

### Child Find and Identification

- A. Review records
- B. Conduct screening
- C. Conduct and document pre-referral activities
- D. Make referral for evaluation
- E. Provide PWN
- F. Provide PSN

# SPECIAL EDUCATION PROCESS



### 1. Initial Evaluation and Determination of Eligibility

- A. Provide Meeting Notice, if a meeting is held
- B. Review existing data by MET/IEP team members

<u>C1. If NO additional data needed</u>	<u>C2. If additional data needed</u>
<ul style="list-style-type: none"><li>• Determine eligibility</li><li>• Develop evaluation report</li><li>• Provide PWN* ; review parental rights regarding initial evaluation</li></ul>	<ul style="list-style-type: none"><li>• Provide PWN</li><li>• Obtain parental consent</li><li>• Gather additional data</li><li>• Determine eligibility</li><li>• Develop evaluation report</li><li>• Provide PWN*</li></ul>

- D. Provide parent evaluation report and eligibility determination

### 2. IEP Development

- A. Provide Meeting Notice
- B. Complete IEP
- C. Determine levels of service and LRE
- D. Provide PWN\*, and copy of IEP

### 3. Initial Placement

- A. Obtain written parental consent
- B. Provide PWN\*

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\* If one PWN is provided, it must address all actions proposed or refused by the educational agency.

### 4. IEP Implementation in the Least Restrictive Environment

- A. Inform teachers of IEP responsibilities and provide IEP access
- B. Provide services
- C. Prepare progress reports and submit to parents

### 5. Review and Revision of IEP

- A. Provide Meeting Notice and Annual Procedural Safeguards Notice (PSN)
- B. Review/revise IEP
- C. Determine levels of service and LRE
- D. Provide PWN\* and copy of IEP

### 6. Reevaluation and Determination of Eligibility

- A. Provide Meeting Notice as appropriate
- B. Document the Review Existing Data by MET/IEP team members

<u>C1. If NO additional data needed</u>	<u>C2. If additional data needed</u>
<ul style="list-style-type: none"><li>• Notify parents of the right to request additional data; (PSN)</li><li>• Document parent agreement that no additional evaluation is needed.</li><li>• Determine continued eligibility</li><li>• Provide PWN*</li></ul>	<ul style="list-style-type: none"><li>• Provide PWN</li><li>• Obtain parental consent</li><li>• Gather additional data</li><li>• Determine continued eligibility</li><li>• Develop reevaluation report</li><li>• Provide PWN*</li></ul>

- D. Provide parent reevaluation report and eligibility determination

### 7. Review and Revision of IEP

#### OR Dismiss from Special Education

- A. Provide reevaluation report and eligibility determination
- B. Provide PWN\*

# IEP Check List

This check list is intended to provide basic information and awareness of the IEP process  
 This check list is not intended as a substitute for legal advise.  
 Note: Special education laws and rules are constantly changing at both the state and federal level.

**Letter to begin IEP process sent- Date:** \_\_\_\_\_

**To meet the 60 day time frame, IEP will be held by this date:** \_\_\_\_\_

Yes No Date

### From EFMP

- Family received EFMP IEP plan packet of information materials  
 \* Copy of IDEA (IEP)/504 Flow Chart -Special Education Process page  
 \* How to prepare for the IEP and a sample IEP agenda (PIN- information)

Yes No Date

### From School

- Received letter from school notifying of initial IEP Evaluation  
 Received request for Consent for IEP Evaluation  
 The evaluation was conducted on \_\_\_\_\_ by \_\_\_\_\_  
 Received and reviewed the IEP procedure for the school

## For IEP Meeting

### Answering the following questions will help you prepare for the IEP Meeting

Yes No

- Do you know which school personnel will be attending?  
 Teacher: \_\_\_\_\_ Principal: \_\_\_\_\_  
 SpecEd: \_\_\_\_\_ Counselor: \_\_\_\_\_  
 Other: \_\_\_\_\_ Other: \_\_\_\_\_
- Do you have a copy of the evaluation(s)?  
 Have you reviewed past IEP? (If has had previous meeting)  
 Do you have goals that you would like your child to work towards?  
 Do you have a list of questions that you would like to ask the team?  
 Have a list of your child's strengths and weaknesses.  
 Are you aware of any general interventions previously used in the classroom and the outcomes?  
 Do you feel that you have enough information about your child's current academic and functional abilities for this meeting?  
 Have you considered what accommodations you feel would benefit your child's school participation? \_\_\_\_\_

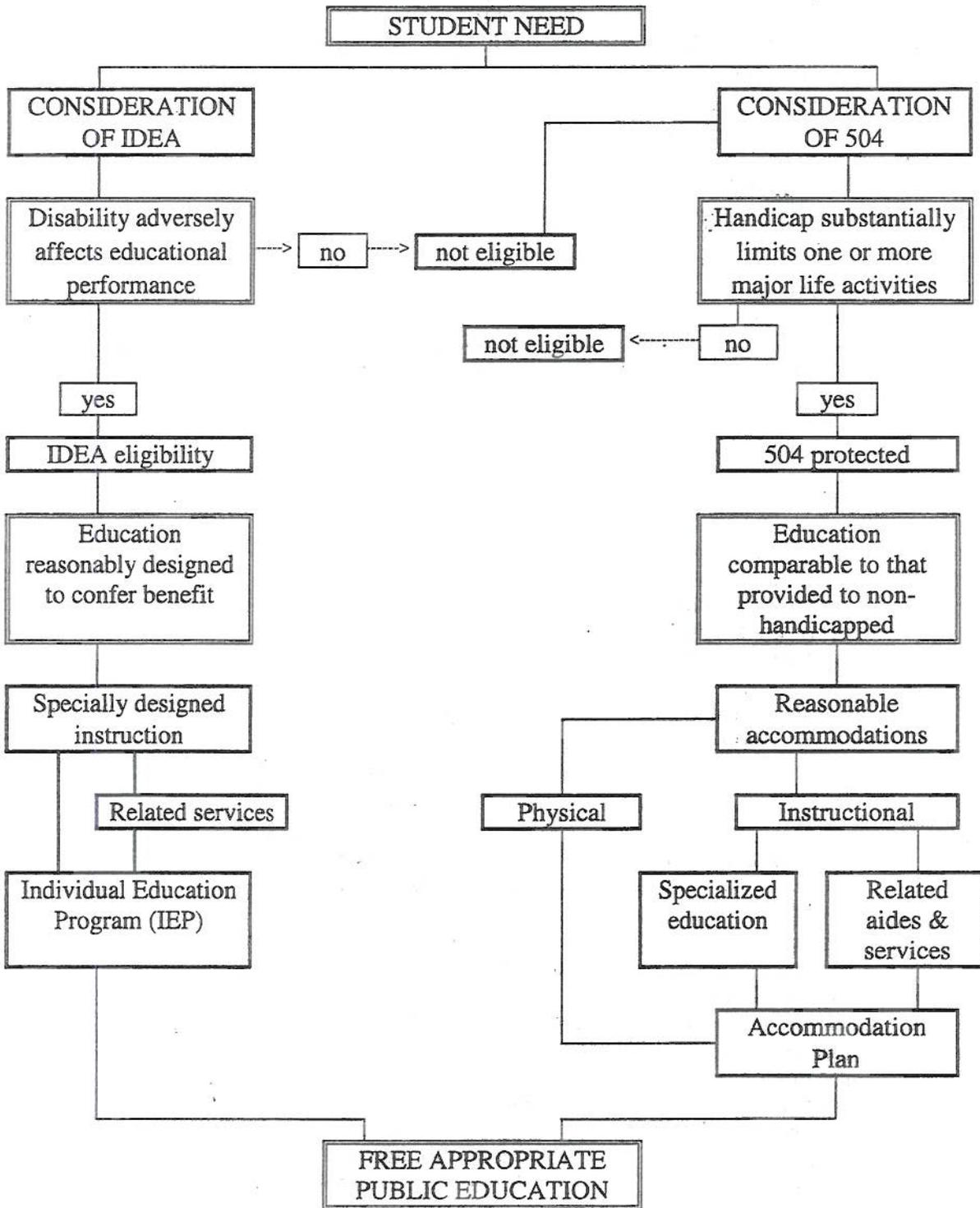
## Item Checklist for the IEP Meeting

Yes No

**\*\*Have a pad of paper to take notes\*\***

- Review of Determination of Eligibility for Special Education  
 Review of latest progress reports, assessments and evaluation tests  
 Identification of student's strengths and weaknesses  
 Identify the current academic, developmental and behavioral needs of student  
 \* If not initial - A review of progress and relationship to current IEP goals
- Discussion points: Identified-**
- |  |   |
|--|---|
| Set measurable goals? _____              | Need for specialized instruction? _____ |
| Identified related services? _____       | Set accommodations? _____               |
| Set promotion / grading standards? _____ | Modified general curriculum? _____      |
| Extended School Year? _____              | Transition planning? _____              |
| Supports for School staff? _____         | Additional aids and services? _____     |
| Supports for Parents? _____              |   |
- Identified least restrictive environment? \_\_\_\_\_  
 Final recommendations / plan agreed upon?  
 Plan to be implimented by this date- \_\_\_\_\_  
 Identified activities to be completed prior to next meeting? \_\_\_\_\_  
 Date of next meeting- \_\_\_\_\_ Purpose of meeting to be- \_\_\_\_\_  
 Person responsible for distributing copies to responsible parties identified? \_\_\_\_\_  
 Will be distributed by this date- \_\_\_\_\_  
 It is recommended that the parent not sign the form for 24hrs to have the opportunity to review the information and/or have others review the information.

# IDEA/504 FLOW CHART



## 504 VS IEP

*From Understanding the Differences Between IDEA and Section 504, Teaching Exceptional Children, v.34(3). Copyright 2002 by the Council for Exceptional Children. Reprinted with permission.*

For the entire article, please see: <http://www.ldonline.org/article/6086>

### Overview:

Since 1975, every child with a disability has been entitled to a free and appropriate public education (FAPE) designed to meet his individual needs under the rules and regulations of the **Individuals with Disabilities Education Act (IDEA)**. This **federal law governs all special education services and provides some funding to state and local education agencies** to guarantee special education and related services for those students who meet the **criteria for eligibility in a number of distinct categories of disability**, each of which has its own criteria.

However, some kids with special needs do not receive services under IDEA, but are served under **Section 504 of the Rehabilitation Act of 1973**. **Section 504, a civil rights law, prohibits discrimination on the basis of disabling conditions by programs and activities receiving or benefiting from federal financial assistance**. This statute **does not require the federal government to provide additional funding** for students identified with special needs. Schools must provide these children with **reasonable accommodations** comparable to those provided to their peers under the rulings of Section 504. Although not a financing statute, Section 504 does provide for enforcement of the mandate: A school that is found by the Office of Civil Rights to be out of compliance with Section 504 may lose its federal financing.

For some children, providing the appropriate modifications and accommodations they need is the only way they will be successful in their school experiences.

## An Overview of the Differences

The major differences between IDEA and Section 504 are in the flexibility of the procedures.

### **Section 504**

For a child to be identified as eligible for services under Section **504**, there are **less specific procedural criteria** that govern the requirements of the school personnel.

**Schools may offer a student less assistance and monitoring with Section 504** because there are fewer regulations by the federal government to instruct them, especially in terms of compliance.

**Section 504 covers the lifespan and safeguards the rights of persons with disabilities in many areas of their lives, including employment, public access to buildings, transportation, and education.**

### **IDEA – IEP**

For a child identified for services under **IDEA**, **must meet specific criteria**.

The degree of regulation is **more specific in terms of time frames, parental participation, and formal paperwork requirements**.

IDEA also addresses the special education of students with disabilities **from preschool to graduation only (from ages 3 to 21)**.

## Identification and Eligibility

In order for children with disabilities to receive services, they must be identified and then determined to be eligible for these services. Under IDEA guidelines, school districts are required to identify and evaluate all children suspected of having a disability whose families reside within the district. Section 504 does not have this requirement.

### Section 504

Covers individuals who meet the definition of **qualified "handicapped" person** -- for example, a child who **has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as handicapped** by others. (Major life activities include: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.)

**Does not require that a child need special education to qualify. Note:** Students who are ineligible for services or are no longer entitled to services under IDEA (e.g., kids with LD who no longer meet IDEA eligibility criteria) may be entitled to accommodations under Section 504.

### IDEA - IEP

Covers all school-aged children who fall within one or more **specific categories of qualifying conditions**: i.e., **autism, specific learning disabilities, speech or language impairments, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, and other health impairments.**

Requires that a **child's disability adversely affects their educational performance.**

## Evaluation

A child with a disability is assessed to determine what services, if any, are needed.

### Section 504

Evaluation draws on **information from a variety of sources** and is documented. **Decisions about the child, evaluation data, and placement options are made by knowledgeable individuals.**

**Such decisions do not require written consent of the parents, only that the parents are notified.**

Requires "**periodic**" reevaluation.

**No provisions made for independent evaluation at school's expense.**

**Requires reevaluation before a significant change in placement.**

### IDEA - IEP

Requires that the child be **fully and comprehensively evaluated by a multidisciplinary team.**

**Requires informed and written parental consent.**

**Requires a reevaluation of the child at least once every three years, or if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.**

Provides for **independent evaluation at the district's expense if parents disagree with first evaluation.**

**Does not require reevaluation before a significant change in placement.**

## Responsibility to Provide FAPE

FAPE is an acronym for a Free and Appropriate Education.

### Section 504

**Does not require an IEP**, but does require a plan.

**"Appropriate"** means an education **comparable to the education provided to those students who are not disabled.**

Placement **is usually in a general education classroom.** Children can receive specialized instruction, related services, or accommodations within the general education classroom.

**Provides related services, if needed.**

### IDEA – IEP

**Requires an individualized education program (IEP).**

**"Appropriate"** education means a **program designed to provide "educational benefit" for a person with disabilities.**

Placement may be **any combination of special education and general education classrooms.**

**Provides related services, if required.** Related services may include speech and language therapy, occupational therapy, physical therapy, counseling services, psychological services, social services, and transportation.

## Due Process Procedures

Sometimes parents and school districts disagree about how a child with disabilities should be educated. When this happens, there are procedures in place to handle these disagreements.

### Section 504

Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student.

**Does not require parental consent. Requires that parents have an opportunity to participate** and be represented by legal counsel -- **other details are left to the discretion of the school.**

A hearing officer is **usually appointed by the school.**

**No "stay-put" provisions.**

**Does not require that parents are notified prior to the student's change of placement, but they still must be notified.**

Enforced by U.S. Department of Education, Office of Civil Rights.

### IDEA - IEP

Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student.

**Requires written consent.**

Describes **specific procedures.** An **impartial appointee** selects a hearing officer.

**Provides "stay-put" provision** (the student's current IEP and placement continues to be implemented) until all proceedings are resolved.

**Parents must receive ten days' notice prior to any change in placement.**

Enforced by U.S. Department of Education, Office of Special Education.



## Free Special Education Resources, Consultation, Trainings Your Arizona Parent School Connection

### Preparing for the IEP: Helpful Hints for a Successful Meeting

#### Before the Meeting

1. **Review your child's current IEP.**
  - What goals did your child reach? Which ones haven't been met? Are new goals needed?
  - Ask to review all of your child's school records.
2. **Talk to your child about school.**
  - What subjects and activities do they like or not like?
  - Pay attention to what seems to motivate and interest your child.
  - Ask your child about their strengths/needs and goals for the future.
3. **Visit your child's classroom(s) and other possible program options.**
  - Contact the teacher(s) after your visit to ask them questions.
  - Before your child transitions to a new school it may be helpful to visit the new facility and meet the staff.
4. **Make a list of your child's strengths and needs.**
  - Consider academic, social, behavioral and self-help skills for the next year and upcoming transitions.
  - Have family members and friends contribute to your list.
5. **Make a list of goals you would like your child to achieve.**
  - What concerns and hopes do you have for your child now and in the future?
  - Share your expectations and dreams for your child.
6. **Make a list of questions you have for the team.**
  - Review samples of your child's work and progress reports to see if appropriate progress has been made.
  - Call your child's private therapist or doctor if you have any concerns. Take recent reports from them to the meeting.
7. **Know what rights and responsibilities you and your child have for special education services.**
  - Review the procedural safeguards that the school is required to give you. Ask for information about IEP procedures.
  - Attend parent trainings or contact a parent group for more information.
8. **Be prepared to advocate for your child.**
  - Know who will be attending the meeting.
  - Have someone with you for support.
  - Organize your thoughts and materials.
  - Maintain a positive attitude.
  - Assume that each team member has your child's best interest in mind and that everyone wants to work together.

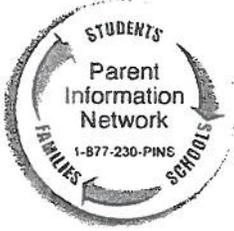
## During the Meeting

1. **The goal of the team meeting is to review, develop and/or revise your child's IEP.**
  - You are an equal member of the IEP team.
  - Ask for interpretation of test results and for an explanation of how your child will participate in state and district-wide assessments.
  - Get answers to your question(s) or ask that someone get back to you later.
  - Ask staff to clarify terms or programs which are unfamiliar to you.
  
2. **Steps to take if there are disagreements.**
  - Work as a team to explore options.
  - Respect each other's opinions.
  - Repeat your requests and concerns, stating your reason(s), to make sure the team understands your position.
  - Sign the IEP to show your attendance, but do not give your approval of the IEP contents if you disagree.
  - Ask to hold another meeting at a later date if the team can't reach consensus.
  - Gather more information if needed.
  - Avoid emotional confrontations.
  - Ask for and review procedural safeguards. The school will give you the name of a parent advocacy group to help address your concerns.
  
3. **School records are important.**
  - Request a copy of the IEP document and any meeting notes.

## After the IEP Meeting

1. **The IEP meeting is over, but your involvement continues.**
  - Keep a copy of the current IEP on hand to review periodically and monitor progress.
  - Ask for an IEP review meeting if issues and concerns develop and cannot be easily resolved.
  
2. **Continue to learn more about special education procedures and self-advocacy.**
  - Contact parents groups for resources and training.
  - Call the Parent Information Network (PIN) for additional information at 928-679-8102 or toll-free at 877-230-PINS (7467). Visit the PIN online at [www.azed.gov/ess/pinspals](http://www.azed.gov/ess/pinspals).

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## Free Special Education Resources, Consultation, Trainings Your Arizona Parent School Connection

### Individualized Education Program (IEP) Meeting Agenda

1. Introduction of IEP team participants
2. Statement of purpose for the meeting (initial, annual, addendum, or manifestation determination)
3. Review of Procedural Safeguard Notice (Special Education Rights of Parents and Children, Under Federal and State Requirements)
4. Determination of Eligibility for Special Education (or review relevant data from most recent eligibility determination conference)
5. Information to be Considered
  - a. Parent/Family report
  - b. Student's strengths and interests
  - c. Progress reports, assessments and evaluation results
  - d. Academic, developmental, behavioral, and functional needs of the student
  - e. Other \_\_\_\_\_
6. Present Levels of Academic Achievement & Functional Performance (PLAAFP)
  - a. Competencies and deficiencies in the general curriculum and functional areas
  - b. How with disability affects the students involvement and progress in the general curriculum and functional areas
  - c. Demonstrate the direct relationship between present levels of academic achievement and functional performance to the other components of the IEP (annual goals, transition, test preparation, and accommodations).
7. Identification of Student Needs
  - a. Specialized instruction
  - b. Measurable annual goals
  - c. Accommodations
  - d. Related services
  - e. Modifications to the general education curriculum
  - f. Promotion/grading standards and/or requirements
  - g. Transition Plan
  - h. Extended School Year (ESY) services determination
  - i. Supplementary aids and services
  - j. Supports for school personnel and parents
  - k. Determine Least Restrictive Environment (LRE) placement
8. Review/Summary of recommendations
  - a. Questions
  - b. Finalize recommendations by consensus
9. Plan for follow-up activities
  - a. Identify activities to be completed before next IEP meeting
  - b. Anticipate date and purpose of the next meeting
10. Distribute copies of the IEP documents

## 20 Steps to Getting a Good IEP

by Reed Martin, J.D.

### Before the Meeting

1. Chart needs of your child that affect the child's ability to meet all of the school's expectations for a typical student, including transition successfully after public education.
2. Examine all records relating to your child.
3. Review last year's performance.
4. Determine if additional evaluation is needed.
5. Let the school know in writing before the IEP meeting what you want that will be different, and remind the school of their duty to reply in writing whether they will accept or refuse your proposal.
6. Make sure the proper people will be at the IEP meeting.

### At the Meeting

7. Object, on the record, to procedures that discourage parental participation, and consider re-scheduling the IEP meeting.
8. Describe problems your child has that affect "educational" benefit.
9. Set goals in each problem area, with appropriate consideration of transition.
10. Select interim objectives.
11. Set evaluation schedules and criteria for each objective and goal, including the parent role in assessing effectiveness.
12. Develop the plan.
13. Determine needed related services.
14. List resources to be allocated.
15. Examine contingencies, such as absence of key personnel or disciplinary infractions.
16. Determine where the program will be carried out.
17. Remove any unnecessary restrictiveness.
18. Plan the transition component.
19. Monitor progress.
20. Prepare for the next IEP or call for the revision of the current one if there is a lack of expected progress toward the annual goals.

*This information is educational and not intended to be legal advice. Reed Martin is an attorney with over 33 years experience in special education law and recognized as one of the nation's leading experts. He can be reached through email at [connie@westco.net](mailto:connie@westco.net) or [www.reedmartin.com](http://www.reedmartin.com).*

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