated by progress reports and teacher input.
- The team considered reducing (student's) service time but decided against that option because the team continues to feel the current amount of services are required to meet (student's) needs as based on recent progress measurements and reports.
- The team considered the option of taking the Modified Minnesota Comprehensive Assessment (MCA-M) in both reading and math, but after reviewing the eligibility criteria for the tests, determined that (student) only qualified for the MCA-M in reading.
- The team considered placing Conner back at the setting 3 program at Walden Elementary, as progress reports show increased success at maintaining appropriate behavior, but decided against the option because of the recent incidents of physical aggression toward staff. (He will remain in the setting 4 placement at Walden Lake Learning Center until he reaches behavior objectives listed in his IEP).

- The team considered reducing Kayla’s service time for speech from 20 minutes, 3x per week to 20 minutes, 1x per week for check-in and developing strategies for carryover in the classroom. This option was rejected because the team determined that she will need time to work on maintaining the sounds at the conversational level in the speech room. (A reduction to 2 times per week was decided to be appropriate).

Examples of Noncompliance:

- The team considered increasing OR decreasing service time, but determined the services proposed in the IEP are best to meet the needs of the student. (too generic)
- The team considered all relevant options.

**5. The notice must include a description of other factors that are relevant to the district’s proposal or refusal.**

Examples of Compliance:

- None
- (Student) has a Visual Impairment with impacts his performance in all environments. Accommodations are necessary in order for (student) to participate in his regular education classes, during specialized instruction and when taking district and state tests. The proposed IEP reflects the specific accommodations needed to provide access to instruction and to optimize performance.
- Latisha does not communicate verbally and therefore uses an electronic communication device as her primary means of communication. These factors were considered when developing all aspects of her Individual Education Program (IEP).

Examples of Noncompliance:

- This question is left blank.

\*See Section F for additional examples of Prior Written Notices for Annual IEPs and amended IEPs.

**D. Prior Written Notice: Native Language**

The PWN must be provided in the native language of the parent or other mode of communication used by the parent, unless it is not feasible to do so.

Points of Clarification

- This only applies if the parent is of limited English proficiency.
- When there is evidence of the parent’s inability to understand or speak English, the forms should be translated, either orally or in writing.
- When the translation is not written, document that the PWN was provided orally and the parent’s understanding of what was provided.
- If an interpreter is present at the IEP meeting, the PWN with the district’s proposal must also be interpreted, either orally or in writing, for the parent.
- When providing forms in another language, the forms should be completed in that same language.

## E. Parental Consent for Evaluation

Once Part B eligibility has been determined by the team (this includes SNAP) all other evaluations are reevaluations in terms of due process requirements.

When the team looks at identifying a student under a new disability category, the team is conducting a REEVALUATION in terms of due process, but the student would need to meet initial eligibility criteria for the new disability category.

For **Initial Evaluations**, a parent must sign the Consent/Objection form. No assessments can be conducted prior to the date the district receive informed consent.

For **Reevaluations**, informed consent is established when parents sign or 14 days after the PWN was sent to the parents.

## F. Parental Consent for IEP

For an **Initial IEP**, the proposed start date of the IEP must be 14 calendar days after the date the PWN is sent.

- No services can start before receiving signed consent.
- When parental consent is received prior to the proposed start date, services can be started on the date the district received consent. There is no need to change the start date of services on the IEP.

For an **Annual IEP**, the proposed start date of service on the IEP must be 14 calendar days after the date the PWN was sent.

- When parental consent is received prior to the proposed start date, services can be started on the date the district received consent. There is no need to change the start date of services on the IEP.
- For an **Annual IEP**, when parental consent is received after the proposed 14 day start date, services start on the 14<sup>th</sup> day. There is no need to change the start date.

The IEP meeting is a PLANNING meeting and the IEP is not yet final. Parents should **not** be signing consent at the IEP meeting as this does not give parents the opportunity to view the final IEP and make an informed decision.

## G. Prior Written Notice: Additional Guidance Examples

**Each time** a district proposes a new IEP or an amendment to a current IEP, a Prior Written Notice and Parent Consent/Objection Form must be provided to the parent. The PWN must include a description of the actions proposed.

For an **annual IEP**, a Prior Written Notice must include a description of the actions proposed. If services, goals, accommodations, etc. are added or removed, they must be spelled out in the District's proposal. (See PWN Example 1)

If nothing has changed, it is OK to state that “continued direct instruction” and “services in the resource room and special education classroom” will be provided along with “accommodations and modifications in the classroom.”

When **amending an IEP**, stating only that a “significant change” is proposed, is in violation of 34 CFR § 300.503(b). The PWN must give details of how the IEP will be amended upon parent consent. (See PWN Example 2).

### **Example 1**

#### **Prior Written Notice – Annual IEP**

1. A description of the action proposed or refused

Jason’s IEP team met on 1/27/2012 to discuss his progress and to write an annual IEP. The attached IEP was developed for your consideration. Jason will continue to receive core reading instruction in the mainstream classroom, but the District is proposing to add supplemental reading instruction in the special education classroom in order to address his Learning Disability in the area of reading comprehension. Jason’s case manager will pre-teach the vocabulary and develop background information prior to core instruction lessons. The District is also proposing that the use of a daily point sheet be discontinued. Instead, they are proposing the use of a ticket economy. Jason will receive tickets based on his IEP goals and these can be redeemed for items he has identified as reinforcing. All other accommodations and services will continue.

2. Why does the District propose or refuse to take the action?

The District proposes adding additional reading services because Jason is struggling to keep up with the content in his core reading series. The vocabulary and instructional materials are often unfamiliar to Jason, so the team felt if he received vocabulary instruction and had an opportunity to develop some background knowledge prior to instruction, his comprehension would improve.

Jason has been using a point sheet since the beginning of the year and the team has determined this intervention has not had the desired outcome of increasing Jason’s organization and on-task behaviors. Jason needs more immediate feedback and the team felt a ticket system would allow for this.

Jason is making sufficient progress on his other IEP goals. In order to continue to make progress in the areas of organization and on-task behaviors, the District proposes that services in these areas continue and that all previous accommodations continue.

3. Description of each evaluation procedure, assessment, record, or report the District used as a basis for this proposal or refusal.

The team used parent and teacher input, progress on Jason’s previous goals and his performance on end of the unit reading tests as a basis for this proposal.

4. Other options considered by the IEP team and reasons why those options were rejected.

The team considered pulling Jason from his core reading instruction and providing reading instruction in the special education setting, but decided against this option because his reading teacher reported that Jason was able to keep up with the class when she spent additional time preparing him for the upcoming lesson. Because of the time commitment of the mainstream teacher to continue this practice, it was determined that this pre-teaching would take place in the special education setting and that core reading instruction would continue. The team also considered adult support to assist Jason with his organization, but the team did not want him to become dependent on this adult support. The team chose to try a ticket economy of which Jason manages. The team will evaluate its success at the end of the 3<sup>rd</sup> quarter to determine if other interventions would be more appropriate.

5. Other factors relevant to the District's proposal or refusal.

No other factors were considered.

### **Example 2**

#### **Prior Written Notice – Amended IEP**

1. A description of the action proposed or refused.

The District is proposing to amend Tabitha's current IEP, dated 12/15/2011. The District's proposal is to discontinue the paraprofessional support at the end of the day. The support provided at that time included assisting Tabitha in packing her backpack to ensure that all homework materials were taken home and to check that Tabitha filled out her planner.

2. Why does the District propose or refuse to take the action?

The District proposes that para support be discontinued at the end of the day because Tabitha has demonstrated that she is able to complete both activities without adult support.

3. Description of each evaluation procedure, assessment, record, or report the District used as a basis for this proposal or refusal.

The team used organizational goal data collected over the past semester as well as parent and teacher input as a basis for this proposal.

4. Other options considered by the IEP team and reasons why those options were rejected.

The District considered continuing with parent support for the remainder of the year to ensure that Tabitha successfully continues to pack her bag and complete her planner, but parents and her classroom teacher felt it was time to allow Tabitha to act in a manner that was consistent with her peers. Tabitha shared with her parents that she was excited about taking care of herself. The case manager will monitor the success of this proposal in case adjustments need to be made.

5. Other factors relevant to the District's proposal or refusal.

No other factors were considered.

### ***Related Q&As***

- Out of State Transfers and the Provision of Special Education and Related Services



## Evaluations

### Part B (3-21) Evaluations

All evaluations require **one comprehensive report** incorporating all information. If you have completed an evaluation and want to add testing for another area, such as Developmental Adapted Physical Education (DAPE), you cannot do an addendum to the old report and just add the new information to the report.

A “Draft” of the Evaluation Report must be available to the team at meeting where evaluation results are discussed and eligibility is determined. Label the document as a “Draft.” After the meeting, incorporate any additional information or changes into the document. Send final draft of the Evaluation Report to the parents. A Prior Written Notice must accompany the final draft of the Evaluation Report. (See Section 2: Notices)

#### A. Evaluation Materials and Procedures

1. As part of an INITIAL evaluation (if appropriate) and as part of any reevaluation, the IEP Team must **review existing evaluation data** on the child.
  - Sources of existing evaluation data may include:
    - Prereferral intervention data
    - Formative assessment data gathered in the regular education setting
    - Outside evaluation data
    - Formal and informal assessment data
  - No Permission is needed to review existing data, but it is best practice to include this in the evaluation plan.
  - This information can be documented in the Evaluation Report (ER) under the following sections: Reason for Referral, Background Information, or Existing Data.
2. When determining eligibility, the IEP Team must use a **variety of sources** of information. A single measure or assessment may not be used 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.
  - State criteria and assessment requirements for eligibility must be considered when choosing assessment tools. (See disability specific checklists – in “eligibility” section of this manual).
  - Sources may include: aptitude and achievement tests, parent input, teacher recommendations, information regarding a child’s physical condition, social or cultural background, adaptive behavior, etc.
3. Assessments and evaluation materials must be selected and administered as **not to be discriminatory** on a racial or cultural basis.
  - If there are cultural or racial factors identified, there **MUST BE** documentation in the Evaluation Report (ER) or on the Prior Written Notice (PWN) that either:
    - *The factors were considered, resulting in changes or accommodations to the testing; or*
    - *The factors were considered and it was decided no changes or accommodations to testing were needed.*

4. When assessments and other evaluation materials are administered in the child's **native language or other mode of communication**, that information must be documented under "other factors" on the evaluation plan/PWN or in the ER. This documentation is often associated with Limited English Proficiency (LEP) students, but also applies to students with other sensory, communication or even motor impairments.

- Documentation must state:
  - *The factors were considered, resulting in changes or accommodations to the testing; or*
  - *The factors were considered and it was decided no changes or accommodations to testing were needed.*

5. The **extent to which an assessment varied from standard conditions**, including the language or other mode of communication that was used in assessing a child, must be included in the ER.

Example of Compliance:

- Assessment materials were not available in (student's) native language and alterations needed to be made to the standardized procedures to administer the (test name). (Name), school psychologist, demonstrated how the task was to be performed and repeated and paraphrased instructions. Results of this assessment must be interpreted cautiously.

6. Assessment materials used to assess a child must be used for the purposes for which the assessments or measures are **valid and reliable** and must be administered by trained and knowledgeable personnel.

- Include a statement of validity and reliability in the ER for tests administered.
- The evaluation plan must list the person and/or title of the person who will administer the assessment to demonstrate the person is properly trained and knowledgeable.
- Definitions:
  - Validity – Does the instrument measure what it is intended to measure?
  - Reliability – Does the instrument measure consistency?

7. An evaluation must be **sufficiently comprehensive** in order to determine eligibility AND identify all of the child's special education and related services needs.

- Disability categories require specific assessment data to determine eligibility. ALL elements MUST be included in order to establish eligibility!
- Teams should identify ALL areas of concern when developing the evaluation plan.

## **B. Evaluation Report: Required Components**

### **1. Information Reported by Parents**

- This could be put in a separate section or into one or more sections of the ER, including:
  - Background information
  - Reasons for referral
  - Health history
  - Within the results of a questionnaire or rating scale completed by the parents, or
  - A summary of results from an outside evaluation provided by the parents.
- When summarizing the information in the report, document that the information was provided by the parent.

- If a **rating scale** was sent home for parents to complete and **not returned**, the district must document the attempts and methods to gather information from the parent. Multiple attempts to obtain parental input are required. The burden remains with the district to obtain parent input.

Examples of Compliance:

- *Reason for Referral:* (Mrs. \_\_\_\_\_) shared with (Student's) teacher that (Student) spends several hours a night on homework. During that time, (Student) has difficulty focusing and seems to spend time doing everything, but, the assigned homework. When he/she reads her science textbook, he/she often asks for assistance with multi-syllable words. After reading, (Student) often needs assistance with the questions assigned. (Mrs. \_\_\_\_\_) received (Student's) mid-quarter grades which showed poor or failing grades in 3 out of 5 classes.
- *Secondary Transition:* At the IEP meeting on January 10, 2011, Mr. and Mrs. \_\_\_\_\_ were asked to share their hopes, dreams and concerns for (Student's) future. The following things were reported by (Student's) parents...

## 2. Summary of ALL evaluation results

- The results of all assessment measures listed on the Notice of Evaluation/PWN must be included in the corresponding section of the ER, **AND** in the COMPREHENSIVE SUMMARY AT THE END OF THE REPORT.
- If a test is listed on the Notice of Evaluation/PWN and is not reported in ER, it is noncompliant.
- If results from an evaluation tool are documented in the ER and the evaluation tool was NOT listed on the Notice of Evaluation/PWN, it is noncompliant.

Examples of Noncompliance:

- There are only summaries at the end of each section, no overall summary at the end of the report.
- The overall summary at the end of the ER references specific test scores only.
- The overall summary at the end of the ER states only that the student is or continues to be eligible for special education services.
- The overall summary at the end of the ER addresses all eligibility components but does not address all areas evaluated.

Examples of Compliance:

- The *summary at the end of the report* addresses all areas evaluated (intellectual, academic, social/emotional/behavioral, communication, etc.) The comprehensive summary draws information from multiple measures for each area evaluated, and informs Present Level and educational need statements on the IEP of a student found eligible.
- The *summary in each section of the ER* includes a brief introduction to the assessment tool, identifies who administered the tool and/or who provided the information, the date in which the test was administered, a summary of the student's behavior and effort while taking the test (if appropriate) and a statement of "professional judgement" as to whether or not the results are valid, test scores and interpretation of the scores, and any other

information that addresses the student's Present Level of Performance in that area (see below).

#### Additional Guidance on Comprehensive Summaries

The Comprehensive Summary:

- should state the referral concern (i.e., if basic reading skills are the referral concerns, that should be stated).
- must address ALL areas assessed – if an area was evaluated there must be a summary statement.
- should not include only test scores.
- should not be copied and pasted from other parts of the ER.
- must include a statement that indicates that the student qualifies (initial) or continues to qualify (reassessment) for special education.
- should include a statement of special education needs.

The summary provides a starting point for writing PLAAFP statements and IEP goals.

#### Summary Example (Initial – SLD)

- Jane was referred for her lack of progress with her basic reading skills, particularly in the area of phonemic awareness. Assessment data indicated that Jane has average ability with basic psychological processing weaknesses in the areas of auditory processing and processing speed. Academically, Jane's reading rate is half the rate of her peers which impacts her ability to spell and write. Her basic math skills are average in comparison to her peers, but her reading difficulties impact her ability to read and understand story problems and multi-step directions. Jane is in general good health and demonstrates good effort and attitude despite how hard she works to read. Jane is eligible for special education services under the Specific Learning Disabilities category in the area of Basic Reading Skills. Jane needs special education services to increase her basic reading skills to improve her reading rate.

#### Summary Example (Reassessment for SLD)

- This evaluation was conducted to determine Jane's continued eligibility and need for special education services as well as to consider her strengths and areas of need as a learner. Assessment data indicated that Jane has average ability with basic psychological processing weaknesses in the areas of auditory processing and processing speed. Academically, Jane's reading rate is half the rate of her peers and impacts her ability to spell and write; she has made minor progress from reading 35 words a minute to 43 words per minute, which is 35 words per minute below her peer group average rate. Her basic math skills and written language skills are average in comparison to her peers. Jane benefits from adult support to read story problems and multi-step directions and to act as a scribe. Jane is in general good health and continues to demonstrate good effort and patience with her reading skills. Jane continues to be eligible for special education services under the Specific Learning Disabilities category in the area of Basic Reading Skills and needs special education services to continue to increase her basic reading skills.

### **3. Present Levels of Performance (PLOP)**

- A Present Level of Performance (PLOP) must be made at the end of each evaluation area section of the ER.

- The PLOP paints a complete and updated picture of the student.
- Sources of PLOP information:
  - Current Assessment Results
  - Observations
  - Work samples
  - Curriculum-based measures (CBMs)
  - Informal procedures
  - State and District tests
  - Progress on current goals and objectives
- The PLOP must include more than a list of assessment results and scores.

Example of Noncompliance:

- Anthony scored significantly below average in reading, as indicated by his scores on the Woodcock Johnson Achievement test. *\* This example does not specify which area(s) of reading are of concern. It reports on only one test and does not explain how the student functions in his regular education classroom and on grade level tasks.*

Example of Compliance: (this statement might follow the results from all the evaluation tools and other sources of data in the area of Academic Achievement)

- Anthony scored a 72 in the area of reading comprehension on the Woodcock Johnson Tests of Academic Achievement. This score is considered in the Low range when compared to age peers. Anthony's teachers report that he is currently reading at a 4<sup>th</sup> grade level (compared to peers at a 6<sup>th</sup> grade level), and becomes easily frustrated when presented with tasks related to reading comprehension or fluency. Recent reading fluency benchmark data reflect a score of 46 words read correctly per minute with 11 errors on 6<sup>th</sup> grade probes. A typical 6<sup>th</sup> grader is reading 102 words read correctly per minute with 2 or fewer errors. Anthony's parents report that he needs extra help with reading homework at home.

#### 4. Educational Needs

- Educational need statements should address skills and/or behaviors that need improvement in order for the child to participate and progress in the general curriculum.
- Educational needs must be related to the disability and **must indicate a need for specialized instruction or direct services.**
- Educational needs should be determined AFTER the IEP team determines eligibility. A DRAFT ER should be available for the team at the meeting to discuss eligibility. The DRAFT should summarize all information gathered during the evaluation. The team will walk through the eligibility checklist(s) and if the student qualifies, the team then identifies educational needs requiring specialized instruction. Do not fill out the Educational Needs section of the ER until the Final Draft.

Example of Noncompliance:

- (Student) qualifies for LD services. She will need to have work modified, assistance with organization, and would benefit from using the word processor for all writing assignments. *\* These are accommodations and modifications that do not go in this section.*

*Example of Compliance:*

- (Student) has been identified as a student with a learning disability in the areas of reading and math. Specialized instruction should be provided in reading fluency and comprehension, math calculation fluency and math application. (Student) also requires specialized instruction to address identified skill deficits in organization and self advocacy.

**5. Accommodations and Modifications**

- The ER should address the following questions:
  - In addition to the special education services being recommended to address the student's identified needs, what else is needed for the student to meet annual goals and participate in general education?
  - What additions or modifications to special education will the IEP team need to spell out/detail when developing or revising the IEP?
- Complete this section after eligibility has been established.
- The accommodations and modifications listed should be considered by the IEP team when developing or revising the IEP.

*Example of Noncompliance:*

- Patrick will need some accommodations and mild modifications in addition to special education services

*Example of Compliance:*

- Patrick will need the use of a word processor to complete lengthy written assignments. The IEP team will also need to determine the best method by which to reinforce on-task behaviors for Patrick due to the impact of his diagnosis of ADHD.

**6. Eligibility Determination**

- An Evaluation Report must include documentation of whether the student has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability, and has a need for special education and related services.
- The INITIAL ER must document that the student meets ALL required criteria for a categorical disability. **All final drafts of the ER must include the completed eligibility checklists.** Just “checking a box” is not enough. Evidence to support each piece of eligibility must be briefly summarized in each section.
- REEVALUATION Reports must document that all criteria components have been addressed and the student continues to have a disability. On a reevaluation, the student doesn't need to meet initial criteria. The team must demonstrate that the student continues to have educational needs that require specialized instruction and related services. **On the Final Draft of the ER, a completed checklist must be included.** If the student meets the criteria, check the box and provide evidence. If the student does not meet criteria, leave the checkbox blank but provide evidence of continued educational need.
- If looking at a new disability category, even if the child already qualifies under a different disability, initial eligibility criteria must be met for the new disability area.

- If a district receives an out-of-state transfer student, the student would need to meet initial eligibility criteria.
- A student must be evaluated and meet eligibility criteria for DAPE. A DAPE eligibility checklist must be included in the ER.
- In addition to determining that a student has a disability, the ER must include a statement that the child needs or continues to need, special education and related services. Case managers must be careful to check the appropriate box on the signature page of the ER! Do not check both “Does Not Qualify” and “Does Qualify.”
- It is possible to have a student identified as a student with a disability, yet not have an established need for special education and related services. For example, a child may have a physical impairment, yet not demonstrate a need for specialized instruction in order to participate and progress in general education. In this case the team should consider whether or not the student is eligible for a 504 plan.

## **C. Determining That a Child is Not a Child with a Disability**

### **1. Graduating or aging out of services**

- The district must provide the student a summary of the student’s academic achievement and functional performance upon graduation or aging out of special education services, including recommendations on how to assist the student in meeting the student’s post secondary goals.
- The intent of the Summary of Performance (SOP) is for information to go with the student to post-secondary education or employment opportunities and to serve as a guide for future education and employers on how to best work with the student.
- The SOP must include more than a report of test scores, grades or transcript information.
- SOP recommendations should include tools and strategies that have been found to be successful in working with the student.
- SOP recommendations are NOT asking what the district is going to do to help the student reach their post-secondary goals.

#### *Examples of Noncompliance (Summary of academic and functional performance):*

- Jim earned As in math classes, but Cs and Ds in each of his other core academic classes. He volunteered as a math tutor for two years.
- Sean has met all graduation requirements and will receive his diploma on 6/7/12. Recent testing shows he is reading at a 7<sup>th</sup> grade level.

#### *Examples of Compliance (Summary of academic and functional performance):*

- Jim’s academic strengths are in the areas of math calculation and problem-solving. He excels in all subjects or situations involving numbers, and served as a peer tutor in advanced math courses during his junior and senior year. He struggles with accurate spelling and written expression of any length. He becomes frustrated when he is unable to express himself or explain things in written form.

- Sean has met all graduation requirements and will receive his diploma 6/7/12. He is currently reading at a 7<sup>th</sup> grade level according to the Woodcock-Johnson Test of Achievement. He struggles with fluency and comprehension. He also has difficulty with spelling and grammar. He has strong math skills and strong problem solving skills. He enjoys hands-on activities.

*Examples of Noncompliance (Summary of Recommendations):*

- Jim likes to participate in classes related to math. He hopes to become a math teacher in the future.
- Sean wants to be a mechanic. He should enroll in a training program through the technical college.

*Examples of Compliance (Summary of Recommendations):*

- Jim's excellent math skills provide an avenue for him to improve his communication and leadership skills by tutoring others. He would be a valuable resource to use in assisting students or training employees in areas related to math. He needs assistance from others or technology to proof-read his written work for clarity and accuracy. He needs extended time to complete written assignments. He would benefit from additional classes and experience related to computers and word processing skills. He needs to continually practice advocating for himself in terms of expressing his needed accommodations and modifications related to written expression.
- Sean would like to be a mechanic. He has completed an application to the technical college and has met with the disability coordinator at the school. To be successful in this program, Sean will continue to need support with tasks involving reading and writing. Having access to books on tape has helped Sean in the past with fluency and comprehension of reading assignments. Also having access to a computer with spelling and grammar check programs will help him with any written assignments. He has done well in the past with hands-on class activities and it is believed that he will continue to do well with these types of activities. He has strong self-advocacy skills and knows when to seek assistance. This should be reinforced to ensure continued success.

## 2. Exit Procedures

- An evaluation is required when dismissing a student from special education.
- An exit evaluation is not required before the termination of a student's eligibility due to graduation or aging out.
- An exit evaluation is not required when dismissing from a related service such as OT.
- An exit evaluation is not required when dismissing from a secondary disability (such as dismissing from speech and language services for a student also identified EBD). **When dismissing from a secondary disability, a thorough discussion of what and why the team is proposing dismissing the service must be included in the PWN!**
- An exit evaluation is not required when parents revoke consent for special education and related services. **A parent must request, in writing, that they are revoking consent for special education. When a parent revokes consent for the continuation of special education services the district must provide the parent with prior written notice before special education and related services are discontinued. This notice must**



**inform the parent about the change in educational placement and services that will result from the parent revoking consent to provide special education and related services. This notice must include, among other things, information on resources for the parents to contact that can assist the parents in understanding the requirements of Part B of IDEA and implementing its regulations.**

- The exit evaluation does not need to involve new assessments; a review of records may be sufficient as long as there is enough current data to document:
  - the student’s present levels of educational and functional performance
  - the determination that the child is no longer a child with a disability, and
  - the student no longer needs special education and related services

## **D. Other Evaluation Areas**

### **1. Functional Behavioral Assessment (FBA)**

- An FBA is required as part of any initial evaluation for EBD.
- An EBD reevaluation must include either a new FBA or revisions to a previous FBA to reflect current behavior and changes that might have occurred since the previous FBA was completed.
- An FBA may also be used in an evaluation for a student identified with any disability category who is experiencing behavior difficulties.
- An FBA is required prior to including any restrictive procedures in the IEP or Behavior Intervention Plan (BIP).
- An FBA CANNOT be a stand-alone evaluation. If a team believes an FBA is appropriate, a comprehensive evaluation plan must be written. Teams should determine if a review of information is appropriate or if there are other areas that need to be formally evaluated. Parent consent is required before initiating the evaluation.
- A child with a disability who is removed from the child’s current placement for 10 school days in the same school year must receive, as appropriate, an FBA and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- If, as part of a manifestation determination, the IEP team determines that the behavior was a manifestation of the disability, an FBA must be conducted, unless the district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implemented a Behavior Intervention Plan (BIP) for the child.
- The following components are required in a Functional Behavioral Assessment:
  1. An FBA must include a description of the problem behavior(s).
    - The “problem behavior” or “target behavior” must be clearly defined.
    - The behavior must be something observable and measurable.

#### Example of Noncompliance:

- Ethan is disruptive in class and defiant towards teachers.

Example of Compliance:

- Ethan disrupts classroom activities by talking out in class, both during lecture and work times. He speaks loudly and uses inappropriate language. When redirected by teachers he talks back and argues, often saying “Make me” when teachers ask him to get out his materials or follow along with class activities.
2. An FBA must include events, times and situations that predict the occurrence and nonoccurrence of the behavior.
- Examples: during certain classes, at certain times of the day, after special events, when working in groups, when with certain people.

Example of Noncompliance:

- Ethan’s disruptive behavior occurs throughout the school day.

Example of Compliance:

- Ethan is most disruptive during academic class times, especially during read aloud and independent writing activities. These classes are in the morning. He does well in the afternoon and during group activities when he can work with a partner.
3. An FBA must identify the antecedents, consequences and reinforcers that maintain the behavior.
- Antecedents, consequences and reinforcers of behavior address:
    - ✓ The context of the behavior (pre and post behavior)
    - ✓ Triggers of the behavior
    - ✓ The positive and negative aspects of the behavior
  - The aim is to identify what is leading up to the behavior and what is maintaining the behavior in order to prevent the negative behaviors from continuing.
  - *Antecedents* are similar to the events, times and situations in which the behavior occurs.
    - ✓ What is the student doing?
    - ✓ What is being asked of the student?
    - ✓ Where is the student?
    - ✓ What is immediately preceding the behavior that
      - Sets off the behavior?
      - Makes the behavior happen?
      - Involves who?
  - *Consequences* and *reinforcers* are those things that follow the behavior.
    - ✓ Consequences are the negative results that would hopefully discourage the behavior.
    - ✓ Reinforcers are those things that either deliberately or inadvertently encourage the behavior.

Example of Noncompliance:

- Ethan is disruptive during class. He is often removed from class and will either go to the resource room or the principal’s office.

Example of Compliance:

- Ethan's disruptive behavior occurs mainly in the mornings during his language arts time. He refuses to do his work. He is temporarily reinforced by not having to complete his assignment individually. Consequences of his behavior include sending him to the principal's office or the resource room.
4. An FBA must include the possible functions of the behavior.
- The function is the possible reasons why the behavior is occurring.
  - Understanding the function of the behavior, or the motivation of the student, will help to establish more effective consequences and reinforcers to encourage possible alternative behaviors.

Example of Noncompliance:

- Ethan's disruptive behavior causes problems in the classroom and prevents other students from getting their work done.

Example of Compliance:

- Ethan refuses to do his independent language arts assignments and will argue with his teacher until he is removed from the class. Ethan is avoiding his assignments because he is reading below grade level and struggles with completing assignments independently.
5. An FBA must include possible positive alternative behaviors.
- The FBA should not just look at the elimination of the negative behavior, but should include an alternate or replacement behavior. What is the desired behavior?
  - The FBA should not only state the desired behavior of the student (not hitting peers, following directions, etc.), but also state how the student will develop the desired behavior.
  - Positive alternative behaviors can be prompted or supported by:
    - ✓ Antecedent and setting-event modifications
    - ✓ Teaching alternative skills
    - ✓ Consequence interventions
    - ✓ Lifestyle interventions
  - Questions to consider may be:
    - ✓ What are ways to change the context to make the problem behavior unnecessary?
    - ✓ What are ways to prevent the behavior?
    - ✓ What can be done to increase expected behaviors or teach a replacement behavior?
    - ✓ What should happen when a problem behavior occurs?
    - ✓ What should happen when desired or replacement behavior occurs?

Example of Noncompliance:

- Ethan will complete his assignments and refrain from arguing with his teachers.

Example of Compliance:

- Ethan could be assigned a partner to work with during his language arts class. Since Ethan works well with peers, his partner could help him get started in his assignments. When struggling, Ethan can be allowed to request to go to the resource room to complete his assignments and get support from the special education teacher. Ethan could also be given modified assignments that are more at his level, to avoid frustration and build success.
6. An FBA must include a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavior patterns.
- Data must be gathered from a variety of sources using a variety of measures.
  - Include information from parents, teachers and student in order to fully understand the behavior.
  - Include data from observations, interviews and other formal or informal measures.

**2. Secondary Transition Evaluation**

- During 9<sup>th</sup> grade, all students with disabilities must be evaluated in the area of transition and the information must be incorporated into a transition IEP. If a comprehensive 3-year evaluation/reevaluation is not scheduled during the student's 9<sup>th</sup> grade year, the evaluation for transition should be included in the 3-year comprehensive evaluation in 7<sup>th</sup> or 8<sup>th</sup> grade.
- At least two age-appropriate transition assessments must be used to evaluate all five areas of transition. The Notice of Evaluation/PWN must include a description of the transition assessments planned.

**3. Observations**

- Systematic observations are required in all categories of special education eligibility. **Teams must follow the requirements of the specific eligibility criteria when deciding who will be doing the observation and what will be observed.**
- **After completing the observations, ask the regular education teacher if the behavior observed is consistent with how he/she performs on a daily basis.**

\*\*A variety of observation tools can be found in the "eligibility" section of this manual.

**4. Team Overrides**

- Teams must document why the standards and procedures used with the majority of pupils resulted in invalid findings for this pupil and why the Team cannot get valid results using typical standards and procedures.
- The Team must document what specific data were used to make the eligibility determination (i.e., test scores, work products, self-reports, teacher comments, medical data, previous testing, observations, ecological assessments and other developmental data).
- The Team must indicate which data had the greatest relative importance for decision making.
- **All overrides must be written by the school psychologist and shared with the Director of Special Education.**
- All Team members need to sign the Team Override form indicating whether or not they agree with the decision regardless of the disability area.

- Team members who disagree with the override decision must write a statement of why they disagree. The statement does not need to be lengthy, but should include substantive evidence rather than just opinion.

### ***Related Q&As***

- Reevaluations under Part B of Individuals with Disabilities Education Act (IDEA)
- High School Graduation, Diplomas, and Aging Out of Special Education Services for Students with Disabilities
- Revocation of Parental Consent for the Provision of Special Education Services

## Eligibility

### Part B (3-21) Eligibility

- An Initial Evaluation Report (ER) must document that the student meets ALL required eligibility criteria.
- Reevaluation reports must document that all eligibility criteria have been ADDRESSED, though the student may not meet the strict criteria required under initial evaluation.
- When looking at a new disability category, even if the child already qualified under a different disability, initial eligibility criteria must be met for the new disability area.
- If the district receives an out-of-state transfer student, the student would need to meet initial eligibility criteria in Minnesota.
- An evaluation report must provide sufficient evidence that a student meets or does not meet special education criteria in one or more disability area.
- There must be data in the ER to support ALL of the criteria components of the disability areas considered.
- The ER must include eligibility checklists for ALL disability categories that the team considered, whether or not the student qualified in that category.
- If a child qualifies for and receives DAPE services, a DAPE eligibility checklist must be included in the ER.

### Observations

- Observations are required for eligibility in most of the disability categories.
- Certain disabilities designate who must complete the observations and how many must be completed. See the “Observations Required for Eligibility” chart for specifics.
- There are many different observations that serve different purposes. Choose the observation type that aligns with criteria and provides the information needed to address eligibility criteria. In this section you will find:
  - Selecting an Observation
  - Choosing the Appropriate Observation Tools for Academic Behaviors
  - Event/Frequency Observation
  - Washington Event/Frequency Observation
  - Permanent Product Recording
  - Latency Recording
  - Duration Recording
  - Interval Observation
  - A-B-C Observation/Anecdotal Recording
  - Observation Form: DCD (checklist format)

- Observation Form: DCD (narrative format)
  - General OHD Observation
  - OHD Observation Form: Interval Recording Time On-Task
  - Social Play Observation
- **If you are unsure of which kind of observation to use, consult with the school psychologist in your building.**

## Criteria Checklists

The following criteria checklists are included at the end of this chapter.

- Autism Spectrum Disorder (ASD)
- Emotional or Behavioral Disorders
- Blind or Visually Impaired
- Other Health Disabilities
- Deaf-Blind
- Physically Impaired
- Deaf and Hard of Hearing
- Severely Multiply Impaired
- Developmental Cognitive Disability
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Developmental Adapted Physical Education

## Related Q&As

- Autism Spectrum Disorders (ASD) Eligibility
- Frequently Asked Questions about Emotional or Behavioral Disorders (EBD) Eligibility Criteria (Minn. R. 3525.1329)
- Other Health Disabilities Criteria and Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder

## Observations Required for Eligibility

SPED Category	# required	Other information
Emotional or Behavioral Disorders (EBD)	3	<ul style="list-style-type: none"> <li>• In classroom or other learning environment.</li> <li>• Conducted across multiple settings and times of day.</li> <li>• Focus is on how the student's behavioral pattern affects their educational performance.</li> <li>• Clearly define target behavior before observing.</li> <li>• Choose an observation type based on the purpose (see guidelines).</li> </ul>
Physically Impaired (PI)	2 or more – one must be completed by a P/HD teacher.	<ul style="list-style-type: none"> <li>• Observe the student while in daily routine setting.</li> <li>• Observation must focus on eligibility in the areas of functional and/or motor skills.</li> </ul>
Other Health Disabilities (OHD)	One or more – by a licensed special ed. teacher	<p>Observation should focus on the affect of the student's health condition on their ability to complete educational tasks within routine timelines. Use as appropriate:</p> <ul style="list-style-type: none"> <li>• Observation Form: General OHD</li> <li>• Observational Form: Interval Recording (Time on Task)</li> </ul>
Specific Learning Disabilities (SLD)		<ul style="list-style-type: none"> <li>• Observations are used to:               <ul style="list-style-type: none"> <li>- Link areas of inadequate achievement with relevant behavior</li> <li>- Document a disorder in Basic Psychological Processes</li> </ul> </li> <li>• Child must be observed in the child's learning environment to document the child's academic performance and behavior in the areas of difficulty.</li> <li>• A qualified professional must document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning</li> <li>• The information gathered during an observation that was completed before the child was referred for an evaluation can be used, but at least one member of the group of qualified professionals must conduct an observation after the child has been referred for an evaluation.</li> <li>• Examples of notable behaviors include, but are not limited to:               <ul style="list-style-type: none"> <li>- Attitude and interests toward testing or any changes, before, during, after testing.</li> <li>- Degree of comprehension and compliance with assessment directions.</li> <li>- Response to visual, auditory or motor demands.</li> <li>- Receptive and expressive language characteristics.</li> <li>- Recognition of errors and attempts to change or solve a problem.</li> <li>- Repetition of mistakes with or without level of self-awareness or monitoring of responses.</li> <li>- Management of frustration.</li> <li>- Verbalizations or thinking aloud before, during, after tasks.</li> <li>- Task approach (impulsive, thoughtful, gives up easily, persists, revisions of answers, etc.).</li> <li>- Response to success, failure, reinforcers (verbal and physical).</li> </ul> </li> </ul>
Autism Spectrum Disorder (ASD)	Minimum of 2 on two different days – work with Autism Consultant to determine responsibilities	<p>Observations must verify that ASD adversely affects the child's performance and that the pupil is in need of special education instruction and related services.</p> <p>Observations used:</p> <ul style="list-style-type: none"> <li>• Social/play observation</li> <li>• Academic observation</li> </ul>
Traumatic Brain Injury (TBI)		There must be documentation of a student's functional impairment. A documented, systematic behavior observation can be used as one form of documentation.
Developmental Cognitive Disability (DCD)	2 required 1 required (as a minimum)	<p>Focus on verification of the student's intellectual functioning.</p> <p>Must focus on documenting needs and the student's level of support needed in each of the 7 domains of adaptive functioning.</p>



## Selecting an Observation

	<b>Duration</b>	<b>Latency</b>	<b>Interval</b>	<b>Event</b>	<b>Permanent Product</b>	<b>ABC</b>
Out of Seat	X		X	X		
Teacher Praise				X		
Swearing				X		X
Asking for Help			X	X		
Following Directions (On Task)		X	X			
Tantrums or Outbursts	X			X		X
Vocalizing			X	X		
Fidgeting			X	X		

## Choosing the Appropriate Observation Tools for Academic Behaviors

Methods and Description: Pros and Cons	Collection Tool & Data Analysis Example
<p><b>ABC Observation/Anecdotal Recording:</b> Narrative recording of events occurring during a specific time or setting</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> written in everyday language; can be collected during or after instruction</li> <li>• <b>Cons:</b> subjective information; challenging to summarize</li> </ul>	<ul style="list-style-type: none"> <li>• Teacher notes kept in a notebook</li> <li>• Teacher reads notes collected over time to identify recurring student error patterns (i.e., sight words, long pauses)</li> </ul>
<p><b>Student Work Sample and Permanent Product Recording:</b> Concrete items resulting from student behavior</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> easy for all teachers; convenient; versatile; durable; does not require direct observation; minimal class disruption</li> <li>• <b>Cons:</b> none identified in literature</li> </ul>	<ul style="list-style-type: none"> <li>• Math multiplication worksheets</li> <li>• Examination of worksheets for specific error patterns</li> </ul>
<p><b>Event Recording – Frequency:</b> Number of times a behavior occurs during a specific, consistent time period</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> accurate for brief and discrete behavior; variety of data collection tools (e.g., paper/pencil, manual counter); minimal class disruption</li> <li>• <b>Cons:</b> not recommended for continuous, fast-paced behaviors lasting for extended periods of time</li> </ul>	<ul style="list-style-type: none"> <li>• Paper numbered 1-10 with columns for weekly reading comprehension test. During weekly test, teacher records correct and incorrect student oral responses.</li> </ul>
<p><b>Event Recording – Rate:</b> Discrete behavior that can be observed in varying lengths of time</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> convenient; use for intervals for data collection</li> <li>• <b>Cons:</b> requires monitoring of length of time intervals and calculation of rate</li> </ul>	<ul style="list-style-type: none"> <li>• Math worksheet completed in 1 minute</li> <li>• Calculate the number of multiplication facts correct per minute</li> </ul>
<p><b>Interval Recording – Momentary Time Sampling:</b> Number of intervals in which a behavior occurs, recorded at the end of an interval</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> student(s) only observed at the end of each interval; useful for continuous behaviors without clear beginning and ending; intervals typically consist of minutes, not seconds; can observe over extended periods of time and monitor more than one student</li> <li>• <b>Cons:</b> provides approximation, not actual number of times a behavior occurs; not recommended for infrequent behaviors</li> </ul>	<ul style="list-style-type: none"> <li>• Data collection sheet, numbered 1-15 to indicate 1-minute intervals; at the end of each minute, the teacher marks “+” if student is on-task and “-” if student is off task</li> <li>• Calculate the number and/or percentage of intervals student is on or off task</li> </ul>
<p><b>Duration Recording:</b> Recording the amount of time between the initiation of a response and its conclusion</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> exact measurement of how long the behavior occurs, the number of times the behavior occurs in a timeframe, calculate the average length of the time the behavior occurs, effective for low-frequency behaviors</li> <li>• <b>Cons:</b> time consuming and requires continuous observation of the student, may take time away from teaching</li> </ul>	<ul style="list-style-type: none"> <li>• Stop/start count-up digital timers</li> <li>• Determine the length of time to complete assigned task (e.g., complete lab report)</li> </ul>
<p><b>Latency Recording:</b> Measurement of time between a prompt/stimulus and initiation of a task</p> <ul style="list-style-type: none"> <li>• <b>Pros:</b> exact measurement of time, average amount of time, effective data collection for low-frequency behaviors</li> <li>• <b>Cons:</b> time consuming and requires continuous observation of the student, may take time away from teaching</li> </ul>	<ul style="list-style-type: none"> <li>• Stop/start count-up digital timers</li> <li>• Record length of time between teacher request to start task and student beginning task</li> </ul>

Student: \_\_\_\_\_ School: \_\_\_\_\_ Observer: \_\_\_\_\_

When the behavior that you are looking at can be easily counted, Event/Frequency Recording may be the best method to use. A behavior can be easily counted when:

- The behavior has a clear beginning and end, and
- It does not happen at such a high rate that it is hard to keep track of.

Some examples of behaviors that you can measure by event/frequency recording include leaving one's seat, raising one's hand, yelling out an answer, asking to go to the bathroom, being on time, opportunities to respond, teacher praise, number of correct responses, etc.

The use of tally marks is probably the easiest and most accurate technique to use to keep track of behaviors as they occur.

Procedures for use:

- Write down the behavior that you will be looking for and its definition.
- During each observation period:
  - Write down the date
  - Write down the time
  - Make a tally mark each time the behavior occurs (enter "0" if the behavior does not occur)
  - When the observation is complete, total the number of tally marks for that day and graph.

**Behavior Definition (in specific, observable, and measurable terms):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date	Class	Time	Tally when behavior occurs:	Total number of times behavior occurred:

Notes/Comments:

<b>Rum River Special Education Cooperative</b> Braham, Cambridge-Isanti, Isle, Milaca, Mora, Ogilvie, and Princeton	<b>EVENT/FREQUENCY OBSERVATION</b> <b>EXAMPLE</b>
---	--

Student: John Doe School: Milaca High School Observer: Johnson

When the behavior that you are looking at can be easily counted, Event/Frequency Recording may be the best method to use. A behavior can be easily counted when:

- The behavior has a clear beginning and end, and
- It does not happen at such a high rate that it is hard to keep track of.

Some examples of behaviors that you can measure by event/frequency recording include leaving one's seat, raising one's hand, yelling out an answer, asking to go to the bathroom, being on time, opportunities to respond, teacher praise, number of correct responses, etc.

The use of tally marks is probably the easiest and most accurate technique to use to keep track of behaviors as they occur.

Procedures for use:

- Write down the behavior that you will be looking for and its definition.
- During each observation period:
  - Write down the date
  - Write down the time
  - Make a tally mark each time the behavior occurs (enter "0") if the behavior does not occur)
  - When the observation is complete, total the number of tally marks for that day and graph.

**Behavior Definition (in specific, observable, and measurable terms):**  
Behavior: Leaving seat during class time.  
Behavior Definition: Being at least one foot away from desk/seat during class, anytime after tardy bell rings. This includes when John asks permission to leave seat.

Date	Class	Time	Tally when behavior occurs:	Total number of times behavior occurred:
11/5/06	Math 7	8:50-9:35	<del>    </del> /	6
11/6/06	Social 7	1:10-1:55		4
11/7/06	English	2:15-3:00	<del>    </del> //	7

Notes/Comments:

<b>Rum River Special Education Cooperative</b> Braham, Cambridge-Isanti, Isle, Milaca, Mora, Ogilvie, and Princeton	<b>EVENT/FREQUENCY OBSERVATION</b> <b>(Washington)</b>
---	---

WASHINGTON CLASSROOM OBSERVATION SYSTEM  
DATA RECORDING SHEET

STUDENT \_\_\_\_\_ TEACHER/GRADE \_\_\_\_\_

OBSERVER \_\_\_\_\_ DATE \_\_\_\_\_

SUBJECT \_\_\_\_\_ INSTRUCTIONAL TIME SCHEDULED \_\_\_\_\_

A. TEACHER-LED INSTRUCTION

1. TIME: BEGIN \_\_\_\_\_ END \_\_\_\_\_

2. INDIVIDUAL RESPONSES: Circle all corrected errors.

# of right individual responses	# of wrong individual responses	# of no responses

3. RESPONSES WITH GROUP: Circle all corrected errors.

# of right responses	# of wrong responses	# of no responses

4. POSITIVE/NEGATIVE COMMENTS:

# of positive comments	# of negative comments

5. WERE DELAYED TESTS GIVEN FOR ERRORS: Yes/No

6. COMMENTS:

<b>Rum River Special Education Cooperative</b> Braham, Cambridge-Isanti, Isle, Milaca, Mora, Ogilvie, and Princeton	<b>EVENT/FREQUENCY OBSERVATION</b> <b>(Washington)</b>
---	---

**B. INDEPENDENT WORK AND SUPPLEMENTAL PRACTICE**

\*Use stopwatch to determine engaged minutes.

	<u>Minutes Allotted</u>	<u>Minutes Engaged</u>
1. Independent Work	_____	_____
a) Assignment introduced and modeled: Yes/No		
b) Assignment correlated with Teacher-Led Instruction: Yes/No		
2. Additional Silent Reading	_____	_____
3. Additional Oral Reading	_____	_____
4. Other (Specify)	_____	_____

**C. CORRECTIVE FEEDBACK**

	<u>Minutes Allotted</u>	<u>Minutes Engaged</u>
1. Interactive Workcheck	_____	_____
2. Noninteractive Workcheck		
Are students required to correct mistakes on independent written work: Yes/No		
3. Performance Accuracy		
a) Total # of worksheet items: Worksheet 1_____ Worksheet 2_____		
b) # of correct worksheet items: Worksheet 1_____ Worksheet 2_____		
4. Is a Structured Reinforcement System Used? Yes/No		

WASHINGTON CLASSROOM OBSERVATION SYSTEM  
DATA SUMMARY SHEET

STUDENT \_\_\_\_\_ TEACHER/GRADE \_\_\_\_\_

OBSERVER \_\_\_\_\_ DATE \_\_\_\_\_

SUBJECT \_\_\_\_\_ INSTRUCTIONAL TIME SCHEDULED \_\_\_\_\_

A. TEACHER-LED INSTRUCTION

1. Time

Total Time Observed \_\_\_\_\_

2. Individual Responses

Right Responses: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Correct  
Total # of Individual Responses: \_\_\_\_\_

3. Responses with Group

Right Responses: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Correct  
Total # of Group Responses: \_\_\_\_\_

4. Positive/Negative Comments

# Positive Comments: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ Ratio Positive/Negative  
# Negative Comments: \_\_\_\_\_

5. Delayed Tests

Given/Not Given

6. Comments:

7. \*Opportunities to Respond

Total # of Individual and Group  
Responses: (including no response) = \_\_\_\_\_ = \_\_\_\_\_ Response Opportunities  
# of Minutes of Teacher-Led Instruction Per Minute

8. \*Corrections

Corrected Errors: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Corrected Errors  
Total # of Errors: \_\_\_\_\_

B. INDEPENDENT WORK AND SUPPLEMENTAL PRACTICE

1. Independent Work

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Independent Work  
Allotted Minutes:

a) Worksheet introduced and modeled: Yes/No

b) Worksheet correlated with Teacher-Led Instruction: Yes/No

2. Additional Silent Reading

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Silent Reading  
Allotted Minutes:

3. Additional Oral Reading

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Oral Reading  
Allotted Minutes:

4. Other

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Others  
Allotted Minutes:

C. CORRECTIVE FEEDBACK

1. Interactive Workcheck

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged  
Allotted Minutes:

2. Noninteractive Workcheck

Are students required to correct mistakes on independent written work: Yes/No

3. Performance Accuracy

Worksheet 1:  $\frac{\text{\# of Correct Worksheet Items}}{\text{Total \# of Worksheet Items}} = \frac{\quad}{\quad} = \quad\% \text{ Correct}$

Worksheet 2:  $\frac{\text{\# of Correct Worksheet Items}}{\text{Total \# of Worksheet Items}} = \frac{\quad}{\quad} = \quad\% \text{ Correct}$

4. Is a Structured Reinforcement System Used? Yes/No



WASHINGTON CLASSROOM OBSERVATION SYSTEM  
 DATA RECORDING SHEET

STUDENT Sally Smith TEACHER/GRADE 3

OBSERVER Psychologist DATE 10-12-04

SUBJECT Reading INSTRUCTIONAL TIME SCHEDULED 60 min.

A. TEACHER-LED INSTRUCTION

1. TIME: BEGIN 12:15 END 12:55

2. INDIVIDUAL RESPONSES: Circle all corrected errors.

# of right individual responses	# of wrong individual responses	# of no responses
//	/ ( )	

3. RESPONSES WITH GROUP: Circle all corrected errors.

# of right responses	# of wrong responses	# of no responses

4. POSITIVE/NEGATIVE COMMENTS:

# of positive comments	# of negative comments

5. WERE DELAYED TESTS GIVEN FOR ERRORS: Yes/No ( )

6. COMMENTS:

B. INDEPENDENT WORK AND SUPPLEMENTAL PRACTICE

\*Use stopwatch to determine engaged minutes.

		<u>Minutes Allotted</u>	<u>Minutes Engaged</u>
1.	Independent Work	<u>20</u>	<u>12</u>
	a) Assignment introduced and modeled: <input checked="" type="radio"/> Yes/ <input type="radio"/> No		
	b) Assignment correlated with Teacher-Led Instruction: <input checked="" type="radio"/> Yes/ <input type="radio"/> No		
2.	Additional Silent Reading	_____	_____
3.	Additional Oral Reading	_____	_____
4.	Other (Specify)	_____	_____

C. CORRECTIVE FEEDBACK

		<u>Minutes Allotted</u>	<u>Minutes Engaged</u>
1.	Interactive Workcheck	_____	_____
2.	Noninteractive Workcheck		
	Are students required to correct mistakes on independent written work: Yes/No <b>Not immediately</b>		
3.	Performance Accuracy		
	a) Total # of worksheet items: Worksheet 1 <u>25</u> Worksheet 2 _____		
	b) # of correct worksheet items: Worksheet 1 <u>17</u> Worksheet 2 _____		
4.	Is a Structured Reinforcement System Used? Yes/ <input checked="" type="radio"/> No		

WASHINGTON CLASSROOM OBSERVATION SYSTEM  
DATA SUMMARY SHEET

STUDENT Sally Smith TEACHER/GRADE 3  
OBSERVER Psychologist DATE 10-12-04  
SUBJECT Reading INSTRUCTIONAL TIME SCHEDULED 60 min.

A. TEACHER-LED INSTRUCTION

1. Time

Total Time Observed 40 min.

2. Individual Responses

Right Responses: \_\_\_\_\_ = 2 = 50 % Correct  
Total # of Individual Responses: 4

3. Responses with Group

Right Responses: \_\_\_\_\_ = 28 = 65 % Correct  
Total # of Group Responses: 43

4. Positive/Negative Comments

# Positive Comments: \_\_\_\_\_ = 0 = 0 : 0 Ratio Positive/Negative  
# Negative Comments: 0

5. Delayed Tests

Given (Not Given)

6. Comments:

7. \*Opportunities to Respond

Total # of Individual and Group  
Responses: (including no response) = 47 = 1.2 Response Opportunities  
# of Minutes of Teacher-Led 40 Per Minute  
Instruction

8. \*Corrections

Corrected Errors: \_\_\_\_\_ = 6 = 35 % Corrected Errors  
Total # of Errors: 17

B. INDEPENDENT WORK AND SUPPLEMENTAL PRACTICE

1. Independent Work

Engaged Minutes: \_\_\_\_\_ =  $\frac{12}{20}$  = 60 % Engaged Independent Work  
Allotted Minutes: \_\_\_\_\_

a) Worksheet introduced and modeled:  Yes/ No

b) Worksheet correlated with Teacher-Led Instruction:  Yes/ No

2. Additional Silent Reading

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Silent Reading  
Allotted Minutes: \_\_\_\_\_

3. Additional Oral Reading

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Oral Reading  
Allotted Minutes: \_\_\_\_\_

4. Other

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged Others  
Allotted Minutes: \_\_\_\_\_

C. CORRECTIVE FEEDBACK

1. Interactive Workcheck

Engaged Minutes: \_\_\_\_\_ = \_\_\_\_\_ = \_\_\_\_\_ % Engaged  
Allotted Minutes: \_\_\_\_\_

2. Noninteractive Workcheck

Are students required to correct mistakes on independent written work: Yes/No

3. Performance Accuracy

Worksheet 1:  $\frac{\text{\# of Correct Worksheet Items}}{\text{Total \# of Worksheet Items}} = \frac{17}{25} = \underline{68}$  % Correct

Worksheet 2:  $\frac{\text{\# of Correct Worksheet Items}}{\text{Total \# of Worksheet Items}} = \underline{\hspace{2cm}} = \underline{\hspace{2cm}}$  % Correct

4. Is a Structured Reinforcement System Used? Yes/ No



Student: John Doe School: Milaca High School Observer: Johnson

**Permanent Product Recording – Description, Procedures, & Example**

When the behavior that you are looking at results in a lasting product, Permanent Product may be the best method to use because you don't have to be "on the lookout" for the behavior to happen, as you can measure it afterwards by looking at its product. However, you do have to be careful that only the target person's target behavior, and not someone else's or some other behavior, results in the product that you have chosen to look at.

Examples of lasting products to look at include having a bed made, having a clean room, written assignments, papers thrown on the floor, items left on the table, the way someone is dressed. In these examples, the behaviors that you might be looking for could be, cleaning, answering questions correctly, number of completed assignments, number of assignments turned in, dressing skills, self-help skills.

**Procedures:**

- Write down the permanent product that you will be looking at.
- Write down the behavior that you will be looking for in that permanent product, and its definition.
- For each permanent product that you look at:
  - Enter the date when the permanent product was completed.
  - If the permanent product that you are looking at could occur several times during the day, also enter the time.
  - If there are different types of permanent products that you are looking at, enter the label of that permanent product.
  - If the behavior that you are measuring could occur more than once in that permanent product (ex. you are looking at correct answers in homework assignments), write down:
    - The number of times that the behavior occurred.
    - The number of opportunities in which the behavior could have occurred.
    - If the behavior did not occur, make sure to enter "0" – zero.
  - Calculate the Total Percent of number of times that the behavior occurred per day (**This is what you graph**).

**Behavior Definition (in specific, observable, and measurable terms):**

Behavior: Answering questions correctly on homework assignments turned in.  
 Behavior Definition: Answers on homework questions are complete and accurate (excludes partially answered items). Excludes any written assignments performed in class.  
 Permanent Product Looked At: Homework assignments turned in.

Date	Time	Permanent Product Label	No. of Times Behavior Occurred (# correct answers)	Number of Opportunities	Total % of Times Behavior Occurred
11/5/06	2 p.m.	Homework Section I	12	20	(12/20 x 100 = 60)
11/6/06	2 p.m.	Homework Section II	4	10	(4/10) x 100 = 40
11/7/06	2 p.m.	Homework Section III	25	40	(25/40) x 100 = 63



**Rum River Special Education Cooperative**  
**Braham, Cambridge-Isanti, Isle, Milaca,**  
**Mora, Ogilvie, and Princeton**

**LATENCY RECORDING FORM**  
**EXAMPLE**

Student: John Doe Person completing this form: Johnson  
 Location: Milaca High School Date(s): 11/5/06 – 11/7/06

**Latency Recording (i.e., Time to Respond) – Description, Procedures, & Example**

If you are interested in measuring the time that it takes for the person to respond, you can measure just that by using the Latency Recording (Time to Respond) method. However, in order to do so, you need to make sure that the behavior that you are looking at has a clear beginning so that you can tell exactly when the behavior starts. To measure how long it takes to respond you will need some timing instrument such as wall clock, wristwatch, or stopwatch.

Examples of behaviors where you might want to measure latency include how long it takes to go sit at one’s desk, how long it takes to take out materials, how long it takes to begin writing...

**Procedures**

- Write down the behavior that you will be looking for and its definition
- Make sure that you have your timing instrument available prior to beginning your observation.
- Each time that you are looking for or expecting the behavior to occur write down the date and time
  - Write down the time when the instruction to do the behavior is given.
  - Write down the time when the behavior starts.
  - Calculate the length of time (i.e., latency) that it took for the behavior to begin and write it in minutes and/or seconds (**This is what you graph**).

**Behavior Definition** (in specific, observable, measurable terms):

Behavior: Time it takes to start working.  
 Behavior Definition: Time it takes for the student to begin writing on assignment paper after instruction to start working on assignment is given to the whole class.

Date	Time	Enter time when the instruction began	Enter time when behavior starts	Length of time for the behavior to start
11/5/06	8:30-9:30 a.m.	8:46 a.m.	8:52 a.m.	6 minutes
11/5/06	1:30-2:30 p.m.	1:46 p.m.	1:48 p.m.	2 minutes
11/6/06	8:30-9:30 a.m.	8:32 a.m.	8:35 a.m.	3 minutes
11/6/06	1:30-2:30 p.m.	1:41 p.m.	1:46 p.m.	5 minutes
11/7/06	8:30-9:30 a.m.	8:55 a.m.	9:02 a.m.	7 minutes







Student: \_\_\_\_\_ School: \_\_\_\_\_

**Directions:**

**Off/On Task** measures are sampled at the onset of each 30 second interval. Every 30 seconds look up and record a mark if the student is not looking at or toward the directed educational stimulus.

**Physical, Vocal/Noise, and Out-of-Place** are recorded as they occur across each 30-second interval. Record each discrete response occurring within each interval or mark a single response in each box when the response occurs continuously across two or more consecutive intervals.

**KEY**

**Physical:** Inappropriate contact or hurling of objects, damage to property, or inappropriate motor behavior: Inappropriate is a function of context, duration of context, duration of intensity.

**Vocal/Noise:** Inappropriate acoustic responses not listed otherwise as physically inappropriate: Inappropriate is a function of context, duration or intensity.

**Place:** Out of explicitly or implicitly defined locations.

**Compliance:** Is a measure of student responses per opportunity to respond. Each time a group or individual directive is given, mark below the diagonal line of the box for the interval in which the directive is given. Mark above the diagonal line of the box for the interval in which compliance with the directive occurs. The total number above the diagonal represents compliance responses and the total number below the diagonal represents opportunities.

**Target = T    Peers = P**

	OBS 1		OBS 2		OBS 3		Median	Greater median# Smaller median#	Discrepancy
	Setting: _____ Date: _____ Time: _____	Setting: _____ Date: _____ Time: _____	Setting: _____ Date: _____ Time: _____	Setting: _____ Date: _____ Time: _____					
<b>On Task</b>	T	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
	P	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
<b>Physical</b>	T	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
	P	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
<b>Vocal/Noise</b>	T	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
	P	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
<b>Place</b>	T	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
	P	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
<b>Compliance</b>	T	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____
	P	_____	_____	_____	_____	_____	_____	_____ ÷ _____ =	_____

**Use Part B for recording observation data**

<b>Rum River Special Education Cooperative</b> Braham, Cambridge-Isanti, Isle, Milaca, Mora, Ogilvie, and Princeton	<b>INTERVAL OBSERVATION</b> <b>EXAMPLE</b>
---	---

Student: John Doe School: Milaca High School

**Directions:**

**Off/On Task** measures are sampled at the onset of each 30 second interval. Every 30 seconds look up and record a mark if the student is not looking at or toward the directed educational stimulus.

**Physical, Vocal/Noise, and Out-of-Place** are recorded as they occur across each 30-second interval. Record each discrete response occurring within each interval or mark a single response in each box when the response occurs continuously across two or more consecutive intervals.

**KEY**

**Physical:** Inappropriate contact or hurling of objects, damage to property, or inappropriate motor behavior: Inappropriate is a function of context, duration of context, duration of intensity.

**Vocal/Noise:** Inappropriate acoustic responses not listed otherwise as physically inappropriate: Inappropriate is a function of context, duration or intensity.

**Place:** Out of explicitly or implicitly defined locations.

**Compliance:** Is a measure of student responses per opportunity to respond. Each time a group or individual directive is given, mark below the diagonal line of the box for the interval in which the directive is given. Mark above the diagonal line of the box for the interval in which compliance with the directive occurs. The total number above the diagonal represents compliance responses and the total number below the diagonal represents opportunities.

**Target = T    Peers = P**

		OBS 1	OBS 2	OBS 3	Median	Greater median# Smaller median#	Discrepancy
		Setting: <u>Math 7</u> Date: <u>11/5/06</u> Time: <u>9:00-9:20</u>	Setting: _____ Date: _____ Time: _____	Setting: _____ Date: _____ Time: _____			
<b>On Task</b>	T	<u>75%</u>	_____	_____	_____	___ ÷ ___ =	_____
	P	<u>85%</u>	_____	_____	_____	___ ÷ ___ =	_____
<b>Physical</b>	T	<u>12%</u>	_____	_____	_____	___ ÷ ___ =	_____
	P	<u>6%</u>	_____	_____	_____	___ ÷ ___ =	_____
<b>Vocal/Noise</b>	T	<u>12%</u>	_____	_____	_____	___ ÷ ___ =	_____
	P	<u>6%</u>	_____	_____	_____	___ ÷ ___ =	_____
<b>Place</b>	T	<u>12%</u>	_____	_____	_____	___ ÷ ___ =	_____
	P	<u>6%</u>	_____	_____	_____	___ ÷ ___ =	_____
<b>Compliance</b>	T	<u>100%</u>	_____	_____	_____	___ ÷ ___ =	_____
	P	<u>100%</u>	_____	_____	_____	___ ÷ ___ =	_____

**Use Part B for recording observation data**

**Rum River Special Education Cooperative**  
 Braham, Cambridge-Isanti, Isle, Milaca,  
 Mora, Ogilvie, and Princeton

**INTERVAL OBSERVATION (PART B) – RECORDING FORM**

Student:	School:	Grade:
Observer:	Teacher:	Setting:
Date:	Time observed from _____ to _____	<b>Intervals are 30 seconds</b>

**See Interval Observation: Directions and Summary Form**

TARGET	1	3	5	7	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	Total	RPM= Rate per Min. RPH= Rate per Hour	
On-Task																						_____	+20 x100 = ____%
Physical																						_____	<b>RPM RPH</b> +10 ____ x60 ____
Vocal/Noise																						_____	+10 ____ x60 ____
Place																						_____	+10 ____ x60 ____
Compliance																						_____	R÷0= ____%

PEER M/F	2	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	Total	RPM= Rate per Min. RPH= Rate per Hour	
On-Task																						_____	+20 x100 = ____%
Physical																						_____	<b>RPM RPH</b> +10 ____ x60 ____
Vocal/Noise																						_____	+10 ____ x60 ____
Place																						_____	+10 ____ x60 ____
Compliance																						_____	R÷0= ____%

**Behavioral Comments:**

<b>Off/On-Task</b>	
<b>Physical/Contact</b>	
<b>Vocal/Noise</b>	
<b>Place</b>	
<b>Compliance</b>	
<b>General Comments</b>	

**Rum River Special Education Cooperative**  
 Braham, Cambridge-Isanti, Isle, Milaca,  
 Mora, Ogilvie, and Princeton

**INTERVAL OBSERVATION (PART B) – RECORDING FORM**  
**EXAMPLE**

Student: John Doe	School: Milaca High School	Grade: 7
Observer: Johnson	Teacher: Cook	Setting: Math
Date: 11/5/06	Time observed from 9:00 a.m. to 9:20 a.m.	<b>Intervals are 30 seconds</b>

**See Interval Observation: Directions and Summary Form**

TARGET	1	3	5	7	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	Total	RPM= Rate per Min. RPH= Rate per Hour
On-Task	√	√		√	√		√	√	√			√	√	√	√	√	√		√	√	<u>15</u>	+20 x100 = 75 %
Physical					√	√															<u>2</u>	<b>RPM RPH</b> +10 .2 x 60 <u>12</u>
Vocal/Noise			√															√			<u>2</u>	+10 .2 x 60 <u>12</u>
Place										√	√										<u>2</u>	+10 .2 x 60 <u>12</u>
Compliance												<del>√</del>					<del>√</del>				<u>2/2</u>	R+0 = 100%

PEER M/F	2	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	Total	RPM= Rate per Min. RPH= Rate per Hour
On-Task	√	√	√	√	√		√	√		√	√	√	√	√	√	√	√		√	√	<u>17</u>	+20 x100 = 85%
Physical																		√			<u>1</u>	<b>RPM RPH</b> +10 .1 x 60 <u>6</u>
Vocal/Noise						√															<u>1</u>	+10 .1 x 60 <u>6</u>
Place									√												<u>1</u>	+10 .1 x 60 <u>6</u>
Compliance												<del>√</del>					<del>√</del>				<u>2/2</u>	R+0 = 100%

**Behavioral Comments:**

<b>Off/On-Task</b>	
<b>Physical/Contact</b>	
<b>Vocal/Noise</b>	
<b>Place</b>	
<b>Compliance</b>	
<b>General Comments</b>	

**Rum River Special Education Cooperative**  
**Braham, Cambridge-Isanti, Isle, Milaca,**  
**Mora, Ogilvie, and Princeton**

**A-B-C OBSERVATION SHEET/ANECODOTAL RECORDING**  
*Important: Please fill out after EVERY incident of problem behavior*

Student: \_\_\_\_\_ Observer: \_\_\_\_\_ Target Behavior: \_\_\_\_\_

ABC/Anecdotal Data Recording: An ABC Chart is a direct observation tool that can be used to collect information about the events that are occurring within a student's environment. "A" refers to the antecedent, or the event or activity that immediately precedes a problem behavior. The "B" refers to observed behavior, and "C" refers to the consequence, or the event that immediately follows a response.

For example, a student who is drawing pictures instead of working on his class assignment may react by cursing or throwing his pencil when his teacher tells him to finish the task. The teacher may discover that verbal requests to work and other demands are antecedents that trigger problem behavior. Common antecedents include critical feedback from others absence of attention, and specific tasks or activities. The consequence may be that the teacher sends the student to the office every time he curses and throws his pencil. Over several observation sessions, it may become clear that the student is engaging in problem behavior to escape from his class assignment.

An ABC Chart is used to organize information over several observation sessions by recording the types of behaviors observed and the events that precede and follow the behavior. Observing and recording ABC data assists the team in forming a hypothesis statement and gathering evidence that the function maintaining a problem behavior has been identified.

Date Time Person present when behavior occurred	Which predictors were present? 1. He/She was tired. 2. He/She was hungry. 3. He/She was bored. 4. He/She was sick. 5. There was a change in his schedule.	Where did the problem occur? (example: kitchen, yard, mall)	Describe specifically and completely the PROBLEM behavior (example: yelling, pushing, screaming at X)	Describe specifically and completely what happened 30 minutes BEFORE the problem behavior (example: I ask him/her to take a shower).	Describe specifically and completely what happened during the 30 minutes FOLLOWING the problem behavior including your intervention (example: I asked what was wrong)	Hypothesized function

# Individual Education Program (IEP)

## Part B (3-21) Individual Education Program (IEP)

### A. Team Members

#### 1. Required members

- Parents or guardians.
- General education teacher, if the child is participating in general education.
- Licensed special education teacher - someone who can interpret the instructional implications of evaluation results.
- Administrator/Designee - someone knowledgeable about the general education curriculum and knowledgeable about the availability of resources.
- Student - must be invited by age 14 or grade 9.

#### 2. Discretionary Members

The following *members must be in attendance if the conditions warrant*:

- A teacher licensed in the pupil's disability if not already on the team.
- For a child enrolled in a private school, a representative of the school.
- For a child transitioning from Part C to Part B, a service coordinator or other representative of the Part C system by parent request.

#### 3. Other: Points of Clarification

- Parents and the district may include other individuals who have knowledge or special expertise regarding the child, include related services personnel as appropriate.
- If a student of transition age cannot attend the meeting, the team must take steps to ensure that the child's preferences and interests are considered. Talk to the student before the meeting!
- A representative of any participating agency that is likely to be responsible for providing or paying for transition services must be invited.
- If a student is open enrolled to a different district, a representative from the resident district is NOT required to be invited to the IEP team meeting.
- **If the resident district has placed a student elsewhere, a representative from the resident district should participate in all IEP meetings.**
- **There must be documentation of attendance!**
- **When a child is transitioning from Part C to Part B, a service coordinator or other representative of the Part C system should be invited, if requested by the parent, to assist with smooth transition of services.**

### B. Excused Absence of a Team Member

1. Written excusal is needed for any required team member not in attendance at a team meeting.
2. All required members of the IEP team must be excused from a team meeting if they cannot attend all or part of the meeting.
3. A required team member needs to be excused if he/she cannot attend the entire meeting.



4. A required member of the IEP team may be excused from attending the meeting *when the meeting involves a modification to or discussion of the member's area* if the parent and district consent in writing to the excusal **AND** the necessary member submits, in writing, input **PRIOR TO THE MEETING**.
5. *If not discussing the area*, the absent team member must have written permission from the parent, but **DOESN'T NEED TO SUBMIT INPUT**.
6. The excusal form must be included in the due process file (Section 2). Written documentation of the input of the excused team member must also be included in the file (put it behind the excusal form in Section 2).
7. Parents must be informed that they do not need to consent to the excusal and that instead the meeting can be rescheduled.
8. Parents can revoke their consent at any time.
9. When a discretionary member is unable to attend the meeting, it is not necessary to obtain a written agreement or consent from the parent. The parent may ask for the meeting to be rescheduled so that this member can attend.

### **C. Present Levels of Academic Achievement and Functional Performance (PLAAFP)**

1. The following questions need to be answered in the PLAAFP statements to be in compliance:
  - What are the student's present levels as related to the needs identified in the evaluation report or any previous IEP?
  - How does the student's disability affect the student's involvement and progress in the general education curriculum?

Functional performance is generally understood to refer to skills or activities that are not considered academic or related to a child's academic achievement. Instead, "functional" is often used in the context of routine activities of everyday living.

2. The PLAAFP must include:
  - Current levels of performance which must be more than just test scores.
  - Information on how the disability impacts progress and participation in the general education curriculum.
  - Either the PLAAFP or the Annual Goal must have a measurable baseline/starting point.
  - PLAAFPs should include statements of need requiring specialized instruction. Transition needs can also be met by an activity.
3. The case manager can put all PLAAFP statements on one page, OR the PLAAFP can be written on a goal page. Either way, an identified need requires specialized instruction or activity (in the case of transition) and a service.

#### Example of Noncompliance

- Jamal is presently a 10<sup>th</sup> grade student. Last year his grades were mostly A's and B's. He struggles with writing and spelling.

Example of Compliance

- Jamal knows many mechanical rules. He correctly capitalizes and uses appropriate ending punctuation for all of his sentences. However, in a recent writing sample, he was unable to spell sight words such as “could” and “respect” as well as many of the shorter words (five letters or less). Due to his written expression difficulties, he will need to continue work on spelling.

Example of Noncompliance

- Martin has a Full Scale IQ score of 86. He did not meet expectations on his MCA Reading or Math scores. Martin has many behavior incidents, although the severity of the incidents has lessened.

Example of Compliance

- Martin’s intellectual abilities fall within the average to low average range. His memorization and processing speed were relatively strong, compared to lower reasoning and conceptual thinking skills. Classroom teachers noted that Martin is turning in assignments on time, responds well to redirection and is beginning to positively interact with peers. Martin has had seven behavioral incidents this school year compared to sixteen during the last school year. Five of these incidents were due to peer conflict and three of those led to disruptive behavior and his removal from the classroom. Although the severity of behavioral incidents has decreased, negative peer interactions are keeping Martin out of class, preventing him from focusing in class and thus result in him falling behind in academics.

**D. Goals and Objectives**

1. Goals must be measurable, including a clear starting level/baseline and an ending level. The starting level/baseline may be documented in the PLAAFP; i.e., Jonathan will improve his paragraph writing skills from his present level, as described above, to \_\_\_\_\_.
  - Do not use vague or subjective terms; i.e., define what is meant by “improve” (improve from \_\_\_\_\_ to \_\_\_\_\_).
2. Goals must have at least 2 objectives which are used to demonstrate that the child is making progress toward the goal.
3. Goals must be accomplishable in one year.
4. Goals must meet all of the student’s needs that result from his or her disability as documented in the most recent ER and IEP. At times IEP Teams must prioritize the student’s needs and write an IEP that provides a Free and Appropriate Public Education (FAPE).
5. Using “age appropriate” and “grade level” are not measurable unless the IEP clearly describes what this means.  
Examples for describing grade level may include specific curriculum used by the district or Lexile measures that can be reviewed in order to understand the student level and ascertain the baseline or starting point.

6. Annual goals that relate to attendance, passing state assessments, earning passing grades and/or earning credits for graduation are goals of all students and are not considered specialized instruction.

\* If these areas warrant discussion, the IEP Team should include annual goals that will address the issues impacting attendance, grades, etc. If the student has trouble in these areas, and it is related to the disability, ask the question, **what causes the problem?** Goals can address the reasons why students may be failing or missing school, but attending school cannot be the goal itself.

Example of Noncompliance:

- Tina will pass the statewide writing assessment from her current score of \_\_\_\_\_ to \_\_\_\_\_

Example of Compliance:

- Tina will improve her paragraph writing skills from independently writing a simple sentence with 65 to 80% accuracy in writing mechanics, to independently writing a paragraph with a topic sentence, 3 supporting details, a concluding sentence, and 80% accuracy in writing mechanics through individual and small group instruction.

Example of Noncompliance:

- Tori will pay attention and not disrupt the class.

Example of Compliance:

- Tori will decrease her verbal outbursts (yelling, arguing or crying) that result in a disruption to instruction from an average of 3 per hour to 2 or less per day.

Example of Noncompliance:

- Mona will increase her ability to decode from a level of not recognizing letters to sounding out simple words.  
Objective 1: Given a set of randomly presented letters, Mona will be able to identify the letters.  
Objective 2: Given a set of mixed sight words, Mona will read them by the end of the year.

Example of Compliance:

Mona will increase her ability to decode from a level of not recognizing all letters to a level of recognizing all letters and corresponding letter sounds.  
Objective 1: Given a set of randomly presented upper and lower case letters of the alphabet, Mona will identify 52 of 52 letters on 2 consecutively charted trials by June 2013.  
Objective 2: Given randomly presented letters of the alphabet, Mona will produce 26 of 26 letter sounds on 2 consecutively charted trials by June 2013.

7. **IEP's that have the same goals and objectives from year to year are out of compliance!**

## **E. Least Restrictive Environment (LRE)**

1. Districts must ensure that to the maximum extent appropriate, children with disabilities are educated with children who are non-disabled and that special classes, separate schooling, or

other removal of children with disabilities from the regular educational environment occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

2. The LRE must answer the following questions:

- **Why** is the nature and severity of the child's disability such that he/she must be removed from general education to receive services?
- **What** is the child missing with general education peers when pulled for direct special education services in the special education setting?

3. The LRE must match the service grid information.

Example of Noncompliance:

- Dan will spend no less than 79% of his school day in a general education setting with his peers. He will receive the majority of his special education services in the general education setting. (Missing element: Why does he need to be removed?)

Example of Compliance:

- (Why?) Dan needs intensive social skills instruction and practice in a small group situation in order to improve his ability to resolve conflict and cooperate with peers. (What is he missing?) He will receive this instruction from the social worker and EBD teacher during his study hall.

Example of Noncompliance:

- Sue needs a quiet environment with few distractions in order to progress in her academics. She will also use the resource room to organize her materials and complete classroom assignments. (Missing element: Why does the nature and severity of her disability warrant this?)

Example of Compliance:

- (Why?) Due to Sue's significant information processing deficits in the areas of auditory acquisition and organization related to sequencing words, she needs small group reading instruction with repeated directions in multiple formats. (What is she missing?) Therefore, she will be removed from general education reading to receive this instruction.

## **F. Special Education and Related Services**

1. The IEP must include 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 for the child in order for the child:

- to advance appropriately toward attaining the annual goals,
- to be involved and progress in the general curriculum, and
- to participate in extracurricular and other nonacademic activities.

2. Points of Clarification:

- EACH service, aid, and modification to be provided to the child must be clearly and specifically described in the IEP.

- If any of the special education and related services, supplementary aids, program modifications or supports for school personnel that will be provided are only needed in a specific situation or under certain circumstances, the conditions under which they are needed must be clearly documented.
  - **Using phrases such as “as needed,” “may need,” “when necessary,” “may benefit from,” “may be provided,” or “and/or” in the IEP is not acceptable.**
- The services, aids and modifications described in the IEP must be sufficient in frequency and duration to address the child’s educational needs and annual goals.

3. The service grid must reflect the special education and related services provided to the child in order to address identified needs. **If there is a goal, there needs to be a service!**

Example of Noncompliance:

- The IEP documents two annual goals related to identified SLD math needs, yet lacks documentation of special education services to address the math goals.

Example of Compliance:

- The IEP service grid documents SLD math direct instruction that is sufficient in frequency and duration to reasonably enable the student to meet his/her math goals by the end of the year.

Example of Noncompliance:

- The IEP PLAAFP indicates that a student struggles with anxiety issues related to school, which in turn significantly impacts his/her attendance rates. The IEP lacks documentation of services or a goal to address his/her school anxiety needs.

Example of Compliance:

- The IEP documents direct services from an EBD teacher for a child with behavioral needs and annual goals related to school anxiety. Indirect services provided by the behavior analyst to the EBD teacher are also documented on the IEP service grid.

4. The IEP must include a **statement of supplementary aids and services** to be provided to the child OR on behalf of the child.

- Supplementary aids and services means:
  - aids, services, and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic setting (see page E.16, N) to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.
- Examples of supplementary aids and services include:
  - adapted equipment
  - adapted materials
  - special technology
  - training and consultation for staff, student, and/or parents on the use of supplementary aids
  - peer tutors
  - paraprofessional support
- Supplementary aids and services and program modifications and supports for school personnel should align with:

- the needed modifications and accommodations to the special education program as described in the child’s most recent ER,
- the child’s current educational needs as described in the most recent IEP PLAAFP statements, and
- the modifications to district and state-wide assessments provided to the child.
- **Program modifications and supports for school personnel** responsible for implementing the IEP, when deemed necessary, must be documented in the IEP. Examples might include:
  - attending a conference or training related to the child’s needs or disability,
  - getting assistance or consultation from another staff member or administrative person,
  - having a paraprofessional in the classroom, or
  - getting special equipment or teaching materials.

#### Supports for School Personnel

##### Example of Noncompliance:

- An IEP of a hearing-impaired child who is using a new Frequency Modulated system (for amplifying sound) in each of his classes lacks documentation of training or instruction to his teachers as to how to use or monitor the system.

##### Example of Compliance:

- An IEP of a hearing-impaired child who is using a new FM system in each of his classes documents indirect services and training on the device to the teachers working with the child.
- **Program modifications** are changes in what is being taught to or expected from the student. Shortening an assignment so the student is not doing the same amount of work as other students is an example of a modification.
  - The IEP must **clearly describe** any program modifications that staff must provide to the child.
  - **Using phrases such as “as needed,” “may need,” “when necessary,” “may benefit from,” “may be provided,” or “and/or” when describing the program modification is not acceptable.**
  - Program modifications may be documented as indirect services such as consultation or training, or
  - A list or description of things staff must provide in order to support the student’s advancement toward the annual goals and participation with general education.

##### Example of Noncompliance:

- Steve may access the resource room “as needed” for completing math assignments.

##### Example of Compliance:

- Steve may access the resource room for the last half of his regular education math class if he is expressing difficulty in understanding the assignment despite clarification from the regular education teacher. Resource room staff will provide written directions and relevant math manipulatives to reinforce understanding.

Example of Noncompliance:

- Jordan will be allowed assignment modifications “as necessary” in classes requiring reading, math and written expression.

Example of Compliance:

- Jordan will receive a copy of the teachers’ notes for classes that require reading and in his math class. He will receive extra time to complete all assignments requiring writing more than one paragraph. For writing assignments longer than one page, teachers will offer to let Jordan use a classroom or school library computer to complete the assignment.

Example of Noncompliance:

- Bethany “may need” special supplies in order to participate in classes requiring writing.

Example of Compliance:

- Bethany’s case manager will provide each of her regular and special education teachers with raised line paper and  $\frac{3}{4}$ ” foam pencil grips for her to use when completing all assignments requiring writing.

5. **1:1 Paraprofessional Support** - an IEP must include a statement of the student’s need for and the specific responsibilities of a child-specific paraprofessional.

- The IEP must clearly inform the paraprofessional of his/her specific responsibilities related to implementing the student’s IEP.
- The service (start date, frequency, duration and location of services) must be documented on the service grid.
- The need for and specific duties of the 1:1 paraprofessional must also be documented.

Example of Noncompliance:

- Dan needs a 1:1 paraprofessional due to his lack of impulse control and understanding of nonverbal social cues and physical proximity to others. (Only explains why he needs a para, not what the para will be doing).

Example of Compliance:

- Dan will receive 1:1 paraprofessional support in each of his regular education classes due to his significant behavioral needs in the areas of self-regulation. The paraprofessional will provide verbal behavioral redirection, visual calming cues in the form of picture cards provided by the special education teacher, and breaks every 45 minutes to reduce his stressful reaction when over-stimulated. (Explains why the para is needed and the specific duties).

6. The IEP Team must consider whether the child needs **assistive technology** devices and services and document the decision on the IEP.

- Assistive technology must align with modifications and accommodations to be used with the student in the general and special education settings and on district and statewide tests.
- The Team should consider both high and low technology.

## 7. IEPs and behavior

The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination.

### Example of Noncompliance:

The IEP and BIP in the student's file do not document behavioral skill acquisition to be taught in response to behavior needs documented in the PLAAFP statement and discipline reports found in the file.

Need: The student has difficulty staying on-task and shuts down when he becomes frustrated when doing tasks.

Positive Alternative Behaviors: The student will hand in his work on time with 80% accuracy as documented in student file.

### Example of Compliance:

PLAAFP statement related to behavior: Adrian leaves the classroom abruptly and without permission.

Positive Alternative Behaviors: Adrian will identify when he is feeling so anxious he has to leave the room. When he has identified the feelings, he will signal the teacher with a red card. The teacher will call a paraprofessional. Adrian and the paraprofessional will walk to the resource room and practice calm breathing techniques and then come up with a plan to address the anxiety. Adrian will tell the paraprofessional the plan and she will write it down.

## G. When IEP Must Be In Effect

1. The **PROJECTED START DATE** must be included for every special education and related service.

- For an Initial IEP, the projected start date is the date of signed consent for the IEP. The projected service start date is 14 calendar days after the date the Prior Written Notice was sent. **Write the projected service start dates on the IEP you have sent to the parents, but DO NOT start services until you have received consent.**
- For an annual IEP, the projected start date is 14 calendar days after the date the Prior Written Notice was sent. **Write the projected service start dates on the IEP you have sent to parents.**
- When parental consent is received prior to the proposed start date, services can be started on the date the district received consent. **There is no need to change the start date of services on the IEP.**
- For an annual IEP, when parental consent is received after the proposed 14 day start date, services start on that proposed start date.
- Once the signed Parental Consent/Objection form is returned OR after the 14 calendar day waiting period (for an annual IEP), the case manager must:
  - Inform the entire IEP Team that the new IEP is in effect by sharing the updated IEP information; AND
  - Implement the IEP.

2. The anticipated frequency, location and duration of those services must also be included.



3. The amount of time the student is receiving direct special education and related services in the special education setting **must correlate with the LRE explanation.**

*Example of Noncompliance:*

Special Education & related services	Start Date	Frequency	Minutes per session	Location	Anticipated Duration
SLD Math	9/1/11	5x/week	50 min.	Spec. Ed. & Gen. Ed.	1 year

Anticipated frequency, location, and duration of services and modifications

*Example of Compliance:*

Special Education & related services	Start Date	Frequency	Minutes per session	Location	Anticipated Duration
SLD Math	9/1/11	5x/week	25 min.	Spec. Ed.	1 year
SLD Math	9/1/11	5x/week	25 min.	Gen. Ed	1 year

## H. Extended School Year (ESY)

- The IEP Team must determine, on an annual basis, whether or not the student needs ESY services to receive FAPE.
  - We require the IEP team to use the \*ESY Decision Flowchart to guide the discussion at the IEP meeting. This form is found in SpEd Forms under ESY Checklist. The discussion and decision should be documented on the \*ESY Services form. All data used to make the ESY determination must be documented on this form.
- After making the ESY determination, document the decision on the IEP.
  - If “no” is checked, nothing else needs to be done.
  - If “yes” is checked, the IEP must be amended to reflect the services once the team determines how ESY services will be provided. The proper paperwork must be included - ESY Services form, Amended IEP, PWN, Parent Consent/Objection Form and Agreement to Amend.**
    - Most likely, this amendment will take place in the spring. Be sure to get the information to parents at least 14 days before the start of services.
  - If “more data needed” is checked, the case manager needs to collect data to make a decision before ESY services begin.** Again, once the decision is made, parents must be informed of the decision. The proper paperwork must be included - ESY Services form, Amended IEP, PWN, Parent Consent/Objection Form and Agreement to Amend.

\* Examples of these forms are at the end of this chapter.

## I. Progress Reporting

- There should be documentation on the front page of the IEP of how the student’s progress toward the annual goals will be measured.
  - The statement should describe how and when the student’s progress is measured. This needs to happen at least as often as parents are informed of their nondisabled student’s progress.

- **The IEP must clearly indicate the number and each method of progress reporting used to inform parents. Do not use phrases such as “and/or” when sharing methods.**

Example of Noncompliance: (Front page of IEP)

- Progress will be reported 4 times per year through conferences, phone calls, “and/or” written reports.

Example of Compliance: (Front page of IEP)

- Progress will be given quarterly, as often as general education peers, with 3 written reports and once orally during the annual IEP meeting.

2. The due process file must include the documentation provided to parents to show progress toward the annual goals. **Each progress report must include, IN WRITING, the following:**

- Date
- Progress on goals and objectives – must include data. An attached graph is the preferred document for demonstrating progress.
- The extent to which progress is sufficient for the student to meet the goal by the end of the year. (checkbox)
- \*Both must be included!! Don’t just check the box!

Example of Noncompliance: (Written Progress Reports)

- The Progress Report shows sufficient progress for the child to meet the goal by the end of the year (box is checked), but does not document progress on goals.
- The Progress Report documents progress on the goal, but does not check the box indicating whether or not the student is showing sufficient progress to meet the goal by the end of the year.
- The Progress Reports indicate poor progress and indicates that the student is not making sufficient progress to meet the goal by the end of the year. There has been no IEP meeting or amendment to the IEP indicating changes to the IEP that would address the student’s lack of progress.
- There is a phone log documenting when the parent was contacted, but does not include the required information that was discussed with parents.

Example of Compliance:

- Goal: Katie will increase her reading rate from reading 16 correct words per minute to reading 50 correct words per minute.  
On the progress report “Adequate Progress” is indicated and the following narrative is included to address the goal and subsequent objectives for the goal: Katie practices timed reading passages 3 days a week 3/5 trials. She is timed on the fourth and fifth day. She is reading with 30% accuracy and scored 45 words correct per minute. Given strategies and practice, she states the sound in each word with 100% in 3/5 trials. Given 50 basic sight words, Katie can read the words in context with 70% accuracy in 4/5 trials.

3. The goal page must indicate how the goals will be measured.

Example of Noncompliance:

- IEP does not include any information on how goals will be measured.

- IEP states that the goals will be “as measured by the special education teacher.”

Example of Compliance:

- Juan’s progress will be measured through daily work, teacher observation, and teacher checklists.

## **J. Secondary Transition**

1. Transition must be assessed before the IEP is written in 9<sup>th</sup> grade. The assessment must be part of a comprehensive evaluation. This evaluation could take place in grades 7-9.

- A transition IEP must be written following a comprehensive evaluation that includes transition.
- At least two age appropriate transition assessments must be used. Assessments can be formal or informal.

### **2. Measurable postsecondary goals**

- Postsecondary goals are things that occur AFTER the student leaves high school. Postsecondary goals must indicate what a child “**will**” do after high school.
  - Use of the words “hopes to” or “plans to” when stating a postsecondary goal are not acceptable.
  - Postsecondary goals must be updated annually.
  - Transition IEPs must include postsecondary goals in the areas of education/training AND employment. The IEP team determines whether or not a postsecondary goal is necessary for the student to receive FAPE in the area of independent living skills.

Example of Noncompliance: (Employment)

- After high school, Mia is unsure of what she would like to do as a profession.

Example of Compliance: (Employment)

- After high school, Mia will work part-time as an assistant hair stylist at a beauty salon.

Example of Noncompliance: (Employment)

- Jonathan plans to improve his knowledge of employment by finding 3 area businesses he could apply at.

Example of Compliance: (Employment)

- Jonathan will obtain a full-time position at a landscaping business after high school.

Example of Noncompliance: (Education)

- Jamal is interested in pursuing a two-year degree.

Example of Compliance: (Education)

- After graduation, Jamal will attend the Job Corps Center full-time and successfully complete their culinary arts program to obtain a Culinary Arts Certificate.

Example of Noncompliance: (Employment)

- After high school, Kerry will be a BMX bike racer, work in construction, or an attorney.

Example of Compliance: (Employment)

- After high school, Kerry will assist his brother in his welding business, focusing on improving BMX bike frames.

**3. Course of Study**

- The course of study is a multi-year description of coursework to achieve the student's post-school goals.
- The course of study must include the student's current year through the following year (2 year minimum – it could be more than 2 years).
- Courses of study are the projection of future coursework, updated annually.
- Courses of study include specific classes (functional or academic), vocational/technical classes, job shadowing or work-based learning, and instruction in daily living and/or community participation skills.
- The course of study is not just a list of classes needed to graduate. They should demonstrate a correlation to and a support of the student's measurable postsecondary goals.
- The **courses of study for a child with a moderate or severe disability** may be described by course content area; i.e., "mobility," "self-advocacy," "personal relationships," but it is NOT ACCEPTABLE to merely state "functional living classes."

Sample of Compliance:

School Year	Grade Level	Courses of Study
2011-2012	9	Family & Consumer Science (FACS), Business Basics, Basic Geometry, English I, Current Events
2012-2013	10	FACS II, Business Math, Employability Skills, English II, World Culture
2013-2014	11	Advanced FACS, Accounting Business Communications & Writing, Social Studies, Job Shadow
2014-2015	12	Advanced Cooking, Computer Applications, Writing for Businesses, Work-Based Learning

**4. Annual Goals**

- Measurable postsecondary goals drive the annual transition goals.
- Annual transition goals are the yearly "steps" designed to enable the student to achieve their postsecondary goals.
- Annual goals must reasonably enable the child to meet their post-secondary goal(s) by the end of high school.
- There must be at least one annual goal for each post-secondary goal!
- Annual goals may address transition and academic or functional needs at the same time.
  - \* For example, a student who has academic needs related to spelling and written expression and a corresponding transition need of completing a college application form and essay may have one annual goal that covers both needs in his/her IEP.

Example of Noncompliance:

- Jamal will improve his self-advocacy skills.

Example of Compliance:

- Jamal will improve his self-advocacy skills from his current level of being able to name his disability (SLD) to being able to describe his academic strengths and weaknesses, including his needed modifications and adaptations in the educational environment 100% of the time when asked.

Example of Noncompliance:

- Paul will be able to understand and use the public bus schedules.

*Example of Compliance:*

- Paul will improve his ability to understand the metro bus system from his current level of not understanding how to use the bus schedule to being able to correctly respond to questions and scenarios relating to bus schedule maps and schedule times with 90% accuracy.

**5. Transition Services**

- Annual and functional goals drive the services in the IEP for transition age services.
- Transition services are based on the student's needs, taking into account their strengths, preferences and interests and include:
  - specialized instruction
  - related services
  - courses of study
  - community experiences
  - the development of employment and other post-school adult living objectives,
  - if appropriate, the acquisition of daily living skills and the provision of a functional vocational evaluation
- If a functional vocational assessment is a needed transition service or activity, the IEP must include this documentation.
  - A functional vocational assessment is an assessment that determines a child's strengths, abilities and needs in an actual or simulated work setting or in real work experiences.
  - For example, an IEP may document the transition activity of a referral to Vocational Rehabilitation (VR) for non-verbal, modified assessments of adaptive behavior, career interest, and career skills. In this case, the child's file must contain a signed parent consent form indicating that the district may contact VR services to make the referral.

**6. Transition Services From an Outside Agency**

- Not all transition services are provided by school district staff. If outside agencies are expected to provide or pay for transition services for the student, they must be invited to the IEP meeting where transition is being discussed.
- If the participating agency does not attend the IEP meeting, the district is no longer required to take other steps to obtain participation of an agency in the planning of any transition services. However, if the outside agency fails to provide the transition services described in the IEP, the district is required to reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

**K. State and District Assessments**

1. The IEP Team determines appropriate accommodations that are necessary to measure the academic achievement of the student on state and local tests.
  - Accommodations must be documented on the IEP.

2. The IEP Team determines if an alternate assessment is appropriate for the student.
  - The IEP must document **why** the student cannot participate in the regular assessment **and** must name the particular assessment selected that is appropriate for the student.
3. Daily education modifications and adaptations on the student's IEP should align with the modifications and accommodations provided to students on state and local tests.

*Examples of Compliance:*

- Michael will take his assessments in a small group setting. He will be given 10 minute breaks every 45 minutes. He may also repeat directions back to the proctor for reassurance of comprehension and having heard the needed material. He will have instructions and questions read to him, except for portions of the test that require the student to read.
- Debbie will not participate in the MCA-II because her level of instruction does not correspond with the content of the assessments. Debbie has limited response mode. She will participate in the Minnesota Test of Alternative Standards (MTAS) assessment.

## **L. Revision of the IEP. When appropriate:**

1. The IEP must be revised to address any lack of progress toward the annual goals and progress in the general curriculum.
2. The IEP must be revised to address the results of any reevaluation conducted.
3. The IEP must be revised to address information about the child provided to, or by, the parents.
  - This would include outside evaluation results.
  - An IEP team is required to consider all new information regarding the child.
  - A general education teacher of the child, as a member of the IEP team, must participate in the review and revision of the IEP of the child. A team meeting notice should be sent and all names of team members listed. Excusal forms are required if necessary.

## **M. Transfer Students**

### **Notify your SPED Coordinator when a student transfers from out of state.**

1. Students who transfer from a school in Minnesota must be provided services comparable to those described in the student's IEP from the previous school, until the new school either adopts the IEP from the previous school, or develops a new IEP.
  - The new school, in consultation with the parents, must identify "comparable services." Comparable services" refer to similar or equivalent services.
  - Transfer students must be provided comparable services upon enrollment. There cannot be a disruption of services.
    - ✓ Comparable services is not a proposal or refusal to a change in services, placement, identification or provision of FAPE.
    - ✓ Do not write a PWN or wait 14 calendar days to begin services.
    - ✓ Contact your coordinator if you have questions.

- If the previous IEP is unspecific or not in compliance with legal standards, the new district must conduct an IEP meeting to develop a new and legally adequate IEP as soon as possible.
- If you adopt the prior district's IEP that is not legally adequate, you are held responsible in any complaint.

2. Students who transfer from out-of-state must be provided comparable services to those described in the previous IEP until the new district conducts an evaluation to determine if the student is a child with a disability under Minnesota criteria. A district may use information provided in the previous State's ER to document MN criteria.

- The new school, in consultation with the parents, must identify "comparable services." Comparable services" refer to similar or equivalent services.
- Transfer students must be provided comparable services upon enrollment. There cannot be a disruption of services.
  - ✓ Comparable services is not a proposal or refusal to a change in services, placement, identification or provision of FAPE.
  - ✓ Do not write a PWN or wait 14 calendar days to begin services.
  - ✓ Contact your coordinator if you have questions.
- The evaluation is considered an initial evaluation and not a reevaluation. PWN and parental consent is required.
- If the district determines that additional services are necessary to provide FAPE, contact your SPED Coordinator for assistance.
- The new MN IEP team must document their determination of whether a new evaluation of the child is necessary to determine whether the child is a child with a disability under MN criteria and to determine the educational needs of the child.
  - \* Document this decision on the Evaluation Plan PWN.
  - \* The district will provide comparable services until the evaluation is completed.
- If the team determines they have documentation to support eligibility in MN, a new evaluation is not necessary.
  - \* On the PWN for the IEP, document that "the team has sufficient data to determine that (student) qualifies for (name the disability) services in Minnesota."
- After conducting an initial evaluation, the district will propose an initial IEP. The district's obligation to provide comparable services based on the previous district's IEP ends with the implementation of the new IEP.

## **N. Discussing Extracurricular/Nonacademic Activities at an IEP Meeting**

### **1. Prior to IEP meeting:**

- If a case manager suspects that extracurricular/nonacademic support may be needed for a student, the case manager must contact the special education coordinator for the district. Together, the case manager and coordinator will determine if the building administrator should be contacted. Depending on the timeline, the team may or may not be able to address a specific request at the IEP meeting. A separate meeting may need to be held.
- If extracurricular support is not suspected prior to the meeting, use the following discussion guidance during the IEP meeting. If a specific request is brought up during the meeting, tell the parents that in order to address the request you will need to get some additional information regarding the activity in question. Schedule a separate meeting to discuss the request.

## 2. During the IEP Meeting:

As part of the IEP team discussion, the Team must consider if a student needs additional support in extracurricular/nonacademic activities. When beginning the discussion, the following could be used:

*“The IEP team is obligated to ensure that students with disabilities have equal access to extracurricular and nonacademic activities. Are there any activities in which (Johnny) wishes to participate?”*

- If the parent and student say no, say to the parent and student:  
*“If at any point in the school year (Johnny) does become interested in participating in an extracurricular activity, and you have concerns that his disability would impact participation, we will hold an additional IEP meeting at that time to discuss the activity.”*

Document the parent/student’s response in the IEP and on the PWN.

- If the parent and/or student say yes, the case manager must ask which activity the student is interested in pursuing. Once an activity in which the student wishes to participate is identified, the Team must determine what, if any, special education related services and/or accommodations the student must receive in order to participate.

There are many things to discuss before making a decision. Do not enter into this conversation unless you are fully prepared. This discussion may take place at a later meeting.

1. The Team must first decide if participation is necessary for FAPE. For most students, a student can benefit from his/her educational program without participation in extracurricular and nonacademic activities.
2. The Team must then determine what, if anything, is needed for equal access to participate in the activity. The conversation should focus around the following questions:

- **Is the student “otherwise qualified” to participate in the nonacademic or extracurricular activity?**

The Team must determine if the student has met the eligibility requirements for participation in the activity. For example: MN State High School League rules require that a student pass a physical exam and refrain from the use of alcohol and drugs. If the student cannot pass the physical or uses drugs or alcohol, he/she is not eligible to participate in any activity governed by the League.

If eligible, a student must be provided an opportunity to try out for a competitive team, but cannot be guaranteed a position on that team. If an activity (e.g. intramural sports, school clubs and volunteer jobs such as an athletic team manager) has no eligibility criteria or description of essential duties or skills, it must be assumed the student is otherwise qualified.



- **Does the student have the requisite skills necessary to access and participate in the activity?**  
“Requisite skills” refers to the mental, physical, behavioral and social skills necessary to access and participate in an activity. For example, a student must be able to learn the rules, moves and strategies of playing chess in order to be on the chess team or be able to run independently to be on the cross country team.
- **Does the student need supplementary supports in order to access and participate in the service or activity?**  
Supplementary supports include: adaptations, modifications, adaptive equipment, related services and training for staff who work with the student.
- **Are the needed supports allowable and reasonable for the activity?**  
“Allowable” and “reasonable” refers to what is permitted under the rules or norms of an activity. For example, an electronic communication device (such as a Dynavox) would not be allowed on the court during a League basketball game.

### 3. Documentation Requirements:

- The IEP meeting agenda should include extracurricular and nonacademic activity discussion. Keep notes of the conversation.
- Document in the IEP (Section 7: Accommodations, modifications and supports). Dropdown menus are provided on SPED Forms. Remember to individualize your response.
- Document in the PWN. If the district proposes to include supports in order to participate in nonacademic activities, you would answer questions #1, 2, 3 and possibly 4.

#### Example:

- Question #1: The district proposes to provide paraprofessional support for (Johnny) while he is attending Adventure Center.
- Question #2: (Johnny) has a paraprofessional with him throughout the day to give behavioral re-direction and academic supports. The Team believes that (Johnny) has the requisite skills to participate in Adventure Center if he is provided similar behavioral supports from a paraprofessional.
- Question #3: The Team considered input from parents, teachers and the services provided in his Individual Education Plan (IEP) as a basis for this proposal.
- Question #4: The Team considered the option of not having the supports and felt (Johnny) would need the paraprofessional support until he felt comfortable in the new activity, setting and with unfamiliar staff.

When the Team discusses nonacademic activities and determines that the student does not need supports or is not interested in participating in nonacademic activities, you would document this in question #4.

#### Example

- Question #4: The Team discussed whether or not (Johnny) had considered participating in any nonacademic or extracurricular activities. (Johnny’s) mother reported that he had

not expressed an interest in participating in any after school activity. The parent was told that if at any point in the school year (Johnny) does become interested in participating in an extracurricular activity, and you have concerns that his disability would impact participation, we will hold an additional IEP meeting at that time to discuss the activity.”

### ***Related Q&As***

- School Attendance Age Limitations
- Transfer of Parental Rights under Individuals with Disabilities Education Act (IDEA) to the Student at Age 18
- Related Services
- Identification of Parent for Participation in Special Education Planning for a Child with a Disability
- Out of State Transfers and the Provision of Special Education and Related Services
- Identification of Parent for Participation in Special Education Planning for a Child with a Disability
- Parental Rights Retained by Non-Custodial Parent
- Individual Education Plan (IEP) Team Attendance
- Individual Education Program (IEP) Team Attendance – Regular Education Teachers and Related Service Professionals
- Regular Education Teachers’ Responsibilities Related to Implementing IEPs
- Required Member Absences from individualized Education Plan (IEP) Team Meetings
- Needs-Based Goals
- State Testing for Special Education Students

