

## New Students [\(video\)](#)

<b>Start Services</b>	
	Students with disabilities must start education within the same time frame a general education student starts.
	As soon as you have reliable information indicating the student received services in another district within the past year, start services consistent with this information (verbal info from another district, copies of IEP from the parents, etc.)
	Contact Shelley Junkermeier to see if the student is eligible for MA.
<b>Obtaining Records</b>	
	Request records (IEP, ER, Progress Reports, and PWN)
	Within 2 weeks: If ER and IEP are not obtained & you believe child was in special education: dates and methods attempted to get records. Call the school district special education department yourself; document the attempt.
	Within 3 weeks: If you cannot obtain a current IEP and Evaluation Report, start an initial evaluation.
	Obtain original documents from the prior district. File these in the file. (Documents <u>should not</u> be printed from SpEd Forms with your district information on the document)
<b>Out of State Student:</b>	
	Print a blank Minnesota criteria in the area of suspected disability ( <a href="#">link</a> )
	Review evaluation report. Document on the checklist if initial criteria was met, where it is located in the report, and the substantiating data. Attach the checklist to the front of the Evaluation Report.
<b>If the student did not meet initial Minnesota criteria</b>	
	Initiate an initial evaluation (Contact the director if you cannot get a signature within 2 weeks)
	If the student meets criteria, initiate an IEP meeting to write a new IEP. (If the student is new at the beginning of the school year, this process should be completed by December 1)
	If the student does not meet criteria after the evaluation, write a Prior Written Notice.
<b>If a student does meet initial Minnesota criteria (not common)</b>	
	Hold an IEP meeting within one month of the student entering the school district.
<b>Minnesota Student:</b>	
1 - Does it appear as though this IEP was written on SpEd Form?	
	If YES: Contact the case manager from the prior district to send you access to the records. (If the student comes from one of our member districts contact the Southern Plains office.)
	If NO: Proceed to the next step.
2 - Can you provide services EXACTLY as written in the IEP?	
	If YES: Contact the parents to introduce yourself
	If YES (and you do not have SpEd Forms Access): Enter the student in SpEd Forms. You MUST enter dates, goals, and services. Then, "fake" the rest of the information to finalize the record. <u>This is necessary so you can do progress reports.</u> (See at 7:30 in this <a href="#">video</a> )
	If NO: Set up an IEP meeting (within 3 weeks of the student entering the district). You can write a new IEP or amend the IEP ( <a href="#">video</a> )



## IEP/IIIP Standards

**Directions:** For each area, review legal requirement and mark item if record is NOT in compliance, checking all that apply. Then select final compliance status for that area. If one or more legal requirements are checked as not in compliance, the final compliance status would be NOT In Compliance.

### Team Members

- \_\_\_\_\_ The IEP Team for each child with a disability includes the parents of the child.  
34 C.F.R. § 300.321(a)(1)
- \_\_\_\_\_ The IEP Team for each child with a disability includes not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment).  
34 C.F.R. § 300.321(a)(2)
- Points of Clarification:
- General education teachers at IEP Team meetings for preschoolers (ages 3-5)- it depends on if child is attending a regular EC program in the district.
  - General education teachers are required to attend the IEP meeting if the student is or may be participating in the regular education environment. This includes students in more restrictive settings for whom the team is exploring other options.
  - In this case, a general education teacher is required to attend and, if unable to attend, the excusal process must be followed.
- \_\_\_\_\_ The team member licensed in a pupil's disability shall be responsible for conducting the pupil's evaluation and participating at team meetings when an IEP is developed, reviewed, or revised.  
Minn. R. 3525.2350, subp. 3
- \_\_\_\_\_ The IEP Team for each child with a disability includes not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child.  
34 C.F.R. § 300.321(a)(3)
- \_\_\_\_\_ A child with a disability must be invited to attend the IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.  
34 C.F.R. § 300.321(b)(1)
- Points of Clarification:
- A student with a disability must be invited whenever appropriate but must be invited by transition age. If the student cannot attend, the team must take steps to ensure that the student's preferences and interests are considered.
- \_\_\_\_\_ To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services must be invited to attend the meeting. 34 C.F.R. § 300.321(b)(3)
- \_\_\_\_\_ The IEP Team for each child with a disability includes a representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique

needs of children with disabilities; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of resources of the public agency. 34 C.F.R. § 300.321(a)(4)

○ Points of Clarification:

- District representatives may be designated by the district, so long as they meet the requirements of the district representative. The requirements include: 1) qualified to provide or supervise specially designed instruction; 2) knowledgeable about the general education curriculum; 3) knowledgeable about the district's availability of resources.

\_\_\_\_\_ A representative of the private school or facility must attend the meeting but if the representative cannot attend, other methods are used to ensure participation by the private school or facility, including individual or conference telephone calls. 34 C.F.R. § 300.325(a)(2)

\_\_\_\_\_ If the team determines that it may be appropriate to consider placement options outside of the resident district, representatives from the outside district, agency, or academy must be invited to attend a team meeting as a participant to complete an appropriate IEP for the pupil including the needs, goals, objectives, services, and placement of the pupil. Minn. R. 3525.0800, subp. 3

\_\_\_\_\_ In the case of a child who was previously served under Part C, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with smooth transition of services. 34 C.F.R. § 300.321(f)

\_\_\_\_\_ Documentation not in the file. See 34 C.F.R. § 76.731

○ Points of Clarification: Excused Absence of Team Member

- Written excusal is needed for any required Team member not in attendance at a team meeting. A required member of the IEP Team may be excused from attending the meeting if the parent and district consent in writing to the excusal and the necessary member submits, in writing to the parent and the IEP Team, input prior to the meeting. It is possible to use electronic signatures to indicate consent.
- Written documentation of parent agreement to the excusal of the required Team member must be included in the file. This document must correspond to a specific IEP mtg date.
- Written documentation of input of the excused Team member must be included in the file.
- Dates on the agreement to excuse and the written input from the excused member must be prior to, or date of, the IEP Team meeting.

**\_\_ In Compliance    \_\_ NOT In Compliance**

District Reviewer Comments:

**Present Levels of Academic Achievement and Functional Performance (PLP)**

\_\_\_\_\_ The IEP includes a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum (i.e. the same curriculum as nondisabled children); or for preschool

children, as appropriate, how the disability affects the child's participation in appropriate activities.

34 C.F.R. § 300.320(a)(1)

o Points of Clarification:

- Functional performance refers to skills or activities not considered academic or related to academic achievement. Instead, "functional" is often used in the context of routine activities of everyday living.
- The PLAAFP must include: 1) current levels of performance, more than just test scores; 2) information on how the disability impacts progress and participation in the general education curriculum; and 3) either the PLAAFP, Annual Goal, or Short Term Objectives must have a measurable baseline/starting point. Do not use vague or subjective terms; i.e. define what is meant by "improve" (improve from \_\_\_\_ to \_\_\_\_).
- Sample of Noncompliance: Jamal is presently an 11<sup>th</sup> grade student. Last year his grades were mostly A's and B's. He struggles with writing and spelling.
- Sample of Noncompliance: Martin has a Full Scale IQ score of 86. He did not meet expectations on his MCA Reading or Math scores. Martin has many behavior incidents, although the severity of the incidents has lessened.
- Sample of Compliance: Jamal knows many mechanical rules of writing. He correctly capitalizes and uses appropriate ending punctuation for all of his sentences. However, in a recent writing sample, he was unable to spell sight words such as "could" and "respect" as well as many of the shorter words (five letters or less). Due to his written expression difficulties, he will need to continue to work on spelling.
- Sample of Compliance: Martin's intellectual abilities fall within the low average range. His memory and processing speed were strong, compared to lower reasoning and conceptual thinking skills. Classroom teachers noted that he turns in assignments on time, responds well to redirection and is beginning to positively interact with peers. Martin has had seven behavioral incidents this school year compared to 16 last school year. Five incidents were due to peer conflict and three of those led to disruptive behavior and his removal from class. Although the severity has decreased, negative peer interactions keep Martin out of class, prevent him from focusing in class and result in falling behind in academics.

IEP not in the file.

See 34 C.F.R. § 76.731

In Compliance     NOT In Compliance

District Reviewer Comments:

### Short and Long Term Goals and Objectives

The IEP includes a statement of measurable annual goals, including academic & functional goals.

34 C.F.R. § 300.320(a)(2)(i)

o Points of Clarification:

- Goals must be measurable, including a clear starting level/baseline and an ending level.

- The starting level/baseline may be documented in the PLAAFP. Measurability could be found in the goal or in an objective.
- Using “age appropriate” and “grade level” are not measurable unless the IEP clearly describes what this means.
- Examples for adequately describing grade level may include the specific curriculum used by the district or objective measures that can be reviewed to understand the student’s level.
- Annual goals that relate to attendance, passing state assessments, earning passing grades and/or earning credits for graduation are goals of all students and are not specialized instruction. If these areas warrant discussion, the IEP Team should include annual goals that will address the issues impacting attendance, grades, etc.

\_\_\_\_\_ A statement of measurable annual goals, including academic and functional goals designed to-- Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum. 34 C.F.R. § 300.320(a)(2)(i)(A)

○ Points of Clarification:

- Goals must be accomplishable in one year.

\_\_\_\_\_ The IEP includes a statement of measurable annual goals, including academic and functional goals designed to-- Meet each of the child’s other education needs that result from the disability. 34 C.F.R. § 300.320(a)(2)(i)(B)

○ Points of Clarification:

- Goals must meet all of the student’s needs that result from his or her disability as documented in the most recent ER and IEP.

\_\_\_\_\_ The IEP includes a statement of measureable annual goals, including benchmarks and short-term objectives. Minn. R. 3525.2810, subp. 1 (A)(2)

○ Points of Clarification:

- Goals must include at least 2 short-term objectives to demonstrate the student is making progress toward the goal.
- Sample of Noncompliance: Tori will pay attention and not disrupt the class.
- Sample of Compliance: Tori will decrease her verbal outbursts (yelling, arguing or crying) that result in a disruption to instruction from an average of three per hour to two or less per day.
- Sample of Noncompliance: Martha will pass the statewide assessment for writing.
- Sample of Compliance: When given a three-paragraph writing assignment, Martha will include a topic sentence and at least three supporting details and progress from 50-85 percent accuracy in writing mechanics.
- Sample of Noncompliance: Musa will increase her ability to decode from a level of not recognizing letters to sounding out simple words. Obj. 1: Given a set of randomly presented letters, Muna will be able to identify the letters. Obj. 2: Given a set of mixed sight words, Muna will read them by the end of the year.

- Sample of Compliance: (Assume the PLAAFP statement includes clear baselines.) Muna will increase her ability to decode from a level of not recognizing all letters to a level of recognizing all letters and corresponding letter sounds. Obj. 1: Given a set of randomly presented upper and lower case letters of the alphabet, Muna will identify 52 of 52 letters on two consecutive trials. Obj. 2: Given randomly presented letters of the alphabet, Muna will produce 26 of 26 letter sounds on two consecutive trials.

\_\_\_\_ IEP not in the file.

See 34 C.F.R. § 76.731

   In Compliance       NOT In Compliance

District Reviewer Comments:

### Least Restrictive Environment

\_\_\_\_ The IEP includes an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities.

34 C.F.R. § 300.320(a)(5)

○ Points of Clarification:

- Describe the placement AND explain the necessity for its restrictiveness, based on the nature and severity of the student's disability.
- Does the LRE- 1) clearly describe why the nature and severity of the student's disability is such that he/she must be removed from general education to receive services? 2) does the IEP describe what the student is missing when not participating with nondisabled peers in the general education class? 3) does the LRE match the service grid information?
- Sample of Noncompliance: Ricky will spend no less than 79 percent of his school day in a general education setting with his peers. He will receive the majority of his special education services in the general education setting.
- Sample of Compliance: Ricky needs extensive social skills instruction and practice in a small group situation in order to improve is ability to resolve conflict and cooperate with peers. He will receive this instruction from the social worker and EBD teacher during his study hall.
- Sample of Noncompliance: Amanda needs a quiet environment with few distractions in order to progress in her academics. She will also use the resource room to organize her materials and complete classroom assignments.
- Sample of Compliance: Due to Amanda's significant information processing deficits in the areas of auditory acquisition and organization related to sequencing words, she needs small group reading instruction with repeated directions in multiple formats. Therefore, she will be removed from general education reading to receive this instruction.

\_\_\_\_ IEP not in the file.

See 34 C.F.R. § 76.731

In Compliance     NOT In Compliance

District Reviewer Comments:

### Special Education and Related Services

\_\_\_\_\_ The IEP includes a statement of special education and related services...based on the peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child.

34 C.F.R. § 300.320(a)(4)

○ Points of Clarification:

- Clearly describe each service, aid, and modification to be provided to the student.
- The services, aids, and modifications described in the IEP must be sufficient in frequency and duration to address the student's educational needs and annual goals.
- If any of the IEP services are only needed in a specific situation or under certain circumstances, outline the conditions under which they are needed.
- Sample of Noncompliance: An IEP documents two annual goals related to identified SLD math needs, but has no corresponding special education services to address the math.
- Sample of Compliance: The IEP service grid documents SLD math direct instruction that is sufficient in frequency and duration to reasonably enable the student to meet math goals by the end of the year.
- Sample of Noncompliance: Nora's IEP PLAAFP indicates she struggles with anxiety issues related to school, which in turn significantly impacts her attendance rates. However, her IEP does not include any services to address her school anxiety needs.
- Sample of Compliance: Nora's IEP documents direct psychological services and annual goals related to school anxiety. Indirect psychological service (i.e., consultation from the school psychologist to special and general education teachers who work with Nora) also are documented on her IEP service grid.

\_\_\_\_\_ The IEP includes a statement of... supplementary aids and services based on the peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child.

34 C.F.R. § 300.320(a)(4)

○ Points of Clarification:

- Supplementary aids and services means aids, services and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate.
- The supplementary aids and services and the program modifications and supports for school personnel should align with: 1) the needed additions and modifications to the student's special education program as described in the student's most recent ER; 2) the



student's current educational needs as described in the most recent PLAAFP statements, and 3) the modifications to district and statewide assessments provided to the student.

- Sample of Noncompliance: Alita may need special supplies in order to participate in classes requiring writing.
- Sample of Compliance: Alita's case manager will provide each of her regular and special education teachers with raised lined paper and 3/4 – inch foam pencil grips for her to use when completing all assignments requiring writing.

\_\_\_\_\_ The IEP includes a statement of...the program modifications or supports for school personnel.

34 C.F.R. § 300.320(a)(4)

○ Points of Clarification:

- A modification is a change in what is being taught to or expected from the student. Shortening an assignment so the student is not doing the same amount of work as other students is an example of a modification. Other examples include: getting assistance or consultation from the student's special education case manager, having a para in the classroom, or using a special curriculum.
- The IEP must clearly describe any program modifications that staff must provide to the child.
- Program modifications may be documented as indirect services such as consultation or training.
- A list or description of specific program modifications staff must provide in order to support the student's advancement toward the annual goals and participation with general ed.
- Sample of Noncompliance: Steve may access the resource room for completing math assignments as needed.
- Sample of Compliance: Steve may access the resource room for the last half of his regular education math class if he is expressing difficulty in understanding the assignment despite clarification from the regular education teacher. Resource room staff will provide written directions and relevant math manipulatives to reinforce understanding.
- Sample of Noncompliance: Paul will be allowed assignment modifications as necessary in classes requiring reading, math, and written expression.
- Sample of Compliance: Paul will receive a copy of teachers' notes for reading and math classes. He will receive extra time to complete all assignments requiring writing more than one paragraph. For writing assignments longer than one page, he may use the classroom or school library computer to complete.
- Sample of Noncompliance: An IEP of a hearing-impaired child who is using a new Frequency Modulated system (for amplifying sound) in each of his classes lacks documentation of training/instruction to his teachers as to how to use or monitor system.
- Sample of Compliance: An IEP of a hearing-impaired child who is using a new FM system in each of his classes documents indirect services and training on the device to the teachers working with the child.

\_\_\_\_\_ The IEP includes a statement of the pupil's need for and the specific responsibilities of a paraprofessional. Minn. R. 3525.2810, subp. 1(A)(10)

○ Points of Clarification:

- The paraprofessional must be informed of his/her specific responsibilities related to implementing the student's IEP.
- Remember to include frequency, location, and duration of the paraprofessional's services on the IEP.
- Sample of Noncompliance: Dan needs paraprofessional support in general education classes due to his lack of impulse control and understanding of nonverbal social cues and physical proximity to others.
- Sample of Compliance: Dan will receive paraprofessional support in each of his regular education classes due to his significant behavioral needs in the areas of self-regulation. The paraprofessional will provide verbal behavioral redirection, visual calming cues in the form of picture cards provided by the special education teacher, and sensory breaks every 45 minutes to reduce his stressful reaction when over-stimulated.

\_\_\_\_\_ The IEP Team must consider whether the child needs assistive technology devices and services. 34 C.F.R. § 300.324(a)(2)(v)

○ Points of Clarification:

- Make sure to consider both high technology (FM system) and low technology (pencil grip) in order to include all possibilities for students.
- Assistive technology should align with modifications and accommodations to be used with the student.
- IEP form checkboxes for "adaptive equipment" don't provide adequate information. "Adaptive equipment" is a subset of AT, so an IEP still must address remaining AT needs.

\_\_\_\_\_ The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Minn. R. 3525.0850

- Sample of Noncompliance: The IEP and BIP in the student's file do not document behavioral skill acquisition to be taught in response to behavior needs documented in the PLAAFP statement and discipline reports found in the file. Need: the student has difficulty staying on-task and shuts down when he becomes frustrated when doing tasks. Positive Alternative Behaviors: the student will hand in his work on time with 80% accuracy as documented in student file.
- Sample of Compliance: PLAAFP statement related to behavior: Adrian leaves the classroom abruptly and without permission. Positive Alternative Behaviors: Adrian will identify when he is feeling so anxious he has to leave the room. When he has identified the feelings, he will signal the teacher with a red card. The teacher will call a paraprofessional. Adrian and the paraprofessional

- will walk to the resource room and practice calm breathing techniques and then come up with a plan to address the anxiety. Adrian will tell the paraprofessional the plan and she will write it down.

\_\_\_\_ IEP not in the file.

See 34 C.F.R. § 76.731

   **In Compliance**       **NOT In Compliance**

District Reviewer Comments:

### When IEP Must Be In Effect

\_\_\_\_ The IEP includes the projected date for the beginning of the services and modifications.

34 C.F.R. § 300.320(a)(7)

○ Points of Clarification:

- The projected start date must be included for each special education and related service, program modification, and support for school personnel.
- A projected service date prior to parent signature date (or less than 14 days from PWN) is a parental consent issue not an IEP documentation issue.

\_\_\_\_ The IEP includes the anticipated frequency, location, and duration of those services and modifications.

34 C.F.R. § 300.320(a)(7)

○ Points of Clarification:

- The amount of time committed to each service and the location in which the service(s) will be provided must be stated in the IEP so that the district's commitment or resources can be understood by the parents, IEP team, and all school personnel responsible for its implementation.
- The amount of time the student is receiving services in the special education setting should correlate with the LRE explanation.

○ Review and Revision of the IEP (ESY)- Points of Clarification:

- "ESY" refers to special education services that are provided to a student with a disability beyond the normal school year of the district.
- School districts are required to provide ESY services to a student if the IEP team determines the services are necessary during a break in instruction to provide FAPE.
- The IEP team must document its ESY determination. Most IEP forms have a space to note "yes," "no," or "more data needed."
- The ESY services themselves then must be documented in the IEP, including the projected initiation date, duration, location, and frequency of services.
- Sources of information for IEP team determination: prior observation of the student's regression and recoupment over the summer, observation of the student's tendency to regress over extended breaks in instruction, experience with other pupils with similar

instructional needs, student's progress and maintenance of skills during the regular school year, student's degree of impairment, student's rate of progress, student's behavioral and physical problems, availability of alternative resources, student's ability and need to interact with nondisabled peers, areas of the student's curriculum which need continuous attention, and the students vocational needs.

- The IEP team must determine a pupil is in need of ESY services if there will be significant regression of a skill or acquired knowledge from the pupil's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate.
- "Level of performance" refers to child's progress toward annual IEP goals immediately prior to a break in instruction as seen in the progress measurements.
- "Regression" refers to the significant decline in the performance of a skill or acquired knowledge, specified in the annual goals as stated in the child's IEP that occurs during a break in instruction.
- "Recoupment" refers to a child's ability to regain the performance of a skill or acquired knowledge to approximately the same level of performance just prior to the break.
- Sample of Noncompliance: The IEP indicates ESY services are not needed despite progress reports in the file that document a significant regression and subsequent significant recoupment time in reading skills that occurred over a holiday break.
- Sample of Compliance: The IEP documents ESY needs in the area of math skills, based on progress measurements taken prior to and after an instructional break. The IEP also includes the appropriate frequency, duration and location of ESY services to adequately address the child's math needs.
- ESY- Self-Sufficiency refers to the functional skills necessary for a pupil to achieve a reasonable degree of personal independence as typically identified in the annual IEP goals for a child requiring a functional curriculum. Self-sufficiency needs may apply to any disability area.
- To attain self-sufficiency, a student must maintain skills consistent with the student's IEP goals in any of these skill areas: basic self-help, including toileting, eating, feeding, and dressing; muscular control; physical mobility; impulse control; personal hygiene; development of stable relationships with peers and adults; basic communication; or functional academic competency, including basic reading and writing skills, concepts of time and money, and numerical or temporal relationships.
- Sample of Noncompliance: An IEP written in spring indicates "more data needed" to determine if ESY services are necessary based on self-sufficiency needs. When reviewing file in the fall, no additional data or team decision regarding ESY is documented in the file.
- Sample of Compliance: The IEP described above includes data collected on progress on self-sufficiency goals prior to and after summer break. The documented progress is sufficient to demonstrate that the student is maintaining needed skills and the IEP documents no ESY services are needed this year.

- ESY- Unique Needs: the IEP team must determine a pupil is in need of ESY services if the IEP team otherwise determines, given the pupil's unique needs, that ESY services are necessary to ensure the pupil receives FAPE.
- ESY services may be based on the unique needs of the student instead of significant regression or self-sufficiency needs. The unique needs must be documented in the record.

\_\_\_\_\_ IEP not in the file.

See 34 C.F.R. § 76.731

**In Compliance**     **NOT In Compliance**

District Reviewer Comments:

### Progress Reporting

\_\_\_\_\_ The IEP includes a description of how the child's progress toward meeting the annual goals will be measured. 34 C.F.R. § 300.320(a)(3)(i)

\_\_\_\_\_ The IEP includes a statement of 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. 34 C.F.R. § 300.320(a)(3)(ii)

○ Points of Clarification:

- Statement of when progress will be reported: "When" indicates as frequent as nondisabled peers and the total and individual number of progress report methods i.e., four total; three written, one conference.
- Sample of Noncompliance: Report cards and semester reports.
- Sample of Compliance: Progress will be reported in writing five times per year, as with the general education students, and once orally during the annual IEP meeting.

\_\_\_\_\_ The IEP includes a statement of how the pupil's parents will be regularly informed by such means as periodic report cards, at least as often as parents are informed of their nondisabled student's progress. Minn. R. 3525.2810, subp. 1(A)(9)

○ Points of Clarification:

- Statement of how parents will be regularly informed: "How" indicates the method, i.e., written progress reports, IEP meeting, conference with parents, etc.
- No matter what method is used, document all required components of a progress report including date, progress on goals and objectives, and the extent to which progress is sufficient to meet the goal by the end of the year.

- IEP must clearly indicate the number of each method of progress reporting to inform parents. Do not use phrases such as "and/or" when describing methods.
- Sample of Noncompliance: Progress will be reported four times per year through conferences, phone calls, and/or written reports.

- Sample of Compliance: Progress will be reported four times a year, as often as general education peers, with three written reports and one conference.

\_\_\_\_\_ The extent to which progress is sufficient to enable the pupil to achieve the goals by the end of the year is reported. Minn. R. 3525.2810, subp. 1(A)(9)

\_\_\_\_\_ Pupil's progress towards the annual goals is reported. Minn. R. 3525.2810, subp. 1(A)(9)

○ Points of Clarification:

- Documentation must be in the file to show all required components of a progress report including: date, progress on goals and objectives, extent to which progress is sufficient.
- Progress should be specific to the target set such as percent, date, etc.
- Sample of Noncompliance: IEP does not include any information on how goals will be measured. IEP states that the goals will be "as measured by the special ed teacher".
- Sample of Compliance: Juan's progress will be measured through daily work, teacher observation, and teacher checklists.
- Sample of Noncompliance: Report does not determine that this progress is sufficient for the child to achieve the goal by the end of the year. Phone log which includes when parents were contacted, but does not include information on what was discussed.
- Sample of Compliance: Goal: Katie will increase her reading rate from reading 16 correct words per minute to reading 50 correct words per minute. On the progress report, "Adequate Progress" is indicated and the following narrative is included to address the goal and subsequent objectives for the goal: Katie practices timed reading passages three days a week 3/5 trials. She is timed on the fourth and fifth day. She is reading with 30% accuracy and scored 45 words correct per minute. Given strategies and practice, she states the sound in each word with 100% in 3/5 trials. Given 50 basic sight words, Katie can read the words in context with 70% accuracy in 4/5 trials.

\_\_\_\_\_ IEP not in the file. See 34 C.F.R. § 76.731

\_\_\_\_\_ Documentation of progress reporting as required by the IEP not in the file. See 34 C.F.R. § 76.731

In Compliance     NOT In Compliance

District Reviewer Comments:

### Secondary Transition

\_\_\_\_\_ There is evidence that the measurable postsecondary goals were based on age-appropriate transition assessments. 34 C.F.R. § 300.320(b)(1)

○ Points of Clarification:

- Postsecondary goals must be based on at least two age-appropriate transition assessments.
- Assessments may be formal or informal.

\_\_\_\_\_ There must be appropriate measurable postsecondary goals that cover education or training, employment, and, where appropriate, independent living skills. 34 C.F.R. § 300.320(b)(1)

○ Points of Clarification:

- A postsecondary goal is an outcome that occurs after the student leaves high school.
- Postsecondary goals must be appropriate for the student.
- Postsecondary goals must be measurable, so must indicate what a student “will” do after high school. (cannot use the words “hopes to” or “plans to” or “wants to”).
- Postsecondary goals must be updated annually, if necessary, on the IEP.
- The IEP must include two postsecondary goal areas: one in the area of education/training and one in the area of employment, whether or not the child’s skill levels related to education/training or employment are age appropriate.
- The only area in which an IEP Team may determine whether or not a third postsecondary goal is necessary for the student to receive FAPE is in the area of independent living.
- Failure to define postsecondary goals likely will impact the adequacy of the rest of the transition requirements.
- Sample of Noncompliance: Jamal is interested in pursuing a two-year degree.
- Sample of Compliance: After graduation, Jamal will successfully complete the Job Corps Center’s culinary arts program to obtain a Culinary Arts Certificate.
- Sample of Noncompliance: Jamal plans to improve his knowledge of employment by finding three area businesses he could apply at.
- Sample of Compliance: Jamal will obtain a part-time position at a restaurant after high school.
- Sample of Noncompliance: After high school, Mia is unsure what she would like to do.
- Sample of Noncompliance: After high school, Kerry will be a BMX bike racer, work in construction, or be an attorney.
- Sample of Compliance: After high school, Mia will work part-time as an assistant hair stylist at a beauty salon.
- Sample of Compliance: After high school, Kerry will assist his brother in his welding business, focusing on improving BMX bike frames.
- Sample of Compliance: Upon graduation from high school, Oscar will participate in ~~integrated on-the-job retail training in order to work at a local business.~~
- Sample of Compliance: Upon graduation, Benny will volunteer for 10 hours per week at the local hospital with support from a job coach with county employment services.

\_\_\_\_\_ Transition services include courses of study that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school.

34 C.F.R. § 300.320(b)(2)

○ Points of Clarification:

- “Courses of Study” are defined as a multi-year description of coursework to achieve the student’s desired post-school goals, which minimally includes the student’s current academic year through the following academic year (two years of courses of study).
- Courses of study are the projection of future coursework, updated annually.
- Courses of study include specific classes (functional or academic), vocational/technical classes, job shadowing or work-based learning, and instruction in daily living and/or community participation skills.
- Courses of Study are not just a list of classes needed to graduate. They should demonstrate a correlation to and a support of the student’s measurable postsecondary goals.
- The courses of study for a student with a moderate or severe disability may be described by course content area, i.e. “mobility”, “self-advocacy”, “personal relationships”, but it is not acceptable to merely state “functional living classes”.

\_\_\_\_\_ There are annual IEP goals that will reasonably enable the child to meet the postsecondary goals.

34 C.F.R. § 300.320(a)(2)

○ Points of Clarification:

- The postsecondary goals generate the annual goals. Annual goals are the yearly “steps” designed to enable the student to achieve postsecondary goals.
- Annual goals must reasonably enable the student to meet postsecondary goals by the end of high school.
- Each postsecondary goal must be addressed by the annual goals.
- Annual transition goals must be updated yearly.
- Annual transition goals may address transition and academic or functional needs at the same time. (For example, a student who has academic needs related to spelling and written expression and a corresponding transition need of completing a college application form and essay may have one annual goal that covers both needs in his/her IEP.
- Sample of Noncompliance: Jamal will improve his self-advocacy skills.
- Sample of Compliance: Jamal will improve his self-advocacy skills from his current level of being able to name his disability (SLD) to being able to describe his academic strengths and weaknesses, including his needed modifications and adaptations in the educational environment 100% of the time when asked.
- Sample of Noncompliance: Paul will be able to understand and use the public bus schedules.
- Sample of Compliance: Paul will improve his ability to understand the metro bus system from his current level of not understanding how to use the bus schedule to being able to correctly respond to questions and scenarios relating to bus schedule maps and schedule times with 90% accuracy.

\_\_\_\_\_ Transition services in the IEP that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school.

34 C.F.R. § 300.43(a)(1)



○ Points of Clarification:

- Transition services must specifically address the annual goals designed to assist the student in meeting his/her postsecondary goals.
- Transition services must meet the definition of a “results-oriented process that facilitates the child’s movement from school to post-school activities, including: postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, or community participation.
- Consider three questions: 1) what experiences must the student participate in this academic year that are necessary for achieving the identified post-secondary goals? 2) what services and specific instruction are essential this year for the student to develop skills and knowledge to attain their post-secondary goals? 3) do we know enough about this student’s vocational skills to identify an appropriate post-secondary employment goal or design activities to support the identified goal?
- Transition services are based on the student’s needs, taking into account their strengths, preferences and interests and include: specialized instruction, related services, courses of study, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, the acquisition of daily living skills and the provision of a functional vocational evaluation.
- If a functional vocational assessment is a needed transition service or activity, the IEP must include this documentation: a functional vocational assessment is an assessment that determines a student’s strengths, abilities, and needs in an actual or simulated work setting or in real work experiences.
- If an IEP Team chooses to address secondary transition planning before ninth grade, for ex., 7th grade, then the IEP for that child must meet all the requirements for transition.
- If a participating agency, other than the public agency, fails to provide the transition services described in the IEP... the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in IEP.
- If the participating agency does not attend the IEP meeting, the district is no longer required to take other steps to obtain participation of an agency in the planning of any transition services.

○ Modification of Assessment: Points of Clarification:

- If the IEP Team determines that the child must take an alternative assessment instead of a particular state or district-wide assessment of student achievement, a statement of why the child cannot participate in the regular assessment, and the particular assessment selected is appropriate for the child.
- The IEP must have a statement for why the student will not participate in assessments and what alternate assessment they will take. Daily modifications and adaptations on a student’s IEP should align with modifications for assessments.
- Sample of Compliance: Michael will take his assessments in a small group setting. He will be given 10-minute breaks every 45 minutes. He may also repeat directions back to the proctor for reassurance of comprehension and having heard the needed material. He will

have instructions and questions read to him, except for portions of the test that require the student to read.

- Sample of Compliance: Debbie will not participate in the MCA-II because her level of instruction does not correspond with the content of the assessments. Debbie has limited response mode. She will participate in the MN Test of Alternative Standards (MTAS).

\_\_\_ Evaluation report not in the file.

See 34 C.F.R. § 76.731

\_\_\_ IEP not in the file.

See 34 C.F.R. § 76.731

In Compliance    NOT In Compliance   |    N/A

District Reviewer Comments:

### Review and Revision of IEP for Students in Public School

\_\_\_ The IEP Team revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate.

34 C.F.R. § 300.324(b)(1)(ii)(A)

\_\_\_ The IEP Team revises the IEP, as appropriate, to address the results of any reevaluation conducted.

34 C.F.R. § 300.324(b)(1)(ii)(B)

\_\_\_ The IEP Team revises the IEP, as appropriate, to address information about the child provided to, or by, the parents.

34 C.F.R. § 300.324(b)(1)(ii)(C)

\_\_\_ The IEP Team revises the IEP, as appropriate, to address the child's anticipated needs; or other matters.

34 C.F.R. § 300.324(b)(1)(ii)(D); 34 C.F.R. § 300.324(b)(1)(ii)(E)

○ Points of Clarification:

- An IEP team must ensure that the student's IEP is reviewed periodically, but not less than annually.

○ Transfer Students- IN State: Points of Clarification:

- If a child with a disability (who had an IEP that was in effect in a previous public agency in the same state) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either—Adopts the IEP from the previous public agency; or develops, adopts, and implements a new IEP.
- "Comparable service" refers to similar or equivalent services, as determined by the student's newly designated IEP Team in the new district.
- If the previous district forwards a noncompliant IEP, the new school district should conduct an IEP meeting to develop, adopt, and implement a new and legally adequate IEP as soon as possible.
- If the new district adopts the prior district's IEP that is not legally adequate, it is not in compliance.

o **Transfer Students- OUT of State: Points of Clarification:**

- If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency conducts an evaluation (if determined to be necessary by the new public agency).
- The new MN IEP Team must document its determination of whether a new evaluation is necessary (to decide whether the student meets MN disability criteria and to determine the educational needs of the student) or must document that the previous state's ER demonstrates MN eligibility and educational needs so a new evaluation is unnecessary.
- If the district determines that a new evaluation is necessary, the evaluation is considered an initial evaluation and not a reevaluation. PWN and parental consent is required.
- The new public agency develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements.
- The purpose is to avoid a disruption in services. The provision of comparable services by the MN district is not a proposal or refusal to a change in services, placement, identification, or provision of FAPE and accordingly does not require PWN or a 14 calendar-day notice period.
- If the MN district conducts an initial evaluation and proposes an IEP consistent with federal and state law, and the parent consents to the newly proposed IEP, the district's obligation to provide comparable services ends with the implementation of the new IEP.

\_\_\_\_ IEP not in the file.

See 34 C.F.R. § 76.731

**In Compliance**    **NOT In Compliance**

District Reviewer Comments:

