

## ***Understanding Compliance Issues Manual***

### **IEP COMPONENTS**

(revised February 2016)

#### **What does the law say?**

The federal regulations for the implementation of the Individuals with Disabilities Education Act (IDEA) (at 34 CFR 300.320) and the Florida Statutes and State Board of Education Rules (at 6A-6.03028) mandate the components of the individual educational plan (IEP). There are mandated content requirements that must be included in IEPs.

The federal law & State Board of Education Rules require that students with disabilities have an IEP when they have been found eligible under the IDEA. An IEP must be developed within 30 calendar days following the determination of a student's initial eligibility for specially designed instruction and related services. The IEP must be revised at least annually, or more frequently, as necessary and must be in effect at the beginning of each school year.

Parents must be invited and encouraged to attend and participate in the IEP meeting. Parents are viewed as critical partners in developing, reviewing, and revising the IEP for their child.

The Florida Department of Education's online *Developing Quality IEPs* manual may be accessed via this link: <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>

#### **What is the rationale?**

IEP Components:

- Help IEP Teams identify and document the educational needs of students with disabilities who require special education and related services
- Collectively ensure an opportunity for a student to derive meaningful educational benefit from special education and related services
- Collectively ensure an opportunity for a student to be prepared for postsecondary life and the attainment of his/her postsecondary goals.

#### **Present Level of Academic Achievement and Functional Performance**

Present levels should address the following for consideration in IEP development, review and/or revision:

- current, relevant information about the student, including the strengths of the student and the concerns of the parents
- information from a variety of sources regarding the impact of the student's disability and the educational needs of the student
- for a student identified as gifted, information regarding the student's strengths, interests and needs that result from the student's giftedness
- most recent evaluation/reevaluation results
- results of statewide and district assessments or alternate assessments
- input from the special education and regular education teachers
- information/concerns from the parents, including the consideration of independent educational evaluations that are conducted by qualified evaluators
- academic, developmental, and functional needs of the student
- information relevant to the domain areas (Curriculum & Learning; Social/Emotional; Independent Functioning; Communication; Health Care)
- progress toward mastery of previous goals/objectives
- transition needs to support the student's future attainment of measurable postsecondary goals
- self-determination/self-advocacy needs

### **How the Student's Disability Impacts Participation in the General Education Curriculum**

- IEP must include a description of how the student's disability affects the student's involvement in the general curriculum
- Description provides basis for determining needed accommodations in order for the student to participate in the general curriculum to the maximum extent appropriate
- The description for preschool age children must address appropriate activities such as coloring, circle time, play time, story time, etc.

### **Measurable Annual Goals and Short Term Objectives/Benchmarks**

IEP must include:

- Statement of measurable annual goal(s) to address the student's needs resulting from the disability and to address needs beyond the general curriculum associated with the student's giftedness, for a student with a disability who is also eligible for gifted services
- Short term objectives/benchmarks are required for students participating in alternate assessment, but may be utilized for any student (when they are utilized, the IEP must contain a minimum of two objectives for each associated goal)

The goals must include:

- A **behavior** that addresses individual student need and that describes observable behavior as it relates to the present level narrative needs
- A **condition** needed in order for the student to perform the skill or behavior
- Criteria** that sets mastery or proficiency level and describes the progress in a way that can be measured
- Terms that can be understood by all participants
- Statement of progress expected within a year

### **Evaluation Criteria, Procedures, and Schedules**

IEP must include:

- Appropriate objective criteria and evaluation procedures and schedules for determining, at least annually, whether the goals are being achieved

Parents must be:

- Regularly informed of their child's progress toward the annual goals
- Informed regarding progress as often as parents of non-disabled students are informed (at least quarterly)

### **Special Education and Related Services/Supplementary Aids and Services/ESY Services**

The IEP must include:

- Statement of specific special education and related services
- Supplementary aids and services
- At least annually, the need for extended school year services must be addressed, and when needed identified on the IEP

### **Accommodations/Program Modifications:**

- Required by federal law and State Board of Education Rules, as deemed appropriate by the IEP Team, to enable the student to advance toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in activities

NOTE: Parental consent must be obtained for use of instructional accommodations that are not allowable for state assessments

### **Least Restrictive Environment (LRE) Review and Placement Determination:**

- An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the general education environment
- Placement decision in conformity with the LRE provisions, considering a continuum of placement options.

NOTE: Per Florida Statutes, parental consent must be obtained prior to placing a student in a separate day school.

### **Support for School Personnel (if required)**

- Support for school personnel may include special training for a teacher that would assist with meeting the unique and specific needs of the student
- Consultation between ESE and regular education teachers
- Collaboration between ESE and regular education teachers
- Other supports needed by school personnel, such as equipment

### **Initiation and Duration of Service Dates, Frequency and Location**

The IEP must include:

- Projected date for initiation of services
- Projected date for duration of services – regular school year, year-round and extended school year
- The frequency or amount of services must be addressed and the location of the services must be identified

### **Assessment Participation/Accommodations**

- Individual accommodations that are needed in the administration of statewide or district assessments
- If the student is not recommended to participate in regular statewide and/or district assessments, a statement is required that explains why those assessments are not appropriate for the student and the IEP Team must identify which alternate assessment will be given and why
- Waiver of assessment results, when applicable

NOTE: Per Florida Statutes, parental consent must be obtained prior to providing access points curriculum to a student

### **Transition Planning**

- Consideration of instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, if appropriate.
- For IEPs during which the student will be 14 years or older, the IEP must include a statement of the transition service needs of the student.
- During the IEP in which the student turns 14, a diploma option must be determined by the IEP Team. The diploma option must be reviewed at each subsequent IEP meeting.
- For IEPs during which the student is 16 years or older (or younger if determined appropriate by the IEP Team), the IEP must include measurable postsecondary goals and a statement of needed transition needs/services for the student. Statement of needed transition services for the student, must include a statement of the interagency responsibilities or any needed linkages, as applicable.
- Areas to consider in determining transition needs/services: Student's measurable postsecondary goal(s) **based upon age-appropriate transition assessments** related to training, education, career/employment, and, where appropriate, independent living skills (which address: postsecondary education, vocational training, integrated employment/supported employment, continuing and adult education, adult services, community participation, independent living, as appropriate). Transition services include needed special education services and needed related services. Transition services (including courses of study) are those services needed to assist the student in reaching the measurable postsecondary goals that have been developed for the student.

NOTE: A summary of performance (SOP) document, which shall include recommendations on how to assist the student in attaining the measurable postsecondary goals must be completed in the student's senior year, as close to graduation as possible.

### **Transfer of Rights**

- Beginning at least one year before the student reaches the age of majority; a statement that the student has been informed of his or her rights, and the transfer of rights from the parent to the student at the age of majority, must be documented. The age of majority within the state of Florida is 18 years old.

## **IEP COMPONENTS** **Questions and Answers**

1. **Must the measurable annual goals in the student's IEP include all areas of the general curriculum or only those areas in which the student's involvement and progress are affected by the student's disability?**

Section 300.320 (a)(2)(i) requires that each **student's** IEP include "a statement of measurable annual goals, including academic and functional goals designed to – (A) meet the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (B) meet each of the child's other educational needs that result from the child's disability."

2. **Can short term objectives be changed without initiating another IEP meeting?**

A change in short term objectives constitutes a significant revision of the **student's** IEP. The district must notify the parents of the proposed revision and initiate an IEP meeting, following the procedures for providing prior parent notification.

3. **What is meant by "supplementary aids and services"?**

These aids and services enable students with disabilities to be educated with non-disabled students and to advance and participate, as appropriate, in the general education curriculum.

4. **What is meant by "support for school personnel"?**

Support for school personnel indicates any supports that are needed by school personnel in order to assist them in providing appropriate instruction, utilizing instructional strategies, and/or implementing accommodations/modifications to the disabled student so as to allow that student to be involved or progress in the general curriculum. Supports may include specific training or staff development activities to ensure that school personnel have the knowledge, information, skills and materials necessary for the student to progress adequately. Supports may also include consultative services, collaboration with special education personnel, or assistance from a paraeducator. Supports in the form of special equipment or materials may also be needed by school personnel to provide instruction, accommodations, and/or modifications for the student.

5. **May an IEP Team determine that a student should get *instructional* accommodations that would not be allowable as testing accommodations on district and/or statewide assessments?**

Yes. However, a parent must provide signed consent for a student to receive instructional accommodations not allowable on state assessments. The parent must acknowledge in writing that

he or she understands the implications of such accommodations. In our district, form SB89043 titled "Parental Consent for Instructional Accommodations" must be used for this purpose and attached to the IEP.

**6. What does the term "access points" mean when describing a modification to the curriculum required for the student?**

"Access points" means that the student needs curriculum that is unique to his/her abilities and that will help him/her achieve standards that are different than those set for students striving toward achieving regular State standards. Access points curriculum is only appropriate for a student with a significant cognitive disability.

**7. How must the frequency and location of specially designed instruction and related services; supplementary aids and services; and accommodations, modifications; and supports for school personnel be documented on the IEP?**

**Frequency** on an IEP is intended to reflect the amount of services to be provided. The amount of time must be appropriate to the specific services and stated in the IEP in a manner that is clear to all involved in both the development and implementation of the IEP. There is no federal or state requirement that the amount of services be reported in hours and minutes. Examples of appropriate terminology to describe frequency of services are: daily, weekly, monthly, three times per week, etc. However, in order to ensure clarity, FLDOE recommends that the amount of services for speech/language therapy and/or occupational/physical therapy be stated in minutes.

**Location** on an IEP refers to the type of environment in which services are provided; it is not intended to reflect the specific school or classroom teacher. For the majority of students that means "regular education classroom," or "ESE classroom."

**8. What is the requirement relating to self-determination (self-advocacy)?**

Self-determination and self-advocacy activities are designed to assist the student to actively and effectively participate in IEP meetings and to self-advocate, so that needed postsecondary and career goals may be identified and in place by age sixteen. Documentation of this would appropriately appear in the present level of performance narrative statement, in the annual goals and/or short term objectives, in statements addressing supplemental aids and services, or in any other manner deemed appropriate by the IEP Team. Per State Board Rule 6A-6.03028, before attaining the age of 14, the student's IEP Team must consider the need for instruction in or the provision of information in the area of self-determination and self-advocacy; however, IEP Teams may consider this need for students at earlier ages, as well.

**9. Can the IEP be completed before the meeting begins?**

No. School personnel may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but they must make it clear to the parents at the outset of the meeting that the services being proposed are only recommendations for review and are in draft form. A full discussion with the parents and other IEP Team members must occur prior to finalizing the IEP.