

## Individual Educational Plans and IDEA '97

### PURPOSE

The purpose of this technical assistance paper (TAP) is to identify the individual educational plan (IEP) components as stated in the reauthorization of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) and to provide guidance and direction to IEP teams, schools, and districts as IEPs are developed for students with disabilities. This TAP is divided into two sections. The first section lists the requirements of the IEP components as stated in IDEA '97. The second section presents questions and answers concerning the implementation of the requirements.

The United States Department of Education, Office of Special Education Programs (OSEP), has clarified that IEPs **developed on or after July 1, 1998**, must meet the new IEP provisions of IDEA '97.

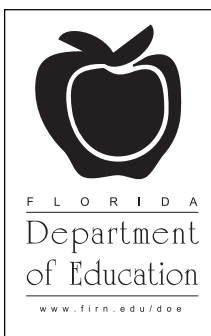
### REQUIREMENTS

#### REQUIRED COMPONENTS

Title 20, United States Code, Section 1414(d)(1)(A) states, "The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

- (i) a statement of the child's present levels of educational performance, including—
  - (I) how the child's disability affects the child's involvement and progress in the general curriculum; or
  - (II) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (ii) a statement of measurable annual goals, including benchmarks or short-term objectives, related to—
  - (I) meeting 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
  - (II) meeting each of the child's other educational needs that result from the child's disability;

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TECHNICAL ASSISTANCE PAPERS are produced periodically by the Bureau of Instructional Support and Community Services to present discussion of current topics. The TA Papers may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

- (iii) a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—
  - (I) to advance appropriately toward attaining annual goals;
  - (II) to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and
  - (III) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;
- (iv) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii);
- (v)
  - (I) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and
  - (II) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—
    - (aa) why that assessment is not appropriate for the child; and
    - (bb) how the child will be assessed;
- (vi) the projected date for the beginning of the services and modifications described in clause (iii), and the anticipated frequency, location, and duration of those services and modifications;
- (vii)
  - (I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child’s IEP that focuses on the child’s courses of study (such as participation in advanced-placement courses or a vocational education program): and,
  - (II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and
  - (III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under Section 1415(m); and
- (viii) a statement of—
  - (I) how the child’s progress toward the annual goals described in clause (ii) will be measured; and
  - (II) how the child’s parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children’s progress, of—
    - (aa) their child’s progress toward the annual goals described in clause (ii); and
    - (bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.”

## **REQUIRED PARTICIPANTS**

Section 1414(d)(1)(B) states that “the term ‘individualized education program team’ or ‘IEP Team’ means a group of individuals composed of—

- (i) the parents of a child with a disability;
- (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;
- (iv) a representative of the local educational agency who—
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) whenever appropriate, the child with a disability.”

## **REQUIRED PROCESS IN DEVELOPMENT OF THE IEP**

### **GENERAL CONSIDERATIONS:**

Section 1414(d)(3)(A) states that “in developing each child’s IEP, the IEP Team, subject to subparagraph (c), shall consider—

- (i) the strengths of the child and the concerns of the parents for enhancing the education of their child; and the results of the initial evaluation or most recent evaluation of the child.”

### **CONSIDERATION OF SPECIAL FACTORS:**

Section 1414(d)(3)(B) states that in developing each child’s IEP, “the IEP Team shall—

- (i) in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
- (ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child’s IEP;
- (iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child’s reading and writing

skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

- (iv) consider the communication needs of the child, and in the case of a child who is deaf or hard-of-hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child's language and communication mode; and
- (v) consider whether the child requires assistive technology devices and services."

**REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER:**

Section 1414(d)(3)(C) states that "the regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (I)(A)(iii)."

**REQUIRED PROCESS IN REVIEW AND REVISION OF THE IEP**

**GENERAL REQUIREMENTS:**

Section 1414(d)(4)(A) states that "the IEP Team—

- (i) reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and revises the IEP as appropriate to address—
  - (I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;
  - (II) the results of any re-evaluation conducted under this section;
  - (IV) information about the child provided to, or by, the parents, as described in subsection (c)(I)(B);
  - (V) the child's anticipated needs; or
  - (VI) other matters."

**REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER:**

Section 1414(d)(4)(B) states that "the regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child."

**EVALUATION AND RE-EVALUATION RESPONSIBILITIES OF THE IEP TEAM**

Section 1414(c)(1) states that "as part of an initial evaluation (if appropriate) and as part of any re-evaluation under this section, the IEP Team described in subsection (d)(I)(B) and other qualified professionals, as appropriate, shall—

- (A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and

related services providers observation; and on the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine—

- (i) whether the child has a particular category of disability, as described in Section 1402(3), or, in case of a re-evaluation of a child, whether the child continues to have such a disability;
- (ii) the present levels of performance and educational needs of the child;
- (iii) whether the child needs special education and related services, or in the case of a re-evaluation of a child, whether the child continues to need special education and related services; and
- (iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.”

## **REQUIREMENTS OF THE IEP FOR STUDENTS WITH DISABILITIES IN ADULT PRISONS**

### **GENERAL REQUIREMENTS**

Section 1414(d)(6)(A) states that “the following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

- (i) The requirements contained in Section 1412(a)(17) and paragraph (1)(A)(v) of this subsection (relating to participation of children with disabilities in general assessments).
- (ii) The requirements of subclauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.”

### **ADDITIONAL REQUIREMENTS**

Section 1414(d)(6)(B) states that “If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child’s IEP Team may modify the child’s IEP or placement notwithstanding the requirements of sections 1412(a)(5)(A) and 1414(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.”

## **IMPLEMENTATION OF REQUIREMENTS**

### **REQUIRED COMPONENTS**

#### **1. What is the “general curriculum”?**

The term “general curriculum” means a single curriculum adopted by the school district for all students from preschool through secondary school. This term relates to the content of the curriculum and not to the setting in which it is used. Depending upon the individual needs of the student with a disability, and consideration of the LRE requirements, the general curriculum could be used for students with disabilities in any educational environment along the continuum of placements. The extent of involvement in the general curriculum should be considered for each student by the IEP team, and supplemented with the standards for special diploma as appropriate.

## **2. What is the difference between “benchmarks” and “short-term objectives”?**

Benchmarks are major milestones between the present levels of educational performance and the annual goal. Short-term objectives are measurable, intermediate steps between the present levels of educational performance and the annual goal. IEPs may include either short-term objectives or benchmarks. Both serve as a plan for reaching annual goals and as a means for measuring progress toward meeting the annual goals. Benchmarks are broader than short-term objectives and can also provide a mechanism for determining whether the student is progressing during the year.

## **3. What are “other educational needs?”**

“Other educational needs” include areas identified by the IEP team as priority areas to be addressed on the IEP. These needs include unique skill areas and standards for special diploma not directly related to the general curriculum. Examples of other educational needs include, but are not limited to, independent living skills, social skills, behavior management, on-the-job training, or transition services needed by the student in order to progress toward achieving the goals on the IEP or meeting his or her identified long-range or post-school outcomes.

## **4. What is meant by “supplementary aids and services?”**

“Supplementary aids and services” refers to aids, services, and other supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. These aids and services can be thought of as modifications or supports to the regular education program. Examples include, but are not limited to, special reading materials, large print books, curriculum adaptations, calculators, special seating arrangements, modified homework assignments, testing arrangements, or a one-to-one aide. Supplementary aids and services may enable the student to advance toward attaining his or her annual goals, be involved and progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated and participate in activities with other students with and without disabilities. All supplementary aids and services to be provided must be explicitly stated in the IEP.

## **5. What is meant by “support for school personnel?”**

“Support for school personnel” is support that will assist the regular education or special education teacher to help a particular student progress in the regular or special education curriculum. Support might include training or staff development for the teacher, consultant services with a colleague, modifications to the classroom environment, assistance from a teacher’s aide, access to professional literature, or the provision of specialized materials.

## **6. What are examples of “nonacademic and extracurricular services and activities?”**

“Nonacademic activities” include any courses or classes in which the student may be enrolled that are not a part of the core curriculum. Nonacademic activities include, but are not limited to, courses in the performing fine arts, practical arts, vocational education, and foreign languages. Extracurricular activities include, but are not limited to, any activities that occur after school hours, such as athletics, recreational activities, or clubs sponsored by the school district. Other examples of nonacademic and extracurricular services and activities include, but are not limited to, meals, recess periods, counseling services, transportation, related health services, special interest groups, referrals to agencies that provide assistance to individuals with disabilities, and, for some students, employment. Each school district should take steps to give students with disabilities an equal opportunity for participation in nonacademic and extracurricular activities.

**7. What is meant by the requirement to include “an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities?”**

The purpose of this explanation is to provide a justification for removing the student from participation in the regular classroom with nondisabled students. IDEA '97 presumes that students with disabilities should be educated in the regular classroom. If the student is not in a regular classroom placement for any period of time throughout the school day, then the IEP team must document how and why they arrived at this decision. The requirement to include the extent of non-participation indicates that the explanation should include a reference to how much time the student is not participating with nondisabled students in the regular class and in extracurricular and other nonacademic activities. The description of the amount or extent of participation may be included in other sections of the IEP.

**8. What is the role of the IEP team in determining if a student will participate in tests?**

The IEP team makes the following decisions on an individual basis:

- the state or districtwide tests or assessments that the student will participate in
- the modifications that are appropriate for the student
- the assessments, if any, the student will be exempt from
- the alternative assessments to be used in place of the tests from which the student has been exempted

The IEP team determines on an individual basis the modifications that will allow the student with a disability to demonstrate skill and knowledge without jeopardizing the quality of the testing process. For more information on assessment, see the policy paper “Accountability for Students with Disabilities in State and District Assessment Programs,” January 1998 (revised), and “Testing Modifications for Students with Disabilities,” March 1998 (revised), available from the Clearinghouse Information Center, Bureau of Instructional Support and Community Services, (BISCS) at 850/488-1879.

A student’s IEP must include a statement of any individual modifications in the administration of state or districtwide assessments of student achievement that are needed for the student to participate in the assessment. If the IEP team determines that the student will not participate in a particular assessment or part of an assessment, the IEP must include a statement of why the assessment is not appropriate and how the student’s academic progress will be assessed.

The practice of excluding students with disabilities from assessments limits and sometimes prevents these individuals from continuing on to some type of postsecondary education. Existing federal law requires that students with disabilities participate in state and districtwide assessments to the extent possible. Such participation assists parents in judging if their child is improving with regard to his or her academic achievement, just as the parents of nondisabled children do.

**9. How are individual modifications for testing determined?**

Determinations of appropriate modifications or accommodations in assessment situations for students with disabilities shall be based on the individual needs of each student. Decisions about modifications shall be made by the IEP team and recorded on the IEP. Consideration must be given by the IEP team to providing modifications that will allow the student with a disability to demonstrate skill and knowledge without jeopardizing the quality of the testing process. The student’s IEP should address the accommodations that are regularly provided for classroom activities and assessment and should guide decisions on accommodations for specific test situations. For more information on modifications for testing see “Modifications for Testing of Students with Disabilities,” March 1998, available from the Clearinghouse at 850/488-1879.

**10. If the IEP team decides that the student is to be exempt from some, but not all state or districtwide assessments, should an alternate assessment still be completed?**

If the IEP team decides that a student will be exempt from a particular assessment, the IEP team should indicate the exemption, name the tests from which the student is to be exempted, and provide a rationale that describes why the student is to be exempted. The IEP team must then indicate the alternative assessment that will be used for each assessment from which the student is to be exempted. The alternative assessment should provide information similar to that provided by the test from which the student has been exempted. For more information on exemption policies, see “Policy Paper: Accountability for Students with Disabilities in State and District Assessment Programs,” January 1998 (revised), available from the Clearinghouse at 850/488-1879.

**11. What are other methods of assessment that can be indicated if the student is exempted from state or district assessments?**

The use of alternate assessment procedures must be determined with consideration given to questions such as: What is the purpose of the assessment? What skills will be tested? How should the performances of the student be assessed? What factors need to be considered in selecting and using alternate assessment procedures? Once the answers to these questions are obtained, the information can be used to identify the most appropriate alternate assessment. Examples of alternative assessments include, but are not limited to, work or product review, structured observations, individual projects, interviews, or commercially developed assessments. Any method of assessment may be used provided the alternative assessment is evaluating or assessing the same specific objectives as the assessment from which the student is exempted.

**12. What is the difference in statements for transition at ages 14 and 16?**

For each student beginning at the IEP meeting prior to the student reaching the age of 14, or younger if appropriate, and updated annually, a statement is included of the transition service needs of the student under the applicable components of the student’s IEP. The statement of need must focus on the student’s courses of study, such as participation in advanced-placement courses or a vocational education program. This statement is designed to identify possible opportunities or alternatives for the student to pursue that will assist in determining the courses or programs for the student. This statement also identifies what the student will need in terms of enrollment in courses and the provision of appropriate services to assist the student in either identifying or achieving desired long range goals.

Beginning at age 16, or younger if determined appropriate by the IEP team, a statement is included of the needed transition services for the student, including, when appropriate, a statement of the interagency responsibilities or any needed linkages. This statement is designed to identify the appropriate community agencies and involve the agencies as active participants in the transition process. The intent is to identify any community agencies that can assist in ensuring the successful transition of an eligible student based on the outcomes selected for that student.

Even though specific ages are identified for the above-mentioned transition areas to be addressed, for some students it may be appropriate or necessary to address the transition service needs or needed transition services at a younger age than is stated. Additionally, the draft regulation section on transition IEPs could possibly be interpreted to mean that at an IEP meeting for students 14 years of age and older, in addition to the student being invited, the agency that is likely to be responsible for providing or paying for transition services also must be invited to the IEP meeting.

### **13. What happens when a child reaches the age of majority?**

The Florida Department of Education has requested a legal opinion from the Office of General Counsel to further clarify this section of the statute. When additional information becomes available, school districts will be informed.

### **14. How will an IEP describe how a student's progress will be measured?**

The IEP must include a statement of how the student's progress toward the annual goals will be measured. Local school districts should develop their own procedures to address this requirement. Districts may decide to continue to use the evaluation schedules, criteria, and procedures that have been used in the past. Although the terms "evaluation schedule, criteria, and procedures" are not used in the IDEA '97 language, the inclusion of a statement of objective criteria appears to remain a requirement. This requirement provides additional flexibility for the IEP team to document progress using other methods. The development and documentation of annual goals may include measurable components such as the schedule and criteria. Evaluation procedures will still need to be documented somewhere on the IEP. The requirement for a statement of measurable annual goals is crucial so that a student's progress may be measured and needed changes in the IEP may be identified.

### **15. How will school districts address the reporting of progress toward annual goals?**

The IEP must include a statement of how the child's progress toward the annual goals or benchmarks will be measured and how the child's parents will be regularly informed at least as often as parents of nondisabled children are informed of their progress. The child's parents must be informed of their child's progress toward meeting the annual goals or benchmarks and the extent to which the progress will enable the child to achieve the goals by the end of the year.

This requirement may be met by including on the IEP a statement that identifies how the parents will be informed. The schedule of how often parents are informed of their child's progress is determined by the school district. Sample statements may include, but are not limited to, "Parents will receive progress updates toward the annual goal(s) or benchmarks with each report card," or "Progress reports will be sent to parents at the same time and as often as students without disabilities receive the same information." A student progress report may be developed that includes a list of the annual goals or short-term objectives benchmarks and a description of codes used to identify the student's progress for each goal. The portion of the IEP form developed by each school district that includes the annual goals may include descriptors of progress toward the annual goal(s). This page of the IEP may then be completed and sent to parents.

Another possible method is to use an IEP report card that contains options for identifying the progress of the student. The IEP report card would include the goals or benchmarks that are on the IEP and checkboxes or other means that might indicate "no progress," "some progress," "adequate progress," "almost mastered," "mastered." School districts should identify the process and procedures that will be used by their IEP teams to address the reporting of progress toward annual goals. The intent is to inform parents about their child's progress toward meeting the annual goals or benchmarks identified on the IEP.

These reports to parents on their child's progress toward meeting IEP goals or benchmarks are intended to be in addition to, not in place of, the district's regular reports to parents of all children.

## **REQUIRED PARTICIPANTS**

### **16. What is required of the regular education teacher in the IEP process?**

The regular education teacher is to be a member of the IEP team and is to participate in the development of the IEP. The regular education teacher should be a teacher of the child if the child is, or may be, participating in the regular education environment. The regular education teacher should be involved in the IEP process in areas such as

- determining appropriate positive behavioral interventions and strategies
- determining supplementary aids and services
- identifying the need for program modifications
- identifying the kinds of support school personnel need to assist the child

All teachers who work with, or might work with, the student should have a means of providing input into the IEP. The methods used for providing that input should be determined on an individual basis. For additional information on this topic, see the draft TAP FY 1998-7, titled "Participation of the Regular Educator in Individual Educational Plan Meetings."

### **17. If the student attends a center school or a residential school program, or is in a placement in which 100% of his or her school day is spent with other students with disabilities, and there are no regular education teachers involved in that student's program, must the district or school arrange for a regular education teacher to attend the student's IEP meeting?**

Every IEP meeting must include a discussion of the least restrictive environment appropriate for the student. Since placement decisions are made by the IEP team during the IEP meeting, it would be inappropriate for the IEP team to enter into the meeting already having decided in what setting the student will be placed. If, during the planning for the IEP team meeting between school personnel, parents and others as appropriate, it is anticipated that the student may participate in some manner in the general education environment, the district should certainly involve a regular educator. If there is no regular educator at the meeting, and there is discussion about unanticipated involvement of the student in the general education environment, it may be necessary to adjourn the meeting until an appropriate regular educator can participate in an appropriate manner. These decisions should be made based on the individual needs of the student.

### **18. What are the qualifications of the LEA representative in the IEP process?**

The LEA representative must be

- qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
- knowledgeable about the general curriculum
- knowledgeable about the availability of resources of the local education agency

Each school district or school should designate individual(s) as needed that meet the above criteria and that could serve as the LEA representative. The district may designate which regular education teacher or teachers will participate. If all teachers are not able to participate in the IEP meeting, the district is encouraged to seek input from the teachers who have knowledge of the student and will not be attending. The district should also ensure that any teacher of the student who is not in attendance at the IEP meeting is informed about the results of the meeting. This includes ensuring that teachers of the student with disabilities receive a copy of the IEP.

If an IEP meeting is held during the spring of the year and the duration dates of the IEP include the following school year, the district should ensure that the teachers who will be working with the student during the next school year receive a copy of the IEP or receive information that details and summarizes the components of the IEP that are pertinent to them.

## **REQUIRED PROCESS FOR DEVELOPMENT OF THE IEP**

### **19. Must a procedural safeguards notice be given to parents/guardians before an IEP meeting?**

Yes, the procedural safeguards notice must be given to the parents of a student with a disability at a minimum upon each notification of an IEP meeting and upon re-evaluation of the student. The procedural safeguards notice must include a full explanation of the procedural safeguards and be written in the native language of the parents and in an easily understandable form. Sample notices are available from the Clearinghouse Information Center.

### **20. How should “general and special considerations” be documented?**

IDEA '97 requires that during the development of each child's IEP, the following factors be considered: the strengths of the child and concerns of the parents; the results of the initial evaluation or most recent evaluation; behavioral interventions, strategies, and supports for a child whose behavior impedes his or her or others' learning; the language needs of a child with limited English proficiency (LEP); instruction in Braille for a child who is blind or visually impaired; the communication needs of the child; the language and communication needs of a child who is deaf or hard-of-hearing; and whether the child requires assistive technology devices and services.

There are numerous ways to document these required components. These range from including the necessary statements and explanations in naturally occurring places in the IEP document or utilizing a separate page that documents consideration of the components. The documentation that the general and special factors have been considered may be, but does not have to be, included on the IEP form. Documentation that all the factors were considered by the IEP team must be included, and may be kept in some other part of the student's record. This documentation must be available upon request.

The considerations are essential in assisting the IEP team to develop meaningful goals and other components of the student's IEP, if the considerations point to factors that could impede learning. These special factors must be reflected in the IEP goals, services, and provider responsibilities. Consideration of these factors must include a review of valid evaluation data as these data reflect the needs of the student.

### **21. Must behavior concerns be addressed for all students?**

Whenever an IEP is developed or reviewed, the IEP team should consider the student's behavior and determine if statements addressing the student's need for specific strategies or interventions should be included on the IEP. IDEA '97 requires that the IEP team, in the case of a child whose behavior impedes his or her learning or that of others, consider positive behavioral interventions, strategies, and supports to address that behavior. If an individual student demonstrates a need for behavioral interventions, or if the consensus of the IEP team is that it is necessary to address behavioral strategies, the IEP team should include statements on the IEP, possibly in the form of goals and objectives, that identify the current behavior and what interventions will take place in order to assist the student in improving his/her behavior.

## **22. What are some examples of behavior interventions that may be implemented?**

Examples include, but are not limited to, the following: behavior management plans, point systems, level systems, positive reinforcements, behavior contracts, social skills training, and the teaching of appropriate replacement behaviors.

## **23. Must Braille be addressed on the IEP of all students who have a visual impairment?**

Each student with a visual impairment must have a functional vision assessment that indicates if Braille should be addressed. The IEP team only needs to address Braille for those students whom the IEP team has decided are in need of Braille training.

## **24. Must communication needs for a student with a hearing impairment be documented on the IEP?**

The IEP team must consider the communication needs of all students in ESE programs. The IEP team must consider the language and communication modes of a student with a hearing impairment. If the IEP team agrees that the student is in need of services in these areas, appropriate goals and objectives should be documented on the IEP.

## **25. How will the IEP team document that assistive technology has been considered?**

IDEA '97 states that the IEP team must consider whether assistive technology devices and services are needed to meet the student's educational goals as identified on the IEP and in accordance with the requirements of a free and appropriate public education (FAPE) in the least restrictive environment (LRE). The IDEA definition of assistive technology is very broad and encompasses almost any type of technology device or service that could be used in supporting the educational programs of students with disabilities.

One method school districts could consider is the use of a screening device that identifies the unique assistive technology needs of each student. Then, based on the results of the screening, a full evaluation by a team of professionals may be needed. It is critical that IEP teams along with families and, in many cases, the students themselves, have a working knowledge of the range and scope of assistive technology, including its benefits and limitations. If the IEP team determines that a student requires assistive technology as an educational service, related service, or supplementary aid/device, this must be reflected in the student's IEP. The IEP team would determine through the IEP process that the goals and objectives on the IEP reflect the student's need for assistive technology.

If the IEP team determines that a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order to receive a free and appropriate public education, the IEP team must include a statement to that effect in the student's IEP. Districts are encouraged to refer to Technical Assistance Paper FY 1998-8, "Assistive Technology," available from the Clearinghouse Information Center, in determining a student's need for assistive technology.

## **REQUIRED PROCESS IN REVIEW AND REVISION OF THE IEP**

### **26. How often must IEPs be reviewed?**

IEPs must be reviewed periodically, but no less than annually, to determine whether the annual goals are being achieved. However, if changes are contemplated in the student's measurable annual goals, benchmarks,

or short-term objectives, in any of the services or program modifications being provided, or other components such as the duration or frequency of the services provided, the district must ensure that the student's IEP team is reconvened in a timely manner to address those changes. Specific day-to-day adjustments in instructional methods and approaches that are made by either a regular or special education teacher to assist a student with a disability to achieve his or her annual goals would not normally require action by the student's IEP team.

## **EVALUATION AND RE-EVALUATION RESPONSIBILITIES OF THE IEP TEAM**

### **27. What is the role of the IEP team in re-evaluations?**

The IEP team must meet to review any existing evaluation data, information provided by parents, classroom-based assessments and observations, and observations provided by teachers or other related service providers. This information is needed in order to identify the student's present levels of performance and whether any modifications in the services are needed.

State Board of Education Rule 6A-6.03411(2)(i) states that a referral must be made for "one or more formal evaluations." In addition, rules governing eligibility for the visually impaired, deaf or hard-of-hearing, and dual sensory impaired programs establish specific procedures for re-evaluation. Until State Board of Education Rules are amended, school districts and IEP teams are required to recommend and provide at least one assessment for the purpose of re-evaluation.

### **28. Must the parent give consent for a re-evaluation to take place?**

Yes, each district must obtain informed parental consent prior to conducting any assessment recommended through the re-evaluation process. If the district can demonstrate that it has taken reasonable measures to obtain consent and the student's parent failed to respond, then informed parent consent need not be obtained, but documentation stating the efforts completed must be maintained. If the district invites a parent to an IEP meeting to discuss re-evaluation and the parent does not attend, the team may proceed to determine recommendations for the re-evaluation. However, the district would then be required to provide prior written notice of the proposed re-evaluation and obtain written consent for re-evaluation. If after making good faith attempts to obtain written consent, the parent fails to respond, the district may then proceed to conduct the re-evaluation.