

## NASET LD Report #9

# IEP Development and Educational Placement Options for Students with Learning Disabilities

All students in special education are expected to leave school prepared to:

- Live independently
- Enjoy self-determination
- Make choices
- Contribute to society
- Pursue meaningful careers
- Enjoy integration in the economic, political, social, cultural, and educational mainstream of American society

The school district's committee on eligibility for special education services (IEP Committee) is charged with ensuring that each student with a disability is educated to the maximum extent appropriate in classes and programs with their peers who do not have disabilities. For school-age students with learning disabilities, this committee must consider the supports, services, and program modifications necessary for a student to participate in general education classes and extracurricular and nonacademic activities. In order to better ensure that this occurs, the Individuals with Disabilities Education Act (IDEA 2004) requires that all students in special education have an individualized education program (IEP).

## Overview of the IEP Committee

According to IDEA 2004, every public school district is required to have an IEP Committee, which may be referred to as the Eligibility Committee, Committee on Special Education, and so forth. If the population of students with special needs reaches a certain level, then more than one IEP Committee may be formed. IEP Committees are responsible for the identification of children with disabilities within the district and recommending appropriate education at public expense for students identified as having disabilities.

## Members of the IEP Committee

The IEP Committee is usually made up of members mandated by IDEA 2004 and assigned members whom the board of education deems necessary. Most states require that certain professionals and individuals be core members. Consistent with IDEA 2004, these members must include:

1. The parent of, or person in a parental relationship to, the child with a disability.

2. A general education teacher of the child if the child is or may be participating in the general education environment.
3. A special education teacher of the child or, if appropriate, a special education provider of the child.
4. A school psychologist.
5. A representative of the school district who is qualified to provide or supervise the provision of special education and is knowledgeable about the general curriculum and the availability of resources of the district. This individual can also be the special education teacher, the special education provider, or the school psychologist, provided he or she meets the other qualifications.
6. An individual who can interpret the instructional implications of evaluation results.  
  
This individual can also be the general education teacher, the special education teacher, the special education provider, the school psychologist, a direct representative, or a person having knowledge or special expertise regarding the student if that person is determined by the district to have knowledge and expertise to fulfill this role.
7. The student, where appropriate.
8. A school physician, if requested in writing by the student's parent or the district at least 72 hours prior to the meeting.
9. An additional parent member who is a parent of a student with a disability residing in the district or a neighboring district. However, the participation of this member is not required if the student's parents request that this additional parent member not participate in the meeting.
10. At the discretion of the parent or the district, other individuals who have knowledge and special expertise regarding the student, including related services personnel, as appropriate.

## **Responsibilities of the IEP Committee**

The IEP Committee is charged with many important responsibilities both before and after a child is classified in special education. Some of the responsibilities of IEP Committee are:

### **During the Initial Eligibility Meeting**

1. Following appropriate procedures and taking appropriate action for a child referred as having a suspected disability
2. Determining the suitable classification for a child with a suspected disability
3. Reviewing and evaluating all relevant information that may appear on each student with a disability
4. Determining the least restrictive environment for any child having been classified as having a disability

## 5. Finalizing the child's IEP

### **After the Child is Classified:**

1. Reviewing, at least annually, the status of the child. This is known as an annual review (will be discussed later in this chapter).
2. Evaluating the adequacy of programs, services, and facilities for the child.
3. Maintaining ongoing communication in writing to parents in regard to planning, modifying, changing, reviewing, placing, or evaluating the program, classification, or educational plan of the child.
4. Advising the board of education as to the status and recommendations of the child.
5. Making sure that every three years, the child is retested with a full educational and psychological battery. This is known as a triennial review

Most IEP Committees try to remain as informal as possible to reduce the anxiety of the situation. This is a crucial issue, because a parent may enter a room with numerous professionals and feel overwhelmed or intimidated.

The parent member usually serves as a liaison and advocate for the parent(s), establishing contact prior to the meeting to reduce anxiety and alleviate any concerns that the parent(s) may have. School personnel should also be in contact with the parent(s) prior to the meeting to go over the process, their rights, and what may take place at the meeting.

At no time should anyone in contact with the parent(s) prior to the meeting give them false hope, make promises, or second guess the IEP Committee.

What needs to be communicated are procedural issues and options, and the awareness that it is the IEP Committee that will make the recommendation, not one individual.

Further, the parent(s) must be made aware of their rights, and you should make sure they understand their right to due process if they do not agree with the IEP Committee's recommendations. Making sure parents understand their rights before the meeting may reduce the possibility of conflict.

## **IDEA 2004 and IEP Committee Meetings-What to Know**

The Reauthorized IDEA 2004 made clear that parents have a right to participate in IEP Committee meetings with respect to the identification, evaluation, educational placement, and the provision of FAPE (Free and Appropriate Public Education) for their child. IDEA 2004 regulations provide that a meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP.

IDEA 2004 regulations also provide that if neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the school district must either use other methods to ensure their participation, including individual conference calls or videoconferencing.

The IEP Committee may make a placement decision without the parent's participation in the decision, but in such an instance the school district must have a record of its attempt to ensure his or her involvement including:

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents home or place of employment and the results of those visits.

IDEA 2004 regulations further require that school districts inform parents of the purpose of an IEP meeting and those who will be in attendance in addition to the time and location of the meeting.

IDEA 2004 regulations indicates that it may be appropriate for a school district to ask the parents to inform it of any individuals the parents will be bringing to an IEP meeting and encourages parents to do so.

#### Development of the Information Packet for Presentation to the IEP Committee

Once the MDT has considered all the information and completed the evaluations, intakes, assessments, and so on, team members need to prepare the necessary information packet that will be presented to the district's IEP Committee for the review of the case for possible classification and special education programs and services. This information will be viewed by all the members of the IEP Committee along with the parents and other individuals so designated, such as an advocate or lawyer. This IEP Committee packet is a crucial part of the special education process because most of the Committee members will not be familiar with the child. The information gathered and forwarded will be used to determine the child's educational future. Therefore, it is imperative that the MDT present the most thorough and practical information to the Committee.

In order to facilitate this process of preparing the required documentation for presentation, the team usually designates a case manager, the specific individual whose responsibility it will be to gather, organize, and forward the packet to the IEP Committee.

The case manager can be anyone, but in many cases it will be either the special education teacher or the psychologist. All districts will have their own specific forms and guidelines for presentation to the committee. However, in most of these cases the information presented, regardless of the forms, will be somewhat the same.

This section presents an example of what the case manager may need to forward to the IEP Committee. It is a typical list of materials included in the eligibility packet that might be required by the committee for a review of a student for classification. These materials may vary from district to district and from state to state.

## Required Forms

**Initial referral to the MDT from school staff:** The Child Study Team fills out this form when the team suspects that the child being reviewed may have an educational disability. This type of referral occurs when a child is being assessed for special education by the MDT for the very first time and usually involves children previously in general education who have had no prior services.

**Initial referral to MDT from parent/guardian:** This form is filled out if the parent makes the initial referral for assessment to the MDT for a suspected disability, which is part of the parent's due process rights.

**Assessment plan and parent consent:** This plan and form must be signed and dated by a parent prior to evaluation and is part of the parent's due process rights.

**Social history form:** This form is the result of a recent parent intake and provides the most recent pertinent background information on the child.

**Medical report form:** This is usually filled out by the teacher or school nurse and includes the latest medical information on the child within the last year that may be related to the child's learning problems.

**Classroom observation form:** This form is the result of an on-site visit observation by some member of the Child Study Team.

## Evaluations (Initial Referral)

**Psychological:** A full psychological evaluation including all identifying data, reason for referral, background and developmental history, prior testing results, observations, tests administered, test results (including a breakdown of scaled scores), conclusions, and recommendations is required. This evaluation must be conducted within one year of the IEP Committee meeting. It may also be helpful to include any prior evaluations done over the years.

**Educational:** An educational evaluation including identifying data, reason for referral, academic history, prior testing results, observations, tests administered, test results, conclusions, and recommendations is required. This report should identify achievement strengths and weaknesses.

**Speech/language:** A speech/language evaluation including identifying data, reason for referral, observations, tests administered, test results, conclusions, and recommendations should be included if applicable. A description of the severity of the language deficit should also be included and, if possible, the prognosis.

**Vocational (secondary level only):** A copy of the child's Differential Aptitude Test results or other measures of vocational aptitude should be included, if applicable.

**Other (e.g., occupational therapist, physical therapist, ESL, reading):** From time to time, parents or the school will have a variety of reports from outside agencies, such as medical, neurological, psychiatric, occupational therapy screening, physical therapy screening, psychological, audiological, visual training, and so forth. These reports should be included only

when they are relevant to the possible disability. If outside reports are to be used in lieu of the district's own evaluations, they should be fairly recent, within the past six months to one year.

## Guidance and School Materials (Initial Referral)

**Child's schedule:** This would be a copy of the student's daily school schedule.

**Transcript of past grades:** All the child's report card grades should be attached as far back as possible, or a report indicating the patterns of grades throughout the child's school career should be included.

**Latest report card:** The most up-to-date report card should be included.

**Teacher's reports:** Teacher reports in behavioral terms should be included from all the child's teachers.

**Standardized achievement test scores:** Many schools require standardized achievement testing in certain grades. Any and all scores should be provided to reinforce historical patterns or levels of ability.

**Discipline information:** Any referrals to the principal, dean, and so on should be included as well as descriptions of incidents and disposition.

**CST related documents (i.e., minutes):** This provides the IEP Committee with pertinent information regarding prior intervention strategies and procedures followed prior to the referral.

**Attendance records:** Attendance patterns and records should be provided, especially if this is a recurring issue and a serious symptom.

## Other Materials

Some schools also may include the following materials in a draft form. This draft becomes a working model at the IEP Committee meeting between the Committee and the parent, and the final version is mailed to the parent after the meeting. These may include:

**SPAM Needs (Social, Physical, Academic, Management needs):** In some states and school districts, a working draft copy of the child's needs should be included in the eligibility packet. These needs will provide the Committee with an IDEA 2004 of the environmental, educational, social, and physical requirements under which the child may learn best.

**Draft IEP including goals and objectives:** In some states and school districts, a working draft copy of the IEP is prepared prior to the Eligibility meeting. This is a basic working draft of the IEP, not the final draft, because no IEP can be finalized without parental involvement.

**Testing modifications worksheet:** This worksheet outlines the suggested test and classroom modifications being suggested and the supporting data for such recommendations. As will be discussed, testing modifications are a component of the child's IEP. The modifications must be consistent with the criteria established.

The worksheet may be completed by a member of the MDT or school staff to be processed as a draft recommendation for discussion at the IEP Committee meeting. Depending on the state, there are usually four circumstances in which students with disabilities may be eligible to receive test modifications:

1. Students with disabilities whose individualized education program includes test modifications
2. Students who are declassified by the IEP Committee
3. Students with disabilities whose Section 504 Accommodation Plan includes test modifications
4. Students who acquire disabilities shortly before test administration

In making its decision regarding the need for test modifications, the EC reviews all available information regarding the student's individual needs. Such information might include recent evaluations, previous school records and IEPs, classroom observations, and the student's experience on previous tests.

Information and suggestions from the student's teachers, related service providers, and parents should also be sought. Testing modifications are to be limited to specific needs of the student. If such a determination is made by the IEP Committee and documented in the recommendation for declassification, the test modification(s) must continue to be consistently provided to the student for the balance of his or her public school education.

The continuation of test modifications upon declassification, however, is not automatic. During subsequent school years, if it is felt that such modification(s) is no longer appropriate, the school staff is to meet with the student's parent to review and document the discontinuation or revision of the test modification(s).

The school principal may modify testing procedures for general education students who experience temporary (e.g., broken arm) or long-term (e.g., paraplegic) disabilities shortly before the administration of state exams. In such cases when sufficient time is not available for the development of an IEP or 504 plan, principals may authorize testing modifications. Also, if the student is expected to continue to need test modifications, the principal should make the appropriate referral for the development of an IEP or 504 plan.

***Extended school year worksheet:*** This worksheet provides the IEP Committee with the information and criteria necessary to make a recommendation for extended school services in July and August. At annual review meetings, parents of students with disabilities may ask for special education services during the summer (extended school year).

Extended school year criteria: Depending on the state, the law may indicate the extended school year service be considered by the IEP Committee when a student experiences substantial regression. Substantial regression means a student's inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year. For example, a teacher would project November 1 of the upcoming school year as the target date for the student to reacquire skills demonstrated at the end of the previous school year (a typical period of review or reteaching is up to 40 school days). Classroom teachers and/or service providers are expected to provide documentation (qualitative and/or quantitative) as to the evidence of regression discussion at the IEP Committee meeting.



An analysis of students substantial regression, if any, may be monitored during school vacation periods (winter, spring, summer). Note the above definition includes not only regression but also an inordinate period of time to reestablish and maintain IEP goals/objectives. Extended school year services are not provided in order for students to improve their skills. Such instruction is a parent responsibility. Extended year services may differ from services provided during the school year. The IEP Committee will determine the type, amount, and duration of services to be provided. Extended school year services may be provided at a different location than provided during the school year.

***Adaptive physical education worksheet:*** If a child's disability prevents him or her from participating in the general education physical education program, then the district must provide adaptive alternatives that capitalize on the student's abilities. This worksheet outlines the criteria exhibited by the child for possible adaptive physical education. The behaviors, supporting reports, and data are included for the IEP Committee in order to make a recommendation. The physical education teacher in consultation with other IEP Committee staff members usually completes this. This worksheet then becomes a draft recommendation for discussion at the IEP Committee.

***Other:*** This includes any other information not noted in the above categories. In conclusion, the above forms and information will represent a picture of the child with a disability including strengths, weaknesses, recommendations, and any other information that will assist the IEP Committee in making the most educationally sound decision.

## **How Recommendations for Classification Are Made by the IEP Committee**

In developing recommendations, all the members of the EC present will discuss the evaluations presented and any other pertinent information on the child. The first issue decided will be whether the child has an educational disability that adversely affects his or her educational performance. The EC will review the IEP Committee packet prepared by the school and ask any sitting member pertinent questions necessary to clarify the information. If in fact it is found that this is the case, the child will be classified according to the categories outlined in IDEA 2004.

The concept of least restrictive education (LRE) applies to the placement of students with disabilities in the most advantageous educational placement suitable for their needs. Contrary to the belief of many teachers and parents, LRE does not mean every student with a disability be placed in a regular classroom.

### **Specific Educational Placement (LRE) Considerations According to IDEA 2004**

A placement is the location where the special educational program will be provided. According to IDEA 2004, the requirements involving least restrictive environment are:

- 1.** In selecting the LRE for a student with a disability, school districts must consider any potential harmful effect on the child or on the quality of services that he or she needs.
- 2.** School districts may not remove a student with a disability from education in age appropriate regular classrooms solely because of needed modifications in the general curriculum.



3. LRE requirements apply to both nonacademic and extracurricular activities, including meals and recess periods, athletics, transportation, health services, recreational activities, special interest groups or school sponsored clubs, referral to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the public agency and assistance in making outside employment available.

### **IDEA 2004 regulations also indicate that:**

a. The determination of an appropriate placement for a child whose behavior is interfering with the education of others requires careful consideration of whether the child can appropriately function in the regular classroom if provided appropriate behavioral supports, strategies and interventions.

b. If a student's behavior in the regular classroom, even with the provision of appropriate behavioral supports, strategies and interventions, would significantly impair the learning of others, that placement would not meet her needs and would not be appropriate for that child.

The placement of students with disabilities is the responsibility of the IEP Committee with the input of staff and parents and final consent by the parents. This Committee must analyze all the available information and determine the best starting placement for the child that will ensure success and provide the child with the highest level of stimulation and experience for his or her specific disability and profile of strengths and weaknesses.

In order to accomplish this task, the IEP Committee has a variety of placements from which to choose, which range in levels of restriction, including class size, student teacher ratio, length of program, and the degree to which the child will be included in the general education population.

In the normal course of events, it is hoped that children should be placed in a more restrictive environment only if it is to their educational advantage. However, they should be moved to a less restrictive setting as soon as they are capable of being educated in that environment. The placements below follow a path from least restrictive to most restrictive (Gargiulo, 2004):

**General Education Classroom:** General education class placement is the least restrictive placement for all children. This placement alone, without some type of special education supportive services, is not suitable for a child with a disability and is usually considered unsuitable by the IEP Committee:

**Inclusion Classroom:** There are various models of inclusion classrooms that are available as options in special education. Use of these models can vary from state to state, and even district to district. In many instances, inclusion classroom placement involves including the child in a general education classroom assisted by the presence of a second teacher who is certified in special education.

**General Education Class Placement with Consulting Teacher Assistance:** A consultant teacher model is used when supportive special education services are required, but the IEP Committee feels that the child will be better served while remaining in the classroom rather than being pulled out for services. Because the child remains within the class, even though he or she is receiving services, this placement is considered the next LRE setting.

**General Education Class Placement with Some Supportive Services:** Regular class placement with supportive services may be used for students with mild disabilities who require supportive services but can remain in the regular class for the majority of the day. The services that may be applied to this level include adaptive physical education, speech and language therapy, in-school individual or group counseling, physical therapy, and occupational therapy.

**General Education Class Placement with Itinerant Specialist Assistance:** Itinerant services are services subcontracted by the district and provided by outside agencies. These services are usually provided for students when the disability is such that the district wishes to maintain the child in the district, but there are not a sufficient number of students with that disability to warrant hiring a teacher. An example of this may be a hard-of-hearing child who can maintain a regular class placement as long as supportive itinerant services by a teacher specializing in hearing impairments are provided.

**General Education Class Placement with Resource Room Assistance:** A resource room program is usually provided for students who need supportive services but can successfully remain within the regular classroom for the majority of the day. This type of program is a pullout program, and the services are usually provided in a separate room. The student teacher ratio with this type of service is usually 5:1, and the amount of time spent within the resource room cannot exceed 50% of the child's day.

**General Education Class Placement with Part Time in Regular Class:** Part-time placement is for students who need a more restrictive setting for learning, behavioral, or intellectual reasons; cannot be successful in a full-time regular class or with a pullout supportive service; but can be successfully included in general education classroom (part-time participation in a general education classroom setting) for a part of the school day.

**General Education Full-Time Special Class in a General Education School:** A fulltime special class in a regular school placement is viewed as the LRE setting for students whose disability does not permit successful participation in any type of regular class setting, even for part of the day. The students in a special class usually require a very structured, closely monitored program on a daily basis but not so restrictive as to warrant an out-of-district placement. These students can handle the rules and structure of a regular school building but not the freedom or style of a less restrictive setting within the school.

**Special Day School Outside the School District:** A special day school is a type of restrictive educational setting that is a desirable placement for students whose disability is so severe that they may require a more therapeutic environment and closer monitoring by specially trained special education teachers or staff members. The child is transported by district expense to the placement, and many state policies try to limit travel time on the bus to no more than one hour.

These types of programs may have student teacher aide ratios of 6:1:1, 6:1:2, 9:1:1, 9:1:2, 12:1:1, or 15:1:1, depending upon the severity of the child's disability. The more severe the disability, the lower the number of student teacher ratio. These programs can run 10 or 12 months, again depending upon the severity of the disability and the individual needs of the child.

**Residential School:** Residential school placements are considered the next most restrictive placement. Not only does the student with a disability receive his education within this setting but also usually resides there for the school term. The nature and length of home visits depend on

several factors that are usually determined by the residential school staff after evaluation and observation. For some students, home visits may not take place at all, whereas others may go home every weekend. Some students are placed in residential placements by the court. In this case, the child's local school district is only responsible to provide the costs of the educational portion, including related services if needed.

**Homebound Instruction:** Homebound instruction provides a very restrictive setting that is usually for students who are in the process of transition between programs and have yet to be placed. It should never be used as a long-term placement because of the social restriction and limitations. This option is also used when a child is restricted to his or her house because of an illness, injury, and so on, and this option remains the only realistic educational service until the child recovers. Homebound instruction requires an adult at home when the teacher arrives or can be held at a community center, library, or some other site deemed appropriate by the IEP Committee.

**Hospital or Institution:** The most restrictive setting used is a hospital or institution. Although this is the most restrictive setting, it may be the LRE setting for certain students, such as situations of attempted suicide by an adolescent, pervasive clinical depression, or severe or profound retardation.

In conclusion, the least restrictive environment is not something that is etched in concrete. It is normally reviewed every year at the annual review, and changes are made in either direction should the situation warrant it.

Once the IEP Committee determines the most suitable LRE, committee members will need to determine the facility or program that best fits their decision. The following examples are types of placements that the IEP Committee may consider for the LRE and are listed in order of educational restriction.

**Local School District:** The child's home school of the local school district, depending on the severity of the disability, will generally provide the types of services he or she requires. This is preferential for the many reasons previously discussed. Maintaining the child in his or her home school should be the parents and the district's goal. This, of course, is not always possible. If not, the next step is another school in the district.

**Neighboring School District:** Due to the nature of special education programs, all special education services are not offered within every district. The child's local school may arrange for participation in necessary programs and services in neighboring school districts if they cannot be provided within the child's home district.

**Cooperative Educational Services:** Cooperative educational service agencies are usually set up by your state to assist local districts with the student population or specific services one or more districts could not provide themselves.

**Home/Hospital Settings:** There may be times when a child needs temporary instruction at home or in a hospital setting due to severe illness or special circumstances indicated on the IEP. The key term here is temporary. The instruction should approximate what is offered in school within reasonable limits. Home and hospital instruction is highly restrictive; the continuing need for such services should be assessed frequently, and this service should be seen as temporary. State

laws may vary on the minimum amount of educational time allotted to children involved in these services. A general guide should be two hours per day of individual instruction for a secondary student and one hour per day for an elementary-grade student.

**Private Approved Schools:** School districts may place students in private schools, special act schools (schools set up by the state to provide services for a child with a disability), or residential placements approved by the State Education Department. These private approved schools may be located in or out of state. Students placed in such facilities have such diverse needs that the home school district may not be able to service them due to the severity of their medical, physical, mental, or emotional needs.

### ***State Operated Schools for the Deaf, Blind, and Severely Emotionally***

**Disturbed:** These state operated schools are examples of educational programs that are available for students with educational needs who require a school with a special focus. It is the responsibility of the IEP Committee to provide programs based on the least restrictive environment concept. Remember, it is important to provide programs that are in close proximity to the child's home (some states limit this to one hour on the bus). The child should have involvement with his or her peers without disabilities. Finally, the program must be based on the student's needs.

When considering any of the above placements, everyone works toward providing the best possible placement for the child in the least restrictive environment. However, the school district, on the other hand, needs to provide only an appropriate placement, not the best placement in a program that is appropriate to the child's needs, as close to home as possible.

## **Appealing the Decision of the IEP Committee**

The process of identifying and finding an appropriate educational placement for a child with a disability should be a joint process between the district and the family. Assuming that the parents agree with the IEP Committee's decisions, the parents will sign off on the IEP, and the child's program will begin as of the start date mandated in the IEP. When both the parents and the IEP Committee work in the best interests of the child, the process can be very positive and rewarding. However, there can be times when the family and the district disagree. When this occurs, the parents or the school has the right to due process. This procedure protects the rights of both the school and the family and allows for another avenue for resolution.

An impartial hearing officer may be requested to intervene when there is a difference of opinion. This is an independent individual assigned by the district's board of education or commissioner of education to hear an appeal and render a decision. Impartial hearing officers can in no way be connected to the school district, may have to be certified (depending upon state regulations), are trained, and usually must update their skills.

Although due process rights of parents to continue this appeal to the State Department of Education exist, if they disagree with the impartial hearing officer's decision, it is hoped that through a thorough understanding of the needs of the parent and the child, conflict resolution, and a positive working relationship, a solution that is acceptable to both sides can be established at the local level.

## Other Roles of the IEP Committee

### Special Meetings

Sometimes, the parents or IEP Committee will call a special meeting. This type of review can occur for several reasons and is always held for a child who has been previously classified. Among the reasons for such a meeting are:

- Change in a child's IEP
- Change in a child's program
- Addition or deletion of a modification
- Parental request for an IEP Committee meeting
- Disciplinary concerns
- New student to district previously identified as disabled Referral from the building administrator

### Annual Review

Each year the IEP Committee is required to review the existing program of a child with a disability. Annual review meetings are required for all students receiving special instruction and/or related services. The required IEP Committee participants of an annual review meeting may include the IEP Committee chairperson, psychologist, special education teacher, general education teacher (if student is in general education or will receive general education services), parent of child, parent member, and student (if over 16 years of age). During this process, the IEP Committee will make recommendations upon review of records that will continue, change, revise, or end the child's special education program. Based on these findings, the IEP Committee will make adjustments to the IEP and recommendations to the board of education.

The annual review occurs within a year of initial placement and yearly thereafter. The date of the annual review should be part of the child's IEP. A parent, the child's teacher, or a school administrator may request an IEP Committee review at any time to determine if a change in placement is needed. If this occurs, the next review must be conducted within one year.

The parents are notified of the date, time, location, and individuals expected to attend their child's meeting. They will also be given a statement about their right to bring other people to the meeting. As earlier stated, parents have the same rights as at the initial IEP Committee meeting. They will also be notified that if they cannot attend the meeting, they will have the opportunity to participate in other ways such as through telephone calls or written reports of the annual review meeting. If necessary, they will be able to have an interpreter provided at no cost. The parents notice of their child's annual review will include their right to have information about the planned review. They may at any time inspect their child's school files, records, and reports and make copies at a reasonable cost. If medication or a physical condition is part of the child's disability, the parent may request that a physician attend the meeting. The parent may request an independent evaluation, an impartial hearing, or appeal the decision from the impartial hearing to the State Review Office of the State Education Department.

In some cases, the parent may be entitled to receive free or low-cost legal services and a listing of where those services can be obtained. They also are entitled to having the child stay in the current educational placement during formal due process proceedings, unless both parties agree otherwise.

After the annual review, the parents will receive another notice regarding the recommendation that has been made to the board of education. A copy of their child's IEP will be sent to them indicating that their child has been recommended to continue to receive special education. The notice will also explain all factors used to make the recommendation. Again, the notice will describe the parents due process rights.

## **Suggestions for the Special Educators Participation in the Annual Review**

When you attend an annual review meeting as a special educator, there are some key points that you should follow. These include:

- Suggest ways to meet the child's proposed goals and objectives as specified in the IEP.
- Discuss changes or additions for the child's upcoming program and services. Talk about what worked and what needs adjustment from your point of view.
- Present the areas in which the child showed success and significant progress.
- Discuss high school diploma and credential options, if applicable.
- Discuss need for a referral to an adult service provider that is, state vocational rehabilitation coordinator for services the child may need as an adult, if applicable.
- Review problems that the child has experienced or encountered throughout the year with the IEP Committee and parent.
- When the child is 13, you should begin to consider plans for occupational education and transition services and become very familiar with the transitional process and all the factors involved.

## **Triennial Review**

A child in special education will have a triennial review (evaluation) that occurs every three years to provide current assessment information to help determine his or her continued placement in special education. At this triennial evaluation, updated information is provided through reexamining many of the areas previously tested in the initial evaluation. The results of this evaluation, which is usually conducted by school officials, must be discussed at an IEP Committee meeting.

## **Declassification Procedures of a Child in Special Education**

It is the responsibility of the IEP Committee to declassify students previously classified with a disability who no longer meet the requirements for special education. The rationale for declassification is as follows:

- The child demonstrates effective compensatory skills.
- The student no longer exhibits difficulty in classroom (no classroom impact on performance) despite a process deficit and discrepancy.
- The student no longer exhibits difficulty in the classroom (performance) or a discrepancy between ability and achievement (no classroom impact) despite a process deficit.
- The student no longer exhibits difficulty in the classroom (performance) or a process deficit (no classroom impact) despite a discrepancy between ability and achievement.



- Depending on the state regulations, the child who is declassified may be entitled to transition services that offer up to one year of support following the declassification. However, testing modifications can continue after the student is declassified when the student graduates from high school or receives an IEP
- Diploma (a diploma offered to children with disabilities who meet the criteria of their IEP but do not meet district or state standards for graduation).

## IEP Development

All students in special education are expected to leave school prepared to:

- Live independently
- Enjoy self-determination
- Make choices
- Contribute to society
- Pursue meaningful careers
- Enjoy integration in the economic, political, social, cultural, and educational mainstream of American society

As previously discussed, the school district's committee on eligibility for special education services (IEP Committee) is charged with ensuring that each student with a disability is educated to the maximum extent appropriate in classes and programs with their peers who do not have disabilities. For school-age students with disabilities, this committee must consider the supports, services, and program modifications necessary for a student to participate in general education classes and extracurricular and nonacademic activities. In order to better ensure that this occurs, the Individuals with Disabilities Education Act (IDEA 2004) requires that all students in special education have an individualized education program (IEP).

The Individualized Education Program, or IEP, is the key document developed by the parent and his or her child's teachers and related services personnel that lays out how the child receives a free appropriate public education in the least restrictive environment.

Among other components, the IEP lays out the child's academic achievement and functional performance, describes how the child will be included in the general education curriculum, establishes annual goals for the child and describes how those goals will be measured, states what special education and related services are needed by the child, describes how the child will be appropriately assessed including through the use of alternate assessments, and determines what accommodations may be appropriate for the child's instruction and assessments.

## Components to Be Included in the IEP

**According to IDEA 2004, the components of an IEP must include:**

**(I)** a statement of the child's present levels of academic achievement and functional performance, including *(aa)* how the child's disability affects the child's involvement and progress in the general education curriculum;  
*(bb)* for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and



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

(II) a statement of measurable annual goals, including academic and functional goals, designed to (aa) 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 (bb) meet each of the child's other educational needs that result from the child's disability;

(III) a description of how the child's progress toward meeting the annual goals described in subclause (II) will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided

(IV) 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.

## Conclusion

The IEP Committee packet is a crucial piece of the special education process because it represents the culmination of gathering information, evaluations, observations, intakes, professional opinions, and recommendations necessary for the proper educational direction of a child with a suspected disability. This information will be viewed by all the members of the IEP Committee along with the parents and other individuals so designated, such as an advocate or lawyer. This packet is also crucial because most of the IEP Committee members will not be familiar with the child, and they will use the information gathered and forwarded to determine the child's educational future. Therefore, it is imperative that the MDT present the most thorough and practical information to the IEP Committee.

Unless the student's IEP requires some other arrangement, the student with a disability must be educated in the school he or she would have attended if the student did not have a disability. The determination of the recommended placement is the final step in developing an IEP. The placement decision must address the full range of the student's cognitive, social, physical, linguistic, and communication needs. According to the least restrictive environment (LRE) requirements of federal and state law and regulations, a student may be removed from the general education environment only when the nature or severity of the disability is such that the student's education cannot be satisfactorily achieved even with the use of supplementary supports and services in the general education setting.

If a child is classified with a disability, several other procedures will occur in the special education process. Some of these may occur during the year, at the end of the year, or every three years. These procedures are also part of due process rights for students with disabilities and their parents. The IEP Committee handles many types of issues, but the three more common ones are special meetings, annual reviews, and triennial reviews. All of these meetings are for the sole purpose of protecting the rights of both the children and the parents. In the end, the IEP Committee plays a very significant role within the school district. An effective IEP Committee, working as an interdisciplinary team, can make a tremendous difference in the lives of children with disabilities. It is truly the link between the child and his or her educational future.