





What is the purpose of the IDEA?

The purposes of this part are--

- (a) To ensure that all children with disabilities have available to them a **free appropriate public education** that emphasizes special education and related services designed to meet their unique needs . . . ;
- (b) **To ensure that the rights of children with disabilities and their parents are protected.**

What is FAPE?

- The practical definition of FAPE originates from the *Rowley* standard. It has been tested many times, and it remains the standard today.
- In *Rowley*, the Supreme Court established the following two-part test that courts should use to decide the appropriateness of a student's education:

What is FAPE?

- Has the state complied with the procedures set forth in the IDEA?
- Is the IEP, developed through the IDEA's procedures, **reasonably calculated to enable the child to receive educational benefits?**

What is FAPE?

- The Supreme Court held that when this two-part test is satisfied, the state has complied with the obligation imposed by Congress, and the courts can require no more.

Board of Educ. of the Hendrick Hudson Cent. Sch. Dist. v. Rowley, 553 IDELR 656 (U.S. 1982).

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What else is important?

1. FAPE is an individualized standard, judged in relation to a student's potential.
2. School districts are not required to maximize a student's educational performance.
3. The 10th Circuit Court of Appeals has adopted the "some educational benefit" standard; and
4. Further, the 10th Circuit holds that generalization of skills into the home is not required. *Thompson R2-J Sch. Dist. v. Luke P., 50 IDELR 212 (10th Cir. 2008), cert. denied, 110 LRP 798 (2009).*

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How does a parent stay informed?

- A parent has a right **to participate** in IEP team decisions about his/her child.
- A parent has a right **to be involved** in all placement decisions about his/her child.
- A parent has a right **to receive notice** about proposed or refused changes regarding a student's identification, evaluation, educational placement, or the provision of FAPE.

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Disagreement ≠ Exclusion

- However, a parent’s disagreement with the district’s proposal does not constitute exclusion from the decision making process.

Cooper v. District of Columbia, 64 IDELR 271 (D.D.C. 2014).

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The IEP process is the **KEY** to understanding FAPE for your student.

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The IEP Is Key, But PWN is Crucial

- Prior Written Notice (PWN) is one of the most important procedural safeguards afforded to parents.
- PWN is an important way for a parent to remain involved, be alert to changes, and preserve the right to object.
- A clear understanding of PWN is critical for a parent and/or advocate.
- PWN is of critical importance to telling your child’s story.

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0.2 Prior Written Notice

School District/State Agency		Prior Written Notice	
Name of Student		34 C.F.R. §300.503	
DOB	Grade	Date	

The school district must give you a written notice whenever the school district (1) proposes to change the placement of your child, or (2) refuses to make or change the placement, or (3) refuses to identify, evaluate, or determine the educational needs of your child or the appropriate IEP for your child. This notice must include information regarding the proposed or refused action, the reasons for the proposed or refused action, and a list of resources for parents to contact regarding the action.

Written Notice of Special Education Action

Description of the action proposed or refused by the school district or public agency:

Explanation of why the school district or public agency is proposing or refusing to take that action:

Description of each evaluation procedure, assessment, record or report the school district or public agency used as a basis for the proposed or refused action:

Description of any other options the team considered and the reasons why those choices were rejected:

Description of other relevant factors:

Prior Written Notice

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Description of other relevant factors:

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When Should You Receive PWN?

Proposals to Initiate or Change

- Something about your child’s eligibility;
- Something about an evaluation;
- Something about your child’s placement; or
- Something about the provision of FAPE.

Refusals to Initiate or Change

- Something about your child’s eligibility;
- Something about an evaluation;
- Something about your child’s placement; or
- Something about the provision of FAPE.

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Contents of PWN

- The contents are mandatory. It must include:
 - Protections available to parents and contact information.
 - A description of the action proposed or refused.
 - An explanation of WHY the action is being proposed or refused.

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Contents of PWN

- An explanation of the information and/or data that supports the proposal or refusal.
- A description of other options considered, but not chosen.
- A description of other relevant factors.

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0-2 Prior Written Notice

SCHOOL DISTRICT/PUBLIC AGENCY	Prior Written Notice
SCHOOL DISTRICT/PUBLIC AGENCY	34 C.F.R. §300.503

The school district must give you a written notice whenever the school district: (1) Proposes to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child; or (2) Refuses to initiate or change the identification, evaluation or educational placement of your child or the provision of FAPE to your child. You and your child are entitled to procedural safeguards under the Individuals with Disabilities Education Act (IDEA). A copy of the Notice of Procedural Safeguards can be obtained from your child's school or the WDE website at www.edu.wyoming.gov. It contains a list of resources for parents to obtain assistance in understanding the IDEA.

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Description of any other options the team considered and the reasons why those choices were rejected:

Description of other relevant factors:

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SCHOOL DISTRICT/PUBLIC AGENCY	Prior Written Notice	
SCHOOL DISTRICT/PUBLIC AGENCY	34 C.F.R. §300.503	
Name of Student	SCHOOL ID	State
	CLASS	Grade

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Written Notice of Special Education Action

Description of the action the school district or public agency proposes or refuses to take:

The school should clearly describe any proposed changes, including the effective date of the changes, regarding the student's evaluations, identification (eligibility), educational placement or the provision of FAPE.

OR

The school should clearly describe any refusals to requests made by the parents to change any matter regarding the student's evaluations, identification (eligibility), educational placement, or the provision of FAPE. (For example, the parent requests an evaluation, and the school declines the request.)

Explanation of why the school district or public agency is proposing or refusing to take that action:

Description of any other options the team considered and the reasons why those choices were rejected:

Description of other relevant factors:

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Written Notice of Special Education Action

Explanation of why the school district or public agency is proposing or refusing to take that action:

The school should explain the reasons for the proposed change. Parents should expect to see information regarding the student's improved performance, lack of anticipated progress, recent successes, or recent struggles.

OR

Parents should expect to see an explanation of why the school is refusing a parent request. (For example, the school may disagree with the parent's request to provide the student a 1:1 aid. This section should address the reasons the school is refusing to provide a 1:1 aid in student-specific terms, i.e. current educational needs, detrimental social effects, etc.)

Description of any other options the team considered and the reasons why those choices were rejected:

Description of other relevant factors:

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34 C.F.R. §300.503

School District/State Agency			
Name of student			
District ID	State	Grade	Year

Prior Written Notice
34 C.F.R. §300.503

The school district must give you a written notice whenever the school district: (1) Proposes to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child or (2) Refuses to initiate or change the identification, evaluation or educational placement of your child or the provision of FAPE to your child. You may also give us written notice independently after the district has initiated education for your child. A copy of the Notice of Procedural Safeguards can be obtained from your child's school or the district website at www.k12il.gov. It contains a list of procedures for parents to obtain resolution or compensation for a claim.

Written Notice of Special Education Action
Description of the action the school district or public agency proposes or refuses to take

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Description of each evaluation procedure, assessment, record or report the school district or public agency used as a basis for the proposed or refused action:

This section should contain current data supporting the proposal or refusal. Data may include evaluation results, progress monitoring data, disciplinary referrals, outside evaluations, current grades, information from parents, etc. Every proposal or refusal should be supported by data or other information in the student's record or provided by the parents.

Description of any other options the team considered and the reasons why those choices were rejected:

Description of other relevant factors:

34 C.F.R. §300.503

School District/State Agency			
Name of student			
District ID	State	Grade	Year

Prior Written Notice
34 C.F.R. §300.503

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Written Notice of Special Education Action
Description of the action the school district or public agency proposes or refuses to take

Explanation of why the school district or public agency is proposing or refusing to take that action:

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Description of any other options the team considered and the reasons why those choices were rejected:

Rarely is only one option considered. The school should describe the other options considered and why those options were not selected. (For example, the team considered special transportation for the student, but rejected that choice because siblings ride the same bus as the student, increasing his comfort level and opportunity to practice social skills.)

Description of other relevant factors:

Description of other relevant factors:

34 C.F.R. §300.503

School District/State Agency			
Name of student			
District ID	State	Grade	Year

Prior Written Notice
34 C.F.R. §300.503

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Description of other relevant factors:

Other relevant factors might include things like medication changes, a death in the family, a recent family move, long term absence of a service provider, or any other issue or circumstance that may have bearing on the student's participation or performance at school.



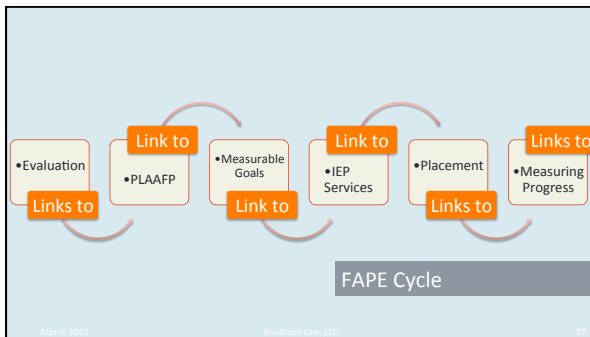
TEST YOUR KNOWLEDGE
Let's work through some examples.

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The IEP process is the cornerstone of FAPE. It is where your child's story is told in great detail, carefully monitored, and changed as needed.

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The Story Starts Here

Comprehensive Evaluations

Every evaluation is a **COMPREHENSIVE** evaluation. All evaluative questions must be answered.

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It starts with a review of existing data.

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Comprehensive Evaluation: Eligibility & Need

Generate Questions

Conduct Assessments

Answer Questions

Consider Exclusions

Health, Vision or Hearing Conditions

Cognitive Abilities

Academic Skills

Communication Skills

Social or Emotional Skills

Physical or Motor Skills

Functional Skills

Probing Question Model

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What else?

- What additional data, if any, does the team need in order to answer the remaining evaluative questions?
- It may be medical, psychological, behavioral, academic, etc.
- The collection of the information determined necessary by the team is the responsibility of the school district.
- If the team determines data is needed, and it doesn't already exist, then it is the school's responsibility to get it, including the cost.

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Evaluation Procedures

- The school must ensure that the child is assessed in all areas related to the suspected disability, including if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

34 C.F.R. §300.304(c)(4).

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Comprehensive Requirement

- In evaluating a child with a disability, the public agency must ensure that the evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.

34 C.F.R. §300.304(c)(6).

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Question Bank: Time to Deposit



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Consent to Evaluate

- Once the team determines what additional data is necessary to answer the remaining evaluative questions, then it must propose a plan to collect that information.
- The parent will be asked for his/her informed consent.
- Consent is *informed* when the parent has received written notice about the action proposed. **HINT: PWN!** 34 C.F.R. §300.300.

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GENERAL RULES FOR EVALUATION CONSENT

	INFORMED CONSENT REQUIRED	CONSENT OVERRIDE PERMITTED
REVIEW EXISTING DATA	NO	N/A
INITIAL EVALUATION	YES	YES
REEVALUATION	YES	YES*
INITIAL SPECIAL EDUCATION SERVICE	YES	NO

*Informed parental consent need not be obtained if the school made reasonable efforts to obtain consent for a reevaluation, but the parent failed to respond.

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Evaluation Timeline

- For **INITIAL** evaluations only, the 60 calendar day timeline starts when the school receives the parent's informed consent. *34 C.F.R. §300.301.*
- For reevaluations, there is **NO** timeline. It must be reasonable under the circumstances.
- Once a child has been fully evaluated and has begun receiving special education services, **ANY** subsequent evaluation is a reevaluation. *71 Federal Register 46640.*

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When does the evaluation timeline end?

- Wyoming, like many other states, takes the position that the evaluation timeline concludes upon completion of assessments and other evaluation measures, and the determination:
 - Whether the child is a child with a disability, and
 - The educational needs of the child.

34 C.F.R. §300.305(a).

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What about an evaluation report?

- The parents must be provided a copy of the evaluation report and the documentation of determination of eligibility. *34 C.F.R. §300.306(a).*

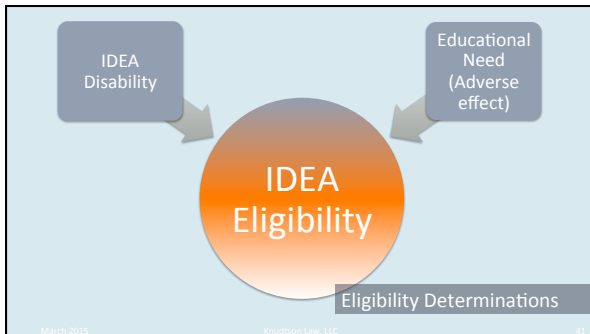
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Eligibility and PWN

- The determination of eligibility triggers PWN.
- The proposal should be carefully documented, including the team members who participated in the decision.

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What is an IDEA disability?

- An IDEA disability is one of the 13 categories described in 34 C.F.R. §300.8.
- Wyoming Rule has described the IDEA disability categories in more detail in WDE Rules, Chapter 7, Section 4.

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Limitation

- If it is determined, through an appropriate evaluation, that a child has one of the disabilities identified, **but only needs a related service and not special education**, the child is not a child with a disability under this part.

34 C.F.R. §300.8(a)(2).

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Limitation

- "Educational performance" may extend beyond grades to the classroom experience as a whole.
- It does not include behaviors exhibited solely in the home.
- "Social and behavioral deficits will be considered only insofar as they interfere with a student's education."

Q.W. v. Bd. of Educ. of Fayette County, KY, 115 LRP 2199 (E.D. Ky. 2015).

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What is . . .

Special Education

- Means **specialty designed instruction**, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings.

34 C.F.R. §300.39(a).

Related Service

- Means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.

34 C.F.R. §300.34(a).

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Special Education & Related Services

General Curriculum

Special Education supports the general curriculum

Related Services wrap around and support special education

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What is Specially Designed Instruction?

- Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction **to address the unique needs of the child that result from the child's disability, and ensure access to the general curriculum.** 34 C.F.R. §300.39(a).

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What does that mean?

- If a child only needs a related service, like counseling, OT, PT, etc., then the student is **NOT** eligible under the IDEA.
- EXCEPTION: S/L service can be the special education when the student is **ONLY** S/L eligible, but it automatically changes to a related service if eligible in any other category.

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After eligibility, what is next?

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Individualized Education Program (IEP)

School District/Public Agency	34 C.F.R. §§300.320-300.324		
Name of Student	WIDE IR	DOB	SEX
Year of Last IEP Meeting	1 Year Revision	Re-evaluation	1 Year of IEP Meeting

STRENGTHS, EDUCATIONAL CONCERNS AND PREFERENCES/INTERESTS
Team's Perspective
34 C.F.R. §§300.321(a) and (b)

Strengths:
What is the student good at in relative terms? What is the best part of the student's learning day?

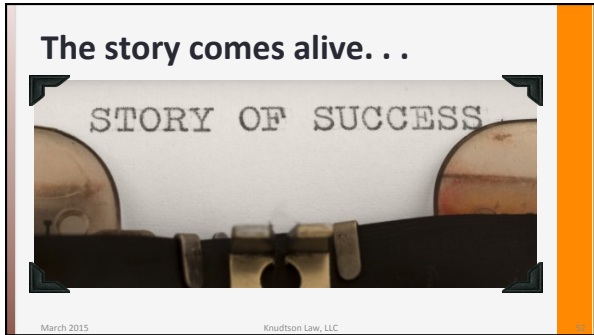
Preferences/Interests:
What does the student enjoy? Favorite activities, courses, subjects, staff persons, etc.?

Educational Concerns:
Remember IEPs must address skill gaps in comparison to the general curriculum or extended curriculum. Without skill gaps, there is no justification for having an IEP. This area may be used to identify major skill gaps, prioritize educational needs, describe areas of lack of expected progress, etc.

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FAPE Cycle

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Present levels

- A statement of the child's present levels of academic achievement and functional performance, including –
 - How the child's disability affects the child's involvement and progress **in the general education curriculum (i.e., the same curriculum as for nondisabled children)**, or
 - For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

34 C.F.R. §300.320(a)(1).

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14 IEP		Individualized Education Program (IEP)	
School District/Public Agency	34 C.F.R. §§300.220-300.324		
Name of Student	WISER ID	DOB	Date of IEP Meeting
State of Last IEP Meeting	Year/Date of Next IEP Revision	IEP Category	
STRENGTHS, EDUCATIONAL CONCERNS AND PREFERENCES/INTERESTS			
Parent's Perspective 34 C.F.R. §§300.321 and 301			
Strengths			
PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE			
<p>Preschool Students: Describe the academic, developmental and functional needs of the student, and how the disability affects the student's participation in appropriate activities. <i>(the same age appropriate activities engaged in by nondisabled students)</i></p> <p>School Age Students: Describe the academic, developmental and functional needs of the student, and how the disability affects the student's involvement and progress in the general education curriculum <i>(the same curriculum as nondisabled students)</i>.</p> <p>Describe the child's present levels of academic achievement and functional performance across services and settings, including special education, regular education, and interventions.</p> <p>Present levels are intended to inform the entire team about the student's current skill level across environments. The description may include data, but must also include narrative information describing what the data means for this student. Present levels are the first step in the process of identifying the student's educational needs for the current annual IEP. Present levels should be skill-descriptive, and tell the child's story in a manner that could inform any unfamiliar reader about this student's current educational (academic AND functional) performance.</p>			

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Court Interpretations

- The failure to conduct a comprehensive evaluation of the student’s educational needs resulted in a finding that the **PLAAPF were invalid** and the IEP was inappropriate.

Pinto v. District of Columbia, 64 IDELR 103 (D.D.C. 2014).

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Court Interpretations

- The lack of individualized planning denied a student FAPE. The use of **vague language** and stock goals was sufficient to uphold a determination that the school district denied the student FAPE.

Jefferson County Bd. of Ed. V. Lolita S., 64 IDELR 34 (11th Cir. 2014).

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Court Interpretations

- “[T]here should be a direct relationship between the present levels of educational performance and the other components of the IEP.”

O’Toole v. Olathe District Schools Unified Sch. Dist. No. 233, 28 IDELR 177 (10th Cir. 1998).

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Don't Overlook the PLAAFP

- Be intentional!
- Make the connection between the comprehensive evaluation and the PLAAFP.
- Look for the next connection between PLAAFP and goals.

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Question Bank: Time to Deposit



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Name of Student		Date of IEP Meeting	
PARENTS COPY OF ANNUAL ASSESSMENT AND EDUCATIONAL PERFORMANCE ASSESSMENT			
<p>NOTE REGARDING SPECIAL FACTORS: This is an important section to ensure that special factors are considered for educational planning purposes. Don't be afraid to check "yes," as this only means that the IEP should specifically address those relevant special factors.</p>			
CONSIDERATION OF SPECIAL FACTORS		YES	NO
<small>34 C.F.R. §200.326(g)(1)</small>			
• Does the student's behavior impede his/her learning or the learning of others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Does the child have communication needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Is the student deaf or hard of hearing? If yes, then answer the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
◦ Does the student need opportunities for communication and direct instruction in the student's language and communication mode?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Is the student blind or visually impaired? If yes, then answer the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
◦ Does the student require orientation and mobility training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
◦ After an evaluation of reading and writing needs, learning media assessment, and need for future instruction in Braille, does the student require instruction in the use of Braille?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student require assistive technology devices or services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Has the student been determined to be Limited English Proficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any item checked "YES" must be addressed in the IEP.			
EXTENDED SCHOOL YEAR			

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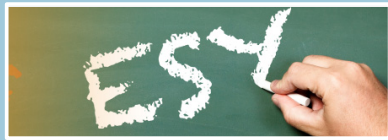
Like Google Maps



- Consideration of Special Factors is important because it alerts the team to the direction the IEP must go.
- It is like entering the name of a town in Google Maps. You know you need to go there, but the specifics will be added later.

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Determinations

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Number of Students	State of IEP Meeting
EXTENDED SCHOOL YEAR <small>34 C.F.R. §300.106</small>	
Extended School Year (ESY) services must be provided if necessary for the student to receive FAPE. In addition to degree of regression and the time necessary for recoupment, consider these factors:	
<ul style="list-style-type: none"> • Degree of impairment and the ability of the child's parents to provide the educational structure at home; • The child's rate of progress; • His or her behavioral and physical problem; • The availability of alternative resources; • The ability of the child to interact with non-educational benefit during the normal school day/year. Most students will experience gains with more service, but that is not the purpose of ESY. • The child's vocational needs; and • Whether the requested service is "extraordinary" to the child's condition, as opposed to an integral part of a program for those with the child's condition. 	
Is ESY necessary in order for the student to receive FAPE? YES <input type="checkbox"/> NO <input type="checkbox"/>	
If ESY is a necessary component of FAPE, ESY goals and services must be documented in the IEP.	
<small>Open Social</small>	

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What is ESY?

- The term extended school year services means special education and related services that—
- (1) Are provided to a child with a disability—
 - (i) Beyond the normal school year of the public agency; (ii) In accordance with the child's IEP; and
 - (iii) At no cost to the parents of the child; and
- (2) Meet the standards of the SEA.

34 C.F.R. §300.106(b).

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When is it provided?

- Extended school year services must be provided only if a child's IEP Team determines, on an individual basis that the services are necessary for the provision of FAPE to the child. 34 C.F.R. §300.106(a).
- Remember, FAPE means “some educational benefit.”

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The Leading 10th Circuit Case

- The 10th U.S. Circuit has identified the following factors that districts may also consider **in addition to the regression-recoupment analysis**:
 - Degree of regression suffered in the past.
 - Exact time of past regression.
 - Ability of parents to provide educational structure at home.
 - Child's rate of progress.
 - Child's behavioral and physical problems.

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The Leading 10th Circuit Case

- Availability of alternative resources.
- Ability of child to interact with nondisabled children.
- Areas of child's curriculum that need continuous attention.
- Child's vocational needs.
- Whether requested services are extraordinary for the child's condition, as opposed to an integral part of a program for populations of students with the same disabling condition.

Johnson v. Indep. Sch. Dist. No. 4, 17 IDELR 170 (10th Cir. 1990), cert. denied, 110 LRP 38025 (1991).

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What else?

1. ESY services are not intended to maximize a student's potential or progress.
2. The need for ESY services must be considered for **every** student, but ESY services are not necessary for all students.
3. When determined to be a necessary component of FAPE, the IEP must address ESY services with the same level of specificity as during the regular school year.
4. ESY services serve as an "extension" of the IEP for an IDEA eligible student.

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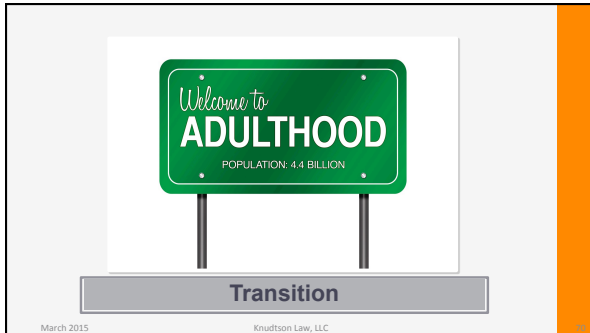
The WDE ESY Reference Guide



A GREAT RESOURCE

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When and How?

- The IEP must address transition **no later than the first IEP to be in effect when the student turns 16.** 34 C.F.R. §300.320(b).
- Addressing transition starts with age appropriate transition assessments. 34 C.F.R. §300.320(b)(1).
- The lack of transition assessment can be a denial of FAPE. *Jefferson County Bd. of Educ. v. Lolita S.*, 64 IDELR 34 (11th Cir. 2014).

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TRANSITION SERVICES						
For all students beginning with the IEP to be in effect when the child is 16 and updated annually thereafter.						
<input type="checkbox"/> N/A Student will not become 16 during implementation of this IEP						
Student's Desired Post-School Activities						
Postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, and/or community participation.						
Postsecondary goals identify the student's long-term goals for living, working, and learning as an adult. These post school goals guide planning for activities that prepare the student to move from in school to beyond school activities. Explore:						
What do you want to do when you finish high school? If you go to college, what do you want to study?						
What kind of work do you want to do? What do you want to learn more about? Where do you plan on living?						
<table border="1"> <tr> <td>Medication/Postsecondary Goal</td> <td>See Medication/Annual Goals</td> </tr> <tr> <td>Transition Service Activities</td> <td>Participate/Postsecondary Transition Plan</td> </tr> </table>	Medication/Postsecondary Goal	See Medication/Annual Goals	Transition Service Activities	Participate/Postsecondary Transition Plan		
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Medication/Postsecondary Goal	See Medication/Annual Goals					
Transition Service Activities	Participate/Postsecondary Transition Plan					

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Transition Services

Results of Age-Appropriate Transition Assessments: Results Attached

Education/Training:

Age appropriate transition assessments are the foundation to writing appropriate, measurable postsecondary goals. It should be the first step in transition planning. As with any assessment, parent consent is not needed to review existing data or when the assessment is something in which all students participate, or it is done as a routine activity or assignment within the curriculum. Any new assessments administered as part of a reevaluation or age appropriate transition assessment designed for a particular student require parental consent (which could be the 18 year old student unless a court order for guardianship is in place).

Measurable Postsecondary Goal: See Measurable Annual Goal(s)

Transition Service Activities: Party(s) Responsible: Time Frame:

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Transition Services

Living Skills: Clearly specify the activities, desired level of achievement and the timeline for achievement

Postsecondary Education/Training Goal

Measurable Postsecondary Goal: See Measurable Annual Goal(s)

POSTSECONDARY means after high school. The team needs to design Postsecondary goals relating to Education or Training may overlap and be combined in some circumstances.

Transition Service Activities: Party(s) Responsible: Time Frame:
The school may assign responsibility to other parties. However it remains ultimately responsible for implementation of the measurable postsecondary goals.

Career/Employment Goal

Measurable Postsecondary Goal: See Measurable Annual Goal(s)

Because employment is a distinct activity from the areas related to training and education, each student's IEP must include a separate postsecondary goal in the area of employment.

Transition Service Activities: Party(s) Responsible: Time Frame:

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Independent Living Goal N/A

Measurable Postsecondary Goal: See Measurable Annual Goal(s)

It is up to the child's IEP Team to determine whether IEP goals related to the development of independent living skills are appropriate and necessary for the child to receive FAPE.

Transition Service Activities: Party(s) Responsible: Time Frame:

Program Completion: N/A

Courses of Study		
Proposed courses of study to assist the student in achieving the measurable competencies goals		
Student Year	Course Title	Course Year

TRANSFER OF RIGHTS AT AGE OF MAJORITY
At least one year prior, the student must be informed and agree to the IDEA transfer to the student at the age of 18.

The student will turn 17 during this IEP period. N/A

The student and parent were informed of the transfer of rights. By: _____ Date: _____

The student is under guardianship governed by Virginia law. (Attach copy of the Guardianship Order.)

GRADUATION OR PROGRAM COMPLETION

Proposed date of Graduation: _____ Program Completion: _____

Diploma or certificate: _____ N/A

Describe the body of evidence needed to support graduation.

Page 4 of 4
WOK Model Form 1.4

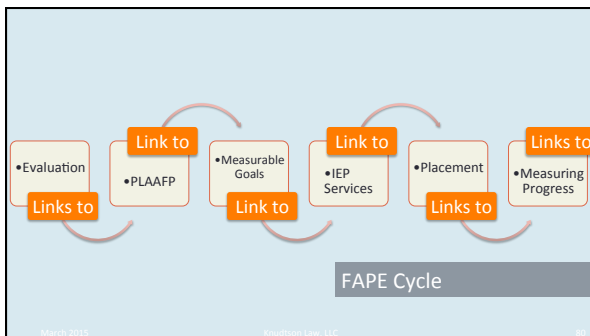
Transition Resources

- National Center on Secondary Education and Transition. www.ncset.org
- Transition Coalition. www.transitioncoalition.org
- National Secondary Transition Technical Assistance Center. www.nsttac.org

Question Bank: Time to Deposit







Goals link to PLAAFP.

- Does this mean that every need should have a separate goal?
- Not necessarily.
 - Several needs may be addressed by one goal.
 - Needs may be prioritized with a “scaffold” of needed skills before moving on to the next need.
 - It is not required to have a separate goal for each area or provider. *71 Federal Register 46662.*

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Measurable Goals

- A statement of measurable annual goals, including **academic and functional goals**, designed to –
 - Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the **general education curriculum**, and
 - Meet each of the child’s **other educational needs that result from the child’s disability**.

34 C.F.R. §300.320(a).

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What does this mean?

- Goals must be measurable.
- Goals are intended to help the student be successful in the general curriculum, or a downward extension when needed.
- Goals can also address other needs that result from the student’s disability.

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MEASURABLE ANNUAL GOAL NUMBER										
Additional Goal pages should be added as necessary.										
A statement of measurable annual goals, including academic and functional goals designed to:										
<ul style="list-style-type: none"> • Meet the student’s needs that result from the student’s disability to enable the student to be involved in and make progress in the general education curriculum. • Meet each of the student’s other educational needs that result from the student’s disability. 										
Indicate whether this goal will be implemented during ESY. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A										
Each goal must include a baseline, target and method of measurement.										
Goals link back to comprehensive evaluation data, PLAAFP, and resulting identified educational needs, i.e. skill gaps. All goals must be measurable, even if accompanied by benchmarks or objectives. Measurable means the IEP identifies the current skill level, a rigorous but reasonable target to be achieved in one year, and the method used to measure growth. Goals are intended to address skill gaps, NOT broad statements like “pass a class.” The IEP should address what skills are necessary to pass the class.										
<table border="1"> <tr> <th>INDICATOR</th> <th>DATE</th> <th>STATUS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	INDICATOR	DATE	STATUS				<table border="1"> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>			
INDICATOR	DATE	STATUS								

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Goals are not lesson plans.

- Goals are intended to be written annually.
- Goals are intended to address skill deficits.
- It is the challenge of the IEP team to define goals in terms of a reasonable expectation of skill growth in one year.
- The IEP can and should be revised to address a lack of expected progress or more progress than anticipated.

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How many is too much?

- Too many goals and/or objectives can make the IEP difficult for teachers, providers, and parents to understand.
- Implementation becomes difficult.
- Progress reporting becomes nearly impossible.

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Are benchmarks always required?

- **No.** Benchmarks are required only for children taking alternate assessments aligned to alternate achievement standards.

34 C.F.R. §300.320(a).

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Do benchmarks replace goals?

- **No.** Benchmarks supplement a measurable annual goal, breaking it down into smaller steps.
- Benchmarks do not eliminate the need for well-written measurable annual goals.

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Name of Measure	Measureable & Assessable Objective	Date of next meeting				
<p>Benchmarks or short-term objectives: Required only for students that will take alternate State or District wide assessment(s).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">Objective</th> <th style="width: 20%;">Time Frame</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p>Benchmarks are necessary only for students working on alternate standards and taking alternate assessments. Benchmarks do not take the place of measurable annual goals. They supplement the annual goal by breaking down the goal into smaller increments, called benchmarks or short-term objectives.</p>			Objective	Time Frame		
Objective	Time Frame					

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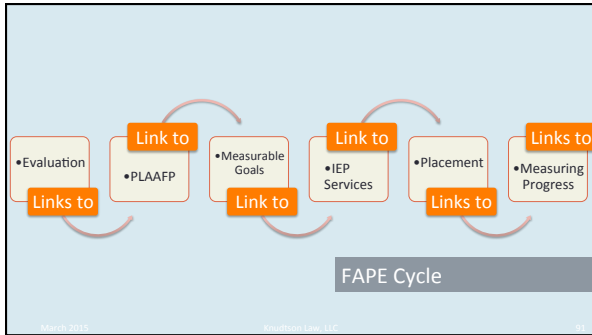
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Special Education and Related Services

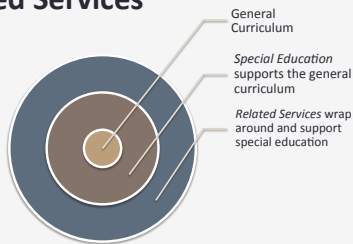
- A statement of the special education and related services, and supplementary aids and services, and
- A statement of the program modifications or supports for school personnel that will be provided to enable the child –
 - To advance appropriately toward **attaining the annual goals**;
 - To be involved in and make progress in the **general education curriculum**, and to participate in **extracurricular and other nonacademic activities**; and
 - To be educated and participate with other children with disabilities and nondisabled children in the activities described above.

34 C.F.R. §300.320(a)(4).

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Special Education & Related Services



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Name of Student		Date of Birth Meeting		
A. SPECIAL EDUCATION SERVICES <small>A statement of the special education, related services, supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:</small>				
• To advance appropriately toward attaining the annual goals. • To be involved in and make progress in the general education curriculum and to participate in extracurricular and other non-academic activities. • To be educated and participate with other students with disabilities and nondisabled students in extracurricular and other non-academic activities.				
Special Education	Frequency	Duration	Location	Projected Start Date
Area of Specially Designed Instruction: Typically, this includes core content areas, behavior, and/or functional skills. <input type="checkbox"/> ESY				
Area of Specially Designed Instruction: Check ESY only if the service will be provided beyond the normal school day or year. <input type="checkbox"/> ESY				
Area of Specially Designed Instruction: <input type="checkbox"/> ESY				
Area of Specially Designed Instruction: <input type="checkbox"/> ESY				
NOTE: It is not necessary to write a goal for each provider. <input type="checkbox"/> ESY				

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Name of Student		Date of Birth Meeting		
B. RELATED SERVICES <small>Necessary to benefit from special education.</small>				
Related Service	Frequency	Duration (Amount)	Location	Projected Start Date
<input type="checkbox"/> Audiology <input type="checkbox"/> ESY				
<input type="checkbox"/> Counseling Services <input type="checkbox"/> ESY				
<input type="checkbox"/> Educational Interpreting Services <input type="checkbox"/> ESY				
<input type="checkbox"/> Occupational Therapy <input type="checkbox"/> ESY				
<input type="checkbox"/> Physical Therapy <input type="checkbox"/> ESY				
<input type="checkbox"/> Speech-Language Pathology <input type="checkbox"/> ESY				
<input type="checkbox"/> Transportation <input type="checkbox"/> ESY				
<input type="checkbox"/> Other (Specify):				
<input type="checkbox"/> Other (Specify):				
<input type="checkbox"/> Other (Specify):				
<small>Additional services, including related services, are provided if they are necessary for the student to benefit from special education. The purpose of a related service is to help the student benefit from their special education. There must be a link back to the special education in order for a related service to be included in the IEP. General benefit is not sufficient under the IDEA.</small>				

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Name of Student		Date of Birth Meeting		
C. SUPPLEMENTARY AIDS AND SERVICES <small>Accommodations, aids, services, assistive technology and other supports that are provided to avoid removing the student from regular education classes, other education-related settings and extracurricular and non-academic settings. (May include routine checking of hearing aids and external components of surgically implanted devices.)</small>				
Supplementary Aids & Services	Frequency	Start Date	Explanation of Frequency, Duration, and Location	
<input type="checkbox"/> N/A				
<small>Supplementary aids and services includes paraprofessional support, behavior intervention plans, etc. that are delivered throughout the student's school day across all locations.</small>				

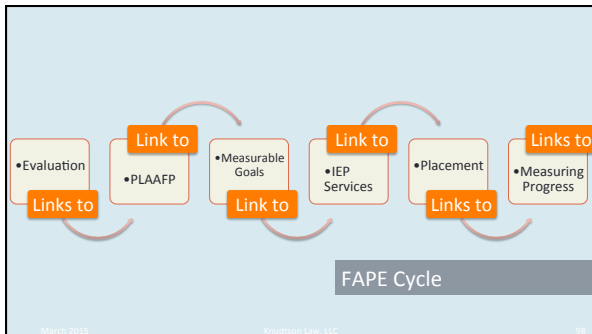
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"We know that equality of individual ability has never existed and never will, but we do insist that equality of opportunity still must be sought."
 -Franklin D. Roosevelt



LRE

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LRE links to everything!

- 34 C.F.R. §§300.114 through 300.117
- FAPE must be delivered in the LRE for each student.
- Potential benefits of pull out services must be balanced against the down fall of "curriculum holes."
- Challenge your thinking about LRE.

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The Three “Maximums”

- To the **maximum** extent appropriate, children with disabilities are educated with children who are nondisabled.

34 C.F.R. §300.114.

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The Three “Maximums”

- To the **maximum** extent appropriate, children with disabilities are able to participate in extracurricular activities with children who are nondisabled.

34 C.F.R. §300.117.

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The Three “Maximums”

- To the **maximum** extent appropriate, children with disabilities are provided supplementary aids and services to enable them to be educated with children who are nondisabled.

34 C.F.R. §300.42.

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LRE

- The IDEA presumes that the first placement option **considered** for each child with a disability is the regular classroom, with appropriate supplementary aids and services.
- Therefore, before a child with a disability can be placed outside of the regular education environment, the full range of supplementary aids and services that could be provided to facilitate the child's placement in the regular classroom setting must be **considered**.

71 Federal Register 46588.

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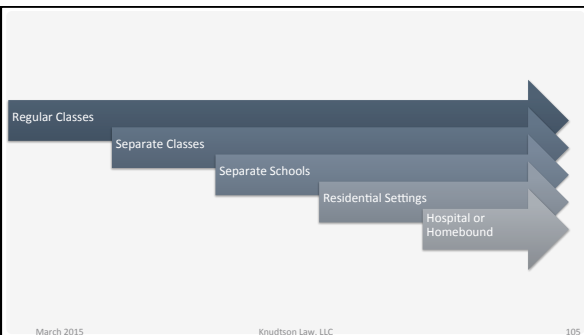
LRE & Placement

- Historically, placement refers to points along the continuum of placement options available for a child with a disability, and location as the physical surrounding, such as the classroom, in which a child with a disability receives special education and related services.

71 Federal Register 46588.

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Important Points:

- Regular education is the starting point for the team’s consideration.
- Always.
- Consider all options.
- Placements away from regular education must be **justified**.

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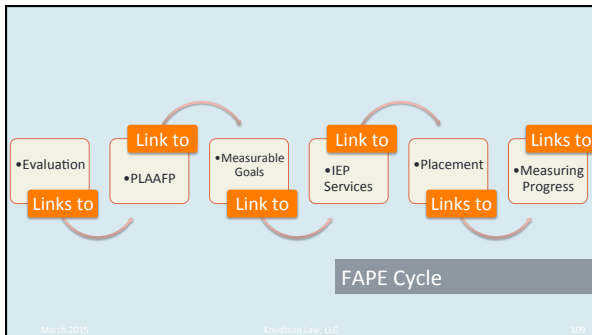
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Goals that cannot be measured do not provide FAPE.

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Measuring Progress

- The IEP must include a description of
 - How the child’s progress toward meeting the annual goals will be measured; **AND**
 - When periodic reports on the progress the child is making toward meeting the annual goals will be provided.

34 C.F.R. §300.320(a)(3).

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Measuring Progress

- The expectation is two-fold:
 - Data collection derived from the measurable annual goal’s baseline, target, and method of measurement; **AND**
 - Narrative description relevant to the progress measured.
- Narratives without data are not sufficient.

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MEASURABLE ANNUAL GOAL NUMBER		DATE OF IEP MEETING	
<p>Periodic reports of progress toward meeting the annual goal: Periodic reports must coincide with the district or public agency regular reporting schedule.</p>			
DATE			
DATA TO SUPPORT PROGRESS	<p>This section requires objective data, and should be completed for each reporting cycle. Measurable goals result in objective data. Calculate progress as stated in the annual goal. A lack of anticipated progress may suggest the need to reevaluate and revise the service or goal. It is not helpful or sufficient to simply decrease expectations based on a lack of progress.</p>		
NOTE:	<p>Progress must be quantified by the method of measurement specified in the goal.</p>		
YEAR			

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MEASURABLE ANNUAL GOAL NUMBER		DATE OF IEP MEETING	
<p>Periodic reports of progress toward meeting the annual goal: Periodic reports must coincide with the district or public agency regular reporting schedule.</p>			
DESCRIBE PROGRESS	<p>This section requires a description or explanation of progress or the lack of anticipated progress. This description should relate directly to the data reported above. For example, it would be very important for the team to know that all of the progress reported occurred during the first few weeks of the reporting cycle and that no recent progress has been made, suggesting a need to reevaluate the goal.</p>		
NOTE:	<p>Narrative should be used to supplement data above.</p>		
YEAR			

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Lack of Progress

- If a student fails to make progress within a reasonable period of time, the district must convene the team (or amend the IEP) to address the student's lack of progress. 34 C.F.R. §300.324 (b)(2)(A).
- Noting that a student's present levels of performance remained stagnant for several years, the court held a district's continuation of inadequate services will almost certainly be regarded as a denial of FAPE. *District of Columbia Pub. Schs.*, 49 IDELR 267 (D.D.C. 2008).

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Lack of Progress

- Because the evaluation of a student's progress is so closely tied to the student's IEP goals, the district must ensure that the goals included in each student's IEP are clear and objectively measurable.
- Measurable goals must have sufficiently objective criteria for measuring progress.

Kuszewski v. Chippewa Valley Schs., 34 IDELR 59 (E.D. Mich. 2001), *aff'd*, 38 IDELR 63 (6th Cir. 2003).

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Lack of Progress

- A finding that a child's goals are vague or immeasurable generally leads to a ruling that the district denied FAPE.
- A statement that a student would "improve his functional academic skills from a level of not completing assignments independently to a level of being able to read, write and do basic math skills independently" was too vague to permit measurement of the student's progress.

Independent Sch. Dist. No. 701 v. J.T., 45 IDELR 92 (D. Minn. 2006).

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Lack of Progress

- The lack of clear, measurable goals in a child's IEP precludes objective measurement of the child's progress.

Anchorage Sch. Dist., 54 IDELR 29 (D. Alaska 2009).

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What does this mean?

- Telling a child’s story clearly and concisely, linking evaluations, PLAAFP, measurable goals, IEP services, and placement.
- Progress is the goal.
- The rate of progress is an individualized expectation.
- However, the IEP is **NOT** a promise or guarantee of success.

What else?

- When an IEP results in less than reasonable progress, or fails to provide “some educational benefit,” go back and look for the broken link.
- Then...

Address Lack of Progress

- Remember the 4 Rs:
 - RECONVENE
 - REVIEW
 - RESTRATEGIZE
 - REVISE

REstrategize

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IEP Amendments

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IEP Amendments

- After the annual IEP, changes can be made to the IEP with the agreement of the parent.
- The changes must be in writing.
- The public agency must issue PWN before implementing the changes.
- Upon request, a parent must be provided a copy of an amended IEP.

34 C.F.R. §300.324(a).

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The story is an annual cycle.

Comprehensive Evaluations

The cycle repeats every year. The IEP team's work is paced and guided by the needs of a child.

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What happens if you disagree?

- First, engage in the 4 Rs:
 1. Review
 2. Restrategize
 3. Recalibrate
 4. Revise
- Use the IEP team to resolve problems at the lowest possible level.

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Dispute Resolution Options

- Mediate the dispute. Mediation is a very effective method of resolving disputes and preserving team relationships.
- File a formal complaint with WDE regarding any matter under IDEA.
- File a due process hearing request regarding the identification, evaluation, educational placement, or the provision of FAPE.

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Transfer Students

	COMPARABLE SERVICES	IEP IN EFFECT ON DAY #1
TRANSFER DURING SUMMER	NO	YES
TRANSFER DURING THE SCHOOL YEAR	YES	NO

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