

National Association of Special Education Teachers (NASET)

THE PRACTICAL TEACHER



This Week's Topic: What Teachers Need to Know About Annual & Triennial Reviews

What is the Annual Review?

Each year the IEP Committee is required to review the child's existing IEP and present program. During this process, the Eligibility 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 Eligibility Committee will make adjustments to the IEP and recommendations to the Board of Education. Further, a student's IEP must be reviewed, and revised if necessary, at least annually and more often if needed.

When Does the Annual Review Occur?

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. An Eligibility Committee review may be requested by the parent, the child's teacher, or a school administrator, at any time, to determine if a change or modification is needed. If this occurs, the next review must be conducted within one year. The annual review meeting can occur at any time during the school year; however, many districts choose to review the IEP in the spring. The annual review meeting must occur by June 30.

How is a Parent Notified of the Meeting?

Parents will be notified by mail of the date, time, location, and individuals expected to attend the child's meeting. The parent will also be given a statement about his or her right to bring other people to the meeting. If the parent does not receive such a letter by late February or March you may suggest that he or she call the chairperson of the IEP Committee and see when the district will begin the Annual Review process. While this date may vary from district to district, strongly suggest that the parents play a very proactive role in this process and call the committee if they have any questions.

What Takes Place at an Annual Review Meeting?

At the annual review meeting, the team reviews the student's progress towards the IEP goals and the general education curriculum. They will consider the results of any re-evaluations, information about the student, including information provided by the parents, classroom-based assessments and the observations of teachers and related service providers. They will also discuss the student's anticipated needs and other relevant matters.

At the annual review meeting the team revises goals and objectives (including the introduction of new goals and objectives), and determines the student's program, including placement and the need for supports and services.

The IEP is developed as a result of the discussion at this meeting. The annual review meeting may consist of more than one session to effectively develop a new IEP.

What Rights are Afforded to the Parent under Due Process During the Annual Review?

As earlier stated, the parents have the same rights as the initial Eligibility Committee meeting. The parent will also be notified that if he or she 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 to them. The child's notice of the annual review will include the right to have information about the planned review. The parent may at anytime inspect his or her child's school files, records, and reports and make copies at a reasonable cost. Such records can be very helpful at the meeting. If medication or a physical condition is part of the child's disability you may request a

physician attend the meeting. The parent may request an independent evaluation, impartial hearing or appeal the decision from the impartial hearing to the State Review Office of the State Education Department.

The parent is also entitled to receive free or low cost legal services and a listing where those services can be obtained. The parents are so entitled to pendency, having the child stay in the current educational placement during formal due process proceedings, unless both parties agree otherwise. The parents, may be able to obtain reimbursement for attorney's fees in special education disputes in which you prevail.

After the annual review, the parent will receive another notice regarding the recommendation which has been made to the Board of Education. A copy of the child's IEP will be sent to the parent if he/she 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 parent's due process rights.

Who Participates in the Annual Review?

The participants at the annual review meeting include the parent, the student (if appropriate) at least one regular education teacher (if the student is now or may be participating in the regular classroom); at least one special education teacher or special education provider; at least one child study team member who can interpret instructional implications of evaluation results; the case manager; a representative of the school district (who has the authority to make decisions); and, at the discretion of the parent or school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

Whenever transition services are to be considered or discussed, the student must be invited to the meeting, along with a representative of any other agency that is likely to be responsible for providing for or paying for transition services.

When the placement of a child is changing to a different school (either in or out of district) ensure that the receiving case manager and/or teacher.

Further participants at the Annual Review may include the school psychologist, the guidance counselor at the secondary level, a medical doctor if the case involves medical issues, an interpreter (if required), and anyone the parent wishes to bring i.e. advocate.

Is a New IEP Developed at the Annual Review?

Yes. One of the major goals of the Eligibility Committee at the Annual Review is to develop the new IEP for the coming school year. This does not necessarily mean that major changes are made each year, but rather any necessary changes that might provide greater or more realistic support and intervention for the child. The parent should be encouraged to play a very active role in the development of this new IEP, since it can have a profound effect on his or her child's experience in special education.

The areas that parent will most want to get involved with will be Annual Goals and Objectives, Related Services, Accommodations and Modifications, Transition Services if the child is of age, Participation in regular education, and Parent feedback concerning progress.

What Might the Parents be Asked at the Annual Review?

While this may vary from meeting to meeting and district to district, for the most part the parent may be asked the following:

1. Have you seen progress this year in academic areas? If not what have you noticed ?
2. Have you seen progress in social areas? If not what have you noticed?
3. Do you feel that your child benefited from his or her related services?
4. Do you feel that he or she benefited from his or her accommodations and medications?
5. Do you feel that the Committee should consider additional related services or modifications and accommodations? If so which ones and why?
6. Are you aware of and did you receive a copy of your child's Triennial Evaluation results? (asked in a Triennial Review year)
7. Do you have any further questions about the Triennial Evaluation results?
8. Do you feel your child benefited from his or her special education placement?
9. Would you suggest a change in that placement and for what reasons?
10. Do you have any concerns about his/her current classification? If so what are the concerns and what would you suggest?
11. Has the child been evaluated outside the school this year in any manner i.e. medically, educationally, psychologically?
12. Would you like to share those results with the Committee?
13. In a year where Transition Services are in effect the parent should ask about the Transition plans for the year. The Committee may ask the parent if he or she has any feelings about the direction they would like to see for their child after he or she ages out i.e. work experience, post secondary education.
14. What goals would you like to see for your child in the coming year?

What Happens if the Parent Disagrees with the Recommendations Made at the Annual Review?

Suggest to the parent that he or she should be very vocal at the Annual Review meeting and allow the Committee the opportunity to find a suitable resolution if a disagreement arises. In many cases these differences can be resolved at that time. However, if they cannot be resolved to the satisfaction of the parent then as with any meeting of the Eligibility Committee, the parent will receive notice of the Committee's recommendations in the mail along with a copy of the proposed IEP for the coming year. At that point the parent may appeal the recommendations made by the Committee by writing a letter to the Board of Education indicating that they do not agree with some or all of the recommendations made at the Annual Review.

What Suggestions Should be Made for the Parent's Participation in the Annual Review?

1. Suggest ways to meet their child's proposed goals and objectives as specified in the IEP.
2. Discuss changes or additions for their child's upcoming program and services. Talk about what worked and what needs adjustment from your point of view.
3. Ensure that the IEP that was developed at the Eligibility Committee meeting in order to determine the effectiveness of the program throughout the year as you see it, and make them aware of the areas where your child showed success and significant progress.
4. Discuss high school diploma and credential options.
5. Discuss need for a referral to an adult service provider i.e. state vocational rehabilitation coordinator, for services your child may need as an adult.
6. Review problems that your or their child have experienced or encountered throughout the year with the IEP Committee and staff.
7. Ask questions about their child's proposed goals in the IEP and request more information, as needed. Usually this component is not reviewed at IEP Committee. It's important!
8. By age 13, the parent should begin to consider plans for occupational education and transition services.

What Record Keeping Ideas Should be Suggested to the Parent(s) During the Annual Review?

You should suggest to parents at the start of each year to save copies of the most current IEP, report cards, samples of their child's work and teacher conference reports. You should also suggest that they save copies of all notices or correspondence with the IEP Committee during the year. Lastly remind them to save a copy of their child's IEP developed at the Annual Review meeting.

What is the Triennial Evaluation?

Under IDEA, a child must be re-evaluated at least every three years. This is known as a triennial review. The purpose of the triennial review is to find out:

- if the child continues to be a "child with a disability," as defined within the law, and
- the child's educational needs.

The re-evaluation is similar to the initial evaluation. It begins by looking at the information already available about the child. More information is collected only if it's needed. If the group decides that additional assessments are needed, the parents must give their informed written permission before the school system may collect that information. The school system may only go ahead without their informed written permission if they have tried to get the parents' permission and they did not respond.

Although the law requires that children with disabilities be re-evaluated at least every three years, the child may be re-evaluated more often if the parents or their child's teacher(s) request it.

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

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

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

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

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

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary. (Authority: 20 U.S.C. 1414(a)(2))

What Professionals are Involved in the Triennial Evaluation?

The team that will reevaluate the child may vary depending on the information already obtained, the age of the child, and state guidelines. For instance, if a child has had several intelligence tests over the years, the IEP Committee may not require a new one if the results have been consistent from test to test. Therefore, the psychologist may not be involved with this area. It is best to ask the chairperson of the IEP Committee or a member of the assessment team which professionals will be doing the assessment and what areas they will be evaluating i.e. the special education teacher may be evaluating reading, math, spelling, and writing levels, along with processing ability.

How will the Parents find out about the Results of the Triennial Evaluation?

Once the Triennial Evaluation is complete and the report generated, the parent should hear from a member of the assessment team who will set up a meeting to go over the results. In some districts this may occur prior to the Annual Review and in others it may occur at the Annual Review if it is also a Triennial year. The parent should ask the team members when they will be hearing about the results when they are brought in for an update of information from the last testing. They may also contact the chairperson of the IEP Committee and ask when they should expect to hear the results of the Triennial Evaluation.

What Information will the Parent(s) be asked to Provide during the Triennial Evaluation?

In most cases the parents will be asked to update any information since the last triennial evaluation or since the initial evaluation if this is the first triennial. This update might contain (but not be limited to) the following:

- What has changed in the family situation i.e. health issues, new jobs, loss of jobs, new house, death, new births etc?
- What has changed at home in terms of the child's peer interactions?
- What has the child's emotional state been since the last evaluation i.e. increase or decrease in tantrums, reactions, compliance, depression, calmness etc ?
- What has been the parent's perception of progress in school since the last evaluation?
- Has there been any outside evaluations done on the child since the last evaluation i.e. medical, psychological, and educational?
- Have there been any major changes in the child's health or medical status since the last evaluation?

- Have there been any traumatic experiences since the last evaluation?
- Has there been any sleep or changes in eating habits since the last evaluation?
- Is the child on any medications? If so for what reasons?
- Has the child sustained any falls or injuries since the last evaluation?
- Has the child joined in or participated in any sports activities, groups or organizations since the last evaluation?
- If so what has been the child's experiences with these activities?
- Has the child exhibited any changes in physical ability, coordination, or muscle control since the last evaluation?

What Suggestions Should You Make to Parents About Their Participation in the Triennial Evaluation?

Parents should be encouraged to check records at home and make sure an evaluation is scheduled every three years. When he or she is notified of the triennial evaluation, he or she may want to request additional evaluations which may provide you with a more comprehensive assessment of the child's needs. If the parent(s) have questions about new tests, call the IEP Committee for information. A parent should be encouraged to ask about the type of assessment instruments that will be used, the purpose, what they measure, and how results will be reported i.e. objectively like grade equivalents or percentiles, or subjectively, like a general analysis. Prior to the meeting, the parent should ask to review evaluative results and write down any questions he or she may have regarding reports.

What Record-Keeping Ideas should be suggested to Parents during the Triennial Evaluation Phase?

Parents should be encouraged to try to record the names of tests that are given each year and keep an ongoing record of test results from the triennial evaluation. It will be important that they keep a copy of every Triennial Evaluation given each year. They are entitled to have copies of these evaluations and if they do not receive them they should make a request in writing to either the chairperson of the IEP Committee or someone on the assessment team.