



Ensuring Educational Benefit Through A Compliant IEP

Glossary

DUE PROCESS

Special education term used to describe the process where parents may disagree with the program recommendations of the school district. The notice must be given in writing within 30 days. IDEA provides two methods for resolving disputes: mediation or fair hearing.

EDUCATIONAL BENEFIT

Students with disabilities are required to make some educational progress and benefit from supports and services provided to them in order to show FAPE is being provided.

FREE, APPROPRIATE PUBLIC EDUCATION (FAPE)

An educational program “specially designed . . . to meet the unique needs of a child with a disability,” coupled with any additional “related services” that are “required to assist a child with a disability to benefit from [that instruction],” pursuant to an IEP.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

The federal law that provides students with disabilities the right to a free, appropriate public education (FAPE). The purpose of the IDEA is “to ensure that all students with disabilities have available to them a free appropriate public education that includes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.”

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

A written document describing the educational program designed to meet a student with disabilities’ unique needs that is developed for each public school child who is eligible for special education. The IEP is created through a team effort and reviewed at least once a year.

INDEPENDENT EDUCATIONAL EVALUATION (IEE)

A school district is required by law to conduct assessments for students who may be eligible for special education. If the parent disagrees with the results of a school district’s evaluation conducted on their child, they have the right to request an IEE. The district must provide parents with information about how to obtain an IEE. An independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district. Public expense means the school district pays for the full cost of the evaluation and that it is provided at no cost to the parent.

INDIVIDUALIZED TRANSITION PLAN (ITP)

This plan starts at age 16 (Ideally by age 14) and addresses areas of post-school activities, post secondary education, employment, community experiences and daily living skills.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

The placement of a student with special needs in a manner promoting the maximum possible interaction with the general school population. Placement options are offered on a continuum including regular classroom with no support services, regular classroom with support services, designated instruction services, special day classes and private special education programs.

PARENT CONSENT

Special education term used by IDEA that states a parent/guardian has been fully informed in their native language or other mode of communication, of all the information about the action for which they are giving consent and that the parent/guardian understands and agrees in writing to that action.

Disability Categories

1. Intellectual Disability (ID)
2. Deaf/Hard of Hearing (DHH)
3. Speech and Language Impairment (SLI)
4. Visual Impairment (VI)
5. Emotional Disturbance (ED)
6. Orthopedic Impairment (OI)
7. Other Health Impairment (OHI)
8. Established Medical Disability (EMD)
9. Specific Learning Disability (SLD)
10. Deaf Blindness (DB)
11. Multiple Disability (MD)
12. Autism (AUT)
13. Traumatic Brain Injury (TBI)

Related Court Cases

ROWLEY V. HENDRICK HUDSON SCHOOL DISTRICT (1982)

The Supreme Court held that children are not entitled to the “best” education or one that will “maximize” their potential. Instead, the Court determined that the Act was designed to:

- 1) Identify and evaluate children with disabilities; and
- 2) Provide children with disabilities access to specialized instruction and related services that are individually designed to provide educational benefit.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT V. RACHEL HOLLAND (1994)

The court ruled that in determining the appropriate placement, the educational benefits of the general education classroom with supplemental aids and services must be compared to the educational benefits of the special classroom. The nonacademic benefits of interaction with nondisabled students also must be considered. Further, the effect of the student’s presence on the teacher and on other students must be evaluated. Lastly, the cost of educating in an inclusive setting were not significantly more expensive than in a restrictive setting. These are often referred to as the “Holland Factors.” This case is the high- water mark of the inclusion movement.

ENDREW F. V. DOUGLAS COUNTY SCHOOL DISTRICT (2017)

To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. When a child is fully integrated in the regular classroom, providing a FAPE that meets the unique needs of a child with a disability typically means providing a level of instruction reasonably calculated to permit advancement through the general curriculum (Rowley standard). However, if progressing smoothly through the regular curriculum is not a reasonable prospect for a child, his IEP need not aim for grade-level advancement, but must be “appropriately ambitious in light of his circumstances.” This standard is markedly more demanding than a “merely more than de minimis” test for educational benefit

K.M. V. TEHACHAPI UNIFIED SCHOOL DISTRICT (2017)

IEP goals do not have to specifically address each of a student’s areas of educational need, so long as the IEP goals as a whole adequately address these needs. In this case, the IEP for an elementary school student with autism addressed the child’s need to comply with directions. None of the goals specifically addressed the need to stay on task, but the court ruled that the goals as a whole (complying with 2-3 step directions; provision of a visual schedule, preferential seating, on-task reminders, and a 1:1 aide) adequately addressed this deficit area.

IEP Timelines

<i>Action</i>	<i>Timeline Triggered By</i>	<i>Timeline</i>
Parent receives copies of student records	Oral or written request by parent	5 school days
Proposal of Assessment Plan	Date of Referral	15 calendar days *
Initial IEP Meeting	Receipt of parent consent to assessment	60 calendar days
Annual IEP Team meeting	Date of last annual IEP review	12 months (365 days)
Interim IEP	Incoming student's first day of instruction	30 Days *
Triennial IEP Meeting	Date of last initial or triennial review	3 years
Parent Request for IEP for child with existing IEP	Receipt of written request	30 Days *
Notice of Meeting		Early enough to ensure opportunity to attend meeting
Individual Transition Plan		In IEP when the student turns 16
Manifestation Review	Tenth day of suspension within current school year	10 school days

* Excluding calendar days between regular school session or days of school vacation in excess of five school days.

Educational Benefit

Present Levels of Academic Achievement & Functional Performance (PLAAFP)

Assessment

Student and classroom data are used to determine present levels, identify needs, and develop goals and objectives.

- Assessments are completed for each area of suspected disability.
- Baseline data is established.
- Assessments identify the student's needs.

Complete each area/domain as appropriate:

- Academic Achievement
- Cognitive
- Social/Emotional/Behavioral
- Communication
- Visual, Hearing, Motor, Health
- Daily Living/Adaptive Skills
- Vocational
- Describes individual strengths and interests in relation to participation and progress in the general curriculum.
- Describes areas either not assessed or not a concern.
- Includes information about programs, accommodations, and/or interventions that have been successful in the past

Identify Needs

Describes all areas of need identified in assessments and present levels.

- Identifies needs based on the student's disability.
- Describes all needs identified through assessments.
- Includes special factors and ELD if student is English Learner.

Goals & Objectives

Well-developed goals should provide:

- Baseline
- Attained by when?
- Who does what?
- Given under what conditions?
- Measured by? (Level of mastery)
- Goals/objectives are linguistically appropriate
- Post-goals in the areas of education, employment, and when appropriate, independent living.
- Goals are written to address all needs.

Services & Supports

Support access to the general education classroom/curriculum and progress toward IEP goals and objectives.

- Services are designed to support participation and the progress in the general education classroom and/or curriculum.
- Services support goals/objectives.
- Services support independence.

Progress Monitoring

Measure and report progress toward IEP goals at least as often as general education students receive progress reports (May need more frequent progress monitoring).

- Include formal and informal assessments.
- Measurements are consistent.
- Reported to student and family.
- Based on progress, IEP goals may be adjusted.

STANDARDS

The grade level standard is the learning target for all students.

1. Identify the age appropriate, grade-level standard
2. Determine the intent of the standard
3. Describe what the standard entails and what the student must know and be able to do
4. Chunk the standard into core skills required of the student

INSTRUCTION

"In order to participate with success in the general curriculum, students with disabilities, as appropriate, may be provided additional supports and services, such as, instructional supports for learning based on the principles of Universal Design for Learning (UDL) which foster student engagement by presenting information in multiple ways and allowing for diverse avenues of action and expression" (Applications to Students with Disabilities, Common Core State Standards).

1. INFORMATION / ELIGIBILITY

Information Needed to Complete

- Updated CALPADS and student management information system (MIS) demographics.

Considerations for Educational Benefit

- Is all of the information complete and correct?
- How will the manager of the school MIS be informed of any changes?
- Does the IEP clearly specify the student's disability(ies)?
- Did the IEP Team identify how the student's disability affects his or her involvement and progress in the general curriculum or participation in appropriate activities for the preschool child?
- Is the purpose for the meeting identified and clearly defined?
- Are all dates accurate and complete?
- Are ethnicity and race properly identified, and do they match CALPADS, and are they accurately completed?

Outcomes

- Clearly identifies the appropriate eligibility category to serve the student's needs.
- Ensures information is accurate across all school information systems.

EL DORADO COUNTY CHARTER SELPA			Page of
INDIVIDUALIZED EDUCATION PROGRAM (IEP) - INFORMATION / ELIGIBILITY			
Student Name _____	Date of Birth _____	IEP Date: _____	
Original SpEd Entry Date _____	Next Annual IEP _____		
Last Eval _____	Next Eval _____		
Purpose of Meeting	<input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Triennial <input type="checkbox"/> Transition <input type="checkbox"/> Pre-Expulsion <input type="checkbox"/> Interim <input type="checkbox"/> Other _____		
Age _____	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female		
Grade _____	Migrant <input type="checkbox"/> Yes <input type="checkbox"/> No	Native Language _____	
EL <input type="checkbox"/> Yes <input type="checkbox"/> No	Redesignated <input type="checkbox"/>	Interpreter <input type="checkbox"/> Yes <input type="checkbox"/> No	
Student ID _____	SSID# _____		

2. PRESENT LEVELS

Information Needed to Complete

- General education teacher Pupil Information Request (PIR), sample located in SEIS document library.
- Related service providers input.
- Related assessments, if initial or triennial meeting.
- Current statewide testing scores.
- Current levels of proficiency on district and classroom benchmark tests.
- Student work samples.

Considerations for Educational Benefit

- Are the student's strengths, preferences, and interests clearly identified?
- Are the concerns of the parent identified?
- Are all sections of the Present Levels of Academic Achievement and Functional Performance addressed, including documentation of "no concerns noted at this time"?
- Does this clearly reflect the student's performance in the educational setting?
- Do the Present Levels of Academic Achievement and Functional Performance reflect all needs identified in the assessments?

Outcomes

- Establishes understanding of the student's strengths and motivation.
- Establishes the identified needs based on the student's disability.
- Identifies academic, behavioral, social-emotional, functional, vocational needs.
- Drives development of goals.

EL DORADO COUNTY CHARTER SELPA		Page of _____
PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE		
Student Name _____	Date of Birth _____	IEP Date: _____
Strengths/Preferences/Interests		
Concerns of parent relevant to educational progress		
SBAC		
English/Language Arts Overall	<input type="checkbox"/> Standard Exceeded <input type="checkbox"/> Standard Met <input type="checkbox"/> Standard Nearly Met <input type="checkbox"/> Standard Not Met	
Reading	<input type="checkbox"/> Above Standard <input type="checkbox"/> At or Near Standard <input type="checkbox"/> Below Standard	
Writing	<input type="checkbox"/> Above Standard <input type="checkbox"/> At or Near Standard <input type="checkbox"/> Below Standard	
Speaking and Listening	<input type="checkbox"/> Above Standard <input type="checkbox"/> At or Near Standard <input type="checkbox"/> Below Standard	
Research/Inquiry	<input type="checkbox"/> Above Standard <input type="checkbox"/> At or Near Standard <input type="checkbox"/> Below Standard	
Math Overall	<input type="checkbox"/> Standard Exceeded <input type="checkbox"/> Standard Met <input type="checkbox"/> Standard Nearly Met <input type="checkbox"/> Standard Not Met	
Concepts and Procedures	<input type="checkbox"/> Above Standard <input type="checkbox"/> At or Near Standard <input type="checkbox"/> Below Standard	

3. SPECIAL FACTORS

Information Needed to Complete

- Student's current use of Assistive Technology or low incidence services, equipment and/or materials.
- Assessment addressing educational need for assistive technology during initial or triennial meeting
- Updated information from site-based information management system as to student's primary language and California English Language Development Test (CELDT) scores/English Language Proficiency Assessments for California (ELPAC) scores.
- Data supporting need for behavioral goal or development of behavior intervention plan.
- Data supporting efficacy of current Behavior Intervention Plan (BIP).

Considerations for Educational Benefit

- Does assistive technology directly relate to the student's disability?
- Was the need found through assessment?
- Are current assessments (within the year) in place to determine student's English proficiency?
- Does data support the student's need for a behavioral goal, or an assessment is complete to initiate a Behavior Intervention Plan (BIP)?
- Are specific positive behavior interventions, strategies, and supports clearly defined?

Outcomes

- Identifies the considerations and needs for the five areas of special consideration: assistive technology, communication needs or hearing loss, blindness or visual impairment, English Learner needs, behavioral considerations.
- Drives goals to be written in each area to address the need.

EL DORADO COUNTY CHARTER SELPA SPECIAL FACTORS		Page of _____
Student Name _____	Date of Birth _____	IEP Date: _____
Does the student require assistive technology devices and/or services? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Rationale _____		
Does the student require low incidence services, equipment and/or materials to meet educational goals? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes, specify) _____		
Considerations if the student is blind or visually impaired: _____		
Considerations if the student is deaf or hard of hearing: _____		
If the student is an English Learner, complete the following section:		
Does the student need primary language support? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, how will it be provided? _____		
What will be the language of instruction for the student? _____		
Who will provide ELD services to student?	<input type="checkbox"/> General Education	<input type="checkbox"/> Special Education

4. GOALS

Information Needed to Complete

- Present levels of proficiency on previous year's goals, for annual and triennial meetings.
- Areas of need identified in present levels.
- Areas of need identified in special factors.

Considerations for Educational Benefit

- Are the goals and objectives/benchmarks measurable?
- Do the goals and objectives/benchmarks enable the student to be involved/progress in the curriculum?
- Are all other educational needs resulting from the disability addressed?
- If the student is an English Learner, are the goals and objectives/benchmarks linguistically appropriate?
- Is the person(s) identified who is primarily responsible for implementing the goals and objectives/benchmarks, and monitoring progress?

Outcomes

- Measurable description of the student's response to academic instruction in the areas of identified need.
- Short-term objectives allow team to monitor appropriateness of goals throughout the year.

EL DORADO COUNTY CHARTER SELPA ANNUAL GOALS AND OBJECTIVES		Page of _____
Student Name _____		Date of Birth _____
		IEP Date: _____
Area of Need:	Measurable Annual Goal# _____	
	Goal:	
Baseline:	<input type="checkbox"/> Enables student to be involved/progress in general curriculum/state standard _____	
	<input type="checkbox"/> Addresses other educational needs resulting from the disability	
	<input type="checkbox"/> Linguistically appropriate	
	<input type="checkbox"/> Transition Goal: <input type="checkbox"/> Education/Training <input type="checkbox"/> Employment <input type="checkbox"/> Independent Living	
	Person(s) Responsible _____	
Short-Term Objective:		

5. SERVICES

Information Needed to Complete

- Areas of need determined by the present levels of performance and special factors.
- Goal areas to be addressed.

Considerations for Educational Benefit

- Was the determination of the appropriate supplementary aids and services, and special education and related services completed after the goals were finalized?
- Are the appropriate services identified to support progress toward all goals including: progress in the general curriculum, participation in extracurricular activities, and other nonacademic activities?
- Are the special education, related services, and supplementary aids and services based on peer-reviewed research to the extent practicable?
- Are the start/end dates, provider, frequency, duration, and location specified for supplementary aids and services as well as special education and related services?

Outcomes

- Decisions about services are aligned with least restrictive environment.
- The services support the goals/objectives.
- Services and supports are structured in such a way as to progress a student towards higher levels of independence.
- The services and supports allows the student to be educated with typically developing peers and have access to the general curriculum, to the maximum extent appropriate.

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Offer of FAPE - SERVICES

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Student Name _____

Birthdate _____

IEP Date:

The service options that were considered by the IEP team (List all):

In selecting LRE, describe the consideration given to any potential harmful effect on the child or on the quality of services that he or she needs:

Supplementary Aids, Services & Other Supports for school personnel, or for student, or on behalf of the student

Aids, Services, Program Accommodations/Modifications, and/or Supports	Start/End Date	Frequency	Duration	Location
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Special Education Transportation No Yes

6. EDUCATIONAL SETTINGS

Information Needed to Complete

- Student's services.
- Availability of programming options, if considering placement beyond what Local Education Agency (LEA) can provide.

Considerations for Educational Benefit

- Is there a clear description of the location of services, including why some services may not be provided at the child's school of residence, if appropriate?
- Is there a clear description of the amount of time the student is outside the general education environment, including an explanation of why the student will not participate in general education for all or part of the day?
- If appropriate, are the activities clearly identified to support transition from preschool to kindergarten, from special education and/or NPS to general education, 8th to 9th grade, etc.?
- If appropriate, is the graduation plan identified for students Grade 8 or higher?

Outcomes

- Decisions about Educational Setting are aligned with Services.
- The Educational Setting supports the goals/objectives.
- The decision for a student to be working for a diploma or certificate of completion is made by the IEP team analyzing the student's present levels, assessment data, and goals.

EL DORADO COUNTY CHARTER SELPA Offer of FAPE - EDUCATIONAL SETTING		Page of _____
Student Name _____	Date of Birth _____	IEP Date: _____
Physical Education <input type="checkbox"/> General	<input type="checkbox"/> Specially Designed	<input type="checkbox"/> Other _____
District of Service _____	School of Attendance _____	School Type _____
Federal Setting _____	Federal Preschool Setting _____	
All special education services provided at student's school of residence? <input type="checkbox"/> Yes <input type="checkbox"/> No (rationale) _____		
____ % of time student is <u>outside</u> the regular class & extracurricular & non academic activities		
____ % of time student is <u>in</u> the regular class & extracurricular & non academic activities		
(Note: Percentage of time is required for those that will be age 6 and older within the duration of this IEP)		
Student will not participate in the regular class and/or extracurricular and/or non academic activities _____ because _____		

7. INDIVIDUAL TRANSITION PLAN

Information Needed to Complete

- Student's birthdate, as the Individual Transition Plan (ITP) is utilized during the year the student will turn 16 years old.
- Age-Appropriate Assessments
- Student Interest Surveys
- Student Interviews

Considerations for Educational Benefit

- Is there an appropriate measurable post-secondary goal or goals that covers education or training, employment, and as needed, independent living?
- Are the post-secondary goals updated annually?
- Are the post-secondary goals based on age-appropriate transition assessments?
- Are there transition services in the IEP that will reasonably enable the student to meet his/her post-secondary goals?
- Does the course of study reasonably enable the student to meet their post-secondary goals?
- Is there an annual IEP goal related to the student's transition service needs?
- Was the student invited to and involved in their transition planning?
- Was a representative of any participating agency invited to the IEP Team meeting with prior consent from parent, guardian, or student?

Outcomes

- Ensures ITP connects to goals and services of annual IEP.
- Develops long-term goals towards course study completion.
- Involves pertinent outside agencies that will also support student as they transition into post-secondary goals.

EL DORADO COUNTY CHARTER SELPA INDIVIDUAL TRANSITION PLAN (ITP)		Page of _____
Student Name _____	Date of Birth _____	IEP Date: _____
Student Invited: <input type="checkbox"/> Yes <input type="checkbox"/> No	If Appropriate, and agreed upon, agencies invited: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Describe how the student participated in the process:	<input type="checkbox"/> Present At Meeting	<input type="checkbox"/> Interview Prior
	<input type="checkbox"/> Interest Inventories	<input type="checkbox"/> Questionnaire
Age-appropriate transition assessments/instruments were used: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Describe the results of the assessments:		
Student's Post Secondary Goal Training or Education (Required):		
Upon completion of school I will	Transition Service Code as Appropriate: _____	
	Activities to Support Post Secondary Goal: _____	

8. BEHAVIOR INTERVENTION PLAN

Information Needed to Complete

- Data must be collected in a variety of ways before developing the Behavior Intervention Plan (BIP). There are several ways to collect data.
- Frequency Data – How often does the behavior occur?
- Duration Data – How long does the behavior last?
- Scatterplot Data – When does the behavior occur?
- A-B-C Data – Why does the behavior occur?

Considerations for Educational Benefit

- Is the targeted behavior clearly described in observable terms?
- Does the replacement behavior serve the same need for the student as the problem behavior?
- Are member(s) of the IEP Team clearly identified who will be responsible for taking data related to the BIP? How will the data be communicated to the team?
- What services will the student need to successfully implement the Behavior Intervention Plan and meet their goal? Consider the time it will take to teach replacement behaviors and monitor progress.

Outcomes

- Support to help a student with behavioral problems remain in the Least Restrictive Environment (LRE).
- Guides the team in consistently providing the appropriate interventions when behaviors occur.

EL DORADO COUNTY CHARTER SELPA Behavior Intervention Plan		Page of _____
For Behavior Interfering with Student's Learning or the Learning of His/Her Peers		
Student Name _____	Date of Birth _____	IEP Date: _____
This BIP attaches to: <input type="checkbox"/> IEP _____		
<input type="checkbox"/> 504 plan _____		
<input type="checkbox"/> Team Meeting _____		
Today's Date: _____	Next Review Date: _____	
1. The behavior impeding learning is (describe what it looks like)		
2. It impedes learning because		

9. PARENT CONSENT

Information Needed to Complete

- List of team members attending.
- Copy of Notice of Parents Rights to give to family.
- Parent signature in agreement, disagreement, or agreement with the exceptions. (Parent will sign regardless if they agree or disagree to implementation of the IEP.)

Considerations for Educational Benefit

- Did all IEP Meeting participants sign and date, if required?
- Do the parent(s)/guardian/surrogate/adult student consent to all components of the IEP?
- If not, are areas of agreement and/or disagreement clearly specified?
- Are the next steps identified for reaching resolution, if appropriate?
- Are all required notifications marked for compliance?

Outcomes

- Documentation of IEP Team Meeting attendance.
- Documentation of parent receipt of paperwork.
- Documentation of parental consent or disagreement to the IEP.

EL DORADO COUNTY CHARTER SELPA SIGNATURE AND PARENT CONSENT			Page of _____
Student Name _____	Date of Birth _____	IEP Date _____	
IEP Meeting Participants			
_____	_____	_____	_____
Parent/Guardian/Surrogate	Date	Parent/Guardian	Date
_____	_____	_____	_____
Student/Adult Student	Date	General Education Teacher	Date
_____	_____	_____	_____
LEA Representative/Admin.Designee	Date	Special Education Specialist	Date
_____	_____	_____	_____
Additional Participant/Title	Date	Additional Participant/Title	Date
_____	_____	_____	_____
Additional Participant/Title	Date	Additional Participant/Title	Date
_____	_____	_____	_____
Additional Participant/Title	Date	Additional Participant/Title	Date
_____	_____	_____	_____
Additional Participant/Title	Date	Additional Participant/Title	Date
CONSENT			
<input type="checkbox"/> I agree to all parts of the IEP.			

10. NOTES

Information Needed to Complete

- Agenda of topics to be discussed during IEP.

Considerations for Educational Benefit

- Is this information a summary of the meeting?
- Does everyone agree that the information accurately reflects what was discussed and the agreements that were made?
- Are next steps clearly identified, including individuals responsible, if needed?

Outcomes

- Provides context regarding information covered in the IEP meeting.
- Documents conversations and input from the team as well as information that cannot be included anywhere else in the IEP, such as the rationale for a decision.
- Documents all concerns were considered and all parties had an opportunity to provide meaningful participation during the meeting.

EL DORADO COUNTY CHARTER SELPA IEP TEAM MEETING NOTES		Page of _____
Student Name _____	Date of Birth _____	Date _____
Notes		