

Study Guide

Contents of the IEP

Section 1

Each public school child who receives special education and related services must have an IEP. Each IEP must be designed for one student and must be a truly individualized document. The IEP is the cornerstone of a quality education for each child with a disability. The IEP process is:

- One of the most critical elements to ensure effective teaching and learning for all children with disabilities
- How states and local school districts document that they have met certain aspects of federal or state law. Federal law requires that school districts maintain documentation to demonstrate their compliance with federal requirements

FAPE is the fundamental core of the IDEA and the IEP. The acronym stands for Free Appropriate Public Education. Conceptually, FAPE is both the goal and the path to reaching the goal. FAPE is the entitlement of a child with a disability, as IDEA defines that term, and the IEP is the means by which this entitlement is mapped out. In terms of developing or building an IEP, the foundation is FAPE.

The Public School schedules and conducts the ARD meeting and is responsible for contacting the participants, including the parents; notifying the parents early enough to make sure they have an opportunity to attend at a time and place agreeable to parents and the school. They also tell the parents the purpose, time and location of the meeting, who will be attending, and tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Section 2

The emphasis that IDEA places upon involving children with disabilities in the general education curriculum is relatively new—it first appeared in the 1997 Amendments to IDEA—and has been strengthened further in 2004 Amendments. IDEA now includes specific provisions extending the importance of a child's access to extracurricular activities and nonacademic activities.

General Education Curriculum is the subject matter provided to children without disabilities and the associated skills they are expected to develop and apply. Examples: math, science, history, language arts. In Texas this is the Texas Essential Knowledge and Skills (TEKS).

Extracurricular Activities and Nonacademic Activities are school activities that fall outside the realm of the general curriculum. These are usually voluntary and tend to be more social than academic. They typically involve others of the same age and may be organized and guided by teachers or other school personnel. Examples: yearbook, school newspaper, school sports, school clubs, lunch, recess, band, pep rallies, assemblies, field trips, after-school programs, recreational clubs, counseling, health services, recreational activities, special interest groups or clubs, and referrals to agencies that provide assistance to those with disabilities and employment of students.

Section 3

By law, these individuals (**ARD committee**) must be involved in writing the IEP:

- the child's parents
- at least one of the child's special education teachers or providers
- at least one of the child's regular education teachers
- a representative of the school system
- an individual who can interpret the evaluation results (diagnostician or psychologist);
- representatives of any other agencies that may be responsible for paying for or providing transition services with the parent's consent
- representative (preferably the teacher) from career and technical education (CTE), when considering placement of a student in CTE
- a professional staff member who is on the language proficiency assessment committee, for a student identified as an English language learner
- the student, as appropriate
- other individuals who have knowledge or special expertise about the child
- If the student is: (A) a student with a suspected or documented visual impairment, the ARD committee shall include a teacher who is certified in the education of students with visual impairments; (B) a student with a suspected or documented auditory impairment, the ARD committee must include a teacher who is certified in the education of students with auditory impairments; or (C) a student with suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments.

Systematic supports come in many forms:

- special education
- related services
- supplementary aids and services
- any support, or services available to other students
- assistive technology, accommodations, and so on

The setting is the appropriate physical location for delivery of systematic supports.

The written plan refers to the IEP. Federal law requires that school districts maintain documentation to demonstrate their compliance with federal requirements. Extra elements in IEPs may be included to document that the state or school has met certain aspects of federal or state law such as:

- 1) Holding the meeting to write, review, and if necessary, revise a child's IEP in a timely manner.

- 2) Providing parents with a copy of the document of the procedural safeguards.
- 3) Placing the child in the least restrictive environment.
- 4) Obtaining the parents' consent.

Section 4

This part of the IEP is often referred to simply as the “present levels” statement—a short term for a much bigger concept that must describe “the child’s *present levels of academic achievement and functional performance*”; Texas uses the term PLAAFP. The “present levels” statement must also include how the child’s disability affects the child’s involvement and progress in the general education curriculum—which is the same curriculum as for children without disabilities.

But what does this mean—present levels of academic achievement and functional performance? Let’s take a closer look and think about this a moment, because a lot of the other information in the IEP will rise out of this “present levels” statement. The “present levels” statement is crafted by considering the areas of development in which a child with a disability may need support. This is roughly divided into the two areas of development: **academic** and **functional**. Neither of these terms—academic achievement or functional performance—is defined in the regulations. However, both are discussed by the Department in its Analysis of Comments and Changes.

Academic achievement: How do we ordinarily interpret that term? If academic achievement generally refers to a “child’s performance in academic areas,” then we are talking about the academic subjects a child studies in school and the skills the student is expected to master in each: reading and language arts, writing, math and the various skills expected there, science, history, and so on. Children’s circumstances will vary, which means that the examination of the child’s academic achievement and performance is an individualized consideration. Where does that child stand academically, and—a critical question—how does the child’s disability affect his or her involvement and progress in the general education curriculum? The “present levels” statement must contain a description that answers these questions.

Functional performance: How do we ordinarily interpret that term? If, as indicated in the quote above, functional performance refers to those activities or skills that are not academic and not related to a child’s academic achievement, then we are speaking of the skills and activities of everyday living—daily living skills such as dressing, eating, going to the bathroom; social skills such as making friends and communicating with others; behavior skills, such as knowing how to behave across a range of settings; and mobility skills, such as walking, getting around, going up and down stairs. All of these types of skills are important to consider when writing the child’s “present levels” statement. Where does the child stand in terms of functional performance? How does the child’s disability affect functional performance and, from there, his or her involvement and progress in the general education curriculum? As with academic achievement, consideration of a child’s functional performance is highly individualized.

The ARD committee must talk about the impact of the child’s disability on his or her ability to learn and do the kinds of things that typical, nondisabled children learn and do. This is the information that is then included in the IEP as the “present levels” statement.

- The “present levels” statement is intended to comprehensively describe a child’s abilities, performance, strengths, and needs.
- It is based on, and arises out of, all the information and data previously collected and known about the child, most especially the full and individual evaluation of the child. This includes the concerns of the parents for enhancing the education of their child.
- A fully developed, well-written “present levels” statement is the foundation upon which the rest of the IEP can be developed to specify appropriate goals, services, supports, accommodations, and placement for the child.

If the child is new to special education, this information will come from the tests and observations done during the child’s evaluation for eligibility. If the child’s IEP is being revised, the information may come from evaluations or classroom testing done during the year, from teachers and others who work with the child day to day, and/or from the parents. How functional performance is measured is left up to the State or local school system, but the law does require that evaluation procedures used to measure a child’s functional skills must meet the same standards as all other evaluation procedures, consistent with IDEA’s provisions.

Section 5

Annual goals are what he or she will work on, both academically and in terms of functional development. IDEA’s use of these terms—academic and functional goals—indicates that the writing of measurable annual goals is to flow from the content of the “present levels” statement, where the ARD committee described the child’s present levels of academic and functional performance. These annual goals identify what the child will work on this year, what skills, what knowledge, what behavior, what learning, whatever makes sense, given his or her areas of need—and what the ARD committee feels he or she can achieve by the end of the year, academically and functionally.

Using these types of prompts, or posing similar ones, will help ARD committees develop annual goals for children in a logical, sequential, simple, yet comprehensive manner that connects all the related pieces and leads to an effective, appropriate IEP. It’s useful to keep in mind that a well-written annual goal will, at a minimum, build upon answering the basic questions shown below:

- WHO...will achieve?
- WHAT...skill or behavior?
- HOW...in what manner or at what level?
- WHERE...in what setting or under what conditions?
- WHEN...by what time? an ending date?

Keep in mind that the crafting of annual goals for a child involves considering each area of that child’s needs related to the general curriculum, nonacademic and/or extracurricular activities, and any other educational needs that result from the child’s disability.

Section 6

ARD committees may find it easier to address this component of the IEP by framing the discussion around specific questions. For example, the ARD committee might ask itself these three questions:

- **How** will the child's progress be measured? (It is important to write **measurable** goals.)
- **When** will the child's progress be measured?
- **How well** will the child need to perform in order to achieve his or her stated IEP goals...and for some children, benchmarks or objectives?

Measuring a child's progress toward annual goals is directly associated with informing parents of the child's progress on a regular, periodic basis. Knowing how the child is progressing toward his or her annual goals is also essential for identifying when the plan for the child's education (the IEP) needs to be adjusted. Lack of expected progress towards annual goals would be reason to convene an ARD meeting to review the IEP and revise it, if necessary.

The periodic reporting of each child's progress gives parents, other members of the ARD committee, and the public agency the opportunity to review the IEP and make adjustments if they are warranted. In Texas, state rules require report cards.

Section 7

Part of the IEP process is identifying the program modifications or supports for school personnel that will be provided to enable the child to be educated and participate with other children, both those with and without disabilities. These include annual goals, involvement and progress in the general curriculum, and participation in extracurricular and other nonacademic activities. This also includes providing training, consultation, materials, and equipment to the staff.

Section 8

This provision is self-evident and re-emphasizes the value IDEA places on educating children with disabilities, to the maximum extent appropriate, with children who are not disabled. If a child's IEP places the child outside of the regular class, involvement in the general curriculum, and/or participation in extracurricular or nonacademic activities, the IEP must explain why this is necessary. Since the IEP is driven by the child's needs, the explanation for nonparticipation should reflect the child's needs and not be based on the needs or convenience of the school system.

Section 9

Deciding *how* a child with a disability will participate in a large-scale assessment conducted by the State or the LEA is the responsibility of the ARD committee. The Team's decision must be included as part of the IEP. The assessment options for students with disabilities include the following:

- Participation in a general grade-level assessment.

- Participation in a general grade-level assessment with accommodations.
- Participation in an alternate assessment based on modified academic achievement standards.
- Participation in an alternate assessment based on alternate academic achievement standards.

The IEP addresses: any “individual appropriate accommodations” necessary for the child’s functional and academic achievement to be measured on a State and district-wide assessment. If participating in such an assessment is appropriate for a specific child with a disability, then that child’s ARD committee must enumerate in the IEP any individual accommodations the child will need during testing. Some children may need no accommodations. Many *will* need accommodations. It’s important for ARD committees to know what type of accommodations can be made without invalidating a child’s test scores and which accommodations the State permits.

Section 10

Service Delivery is where the details are specified about the services that a child with a disability will receive—the when, where, how often, how long of service delivery. Not only must the IEP state all the services to be delivered to and/or on behalf of a child, but it also must give details—dates, times, and places—for the delivery of services. The ARD committee should also consider whether or not a child needs to receive services beyond the typical school year. This is called Extended School Year or ESY services. Some children receiving special education services will be eligible for ESY services. The state has guidelines for determining eligibility for ESY, but whether or not a child needs ESY in order to receive FAPE is a decision that is made by the ARD committee.

Section 11

Transition services are an important aspect of preparing children with disabilities for the future. Transition-related statements must be included in the IEPs of children with disabilities at well-specified points in time. It includes the domains of independent and adult living. Adulthood involves a wide range of skill(s) areas and activities, and preparing a child with a disability to perform functionally across this spectrum of areas and activities involves considerable planning, attention, and focused, coordinated services. Note that word—coordinated. The services are to be planned as a group and are intended to drive toward a result—they should not be haphazard or scattershot activities, but coordinated with each other to achieve that outcome or result. All transition needs and services are now to be included with the IEP that will be in effect when the student turns age 16. In keeping with the individualized nature of the IEP, the ARD committee (which includes the child and parent) retains the authority to include transition services at an age earlier than 16, as appropriate to the child’s needs and preferences. Department of Assistive and Rehabilitative Services (DARS) is one agency that may be in attendance at ARD meetings to discuss transition issues.