**Part B Record Review Checklist**

### Notification

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| **03.01.01 Notice of Evaluation** |
| **A prior written notice (PWN) is required whenever the district proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of FAPE to the child.**   * **Conducting an evaluation/Refusing parental request for an evaluation** * ***Give to parent not less than 14 days before proposed effective date of change or evaluation*** |
| 1.A. The notice must include a description of the action proposed or refused by the agency.  34 C.F.R. § 300.503(b)(1)  **Sample of Noncompliance:**   * **Three-year reevaluation** * **Using “and/or” or “as needed** * **Listing acronyms for tests**   **Sample of Compliance:**   * **The district is proposing to conduct a 3 year re-evaluation. Specific assessments to be reviewed and/or conducted are documented in the attached evaluation plan.** * **Identify staff by name or title.** |
| 1. B, The notice must include an explanation of why the agency proposes or refuses to take the action.   1. C.F.R. § 300.503(b)(2)   **Sample of Noncompliance:**   * **It’s time** * **Federal law requires**   **Sample of Compliance:**   * ***PWN for eval:* Federal law requires that a reevaluation of each child with a disability is conducted at least once every 3 years –a reevaluation is due for Johnny.** * ***PWN for IEP: The district is proposing to provide continued direct instruction in reading to address Johnny’s Specific Learning Disability. He will continue to receive services in the resource room as well as accommodations and modifications in the classroom.*** * ***George has not made sufficient progress on his Individual Educational Plan (IEP) goals and continues to demonstrate a need for special education and related service to address his Specific Learning Disability in reading.*** |
| 1.C. The notice must include a description of other options that the IEP Team considered and reasons why those options were rejected.  34 C.F.R. § 300.503(b)(6)  **Points of Clarification:**   * **Teams should always be able to identify other options for either an evaluation or IEP** * **The options discussed during the IEP or evaluation planning meeting are documented on the PWN as well as an explanation as to why they were rejected.** * ***For an IEP, the other options could include:***   ***Adding/discontinuing a service or increasing service time.***  ***Accommodations and modifications***   * **For an evaluation “other options considered” could include**   + - **Conducting additional prereferral interventions**     - **Conducting different assessment procedures**     - **Just reviewing existing data**   **Sample of Noncompliance:**   * **The team considered all relevant options** * **No other options were considered**   **Sample of Compliance:**   * **The team considered adding an additional assessment to the evaluation plan, but decided against that option because all educational needs could be determined without additional assessment.** * **The team considered delaying the evaluation until another prereferral intervention was implemented, but decided against that option because the student’s behavior has made the need for evaluation urgent.** |
| 1. D. The notice must include a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. 34 C.F.R. § 300.503(b)(3)  **Sample of Noncompliance:**   * **We are proposing to conduct the assessment listed in the attached plan** * **Three year reevaluation** * **No formal evaluation has been completed**   **Sample of Compliance:**   * **The team used data from prereferral interventions and input from parents and classroom teachers to determine the areas of assessment.** * **The team considered the results of the formal reevaluation, (the report dated April 14, 2010), to determine *areas of need and appropriate service*.**   **Points of Clarification**   * **This is asking what information the team used to decide on the proposed actions** * **On a PWN for an evaluation, this is NOT referring to the lists of tests and procedures to be conducted. That list is your proposed action.** * **For an evaluation the basis for the proposed action could include:**   + **Parent and teacher input**   + **Classroom performance**   + **Formal assessment results**   + **Progress on previous IEP goals and objectives**   + **Results of prereferral interventions**   + **Data collected as part of a system of (SRBI) Scientific, Researched-Based Interventions** |
| 1. E. The notice must include a description of other factors that are relevant to the agency's proposal or refusal.  34 C.F.R. § 300.503(b)(7)  **Sample of Noncompliance:**  **If the section is left blank it is not in compliance. It must be addressed: simply writing “None” is acceptable.**  **Sample of Compliance:**  **Johnny has a diagnosis of Attention Deficit/Hyperactivity Disorder and will need testing sessions broken into smaller segments to obtain optimal results.**  **Points of Clarification**   * **Other factors affecting a proposal could include:**   + **Language and cultural issues**   + **Communication concerns**   + **Health concerns**   + **Behavioral concerns** * **It is possible that there are no other relevant factors affecting the proposal** * **It is OK to put “none” on the PWN as long as there is no evidence to suggest otherwise.** |
| 1. F. The notice must include a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.  34 C.F.R. § 300.503(b)(4  ***Hand out Parent Procedural Safeguards*!!!** |
| 1. G. The notice must include sources for parents to contact to obtain assistance in understanding the provisions of this part.  34 C.F.R. § 300.503(b)(5) |
| 1. H. The notice must be written in language understandable to the general public.  34 C.F.R. § 300.503(c)(1)(i)  **Points of Clarification**   * **Do not use education jargon and acronyms** * **Do not list acronyms for tests; write out the complete title.** * **Use clear and concise language** |
| 1. I. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.  34 C.F.R. § 300.503(c)(1)(ii) |
| 1. J. The notice must inform the parents that the school district will not proceed with the initial placement and provision of services...without prior written consent of the pupil's parents.  Minn. R. 3525.3600 (A) |
| 1. K. The notice must inform the parents that except for the initial placement and provision of services, the district will proceed with the proposed placement and provision of services unless the parents object in writing on the enclosed response form or otherwise in writing within 14 calendar days after the receipt of the notice.  Minn. R. 3525.3600 (B)  **Points of Clarification:**   * *Once Part B eligibility has been determined by the team, all other evaluations are reevaluations in terms of due process requirements.* * *When the team looks at identifying a student under a new disability category, the team is conducting a reevaluation in terms of due process, but the student would need to meet initial eligibility criteria for the new disability category.* |
| 1. L. The notice must inform the parents that if they refuse to provide prior written consent for initial evaluation or initial placement or object in writing to any proposal, or if the district refuses to initiate or change the identification, evaluation, or educational placement or the provision of a free appropriate public education to the pupil, the parent may request a conciliation conference.  Minn. R. 3525.3600(c) |
| **03.01.03 Parental Consent for Evaluation** |
| 2. A. The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability … must, after providing consistent notice…, obtain informed consent, … from the parent of the child before conducting the evaluation.  34 C.F.R. § 300.300(a)(1)(i)  **Points of Clarification**   * **For initial evaluations, look at the date the signature was received by the district and compare to the dates the assessments were conducted.** |
| 2. B. The team shall conduct an evaluation for special education purposes within a reasonable time not to exceed 30 school days from the date the district receives parental permission to conduct the evaluation **or the expiration of the 14-calendar day parental response time in cases other than initial evaluation,** unless a conciliation conference or hearing is requested.  Minn. R. 3525.2550, subp. 2  Minn. R. 3525.2550, subp. 2   * **For reevaluations, look at the date the PWN was sent. The dates the assessments were conducted must be at least 14 days after that date.** |
| **Ensuring Parental Attendance at Meetings** |
| 3. A. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including **notifying parents of the meeting early enough to ensure that they will have the opportunity to attend.**  34 C.F.R. § 300.322(a)(1)   * **Documentation of the parent’s attendance at a meeting may include:**   + **The team meeting sign-in**   + **IEP meeting notes**   + **IEP front page** * **When a parent is not in attendance, look for documentation that might suggest the parent did agree orally or that the parent was offered other methods to ensure attendance.** * **At least two efforts must be documented in the file.** * **Documentation (Including date and details of conversation) may be found in**   + **Phone logs**   + **Copies of correspondence**   + **Records of offers to video conference or conference call** |
| 3. B. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including scheduling the meeting at a **mutually agreed on time and place**.  34 C.F.R. § 300.322(a)(2)  **\*\*\* SEE NOTATION IN BOX ABOVE** |
| **04.10.01 Contents of Prior Written Notice for IEP/IIIP** |
| **A Prior Written Notice must be sent any time any action is proposed or refused.**   * Conducting or refusing a parent request *for an evaluation* * Changing placement or services as part of an IEP * Discontinuing services through exiting or graduating.   ***The PWN is a written summary of what is discussed at the IEP or evaluation meeting,***  ***PWN must be served in no case less than 14 calendar days before the proposed change or evaluation.*** |
| 4. A. The notice must include a description of the action proposed or refused by the agency.  34 C.F.R. § 300.503(b)(1)  **Samples of Non-Compliance**   * **See attached IEP** * **Annual IEP**   **Samples of Compliance**   * **The district is proposing to implement the IEP discussed at the IEP Team Meeting on October 14, 2009.** * **The district is proposing to provide direct instruction in reading to address Johnny’s Specific Learning Disability.** * ***The district is proposing to conduct a three year evaluation. Specific assessments to be reviewed and/or conducted are documented in the attached evaluation plan.***   **Point of Clarification**   * **The action described can be the general implementation of the IEP or the specific services to be implemented in the proposed IEP** |
| 4. B. The notice must include an explanation of why the agency proposes or refuses to take the action.  34 C.F.R. § 300.503(b)(2)  **Sample of Noncompliance:**   * **Other options were rejected** * **Johnny qualifies for special education**   **Sample of Compliance:**   * **Johnny’s reading disability still requires specially designed instruction, and he is also demonstrating a need for the related service of Occupational Therapy.** * **Johnny has been identified with a Specific Learning Disability in reading and requires direct instruction in order to make sufficient academic progress** |
| 4. C. The notice must include a description of other options that the IEP Team considered and reasons why those options were rejected.  34 C.F.R. § 300.503(b)(6)  **Points of Clarification:**   * **Teams should always be able to identify other options for either an evaluation or IEP** * **The options discussed during the IEP planning meeting are document on the PWN as well as an explanation as to why they were rejected.** * **For an IEP “other options” could include**   + **Placement decisions**   + **Adding or deleting services**   + **Location of service provision**   + **Adding or deleting service time**   **Sample of Noncompliance:**   * **The team considered all relevant options** * **No other options were considered** * **The team determined the services proposed in the IEP are best to meet the needs of the student.** * **The team considered all relevant options** * **No other options were considered** * **The team determined the services proposed in the IEP are best to meet the need of the student**   **Sample of Compliance:**   * **The team considered placing Johnny in a setting 4 placement be decided against that option because he is making sufficient progress in the setting 3 placement as indicated by progress reports and teacher input.** * **The team considered reducing Johnny’s service time but decided against that option because the team continues to feel the amount of series are required to meet Johnny’s needs as based on recent progress measurements and reports.** |
| 4. D. The notice must include a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.  34 C.F.R. § 300.503(b)(3)  **Sample of Noncompliance:**   * **Three year reevaluation**   **Sample of Compliance:**   * **The team considered input from parents and classroom teachers, progress on previous IEP goals and the current classroom performance to determine current goals and objectives.** * **The team considered the results of the formal re-evaluation, report dated April 14, 2009, to determine areas of need and appropriate services**   **Points of Clarification**  **This is asking what information the team used to decide on the proposed actions** |
| 4. E. The notice must include a description of other factors that are relevant to the agency's proposal or refusal.  34 C.F.R. § 300.503(b)(7)  **See 1.E.** |
| **Items in 1. F. to 1. L. apply to Prior Written Notices for IEPs as well** |
| **04.11.02 Notice of IEP Meetings and Subject Matter For IEP/IIIP** |
| 5. The notice must indicate the purpose, time, and location of the meeting and who will be in attendance.  34 C.F.R. § 300.322(b)(1)(i)  **Points of Clarification:**   * **The Notice must include who, what, when, where, and why** * **The meeting notice must document all required IEP Team Members** * **When a student is of transition age, the student must be invited to the meeting.** * ***Any participating public agency likely to be responsible for providing and paying for transition services****.* |
| **04.11.05 Parental Consent** |
| 6.A. A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.  34 C.F.R. § 300.300(b)(1)  **Points of Clarification:**   * **For an initial IEP, parental consent must be received before services can begin.** * **The proposed start date of service on the IEP must be at least 14 calendar days after the date the Prior Written Notice was sent.** * **When parental consent is received prior to the proposed start date, services can be started on the date the district received consent.**   + - **There is no need to change the start date of the services on the IEP**     - **The IEP meeting is a PLANNING meeting and the IEP is not yet final. Parents should not be signing consent at the IEP meeting as this does not give parents the opportunity to view the final IEP and make an informed decision.** |
| 6. B. The district will proceed with the proposed placement and provision of services unless the parents object in writing on the enclosed response form or otherwise in writing within 14 calendar days after the receipt of the notice.  Minn. R. 3525.3600 (B)  **\*\*\* SEE NOTATION IN BOX ABOVE** |

### **Evaluation**

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| **03.02.07 Evaluation Materials and Procedures** |
| 7.A. As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the child.  34 C.F.R. § 300.305(a)(1)  **Points of Clarification**   * **When determining areas to evaluate, the team should consider all existing evaluation data on the child and tailor the evaluation accordingly.** * ***When an evaluation has been completed and the team wants to add testing for another area, such as DAPE, the team cannot do an addendum to the old report and add new information in an attachment. There needs to be one comprehensive evaluation report incorporating all information.*** * **Sources of existing data can be found in Prior Written Notice or in Evaluation Report and include:**   + **Prereferral intervention data**   + **Date from a system of Scientific Research Based Intervention (SRBI)**   + **Outside evaluation data**   + **Formal and Informal assessment data** |
| 7.B. A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent.  34 C.F.R. § 300.304(b)(1)  **Points of Clarification**   * **The public agency, when determining eligibility, is required to draw from a variety of sources which may include:**   + - * + **Aptitude and achievement tests**         + **Parent input**         + **Teacher recommendations**         + **Information regarding a child’s physical condition**         + **Social or cultural background, and**         + **Adaptive behavior**     - **The public agency must not use any single measure, or assessment as the sole criterion for determining whether a child is a child with a disability for determining an appropriate education program for the child.**       * + **Most eligibility criteria require a number of different data sources (intelligence test, achievement test, observations, FBA, etc.)**         + **State criteria and assessment requirements for eligibility must be considered when choosing assessment tools.** |
| 7. C. Assessments and other evaluation materials used to assess a child are selected and administered as not to be discriminatory on a racial or cultural basis.  34 C.F.R. § 300.304(c)(1)(i)  **Points of Clarification**   * **Based on the referral information, background of the student, and parent and teacher input, if there is something to suggest racial or cultural factors may be evident there must be documentation in the ER or on the PWN that either:**   + - * **The factors were considered, resulting in changes or accommodations to the testing; or**       * **The factors were considered and it was decided no changes or accommodation to testing were needed.** |
| 7.D. Assessments and other evaluation materials used to assess a child are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer. 34 C.F.R. § 300.304(c)(1)(ii)  **Points of Clarification**   * **This citation is most often associated with Limited English Proficiency (LEP) students, but would also apply to students with other sensory, communication, or even motor impairments.** * **When an assessment is administered in another language or mode of communication, that information may be documented under “other factors” on the evaluation plan/PWN.** * **Based on the referral information, background of the student, and parent and teacher input, if there are sensory, communication, or motor concerns for the student exist, there must be documentation in the ER or on the PWN that either:**   + - * **The factors were considered, resulting in changes or accommodations to the testing; or**       * **The factors were considered and it was decided no changes or accommodation to testing were needed.**       * **The extent to which an assessment varied from standard conditions, including the language or other mode of communication that was used in assessing a child, must be included in the ER.**         + **Example: When assessment materials are not available in the child’s native language or other mode of communication, alterations may need to be made to the standardized procedures to administer tests including paraphrasing instructions, demonstrating how tasks are to be performed, or reading test items. Results must be interpreted cautiously and all modifications** described thoroughly in the evaluation report, **along with their implications for the test results.** |
| 7.E. Assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable.  34 C.F.R. § 300.304(c)(1)(iii)  **Points of Clarification**   * **Most nationally-normed, nationally published measures have met professional standards of reliability and validity. When in question, check the test manual or publisher.** * **In addition to requiring validity and reliability, this also refers to using the measure for the purpose for which it was intended.**   + **IQ tests are used to determine intelligence, not academic performance.**   + **Language tests are used to determine language skills, not academic performance.**   **Sample of Non-Compliance**   * **Using the CELF-IV language test results for Specific Learning Disability (SLD) eligibility determination.**   **Sample of Compliance**   * **Using the WJ-III ACH results for Specific Learning Disability (SLD) eligibility determination.** |
| 7. F. Assessments and other evaluation materials used to assess a child are administered by trained and knowledgeable personnel.  34 C.F.R. § 300.304(c)(1)(iv)  **Points of Clarification**   * **Most formal assessment measures have specific examiner qualifications requirements.** * **When in question, check with the test manual or publisher for details on the examiner qualifications.** * **This would be cited if there is evidence in either the ER or evaluation plan to suggest the person that administered the assessment was not properly trained and knowledgeable.**   + - * **Noncompliance: Intelligence test administered by special education teacher**       * **Noncompliance: Academic test administered by Paraprofessional** |
| 7. G. The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.  34 C.F.R. § 300.304(c)(6)  **Points of Clarification**   * **An evaluation must be designed to determine eligibility AND to identify needs. Without both, it is not sufficiently comprehensive.** * **A sufficiently comprehensive evaluation must address all areas of concern.** * **Disability categories require specific assessment data to determine eligibility as indicated in the specific eligibility criteria.** * **When one of the required data elements is missing, the evaluation would not be sufficiently comprehensive.** |
| **03.02.11 Evaluation Report** |
| 8.A. As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the child including-- Evaluations and information provided by the parents of the child.  34 C.F.R. § 300.305(a)(1)(i)  **Points of Clarification**   * **There is no requirement as to the amount of parent input required.** * **Some disability categories, like DCD, require specific information from the home, which must be included.** * **It is not sufficient to indicate that a rating scale was sent home and not returned. The burden remains with the district to obtain parent input.**   + **If multiple attempts to obtain parental input were unsuccessful, the district must document the attempts and methods to gather information from the parent.** |
| 8.B.At a minimum an evaluation report must include: a summary of all evaluation results.  Minn. R. 3525.2710, subp. 6(A)  **Points of Clarification**   * + **The results of *all assessment measures* listed on the Notice of Evaluation/PWN must be completed and addressed in the evaluation report;**   + **The ER must be one comprehensive report, not individual reports stapled together; and**   + **The ER must conclude with one comprehensive summary of all of the evaluation results *This comprehensive summary draws information from multiple measures and informs present level and educational need statements.*** |
| 8. C. An evaluation report must include: documentation of whether the pupil has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability.  Minn. R. 3525.2710, subp. 6(B)  **Points of Clarification**   * **The initial ER must document that the student meets the criteria for a categorical disability.** * **Reevaluation Reports must document all criteria components have been addressed and the student continues to have a disability.** |
| 8. D. At a minimum an evaluation report must include: the pupil's present levels of performance and educational needs that derive from the disability;  Minn. R. 3525.2710, subp. 6(C)  **Points of Clarification**   * **This citation relates to two items:** * **The Present Levels of Performance must incorporate current assessment results, information on current academic and functional performance in the classroom and input from those working with the student to get a complete and updated picture of that student.**   + **The Present Level of Performance must include more than a list of assessment results and scores.**   + **Additional sources of information include: observations, work samples, curriculum-based measures, informal procedures, and progress on current goals and objectives.** * **Educational needs must be related to the disability, must indicate a need for specialized instruction or direct services, and need statements should address skills and/or behaviors that need improvement in order for the child to participate and progress in the general curriculum.** * ***Sample of Compliance: Carl scored a 69 in the area of reading comprehension on the Woodcock Johnson Achievement Test. His teachers report that he is currently reading 60 wpm (peers are at 120 wpm) and he becomes easily frustrated when presented with tasks related to reading comprehension or fluency. His parents report that he needs extra help with reading homework at home.*** |
| 8. E. An evaluation report must include documentation of whether the pupil has a particular category of disability, or in the case of a reevaluation, whether the pupil continues to have such a disability. An evaluation report must include: whether the child needs special education and related services or, in the case of a reevaluation, whether the pupil continues to need special education and related services;  Minn. R. 3525.2710, subp. 6(B & D)  **Points of Clarification**   * **In addition to determining that a student has a disability, the ER must indicate the need, or continued need, for special education and related services.** * **It is possible to have a student identified as a student with a disability, yet not have an established need for special education and related services.** * **Example: a child may have a physical impairment, yet not demonstrate a need for specialize instruction in order to participate and progress in general education.** |
| 8. F. An evaluation report must include documentation of whether any **additions or modifications to the special education and related services are needed to en**able the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.  Minn. R. 3525.2710, subp. 6(E)  **Points of Clarification**   * **This requirement applies to initial and reevaluations** * **The ER should address the following questions:**   + **In addition to the special education services being recommended, what else is needed for the student to meet annual goals and participate in general education?**   + **What additions or modifications to special education will the IEP team need to spell out/detail when developing or revising the IEP?**   *Sample of Compliance*  *Patrick will need the use of a word processor to complete lengthy written assignments. The IEP team will also need to determine the best method to reinforce multiple-step instruction for him due to his significant deficits in sequencing oral information.* |
| **03.08 Determining a Child is Not a Child with a Disability – Graduation and Aging Out** |
| 9. A. For a child whose eligibility terminates due to graduation from secondary school with a regular diploma, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.  34 C.F.R. § 300.305(e)(3)  **\*\*\* SEE POINTS OF CLARIFICATION IN BOX BELOW** |
| 9. B. **For a child whose eligibility terminates due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.**  34 C.F.R. § 300.305(e)(3)  **Points of Clarification**   * **The intent of the Summary of Performance (SOP) is for information to go with the student to post-secondary education or employment opportunities and to serve as a guide for future educators and employers on how to best work with the student.** * **The summary of academic achievement and functional performance would be similar to a PLAAFP statement on an IEP. It must include more than a report of test scores, grades, or transcript information** * **SOP recommendations are designed to provide future educators or employers with suggested tools & strategies that have been found to be successful in working with this student.**   **Samples of Noncompliance**   * **Jim earned As in math classes but Cs & Ds in each of his other core academic classes. He volunteered as a math tutor for two years.** * **Jim likes to participate in classes related to math. He hopes to become a math teacher in the future.**   **Sample of Compliance**   * **Jim’s academic strengths are in math calculation and problem solving. He excels in all subjects or situations involving numbers, & served as a peer tutor in advanced math courses during his junior & senior year. He struggles with accurate spelling & written expression of any length. He becomes frustrated when he is unable to express himself or explain things in writing.** * **Jim’s excellent math skills provide an avenue for him to improve his communication and leadership skills by tutoring others. He would be a valuable resource to use in assisting students or training employees in areas related to math. He needs assistance from others or technology to proofread his written work for clarity & accuracy. He needs extended time to complete written assignments. He would benefit from additional classes and experience related to computers and word processing skills. He needs to continually practice advocating for himself in terms of expressing his needed accommodation and modifications related to written expression.** |
| **03.04.10 SLD Written Report- Required Content** |
| **Additional Information is available for this section. There will be future training on this specific area..** |
| **03.07 Team Override Documentation** |
| **Additional Information is available for this section. If you are considering the use of an override, contact your special education director.** |
| 11. A. The pupil’s record must contain documents that explain why the standards and procedures used with the majority of pupils resulted in invalid findings for this pupil. The record must indicate what objective data were used to conclude that the pupil has a disability and is in need of special instruction and related services. These data include, for example, test scores, work products, self-reports, teacher comments, medical data, previous testing, observational data, ecological assessments, and other developmental data.  Minn. R. 3525.1354, subp. 1(A & B) |
| 11. B. Because the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision.  Minn. R. 3525.1354, subp. 1(C) |
| 11. C. The team override decision must be signed by the team members agreeing to the override decision.  Minn. R. 3525.1354, subp. 1(D) |
| 11. D. For those team members who disagree with the override decision, a statement of why they disagree and their signature must be included.  Minn. R. 3525.1354, subp. 1(D) |
| **03.08 Exit Procedures** |
| 12. A public agency must evaluate a child with a disability before determining that the child is no longer a child with a disability.  34 C.F.R. § 300.305(e)(1)  **Points of Clarification**   * **An exit evaluation is required when dismissing a student from ALL special education and related services.** * **An exit evaluation is NOT required before the termination of a child’s eligibility due to:**   + **Graduation from a secondary school with a diploma.**   + **Due to exceeding the age eligibility for FAPE under state law.** * **An exit evaluation is not required when dismissing from a related service (such as OT).** * **An exit evaluation is not required when dismissing from a secondary disability (such as dismissing from speech and language services for a student also identified as EBD.)**   + **Use a Prior Written Notice to summarize data that allows for dismissal from a secondary disability. Other documentation/forms may be added to this PWN (e.g., Progress Report)** * **An exit evaluation is not required when parents revoke consent for special education and related services.** * **The exit evaluation does not need to involve new assessments; a review of records may be sufficient as long as there is enough current data to document:**   + **The student’s present levels of educational and functional performance**   + **The determination that the child is no longer a child with a disability**   + **The student no longer needs special education and related services** |

IEP/IIIP Standards

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| **04.01.03 Team Members** |
| **Points of Clarification:**   * **The following team members are required team members and must be present at all meetings:**   + **Parent(s) of the child**   + **Regular education teacher, if the child is participating in regular education or community-based preschool**   + **A licensed special education teacher/provider**   + **The child must be invited whenever appropriate and at least by age 14 or grade 9.**   + **A representative of the district** * **A representative of the public agency/district must be knowledgeable about the general education curriculum and knowledgeable about the availability of resources of the district. The team may designate a member of the IEP team to also serve as the agency representative.** * **The following team members must be in attendance if the conditions warrant:**   + **Teacher licensed in the pupil’s disability if not already on the team**   + **A transition service provider/payer**   + **For a child enrolled in a private school, a representative of the school**   + **For a child in out of district placement, a representative from the outside district agency or academy.**   + **For a child transitioning from Part C to Part B a service coordinator or other representative of the Part C system by parent request.** * **For transition services a child must be invited to attend if postsecondary goals will be discussed. If the child cannot attend, the team must take steps to ensure that the child’s preferences and interests are considered.** * **The public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.** * **For a child who has been placed out of the district by the district, a representative from the outside district, agency or academy should be in attendance.** * **If placed out of the district by a parent via school choice or open enrollment, a representative from the resident district is not required to be invited to the IEP team meeting.** * **Local Education Agency must ensure that a representative of the private school or facility attends the meeting**   + **If a private school or facility conducts the IEP meeting, the public agency must ensure that the parents and an agency representative are involved in any decision about the child’s IEP and agree to any proposed changes before they are implemented**   + **If the representative cannot attend, other methods are used to ensure participation by the private school or facility, including individual or conference telephone calls.** |
| 13.A. The IEP Team for each child with a disability includes the parents of the child.  34 C.F.R. § 300.321(a)(1) |
| 13. B. 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) |
| 13. C. 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 |
| 13. D. 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) |
| 13. E. 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) |
| 13. F. 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 the transition services must be invited to attend the meeting.  34 C.F.R. § 300.321(b)(3) |
| 13. G. 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 curriculum; and is knowledgeable about the availability of resources of the public agency.  34 C.F.R. § 300.321(a)(4) |
| 13. H. A representative of the private school or facility attends the meeting and 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) |
| 13. I. 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 |
| 13. J. 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) |
| **04.03.09 Failure to Provide Transition Services** |
| 14*. 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 the IEP.*  *34 CFR § 300.324(c)(1)*  ***Points of clarification***   * ***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; however, the district is then required to reconvene the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.*** |
| **04.02.09 Excused Absence from Team Meeting by Individual Member** |
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| 14. A. A required member of the IEP Team is not required to attend an IEP Team Meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of that member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.  34 C.F.R. § 300.321(e)(1) |
| 14. B. A member of the IEP Team …, may be excused from attending the IEP Team Meeting, … if the member submits, in writing, to the parent and the IEP Team, input into the development of the IEP prior to the meeting.  34 C.F.R. § 300.321(e)(2)  **Points of Clarification**   * **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 when the meeting involves a modification to or discussion of the member’s area if the parent and district consent in writing to the excusal and the necessary member submits input, in writing to the parent and IEP team, prior to the meeting.** * **If not discussing the team member’s area, the absent team member must have written permission from the parent, but doesn’t need to submit input.** * **Written documentation of parent agreement to the excusal of the required team member must be included in the file and correspond to a specific IEP meeting date.** * **Written documentation of the input of the excused team member must also be included in the file. It is not acceptable to merely incorporate the input of the excused member into the newly developed or revised IEP.** * **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.** * **Parents must be informed they do not need to consent to the excusal and instead the meeting can be rescheduled. Parents can revoke their consent at any time.** * **When a discretionary member is unable to attend the meeting, it is not necessary to obtain a written agreement or consent from a parent. The parent may ask for the meeting to be re-scheduled so that this member can attend.** |
| **04.03.01 Present Levels of Academic Achievement and Functional Performance (PLAAFP)** |
| 15. 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 for 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)  ***Points of Clarification:***  ***The following questions need to be answered in the PLAAFP statements to be in complaisance:***   1. ***What are the student’s present levels as related to the needs identified in the evaluation report or any previous IEP?*** 2. ***How does the student’s disability affect the student’s involvement and progress in the general education curriculum?***   **Points of Clarification:**   * **Functional Performance is generally understood to refer to skills or activities that are not considered academic or related to a child’s academic achievement. Instead, “functional” is often used in the context of routine activities of everyday living.** * **The PLAAFP must include** * **Current levels of performance and be more than just test scores.** * **Information on how the disability impacts progress and participation in the general education curriculum**   **Either the PLAAFP or the Annual Goal must have a measureable baseline/starting point. Do not use vague or subjective terms. Define what is meant by “improve” (improve from \_\_\_ to \_\_\_).**  **Sample of Noncompliance:**   * **Jamal is presently a 10th grade student. Last year his grades were mostly A’s and B’s. He struggles with writing & spelling.**   **Sample of Compliance:**   * **Jamal knows many mechanics rules. 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” a 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.** * ***Martin’s intellectual abilities fall within the average to low average range. His memorization and processing speed were relatively strong, compared to lower reasoning and conceptual thinking skills. Classroom teachers note that Martin is turning 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 sixteen during the last school year. Five of these incidents were due to peer conflict and three of those lead to disruptive behavior and his removal from the classroom. Although the severity of behavioral incidents has decreased, negative peer interactions are keeping Marin out of class, preventing him from focusing in class and result in him falling behind in academics.*** |
| **04.03.02 Short and Long Term Goals and Objectives** |
| ***Are the educational needs addressed from the PLAAFP?*** |
| 16. A. The IEP includes a statement of measureable annual goals, including academic and functional goals.  34 C.F.R. § 300.320(a)(2)(i) |
| 16. B. 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 child's disability.   1. .F.R. § 300.320(a)(2)(i)(B)   **Points of Clarification**   * **Goal must be measurable, including a clear starting level/baseline and an ending level/target. The starting level/baseline may be documented in the PLAAFP.** * **The measurable academic and functional annual goals must meet all of the student’s needs resulting from his or her disability as documented in the most recent ER and IEP.** * **Goals must be accomplishable in one year.** * **For transition-aged students, the measurable post-secondary goals will drive the annual goals and activities.** * **Measurable annual academic and functional goals in the IEP drive the services for transition age students.** * **Using “age-appropriate” and “grade level” are not measurable unless the IEP clearly describes that this means.** * **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 considered specialized instruction** |
| 16. C. The IEP includes a statement of measurable annual goals, including academic and functional goals designed 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)   * **Annual goals that relate to attendance, passing state assessments, earning passing grades and or earning credits for graduation are goals for all students and are not considered specialized instruction and therefore not acceptable.** * **If the student has trouble in these areas and it is related to the disability, ask the question, what causes the problem?** **The answer to that question will provide information to be used in forming an acceptable goal.**   **Sample of Noncompliance:**   * **Martha will pass the statewide assessment for writing.** * **Tina will pay attention and not disrupt class.**   **Sample of Compliance:**   * **When given a 3 paragraph writing assignment, Martha will include a topic sentence and at least 3 supporting details and progress from 50% to 85% accuracy in writing mechanics.** * **Tina will decrease her verbal outbursts (yelling, arguing or crying) that cause the teacher to stop instruction from an average of 3 per hour to 2 or less per day.** |
| 16. D. The IEP includes a statement of measureable annual goals, including benchmarks and short-term objectives.  Minn. R. 3525.2810, subp. 1 (A)(2)  **Goals must include at least 2 short term objectives used to demonstrate the student is making progress toward the goal.** |
| **04.03.03 Least Restrictive Environment** |
| 17. An explanation to the extent, if any, to which the child will not participate with nondisabled children in the regular class and *in extracurricular and nonacademic areas..*  34 C.F.R. § 300.320(a)(5)  **Points of Clarification:**  ***Describe the placement and explain the necessity of the restrictiveness of the placement outside of general education based on the nature and severity of the student’s disability.***   * **Does the LRE clearly describe why the nature and severity of the child’s disability is such that he/she must be removed from general education to receive services?** * **Does the LRE clearly describe what the child is missing with general education peers when pulled for direct special education services in the special education setting?** * **Does the LRE match the service grid information? (The LRE does not have to repeat the service grid information.)**   **Sample of Noncompliance:**   * **Dan will spend no less than 79% 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** * **Sue 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:**   * **Dan needs intensive social skills instruction & practice in a small group in order to improve his ability to resolve conflict and cooperate with peers. He will receive this instruction from the social worker and EBD teacher during his study hall.** * **Due to Sue’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.** |
| **04.03.04 Special Education and Related Services** |
| 18. A. The IEP includes a statement of special education and related services…based on the peer- reviewed research to be provided to the extent practicable to the child, or on behalf of the child, …  34 C.F.R. § 300.320(a)(4)  **Points of Clarification**   * **Each service, aid and modification to be provided to the child or on behalf of the child must be clearly and specifically described in the IEP** * **The services, aids, and modifications described in the IEP must be sufficient in frequency and duration to address the child’s educational needs and annual goal(s).** * **If any of the special education and related services, supplementary aids and services, program modifications or supports for school personnel that will be provided are only needed in a specific situation or under certain circumstances, the conditions under which they are needed must be clearly documented. Using phrases such as “as needed, “may need”, “when necessary”, or “and/or” is not acceptable.**   **Sample of Noncompliance:**   * **The IEP documents two annual goals related to the identified SLD math needs yet lacks documentation of special education services to address the math goal.** * **The IEP PLAAFP and ER indicate Nora struggles with anxiety issues related to school, which in turn significantly impacts his/her attendance rates. The IEP lacks documentation of services to address school anxiety.**   **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 his/her math goals by the end of the year.** * **Nora’s IEP documents direct psychological services for her behavioral needs and annual goals related to school anxiety. Indirect psychological services (i.e. consultation from the school psychologist to special and general education teachers who work with the child) are also documented on the IEP service grid.** |
| 18. B. The IEP includes a statement of… supplementary aids and services based on the peer- reviewed research to the extent practicable 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 children with disabilities to be educated with nondisabled children to the maximum extent appropriate.** * **Examples of supplementary aids and services include:**   **- adapted equipment such as a special seat of a cut out cup for drinking**  **- adapted materials such as books on tape, large print books, or highlighted notes**  **- special technology – such as a word processor, unique software, or a communication system**  **- training and consultation for staff, student, and/or parents on the use of the supplementary aids**  **- peer tutors**   * **The supplementary aides and services and the program modifications and support for school personnel should align with:**    + **The needed additions and modifications to the child’s special education program as described in the child’s most recent ER** * **The child’s current educational needs as described in the most recent IEP PLAAFP statements, and** * **The modifications to district and state-wide assessments provided to the child**   **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 line paper and ¾ inch foam pencil grips for her to use when completing all assignments requiring writing.** |
| 18. C. 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:**   * **Program modifications and supports for school personnel responsible for implementing the IEP, when deemed necessary, must be documented in the IEP. It is the responsibility of the IEP team to determine what types of program modifications are necessary to support staff, and to specify these in the IEP.** * **A modification is a change in what is being taught to or expected of the student.**    + **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 or a list or description of specific program modifications that staff must provide in order to support the student’s advancement toward the annual goals and participation in general education.** * **If any of the special education and related services, supplementary aids and services, program modifications or supports for school personnel provided are only needed in a specific situation or under certain circumstances, the conditions under which they are needed must be clearly documented.**   + **Using phrases such as “as needed”, “may need”, “when necessary” or “and/or” in the IEP is NOT ACCEPTABLE.**   **Samples of Noncompliance:**   * **Steve may access the resource room for completing math assignments as needed** * **Ty will be allowed assignment modifications as necessary in classes requiring reading, math and written expression.** * **An IEP for a hearing-impaired child who is using a new Frequency Modulated system in each of his classes lacks documentation of training or instruction to his teachers as to how to use or monitor the system.**   **Samples 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 staff will provide written directions and relevant math manipulatives to reinforce understanding.** * **Ty will receive a copy of teachers’ notes for reading and math classes. He will receive extra time up to one extra day to complete all assignments requiring writing more than one paragraph. For writing assignments longer than one page, he is to use a computer.** * **An IEP of a hearing-impaired child who is using a new Frequency Modulated System in each of his classes documents indirect services/training on the device to the teachers working with the child.** |
| 18. D. 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:**   * **This law does not apply to program paraprofessionals, but individual paraprofessionals** * **The need for and specific duties of the individual paraprofessional must be documented in the IEP** * **The paraprofessional must be informed of her/his specific responsibilities related to implementing the child’s IEP.**   **Sample of Noncompliance:**   * **Dan needs a 1:1 paraprofessional due to his lack of impulse control and understating of nonverbal social cues and physical proximity to others.**   **Sample of Compliance:**   * **Dan will receive individualized 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 redirections, 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.** |
| *18 E. The IEP Team must consider whether a child needs assistive technology devices and services.*  34 C.F.R. § 300.324(a)(2)(v) |
| *The IEP includes the anticipated frequency, location and duration of those services and modifications.*  34 C.F.R. § 300.320(a)(7) |
| **04.03.05 When IEP Must Be In Effect** |
| 19. A. The IEP includes the projected date for the beginning of the services and modifications.  34 C.F.R. § 300.320(a)(7)  **The projected start date must be included for each special education and related service, program modification, and support for school personnel that will be provided to the child to enable him/her to:**   * **Advance appropriately toward his/her annual goals** * **Be involved in and make progress in the general curriculum, extracurricular and other nonacademic activities.** * ***A projected service date prior to parent signature (or less than14 days from the PWN) is a parent consent issue and is not cited here.*** |
| 19. B. The IEP includes the anticipated frequency, location, and duration of those services & modifications.  34 C.F.R. § 300.320(a)(7)  **Point of Clarification:**   * **The amount of time committed to each service and the location in which the service(s) will be provided must be specific and clearly stated in the IEP so that the district’s commitment of resources can be understood by the parent/s, IEP team, and all school personnel responsible for implementing the child’s IEP.** * **The amount of time the student is receiving direct special education and related services in the special education setting should correlate with the LRE explanation as described in the IEP.** |
| **04.03.06 Review and Revision of IEP (ESY)** |
| 20. A. 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.  Minn. R. 3525.0755, subp. 3(A)  **Point of Clarification:**   * **“Level of Performance” refers to a child’s progress toward annual 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.** * **“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 in instruction**   **Sample of Noncompliance:**   * **The IEP indicates ESY services are not needed despite progress reports in the file that document a 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.** |
| 20. B. The IEP team must determine a pupil is in need of ESY services if services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the pupil's age and level of development, and the timeliness for teaching the skill.  Minn. R. 3525.0755, subp. 3(B)  **Point of Clarification:**   * **“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 pupil requiring a functional curriculum.** * **Self-sufficiency needs may apply to any disability category.**   **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.** |
| 20. C. The IEP team must determine, given the pupil's unique needs, that ESY services are necessary to ensure the pupil receives a free appropriate public education.  Minn. R. 3525.0755, subp. 3(C)  **Point of Clarification:**   * **This statement allows that an IEP team may determine ESY services are necessary, based on the unique needs of the child for reasons OTHER than a significant regression in skill or knowledge or self-sufficiency needs.** * **The unique needs under which ESY services are based must be documented in the special education file.** |
| **04.03.07 Progress Reporting** |
| 21. A. 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) |
| 22. B. 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  Found in goals and objectives.) |
| 22. C. 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)   * **Progress for students with a disability must be shared with parents at least as often as progress is shared for students who do not have a disability.** * **Statement of when progress will be reported and how parents will be regularly informed must be written in IEP.**   **Sample of Noncompliance**   * **Progress Report included goals from IEP with no progress information documented.** * **Progress Report does not determine progress is sufficient for student to achieve the goal by the end of the year. Phone log which includes when parent was contacted but does not include information on what was discussed during the conversation.** * **Progress will be reported 4 times per year through conferences, phone calls,** and/or **written reports**   **Sample of Compliance**   * **Progress will be given quarterly, with 3 written reports and 1 conference.** * **IEP must clearly indicate the number of each method of progress reporting methods to be used to inform parents.** * **DO NOT use phrases such as “and/or” when stating methods.** |
| 22. D. The extent to which that 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)   * **No matter what the method, documentation must be in the file to show all required components of a progress report including:**   + **Date**   + **Progress on goals**   + **The extent to which progress is sufficient for the student to meet the goal by the end of the year** |
| 22. E. Pupil's progress towards the annual goals is reported.  Minn. R. 3525.2810, subp. 1(A)(9)   * **Documentation should include the progress the student is making on the goals.** * **Checking off “adequate progress” for extent of progress is not enough information.**   ***Sample of Noncompliance***  ***IEP goals will be “as measured by the special education teacher”.***  ***Sample of Compliance:***  ***Jill’s progress will be measured through daily work, teacher observation and teacher checklists.***  ***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 objectives:***  ***Katie practices timed reading passages 3 days a week 3/5 trials. She is timed on the fourth and fifth day. She is reading with 30% accuracy and scored 45 correct per minute. Given strategies and practice, she states the sound in each word with 100% inn 3/5 trials. Given 50 basic sight words, Katie can read the words in context with 70% accuracy in 4/5 trials.*** |
| **04.03.09 Secondary Transition** |
| 22. A. There is evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessment(s).  34 C.F.R. § 300.320(b)(1)   * **Postsecondary goals must be based on at least two age-appropriate transition assessments** * **Assessments may be formal or informal. Formal assessments are standardized instruments that have been tested and have data to show that reliability and validity measures support their use. Informal assessments generally lack formal reliability and validity measures. These assessments require more subjectivity to complete and should be given more than once and by more than one person to strengthen validity. Some examples of informal assessments include situational or observational learning styles assessments, curriculum-based assessment from course, observational reports, structured interviews, personal future planning activities, and functional skill inventories.** |
| 22. B. There must be appropriate measurable postsecondary goal(s) that cover education or training, employment, and, as needed, independent living skills.  34 C.F.R. § 300.320(b)(1)  **Points of clarification**   * **A postsecondary goal is an outcome occurring after the child leaves high school.** * **Postsecondary goals must be updated annually, if necessary, on the IEP.** * **Post-secondary goals must be measurable. Postsecondary goals must indicate what a child “will” do after high school.**   + **Use of the words “hopes to” or “plans to” are not acceptable** * **The IEP must document postsecondary goals in the area of education/training AND employment whether or not the child’s skill levels related education/training or employment are age appropriate.** * **The only area in which an IEP team may determine whether or not postsecondary goals are necessary for the child to receive FAPE is the area of independent living skills.**   **Sample of Noncompliance**   * **Jamal plans to improve his knowledge of employment by finding three area businesses he could apply at.** * **Jamal is interested in pursuing a two-year degree**   **Sample of Compliance**   * **Jamal will obtain a full-time position at a landscaping business after high school.** * **After graduation, Jamal will attend the Job Corps Center full-time and successfully complete their culinary arts program to attain a Culinary Arts Certificate** |
| 22. C. *Transition-aged student’s IEPs must include transition services (including courses of study) needed to assist the child in reaching those goals.*  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 (minimum: 2 years of courses of study).** * **Courses of study are the projection of the 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 child’s measurable postsecondary goals.** * **The course of study for a child 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”.** |
| Transition –aged students’ IEPs must include a statement of measurable annual goals…designed to meet the child’s postsecondary needs.  **Points of Clarification**   * **Measurable postsecondary goals drive the annual transition goals** * **Annual transition goals are the yearly “steps” designed to enable the child to achieve their post-secondary goals** * **Annual transition goals must reasonably enable the child to meet their postsecondary goal(s) by the end of high school.** * **Annual transition goals may address transition and academic or functional needs at the same time. For example, a child 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 IEP goal that covers both of these needs.** * **Annual transition goal(s) must be updated yearly**   **Sample of Noncompliance**   * **Jamal will improve his self-advocacy skills.** * **Paul will be able to understand and use the public bus schedules.**   **Sample of Compliance**   * **Jamal will improve his self-advocacy skills from his current level of being able to name his disability (Specific Learning Disability) to being able to describe his academic strengths and weaknesses, including his needed modifications and adaptations in the educational environment.**   **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.** |
| 22. D. 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 child 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 (including supported employment)**   + **Continuing and adult education**   + **Adult services**   + **Independent living and/or**   + **Community participation** * **Transition services are based on the child’s needs, and take into account his/her strengths, preferences, and interests, and include:**   + **Specialized instruction**   + **Related services**   + **Community experiences**   + **The development of employment and other post school adult living objectives and**   + **If appropriate, acquisition of daily living skills and 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.**   + **For example, the IEP may document the transition activity of a referral to Vocational Rehabilitation (VR) for non-verbal, modified assessments of adaptive behavior, career interest and career skills. In the child’s file must contain a signed parent consent form indicating that the district may contact VR services to make the referral.** * **Transition services must address the annual transition goals that correspond to the child’s postsecondary goals.** * **Transition services must be sufficient in frequency and duration to ensure appropriate advancement toward the child’s annual transition goals.**   ***Sample of Noncompliance***  ***Independent Living Needs: Howard is 16 and receives services for a severe math discrepancy. He’d like to live on his own someday in a nice condo downtown. With a fast car.***  ***Goal: Get a job that pays well. Service: Howard will learn about jobs he likes and how to live on his own. Provider: Howard, Howard’s Parents***  ***Sample of Compliance:***  ***The consumer math teacher will provide Howard with direct instruction in real world application of practical math skills, including creating a budget, balancing a check account, and determining interest charges on credit cards in order to live independently in the community.*** |
| 22. E. *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 pout in the IEP.*  34 C.F.R. § 300.324(c)(31  **Points of clarification**   * ***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; however, the district is then required to reconvene the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.*** |
| **04.03.11 Modification of Assessment** |
| 23. A. The IEP includes a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessment of student achievement.  34 C.F.R. § 300.320(a)(6)(i)  **Points of clarification**   * **The IEP must have a statement for why the student will not participate in assessments and what alternative assessment they will take.** * **Daily modifications and adaptations on student’s IEP should be considered and included for assessments. Modifications for assessments and daily education should align.** * **You will need to choose IN COMPLIANCE or NOT IN COMPLIANCE for this citation.**   **Samples of Compliance:**   * **Michael will take his assessments in 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.** * **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 Minnesota Test of Alternative Standards (MTAS) assessment.** |
| 23. B. 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 as appropriate for the child.  34 C.F.R. § 300.320(a)(6)(ii)  **\*\*\* SEE NOTATION IN BOX ABOVE** |
| **04.04.01 Transfer Students** |
| 24. A. 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.  34 C.F.R. § 300.323(e)  **Points of Clarification**   * **“Comparable Services” refers to similar or equivalent services as determined by the child’s newly designated IEP Team in the new district.** * **If the previous agency forwards an IEP that is unspecific or unclear, the new school district should, as soon as possible, conduct a new IEP meeting to develop, adopt and implement a new and legally adequate IEP.** |
| 24. B. 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 new 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) and conducts an evaluation if determined to be necessary by the new public agency.  34 C.F.R. § 300.323(f)(1)  **Points of Clarification**   * **The new MN IEP Team must document their determination of whether a new evaluation of the child is necessary (to determine whether the child is a child with a disability under MN criteria and to determine the educational needs of the child) or they must document that the previous state’s ER documented eligibility under MN criteria and a new evaluation is not necessary.** * **The district determines that a new evaluation is necessary, the evaluation is considered an initial evaluation and not a reevaluation. PWN and parental consent by the parent is required.** |
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| **04.06.01 Review and Revision of IEP for Students in Public School** |
| 25. A. 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)  **Points of Clarification**   * **IEP team must ensure that the child’s IEP is reviewed periodically but not less than annually to determine whether the annual goals for the child are being achieved.** * **Review or revision may be requested by parent or district in order to address new information regarding the child.** * **A regular education teacher of the child, as a member of the IEP team, must participate in the review and revision of the IEP of the child.** * ***Also remember that special factors for behavior needs, communication for second language learners, Braille instruction and deaf and hard of hearing children and assistive technology must be considered by the IEP team and addressed in the IEP.*** |
| 25. B. 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)  **\*\*\* SEE NOTATION IN BOX ABOVE** |
| 25. C. 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)  **\*\*\* SEE NOTATION IN BOX ABOVE** |
| 25. D. 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)  **\*\*\* SEE NOTATION IN BOX ABOVE** |