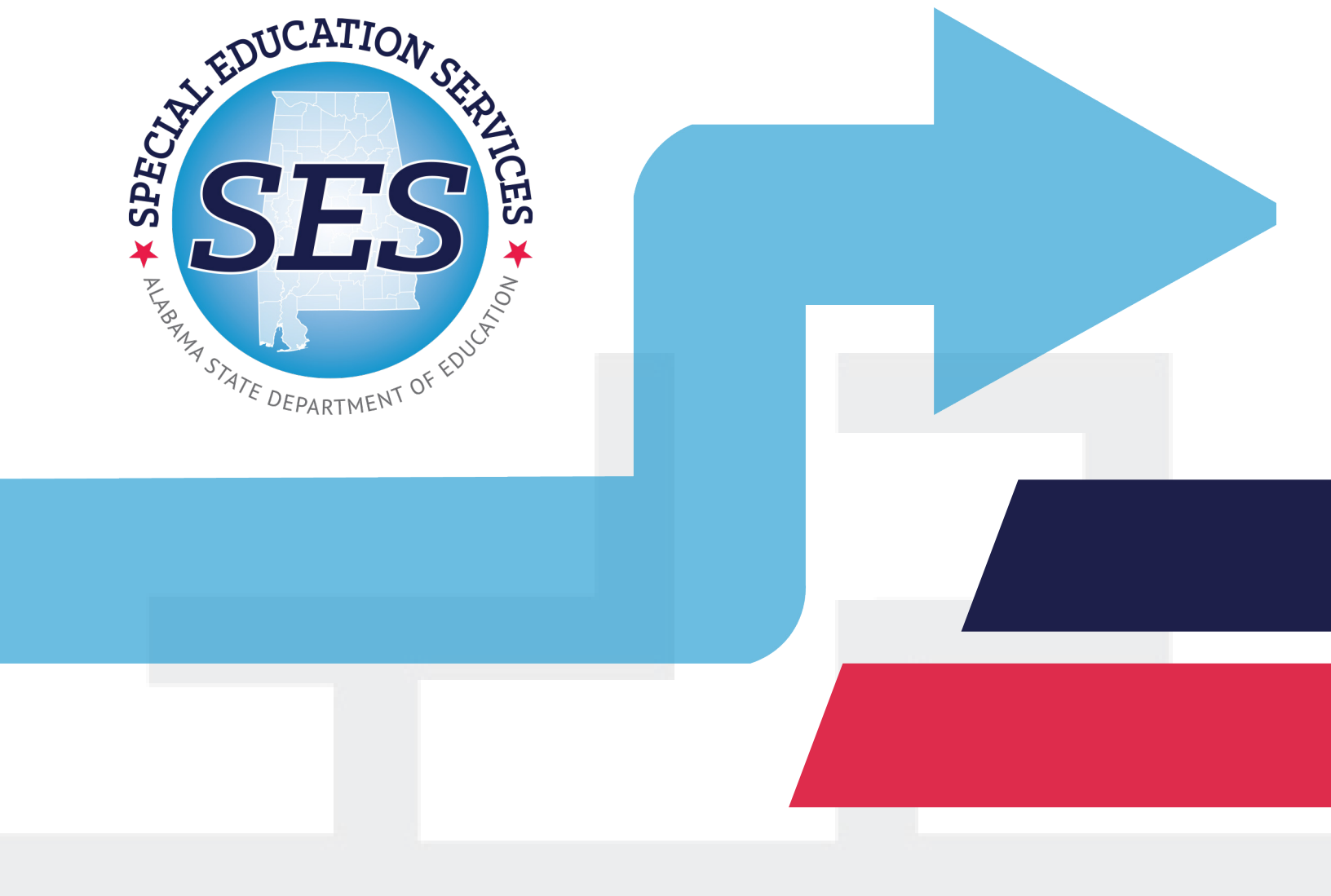


Mastering the Maze

Process 1: Referral Through IEP Implementation

Process 2: Reevaluation to Determine Continued Eligibility

Process 5: Amendments to the Annual IEP



ALABAMA STATE BOARD OF EDUCATION

Governor Kay Ivey, President

Jackie Zeigler, District I

Tracie West, District II, Vice President

Stephanie Bell, District III

Yvette M. Richardson, Ed.D., District IV

Tonya S. Chestnut, Ed.D., District V, President Pro Tem

Marie Manning, District VI

Belinda McRae, District VII

Wayne Reynolds, , Ed.D., District VIII

ALABAMA STATE DEPARTMENT OF EDUCATION

Eric G. Mackey, Ed.D., State Superintendent of Education

Chuck Marcum, Chief of Staff

Angela Martin, Deputy State Superintendent of Education

Brandon T. Payne, Ed.D., Deputy State Superintendent of Education

OFFICE OF EVALUATION ACCOUNTABILITY AND SUPPORT

Shanthia Washington, Assistant State Superintendent

SPECIAL EDUCATION SERVICES

DaLee Chambers, Ph.D., J.D.

Table of Contents

Process Chart 1: Referral Through IEP Implementation	15
Process Chart 2: Reevaluation to Determine Continued Eligibility	139
Process Chart 5: Amendments to the Annual IEP	152
Acronyms	4
Child Count Least Restrictive Educational Environment Codes	117
Early Intervention To Preschool Transition Planning Meeting Documentation	11
Early Intervention To Preschool Transition Planning Meeting Documentation:	12
FAQs	156
IEP Team	10
Individualized Education Program	74
Individualized Education Program: Annual Goal Progress Report	124
Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency	150
Notice and Consent for Initial Evaluation	61
Notice and Consent for Reevaluation	145
Notice and Consent for the Provision of Special Education Services	121
Notice and Eligibility Decision Regarding Special Education Services	66
Notice and Invitation to a Meeting / Consent For Agency Participation	52
Notice of IEP Team’s Decision Regarding Reevaluation	141
Notice of Proposal or Refusal to Take Action	57
Notice of Revocation of Consent for Continued Provision of	138
Notice of Revocation of Consent for Continued Provision of	148
Notice of Revocation of Consent for Initial Evaluation	64
Out-of-State Student Transfer Process	135
Persons Responsible for IEP Implementation	118
Record of Access to Student Records	16
Referral for Evaluation	18
Special Education and Related Services	138
Special Education and Related Services	148
Special Education Rights Acknowledgement Page	27
Student Transfer Review	136
Summary of Academic Achievement and Functional Performance (SAAFP)	127
Written Agreement Between the Parent and the Public Agency to Amend The IEP	154

Acronyms

1. **ACAP Alternate** -a standards-based assessment designed specifically to ensure that students with the most significant cognitive disabilities are provided access to the state academic content standards and given the opportunity to demonstrate their knowledge, concepts, and skills as set forth in the Alabama Alternate Achievement Standards.
2. **ACAP Summative Assessment**- a comprehensive program designed to provide information about what students know in core academic areas.
3. **Alabama Administrative Code (AAC)** - a compilation of the rules of all state agencies covered by the Alabama Administrative Procedure Act.
4. **Alabama Course of Study or Content Standards** - defines what modern learners should know and be able to accomplish after each grade level or course and upon graduation from high school so that they become literate
5. **Alabama Department of Rehabilitation Services (ADRS)** - provides services to children and adults with disabilities in Alabama homes, schools, the workplace, and the community.
6. **Alabama’s Early Intervention System (AEIS)** - is a coordinated, family-focused system of resources, supports and services for eligible infants and toddlers birth to 3 years who have developmental delays
7. **Alabama Math, Science & Technology (AMST-I)** - the Alabama Department of Education's initiative to improve math and science teaching statewide.
8. **Alabama Multi-Tier System of Supports (AL-MTSS)** - The Annual Performance Report (APR) provides information on the agency’s progress achieving the goals and objectives described in the agency’s Strategic Plan and Annual Performance Plan, including progress on strategic objectives, performance goals and Agency Priority Goals.
9. **Alabama Reading Initiative (ARI)** - a statewide K-3 initiative committed to supporting the development of high-quality instruction that will prepare all students with the literacy skills needed to meet or exceed grade-level standards.
10. **Alabama State Department of Education (ALSDE)** - the administrative entity within the Alabama state government that manages K-12 public education in the state.
11. **Americans with Disabilities Act (ADA)** - a civil right law that prohibits discrimination based on disability.
12. **Annual Performance Report (APR)** - provides information on the State’s progress towards achieving the goals and objectives described in the State Performance Plan, including progress on strategic objectives, performance and priority goals.
13. **Applied Behavior Analysis (ABA)** - a scientific approach to understanding behavior. ABA refers to a set of principles that focus on how behaviors change, or are affected by the environment, as well as how learning takes place.
14. **Assistive Technology (AT)** - technology used by individuals with disabilities to perform functions that might otherwise be difficult or impossible.

15. **Attention Deficit Disorder (ADD)** - a developmental disorder that is characterized by persistent symptoms of inattention (such as distractibility, disorganization, or forgetfulness).
16. **Attention Deficit Hyperactivity Disorder (ADHD)** - a range of behavioral disorders occurring primarily in children, including such symptoms as poor concentration, hyperactivity, and impulsivity.
17. **Autism (AUT)** - a developmental disorder of variable severity that is characterized by difficulty in social interaction and communication and by restricted or repetitive patterns of thought and behavior.
18. **Behavioral Intervention Plan (BIP)** - a formal, written plan that teaches and rewards good behavior. The purpose is to prevent or stop misbehavior.
19. **Board Certified Behavior Analyst (BCBA)** - a graduate-level certification in behavior analysis. Professionals certified at the BCBA level are independent practitioners who provide behavior-analytic services.
20. **Children Rehabilitation Services (CRS)** – a statewide system of services for children with special health care needs and their families, and adults with hemophilia. Every county in Alabama is served through a network of 14 community-based offices staffed with skilled professionals who provide quality medical, rehabilitative, and educational support services.
21. **Comprehensive Coordinated Early Intervening Services (CCEIS)** - for children in groups that were significantly over-identified from age 3 through grade 12. These set aside funds should focus particularly, but not exclusively, on the children in groups that were significantly over-identified.
22. **Coordinated Early Intervening Services (CEIS)** - services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education.
23. **Data Collection** - data collected by the Alabama State Department of Education (ALSDE) from local education agencies (LEA) authorized by Section 618 of the IDEA via eight collections: (1) Child Count; (2) Educational Environments; (3) Personnel; (4) Exiting; (5) Discipline; (6) Assessment; (7) Dispute Resolution; and (8) Maintenance of Effort Reduction and Coordinated Early Intervening Services; or by Section 616 of the IDEA via the Part B State Performance Plan/Annual Performance Report (SPP/APR) indicators.
24. **Deaf-Blindness (DB)** - concomitant (simultaneous) hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs.
25. **Developmental Delay (DD)** - a delay that adversely affects daily life and/or educational performance in one or more of the following developmental areas: adaptive, cognitive, communication, social or emotional, or physical and results in the need for special education and related services.
26. **Differentiated Instruction Guide (DIG)** - an instructional companion to the course of study. The DIG assists teachers in tailoring instruction to meet the individual needs of all students, by identifying strengths and weaknesses beginning with prior knowledge, then learning objectives to master the standard. Differentiated instruction, as a framework, allows teachers to implement a variety of strategies to maximize student growth and individual success.

27. **Due Process Hearing (DPH)** - a formal process for resolving a special education dispute under the Individuals with Disabilities Education Act. A hearing is a more formal process than other dispute resolution options. It is conducted by a hearing officer who considers the information provided by each side, may ask questions of witnesses, and makes a decision about the dispute. The hearing officer is neutral and knowledgeable about the IDEA.
28. **Dyscalculia** - learning difficulty that affects an individual's ability to do basic arithmetic such as addition, subtraction, multiplication, and division.
29. **Dysgraphia** - a neurological disorder of written expression that impairs writing ability and fine motor skills. It is a learning disability that interferes with practically all aspects of the writing process, including spelling, legibility, word spacing and sizing, and expression.
30. **Dyslexia** - a general term for disorders that involve difficulty in learning to read or interpret words, letters, and other symbols, but that do not affect general intelligence.
31. **Dyspraxia**- a developmental disability that affects motor planning, or how a person plans and controls their body to do a task.
32. **Early Intervention (EI)** - a coordinated, family-focused system of resources, supports and services for eligible infants and toddlers birth to 3 years who have developmental delays.
33. **Educational Service Agency (ESA)** - An educational service agency is a regional public multiservice agency that is authorized by state law to develop, manage, and provide services or programs to local education agencies, such as public-school districts.
34. **Electronic Grant Application Process (eGAP)** – Alabama State Department of Education’s Electronic Grant Application Process. The eGAP system allows LEAs to submit applications, develop plans, request funding, and provide expenditure reports over the internet. Additional capabilities include online application submission and approval, application status tracking, automatic e-mail notifications, and all necessary fiscal processing..
35. **Emotional Disturbance (ED)** - a disability that impacts a person's ability to effectively recognize, interpret, control, and express fundamental emotions.
36. **English Learner (EL)** - students who are unable to communicate fluently or learn effectively in English, who often come from non-English-speaking homes and backgrounds, and who typically require specialized or modified instruction in both the English language and in their academic courses.
37. **Extended School Year (ESY)** - special education and related services that are provided to a student with a disability beyond the regular school year in accordance with his/her IEP.
38. **Free Appropriate Public Education (FAPE)** - special education and related services that are provided at public expense, under public supervision and direction.
39. **Functional Behavioral Assessment (FBA)** - a process that identifies a specific or target behavior that interferes with a student’s education. The assessment attempts to designate the particular behavior, identify the factors that support the behavior, and determine the purpose of the behavior. The process leads to an intervention plan and steps that one can test to improve the student’s situation.

40. **Independent Educational Evaluation (IEE)** - an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.
41. **Individuals with Disabilities Education Improvement Act (IDEIA)** - the 2004 reauthorization of IDEA ensuring that all children with disabilities are entitled to a free appropriate public education to meet their unique needs and prepare them for further education, employment, and independent living.
42. **Interim Alternative Educational Setting (IAES)** - a temporary placement for a student who has been suspended or otherwise removed from his current educational placement for disciplinary reasons in which the student continues to receive educational services to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP.
43. **Intellectual Disability (ID)** - significant sub-average general intellectual functioning existing concurrently with significant limitations in adaptive behavior and manifested during the developmental period that adversely affects the child's educational performance.
44. **Individualized Education Program (IEP)** - a document that details a plan for the education of a student with a disability who is eligible for special education.
45. **Individual Family Service Plan (IFSP)** - a written document which outlines the early intervention services that a child will receive when s/he is eligible for early childhood special education services.
46. **Local Education Agency (LEA)** - A public board of education or other public authority within a state that maintains administrative control of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state.
47. **Limited English Proficiency (LEP)** - status referring to any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English.
48. **Multiple Disabilities (MD)** - concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education program designed solely for one of the impairments. The term does not include deaf blindness.
49. **Manifestation Determination Review (MDR)** - means a process to review all relevant information and the relationship between a student's disability and the behavior subject to the disciplinary action.
50. **Other Health Impairment (OHI)** - Other Health Impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems.
51. **Other Health Impairment (OHI)** - Other Health Impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems.
52. **Orientation and Mobility (O&M)** - services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community.

53. **Office of Special Education Programs (OSEP)** - (OSEP) part of the U.S. Department of Education. OSEP provides leadership and support for professionals working with children with disabilities. Another critical role of OSEP is to protect the educational rights of children with disabilities from age three through twenty-one.
54. **Occupational Therapy/Therapist (OT)** - Occupational therapists use purposeful activity to facilitate a child's active participation in self-maintenance; academic and vocational pursuits; and play or leisure activities that occur in school environments. Using direct and indirect services, as well as assistive technology and environmental modifications, school occupational therapists collaborate with parents, teachers and other educational staff to help implement a child's special education program.
55. **Positive Behavior Interventions and Supports (PBIS)** – evidence-based three-tiered framework to improve and integrate all the data, systems, and practices affecting student outcomes every day. The broad purpose of PBIS is to improve the effectiveness, efficiency, and equity of schools and other agencies. PBIS improves social, emotional, and academic outcomes for all students, including students with disabilities and students from underrepresented groups.
56. **Problem Solving Team (PST)** – a model to guide general education intervention services for all students who have academic and/or behavioral difficulties. The PST is central to the school's successful implementation of the Response to Intervention (RTI) Framework.
57. **Physical Therapy/Therapist (PT)** - School-based physical therapists (PT) are part of a team of related service providers who support a student's ability to access his/her educational environment. As specialists in movement, they assist a student's physical participation in a variety of settings throughout the school day.
58. **Registered Behavior Technician (RBT)** - The Registered Behavior Technician® (RBT®) is a paraprofessional certification in behavior analysis. RBTs assist in delivering behavior analysis services and practice under the direction and close supervision of an RBT Supervisor and/or an RBT Requirements Coordinator, who are responsible for all work RBTs perform.
59. **Regional Inservice Center (RIC)** - Established by the legislature in 1984, Alabama's Regional Inservice Centers (ARIC) were created to serve and support public school educators with high-quality professional learning experiences.
60. **Response to Intervention (RTI)** - is a 3-tier framework schools can adopt to identify and help struggling learners before they fail.
61. **School Based Mental Health (SBMH)** - School-based mental health services are those delivered by school-employed and community-employed providers in school buildings.
62. **State Education Agency (SEA)** - The agency primarily responsible for the supervision of a state's public elementary and secondary schools.
63. **Special Education Services (SES)** - encompasses the programs which serve students with mental, physical, emotional, and behavioral disabilities.

- 64. Specific Learning Disability (SLD)** - a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- 65. Speech or Language Impairment (SLI)** - Speech or Language Impairment means a communication disorder in the area of articulation, voice, fluency, or language that adversely affects a child's educational performance.
- 66. Speech-Language Pathologist (SLP)** - Speech-language pathologists (SLPs) work to prevent, assess, diagnose, and treat speech, language, social communication, cognitive-communication, fluency, voice, and swallowing disorders in children and adults. School-based SLPs help students meet the performance standards of a particular school district and state.

IEP Team

The IEP Team is composed of the following:

1. **The parent of the student with a disability.**
2. Not less than one regular education teacher of the student if the student is or may be participating in the regular education environment. The regular education teacher must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports and other strategies for the student and the determination of supplementary aids and services, program modifications, and supports for school personnel.
3. **Not less than one special education teacher of the student** or, where appropriate, not less than one special education provider of the student.
4. ***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 students with disabilities; is knowledgeable about the general education curriculum; is knowledgeable about the availability of resources of the public agency; and has the authority to commit agency resources and be able to ensure that IEP services will be provided. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria for serving as a public agency representative are met.
5. ***An individual who can interpret the instructional implications of evaluation results**, who may be a member of the IEP Team that is described in this section of required members of an IEP Team.
6. **At the discretion of the parent or the agency**, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate. The determination of the knowledge or special expertise of any individual is made by the party (parents or public agency) who invites the individual to be a member of the IEP Team.
7. **Whenever appropriate, the student with a disability.**
8. **Career/Technical Education Representative.** A representative of career/technical education must be included as a member of the IEP Team for those children with disabilities who have been referred for, or are currently receiving career/ technical education. The IEP of each secondary child with a disability must show any career/technical education program involvement, as well as needed accommodations and/or modifications made in the program.
9. **Secondary Transition Services Participants.** In addition to the participants specified above, if a purpose of the meeting is the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, the public agency must invite the student and, with the consent of the parent or a student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services. If the student does not attend the IEP Team meeting, the public agency must take other steps to ensure that the student's preferences and interests are considered.
10. In the case of a child who was previously served under Part C/Early Intervention (EI), an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the EI service coordinator or other representatives of the EI system to assist with the smooth transition of services.

*If an IEP Team Member is serving in two positions at a meeting (e.g., special education teacher is also serving as someone who can interpret the instructional implications of the evaluation results) he/she should sign his/her name by each position he/she is representing.

Early Intervention To Preschool Transition Planning Meeting Documentation

Child's Name:

DOB:

Date of letter of notification from EI received:

Receiving LEA:

Check the box below that corresponds with the information received on the Early Intervention Notification letter.

- The child was determined eligible by EI less than 90 days before their third birthday. No transition meeting will be scheduled. (If this box is checked, the rest of the form will not be completed. EI will be selected as the Referral Type on the Referral form.)

OR

- EI to convene a Transition Planning Meeting with the LEA representative and the parent(s) of the child. (If this box is checked, fill out the rest of this form.)

Services student received through the EI Program:

Where were services provided? Home Daycare Clinic Other

Does the student attend: Daycare Mother's Day Out Nursery School Other

Days/Times Student Attends:

Name/Address of Program:

Teacher's Name:

Medication Taken:

Reason for Medication:

Doctor's Name:

Strengths of the Child:

Needs of the Child:

Additional Information:

Current Evaluations	Examiner	Agency	Date

POSITION	PARTICIPANTS	DATE
Parent		
Parent		
EI Service Provider		
LEA Representative		

- I GIVE PERMISSION for my child to be referred to the LEA.
- I DO NOT GIVE PERMISSION for my child to be referred to the LEA.
- Parent(s) agreed or requested to have the referral meeting today.

Signature of Parent

Date of Signature

Directions for: Early Intervention To Preschool Transition Planning Meeting Documentation

Early Intervention To Preschool Transition Planning Meeting Documentation:

Purpose of this form

- To document transition from EI (Part C) to the public agency (Part B).
- To document compliance of timelines.
- To verify that the parent has given permission to refer the student to the public agency.
- To document that all required persons (parent, EI representative, LEA representative) attended the meeting.
- To obtain general information about the preschool student.

Early Intervention To Preschool Transition Planning Meeting Documentation:

When to use this form

When a student is transitioning from EI to the public agency for Part B eligibility determination.

Early Intervention To Preschool Transition Planning Meeting Documentation:

Things to remember when completing this form

- Child's Name is the full legal name of the child.
- Make sure that the box checked corresponds with the information received on the Early Intervention Notification letter.
- All fields must be completed if a Transition Meeting is held. Indicate N/A if not applicable.
- Participants must include a parent, public agency representative, and EI representative.
- All required signatures must be on this form.
- A copy of this form should be provided to EI when appropriate.
- The form is used to document that the parent, EI, and the public agency discussed transition.
- If the parent does not attend the meeting, the referral process cannot proceed.
- The parent must give permission before the student is referred to the public agency.
- The parent must sign and date the form and indicate that he/she gives permission for the referral to proceed.

Early Intervention To Preschool Transition Planning Meeting Documentation:

What happens next

If the parent checks, **I give permission for my child to be referred to the LEA**, and signs the form, the public agency proceeds with the referral process. If an IEP Team is present a referral meeting may be held immediately.

If the parent checks, **I do not give permission for my child to be referred to the LEA**, the public agency **may not** proceed with the referral process.

If the Parent Refuses to Provide Consent for Initial Evaluation

Things to Remember When Going Through This Process:

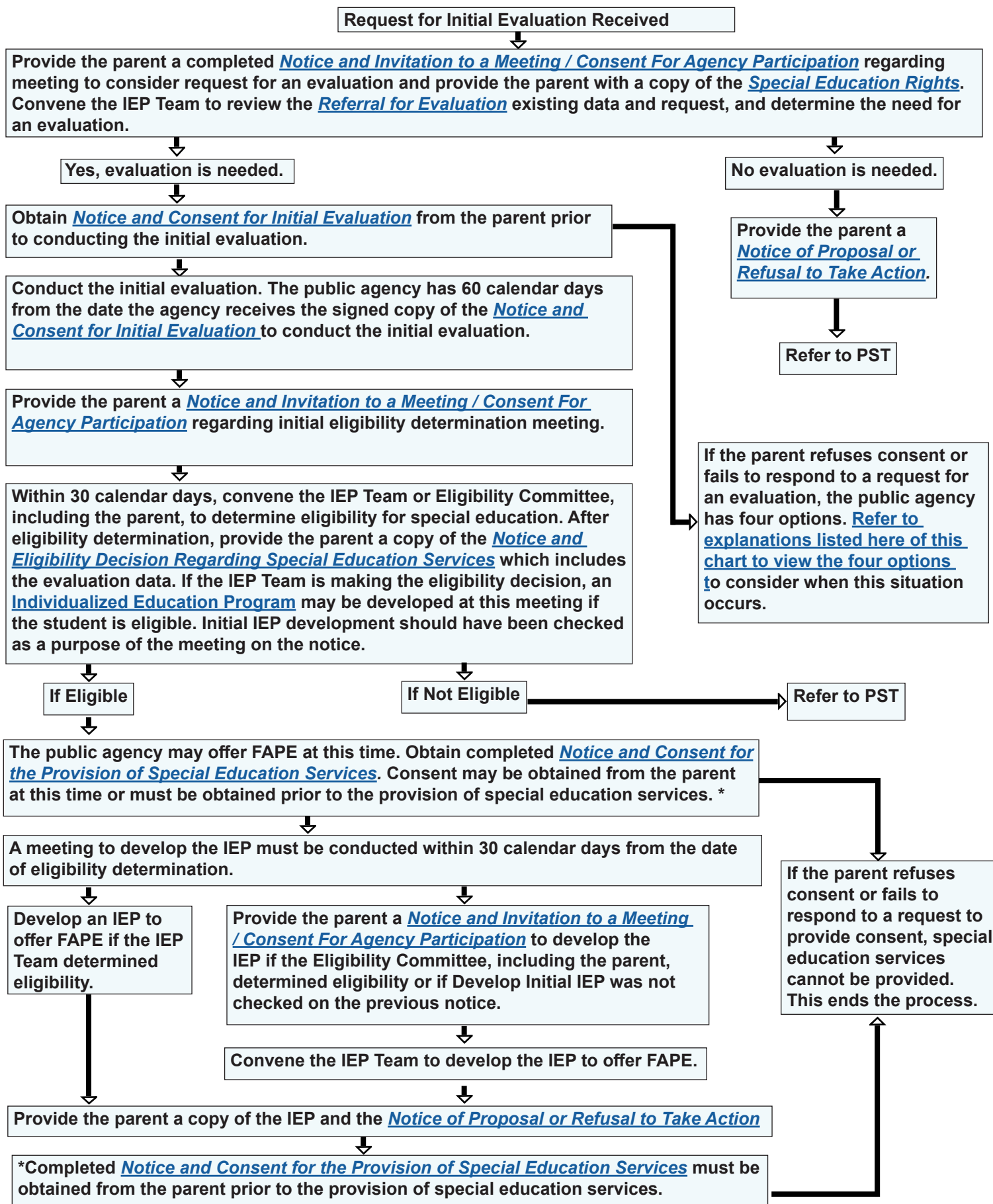
1. Existing data includes any information collected prior to a referral: progress monitoring information; concerns of parent, teachers, and the student; etc.
2. If a parent refuses consent or fails to respond to a request to provide consent for the initial evaluation, the IEP Team has the following four options:
 - a. The IEP Team may request that the parent participate in a conference to discuss his/her decision.
 - b. The public agency may ask for mediation from the ALSDE.
 - c. The public agency may initiate a due process hearing to have an impartial hearing officer to order an initial evaluation to be conducted over the parent's objections.
 - d. The public agency may decide to accept the parent's refusal

Note: If a parent of a child who is home schooled or placed in a private school by a parent at his/her own expense does not provide consent for the initial evaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the mediation and/or due process to override procedures and the public agency is not required to consider the child as eligible for services.

3. The AAC requires minimum evaluative components to determine eligibility. It is the responsibility of the IEP Team to determine if additional evaluation data are needed.
4. Upon completion of the evaluation, a team of qualified professionals (Eligibility Committee), which includes the parent or the IEP Team, must determine if the student has a disability and if the student is in need of special education (specially designed instruction) and related services.
5. The public agency has 60-calendar days from the date of receipt of the signed copy of the Notice and Consent for Initial Evaluation to conduct the initial evaluation. The public agency has 30-calendar days from the completion of all evaluations to determine whether the student is a student with a disability. Public agencies should document the date the agency receives the signed Notice and Consent for Initial Evaluation from the parent. If a student is determined to be eligible, a meeting to develop the IEP must be conducted within 30-calendar days from the date of eligibility determination.
6. For a transfer student who entered the process in one public agency before the initial evaluation was completed in the previous agency, the parent and the receiving public agency may agree to a specific timeline. The agreed upon timeline must be documented in writing on the Initial or Reevaluation Written Agreement(s) Between the Parent and the Public Agency form.

If a parent refuses to give consent for the provision of services, the process ends. If the parent fails to respond to a request to provide consent, the public agency must document at least two attempts to obtain consent. The public agency may not initiate a due process hearing to override the parent's refusal to give consent for the provision of special education services.

Process Chart 1: Referral Through IEP Implementation



Directions For: Process Chart 1 Special Education Process Referral Through IEP Implementation

Process Chart 1 Special Education Process:

Things to remember when completing this form

1. Existing data includes any information collected prior to a referral: progress monitoring information; concerns of parent, teachers, and the student; etc.
2. If a parent refuses consent or fails to respond to a request to provide consent for the initial evaluation, the IEP Team has the following four options:
 - a. The IEP Team may request that the parent participate in a conference to discuss his/her decision.
 - b. The public agency may ask for mediation from the ALSDE.
 - c. The public agency may initiate a due process hearing to have an impartial hearing officer to order an initial evaluation to be conducted over the parent's objections.
 - d. The public agency may decide to accept the parent's refusal.

Note: If a parent of a child who is home schooled or placed in a private school by a parent at his/her own expense does not provide consent for the initial evaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the mediation and/or due process to override procedures and the public agency is not required to consider the child as eligible for services.

3. The AAC requires minimum evaluative components to determine eligibility. It is the responsibility of the IEP Team to determine if additional evaluation data are needed.
4. Upon completion of the evaluation, a team of qualified professionals (Eligibility Committee), which includes the parent or the IEP Team, must determine if the student has a disability and if the student is in need of special education (specially designed instruction) and related services.
5. The public agency has 60-calendar days from the date of receipt of the signed copy of the Notice and Consent for Initial Evaluation to conduct the initial evaluation. The public agency has 30-calendar days from the completion of all evaluations to determine whether the student is a student with a disability. Public agencies should document the date the agency receives the signed Notice and Consent for Initial Evaluation from the parent. If a student is determined to be eligible, a meeting to develop the IEP must be conducted within 30-calendar days from the date of eligibility determination.
6. For a transfer student who entered the process in one public agency before the initial evaluation was completed in the previous agency, the parent and the receiving public agency may agree to a specific timeline. The agreed upon timeline must be documented in writing on the Initial or Reevaluation Written Agreement(s) Between the Parent and the Public Agency form.

If a parent refuses to give consent for the provision of services, the process ends. If the parent fails to respond to a request to provide consent, the public agency must document at least two attempts to obtain consent. The public agency may not initiate a due process hearing to override the parent's refusal to give consent for the provision of special education services.

Record of Access to Student Records

STUDENT'S NAME: _____ DOB: _____

It is the policy of the Board of Education, in accordance with IDEA, to provide procedural safeguards that protect the individual confidentiality of all student records. The Board of Education authorizes the following categories of persons to review any personally identifiable data relating to students with disabilities:

CATEGORIES OF PERSONS AUTHORIZED TO REVIEW DATA

1. Parents
2. Student
3. State Department of Education Representatives
4. Federal Education Agency Representatives
5. Local Education Agency Representatives*
6. Other State Agency Representatives*
7. State Department of Education Staff

* Limited to those representatives who have a legitimate educational interest in the student's special education program.

Signature of Person Reviewing Record	Category 1-6	Reason for Review	Date of Review
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10			
11			
12			
13			
14			
15			
16			

Directions for: Record of Access to Student Records

Record of Access to Student Records:

Purpose(s) of this form:

To document the name of the person reviewing the record, the reason for the review, and the date of the view.

Record of Access to Student Records:

When to use this form:

When a request is made for access to and disclosure of a special education student's records.

Record of Access to Student Records:

Things to remember when completing this form:

- The special education records are confidential and must be kept in a secure location.
- Each special education student record must contain a Record of Access to Student Records form. The parent may inspect and review all educational records relating to identification, evaluation, educational placement, and provision of Free Appropriate Public Education (FAPE) of his/her child that are collected, maintained, or used by the education agency.
- After providing written authorization to the education agency, the parent may have a representative review his/her child's records under the same access rights afforded to him/her.
- The local education agency is responsible for maintaining a log of each request for access to and disclosure of special education records.
- The parent, the student's teacher, and local education agency representatives are not required to sign each and every time the file is reviewed.
- If the records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

Record of Access to Student Records:

What happens next:

- The education agency must retain a copy of the student's records containing personally identifiable information for a period of five (5) years after the termination of the special education program for which they were used.
- At the end of the five-year retention period, special education records may be destroyed. To meet the notice requirement regarding the destruction of records, the education agency must inform the parent and student (that has reached the age of majority). This may be in the form of a public notice or in a letter to the parent and student (age 19 and older). Notice must include the years of the records that will be destroyed and the date of destruction.
- The education agency is not prohibited from retaining records indefinitely as long as confidentiality is ensured.

Referral for Evaluation

Date Received: _____

Student Information

Student's Complete Legal Name: _____

Sex: _____ Grade: _____ Race: _____ Date of Birth: _____

School/Service Provider: _____

Parent Name: _____

Address: _____ Primary Phone: _____

Address: _____ Phone Contact Name: _____

Other Phone (Opt) _____

Primary Language in Home: _____ Phone Contact Name: _____

Type of Referral: (Select one that represents the type of referral for the student.)

- From Early Intervention Parent School Based

Person Referring: _____ Location: _____

Reason for Referral (List Specific Concerns)

The referral is based on concerns checked below and/or continuing concerns following interventions:

INSTRUCTIONAL CONCERNS

BEHAVIORAL CONCERNS

- Poor progress acquiring pre-literacy skills
- Poor progress acquiring basic reading skills
- Poor progress acquiring pre-numeracy skills
- Poor progress acquiring basic math skills
- Difficulty producing written work
- Few appropriate cognitive learning strategies
- Poor progress acquiring communication skills
- Difficulty producing speech sounds
- Other
- Other
- Other
- None

- Poor attention and concentration
- Noncompliance with teacher directives
- Excessively high/low activity level
- Difficulty following directions
- Easily frustrated
- Extreme mood swings
- Difficulty working with peers
- Difficulty staying on task
- Limited adaptive behavioral skills
- Inappropriate social interaction skills
- Other
- None

MEDICAL INFORMATION

1. Does the student exhibit any signs of health, orthopedic, or medical problems? Yes No
2. Does this student exhibit any behaviors in the classroom which might indicated vision or hearing problems? Yes No
3. Does student currently wear glasses? Yes No
4. Does student currently wear a hearing aid? Yes No
5. Is the student receiving any medication at school and/or home? Yes No
6. Does this student currently use an assistive technology device? If yes, what? Yes No

Directions for: Referral for Evaluation

Referral for Evaluation - Student Information Page:

Purpose(s) of this form

- To provide detailed information regarding the reason(s) for referral.
- To document the student was instructed by qualified personnel and received data-based interventions prior to the referral (except for circumstances outlined at the top of the “For IEP Team Use Only” section).
- To provide adequate information for the IEP Team to determine whether or not to provide an individual comprehensive evaluation to determine eligibility for special education and related services.
- To document that the required IEP Team members participated in making this decision.

Referral for Evaluation - Student Information Page:

When to use this form

- When a student is referred for an evaluation because he/she is suspected of having a disability.
- This form may be completed upon acceptance of an out-of-state IDEA transfer student.
- Things to remember when considering a referral:
- Include all required IEP Team members when meeting to discuss the referral for an evaluation.
- Prior to the meeting, gather any needed information that is available (e.g., PST information, medical information, copies of the report card, cumulative record, work samples, recent evaluations, etc.).
- PST or other school personnel referring a regular education student should have completed the entire
- *REFERRAL FOR EVALUATION* form with attached documentation.
- At the meeting, allow all IEP Team members, including the parent, an opportunity to provide further information (e.g., reason for referral; instructional/behavioral concerns; medical information; environmental, cultural and/or economic concerns).
- Intervention strategies may be waived for:
- A student who has severe problems that require immediate attention.
- Three- and four-year-olds, and for five-year-olds who have not been in kindergarten.
- A student with articulation, voice, or fluency problems only.
- A student with a medical diagnosis of traumatic brain injury.
- A student who has been referred by his/her parent.

Referral for Evaluation - Student Information:

Things to remember when completing this page

The IEP Team, including the parent, must be convened to complete this form and to make the recommendations required of this form.

The statement written in the Reason for Referral section should clearly explain why the referring person suspects that this is a student with a disability.

For preschool students, the sections titled Instructional Concerns, Behavioral Concerns, and Historical Information are not required for completion.

If none is checked under Instructional Concerns or Behavioral Concerns, a text explanation is required. You may indicate "NA" as the text explanation.

Referral for Evaluation - First Page:

What happens next

If a student is referred and the IEP Team decides not to accept the referral for evaluation, the student goes back to the PST for further interventions. *The Notice of Proposal or Refusal to Take Action* must be provided explaining the reason why the referral was not accepted for evaluation.

If the referral is accepted, obtain signed consent and proceed with the evaluation.

Referral for Evaluation - Historical Information

Have the following been considered?

- | | | | | |
|----|---|------------------------------|-----------------------------|-----------------------------|
| 1. | Latest Report Card. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 2. | Cumulative records containing grades and attendance. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 3. | Current work samples. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 4. | Current interventions and supporting documentation. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 5. | Other relevant information (from parent/school/other agencies). | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 6. | Relevant evaluations including state assessment results. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |

- | | |
|---|---|
| <p>7. Student's grades have:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improved each year <input type="checkbox"/> Stayed about the same each year <input type="checkbox"/> Declined each year <input type="checkbox"/> Dropped suddenly <input type="checkbox"/> Data not available | <p>8. Student's grades in the indicated area(s) of concern are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Above Average <input type="checkbox"/> Average <input type="checkbox"/> Below Average <input type="checkbox"/> Data not available |
|---|---|

9. Compared to last year, this student has been absent: More Less About the same NA

10. Out of () school days for year to date, the student has been:

- Absent () days
- Tardy () times
- Checked out () times
- Failing to attend class(es) () times

- | | | | | |
|-----|---|------------------------------|-----------------------------|-----------------------------|
| 11. | Has the student ever repeated a grade? If yes, which one(s) how many times? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 12. | Has this student been suspended or expelled for disciplinary reasons during the current school year? If yes, explain. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 13. | Has this student been previously referred for special education services? If yes, note previous referral date. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 14. | Did this student qualify for special education services? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| 15. | Has the student received other services such as, Title I, Migrant, 504, EL, etc.? If yes, which ones? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |

Referral for Evaluation - Historical Information:

Things to remember when completing this page

This section does not apply to preschool students and five-year-olds who have not attended kindergarten.

For other students, the IEP Team should consider this page and indicate NA (not applicable) for items that do not apply.

Referral for Evaluation: Environmental, Cultural, and/or Economic Concerns

Use this checklist:

- 1) To determine factors impacting a student's learning and therefore excluding him/her from being identified as a student with a disability.
- 2) To determine whether or not a student needs to be administered a non-traditional intelligence test if there is environmental, language, cultural, and/or economic concerns checked.
- 3) To consider if there has been a lack of appropriate instruction in reading and/or math

Check each that applies to student.

- Limited experiential background.
 - Irregular attendance (for reasons other than verified personal illness). Transiency in
 - Home responsibilities interfering with learning activities.
 - Lack of proficiency in any language (a discrepancy of two or more grade levels or years between the student's grade level or age in language and ability).
 - Nonstandard English constituting a barrier to learning (only a foreign language or nonstandard English spoken at home, the language of the home exhibits strong dialectal differences).
 - Limited opportunity to acquire depth in English (English not spoken in the home, transience due to migrant employment of family, dialectal differences acting as a barrier to learning).
 - Limited cultural experiences (student does not participate in community activities). The student
 - Limited participation in supplemental organized learning opportunities, e.g., preschool, Head Start, after school programs.
- NONE OF THE ABOVE APPLY.**

Referral for Evaluation: Environmental, Cultural, and/or Economic Concerns

Purpose(s) of this form

- To determine if there are environmental, cultural, and/or economic concerns that have affected the student's opportunity to learn.
- To identify any environmental, language, cultural, and/or economic factors that the IEP Team needs to consider when selecting evaluation procedures for a particular student.
- To rule out environmental, cultural, and/or economic concerns as the primary cause of the impairment.

Referral for Evaluation: Environmental, Cultural, and/or Economic Concerns

When to use this form

Complete this page as part of the referral form.

Referral for Evaluation: Environmental, Cultural, and/or Economic Concerns

Things to remember when completing this form

- Check each statement that is true about the student.
- Give thoughtful consideration to each of the items listed to ensure that the student's background is accurately represented.
- The IEP Team should discuss each area checked to determine what impact, if any, the factor has on learning and/or the type of intelligence test to administer, and/or whether lack of academic instruction is a contributing factor.
- Remember that a lack of appropriate instruction in reading or math or the student's limited English proficiency may NOT be the determining factor in identifying a student as having a disability.
- If there are no concerns, check NONE OF THE ABOVE APPLY at the bottom of the page.

Referral for Evaluation: Environmental, Cultural, and/or Economic Concerns

What happens next

- The IEP Team should utilize information from this form to plan appropriate evaluations for the student so that nondiscriminatory procedures are used that best reflect the student's ability (ex: nontraditional assessments).
- Record information from this checklist on the Notice and Eligibility Decision Regarding Special Education Services form. Do not write "See Attached" or indicate the number of checks on the Notice and Eligibility Decision Regarding Special Education Services. Describe how specific factors may have influenced the student's educational performance. If there are no checks, that information should be included on the Notice and Eligibility Decision Regarding Special Education Services form.

Referral for Evaluation - IEP Team Recommendations Page

Details on the Eligibility Report to contain data-based documentation (RTI and PST interventions) for questions 1 – 3 (prong 1) and questions 4 – 7 (prong 2). (Questions 4 – 7 may be waived for a child who has severe problems that require immediate attention, a preschool child, a child with articulation, voice, or fluency problems only, a child with a medical diagnosis of traumatic brain injury, and a parent referral.) See AAC 290-8-9.03(10)(d)4.

- | | |
|--|---|
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 1. Does data-based documentation support that the child was provided appropriate instruction in regular education settings by qualified personnel, or for a preschool child, participation in age-appropriate activities? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 2. Does the reason(s) for the referral have a direct impact on the child's educational performance, or for a preschool child, participation in age-appropriate activities? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 3. Does the child make insufficient progress in meeting age or state approved grade level standards in areas of suspected disability? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 4. Does data-based documentation of progress monitoring demonstrate valid implementation of intervention(s)? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 5. Does data-based documentation demonstrate repeated assessment of achievement at reasonable intervals from multiple sources for the referral concern(s)? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 6. Does data-based documentation demonstrate the ineffectiveness of the intervention(s) for the referral concern(s)? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 7. Does documentation demonstrate that progress monitoring data was provided to the child's parent(s)? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA | 8. Does the documented data overall support the referral concern(s)? |

IEP TEAM RECOMMENDATIONS

- ACCEPTED FOR EVALUATION.** Education agency must obtain a signed Notice and Consent for Initial Evaluation prior to conducting the evaluation.
- NOT ACCEPTED FOR EVALUATION.** Education agency must provide the parent with Notice of Proposal or Refusal to Take Action.

POSITION	SIGNATURE	DATE
Parent		
Parent		
General Education Teacher		
Special Education Teacher		
LEA Representative		
Someone Who Can Interpret the Instructional Implications of the Evaluation Results		
Student		

Referral for Evaluation - IEP Team Recommendations Page:

Things to remember when completing this page

- IEP Team should mark Yes, No, or NA for each of the eight (8) questions in the FOR IEP TEAM USE ONLY section. Information to answer the questions is provided by the Problem-Solving Team (PST) prior to or at the referral meeting. This information/data verifies:
- appropriate instruction was provided in the regular education setting by qualified personnel,
- whether or not the student is making insufficient progress on grade-level standards after provision of research-based interventions,
- progress was monitored on a regular basis, and
- progress was reported to the parent.
- Check NA if intervention strategies were waived.
- The IEP Team members that participate in the meeting must sign this page.
- The answer to each question listed under the section FOR IEP TEAM USE ONLY should be YES or NO if the IEP Team decides to accept the referral for further evaluation.

Referral for Evaluation: IEP Team Recommendations Page:

Guidance to Determine Eligibility

To help answer questions and organize the information and used to complete Prong 1 and Prong 2, the data-based documentation of concerns should be presented at the referral meeting and used to make the referral decision. This information should be documented on the *Notice and Eligibility Decision Regarding Special Education Services* form and should include such things as appropriate target behavior, relationship of intervention to target behavior, duration of interventions, integrity of implementation, and data collection procedures.

Referral for Evaluation: IEP Team Recommendations Page:

What happens next

- The IEP Team should carefully review all information presented. If the referral is accepted for evaluation be sure to check **ACCEPTED FOR EVALUATION**. The LEA must then obtain a signed Notice and Consent for Initial Evaluation from the parent.
- If the IEP Team decides not to evaluate the student check **NOT ACCEPTED FOR EVALUATION**. Provide the parent with the Notice of Proposal or Refusal to Take Action that explains why the IEP Team did not accept the referral for evaluation. Refer the student to the PST.
- All IEP Team meeting participants must sign the referral form to document his/her attendance in the referral meeting. Type in the name of each IEP Team participant on the individual signature lines when completing the form in the student information system. Maintain a printed copy with original signatures to be kept on file.
- If an IEP Team member is serving in two positions at the referral meeting (e.g., special education teacher is also serving as someone who can interpret the instructional implications of the evaluation results), he/she must sign his/her name by each position he/she is representing.

Special Education Rights Acknowledgement Page

To:

Date Provided:

You are receiving a copy of Alabama's Procedural Safeguards (Special Education Rights) for the following reason(s):

- | | |
|---|--|
| <input type="checkbox"/> Required annual copy | <input type="checkbox"/> Parental request |
| <input type="checkbox"/> Initial referral/Parental request for evaluation | <input type="checkbox"/> 1st State complaint filed |
| <input type="checkbox"/> Disciplinary action resulting in a change of placement | <input type="checkbox"/> 1st Request for due process hearing |

If you have questions or need further assistance in understanding these rights, please contact:

Case Manager:

Phone Number:

Email:

Local Special Education Director/Representative:

Phone Number:

Email:

Alabama's Procedural Safeguards/Special Education Rights may be found at:
[Special Education Rights](#)

Or you may navigate to the Special Education Rights:

www.alabamaachieves.org

Click: Families and Students

Click: Special Education

Select: Forms

Select: Individualized Education Program (IEP)

Select: Special Education Rights



Alabama's Procedural Safeguards Special Education Rights

The *Individuals with Disabilities Education Act (IDEA)* and state laws create specific rights for those eligible for special education services. A copy of those rights must be given to parents only one time a year, except that a copy must also be given:

1. To the parents upon initial referral or parental request for evaluation,
2. Upon the first State complaint in a school year,
3. Upon the first request for a due process hearing in a school year,
4. When a decision is made to the disciplinary action that constitutes a change of placement, and
5. Upon request by a parent.

The following is an explanation of your rights. If you would like a further explanation of any of these rights, you may contact your school principal, the special education coordinator in your school system, or your superintendent of schools. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact your local public agency.

Prior Written Notice

Your school must give you written notice (provide you with certain information in writing), within a reasonable amount of time before it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

The written notice must:

1. Describe the action that the public agency proposes or refuses to take.
2. Explain why the public agency is proposing or refusing to take the action.
3. Describe each evaluation procedure, assessment, record, or report the public agency used in deciding to propose or refuse the action.
4. Include a statement that you have protections under the procedural safeguards provisions in IDEA, and if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained.
5. Include resources for you to contact for help in understanding the IDEA.
6. Describe any other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected; and
7. Provide a description of other reasons why the public agency proposed or refused the action.

NOTICE IN UNDERSTANDABLE LANGUAGE

The prior written notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, the public agency must ensure that:

1. The notice is translated for you orally or by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that the requirements in paragraphs 1 and 2 have been met.

If your public agency offers parents the choice of receiving documents by e-mail, you may choose to receive prior written notice by e-mail.

Written notice must be provided to you when your child graduates from high school with a regular diploma or exits because he or she has exceeded the age of eligibility for a free appropriate public education.

The Individuals with Disabilities Education Act (IDEA)

is the federal law that supports special education and related service programming for children and youth with disabilities. It was originally known as the *Education of Handicapped Children Act*, passed in 1975.

Free Appropriate Public Education (FAPE)

ensures that students with unique needs and disabilities are given an educational experience comparable to those without them. Students with disabilities are expected to be educated with students without disabilities as much as it is appropriate.

Parental Consent

Your public agency must obtain your informed written consent:

1. Before conducting an initial evaluation,
2. Before the initial provision of special education and related services, or
3. Before obtaining additional data as part of a reevaluation.

DEFINITION OF PARENTAL CONSENT

Consent means:

1. The parent has been fully informed in the native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
2. The parent understands and agrees in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. The parent understands that the consent is voluntary on the part of the parent and may withdraw consent at any time.
4. If a parent revokes (cancels) consent after their child has begun receiving special education and related services, it must do so in writing.
 - a. The withdrawal of consent does not negate (undo) an action that has occurred after consent was given, but before it was revoked.
 - b. The school is not required to amend (change) the child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

PARENTAL CONSENT FOR INITIAL EVALUATION

The public agency cannot conduct an initial evaluation of your child to determine whether your child is eligible under IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and obtaining your consent (when assessments are required as part of the evaluation) as described under the headings **Prior Written Notice** and **Parental Consent**.

The public agency must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a student with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school to start providing special education and related services to your child.

If your child is enrolled in a public school or you are seeking to enroll your child in a public school, and you have refused to provide consent for an initial evaluation or failed to respond to a request to provide consent for an initial evaluation, the public agency may but is not required to, seek to conduct an initial evaluation of your child by using the IDEA's mediation or due process complaint procedures.

The public agency will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

Consent for Initial Evaluation if the Child is a Ward of the State

If a student is a ward of the State and is not living with his/her parent - the public agency does not need consent from the parent for an initial evaluation to determine if the student is a student with a disability if:

1. Despite reasonable efforts to do so, the public agency cannot find the student's parent;
2. The rights of the parents have been terminated in accordance with state law; or a judge has assigned the right to make educational decisions to an individual other than the parent, and that individual has provided consent for an initial evaluation.

The public agency must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a student with a disability.

PARENTAL CONSENT FOR SERVICES

The public agency must obtain your informed consent before providing special education and related services to your child for the first time.

The public agency must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent or later revoke (cancel) your consent in writing, the public agency:

1. May not use the procedural safeguards (including mediation or due process complaint) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) be provided to your child without your consent.
2. Is not in violation of the requirement to make FAPE available to your child for its failure to provide those services to your child; and
3. Is not required to have an IEP meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, then the public agency:

1. May not continue to provide such services but must provide you with prior written notice, as described under the heading **Prior Written Notice**, before discontinuing those services.
2. May not use the procedural safeguards (including mediation or due process complaint) in order to obtain agreement or a ruling that special education and related services be provided to your child without your consent.
3. Is not in violation of the requirement to make FAPE available to your child for its failure to provide those services to your child; and
4. Is not required to have an IEP meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

PARENTAL CONSENT FOR REEVALUATIONS

The public agency must obtain your informed consent before it reevaluates your child unless the public agency can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; and
2. You did not respond.

If you refuse to consent to your child's reevaluation, the public agency may, but is not required to, pursue your child's reevaluation by using the mediation or due process complaint procedures to seek to override your refusal to consent to your child's reevaluation. The public agency does not violate its obligations under IDEA if it declines to pursue the reevaluation in this manner.

DOCUMENTATION OF REASONABLE EFFORTS TO OBTAIN PARENTAL CONSENT

Your school must maintain documentation of reasonable efforts to obtain your consent for initial evaluations, to provide special education and related services for the first time, for a reevaluation, and to locate parents of wards of the State for initial evaluations.

The documentation must include a record of the public agency's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

Your school must maintain documentation of reasonable efforts to obtain your consent for initial evaluations, to provide special education and related services for the first time, for a reevaluation, and to locate parents of wards of the State for initial evaluations.

OTHER CONSENT REQUIREMENTS

Parental consent is not required before the public agency may:

1. Review existing data as part of your child's evaluation or a reevaluation; or
2. Give your child a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from parents of all students.

The public agency may not use your refusal to consent to one service or activity related to the initial evaluation, initial provision of services, or reevaluations as a basis for denying the parent or child any other service, benefit, or activity, unless another requirement of IDEA requires the public agency to do so.

If you have enrolled your child in a private school at your own expense or if you are home-schooling your child, and you do not provide your consent for your child's initial evaluation or the reevaluation, or you fail to respond to a request to provide your consent, the public agency may not use its dispute resolution procedures (i.e., mediation or due process complaint) to override consent and is not required to consider your child as eligible to receive equitable services.

Transfer of Parental Rights at Age of Majority

When a child with a disability reaches the age of majority under State law (age 19) that applies to all children (except for a child with a disability who has been determined to be incompetent under State law) the public agency must provide any notice required by this part to both the child and the parents; and all rights accorded to parents under Part B of the IDEA transfer to the child; all rights accorded to parents under Part B of the IDEA transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and whenever the rights have been transferred, the agency must notify the child and the parents of the transfer of rights.

Independent Educational Evaluation

Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the public agency.

Public Expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of IDEA, which allow each state to use whatever state, local, federal, and private sources of support are available in the state to meet the requirements of the Act.

IEE CRITERIA

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE).

Except for the criteria described above, the public agency may not impose conditions or timelines related to obtaining an IEE at public expense.

RIGHT TO EVALUATION AT PUBLIC EXPENSE

You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by the public agency. The public agency must provide to parents, upon request for an IEE, information about where an IEE may be obtained, and the agency criteria applicable for IEEs.

An IEE is subject to the following conditions:

1. If you request an IEE of your child at public expense, the public agency must, without unnecessary delay, either:
 - a. File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or
 - b. Provide an IEE at public expense, unless the public agency demonstrates in a hearing that the evaluation of your child that you obtained did not meet the public agency's criteria.
2. If the public agency requests a hearing and the final decision is that the public agency's evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense.
3. If you request an IEE of your child, the public agency may ask why you object to the evaluation of your child obtained by the public agency. However, the public agency may not require an explanation and may not unreasonably delay either providing the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend the public agency's evaluation of your child.

You are entitled to only one IEE of your child at public expense each time the public agency conducts an evaluation of your child with which you disagree.

PARENT-INITIATED EVALUATIONS

If you obtain an IEE of your child at public expense or you share with the public agency an evaluation of your child that you obtained at private expense:

1. The public agency must consider the results of the evaluation of your child, if it meets the public agency' criteria for an IEE, in any decision made with respect to the provision of a FAPE to your child; and
2. You or the public agency may present the evaluation as evidence at a due process hearing regarding your child.

REQUESTS FOR EVALUATIONS BY HEARING OFFICERS

If a hearing officer requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

Dispute Resolution Options

DIFFERENCE BETWEEN STATE COMPLAINT AND DUE PROCESS HEARING PROCEDURES

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a public agency, the state department of education, or any other public agency. Only you or a public agency may file a due process hearing request on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education to the child. While the staff of the ALSDE generally must resolve a State complaint within a 60 calendar day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process hearing (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days after the end of the resolution period unless the hearing officer grants a specific extension of the timeline at your request or the public agency's request.

You are entitled to only one IEE of your child at public expense each time the public agency conducts an evaluation of your child with which you disagree.

Only you or a public agency may file a due process hearing request.

STATE COMPLAINT PROCEDURES

The ALSDE must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another state;
2. The filing of a complaint with the ALSDE; and
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

REMEDIES FOR DENIAL OF APPROPRIATE SERVICES

In resolving a State complaint in which the ALSDE has found a failure to provide appropriate services, the SES will address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the student (such as compensatory services or monetary reimbursement); and
2. Appropriate future provision of services for all students with disabilities.

MINIMUM STATE COMPLAINT PROCEDURES

The ALSDE includes in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the ALSDE determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the ALSDE with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the ALSDE, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the public agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the educational agency is violating a requirement of the IDEA; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the ALSDE's final decision.

Time Extension; Final Decision; Implementation

The ALSDE's procedures described above also must:

1. Permit an extension of the 60-calendar daytime limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; or (b) you and the educational agency voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution.
2. Include procedures for effective implementation of the ALSDE's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance.

FILLING A STATE COMPLAINT AND DUE PROCESS

If a written State complaint is received that is also the subject of a due process hearing as described under the heading **Filing a Due Process Complaint**, or the State complaint contains multiple issues of which one or more are part of such a hearing, the ALSDE will set aside any part of the State complaint that is being addressed in the due process hearing until the conclusion of the hearing. Any issue in the State complaint that is not a part of the due process hearing will be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (for example, you and the school), then the due process hearing decision is binding on that issue and the ALSDE must inform the complainant that the decision is binding.

A State complaint alleging the school's failure to implement a due process hearing decision will be resolved by the ALSDE.

The ALSDE must have written procedures for resolving any complaint, including a complaint filed by an organization or individual from another state.

FILING A STATE COMPLAINT

An organization or individual may file a signed written State complaint under the procedures described previously.

The Department accepts electronic filings of State complaints, and digital signatures are needed. When an electric State complaint is submitted, the Department will:

1. Identify and authenticate a particular person as the source of the consent and indicate such person's approval of the information contained in the electronic consent;
2. Be sufficient enough to ensure that a party filing a State complaint electronically understands that the complaint has the same effect as if it were filed in writing; and
3. Ensure that the same confidentiality requirements that apply to written State complaints apply to State complaints filed electronically.

Address written complaints to the Department's SES at:

E-mail address: sesdr@alsde.edu

Mailing Address: SES WRITTEN COMPLAINT
Special Education Services
Alabama State Department of Education
P.O. Box 30201
Montgomery, AL 36130

The State complaint must include:

1. A statement that the public agency has violated a requirement of the IDEA or its implementing regulations in 34 C.F.R. Part 300;
2. The facts on which the statement is based;
3. The signature and contact information for the party filing the complaint; and
4. If alleging violations regarding a specific student:
 - a. The name of the student and address of the residence of the student;
 - b. The name of the school the student is attending;
 - c. In the case of a homeless student or youth, available contact information for the student, and the name of the school the student is attending;
 - d. A description of the nature of the problem of the student, including facts relating to the problem; and
 - e. A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading **Adoption of State Complaint Procedures**. The party filing the State complaint must forward a copy of the complaint to the educational agency serving the student at the same time as the party files the complaint with the ALSDE.

The Department will not issue written decisions in response to anonymous complaints. However, depending upon the nature of the anonymous complaint, the Department may consider the information as part of the general supervisory responsibilities through the monitoring system.

State Complaint Model Form

The Department developed a model form to help with the filing of a State complaint. However, the Department does not require the use of this model form to file a State complaint. You can use the model form or another form, as long as it contains the required information for filing a State complaint. The Department's model form to file a State complaint may be found at: [Dispute Written State Complaint](#) or www.alabamaachieves.org > Families and Students > Special Education > Dispute Resolution > Dispute Written State Complaint

The ALSDE will not issue written decisions in response to anonymous complaints.

STATE MEDIATION PROCEDURES

The Department makes mediation available to allow you and the public agency to resolve disagreements involving any matter under the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve any disputes under the IDEA.

Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the public agency's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights provided under the IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The Department has a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services.

Mediators are selected on a random, rotational, or other impartial basis.

The Department is responsible for the cost of the mediation process, including the costs of the meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the public agency.

If you and the public agency resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
2. Is signed by both you and a representative of the public agency who has the authority to bind the public agency.

A written, signed mediation agreement is enforceable in any state court of competent jurisdiction (a court that has the authority under State law to hear this type of case or in a district court of the United States).

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal or state court.

However, parties are not required to sign a confidentiality pledge before mediation begins.

Impartiality of Mediator

The mediator:

1. May not be an employee of the educational agency that is involved in the education or care of your child; and
2. Must not have a personal or professional interest that conflicts with the mediator's objectivity.
3. A person who otherwise qualifies as a mediator is not an employee of the Department solely because he or she is paid by the Department to serve as a mediator.

Mediation Request Form

The Department developed a mediation request form to help with requesting mediation.

However, the Department does not require the use of this form to request mediation.

The Department's mediation request form may be found at: [Dispute Mediation Request](#)

or www.alabamaachieves.org > Families and Students > Special Education > Dispute Resolution > Dispute Mediation Request.

The ALSDE makes mediation available to allow you and the public agency to resolve any disputes under the IDEA.

Discussions during the mediation process are confidential and cannot be used as evidence in any future due process hearing or civil proceeding of any federal or state court.

DUE PROCESS HEARING PROCEDURES

Filing a Due Process Complaint

You or the public agency may file a due process complaint on any matter relating to:

1. A proposal or a refusal to initiate or change the identification, evaluation, or educational placement of your child, or
2. The provision of a FAPE to your child.

The due process complaint must allege a violation that happened not more than two (2) years before you or the public agency knew, or should have known, about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you cannot file a due process complaint within the timeline because:

1. The public agency specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The public agency withheld information from you that it was required to provide you under the IDEA.

The public agency must inform you of any free or low-cost legal and other relevant services available in the area if you request the information or if you or the public agency files a due process complaint.

Alabama Disabilities Advocacy Program (ADAP)

P.O. Box 870395 · Tuscaloosa, AL 35487-0395 · (800) 826-1675 · www.adap@adap.ua.edu

Alabama Parent Education Center (APEC)

10520 US Highway 231 · Wetumpka, AL 36092 · (866) 532-7660 · www.alabamaparentcenter.com

Legal Services Alabama

2567 Fairlane Drive, #300 · Montgomery, AL 36116 · (866) 456-4995 · www.legalservicesalabama.org

A referral to an attorney specializing in special education law may be obtained by contacting the Alabama State Bar Association at (800) 392-5660.

Due Process Complaint

To request a hearing, you or the public agency (or your attorney or the public agency's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

The public agency is responsible for the conduct and costs of the hearing.

Content of a Due Process Complaint

The due process complaint must include the following:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless student or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to the complaining party (you or the public agency) at the time.

A referral to an attorney specializing in special education law may be obtained by contacting the Alabama State Bar Association at (800) 392-5660.

Notice Required Before a Hearing on a Due Process Complaint

You or the public agency may not have a due process hearing until you or the public agency files a due process complaint that includes the information listed above.

Sufficiency of Complaint

For a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the public agency) notifies the hearing officer and the other party in writing within 15 calendar days of receiving the complaint, that the receiving party believes the due process complaint does not meet the requirements listed above.

Within five (5) calendar days of receiving the notification that the receiving party considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above and notify you and the public agency in writing immediately.

Complaint Amendment

You or the public agency may amend the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described under the heading **Resolution Process**; or
2. By no later than five (5) days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Public Agency Response to a Due Process Complaint

If the public agency has not sent a prior written to you, as described under the heading **Prior Written Notice**, regarding the subject matter contained in your due process complaint, the public agency must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the public agency proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's IEP Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the public agency used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the public agency's proposed or refused action.

Providing the information in items 1-4 above does not prevent the public agency from asserting that your due process complaint was insufficient.

Other Party Response to a Due Process Complaint

Except as stated under the subheading immediately above, in public agency response to a due process complaint, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

Due Process Complaint Model Form

The Department developed model forms to help you to file a due process complaint. However, the Department does not require the use of this model form. You may use the model form or another appropriate form, as long as it contains the required information for filing a due process complaint.

A model due process hearing request form can be found at: [Dispute Due Process Complaint](#) or www.alabamaachieves.org > Families and Students > Special Education > Dispute Resolution > Dispute Due Process Complaint.

For a due process complaint to go forward, it must be considered sufficient.

A model due process hearing request form can be found at alabamaachieves.org.

RESOLUTION PROCESS

Resolution Meeting

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the public agency must convene a meeting with you and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in your due process complaint.

The meeting:

1. Must include a representative of the public agency who has decision-making authority on behalf of the public agency; and
2. May not include an attorney of the public agency unless you are accompanied by an attorney.

You and the public agency determine the relevant members of the IEP Team to attend the meeting. The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint so that the public agency has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the public agency agree in writing to waive the meeting; or
2. You and the public agency agree to use the mediation process, as described under the heading **Mediation**.

Resolution Period

If the public agency has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar day timeline for issuing a final due process hearing decision, as described under the heading **Hearing Decisions**, begins at the expiration of the 30-calendar day resolution period, with certain exceptions for adjustments made to the 30-calendar day resolution period, as described below.

Except where you and the public agency have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

If after making reasonable efforts and documenting such efforts, the public agency is not able to obtain your participation in the resolution meeting, the public agency may, at the end of the 30-calendar day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the public agency's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the public agency fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint or fails to participate in the resolution meeting, you may ask a hearing officer to begin the 45-calendar day due process hearing timeline.

If the public agency has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

Adjustments to the 30-Calendar Day Resolution Period

If you and the public agency agree in writing to waive the resolution meeting, then the 45-calendar day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar day resolution period, if you and the public agency agree in writing that no agreement is possible, then the 45-calendar day timeline for the due process hearing starts the next day.

If you and the public agency agree to use the mediation process but have not yet reached an agreement, at the end of the 30-calendar day resolution period the mediation process may be continued until an agreement is reached if both parties agree to the continuation in writing. However, if either you or the public agency withdraws from the mediation process during this continuation period, then the 45-calendar day timeline for the due process hearing starts the next day.

Written Settlement Agreement

If a resolution to the dispute is reached at the resolution meeting, you and the public agency must enter into a legally binding agreement that is:

1. Signed by you and a representative of the public agency who has the authority to bind the public agency; and
2. Enforceable in any state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a district court of the United States.

If you and the public agency enter into an agreement as a result of a resolution meeting, either party may void the agreement within three (3) business days of the time that both you and the public agency signed the agreement.

IMPARTIAL DUE PROCESS HEARING

Whenever a due process complaint is filed, you or the public agency involved in the dispute must have an opportunity for an impartial due process hearing, as described in the Due Process Complaint and Resolution Process sections.

Impartial Hearing Officer

At a minimum, a hearing officer:

1. Must not be an employee of the public agency or any state agency that is involved in the education or care of the student. However, a person is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of IDEA, federal and state regulations pertaining to IDEA, and legal interpretations of IDEA by federal and state courts; and
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

The Department keeps a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

Subject Matter of Due Process Hearing

The party that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint unless the other party agrees.

Timeline for Requesting a Hearing

You or the public agency must request an impartial hearing on a due process complaint within two (2) years of the date you or the public agency knew or should have known about the issue addressed in the complaint.

If you and the public agency agree in writing to waive the resolution meeting, then the 45-calendar day timeline for the due process hearing starts the next day.

The ALSDE keeps a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

Exceptions to the Timeline

The above timeline does not apply to you if you cannot file a due process complaint because:

1. The public agency specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
2. The public agency withheld information from you that it was required to provide to you under the IDEA.

Hearing Rights

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by an attorney and/or persons with special knowledge or training regarding the problems of students with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

The party initiating the due process complaint has the burden of proof or responsibility of proving the allegations of the complaint.

Additional Disclosure of Information

At least five (5) business days prior to a due process hearing, you and the public agency must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the public agency intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental Rights at Hearings

You must be given the right to:

1. Have your child present at the hearing;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact, and the decisions provided to you at no cost.

Hearing Decisions

A hearing officer's decision on whether your child received FAPE must be based on evidence and arguments that directly relate to FAPE.

In matters alleging a procedural violation (such as "an incomplete IEP Team"), a hearing officer may find that your child did not receive FAPE only if the procedural violations:

1. Interfered your child's right to FAPE;
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of FAPE to your child; or
3. Caused your child to be deprived of an educational benefit.

None of the provisions described above can be interpreted to prevent a hearing officer from ordering the public agency to comply with the requirements in the procedural safeguards section of the federal regulations under the IDEA (34 C.F.R. §§ 300.500 through 300.536).

Following a student's placement in a private school or for continued placement in a private school, the private school cannot be determined to be an appropriate placement by the hearings officer if the public agency has not been allowed to exercise its responsibility to ensure the provision of FAPE for the student.

You must be given the right to: have your child present at the hearing; open the hearing to the public; and have the record of the hearing, the findings of fact, and the decisions provided to you at no cost.

Separate Request for a Due Process Hearing

Nothing in the procedural safeguards section of the federal regulations under the IDEA (34 C.F.R. §§ 300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Findings and Decision Provided to the Advisory Panel and General Public

The Department, after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing to the state Special Education Advisory Panel (SEAP); and
2. Make those findings and decisions available to the public.

Finality of Decision and Appeal

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing may appeal the decision by bringing a civil action, as described under the heading **Civil Actions**, including the **Time Period in Which to File Those Actions**.

Timelines and Convenience of Hearings

The Department must ensure that not later than 45 calendar days after the expiration of the 30-calendar day period for resolution meetings or, as described under the subheading **Adjustments to the 30-Calendar Day Resolution Period**, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar day time period described above at the request of either party. Each extension shall be for no more than 45 days. For consideration for an extension, a hearing officer shall consider the following:

1. The negative effects of extending the time in which a student's education is delayed due to the extension;
2. The requesting party's ability to have avoid requesting for an extension;
3. If the extension request is from the petitioner, whether the petitioner had the opportunity to adequately prepare before filing for a hearing;
4. The negative effects of denying the request for an extension;
5. The intent of IDEA 2004 is to expedite an informal administrative proceeding; and
6. Whether granting the request for an extension will override the intent of the law in favor of the convenience of the parties.

The hearing officer shall not grant an extension for a hearing unless provided with a compelling reason or a specific showing of substantial hardship.

The hearing officer shall respond in writing to each request for an extension. Each response shall include findings of fact and conclusions as to why good cause exists. Each response shall become a part of the records. If an extension is granted, the hearing officer shall set a new date for the hearing and notify the parties in writing of the date.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS

Any party who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

The hearing officer shall not grant an extension for a hearing unless provided with a compelling reason or a specific showing of substantial hardship.

Time Limitation

The party bringing the action shall have 30 calendar days from the date of the decision of the hearing officer to file a civil action.

Additional Procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the public agency's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Under appropriate circumstances, judicial relief may include reimbursement of private school tuition and compensatory education services.

JURISDICTION OF DISTRICT COURTS

The district courts of the United States have the authority to rule on actions brought under the IDEA without regard to the amount in dispute.

RULE OF CONSTRUCTION

Nothing in the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other federal laws protecting the rights of students with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under the IDEA.

STUDENT'S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING

Except as provided below under the heading **Procedures When Disciplining Students with Disabilities**, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the public agency agree otherwise, your child must remain in his/her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under the IDEA for a student who is transitioning from being served under Part C of IDEA to Part B of IDEA and who is no longer eligible for Part C services because the student has turned three, the public agency is not required to provide the Part C services that the student has been receiving. If the student is found eligible under Part B of IDEA and you consent for your child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the public agency must provide those special education and related services that are not in dispute.

If a hearing officer in a due process hearing agrees with you that a change of placement is appropriate, that placement must be treated as your child's current educational placement, where your child will remain while waiting for the decision of any impartial due process hearing or court proceeding.

ATTORNEYS' FEES

In any action or proceeding brought under the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you if you prevail (win).

If you decide to have an attorney present and participate in resolution meetings or mediation meetings, the attorney's fees you are charged may not be reimbursed or covered by the public agency. Because the intent of the resolution meeting and mediation is an opportunity for the parent and the public

The party bringing the action shall have 30 calendar days from the date of the decision of the hearing officer to file a civil action.

The district courts of the United States have the authority to rule on actions brought under the IDEA without regard to the amount in dispute.

agency to resolve the issue and make agreements for resolution, attorney participation in the resolution meeting and mediation meeting is not right for either party.

In any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing State Educational Agency, the public agency, to be paid by your attorney, if the attorney:

1. Filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or
2. Continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or in any action or proceeding brought under Part B of IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing State Educational Agency, the public agency, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding (hearing).

Award of Fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of IDEA for services performed after a written offer of settlement is made to you if:
 - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
 - b. The offer is not accepted within 10 calendar days; and
 - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail, and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the IEP Team unless the meeting is held as a result of an administrative proceeding or court action.

Fees also may not be awarded for mediation as described under the heading **Mediation**.

A resolution meeting, as described under the heading **Resolution Process**, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing you did not provide to the public agency the appropriate information in the due process request notice as described under the heading **Due Process Complaint**.

However, the court may not reduce fees if the court finds that the public agency unreasonably delayed the final resolution of the action or proceeding or if there was a violation under the procedural safeguards provisions of Part B of IDEA.

Access to Records

CONFIDENTIALITY OF INFORMATION

Parents, or students age 19 or older, are afforded the rights with respect to the education records of their child under the Family Educational Rights and Privacy Act (FERPA) and state law relating to the protection of educational rights and privacy of students and parents. Under FERPA and state law, when a student becomes 19 years of age, the rights of the parents regarding the student's education records, including the right of consent to release records, transfer to the student.

PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally identifiable means information that includes:

1. Your child's name, your name as the parent, or the name of another family member;
2. Your child's address;
3. A personal identifier, such as your child's social security number or student identification number; or
4. A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

NOTICE TO PARENTS

The educational agency must give notice that is adequate to fully inform parents about the confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and students regarding this information, including the rights under FERPA and its implementing regulations in 34 CFR Part 99.

Before any major activity to identify, locate, or evaluate students in need of special education and related services (also known as "child find"), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of these activities.

ACCESS RIGHTS

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by the educational agency under IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a hearing regarding discipline), or resolution session, and in no case more than 45 calendar days after you have made the request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Education Records means the type of records covered under the definition of "education records" in 34 CFR Part 99 (the regulations implementing the FERPA of 1974, 20 U.S.C. 1232g).

Participating Agency means any school, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under the IDEA.

RECORD OF ACCESS

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Records on More Than One Student

If any education record includes information on more than one student, the parents of those students have the right to inspect and review only the information relating to their child or to be informed of that specific information.

List of Types and Locations of Information

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the participating agency.

Fees

Each participating agency may charge a fee for copies of records that are made for you under the IDEA if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under IDEA.

Amendment of Records at Parent's Request

If you believe that information regarding your child in the education records collected, maintained, or used under the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of your right to a hearing as described under the heading **Opportunity for a Hearing**.

Opportunity for a Hearing

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

Hearing Procedures

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under FERPA pertaining to the Protection of Educational Rights and Privacy of Students and Parents.

Result of Hearing

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency. Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
2. If the participating agency discloses the records of your child or the challenged information to any party, the explanation must also be disclosed to that party.

Each participating agency may charge a fee for copies of records that are made for you under the IDEA.

Consent for Disclosure of Personally Identifiable Information

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of the IDEA.

Your consent, or consent of an eligible student who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of agencies providing or paying for transition services.

Safeguards

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures regarding confidentiality under the IDEA and FERPA.

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Destruction of Information

The public agency must inform you when personally identifiable information collected, maintained, or used under the IDEA is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

At your request, the educational agency must also provide you access to the education records before the destruction of records.

Children's Rights

TRANSFER OF RIGHTS

The Department has, in effect, policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.

Under the regulations for FERPA in 34 CFR 99.5(a), the rights of parents regarding education records are transferred to the student at age 19.

If the rights accorded to parents under the IDEA are transferred to a student who reaches the age of majority, consistent with 34 C.F.R. § 300.520, the rights regarding educational records in 34 C.F.R. §§ 300.613 through 300.624 must also be transferred to the student. However, the public agency must provide any notice required under section 615 of the Act to the student and the parents.

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS WHEN FREE APPROPRIATE PUBLIC EDUCATION IS AT ISSUE

The IDEA does not require the public agency to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the public agency made FAPE available to your child and you choose to place the student in a private school

At your request, the public agency must provide you access to the education records before the destruction of records.

Participating Agency means any school, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under the IDEA.

or facility. However, the public agency must include your child in the population whose needs are addressed under the IDEA provisions regarding students who have been placed by their parents in a private school under 34 C.F.R. §§ 300.131 through 300.144.

Reimbursement for Private School Placement

If your child previously received special education and related services under the authority of the public agency, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the public agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the public agency had not made FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the public agency.

For a student continuing in private school placement, the determination of an appropriate placement by the hearing officer shall not be made unless the private school allows the public agency to exercise its responsibility to ensure the provision of FAPE for the student.

Limitation on Reimbursements

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If:
 - a. At the most recent IEP meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the public agency to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or
 - b. At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the public agency of that information;
2. If, prior to your removal of your child from the public school, the public agency provided prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the student available for the evaluation; or
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if:
 - a. The school prevented you from providing the notice;
 - b. You had not received notice of your responsibility to provide the notice described above; or
 - c. Compliance with the requirements above would likely result in physical harm to your child;and
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for your failure to provide the required notice if:
 - a. You are not literate or cannot write in English; or
 - b. Compliance with the above requirement would likely result in serious emotional harm to your child.

Discipline

AUTHORITY OF SCHOOL PERSONNEL

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a student with a disability who violates a school code of student conduct.

To the extent that they also take such action for students without disabilities, school personnel may, for not more than 10 school days in a row, remove a student with a disability who violates a code of student conduct from his/her current placement to an appropriate interim alternative educational setting, another setting, or suspension.

Once a student with a disability has been removed from his/her current placement for a total of 10 school days in the same school year, the public agency must, during any subsequent days of removal in that school year, provide services to the extent required under the sub-heading **Services**. Removals of more than 10 cumulative or consecutive school days in that same school year is a change of placement (see the heading **Change of Placement Because of Disciplinary Removals**).

Additional Authority

If the behavior that violated the student code of conduct was not a manifestation of the student's disability (see the subheading **Manifestation Determination**) and the proposed disciplinary removal would exceed 10 consecutive or cumulative school days in a school year, school personnel may apply the disciplinary procedures to that student with a disability in the same manner and for the same duration as it would to students without disabilities, except that the school must provide services to that student as described under **Services**. The student's IEP Team determines the interim alternative educational setting for such services.

SERVICES

The public agency may provide services to both a student with a disability and a student without a disability who has been removed from his/her current placement for 10 school days or less in that school year. The student may be provided with an alternate educational option (such as homework, projects, or class assignments), and services may be provided in an interim alternative educational setting.

A student with a disability who is removed from the student's current placement for more than 10 school days in a school year and whose behavior is not a manifestation of the student's disability (see subheading **Manifestation Determination**) or who is removed under special circumstances (see the subheading **Special Circumstances**) must:

1. Continue to receive educational services (have available FAPE) so as to enable the student to continue to participate in the general education curriculum, although in another setting (that may be an interim alternative educational setting), and to progress toward meeting the goals set out in the student's IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not happen again.

After a student with a disability has been removed from his/her current placement for 10 school days in that same school year, and if the current removal is for 10 school days in a row or less, and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

If the removal is a change of placement (see the heading **Change of Placement Because of Disciplinary Removals**), the student's IEP Team determines the appropriate services to enable the student to continue to participate in the general education curriculum, although in another setting (that

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a student with a disability who violates a school code of student conduct.

may be an interim alternative educational setting), and to progress toward meeting the goals set out in the student's IEP.

If the removal exceeds 10 cumulative days in the same school year and is a crisis removal, then school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

MANIFESTATION DETERMINATION

Excluding crisis removals, within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the public agency, you, and other relevant members of the IEP Team must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by you to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of the public agency's failure to implement the student's IEP.

If the public agency, you, and other relevant members of the student's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the student's disability.

If the public agency, you, and other relevant members of the student's IEP Team determine that the conduct in question was the direct result of the public agency's failure to implement the IEP, the LEA must take immediate action to remedy those deficiencies.

If the public agency, you, and other relevant members of the IEP Team determine that the conduct was a manifestation of the student's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the public agency had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
2. If a behavioral intervention plan has already been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the subheading Special circumstances, the public agency must return your child to the placement from which your child was removed, unless you and the public agency agree to a change of placement as part of the modification of the behavioral intervention plan.

SPECIAL CIRCUMSTANCES

Whether or not the behavior was a manifestation of your child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the student's IEP Team) for not more than 45 school days, if your child:

1. Carries a weapon (see definition at right) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the public agency;
2. Knowingly has or uses illegal drugs (see definition at right), or sells or solicits the sale of a controlled substance (see definition at right), while at school, on school premises, or at a school function under the jurisdiction of the public agency; or
3. Has inflicted serious bodily injury (see definition at right) upon another person while at school, on school premises, or at a school function under the jurisdiction of the public agency.

NOTIFICATION

On the date the public agency makes the decision to make a removal that is a change of placement of your child because of a violation of a code of student conduct, the public agency must notify you of that decision and provide you with a procedural safeguards notice.

Controlled Substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal Drug means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

Serious Bodily Injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

A removal of your child with a disability from your child's current educational placement is a change of placement if:

1. The removal is for more than 10 school days in a row; or
2. The series of removals totals more than 10 school days in a school year.

DETERMINATION OF SETTING

The IEP Team determines the interim alternative educational setting for removals that are changes of placement and removals under the subheadings **Additional Authority** and **Special Circumstances**.

EXPEDITED DUE PROCESS

You may file an expedited due process complaint (see the heading **Due Process Complaint Procedures**) to request a due process hearing if you disagree with:

1. Any decision regarding placement made under these discipline provisions; or
2. The manifestation determination is described under the subheading Manifestation determination.

The public agency may file an expedited due process complaint to request a due process hearing if it believes that maintaining the current placement of your child is substantially likely to result in injury to your child or to others.

Authority of Hearing Officer

A hearing officer that meets the requirements described under the subheading **Impartial Hearing Officer** must conduct the due process hearing and make a decision. The hearing officer may:

1. Return your child with a disability to the placement from which your child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading **Authority of School Personnel**, or that your child's behavior was a manifestation of your child's disability; or
2. Order a change of placement of your child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of your child is substantially likely to result in injury to your child or to others.

These hearing procedures may be repeated if the public agency believes that returning your child to the original placement is substantially likely to result in injury to your child or to others.

Whenever you or the public agency files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures** and **Hearings on Due Process Complaints**, except as follows:

1. The public agency must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing request is filed and must result in a determination within 10 school days after the hearing.
2. Unless you and the public agency agree in writing to waive the meeting or agree to use mediation, a resolution meeting must occur within seven (7) calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.
3. The timeline for disclosure of evidence and evaluations may be less than five (5) business days and must be set by the hearing officer at the pre-hearing conference.

You or the public agency may appeal the decision in an expedited due process hearing in the same way as for decisions in other due process hearings (see the heading **Appeal**).

Placement During the Expedited Due Process

When you or the public agency file a due process complaint related to disciplinary matters, your child must (unless you and the public agency agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period of removal as provided for and described under the heading **Authority of School Personnel**, whichever occurs first.

You or the public agency may appeal the decision in an expedited due process hearing in the same way as for decisions in other due process hearings

PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

If your child has not been determined eligible for special education and related services and violates a code of student conduct, but the public agency had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that your child was a student with a disability, then your child may assert any of the protections described in this notice.

The public agency will be deemed to have knowledge that your child is a student with a disability if, before the behavior that brought about the disciplinary action occurred:

1. You expressed concern in writing to supervisory or administrative personnel of your child's school or to your child's teacher that your child is in need of special education and related services;
2. You requested an evaluation related to eligibility for special education and related services under the IDEA; or
3. Your child's teacher or other public agency personnel expressed specific concerns about a pattern of behavior demonstrated by your child directly to the supervisory or administrative personnel of your child's school or to other supervisory personnel of the LEA.

Exception

The public agency would not be deemed to have such knowledge if:

1. You have not allowed an evaluation of your child or have refused special education services; or
2. Your child has been evaluated and determined not to be a student with a disability under the IDEA.

Conditions that Apply if There is No Basis of Knowledge

If prior to taking disciplinary measures against your child, the public agency does not have knowledge that your child is a student with a disability, as described above under the subheadings **Basis of Knowledge for Disciplinary Matters** and **Exception**, your child may be subjected to the disciplinary measures that are applied to students without disabilities who engage in comparable behaviors.

However, if a request is made for an evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, your child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If your child is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the public agency, and information provided by you, the public agency must provide special education and related services in accordance with the IDEA, including the disciplinary requirements described above.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

The IDEA does not:

1. Prohibit an agency from reporting a crime committed by a student with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

Transmittal of Records

If the LEA reports a crime committed by a student with a disability, the LEA:

1. Must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the student's special education and disciplinary records only to the extent permitted by FERPA.

If your child is determined to be a student with a disability, the public agency must provide special education and related services in accordance with the IDEA, including the disciplinary requirements.

Notice and Invitation to a Meeting / Consent For Agency Participation

To:

Date Notice Sent:

This notice is to invite you to a meeting for student

, DOB:

to be held:

Meeting Date:

Time:

Location:

The purpose of the meeting is to:

- Determine if Referral requires Evaluation (Provide Special Education Rights)
- Discuss the Need for Additional Data Collection
- Determine Initial or Continued Eligibility
- Develop an Initial IEP
- Develop an Annual IEP or Revise the current IEP
- Conduct an Annual Review of the current IEP
- Discuss Transition/Postsecondary Services
- Conduct Manifestation Determination
- Develop Functional Behavioral Assessment Plan
- Conduct a Resolution Session
- Other Reason to meet:

The following people will be invited to meet with us:

- Local Education Agency (LEA) Representative
- Someone Who Can Interpret the Instructional
- Implications of the Evaluation Results
- General Education Teacher
- Special Education Teacher
- Parent
- Student notified _____ Via _____
- _____
- Career/Technical Representative
- Agency Representative(s) for Transition (With parental consent/student age 19)
- Agency Name(s): _____
- Agency notified _____
- Via: _____ on _____

Because your input is important to us, we encourage you to make every effort to attend this meeting. If you would like to participate by phone, please call the person below to make arrangements. You may bring other people whom you feel will be helpful to you in this process. If your child is transitioning from Early Intervention, you may request that an invitation be sent to the Early Intervention Program for the initial IEP Team meeting.

If you require notice and an explanation of your rights in your native language, the LEA/agency will accommodate you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, wish to arrange a conference, or need additional accommodations please contact:

_____ At _____ Or _____
 Contact Name Telephone number Email

PARENT-STUDENT (Age 19 or older)

Please check one of the following boxes, sign, date, and return this form to the contact (above) before:

- I **WILL** be able to meet with you on the scheduled date and time.
- I will **NOT** be able to meet on the scheduled date and time, but would like to reschedule, please contact me at _____
- I will **NOT** be able to attend the meeting. The meeting may proceed without me.

Please **check one** of the following boxes if agency(s) were invited (see if checked above):

I Give consent for the representative(s) from the other transition agency(s) to attend the meeting.

(Excluding the following agency(s): _____)

- I DO NOT give consent for representative(s) from the other transition agency(s) to attend the meeting.

Signature of Parent or Student (Age 19)

Date:

FOR SCHOOL PERSONNEL - Documented attempts to contact parent/student (age 19) for the IEP Team meeting.

Result of 1st Attempt: invitation sent; meeting held

2nd Attempt Date:

Action/Result:

Directions for: Notice and Invitation to a Meeting / Consent For Agency Participation

Notice And Invitation to A Meeting / Consent For Agency Participation:

Purpose of this form

- To inform the parent and student (age 19 and older) of the purpose(s) of the IEP Team meeting and provide the parent or student (age 19 and older) with an opportunity to attend, participate by phone, etc.
- To document that the parent or student (age 19 and older) has been invited to an IEP Team meeting within a time frame that allows the parent or student (age 19 and older) time to respond and reschedule if necessary.
- To provide documentation that all required persons were invited to the meeting, including the student at age 16 and older. Students who will be age 16 during the implementation of the IEP must be invited to the IEP Team meeting even if they are age 15 at the time of the IEP Team meeting.
- To verify that the parent or student (age 19 and older) has received an invitation in their native language.
- To document attempts to contact the parent or student (age 19 and older) regarding the meeting.
- To inform the parent or student (age 19 and older) who to call to make arrangements if they would like to participate in the meeting by phone.
- To inform the parent of the right to have a representative attend the initial IEP Team meeting for a child transitioning from EI to preschool. The parent is responsible for informing the public agency that they want a representative from EI to be invited.
- To document consent of the parent or student (age 19 and older) to include or exclude other agency representatives who may be responsible for providing or paying for transition services if one of the purposes of the meeting is to consider transition services.
- To document an annual review of the current IEP.
- To document that the parent has been invited to the annual review meeting.

Notice And Invitation To A Meeting / Consent For Agency Participation:

When to use this form

- Send this form to the parent or student (age 19 and older) every time an IEP Team meeting is scheduled.
- Purposes of meetings:
 - Determine if Referral requires Evaluation
 - Discuss the Need for Additional Data Collection
 - Determine Initial or Continued Eligibility
 - Develop Initial IEP
 - Develop Annual IEP or Revise Current IEP
 - Conduct Annual Review of the Current IEP
 - Discuss Transition/Postsecondary Services

- Conduct Manifestation Determination
- Develop Functional Behavioral Assessment Plan
- Develop/Revise Behavioral Intervention Plan
- Conduct a Resolution Session
- Other

Notice And Invitation To A Meeting / Consent For Agency Participation:

Things to remember when completing this form

- The date, time, and location of the meeting should be documented at the top of the page.
- Check all possible purposes of the meeting before sending the invitation. Purpose(s) of the meeting for which the parent or student (age 19 and older) have not been provided in the invitation may not be addressed unless the parent or student (age 19 and older) is in attendance and agrees to discuss the unchecked item(s). If this occurs it should be documented.
- Invite all IEP Team members required for the purpose(s) of the meeting.
- If the parent or student (age 19 and older) requests to participate by phone, ask the parent or student (age 19 and older) to check I WILL BE ABLE TO MEET WITH YOU. Ensure that you have the
- number where the parent or student (age 19 and older) can be reached at the scheduled time of the meeting.
- Include a copy of the Special Education Rights if the purpose of the meeting is to determine if the referral requires an evaluation.
- Type the name of the person signing as the education agency official in the space provided when completing the form in the student information system.
- Include a copy of the Special Education Rights if the purpose of the meeting is to determine if the referral requires an evaluation. Type the name of the person signing as the education agency official in the space provided when completing the form in the student information system.
- Record the date that the invitation was sent to the parent and student (age 19 and older) and the results. If there is no response (or if the response is to reschedule the meeting) after the first invitation is sent, a second contact must be made and the date of the contact recorded on this form. The action and results of the second contact must be documented.
- **Agency representatives for transition who may be providing or paying for transition services may be invited to the IEP meeting but cannot attend without consent from the parent or student (age 19 and older).**

Notice And Invitation To A Meeting / Consent For Agency Participation:

What happens next

- If the parent or student (age 19 and older) checks “I WILL be able to meet with you on the scheduled date and time,” no further action is required with this form. If the parent or student (age 19 and older) checks this option, but does not attend the meeting or is not available by phone as scheduled, the meeting may be held with the other required IEP Team members.
- If the parent or student (age 19 and older) checks “I WILL NOT be able to meet on the scheduled date and time, but would like to reschedule, please contact me at ,” document this in the Results space and reschedule the meeting at mutually agreed upon time and place.
- Send a new invitation with the new meeting date.
- This invitation must be sent/given to the parent (age 19 and older) and may be followed-up with a phone call, email, etc. A second invitation (if needed) should be sent/given to the parent or student in an attempt to schedule the meeting and may be followed-up with a phone call, email, etc.
- If the parent or student (age 19 and older) checks “I WILL NOT be able to attend the meeting. The meeting may proceed without me,” hold the meeting as scheduled with the other required IEP Team members.
- If the parent or student (age 19 and older) does not respond to two attempts (first and second notice) the public agency may conduct the meeting. Notice And Invitation To A Meeting / Consent For Agency Participation:

Note: Please remember to schedule meetings at a mutually agreed upon time and place.

- If the parent or student (age 19 and older) checks, “**I Give Consent** for the representative from the other transition agency(s) to attend the meeting, “the public agency should invite the transition agency representatives to attend the meeting. If the parent or student (age 19 and older) checks this option but the transition agency representatives do not attend the meeting as scheduled, the meeting may be held with the other required IEP Team members.
- If the parent or student (age 19 and older) checks “**I DO NOT** give consent for representatives from the other transition agency(s) to attend the meeting,” the transition agency representative may not be invited to attend the meeting.
- If the parent or student (age 19 and older) does not respond to two attempts (first and second invitation) regarding consent for transition agency representatives to attend the meeting the public agency may conduct the meeting but must not invite the agency representatives for transition.
- If the purpose of the meeting was to determine if the referral requires evaluation and the referral is accepted, the parent or student (age 19 and older) must sign the Notice and Consent for Initial Evaluation before any evaluation(s) may be conducted.

Note: The date the public agency receives a signed Notice and Consent for Initial Evaluation begins the 60 calendar day timeline to complete the initial evaluation.

- If the purpose of the meeting was to determine initial or continued eligibility, a copy of the Notice and Eligibility Decision Regarding Special Education Services must be provided to the parent and student (age 19 and older).
- If the purpose of the meeting was to discuss reevaluation, the parent and student (age 19 and older) must also be provided a copy of the Notice of IEP Team’s Decision Regarding Reevaluation. If additional data collection/evaluation(s) are required, the parent or student (age 19 and older) must then sign the

Notice and Consent for Reevaluation form unless two attempts to gain consent with no response can be documented.

- If the purpose of the meeting was to develop the initial IEP, the parent or student (age 19 and older), must receive an invitation to the meeting using the Notice and Invitation to a Meeting/Consent for Agency Participation. The first invitation must be sent/given to the parent or student (age 19 and older) and may be followed up with a phone call, email, etc. A second invitation if needed should be sent/given to the parent or student in an attempt to schedule the meeting and may be followed up with a phone call, email, etc.
- If the purpose of the meeting was to conduct the annual review of the current IEP, the IEP Team must schedule an annual review meeting, but may not rewrite the IEP at that time. A meeting must be held by the annual review date to review the current IEP that will not expire until the TO date. If the purpose of the meeting was to develop/review/revise the IEP, the IEP Team will develop the annual IEP, review or revise the current IEP. The parent or student (age 19 and older) must receive an invitation to the meeting using the Notice and Invitation to a Meeting/Consent for Agency Participation.
- If the purpose of the meeting was to discuss transition/postsecondary services, the student age 16 and older must receive an invitation to the IEP Team meeting. In the state of Alabama, transition must be addressed for students entering ninth grade or at age 15 if the student will turn 16 during the IEP being written/developed. Directions for Notice And Invitation To A Meeting / Consent For Agency Participation:
- If the purpose of the meeting was to conduct a manifestation determination, the LEA, parent, and relevant team members of the IEP Team (as determined by the parent and the LEA) must meet within ten days to review all relevant information regarding the student's behavior and to determine whether the behavior in question is or is not a manifestation of the student's disability.
- If the purpose of the meeting is to Develop/Revise/Discuss Behavioral Intervention Plan, the required IEP Team members must meet to determine the problem behavior, develop positive behavioral supports, strategies, and interventions to reduce occurring behaviors. The IEP Team can meet to discuss and or revise the behavior intervention plan as appropriate.
- If the purpose of the meeting was to conduct a resolution session, the LEA must convene a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge or facts identified in the due process hearing request. The purpose of the meeting is for the parents of the child to discuss the due process hearing request and the facts that form the basis of the request so that the LEA has the opportunity to resolve the issue.

All notices must be sent to the parent even after the rights have transferred to the student at age 19. The notice and invitation must be sent to the parent or the student (age 19 and older) whichever one has IDEA decision-making rights.

Notice of Proposal or Refusal to Take Action

The IEP Team has met to consider the following, regarding the educational program for:

STUDENT'S NAME:

- | | | | |
|--|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> Identification | <input type="checkbox"/> Evaluation | <input type="checkbox"/> Placement | <input type="checkbox"/> Other |
| <input type="checkbox"/> LEA Response to DPH Request | <input type="checkbox"/> Provision of Free Appropriate Public Education | <input type="checkbox"/> Other | |

DECISION REGARDING SPECIFIC ACTION PROPOSED OR REFUSED

It has been decided that action will be taken by the local education agency.
Check one:

- The local education agency will take the proposed action immediately and without undue delay.
- The local education agency's proposed action will be taken in _____ calendar days to afford the parent a reasonable period of time to consider the proposed action.

BASIS FOR DECISION(S)

DESCRIPTION OF OTHER OPTIONS CONSIDERED AND WHY THE OPTIONS WERE REJECTED

THE FOLLOWING EVALUATION PROCEDURES, Assessments, RECORDS, AND/OR REPORTS WERE USED IN MAKING THE DECISION

- | | | | |
|---------------------------------------|--------------------------------------|---|---|
| <input type="checkbox"/> Vision | <input type="checkbox"/> Observation | <input type="checkbox"/> Grades | <input type="checkbox"/> Medical Records |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Speech | <input type="checkbox"/> Developmental Scales | <input type="checkbox"/> Other Agency Information |
| <input type="checkbox"/> Intellectual | <input type="checkbox"/> Language | <input type="checkbox"/> Work Samples | <input type="checkbox"/> State Assessments |
| <input type="checkbox"/> Achievement | <input type="checkbox"/> Motor | <input type="checkbox"/> Discipline Records | <input type="checkbox"/> Other |
| <input type="checkbox"/> Behavior | <input type="checkbox"/> Interview | <input type="checkbox"/> Attendance Reports | <input type="checkbox"/> Other |

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact:

_____ at _____
(Name)

_____ (Telephone)

Signature of Education Agency Official

Date Provided/Sent:

Directions for: Notice of Proposal or Refusal to Take Action

Notice of Proposal or Refusal to Take Action:

Purpose of the form

- To document that prior written notice has been provided to the parent each time the LEA proposes to, or refuses to, initiate or change the identification, evaluation, placement, and/or provision of a free appropriate public education (FAPE) to a student with a disability.
- To document the IEP Team's decision not to accept a referral for an evaluation to determine eligibility for special education services.
- To document the IEP Team's decision not to provide the special education/related service an IEP Team member is requesting to be included in the IEP.
- To document the IEP Team's decision to change the placement of the student.
- To document that the student will not be returning to school the next school year because the student:
 - Will be graduating from high school with the Alabama High School Diploma (AHSD).
 - Will be age 21 prior to August 1 of the next school year.
- To document that the parent and student have been notified that the student who has reached the age of majority (age 19) and is exiting school before age 21 and who has not earned the AHSD, still has the right to receive services to age 21.
- To document the LEA's response to a DPH request when the public agency did not provide a notice prior to the DPH request.
- To document minor changes on an IEP (i.e., misspelled words, grammatical errors). Check with your local special education coordinator for permission to use this process to make minor changes to the IEP.
- To document corrective actions after an internal/ALSDE monitoring review.
- To document that the parent or student (age 19 and older) has revoked consent for the provision of special education services.
- To document the new IEP being proposed.
- To document that an out-of-state IEP is being implemented until such time eligibility is determined in Alabama.
- To document the time frame in which action will be taken by the education agency regarding the stated decision.
- To document that the IEP Team conducted an Annual Review Meeting.

Notice of Proposal or Refusal to Take Action:

When to use this form

- To indicate when the stated action will be implemented by the education agency either immediately and without undue delay or a number of calendar days to afford the parent a reasonable period of time to consider the proposed action.
- To indicate to the parent and student (age 19 and older) when the public agency proposes to, or refuses to, initiate or change the identification, evaluation, placement, and/or the provision of a FAPE.

- When the IEP Team has decided not to evaluate the student when the student is initially referred for an evaluation (check Identification and Evaluation).
- When the IEP Team refuses to provide a service requested by an IEP Team member (check Provision of FAPE).
- When the IEP Team is proposing to change the placement of the student (check Placement and Provision of FAPE).
- Whenever the IEP is amended and when an annual IEP is developed.
- To provide prior notice of the student exiting school because of graduating with the Alabama High School Diploma or reaching age 21 prior to August 1 (check Placement and Provision of FAPE).
- To provide documentation to the parent and student who has reached the age of majority (age 19) that the student who is exiting school before age 21 and who has not earned the AHSD, still has the right to receive services to age 21.
- When the IEP Team conducts an annual review of the current IEP.
- To give the completed form to the parent and student (age 19 and older) when a DPH request is received and this form has not been provided prior to the DPH request (check all that apply).
- To document minor changes on an IEP. Seek guidance from the local Special Education Coordinator/Director.
- To document minor corrections found during internal monitoring/ALSDE monitoring. Seek guidance from the local Special Education Coordinator/Director. Examples are as follows:
 - A required evaluation was administered and considered by the IEP Team or Eligibility Committee, but was omitted from the eligibility report.
 - A copy of the eligibility report was not given or sent to the parent and student (age 19 and older).
 - A copy of the IEP was not given or sent to the parent and student (age 19 and older).
 - The date of birth was recorded incorrectly on the IEP.
- Do not use this form to request additional data collection/evaluation. For this request, the IEP Team must meet and document the decision on the Notice of IEP Team's Decision Regarding Reevaluation.

Notice of Proposal or Refusal to Take Action:

Things to remember when completing this form

Prior written notice must be provided in a timely manner. In the case of a proposal or refusal to take action this will allow the parent a reasonable time to fully consider the changes and respond to the action before it is implemented.

Type the name of the person signing as the education agency official in the space provided when completing the form in the student information system.

Notice of Proposal or Refusal to Take Action:

What happens next

If action is required by the public agency regarding the decision, the action will be taken in the specified number of calendar days unless the IEP Team and parent agree otherwise that the proposed action will take place immediately without undue delay.

Even if the parent was in attendance at the meeting you still need to give/send prior written notice to the parent and student (age 19 and older) when the public agency proposes to, or refuses to, initiate or change the identification, evaluation, placement, and/or the provision of a FAPE. This includes when the IEP is developed or reviewed annually and any time the IEP is amended.

Notice and Consent for Initial Evaluation

Student:

The IEP Team met to discuss the request and/or referral for an evaluation for your child. The IEP Team, after reviewing existing information, has determined that an individual evaluation is needed to determine possible eligibility for special education and related services.

The LEA/agency proposes to conduct this evaluation for the following checked reasons:

- | | | |
|---|--|--|
| <input type="checkbox"/> To determine developmental level | <input type="checkbox"/> Behavior concerns | <input type="checkbox"/> To determine current academic performance |
| <input type="checkbox"/> To determine functional level | <input type="checkbox"/> Speech/language inconsistent with age | <input type="checkbox"/> Other |
| <input type="checkbox"/> To determine eligibility under Alabama Administrative Code for out of state transfer | | |

Descriptions of other options considered and why the options were rejected:

.

The evaluation may also include assessments indicated in the following checked areas:

- | | | |
|---------------------------------------|---|--------------------------------|
| <input type="checkbox"/> Vision | <input type="checkbox"/> Observation | <input type="checkbox"/> Motor |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Speech | <input type="checkbox"/> Other |
| <input type="checkbox"/> Intellectual | <input type="checkbox"/> Language | <input type="checkbox"/> Other |
| <input type="checkbox"/> Achievement | <input type="checkbox"/> Interview | <input type="checkbox"/> Other |
| <input type="checkbox"/> Behavior | <input type="checkbox"/> Developmental Scales | <input type="checkbox"/> Other |

If you consent to an evaluation the LEA/agency will provide the evaluation at no cost to you. Giving consent for an evaluation does not give consent for services. If you refuse consent for an initial evaluation, the LEA/agency may request a mediation and/or a due process hearing. If you give consent, you may revoke your consent at any time but not after the evaluation has been conducted.

PLEASE CHECK ONE OF THE FOLLOWING BOXES, SIGN, AND DATE THE FORM

- I **GIVE PERMISSION** for the evaluation that has been proposed.
- I **DO NOT GIVE PERMISSION** for the evaluation that has been proposed. Please explain.

Signature of Parent or Student (Age 19)

Date of Signature

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA/agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you have information that can assist in this evaluation, have questions regarding this evaluation, wish to schedule a conference, or need another copy of your rights please contact:

Name: _____ Telephone: _____

Please return this form to: Address:

Signature of Education Agency Official: _____

Date Provided/Sent:

Results of 1st Attempt:

2nd Attempt Date:

Results of 2nd Attempt

Date Signed Consent Received by Public Agency:

Directions for: Notice and Consent for Initial Evaluation

Notice and Consent for Initial Evaluation:

Purpose of this form

- To provide written documentation to the parent and student (age 19 and older) of the reasons for the evaluation.
- To provide written documentation to the parent and student (age 19 and older) of the information used to recommend a formal evaluation.
- To obtain written consent from the parent or student (age 19 and older) for administration of the proposed individualized evaluation.
- To document that the parent and student (age 19 and older) have been offered notice in his/her native language.
- To document the beginning of the 60-calendar day timeline to complete the initial evaluation.
- To document that an IDEA eligible student transferred from out-of-state and needs to be evaluated to determine if he/she meets the AAC criteria.

Directions for Notice and Consent for Initial Evaluation:

When to use this form

After the IEP Team determines a need for an initial evaluation and prior to conducting any assessments that will be used in determining eligibility.

Directions for Notice and Consent for Initial Evaluation:

Things to remember when completing this form

Describe other options considered and why they were rejected. Examples are provided below:

- Not testing was considered and rejected because the academic/behavior difficulties persist after interventions.
- The 504 considerations were rejected because academic/behavior problems require specially designed instruction for educational benefit.
- Not providing classroom accommodations were considered and rejected because academic/behavior problems have not shown improvement following accommodations in the classroom.
- Not providing counseling was considered and rejected because behavior problems persist.
- Not developing a behavioral intervention plan was considered and rejected because behavioral problems persist, etc.
- Indicate what areas of assessments or procedures may be completed by education agency personnel.
- Obtain parent or student (age 19) signature at the referral meeting. Note: The receipt of a signed Notice and Consent for Initial Evaluation begins the 60-day timeline to complete the initial evaluation. The date of receipt may be different from the date the parent signs the consent form.

- Type in the name of the parent or student (age 19 and older) on the signature line when completing the form in the student information system. Type in the name of the person signing as the education agency official in the spaces provided when completing the form in the student information system.
- Maintain a printed copy with original signatures to be kept on file.
- Record the date that the notice was provided/sent and results. If there is no response after the first notice, a second contact must be made and the date of the contact recorded on this form. The action and results of the second contact should be documented. Directions for Notice and Consent for Initial Evaluation:
- Document any additional contacts and the results of attempts to obtain consent for initial evaluation on this form.

An evaluation for an out-of-state transfer student is considered to be an initial evaluation. Refer to the transfer student process charts. A referral form is not required for an out-of-state transfer student that was eligible for services in another state.

Directions for Notice and Consent for Initial Evaluation:

What happens next

- If the parent or student (age 19 and older) checks I GIVE PERMISSION for the evaluation that has been proposed, the evaluation proceeds.
- If the parent or student (age 19 and older) checks I DO NOT GIVE PERMISSION for the evaluation that has been proposed, the education agency may not proceed with the evaluation. The education agency may request that the parent or student (age 19 and older) participate in a conference to discuss their decision. If the parent or student (age 19 and older) does not change his/her mind after the conference, the education agency may request mediation or due process. However, the evaluation may not be conducted unless the parent or student (age 19 and older) signs the consent or a due process hearing officer orders the evaluation.
- If the parent or student (age 19 and older) does not want to sign at the meeting, he/she may take the form and return it at a later time. Note: The receipt of a signed Notice and Consent for Initial Evaluation begins the 60-day timeline to complete the initial evaluation. The date of receipt may be different from the date the parent or student (age 19 and older) signs the consent form.
- The parent or student (age 19 and older) must sign and date the form and check I GIVE PERMISSION before the evaluation may be conducted.

Notice of Revocation of Consent for Initial Evaluation

Dear Parent:

On _____ you gave permission/consent for your child _____
to be evaluated.

It is our understanding that since that time you have decided to revoke your consent for the evaluation.

Therefore the following actions will be taken:

_____ We will not initiate the evaluation.

_____ Since we have already initiated the evaluation, we will not proceed with any further evaluations. The revocation is not retroactive therefore this does not negate any evaluation conducted from the time consent was given.

_____ Yes, I agree with the actions decided and want to revoke my consent for the initial evaluation.

If you have any questions, you may contact:

Name: _____ Telephone: _____

Please return this form to: Address: _____

Signature: _____ Date: _____

Directions for: Notice of Revocation of Consent for Initial Evaluation

Notice of Revocation of Consent for Initial Evaluation:

Purpose(s) of the form

To document in writing the parent's or student's (age 19 and older) request to revoke consent for the initiation of or the continuation of the initial evaluation.

Notice of Revocation of Consent for Initial Evaluation:

When to use this form

This form is used when a parent requests that his/her child no longer receive an initial evaluation for special education and related services, after consent was obtained. A student (age 19 and older) may also request that he/she no longer receive an initial evaluation after he/she gave consent for the initial evaluation.

Notice of Revocation of Consent for Initial Evaluation:

Things to remember when completing this form

- The revocation of the initial evaluation shall be in writing.
- Upon receipt of a signed copy of the Notice of Revocation of Consent for Initial Evaluation form indicating the parent or student (age 19 and older) wants to revoke consent, the public agency must provide/send a copy of the Notice of Proposal or Refusal to Take Action form informing the parent and student (age 19 and older) that the student will no longer receive an initial evaluation.
- The revocation is not retroactive therefore this does not negate any evaluation conducted from the time consent was given up to the time the parent revoked consent.

Notice of Revocation of Consent for Initial Evaluation:

What happens next

- The public agency should not initiate or conduct further assessments as part of the initial evaluation.
- If a referral for an evaluation is made at a later date for this child, the evaluation will be an initial evaluation.

Notice and Eligibility Decision Regarding Special Education Services

Student's Name:

Date of Birth:

Date this report was given or sent to parent (student at age 19)

Check One Initial Eligibility Reevaluation

Area of Assessment:

Date:

Assessment:

Standard Scores (Total):

Other Scores:

Area of Assessment:

Date:

Assessment:

Standard Scores (Total):

Other Scores:

Area of Assessment:

Date:

Assessment:

Standard Scores (Total):

Other Scores:

Final Completion Date of ALL Evaluations:

Directions for: Notice and Eligibility Decision Regarding Special Education Services

Notice and Eligibility Decision Regarding Special Education Services: Assessment

Purpose(s) of this form

- To document all assessments and results used in the evaluation/reevaluation process.
- To document that required assessments were administered as part of the initial evaluation for each area of suspected disability.
- To document that a copy of the eligibility report was given/sent to the parent and student (age 19 and older) at initial eligibility determination and each reevaluation for continued eligibility determination.

Notice and Eligibility Decision Regarding Special Education Services: Assessment

When to use this form

- For initial eligibility, the form is completed after all assessments are conducted as part of the initial evaluation and all other relevant data are reviewed.
- For each reevaluation, complete the form documenting all assessments conducted/considered and all other relevant data reviewed.

Notice and Eligibility Decision Regarding Special Education Services: Assessment

Things to remember when completing this form

- You may use the Annotate Process to document each time a copy of this form is given/sent to the parent and student (age 19 and older).
- Check to indicate the form is being completed for an initial eligibility or reevaluation.
- Document vision and hearing screening results under Other Scores within the appropriate area of assessment.
- List all assessment information, including reports provided by the parents or other agencies that will be used in determining eligibility.
- Include the name of the assessment AND the results.
- For observations, teacher checklists, medical reports, work samples, documentation of appropriate instruction, etc., provide a summary statement on the form under Other Scores.
- Document at least two attempts to obtain the home version of an adaptive behavior scale on the form under Other Scores.

Notice and Eligibility Decision Regarding Special Education Services: Assessment

Scores

- Test scores must be reported as standard scores with a mean of 100 and a standard deviation of 15. If a test does not yield standard scores, you must convert the score by using the conversion tables/charts available on our web page in the Assessment link. For example: If a T-score is used it should be documented under Other Scores.

- Total scores obtained for an achievement and IQ test must be documented under standard score on the eligibility report.
- If an assessment used as supporting documentation does not yield scores that can be converted to standard scores, enter results under Other Scores.
- For reevaluation, if parent consent is not obtained and two attempts are documented, an assessment area labeled record review can be created to document the attempts or the attempts can be documented in the Annotate Process.
- The Final Completion Date of ALL Evaluations is the date used to determine if the initial evaluation was completed 60-calendar days from the date the public agency received the signed copy of the Notice and Consent for Initial Evaluation. Therefore, all assessments should be dated on or before the final completion date.
- If the Notice and Eligibility Decision Regarding Special Education Services form is amended, provide the parent and student (age 19 and older) a Notice of Proposal of Refusal to Take Action form explaining the amendments made and attach to the Notice and Eligibility Decision Regarding Special Education Services.

Notice and Eligibility Decision Regarding Special Education Services - SLD Section Only

Student's Name:

Date of Birth:

SLD ONLY SECTION: For each option checked below, include documentation of a specific learning disability in the assessment section of this report and in the box below briefly summarize data supporting your selection(s).

Option 1: Response(s) to Intervention

Option 2: Pattern of strengths and weaknesses.

Data summary for option 1 and/or option 2:

Option 3: Severe Discrepancy (SD) documentation.

One Achievement Test

Total Test Score:

OR

Two Composites OR Two Subtests

PA	_____	-	OA	_____	=	SD	_____
PA	_____	-	OA	_____	=	SD	_____
	_____			_____			_____

(SD must be 16 points or greater for all ages)

Scores from two different achievement tests that measure the same deficit skill area (i.e., Composite Reading scores from two different tests; Subtest Calculation scores from two different tests)

Severe Discrepancy (SD) be ability and achievement Yes No

Complete for all students suspected of SLD, regardless of option(s) chosen above.

1. For educationally relevant behaviors noted during the classroom observation(s) and educationally relevant medical findings (if any), please refer to page(s) of this report.
2. Student behavior or difficulty that affects his/her academic functioning:
3. The following factors have been ruled out as the primary cause of the impairment (all must be considered and checked to qualify for SLD):

Environmental/Cultural/Economic Concerns

Visual/Hearing Disabilities

Environmental/Cultural/Economic Concerns

Emotional Disability

Motor Disabilities

**Notice and Eligibility Decision Regarding Special Education Services - SLD Section Only:
Purpose(s) of this page**

- To document each option used to determine eligibility for SLD.
- To document that appropriate procedures were used to determine eligibility for SLD.

**Notice and Eligibility Decision Regarding Special Education Services - SLD Section Only:
Things to remember when completing this page**

- **For Option 1**, document all interventions that were used and the response or lack of response observed in the student's performance in the classroom. Include the amount of time the interventions were utilized
- **For Option 2**, document patterns of strengths and weaknesses in performance, achievement, or both.
- **For Option 3**, document the scores used to determine a severe discrepancy.
- Complete all three items in the box at the bottom of the page whether using Option 1, Option 2, Option 3, or a combination of options. **THESE FACTORS MUST BE CONSIDERED and CHECKED AS BEING RULED OUT** as the primary cause of the impairment.
- In the **SLD Only Section**, select the option(s) considered when determining eligibility for SLD. Summarize any data used to determine eligibility under **Data summary for Option 1 and/or Option 2**. The summary should include assessment data considered, both strengths and weaknesses should be considered when using the Pattern of Strengths and Weaknesses (Option 2). Document assessment data used to make the determination

Notice and Eligibility Decision Regarding Special Education Services

Eligibility Decision Page

Complete for all students:

Was a lack of appropriate instruction in math and/or reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965) or English Learner the determining factor in the decision?

(See documentation in this report.)

Yes No

Yes No Does the student meet AAC criteria for the suspected area(s) of disability?

Yes No Does the disability have an adverse affect on educational performance?

Yes No Does the student need specially designed instruction in order to access and participate in the general education curriculum?

Eligible: Yes No

AREA OF DISABILITY:

Explanation (if needed):

DESCRIPTION OF OTHER OPTIONS CONSIDERED AND WHY THEY WERE REJECTED

Check One: Eligibility Committee IEP Team

I AGREE with the conclusions written in this report.

Position	Signature	Date
Parent		
Parent		
General Education Teacher		
Special Education Teacher		
LEA Representative		
Someone Who Can Interpret the Instruction Implications of the Evaluation Results		
Student		

I DO NOT AGREE with the conclusions written in this report. The attached statement represents my conclusions in this area.

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA/agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact:

Name: _____

Telephone: _____

Signature of LEA Official: _____

Notice and Eligibility Decision Regarding Special Education Services

Eligibility Decision Page: Purpose(s) of this form

- To document that the eligibility decision was determined based on the evaluation information.
- To indicate the student meets AAC criteria for the suspected area(s) of disability.
- To indicate an adverse effect on the student's educational performance.
- To indicate that the student requires specially designed instruction to access and participate in the general education curriculum.
- To document the eligibility decision and area of disability with an explanation (i.e., to document when one of the options for the first reevaluation for ED is being used).
- To document eligibility criteria for MD has been met in two or more areas and is documented in the eligibility report under Area of Disability.
- To document that lack of appropriate instruction in math or reading or English Learner was/was not the determining factor(s) in the eligibility decision. This must also be documented on the eligibility report under Prong I.
- To document a description of other options considered. This section must be completed.
- To document whether an IEP Team or Eligibility Committee was used.
- To document that the required IEP Team or Eligibility Committee members attended and participated in a meeting to determine eligibility. The LEA plan specifies whether an IEP Team or Eligibility Committee is used to determine eligibility. Implement the plan accordingly.
- To document IEP Team or Eligibility Committee members agreement/disagreement with the eligibility decision.

Notice and Eligibility Decision Regarding Special Education Services

Eligibility Decision: Things to remember when completing this page

- Under the section to **Complete for all Students** determine whether the lack of appropriate instruction in math or reading or the student's English Learner was the determining factor in the eligibility decision. Check "**yes**" or "**no**" in the appropriate box. If the decision is the student is eligible, the answer to the question should be **NO**. If YES is checked, the student should not be determined eligible because the lack of appropriate instruction in reading, math or LEP may not be the determining factor in the decision. Include data on the eligibility report to support this decision.
- Under the section to **Complete for all students**, the answer to each question should be YES if the student is determined to be eligible for special education services. Each definition in the AAC states that the student's disability must have an adverse effect on educational performance and that the student is in need of special education and related services. If NO is checked for any of the three questions, the student will not be eligible to receive special education services because the student does not meet the AAC criteria/the definition of a child with a disability in the federal regulations.
- Check the IEP Team's or Eligibility Committee's decision regarding eligibility.
- Indicate the area of disability. Do not list secondary disability areas.

- If the student is eligible for MD, specify the two or more disabilities in the Explanation section. The student must meet eligibility criteria in both or all disability areas.
- A description of other options that were considered must be listed with the reasons they were rejected.
- Indicate whether an IEP Team or Eligibility Committee is making the decision on eligibility.
- IEP Team or Eligibility Committee members participating in the meeting must sign this page.
- position he/she is representing.
- Each person attending the eligibility meeting must sign the last page either in the I AGREE or I DO NOT AGREE section.
- Type in the name of each IEP Team member or Eligibility Committee participant on the signature line when completing the form in the student information system. Maintain a printed copy with original signatures on file.
- If a signature appears in the **I DO NOT AGREE** section, a statement should be attached to the eligibility report indicating why the person does not agree with the eligibility decision.
- The name of the contact person should be indicated at the bottom of the page as well as the signature of an agency official.

Notice and Eligibility Decision Regarding Special Education Services

Eligibility Decision Page: What happens next

If the student is eligible, the IEP Team must meet within 30-calendar days of the initial eligibility determination to develop the IEP.

If a student is not eligible, refer the student to the PST.

Provide parent a copy of the Notice and Eligibility Decision Regarding Special Education Services form regardless of the eligibility decision.

Individualized Education Program

STUDENT NAME:			
DOB:	SCHOOL YEAR:	GRADE	
IEP INITIATION DATES:	FROM:	TO:	
This IEP will be implemented during the regular school term unless noted in extended school year services.			
STUDENT PROFILE - WILL INCLUDE GENERAL STATEMENTS REGARDING:			
Strengths of the student-			
Include information regarding the student's strengths in academic and functional areas			
Parental concerns for enhancing the education-			
Include all information regarding the parental concerns for enhancing the education of their child.			
Student Preferences and/or Interests-			
This area includes information obtained from parent, teacher(s), and the student regarding preferences and interests. Include all information concerning student preferences and/or interests including transition information.			
Results of the most recent evaluations-			
Include all information concerning evaluation results. This information should be written in meaningful terms so that the parent and service providers have a clear understanding of the evaluation results.			
The academic, developmental, and functional needs of the student-			
Include all information concerning how the student's disability affects his/her involvement and progress in the general education curriculum, and, for preschool age children, how the disability affects his/her participation in age-appropriate activities.			
Other-			
Include any information pertinent to the development of the IEP that was not included anywhere else on the Student Profile page.			
For the child transitioning from EI to Preschool, justify if the IEP will not be implemented on the child's 3rd birthday –			
This should only be completed if the child is not being served under IDEA on the child's third birthday. (e.g., if a child's birthday is during the summer or holiday(s) justification is required).			

Directions for: Individualized Education Program

Individualized Education Program - First Page of the Student Profile:

Purpose of this page

To document the school year and grade(s) the IEP will cover.

To document the initiation/duration of the IEP.

To describe the strengths of the student. Include information regarding the academic, functional, social, emotional or behavioral needs of the child.

To document concerns of the parent for enhancing the education of their child.

To document student preferences and/or interests that include transition information beginning no later than the first IEP to be in effect when the student turns 16 or younger if determined appropriate by the IEP Team and for all students entering the 9th grade, regardless of their age.

To document results of the most recent evaluation.

To document how the student's disability affects his/her involvement and progress in the general education curriculum (academic, developmental, and functional needs of the student) and, for preschool students, how the disability affects the student's participation in age-appropriate activities.

Individualized Education Program - First Page of the Student Profile:

When to use this page

Use this page for the initial IEP, each annual IEP, and if necessary when making amendments to the IEP.

The first IEP must be written within 30-calendar days of initial eligibility determination and before any special education and related services are provided.

Individualized Education Program - First Page of the Student Profile:

Things to remember when completing this page

When completing the **STUDENT PROFILE** page, the **STUDENT'S NAME** should be entered as the student's first, middle, and last name.

Enter the student's **DATE OF BIRTH**.

SCHOOL YEAR should be written as the indicated year(s). Example: 2023 or 2023-2024, etc.

GRADE should be written as the indicated grade(s). Example: 6 or 6-7.

IEP INITIATION/DURATION DATES may be written from the beginning of the school year to the end of the school year (e.g., 08/09/2023 – 05/27/2024); or the dates may stagger across parts of two years (e.g., 09/06/2023– 09/05/2024 or 03/08/2023 – 03/07/2024). Academic goals are based on content standards listed in the Alabama Course of Study; objectives listed in the Differentiated Instructional Guides (DIG), a companion to the Curriculum Guides; or standards from the Alternate Achievement Standards (AAS), and the Alabama Standards for Early Learning and Development (ASELD) for preschool children. Both school years must be considered when planning an IEP that spans two school years.

The annual review due by date in the student information system is calculated based on the IEP signature date of the previous IEP.

The IEP must be reviewed by the annual review date (signature date plus one year). When the IEP is reviewed, the IEP Team may review the current IEP and write a new IEP, or in some cases the new IEP can be delayed for a reasonable period of time. The **DURATION DATE** (ending date) is the date that the IEP expires; therefore, that date must be considered before the decision is made to delay the writing of a new IEP.

Examples of when an IEP Team might conduct the annual review without developing a new IEP are:

1. A student is scheduled to graduate and has a current IEP in place until the end of the school year.
2. A student transfers into the LEA with a current IEP around the time the annual review is due.

If the option to review is used, the IEP Team is required to meet **prior to or on the Annual Review Due** By date to review the current IEP, but they are not required to write a new IEP at that time. To ensure compliance, a new IEP must be written before the duration date (ending date) of the current IEP. To document the annual review, the following process should be followed:

- On the *Notice and Invitation to a Meeting/Consent for Agency Participation* form, check “Annual Review/Develop Annual IEP.” If the **only** purpose of the meeting is the Annual Review, **on the paper** copy you can cross-through “Develop Annual IEP.”
- The IEP signature page will be amended and the signature date **must** be manually entered in the
- Annual Review Date field in the student’s folder.
- The Notice of Proposal or Refusal To Take Action form must indicate that the IEP Team met to review the current IEP and any proposals or refusals to initiate or change the identification, evaluation, placement and/or the provision of a FAPE.
- A new IEP must be written before the Duration Date (ending date) to ensure compliance.

Individualized Education Program - First Page of the Student Profile

A guide for completing the first page of the profile

- The Student Profile is the result of the IEP Team’s review of assessment data and other information to develop a descriptive summary of the student’s performance, strengths, and needs.

The STUDENT PROFILE must include general statements regarding:

- **Strengths of the student:** Include all information regarding the student’s strengths.



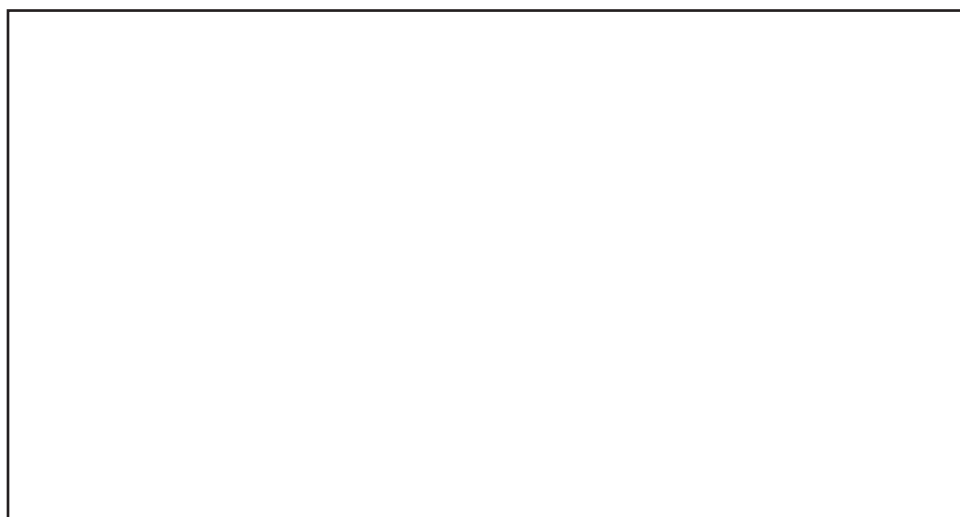
[Watch on SES YouTube Channel](#)

- **Parental concerns for enhancing the education:** Include all information regarding the parental concerns for enhancing the education of their child. (If the parent does not respond, state that. Do not put N/A)



[Watch on SES YouTube Channel](#)

- **Student Preferences and/or Interests:** This area includes information obtained from the parent, teacher(s), and the student regarding the student's preferences and interests and strengths. Transition information must be provided in this text box when transition is being addressed in the IEP. Include all information concerning student preferences and/or interests related to the student's needs when applicable in the text box. Individualized Education Program - First Page of the Student Profile



[Watch on SES YouTube Channel](#)

- **Results of the most recent evaluations/assessments/tests** (typically within the past year): Include all information on evaluation/assessment/test results that are helpful to develop the IEP. It is not necessary to repeat information from the Notice and Eligibility Decision Regarding Special Education Services. The information should be written in meaningful terms so the parent, IEP Team members, and service providers have a clear understanding of the results. Standard scores, Level 3, percentiles, age, and grade equivalents, can be misleading. For example, stating a child scored a Level 3 in the average range should be easy for all to understand. Be consistent. Use terms such as **above average, average, or below average** to make test results more meaningful for those not familiar with scoring.
 - a. 116 and above = Above Average
 - b. 115-85 = Average
 - c. 84 and below = Below Average
 - d. Example: In reading, John scored a 95 (standard score) in the average range.



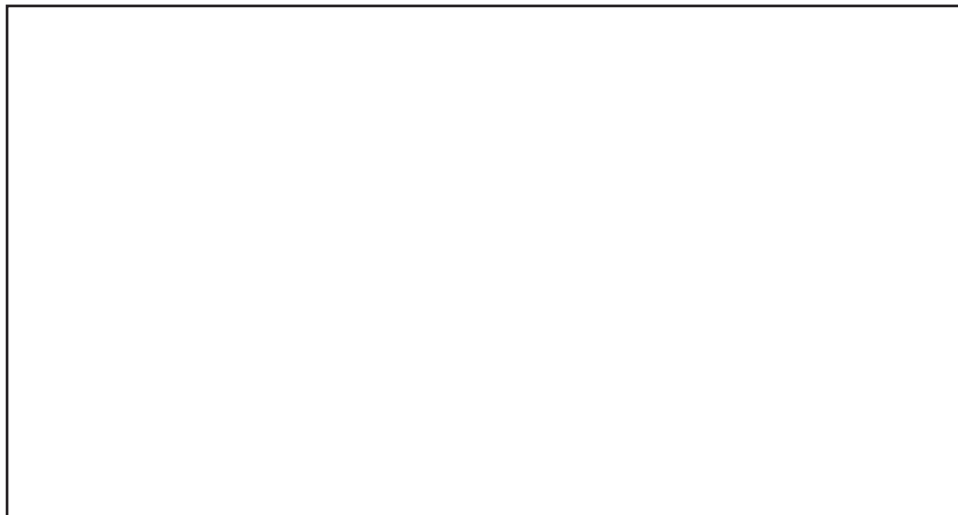
[Watch on SES YouTube Channel](#)

- **The academic, developmental, and functional needs of the student:** Include all information concerning how the student's disability affects his/her involvement and progress in the general education curriculum and for preschool children how the disability affects his/her participation in age- appropriate activities. For some students who have several deficit areas, the IEP Team may need to prioritize and work on goals that can be reasonably calculated to provide educational benefit within one year of the length of the IEP.

FAQ #111

- * [If an area of concern is addressed in the profile, do we need goals for that area?](#)
- The student's strengths, needs, and parental concerns noted in the **STUDENT PROFILE** should be considered when determining and prioritizing services and/or LRE.
- Other: Include any information pertinent to the development of the IEP that was not included anywhere else on the **Student Profile** page (e.g., extended school year services, medical, OT, PT, AT).

- **For the child transitioning from EI to Preschool, justify if the IEP will not be implemented on the child's third birthday:** This should only be completed if the child transitioned from EI and is not being served under IDEA on the child's third birthday (e.g., if a child's birthday is during the summer or holiday(s) justification is required).



[Watch on SES YouTube Channel](#)

Individualized Education Program - Second Page of the Student Profile

STUDENT'S NAME:

DOB:

SPECIAL INSTRUCTIONAL FACTORS

Items checked "YES" will be addressed in this IEP:	YES	NO
• Does the student have behavior which impedes his/her learning or the learning of others?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student have a Behavioral Intervention Plan?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student have limited English proficiency?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student need instruction in Braille and the use of Braille?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student have communication needs?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student need assistive technology devices and/or services?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student require specially designed P.E.?	<input type="checkbox"/>	<input type="checkbox"/>
• Has the IEP Team determined the student meets the participation criteria for the Alabama	<input type="checkbox"/>	<input type="checkbox"/>
• Alternate Assessment and will be taught the alternate achievement standards?	<input type="checkbox"/>	<input type="checkbox"/>
• Are transition services addressed in this IEP?	<input type="checkbox"/>	<input type="checkbox"/>

TRANSPORTATION

Student's mode of transportation:

Regular Bus Bus for Special Needs Parent Contract Other:

Does the student require transportation as a related service? Yes No

If Yes is checked for related service, a representative from the transportation department was either included in the meeting or in discussions prior to the meeting about the transportation needs for this student. Personnel have been informed of his/her specific responsibilities for IEP implementation.

Check any transportation needs:

Bus Support Adult support Medical support

Preferential seating If checked, describe:

Behavioral Intervention Plan

Wheelchair lift

If checked, select one

Transfer to bus seat

Wheelchair securement system

Restraint system

If checked, Specify type:

Other, Specify:

NONACADEMIC and EXTRACURRICULAR ACTIVITIES

Will the student have the opportunity to participate in nonacademic/extracurricular activities with his/her nondisabled peers?

YES

YES, with supports. Describe:

NO. Explanation must be provided:

METHOD/FREQUENCY FOR REPORTING PROGRESS OF ATTAINING GOALS TO PARENTS

Annual Goal Progress reports will be sent to parents each time report cards are issued (every _____ weeks).

Directions for: Individualized Education Program - Second Page of the Student Profile

Individualized Education Program - Second Page of the Student Profile:

Purpose of this page

- To address **SPECIAL INSTRUCTIONAL FACTORS**.
- To address **TRANSPORTATION**.
- To address **NONACADEMIC AND EXTRACURRICULAR ACTIVITIES**.
- To address **ANNUAL GOAL PROGRESS REPORTS**.

Individualized Education Program - Second Page of the Student Profile:

When to use this page

Use this page for the initial IEP, each annual IEP, and if necessary, when making amendments to the IEP.

- The first IEP must be written within 30 calendar days of initial eligibility determination and before any **SPECIAL EDUCATION AND RELATED SERVICES** are provided.
- IEPs must be reviewed annually. The annual review date is determined by the date of signatures on the **SIGNATURE PAGE** of the IEP.

Individualized Education Program - Second Page of the Student Profile:

Things to remember when completing this page

Yes or No must be selected for each **SPECIAL INSTRUCTIONAL FACTOR**. Any **SPECIAL INSTRUCTIONAL FACTOR** checked **YES, MUST** be addressed in the IEP.



[Watch on SES YouTube Channel](#)

- When Yes is checked for the question, “[Does the student have behavior which impedes his/her learning or the learning of others?](#)” this factor must be addressed by either developing a measurable annual goal, as a related service, through supplementary aids and services, or by developing a Behavioral Intervention Plan (BIP).
- When **Yes** is checked for the question, “[Does the student have a Behavioral Intervention Plan?](#)” this factor must be addressed. The SES strongly encourages that the BIP be attached using the documents tab in the student information system or use the optional form in the student information system.
- When **Yes** is checked for the question, “[Does the student have limited English proficiency?](#)” all English learners (ELs) with IEPs must have an EL plan documented on the profile page of the IEP. Students may receive both special education and English language services concurrently if the IEP Team determines that both services are appropriate and necessary for the student to access the general education curriculum.

Individualized Education Program - Second Page of the Student Profile:

Things to remember when completing this page

Yes or No must be selected for each **SPECIAL INSTRUCTIONAL FACTOR**. Any **SPECIAL INSTRUCTIONAL FACTOR** checked **YES, MUST** be addressed in the IEP.

- When Yes is checked for the question, “[Does the student have behavior which impedes his/her learning or the learning of others?](#)” this factor must be addressed by either developing a measurable annual goal, as a related service, through supplementary aids and services, or by developing a Behavioral Intervention Plan (BIP).
- When **Yes** is checked for the question, “[Does the student have a Behavioral Intervention Plan?](#)” this factor must be addressed. The SES strongly encourages that the BIP be attached using the documents tab in the student information system or use the optional form in the student information system.
- When **Yes** is checked for the question, “[Does the student have limited English proficiency?](#)” all English learners (ELs) with IEPs must have an EL plan documented on the profile page of the IEP. Students may receive both special education and English language services concurrently if the IEP Team determines that both services are appropriate and necessary for the student to access the general education curriculum.
- When **Yes** is checked for the question, “[Does the student need instruction in Braille and the use of Braille?](#)” this factor must be addressed if, the student is determined to be in need of instruction in Braille after an evaluation of the student’s reading, 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).
- When **Yes** is checked for the question, “[Does the student have communication needs?](#)” this factor must be addressed if, the student has any communication needs e.g., language and/or communication mode of a child who is deaf or hearing impaired, articulation, stuttering, voice, language disorders, or augmentative communication needs.
- When **Yes** is checked for the question, “[Does the student need assistive technology devices and/or services?](#)” this factor must be addressed if, the student needs an assistive technology device or service(s) for academic or functional needs, it must be addressed in the IEP.

- When **Yes** is checked for the question, [“Does the student require specially designed physical education \(P.E.\)?”](#) then if any part of the student’s curriculum requires modification, appropriate goals and benchmarks must be addressed in the IEP. The P.E. teacher is responsible for developing and implementing the goals and benchmarks with the assistance of the case manager. (Adapted P.E. is a direct service not a related service.)
- When **Yes** is checked for the question [“Is the student working toward alternate achievement standards and participating in the Alabama Alternate Assessment?”](#) When a student is working on alternate achievement standards this box must be checked annually.
- In order to check **Yes**, the IEP Team must use the *ACAP Alternate Participation Decision-Making Tool* form to determine that a student will participate in the *Alabama Alternate Assessment Program*.
- When **Yes** is checked for the question, [“Are transition services addressed in this IEP?”](#) transition must be addressed for all students entering 9th grade and beyond, or earlier if appropriate.

Individualized Education Program - Second Page of the Student Profile:

A guide for completing this page - Transportation

Transportation is a related service and can include travel to and from school and between schools; travel in and around school buildings, and specialized equipment such as special or adapted buses, lifts, and ramps. A child’s IEP Team is responsible for determining if transportation is required as a related service to assist a child with a disability to benefit from special education services.

Student’s mode of transportation must be addressed in every IEP by either checking one of the boxes or by adding information under **“Other.”**

Does the student require transportation as a related service?” Yes or No must be selected

- If **No** is checked, the student will receive the same transportation services provided to nondisabled children.
- If **Yes** is checked, the following check box is required:

If Yes is checked for related service, a representative from the transportation department should be included in the meeting or in discussions prior to the meeting and/or provided input for the IEP Team to consider about the transportation needs for this student. During the discussion, consideration should be given to the entire continuum of services available, including accommodations/modifications on a regular bus; services on a smaller capacity, specially equipped bus; or some other form of transportation, such as a private vehicle if a parent contract is appropriate for the individual student.

If **Yes is checked as a related service**, check any transportation needs that apply.

BUS ASSISTANCE:

- **Adult Support** indicates the need for a bus attendant to assist/accompany the child while boarding and/or riding the school bus.
- **Medical Support** indicates a need for a medically trained assistant for the student while riding the school bus.
- **Preferential seating** should be checked and a description provided when there is a need for the student to sit in a particular location while riding inside the bus (e.g., front seat, behind the driver, with a designated peer helper).

- **Behavioral Intervention Plan** should be checked when the student has a BIP that should be shared with the bus driver and other support personnel when the student's behavior could present a challenge while riding the school bus. Please note: Bus personnel may require additional training on the plan.
- **Wheelchair lift and securement system** should be checked when a student is unable to board the bus through the passenger door. If Wheelchair lift is checked, select whether the child will transfer to a seat or if the wheelchair securement system will be utilized. Please note: No student may be carried onto the school bus. The student must be secured in a safe wheel chair before boarding the lift.
- **Restraint system** should be checked when the student is unable to sit safely in a bus seat or safely in a wheelchair without support. If restraint system is checked, the type of restraint must be specified. Please note: The need for a restraint system should be carefully considered and documented for each individual student, as well as the type of restraint necessary and appropriate for the student, with input from the Transportation Department. Types of restraint systems include: seatbelts (lap or lap/shoulder belt systems); car seats; safety vests or harnesses; Integrated Child Safety Seats; etc. Seatbelts are excluded from the seclusion and restraint policies.
- **Other** should be checked when there is a need for accommodations/modifications not already listed. Such needs could include any necessary supports (e.g., peer helper, emergency plan of action, atypical school day/schedule or special equipment, oxygen tank, EpiPen, suction machine, diabetic supplies, augmentative communication system/device, service animal) and/or any additional training that the bus driver and the other support personnel may need in order to manage medical issues, which could impact the student during the bus ride.
- **The transportation needs for this student were shared with the bus driver and support personnel. Their signature(s) are included on the *Persons Responsible for IEP Implementation form*.** This should always be checked to ensure that the bus driver and other support personnel are aware of their responsibilities for implementing the IEP. Provide transportation personnel with any necessary training for implementation of the IEP at the very minimum, the bus driver **must** be informed of his or her responsibilities.

Transportation does not need to be addressed elsewhere in the IEP unless instruction is being provided (e.g., teaching a student how to use public transportation.)

Individualized Education Program - Second Page of the Student Profile:

A guide for completing this page - Nonacademic and Extracurricular Activities

NONACADEMIC AND EXTRACURRICULAR ACTIVITIES must have at least one item checked. If **YES** is checked, this indicates the general notion that the student will have some opportunity to participate in nonacademic/extracurricular activities with his/her nondisabled peers, but not necessarily all of those activities and at all times. Obviously, a student must be deemed to be “otherwise qualified” to participate in the activity and meet the same criteria for participation that applies to other students. There may be circumstances where the student is not qualified to participate, which will be decided on a case-by-case basis. If **YES, with supports** is checked, please describe the supports in the space provided. If **NO** is checked, please write an explanation in the space provided. **For Preschool students:**

- If **YES** is checked, this indicates the child attends an early childhood program where the potential for nonacademic/extracurricular activities exists.
- If **YES with supports** is checked, the responsibility for any supports required for a student to participate in nonacademic/extracurricular activities is an IEP Team decision. If the IEP Team determines that supports are needed, the Team determines who will provide them (parent, program such as Head Start, or the public agency [LEA]).
- If **NO** is checked, the child is not in any type of early childhood environment where the potential for any type of nonacademic/extracurricular activity exists. An example of this situation would be a child who is SLI and stays at home with a parent all day, and comes to a school only for speech therapy services.

ANNUAL GOAL PROGRESS REPORT will be sent to the parent or student (age 19 and older) each time report cards are issued. Indicate how often the **ANNUAL GOAL PROGRESS REPORT** will be sent home by recording the number of weeks in the space provided (e.g., every nine weeks, every six weeks).

Individualized Education Program - Second Page of the Student Profile:

What happens next:

There should be a direct link between the profile and other elements of the IEP.

Individualized Education Program - Transition Page

STUDENT'S NAME:

DOB:

Transition: Beginning not later than the first IEP to be in effect when the student is 16, or earlier if appropriate, and updated annually thereafter. For all students entering 9th grade regardless of their age, transition must be addressed.

- This student was invited to the IEP Team meeting on 08/02/2022 via personal conversation.
- After prior consent of the parent or student {Age 19} was obtained, other agency representatives were invited to the IEP Team meeting.
- Transition services based on the student's strengths, preferences, and interests that will reasonably enable the student to meet the postsecondary goals are addressed on the transition goal page in this IEP.

Age-appropriate Transition Assessments:

{Select the assessment(s) used to determine the student's measurable postsecondary transition goals.}

- | | | |
|--|--|--|
| <input type="checkbox"/> Student Interview | <input type="checkbox"/> Career Awareness | <input type="checkbox"/> Interest Inventory |
| <input type="checkbox"/> Parent Interview | <input type="checkbox"/> Student Portfolio | <input type="checkbox"/> Interest Learning Profile |
| <input type="checkbox"/> Student Survey | <input type="checkbox"/> Vocational Assessment | <input type="checkbox"/> Career Aptitude |
| <input type="checkbox"/> Other | | |

Enter the assessment(s) used to determine the student's selected long-term postsecondary transition goals:

Postsecondary Education/Training Goal

Assessment:

Date:

Assessment:

Date:

Long-Term Goal:

If Other is selected, specify:

Employment/Occupation/Career Goal

Assessment:

Date:

Assessment:

Date:

Long-Term Goal:

If Other is selected, specify:

Community/Independent Living Goal

Assessment:

Date:

Assessment:

Date:

Long-Term Goal:

If Other is selected, specify:

- This student is in a middle school course of study that will help prepare him/her for transition.

Anticipated Date of Exit:

Selected Pathway to the Alabama High School Diploma:

- General Education Pathway (Intended to prepare student for college and career)
- Essentials Pathway (Intended to prepare student for a career/competitive employment)
- Alternate Achievement Standards Pathway [MS] {Intended to prepare students for supported/competitive employment)

Program Credits to be Earned (Complete for students in grades 9-12)				
For each course taken indicate program credits to be earned next to the appropriate pathway.	English	Math	Science	Social Studies
General Education Pathway				
Essentials Pathway				
Alternate Achievement Standards Pathway				

Directions for: Individualized Education Program - Transition Page

Individualized Education Program - Transition Page

Purpose(s) of this page

- To document the date and method by which the student was invited to the IEP Team meeting.
- To document that other agency representatives that may be responsible for providing or paying for **Transition Services** were invited to the IEP Team meeting if permission was granted by the parent or student (age 19 and older).
- To document that transition services are based on the student's strengths, preferences, and interests that will reasonably enable the student to meet the postsecondary goals.
- To document **Age-Appropriate Transition Assessments** used to determine the student's selected long-term transition goals related to Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living. (Include appropriate documentation of all assessments in the student's file.)
- To document the assessment(s) used to determine the long-term transition goal for Postsecondary Education/ Training, Employment/Occupation/Career, and Community/Independent Living.
- To document the date the assessment(s) was given to determine the appropriate long-term transition goals related to **Postsecondary Education/Training, Employment/Occupation/Career, and Community/ Independent Living**.
- To document **COURSE OF STUDY** for students that are in middle school OR
- To document **Selection of Pathway to the Alabama High School Diploma** for students in Grades 9-12.
- To document **ANTICIPATED DATE OF EXIT** for students in Grades 9-12.
- To document **PROGRAM CREDITS TO BE EARNED** for students in Grades 9-12.
- To document the **TOTAL NUMBER OF ELECTIVES**.

Individualized Education Program - Transition Page

Things to remember when completing this page

- Check "Transition services based on the student's strengths, preferences, and interests that will reasonably enable the student to meet the postsecondary goals that are addressed on the transition goal page in this IEP.
- You do not have to address transition for a student in middle school if the student is younger than age 16.
- **If the student is 15 years old when the IEP is being developed and will turn 16 years old during implementation of the IEP, transition must be addressed.**
- If the IEP Team addresses transition for a student younger than age 16 (for example, age 14) and the student is in middle school, you must address: Age-Appropriate Transition Assessments, Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living Transition Goals, Middle School Course of Study, Measureable Annual Goals for Postsecondary Education/ Training, Employment/Occupation/Career, and Community/Independent Living, Transition Services, and Transition Activities for each annual transition goal.

- If the IEP Team addresses transition for a student younger than age 16 (for example, age 14) and the student is in Grades 9-12, the following must be addressed: Age-Appropriate Transition Assessments, Long-Term Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living Transition Goals, Anticipated Date of Exit, Pathway to the Alabama High School Diploma, Program Credits to be Earned, Total Number of Electives, Measureable Annual Goals for Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living, Transition Services, and **Transition Activities for each annual transition goal.**
- **This page must be completed for all students entering 9th grade, regardless of their age.**
- For all students entering 9th grade, regardless of their age, the IEP Team must address: Age-Appropriate Transition Assessments, Long-Term Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living Transition Goals, Anticipated Date of Exit, Pathway to the Alabama High School Diploma, Program Credits to be Earned, Total Number of Electives, Measureable Annual Goals for Postsecondary Education/Training, Employment/ Occupation/Career, and Community/Independent Living, Transition Services, and Transition Activities for each annual transition goal.
- This page must be completed for students who will turn age 16 during the implementation dates of the IEP.

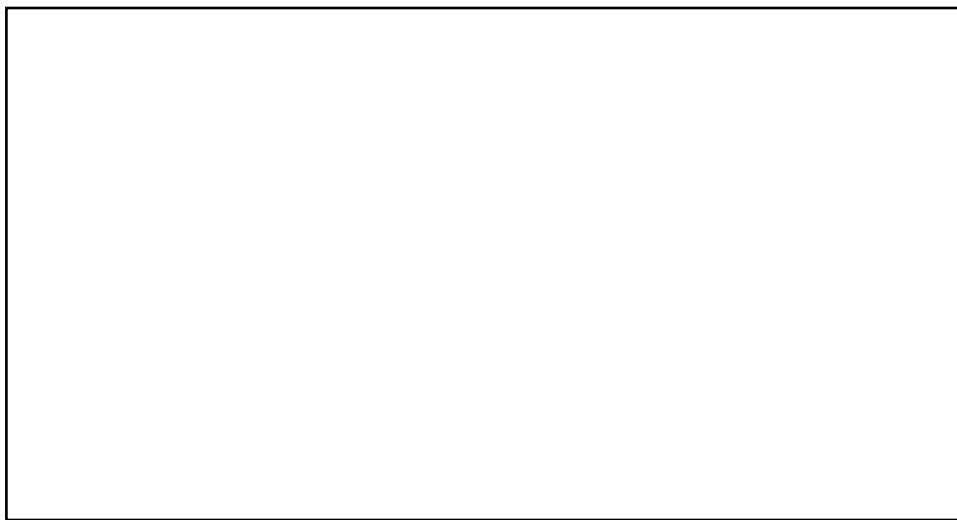


[Watch on SES YouTube Channel](#)

AGE-APPROPRIATE TRANSITION ASSESSMENTS

- **Age-Appropriate Transition Assessments** must be used to determine the student's Postsecondary Education/ Training Goal, Employment/Occupation/Career Goal, and Community/Independent Living Goal, and transition needs and services.
- The Age-Appropriate Transition Assessments that are used to determine the long-term goals must match assessments that are administered.
- Check all Age-Appropriate Transition Assessments that were used to determine the long-term goals.
- The name of each transition assessment and the date the assessment was administered must be documented for each long-term goal.

- A minimum of two assessments must be administered.
- The student's Long-Term Postsecondary Education/Training, Employment/Occupation/Career, and Community/ Independent Living Transition Goals are to be based on the individual student's strengths, needs, preferences, and interests.
- Long-Term Postsecondary Education/Training, Employment/Occupation/Career, and Community/ Independent Living Transition Goals are based on standards listed in the Alabama Transition Standards document. This document can be found on the special education web page under Secondary/ Postsecondary/Transition.



[Watch on SES YouTube Channel](#)

GOALS for Postsecondary/Transition: (Note: All goals should be based on the student's progress toward the Alabama Transition Standards)

Postsecondary Education/Training Goal (Select or write the most appropriate goal for the student):

- Student will be prepared to participate in a two- to four-year postsecondary education program based on completion of graduation requirements and meeting college admission requirements.
- Student will be prepared to participate in a long-term certificate pathway or long-term apprenticeship program based on completion of graduation requirements and meeting certificate program requirements and/or apprenticeship requirements.
- Student will be prepared to participate in a short-term certificate pathway program or pre-apprenticeship program based on completion of graduation requirements and meeting certificate program requirements and/or pre-apprenticeship requirements.
- Student will be prepared to participate in on-the-job training based on completion of IEP goals, high school program, and submission of application for supported employment.
- Student will participate in time-limited, pre-employment services in order to prepare student to participate in Supported Employment services.
- Other: Write an appropriate goal for the student based on the needed Transition Services.

Individualized Education Program - Transition Page

Things to remember when completing this page

Employment/Occupation/Career Goal (Select or write the most appropriate goal for the student):

- Student will reach college and career readiness by potentially earning an industry career credential.
- Student will be prepared to participate in competitive integrated employment with no need for support based on successful completion of career exploration, community-based work, and/or cooperative education experience.
- Student will be prepared to participate in competitive integrated employment with time-limited support based on successful completion of career exploration, community-based work experience and/ or cooperative education experience.
- Student will be prepared to participate in supported employment which will include community-based assessment, job development, job coaching, and extended support needed to meet his/her employment needs based on successful completion of school-based work experiences, community-based career exploration, and application for supported employment services.
- Student will be prepared to participate in pre-employment services to increase the likelihood for
- community-based integrated employment based on IEP goals, individual or parental choice (requires application for adult services) in order to acquire skills needed for competitive integrated employment through supported employment services.
- Other: Write an appropriate goal for the student based on the needed Transition Services.

Community/Independent Living Goal (Select or write the most appropriate goal for the student):

- Student will be prepared to participate in community activities and live independently based on independent living skill level achieved and identification of community/living options.
- Student with time-limited support will be prepared to participate in community activities and live independently based on independent living skill level achieved and identification of community/living options and support options.
- Student will be prepared to participate in community activities and live semi-independently with ongoing infrequent support based on independent living skill level achieved, identification of options, and/or application for adult services.
- Student will be prepared to live in a group home or other supported environment with full-time support based on independent living skill level achieved and application for adult services.
- Student will be prepared to live with parents, guardian, or relatives based on parental preference and independent living skill level achieved.
- Other: Write an appropriate goal for the student based on the needed Transition Services.

MIDDLE SCHOOL COURSE OF STUDY:

- Check “**This student is in a middle school course of study that will help prepare him/her for transition**” for students who are 16 years old and older in middle school, or for younger students, if the IEP Team has determined that transition will be addressed for the student. **(Do not check the middle school course of study box if transition will not be addressed for the student).** **ANTICIPATED DATE OF EXIT: (Complete for students in Grades 9-12)**
- Identify the month and year the student is expected to exit high school.
- Students who have not earned an Alabama High School Diploma and who have not reached their 21st birthday by August 1 are entitled to receive services up to age 21. A student who turns 21 on or after August 1st are entitled to complete the school year.
- Students that turn 21 before August 1st are not entitled to services the following school year.



[Watch on SES YouTube Channel](#)

SELECTED PATHWAY TO THE ALABAMA HIGH SCHOOL DIPLOMA:

(Complete for students in Grades 9-12)

- This section must be completed prior to entering 9th grade. The focus will be on the coursework taken that necessitates a clearly articulated and individualized four-year high school plan built for each student based on the results from the ACAP summative, PreACT, ACT with writing, ACT WorkKeys, academic and career interest assessment and middle school coursework.
- Identify and select the highest most appropriate pathway leading to the Alabama High School Diploma.
- It is very important to annually review the student’s coursework and selected pathway to ensure the student will achieve the desired post school outcomes.

PROGRAM CREDITS TO BE EARNED: (Complete for students in Grades 9-12—Record current year only): IEP Teams should determine the appropriate coursework/pathway that will lead to the Alabama High School Diploma to meet individual post-school outcomes.

- All courses should be coded based on the program credit to be earned.
- Accommodations lessen the impact of the student's disability in the teaching/learning environment in order to level the playing field but do not change the content of the standard. When accommodations are made for the student with disabilities, the content has not been altered and the student can earn course credit.
- Modifications are changes made to the content of the curriculum due to the unique needs arising from the student's disability. When course content is modified, the student is not pursuing the content prescribed in the applicable course of study and cannot earn course credit.
- Students who participate in a graduation ceremony but return to school until age 21 should continue to work toward earning course credit. These students might be working toward fewer credits and there might be less variety in the subjects, but they should still be working toward credits.
- Indicate the Total Number of Electives.

Individualized Education Program Annual Transition Goal(s)

STUDENT'S NAME:

DOB:

PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE:

Based on the student's strengths, preferences, interests, and needs related to the postsecondary goals (include a description of age-appropriate transition assessments).

Postsecondary Education/Training Goal:

Date of Completion/Mastery:

***Transition Service(s):**

Transition Activities:

(Enter a numbered list of all activities to assist the student in achieving his/her long-term Postsecondary Education/Training goal.)

Employment/Occupation/Career Goal:

Date of Completion/Mastery:

***Transition Service(s):**

Transition Activities:

(Enter a numbered list of all activities to assist the student in achieving his/her long-term Employment/Occupation/Career goal.)

Person(s)/Agency Involved:

Community/Independent Living Goal:

Date of Completion/Mastery:

***Transition Service(s):**

Transition Activities:

(Enter a numbered list of all activities to assist the student in achieving his/her long-term Postsecondary Education/Training goal.)

***Transition Services: Consider these service areas:**

Vocational Evaluations (VE), Community Experiences (CE), Personal Management (PM), Transportation (T), Employment Development (ED), Medical (M), Postsecondary Education (PE), Living Arrangements (LA), Linkages to Agencies (LTA), Advocacy/Guardianship (AG), Financial Management (FM), and if appropriate, Functional Vocational Evaluation (FVE).

Directions for: Individualized Education Program Annual Transition Goal(s)

Individualized Education Program Annual Transition Goal(s):

Purpose of this page

- To document the required components of the IEP for the **ANNUAL TRANSITION GOAL(S)**.
- A statement of the student's **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE** based on the student's strengths, preferences, interests, and needs related to the annual postsecondary goals (include a description of the **Age-Appropriate Transition Assessment**).

The PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE must be linked to the Transition Standards.

- To document a statement of the **MEASURABLE ANNUAL POSTSECONDARY TRANSITION GOAL developed for Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living.**

DATE OF COMPLETION/MASTERY

- To document the mastery/completion of **GOAL(s)** developed for **Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living.**

TRANSITION SERVICES

- To document Transition Service(s) selected for each measurable annual postsecondary transition goal.

TRANSITION ACTIVITY(S)

- To document Transition Activities to assist the student in achieving **Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living Measurable Annual Goals**
- Transition activities must list specific steps the student must take to achieve his/her Measurable Annual Postsecondary Transition Goal.
- A minimum of two transition activities must be written to address each of the measurable annual transition goals in the areas of Postsecondary Education/Training, Employment/Occupation/Career, and Community/ Independent Living.

Individualized Education Program Annual Transition Goal(s):

When to use this page

- To document **MEASURABLE ANNUAL Postsecondary Education/Training, Employment/ Occupation/ Career, and Community/Independent Living TRANSITION GOAL(s)** that the IEP Team addresses.
- To document **DATE OF COMPLETION/MASTERY OF MEASURABLE ANNUAL**
- **POSTSECONDARY TRANSITION GOAL(S).**
- To revise/change transition goal(s).
- To determine Transition services based on the student's strengths, preferences, and interests that will reasonably enable the student to meet the postsecondary goals addressed on the transition goal page in this IEP.

- To document Transition Activities to assist the student in achieving **Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living Measurable Annual Postsecondary Transition Goals.**

Individualized Education Program Annual Transition Goal(s):

Things to remember when completing this page:

- It is important to remember that each student's **MEASURABLE ANNUAL Postsecondary Education/ Training, Employment/Occupation/Career, and Community/Independent Living TRANSITION GOAL(S)** should be based on relevant content transition standards and must be individualized.
- The Alabama Transition Standards are intended to be used as a guidepost from which to plan each student's growth during the IEP annual cycle.
- Annual Transition goals are based on transition standards listed in the Alabama Transition Standards. All transition goal(s) must reference a standard.
- Transition goals that have embedded academic goals must reference the content standard.
- Transition activities must list specific steps the student must take to achieve his/her long-term Postsecondary Education/Training goal.
- **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE:**
- Based on the student's strengths, preference, interests and needs related to the postsecondary goal. The Present Level of Academic Achievement and Functional Performance must include a description of the Age- Appropriate Transition Assessments.
- Information should be stated in a readily understandable way that is precise enough to understand what the student can do and in relation to what the student should be able to do in each area of transition.
- There must be a direct relationship between the **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE** for Transition and other components of the IEP, such as a **MEASURABLE ANNUAL GOAL, and SPECIAL EDUCATION AND RELATED SERVICE(S):**

MEASURABLE ANNUAL POSTSECONDARY TRANSITION GOAL:

- Targets the individual needs of the student based on the student's Strengths, Preference, Interests, and Needs related to the long-term postsecondary goals.
- Describes what a student can reasonably be expected to accomplish within one school year.
- Addresses the needs written in the **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE.**
- Are measurable to the extent that they can be used to monitor the student's progress and assess the appropriateness of the special education services.
- Each IEP must be individualized based on the student's strengths, preferences, interests, and needs. Copying and pasting standards into the goal is not individualized and places the LEA in a very vulnerable litigious situation. The IEP must be written to provide educational benefit.

- An annual goal may address more than one Transition Service.
- All Transition Services selected on the transition page of the IEP must be supported through an annual goal. Each Transition Service is selected under more than one Transition Strand must be supported through a Measurable Annual Goal.

TRANSITION SERVICES: (Select the most appropriate Transition Service area[s])

- **Vocational Evaluations (VE)** - This service area will address the individual's potential for employment through assessment(s) that provide information about job and career interests, skills, and aptitudes. Information gathered through the assessment(s) can identify the individualized level of support needed to gain potential employment (e.g., no special services, time-limit supports, and on-going supports). It will also provide information for career planning and development.
- **Community Experiences (CE)** - This service area will address activities/services that are provided outside the school building and prepare the student for participation in community life. These community-based experiences provide opportunities to engage in integrated activities in typical environments. Through these experiences, students may also learn how to access community resources (e.g., after school jobs, use of public library, community recreational activities) to achieve his or her projected post-school outcomes. Community based instruction provide students with the opportunity to practice skills in the setting in which they will be expected to perform them. Transportation must be provided by the LEA.
- **Personal Management (PM)** - This service area will address and provide instruction in managing personal responsibilities and activities in adult areas such as: home and family life, leisure pursuits, community engagement, physical and emotional well-being, personal responsibility, communication and education, employment and training.

Transportation (T) - This service area will address the academic and functional competencies to interact and travel within and outside the community.

Employment Development (ED) - This service area will focus on the development of work-related behavior, job seeking, and maintenance skills, career exploration (e.g., labor market resources, job application process, résumé), and actual employment (e.g., work-related forms and documents). This information provides guidance towards employment options (e.g., competitive employment, customized employment, or supported employment).

Medical (M) - This service area will address the academic and functional competencies needed to maintain a full range of physical, emotional, and psychological well-being of an individual.

Postsecondary Education (PE) - This service area will include opportunities for preparation of individuals who plan to pursue postsecondary education/training after high school. This involves considerations of courses needed to meet further training of post-school training requirements, research potential colleges, universities, or technical schools and provide assistance with the application process.

Living Arrangements (LA) - This service area will address adult living outcomes. These are generally those activities related to pursuing an individual's desired community/independent living goal (e.g., independently, time-limited support, semi-independently with ongoing infrequent support, group home, or supported environment with full-time support and live with parents, guardians, relatives).

Linkages to Agencies (LTA) - This service area will address the coordination and collaboration between the school and community service providers who offer transition services which assist with facilitating the student's movement from school to post-school activities.

Linkages to Agencies (LTA) - This service area will address the coordination and collaboration between the school and community service providers who offer transition services which assist with facilitating the student's movement from school to post-school activities.

Advocacy/Guardianship (AG) - This service area will address student's rights (e.g., age of majority, informed consent); responsibility (e.g., student involvement); self-knowledge (e.g., disability awareness); and self-advocacy (e.g., strengths, preferences, and interests).

Financial Management (FM) - This service area will address competencies such as budgeting, paying bills, balancing a checkbook, and spending money.

Functional Vocational Evaluation (FVE) - This area will address a more comprehensive approach to assessing an individual's potential for employment through assessment(s) that provide(s) information about job and career interests, skills, and aptitudes (e.g., situational work assessments, work samples, job trials).

TRANSITION ACTIVITIES:

- Transition planning is a coordinated set of activities focused on improving the academic and functional achievement of a student with a disability to promote the student's movement from school to postsecondary activities.
- Postsecondary activities can include college, vocational training, employment, continuing and adult education, adult services, independent living, or community participation.
- Transition activities are based upon the individual student's needs, taking into account the student's preferences, potential, abilities, and interests.
- Transition activities include instruction, community experiences, the development of employment and other postsecondary adult living objectives, and acquisition of daily living skills and functional vocational skills.
- Transition activities are checkpoints along the path towards mastery of each Measurable Annual Postsecondary Transition Goal.
- Transition activities should be linked to the Measurable Annual Postsecondary Transition Goals.
- At least two transition activities are needed for each Measurable Annual Postsecondary Transition Goal.

PERSONS/AGENCIES INVOLVED:

- Specify personnel involved with the transition activities for each Measurable Annual Postsecondary Transition Goal. These individuals should assist the student in achieving their Measurable Annual Postsecondary Transition Goal.
- The Persons Responsible for IEP Implementation form should be used to document persons/agencies who are responsible for assisting the student in achieving the transition activities.

Individualized Education Program Annual Transition Goal(s):

What happens next:

- Annually review the student's coursework and selected pathway to ensure the student will achieve desired post-school outcomes.
- Annually review Transition Assessment information, progress towards goals and the Transition Services and revise as necessary.
- The Summary of Academic Achievement and Functional Performance (SAAFP) must be completed for every student that exits with a high school diploma, or who will be exceeding the age of eligibility for FAPE.
- Special Education Services strongly encourages public agencies to complete the SAAFP for all other students exiting high school.

Individualized Education Program - Annual Goal Page(s)

STUDENT'S NAME:

DOB:

AREA:

PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE:

State how the student's disability affects his/her involvement and progress in the general education curriculum for this particular area of instruction, or for preschool age students, how the disability affects the student's participation in age-appropriate activities.

MEASURABLE ANNUAL GOAL related to meeting the student's needs:

Target the individual needs of the student resulting from the student's disability and how the student's disability affects his/her involvement and progress in the general education curriculum. Describe what a student can reasonably be expected to accomplish within one school year.

DATE OF MASTERY:

TYPE(S) OF EVALUATION FOR ANNUAL GOAL:

- | | | | |
|--|--|--|---------------------------------|
| <input type="checkbox"/> Curriculum Based Assessment | <input type="checkbox"/> Teacher/Text Test | <input type="checkbox"/> Teacher Observation | <input type="checkbox"/> Grades |
| <input type="checkbox"/> Data Collection | <input type="checkbox"/> State Assessment(s) | <input type="checkbox"/> Work Samples | <input type="checkbox"/> Other |
| <input type="checkbox"/> Other | | | |

BENCHMARKS:

Include at least two Benchmarks for students working on Alternate Achievement Standards or for students in public agencies that require Benchmarks. Benchmarks are required for all students working on Alternate Achievement Standards. This includes academic goals and functional goals, regardless of whether it is a testing year.

Directions for: Individualized Education Program - Annual Goal Page(s)

Individualized Education Program - Annual Goal Page(s):

Purpose(s) of this page:

- To document the **AREA** for which the **MEASURABLE ANNUAL GOAL** is written.
- To document a statement of the student's **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE** in relation to the AREA.
- To document a statement of the **MEASURABLE ANNUAL GOAL**.
- To document **TYPE(S) OF EVALUATION(S) FOR ANNUAL GOAL**.
- To document **DATE OF MASTERY**.
- To document **BENCHMARKS** for all students being assessed by the AAA.

Individualized Education Program - Annual Goal Page(s):

When to use this page:

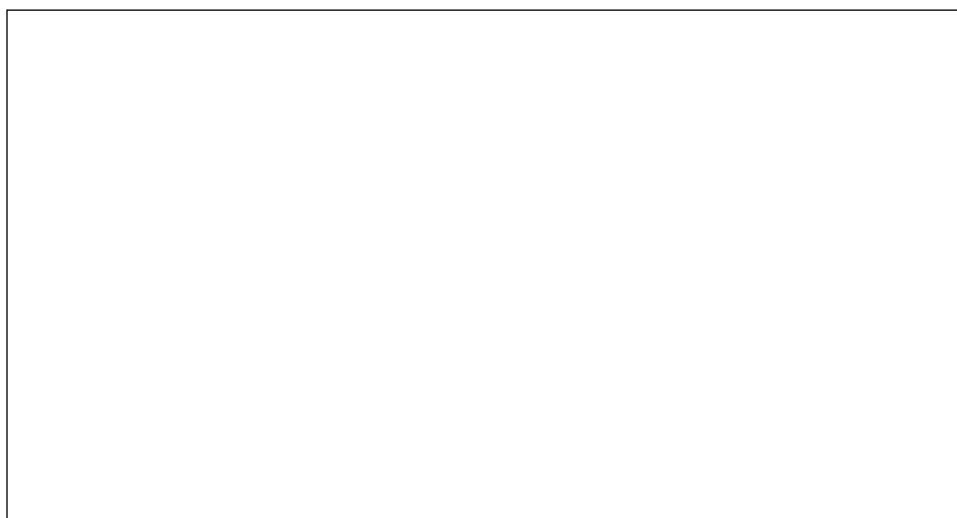
- Use this page for the initial IEP, each annual IEP, and if necessary when making amendments to the IEP.
- Use this page for **MEASURABLE ANNUAL GOAL(s)** that the IEP Team addresses and to document **DATE OF MASTERY OF MEASURABLE ANNUAL GOAL** and, if appropriate, **BENCHMARKS**.
- Use this page any time goal(s), and/or benchmarks, are revised/changed.

Individualized Education Program - Annual Goal Page(s):

Things to remember when completing this page

- The IEP Team should determine and prioritize the students' needs for special education services.
- Academic goals are based on content standards listed in the College- and Career-Ready Standards and the Alabama Course of Study; academic goals for students with significant cognitive disabilities are based on Alabama Alternate Achievement Standards. Goals for preschool students ages three through five (who are not in Kindergarten) are based on the Alabama Standards for Early Learning and Development (ASELD).
- Each IEP must be individualized based on the student's needs. Copying and pasting standards into the goal is not individualized and places the LEA in a very vulnerable litigious situation. The IEP must be written to address the student's unique needs and to provide educational benefit within one year or the length of the IEP
- **AREA:**
- Identify the **AREA** the **MEASUREABLE ANNUAL GOAL** will address. The AREA may be an academic
- AREA (e.g., math, science), or a functional AREA (e.g., community participation, behavior).

- For all students participating in the Alternate Achievement Standards Program, the following content areas must be addressed: English language arts, math, and functional skills. **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE:**
- State how the student's disability affects his/her involvement and progress in the general education curriculum for that particular AREA of instruction, or for preschool students, how the disability affects the student's participation in age-appropriate activities.
- Information should be stated in a readily understandable way that is precise enough to understand what the student can do and in relation to what the student should be able to do in that AREA of instruction.
- There must be a direct relationship between the AREA, the **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE** and other components of the IEP, such as a **MEASURABLE ANNUAL GOAL** and **BENCHMARKS**, and **SPECIAL EDUCATION AND RELATED SERVICE(S)**.

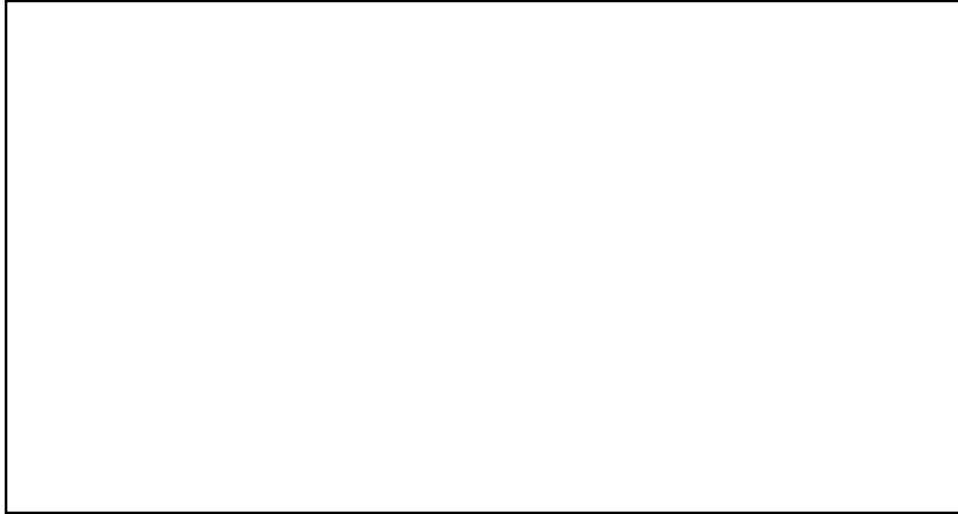


[Watch on SES YouTube Channel](#)

MEASURABLE ANNUAL GOAL:

- Identify the area the **MEASURABLE ANNUAL GOAL** will address. The area may be core academic content area (e.g., math, science) and/or a functional area (e.g., community participation, communication, self-determination, behavior). For all students participating in the Alternate Achievement Standards Program, measurable annual goals must be written for English language arts, math, and functional skills.
- Targets the individual needs of the student resulting from the student's disability and how the student's disability affects his/her involvement and progress in the general education curriculum. Specially designed instruction should address the unique needs of a student.
- Describes what a student can reasonably be expected to accomplish within one school year.
- Addresses the needs written in the **PRESENT LEVEL OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE**.

- Are measurable to the extent that they can be used to monitor the student's progress and assess the appropriateness of the special education services.
- Additional information on Standard-Based IEPs can be found on the special education Web page under Technical Assistance/IEP/Presentations



[Watch on SES YouTube Channel](#)

TYPE(S) OF EVALUATION(S) FOR ANNUAL GOAL:

- Check each type of evaluation that will be used to evaluate the MEASURABLE ANNUAL GOAL. At least one must be chosen.
- If Other is checked, describe in the space provided. Evaluations listed on the IEP used to measure progress toward attaining the MEASUREABLE ANNUAL GOAL do not require parental consent.

DATE OF MASTERY:

Record the actual dates that the student masters the MEASURABLE ANNUAL GOAL and BENCHMARKS.

BENCHMARKS:

- Include at least two BENCHMARKS for students working on Alternate Achievement Standards.
- BENCHMARKS are required for all goals for students who follow/or being instructed with the AAS. This includes academic goals (reading and math) and functional goals, regardless of whether it is a testing year.
- BENCHMARKS must be included if required by the public agency.
- If BENCHMARKS are written they must contain the following:
 - Content to be learned or skills to be performed.
 - Measurable, intermediate steps or targeted sub skills between the PRESENT LEVEL OF ACADEMIC

ACHIEVEMENT AND FUNCTIONAL PERFORMANCE and the MEASURABLE ANNUAL GOAL.

- There must be at least two benchmarks per goal.



[Watch on SES YouTube Channel](#)

What happens next:

Data must be maintained on each MEASURABLE ANNUAL GOAL to evaluate whether services are providing educational benefit. Date of Mastery should be noted when MEASURABLE ANNUAL GOALS and/or BENCHMARKS are mastered.

Special Education and Related Service(s)

STUDENTS'S NAME:

DOB:

SPECIAL EDUCATION AND RELATED SERVICE(S): (Special Education, Supplementary Aids and Services, Program Modifications, Accommodations Needed for Assessments, Related Services, Assistive Technology, and Support for Personnel.)

Special Education

Service Type	Anticipated Frequency of Service(s)	Amount of time	Beginning/Ending Duration Date	Location of Services

Related Services Needed Not Needed

Supplementary Aids and Services Needed Not Needed

Accommodations Needed for Assessments Needed Not Needed

Assistive Technology Needed Not Needed

Support for Personnel/Program Modifications Needed Not Needed

Directions for: Special Education and Related Service(s)

SPECIAL EDUCATION AND RELATED SERVICE(S):

Please note:

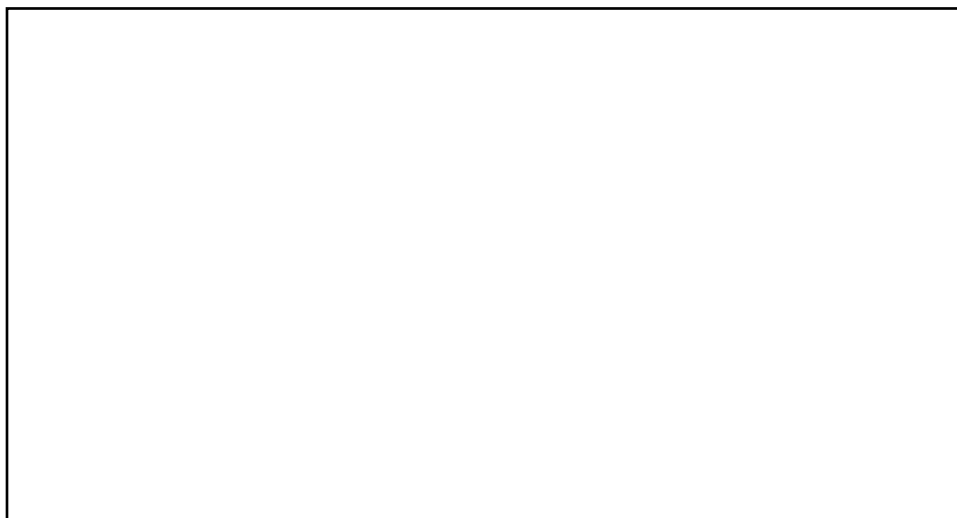
- Under Special Education describe the specially designed instruction that will be provided for each area that is listed in the IEP. (Specially designed instruction is what the IEP Team has determined will assist the student in attaining the goals). Location must be completed for each service.
- **Anticipated Frequency of Service(s)** is how often the service(s) will be provided (e.g., annual, bi-monthly, weekly, and daily) and Amount of Time should be documented. The **Amount of Time** is required for Special Education and Related Services. If the Location of Service and the **Anticipated Frequency of Service** is the same for more than one area, the **Amount of Time** may be written as the cumulative **Amount of Time** for all areas. For some services (i.e. testing accommodations) it is difficult to determine the exact **Amount of Time**; therefore, the service itself should be self-explanatory. For example: When tested, the student will have the test read to him/her. More importantly, all IEP Team members should understand what services will be provided and ensure that the services are documented and implemented as per the IEP Team's understanding.
- **Beginning/Ending Duration Dates** are the start to finish of services and may be different for each area listed and may be different from the Initiation/Duration Dates. **Location of Services(s)** is required and must list the specific location where the service will be provided (e.g., regular education classroom, resource room, school bus, lunchroom, gym). Location of Service may be different for each area listed. Location of Services assists in determining the appropriate LRE code.
- Describe the specially designed instruction that addresses the unique need(s) of the student. The **SPECIAL EDUCATION AND RELATED SERVICE(S)** in the IEP must be based on peer-reviewed research, which means there is reliable evidence that the program or services are effective. The IEP Team should have strong evidence of the effectiveness of instructional programs and other services before proposing them in an IEP. Peer-reviewed research also applies to nonacademic areas such as behavioral interventions. **Special Education** must be completed for all students. **Needed or Not Needed** must be checked for all other services on this form.



[Watch on SES YouTube Channel](#)

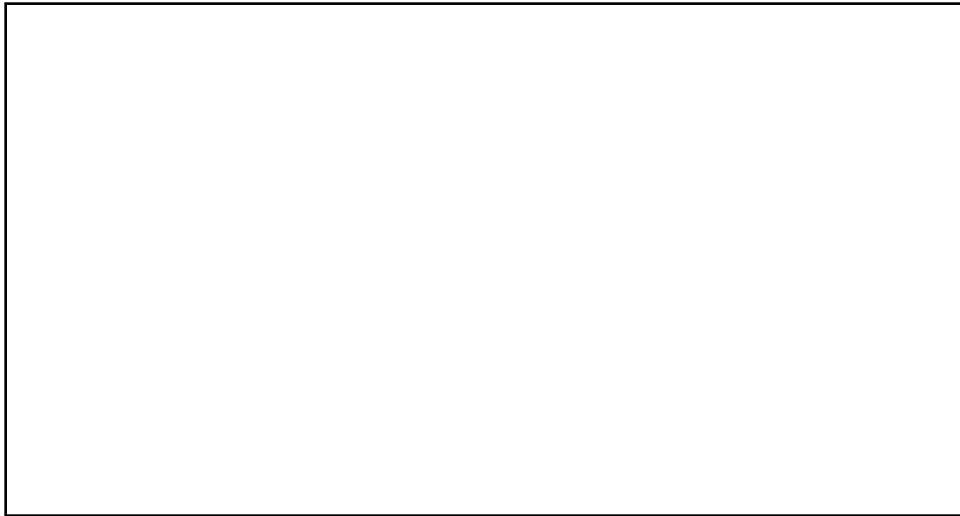
- **Special Education** must be completed for all students with an IEP and is defined as adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from his/her disability. Services provided must ensure the child has access to the general curriculum, so that the educational standards within the jurisdiction of the public agency, which apply to all children, can be met. NOTE: For students whose area of disability is Speech or Language Impairment, as documented on the most current Notice and Eligibility Decision Regarding Special Education Services form, enter Speech or Language services in the **Special Education Services** section. Accommodations alone do not constitute **Special Education Services**. **Special Education Services** must be described in the detail box in a manner that all IEP Team members understand.

Related Services should include services necessary for the student to benefit from **Special Education**. When addressed, related services must be written in detail. Examples of Related Services include audiology services, counseling services, including rehabilitation counseling services, early identification and assessment of disabilities in children, interpreting services, medical services (for diagnostic or evaluation purposes only), occupational therapy, parent counseling and training, physical therapy, psychological services, recreation, including therapeutic recreation, speech-language pathology (as an additional service), social work services in schools, school nurse services, school health services, and orientation and mobility services. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.



[Watch on SES YouTube Channel](#)

Supplementary Aids and Services should include accommodations that consist of aids, services, and other supports that are provided in regular education classes or other education-related settings to enable a student with a disability to be educated with nondisabled students to the maximum extent appropriate in accordance with their least restrictive environment. Examples include tutoring, adult assistance, note-taking, peer helper, preteaching/reteaching or reinforcing concepts, behavior management plan, point sheet, assigned seating, etc. When accommodations are made for the student with disabilities, the content standards are the same and the student can earn course credits. **This section should not include accommodations for classroom, district-wide, or state assessments.**



[Watch on SES YouTube Channel](#)

Accommodations Needed for Assessments should be completed for all students taking classroom and district-wide assessments. The only accommodations that are allowed for state assessments are those accommodations that are listed on the “IEP Accommodations Checklist.” There must be documentation that the same or similar accommodations needed for state and district-wide assessments are provided on an on-going basis for classroom assessments that students take throughout the school year. Examples of **Accommodations Needed for Assessments** include additional time for tasks, organizational aids, highlighter, mnemonics, adapting assignments/tasks, reformatting assessments, audio tapes, large print books, Braille, calculators, word processor, special seating, etc. Record all accommodations the student needs for assessments regardless of whether the accommodations are allowed on state assessments.



[Watch on SES YouTube Channel](#)

Assistive Technology should include any device(s) and/or service(s) needed that is used to increase, maintain, or improve the functional capabilities of a child with a disability. Examples include voice output devices, word processors, electronic books, talking calculators, alternate computer keyboards, switches, adapted chair, sidelyer, stander, screen magnifier, FM system, adaptive sporting equipment, walker, etc. Assistive Technology does not include a medical device that is surgically implanted, or the replacement of such device.



[Watch on SES YouTube Channel](#)

Program Modifications and Support for School Personnel-The IEP team has the responsibility of determining if supports and program modifications are necessary to help staff who are working with a student better understand and make modifications to programming that may be needed to meet the student's needs. Program modifications and supports for school personnel are focused on helping staff who are working with the student to implement the IEP. It is important that the supports or modifications are targeted for the needs of the student and are written in the IEP. Pre-planned professional development or trainings that are provided for all teachers is not the intent of this requirement.

Program modifications include interventions and accommodations necessary for the teacher to help the student achieve IEP goals. For example, a student whose behavior interferes with learning will need a program of positive behavioral supports to learn more appropriate and productive behaviors. The IEP team would discuss these needs, describe the necessary modifications on the IEP, and provide the support the teacher needs to implement the program.

Supports include special training for teachers to help them meet unique or specific needs of students in the classroom. For example, a teacher may need to be taught how to enter new vocabulary words into a student's communication device so the student can use the vocabulary as other students are assigned to do.

The decision to provide program modifications or support for school personnel to meet the needs of the student should be individualized and based on the IEP team's decision.

If the IEP Team determines that there is no need for specially designed instruction and/or the student can work successfully in the regular education environment without specially designed instruction, the IEP Team should discuss the need for reevaluation to determine if this student continues to be a student in need of special education services.

Individualized Education Program - Signature Page

TRANSFER OF RIGHTS

(Beginning not later than the IEP that will be in effect when the student reaches 18 years of age.) Date student was informed that the rights under the IDEA will transfer to him/her at the age of 19:

EXTENDED SCHOOL YEAR SERVICES (ESY)

The IEP Team has considered the need for extended school year services. Yes No

LEAST RESTRICTIVE ENVIRONMENT

Does this student attend the school (or for a preschool-age student, participate in the environment) he/she would attend if nondisabled? Yes No

Does this student receive all special education services with nondisabled peers? Yes No

SK-21 Years of Age

3-5 (Not K) Years of Age

Least Restricted Environment:

COPY OF IEP Yes No

COPY OF SPECIAL EDUCATION RIGHTS Yes No

Was a copy of the IEP given to parent/student (age 19) at the IEP Team meeting?

Was a copy of the Special Education Rights given to parent/student (age 19) at the IEP Team meeting?

Date copy of amended IEP provided/sent to parent/student {age 19):

THE FOLLOWING PEOPLE ATTENDED AND PARTICIPATED IN THE MEETING TO DEVELOP THIS IEP

Position	Signature	Date
Parent		
Parent		
General Education Teacher		
Special Education Teacher		
LEA Representative		
Someone Who Can Interpret the Instructional Implications of Evaluation Results		
Student		
Career/Technical Education Representative Other Agency Representative		

INFORMATION FROM PEOPLE NOT IN ATTENDANCE

Position	Signature	Date

Directions for: Individualized Education Program - Signature Page

Individualized Education Program - Signature Page:

Purpose(s) of this page:

- To document Transfer of Rights.
- To document the IEP Team has considered the need for Extended School Year services.
- To document **LEAST RESTRICTIVE ENVIRONMENT (LRE)** and the explanation of any removal from the regular education classroom/environment/nondisabled peers.
- To document a copy of the **IEP** was given/sent to the parent or student (age 19 and older).
- To document a copy of the **Special Education Rights** was given/sent to the parent or student (age 19 and older).
- To document a copy of the **amended** IEP was given/sent to the parent or student (age 19 and older).
- To document all required IEP Team members participated in the development of the IEP.
- To document the consideration of information from persons not in attendance.

Individualized Education Program - Signature Page:

When to use this page:

Use this page for the initial IEP, each annual review, each annual IEP, and if necessary, when making amendments to the IEP.

Individualized Education Program - Signature Page:

Things to remember when completing this page:

TRANSFER OF RIGHTS

- Record the date the student was informed that the rights under the IDEA will transfer at the age of 19.
- This section must be completed no later than the first IEP that will be in effect when the student reaches 18 years of age.
- The date that the student was first informed that the rights will transfer to him/her at age 19 is the date that should be recorded in any subsequent IEPs.
- All notices must be sent to both the parent and the student (age 19 and older) when the student reaches the age of majority (age 19).



[Watch on SES YouTube Channel](#)

EXTENDED SCHOOL YEAR SERVICES

- **Extended School Year (ESY) Services:** The IEP Team must consider extended school year services annually, for the child based on the AAC 290-8-9.05(9), if ESY services are necessary, for the provision of FAPE. The length of a program for a child with a disability may not be limited to the regular school term/year if an interruption in educational services is likely to deny a child FAPE.
- Checking **YES** for the extended school year services question does not mean that services must be provided but that services were considered. One criteria that may be considered by the child's IEP Team is if significant regression, caused by an interruption in educational services, renders it unlikely that the child will regain critical skills even after an appropriate recoupment period. The type, amount, and duration of services are an IEP Team's decision based on date.



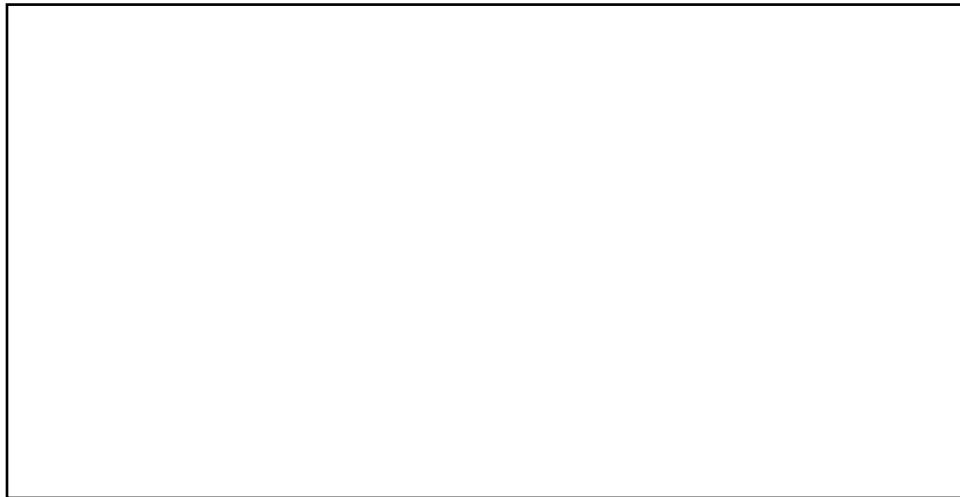
[Watch on SES YouTube Channel](#)

LEAST RESTRICTIVE ENVIRONMENT:

- The **LRE** must be based on the IEP, determined by the IEP Team at least annually, be as close as possible to the student's home, and in the school that he/she would attend if nondisabled, unless the IEP requires some other arrangement. A student with a disability cannot be removed from his/her age-appropriate regular education classroom solely because of needed modifications in the general education curriculum. For preschool students, participation in the environment they would if nondisabled may be participation in a daycare, preschool, home, etc.
- Check **YES** or **NO** for each statement under LRE. If **NO** is checked explain in the space provided stating why the student is being removed from the regular education classroom. The explanation should not be based on the disability area of the student.

Watch on SES YouTube Channel

- Remember to work through the continuum of services questions:
 1. **Can this student complete all course requirements in the regular education class without accommodations?**
 2. **If the answer to #1 is no, can the student complete all course requirements in the regular education class with accommodations?**
 3. **If the answer to #2 is no, explain clearly why the student should be removed from the regular education classroom/environment/nondisabled peers.**
- Select **5 - 21 Years of Age or 3-5 (Not K) Years of Age**, then select the appropriate LRE from the drop-down box.
- Please refer to the Child Count Least Restrictive Educational Environment Codes.



[Watch on SES YouTube Channel](#)

COPY OF SPECIAL EDUCATION RIGHTS:

- Check YES or NO. If NO is checked, enter the date in the space provided that a copy of the SPECIAL EDUCATION RIGHTS was sent to the parent or student (age 19 and older) within the past year.
- A copy of the amended IEP must be sent to the parent or student (age 19 and older) and the date the amended IEP was sent must be recorded in the space provided.
- If the parent, or student (age 19 and older), or teacher(s) has reason to suspect that the IEP needs revision, an IEP Team meeting may be requested at any time. The public agency must conduct the IEP Team meeting within 30- calendar days of the receipt of the request.



[Watch on SES YouTube Channel](#)

THE FOLLOWING PEOPLE ATTENDED AND PARTICIPATED IN THE MEETING TO DEVELOP THIS IEP:

The annual review due by date is calculated based on the IEP signature date of the previous IEP. The IEP must be **reviewed** by the annual review date (signature date plus one year). When the IEP is reviewed, the IEP Team may review the current IEP and write a new IEP, or in some cases the new IEP can be delayed for a reasonable period of time. The **DURATION DATE** (ending date) is the date that the IEP expires; **therefore, that date must be considered before the decision is made to delay the writing of a new IEP.**

Each student's IEP Team must include all required IEP Team members to develop the IEP.

- The IEP Team members who participate in the meeting must sign this page. If a person participates in the IEP Team meeting by phone, the attendance should be documented by the person's name on the signature line. For example, "parent participated by phone" should be written on the signature line. Do not collect signatures at a later date.
- Type in the name of each IEP Team member that participated in the meeting on the individual signature line when completing the form in the student information system. Maintain the original signature page in the student's folder.
- If an IEP Team member is serving in two positions at the IEP Team meeting (e.g., special education teacher is also serving as someone who can interpret the instructional implications of the evaluation results) he/she should sign his/her name by each position he/she is representing.
- A member of the IEP Team, (as listed in the federal regulations and AAC as required IEP Team members), is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability or student (age 19 and older) and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- A member of the IEP Team, may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services.
- The member must submit, in writing, to the parent or student (age 19 and older) and the IEP Team, input into the development of the IEP prior to obtaining consent from the parent or student (age 19 and older) for the excusal.
- The parent or student (age 19 and older), must agree in writing, and the public agency must consent to the excusal.



[Watch on SES YouTube Channel](#)

INFORMATION FROM PEOPLE NOT IN ATTENDANCE:

If information is submitted from someone unable to attend, that person's position, name, and date the information was received should be recorded in the space provided.

Individualized Education Program - Signature Page

What happens next

- The parent or student (age 19 and older) must be provided a copy of the IEP.
- Implement the IEP as written.
- School personnel who have any responsibility to implement the IEP must be informed of the specific accommodations, modifications, and supports that must be provided for the student; must be informed of his/her specific responsibilities related to implementing the IEP; and must have access to the IEP. The Persons Responsible for IEP Implementation form must be signed by school personnel that have responsibility for the implementation of the student's IEP. If the IEP is amended or a student's schedule changes, the persons responsible for IEP implementation affected by the changes must be informed and new signatures obtained.

Child Count Least Restrictive Educational Environment Codes

CODE
To be used for children 5Y-21 years of age only

- 01 100% to 80% of the Day Inside the Regular Education Environment
- 03 79% to 40% of the Day Inside the Regular Education Environment
- 04 Less Than 40% of the Day Inside the Regular Education Environment
- 05 Private School (Parentally Placed)
- 06 Separate School - Public Day School Greater Than 50% of the Day
- 07 Separate School - Private Day School Greater Than 50% of the Day
- 08 Homebound
- 09 Hospital
- 10 Public Residential School Greater Than 50% of the Day
- 11 Private Residential School Greater Than 50% of the Day
- 40 Short Term Detention (Community or Residential) or Correctional Facilities

To be used for children 3 - 5 years of age only

- 20 Regular Early Childhood Program At Least 10 Hrs. Per Week – Receiving Majority of Special Education Services in the Regular Early Childhood Environment
- 21 Regular Early Childhood Program At Least 10 Hrs. Per Week – Receiving Majority of Special Education Services in Other Location
- 22 Regular Early Childhood Program Less Than 10 Hrs. Per Week – Receiving Majority of Special Education Services in the Regular Early Childhood Environment
- 23 Regular Early Childhood Program Less Than 10 Hrs. Per Week – Receiving Majority of Special Education Services in Other Location
- 18 Separate Class: Attending a Special Education Program--Not Attending a Regular Early Childhood Program or Kindergarten
- 17 Separate School: Attending a Special Education Program--Not Attending a Regular Early Childhood Program or Kindergarten
- 16 Residential Facility: Attending a Special Education Program--Not Attending a Regular Early Childhood Program or Kindergarten
- 19 Service Provider Location: Not Attending a Special Education Program or a Regular Early Childhood Program or Kindergarten
- 14 Home: Not Attending a Special Education Program or a Regular Early Childhood Program or Kindergarten

Persons Responsible for IEP Implementation

The following school personnel have access to the IEP and have been informed of their responsibility in implementing the IEP, and of the specific accommodations, modifications, and supports that must be provided for (DOB: () for the () School year.

DATE	SIGNATURE	POSITION
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature and position of person responsible for informing school personnel of their responsibility.

(Signature of Person Responsible)	(Position)
-----------------------------------	------------

Directions for: Persons Responsible for IEP Implementation

Persons Responsible for IEP Implementation

Purpose(s) of this page:

- To document that each regular education teacher, special education teacher, case manager, related service provider (e.g., bus driver, OT, PT, sign language interpreter, intervener) and any other service provider who is responsible for implementation of the IEP has access to the student's IEP.
- To document that each teacher and service provider has been informed of his or her specific responsibilities related to implementing the student's IEP.
- To document that each teacher and service provider has been informed of specific accommodations, modifications, and supports that must be provided for the student.
- To document that changes were made to the current IEP through an amendment process and that each teacher and service provider has been informed of his or her specific responsibilities related to implementing the student's IEP.

Persons Responsible for IEP Implementation

When to use this form

- This form must be completed for every student who has an IEP.
- This form may be completed at the end of an IEP Team meeting. If not completed at the IEP Team meeting, the form should be completed immediately following the meeting or at the beginning of the school year.
- This form must be completed when teachers and/or service providers change to ensure that the person now responsible for implementing the IEP has been informed of his/her responsibilities and he/she understands access to the student's IEP must be made available (e.g., amend the IEP, change of schedules).
- This form must be completed when changes are made to the current IEP.

Persons Responsible for IEP Implementation

Things to remember when competing this form

- Ensure every service provider and teacher is informed of his/her responsibilities for implementing the IEP.
- Ensure every teacher and service provider understands they have access to the IEP.
 - This does not require every teacher and service provider to be provided a copy of the IEP.
 - Every teacher and/or service provider must have access to the IEP and may receive a copy of the IEP in whole or in part that reflects their area of responsibility in implementing the IEP.
 - The IEP is a confidential record and must be protected at all times.

- Ensure the student's name is included in the space provided.
- Ensure the school year is included in the space provided.
- Ensure each person who signs this page includes the date of signature and his/her position.
- Ensure the person responsible for informing school personnel of their responsibility signs in the space provided.
- All service providers who are responsible for implementation of the IEP must sign this page.
- Type in the name of each person responsible for implementing the IEP in the space provided when completing the form in the student information system. A copy with original signatures must be kept on file.

Persons Responsible for IEP Implementation

What happens next

- Implement the IEP as written.
- If the IEP is amended or a student's schedule changes, the persons responsible for IEP implementation affected by the changes must be informed of his/her responsibilities and new signatures obtained

Notice and Consent for the Provision of Special Education Services

The LEA agency requests your consent to provide special education services for:

STUDENT'S NAME:

Basis for decision:

Description of other options considered and why the options were rejected:

The following evaluation procedures, assessments, records, and/or reports were used in making the decision:

- | | | | |
|---------------------------------------|--|---|---|
| <input type="checkbox"/> Vision | <input type="checkbox"/> Observation | <input type="checkbox"/> Developmental Scales | <input type="checkbox"/> Other Agency Information |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Speech/Language | <input type="checkbox"/> Work Samples | <input type="checkbox"/> State Assessments |
| <input type="checkbox"/> Intellectual | <input type="checkbox"/> Motor | <input type="checkbox"/> Discipline Records | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Achievement | <input type="checkbox"/> Interview | <input type="checkbox"/> Attendance Reports | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Behavior | <input type="checkbox"/> Grades | <input type="checkbox"/> Medical Records | <input type="checkbox"/> Other: |

The LEA/agency must obtain your consent prior to providing any special education services to your child. If you refuse consent for the provision of services or fail to respond to a request to give consent, the LEA/agency shall not be in violation of the requirement to make a free appropriate public education available to your child.

PLEASE CHECK ONE OF THE FOLLOWING BOXES, SIGN, AND DATE THE FORM.

- I **GIVE PERMISSION** for the school system to provide special education services.
- I **DO NOT GIVE PERMISSION** for the school system to provide special education services.

Signature of Parent or Student (Age 19)

Date of Signature

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact:

_____ at _____
Name Telephone

Please return this form to: Address:

Signature of Education Agency Official:

Date Provided/Sent:

Results of 1st Attempt:

2nd Attempt Date:

Action:

Results of 2nd Attempt:

Directions for: Notice and Consent for the Provision of Special Education Services

Notice and Consent for the Provision of Special Education Services:

Purpose of this form

- To obtain consent from the parent or student (age 19 and older) for the provision of special education services.
- To document dates and results of attempts to obtain consent for the provision of special education services.

Notice and Consent for the Provision of Special Education Services:

When to use this form

- This form is completed only after initial eligibility has been determined.
- This form may be completed any time after initial eligibility determination but must be completed before the IEP can be implemented.
- This form may be completed after the initial IEP has been developed but must be completed prior to the initiation of special education and related services if it was not obtained previously

Notice and Consent for the Provision of Special Education Services:

Things to remember when completing this form

- Complete all portions of this form.
- Type in the name of the parent or student (age 19 and older) on the signature line when completing the form in the student information system. Type in the name of the person signing as the education agency official in the spaces provided when completing the form in the student information system. Maintain a printed copy with original signatures on file.
- Record the date that the notice was provided/sent and results. If there is no response to the first notice, a second contact must be made and the date of the contact recorded on this form. The action and results of the second contact should be documented.
- Document any additional contacts and resolution of attempts to obtain consent for the provision of services on this form.
- If the parent refuses to provide consent, the process stops.

Notice and Consent for the Provision of Special Education Services:

What happens next

- If the parent or student (age 19 and older) checks **I GIVE PERMISSION**, the IEP Team may proceed with the development/implementation of the IEP.
- If the parent or student (age 19 and older) checks **I DO NOT GIVE PERMISSION**, the public agency may request that the parent or student (age 19 and older) participate in a conference to discuss his/her decision. However, if the parent or student (age 19 and older) does not give permission, the public agency no longer has the right to request due process. Special education services **may not** be provided to students without the parent's or student's (age 19 and older) knowledge and informed consent.
- A parent or student (age 19 and older) has the right to revoke consent for the continued provision of special education and related services. In order for services to stop, the parent or student (age 19 and older) must complete the Notice of Revocation of Consent for Continued Provision of Special Education and Related Services form and the public agency must provide the Notice of Proposal or Refusal to Take Action.

Individualized Education Program: Annual Goal Progress Report

School District:

School Name:

Student Name:

State Student Number:

IEP Initiation/Duration Dates: From: To:

School Year:

Measurable Annual Goals

Annual Goal:

Progress Dates	Progress	Extent	Description of Progress/Comments
----------------	----------	--------	----------------------------------

Special Education Teacher / Case Manager Name:

Telephone Number:

Parent/Guardian Signature: _____ Date Signed: _____

Use the legends below to evaluate the student's progress toward the annual goals. The 1st column should indicate the Report of Progress using the numbers 1-6. The second column should indicate the Extent of Progress using the numbers 1-7

Report of Progress on Annual Goals

- | | |
|-------------------------------|--|
| 1. Goal has been met. | 4. No progress made. |
| 2. Some progress made. | 5. Very little progress made. Goal added or deleted. (Note in comments.) |
| 3. Very little progress made. | 6. Transfer record. (See previous school.) |

Extent of Progress Toward Meeting Annual Goals

- | | |
|---|---|
| 1. Goal mastered. (Enter date in comments.) | 5. Goal not mastered (Note in comments.) |
| 2. Anticipate mastery. | 6. Transfer record (See previous school.) |
| 3. Do not anticipate mastery. (Note in comments.) | 7. Excessive absences/tardies/truancy |
| 4. Not applicable during this grading period.
NA | |

Directions for :Individualized Education Program: Annual Goal Progress Report

Annual Goal Progress Report:

Purpose of this form

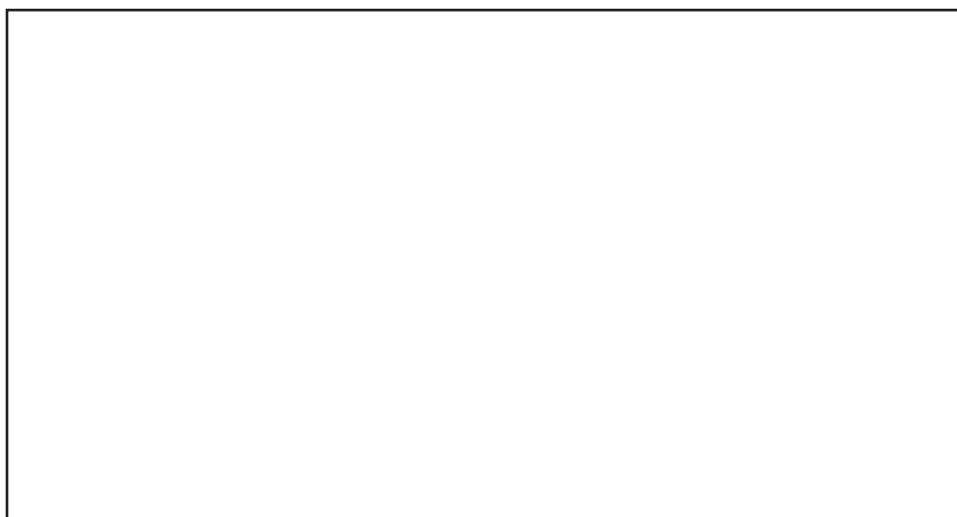
To document student progress toward annual IEP goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the school year.

Annual Goal Progress Report:

When to use this form

This report must be completed for every student who has an IEP.

- This report must be completed for every student who has an IEP.
- This report must be completed and sent to the parent or student (age 19 and older) to report progress toward IEP goals concurrent with each the issuance of report cards as scheduled by the public agency.



[Watch on SES YouTube Channel](#)

Annual Progress Report

What happens next:

- The parent or student (age 19 and older) must be provided a copy of the Annual Goal Progress Report each reporting period concurrent with the issuance of report cards.
- A hardcopy of the Annual Goal Progress Report should be placed in the student's special education file each reporting period.

Below is explanation and guidance for the legend on the Annual Goal progress Report

Report of Progress on Annual Goals	Explanation of Terms
1. Goal has been met	• The student has met the criteria for this goal.
2. Some Progress made	• The student is making sufficient progress toward achieving this goal within the duration of the IEP.
3. Very little progress made	• The student has demonstrated some progress toward achieving this goal.
4. No progress made	• The student has not yet demonstrated progress toward achieving this goal.
5. Very little progress made. Goal added or deleted. (Notes in comments)	• This goal has not been or was just recently introduced. Add notes in the Description of Progress made/Comments field to indicate this.
6. Transfer record (see previous school)	• Use when a student transfers to your school and progress from a previous reporting period does not display.

Extent of Progress toward Meeting Annual Goals	Directions/Applications
1. Goal mastered. (Enter date in comments.)	• Enter the date in which the goal was mastered during the grading period in the Description of Progress made/Comments field.
2. Anticipate mastery.	• The student is expected to master this goal.
3. Do not anticipate mastery. (Note in comments)	• In the Description of Progress made/Comments section, indicate why you do not anticipate mastery of this goal (i.e., more time is needed).
4. Not applicable during this grading period. N/A	• Goal was not introduced during this grading period.
5. Goal not mastered. (Note in comments.)	• In the comment section, state why the goal was not mastered.
6. Transfer record (see previous school)	<ul style="list-style-type: none"> • The student transferred into your school during the reporting period and there was not adequate time before the close of the reporting period to assess progress. • Use when a student transfers to your school and progress from a previous reporting period does not display.
7. Excessive absences/tardies/truancy	• The student's attendance has prevented adequate time to work on the goal, therefore, little or no progress was made toward the goal

Summary of Academic Achievement and Functional Performance (SAAFP)

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Gender: _____

Address: _____ Primary Phone #: _____

_____ Cell Phone #: _____

Email Address: _____

School Attended: _____ School Phone #: _____

SAAFP Completed by: _____ Position: _____ Phone: _____

Email Address (if available): _____

Date Summary was Provided to Student: _____ Date of Graduation / Exit: _____

Student's Alabama High School Diploma Pathway: _____ Date of most recent Eligibility report provided to the student: _____

General Education Pathway

Date of most recent Eligibility report provided to the student: _____

Essentials Pathway

Alternate Achievement Standards Pathway (AAS)

Summary of Academic Achievement and Functional Performance (SAAFP): page 2

Student Name:

Date of Birth:

This Summary of Academic Achievement and Functional Performance (SMFP) document is being provided to this student to assist him/her in planning for the future. This information will be useful in the transition from high school to higher education, training, employment, and/or adult services. The document summarizes the student's academic and functional performance in school, the progress and accommodations/modifications, and gives the student an opportunity to provide information related to his/her achievement(s) and performance.

Summary of Student's Academic and Functional Performance: (Based on previous assessments and tied to the student's postsecondary goals, summarize the student's abilities, skills, needs, and limitations, if appropriate, to assist them in meeting their postsecondary goals.)

Academic Achievement (Reading, Math, Language, Learning skills)	Accommodation(s)	Recommendation(s)

Functional Performance (If appropriate)	Accommodation(s)	Recommendation(s)
Career/Vocational		
Social Skills and Behavior		
Communication		
Self-Advocacy Skills		
Independent Living Skills		
Medical/Family Concerns		

Summary of Academic Achievement and Functional Performance (SAAFP): page 3

Student Name:	Date of Birth:
Postsecondary Goals:	
Postsecondary Education/Training Goal:	
<input type="checkbox"/> Student will be prepared to participate in a 2- to 4-year postsecondary education program based on completion of graduation requirements and meeting college admission requirements. <input type="checkbox"/> Student will be prepared to participate in a long-term certificate pathway or long-term apprenticeship program based on completion of graduation requirements and meeting certificate program requirements and/or apprenticeship requirements. <input type="checkbox"/> Student will be prepared to participate in a short-term certificate pathway program or pre-apprenticeship program based on completion of graduation requirements and meeting certificate program requirements and/or pre-apprenticeship requirements. <input type="checkbox"/> Student will be prepared to participate in on-the-job training based on completion of IEP goals, high school program, and submission of application for supported employment. <input type="checkbox"/> Student will participate in time-limited pre-employment services in order to prepare student to participate in Supported Employment services. <input type="checkbox"/> Other	
Recommendations to assist the student in meeting this goal:	
Detailed information about the goal.	Recommendations to assist in meeting this goal.
<input type="checkbox"/> Student will reach college and career readiness by potentially earning an industry career credential. <input type="checkbox"/> Student will be prepared to participate in competitive integrated employment with no need for support based on successful completion of career exploration, community-based work, and/or cooperative education experience. <input type="checkbox"/> Student will be prepared to participate in competitive integrated employment with time-limited support based on successful completion of career exploration, community-based work experience, and/or cooperative education experience. <input type="checkbox"/> Student will be prepared to participate in supported employment which will include community-based assessment, job development, job coaching, and extended support needed to meet his/her employment needs based on successful completion of school-based work experiences, community-based career exploration, and application for supported employment services. <input type="checkbox"/> Student will be prepared to participate in pre-employment services to increase the likelihood for community-based integrated employment based on IEP goals, individual or parental choice (requires application for adult services) in order to acquire skills needed for competitive integrated employment through supported employment services. <input type="checkbox"/> Other	
Recommendation to assist the student in meeting this goal:	
Detailed information about the goal.	Recommendations to assist in meeting this goal.

Summary of Academic Achievement and Functional Performance (SAAFP): page 4

Student Name:

Date of Birth:

Student Input / Comments:

1. What supports or accommodations have helped you succeed in school? How did they help you?

2. Which supports or accommodations has not helped you?

3. What supports or accommodations do you feel you will need to continue to achieve your postsecondary goals?

4. What services have helped you succeed in school?

5. What strengths and needs should professionals know about you as you enter the postsecondary work environment?

6. What has been the most difficult for you in school?

Youth can provide valuable information about how things are going within the year after they have exited school. Since you are exiting high school this year, someone from your school may contact you next year or meet with you to take a survey about your work or your further training. This survey is called the Alabama Post-School Outcomes Survey. This person from your school will ask you questions on the survey and will record your answers, along with the answers of many other students who exited school the same year that you did. This survey is very important. This survey helps schools and agencies understand how successful youth are meeting their goals for life after school and helps them improve their work in order to help other students achieve their goals.

I have reviewed this document with my teacher/service provider and was provided a copy.

Student's Signature: _____ Date: _____

Signature of LEA staff providing copy to the student: _____ Date: _____

Name of Parent / Guardian: _____ Address1: _____

Home Phone #: _____ Work Phone #: _____ Address 2: _____

Cell Phone#: _____ City / State: _____

Email Address: _____ Zip: _____

Parent / Guardian Signature: _____ Date: _____

Directions for: Summary of Academic Achievement and Functional Performance (SAAFP)

Summary of Academic Achievement and Functional Performance (SAAFP):

Purpose(s) of this form

- To document the date of graduation/exit.
- To document the pathway leading to the Alabama High School Diploma.
- To document academic achievement and functional performance.
- To document the student's progress, strengths, needs, and limitations.
- To document successful accommodations/modifications utilized during high school.
- To document recommendations for achieving the student's post-school goals.
- To document recommendations for **Postsecondary Education/Training, Employment/Occupation/ Career, and Community/Independent Living goal(s)**.
- To document the student's input/comments.

Summary of Academic Achievement and Functional Performance (SAAFP):

When to use this form

- At the end of the student's exiting year.
- The SAAFP must be completed for every student that exits with a high school diploma, or who will be exceeding the age of eligibility for FAPE (age 21).

Summary of Academic Achievement and Functional Performance (SAAFP):

Things to remember when completing this form

- Public agencies may choose to add informational components to the SAAFP; however, the statewide forms provided for the Summary of Academic Achievement and Functional Performance **MUST** be used along with anything the public agency chooses to use.
- The case manager and student, and as appropriate, the parent and other agency personnel, should meet to complete the Summary of Academic Achievement and Functional Performance.
- Although high school credit/grades will not be finalized until the end of the senior year, copies of the most current credit/grades and other required parts of the SAAFP should be made available to the student as needed to assist with postsecondary opportunities.
- The case manager is responsible for providing the completed SAAFP, including a copy of high school credits/grades, recent Eligibility report, recent IEP, and documentation of testing accommodations to the student upon exiting from high school.
- The Summary of Academic Achievement and Functional Performance should be completed through a team process that includes the student, family, and school personnel.

Summary of Academic Achievement and Functional Performance (SAAFP):

What happens next

Student Information

- Complete all sections of this form.
- Verify that the student's demographic information is correct.
- Enter the date the SAAFP was provided to the student.
- Enter the date the student will graduate/exit from high school.
- Indicate the pathway to the Alabama High School Diploma.
- Enter the date the most recent Eligibility report was provided to the student. (Provide the most recent copy of the Eligibility report to the student.)
- Enter the date the most recent IEP was provided to the student. (Provide the most recent copy of the IEP to the student.)

Summary of Student's Academic and Functional Performance

The Academic Achievement and Functional Performance provides a summary of the student's current functioning, strengths, abilities, interests, and needs in subject and skill areas.

The completion of this section may require the input from a number of school personnel and/or other persons who have contact with the student. They may include the Special Education teacher(s), Special Education case manager, General Education teacher(s), Career/Technical representative(s), Transition

Coordinator, school psychologist/psychometrist, related service provider(s) family member(s), or other agency representative(s).

- Complete the student's present level of academic achievement and functional performance, accommodations, and recommendations.
- The first column should contain a summary of the student's academic educational program (course of study, reading, mathematics, writing, and other related academic areas) and related instructional performance levels as related to the student's postsecondary goals. This information should include the present level of performance for each identified area based upon assessments and recent IEP present level of academic achievement and functional performance (e.g., reading decoding, independent reading level, reading comprehension, math reasoning, written expression, strengths/ weaknesses, career interests, self- advocacy).
- The second column should describe any essential accommodations, modifications, assistive technology, and instructional strategies that have been utilized to assist the student in his/her educational program (e.g., books on tape, additional time for assignments/test, use of a calculator, use of an organizer assistive technology for written assignments, use of a tape recorder, use of a checklist/schedule).
- The third column should include recommendations for the student to self-advocate, maintain, or obtain the accommodations that he/she needs to be successful in a post-secondary environment, workplace, and community. This section should provide information on what to do next for the student.

- Complete the student's Functional Performance, accommodations, and recommendations that were essential in high school. If an area within the Functional Performance is not applicable, please specify the reason(s) under the area, and place a N/A in the accommodations and recommendations columns.
- All fields must be addressed to complete this form within the student information system. (Closure Rule).
- The exception to the closure rule is that either the student's or guardian's signature is required, but not both.

Postsecondary Goals

- Indicate the appropriate long-term postsecondary goal for Postsecondary Education/ Training, Employment/Occupation/Career, and Community/Independent Living.
- The postsecondary goals should match the long-term postsecondary goals identified in the student's IEP.
- These goals should reflect the post-school environment the student intends to transition to upon the completion of high school.

Recommendations to assist the student in meeting the postsecondary goals

- This section should be directly tied to the student's post-school plans for education, training, employment, community, and independent living and reflect the skills, abilities, needs, and functional limitations noted in the SAAFP.

Detailed information about the goal

- This column should contain a detailed summary of the student's goal and instructional performance as it relates to the student's Postsecondary Education/Training Goal, Employment/Occupation/ Career Goal, and Community/Independent/Living Goal.

Detailed information about the goal

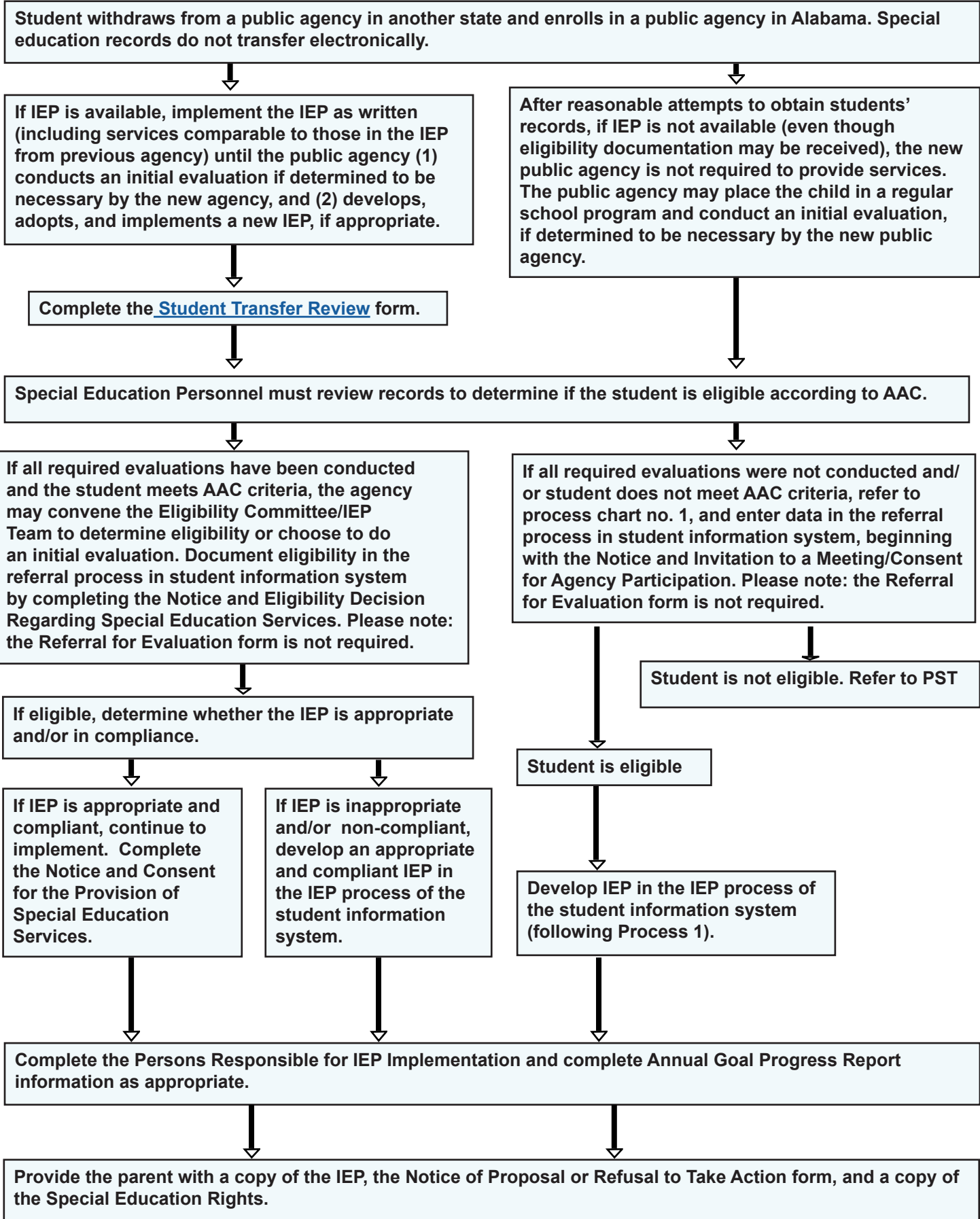
- This column should contain a detailed summary of the student's goal and instructional performance as it relates to the student's Postsecondary Education/Training Goal, Employment/Occupation/ Career Goal, and Community/Independent/Living Goal.
- Provide a detailed summary of the student's academic achievement and functional performance related to the identified postsecondary long-term goals.
- Include the student's strengths, preferences, interests, and needs related to the post-secondary goals.

Recommendations to assist in meeting this goal

- Describe any recommendations that the student may require to be successful in meeting his/her goal and being successful in a post-secondary environment including postsecondary education, training, employment, community, and independent living.
- Provide information on what to do next for the student.

Student Input/Comments

- Encourage the student to provide input/comments for each question in this section.
- These questions can be completed independently by the student or completed with the student through an interview. This is an opportunity for the student to state what supports and services have been helpful in high school and what services or supports will be needed in the future.
- Guidance may be required from the parent, legal guardian or anyone that has knowledge about the student to complete the Student Input/Comments section of this form.



Student Transfer Review

Student's Name: _____ SSID: _____

DOB: _____ Age: _____ Race/Ethnicity: _____ Gender: _____ Grade Level: _____

Date of Enrollment in current LEA: _____ School: _____

Transfer Type
<input type="checkbox"/> In-State Transfer <input type="checkbox"/> Out-of-State Transfer
Name of School District from which the student transferred: _____

Receipt of Special Education Records
<input type="checkbox"/> The special education records <u>were</u> received from the previous school district. Date Received: _____
<input type="checkbox"/> The special education records <u>were not</u> received from the previous school district.

Transfer IEP Decision
<input type="checkbox"/> The IEP Team has met and is adopting the transfer IEP as is, indicating that the IEP is compliant according to guidelines established by the State of Alabama and can be implemented as written without <u>any</u> revisions. IEP Services Begin (FROM) Date: _____ IEP End (TO) Date: _____
<input type="checkbox"/> The IEP Team has met and is providing comparable services consisting of special education and related services. Comparable services will be implemented in the interim until the IEP amendment or new IEP is complete. IEP Services Begin (FROM) Date: _____ IEP End (TO) Date: _____
An IEP Team meeting is scheduled for _____ to amend and/or create a new IEP.

Name of Education Agency Official _____ Date _____

Directions for: Student Transfer Review

Student Transfer Review:

Purpose of the form

- To document the student's transfer into the LEA.
- To document the student's enrollment date into the LEA.
- To document the LEA's receipt of the student's special education records.
- To document the LEA's decision regarding the transfer IEP, if applicable.
- To document the IEP Initiation/Duration dates, if applicable.
- To document the provision of comparable special education and related services, if applicable.

Notice and Eligibility Decision Regarding Special Education Services: Assessment

When to use this form

- For initial eligibility, the form is completed after all assessments are conducted as part of the initial evaluation and all other relevant data are reviewed.
- For each reevaluation, complete the form documenting all assessments conducted/considered and all other relevant data reviewed.

Student Transfer Review:Eligibility Decision:

Things to remember when completing this page

- **In-State transfer:** When a student with a current IEP transfers from one Alabama public agency to another, the receiving district may implement the IEP as written (including comparable services to those in the IEP from the previous agency) until such time as the new agency adopts the previously help IEP or develops, adopts, and implements a new IEP.
- **Out-of-State transfer:** Within 10 school days of receiving the educational records of a student with a current IEP transferring from out of state, a determination must be made whether the existing eligibility documentation and IEP will be accepted. After reasonable attempts to obtain the student's records, if the IEP is not available (even though eligibility documentation may be received), the new public agency is not required to provide services. The public agency may place the child in a regular school program and conduct an initial evaluation if determined to be necessary by the new public agency.
- When a student with a current IEP transfers from out-of-state, the receiving district may implement the IEP as written (including comparable services to those in the IEP from the previous agency) until the public agency (1) conducts an initial evaluation if determined to be necessary by the new agency, and (2) develops, adopts, and implements a new IEP, if appropriate.
- If the IEP Team has met and is either adopting the transfer IEP or providing comparable special education and related services, enter the date the IEP Team accepts the IEP in the 'IEP Services Begin (FROM) Date' field, and the end date of the IEP in the 'IEP End (TO) Date' field.
- Upload a copy of the out-of-state IEP into the student's Documents tab in PowerSchool Special Programs.

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services

Dear Parent:

It is our understanding that you no longer want your child,() to receive special education and related services.

By revoking consent for the continued provision of special education and related services, you must understand that the public agency:

Result in the family paying for services that the child needs outside of school and that otherwise would be covered by the public benefits.

1. May not continue to provide special education and related services to the child but must provide prior written notice before ceasing the provision of special education and related services.
2. May not use the Mediation or Due Process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
3. Will not be considered to be in violation of the requirement to make free appropriate public education available to the child because of the failure to provide the child with further special education and related services.
4. Is not required to convene an Individualized Education Program (IEP) Team meeting or develop an IEP for the child for further provision of special education and related services.
5. Will no longer provide services to your child as of the date the public agency provides written notice.
6. Is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

If you have questions regarding this decision, your rights, or wish to schedule a conference, please contact:

Name:

Telephone:

Please return this form to:

Address:

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA/agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact:

(Name)

(Telephone)

- Yes, I want to revoke my consent for the continued provision of special education services.
- No, after understanding the provisions above, I do not want to revoke my consent. I want my child to continue to receive special education and related services.

Signature of Parent

Date

Date Notice Received by Public Agency:

Directions for: Notice of Revocation of Consent for Continued Provision of Special Education and Related Services

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: Purpose(s) of the form

- To document in writing the parent's or student's (age 19 and older) request to revoke consent for the continued provision of special education and related services.
- To inform the parent or student (age 19 and older) of the provisions that the public agency has to adhere to should a parent or student (age 19 and older) revoke consent for the continued provision of special education and related services.

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: When to use this form

- This form is used when a parent requests that his/her child no longer receive special education and related services.
- A student (age 19 and older) may also request that he/she no longer receive special education and related services.

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: Things to remember when filling out this form

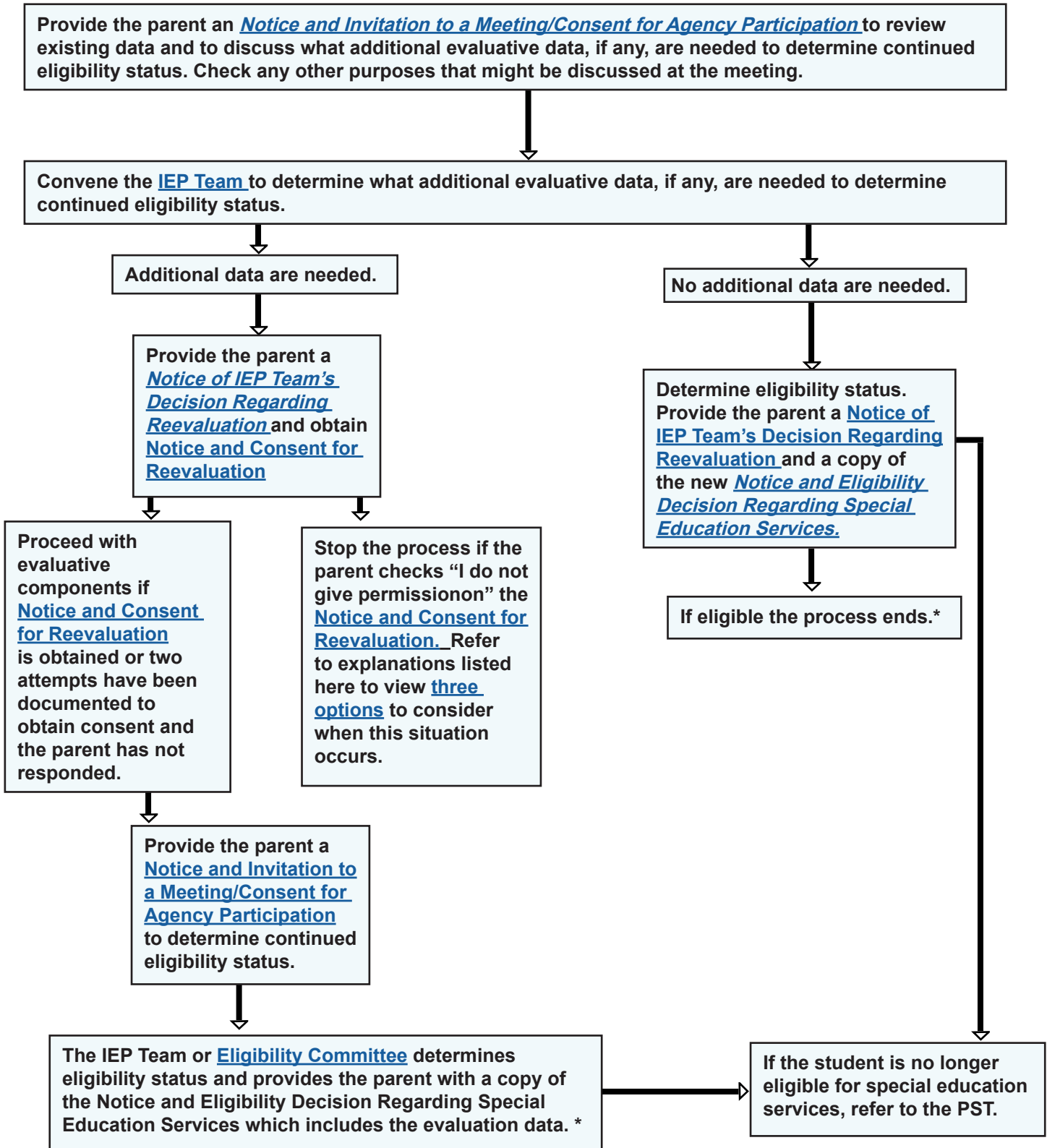
The revocation of services must be in writing.

- If the parent or student (age 19 and older) has checked no, "I do not want to revoke my consent" at the bottom of the form, the student must continue receiving special education and related services.
- Upon receipt of a signed copy of the Notice of Revocation of Consent for Continued Provision of Special Education and Related Services form indicating the parent or student (age 19 and older) does want to revoke consent, the public agency must provide/send a copy of the Notice of Proposal or Refusal to Take Action informing the parent and student (age 19 and older) that the student will no longer receive special education and related services at the request of the parent or student (age 19 and older).

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: What happens next

- The public agency should discontinue all special education and related services.
- If a referral for an evaluation is made at a later date for this child, the evaluation will be an initial evaluation.

Process Chart 2: Reevaluation to Determine Continued Eligibility



Notice of IEP Team's Decision Regarding Reevaluation

STUDENT'S NAME

- ADDITIONAL DATA** are needed.
- To appropriately determine eligibility status.
 - To determine if changes need to be made to the IEP
- NO ADDITIONAL DATA** are needed

BASIS FOR DECISION

EVALUATION PROCEDURES, ASSESSMENTS, RECORDS, AND/OR REPORTS USED TO MAKE DECISION

- | | | | |
|---------------------------------------|--------------------------------------|---|---|
| <input type="checkbox"/> Vision | <input type="checkbox"/> Observation | <input type="checkbox"/> Interview | <input type="checkbox"/> Medical Records |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Speech | <input type="checkbox"/> Developmental Scales | <input type="checkbox"/> Other Agency Information |
| <input type="checkbox"/> Intellectual | <input type="checkbox"/> Language | <input type="checkbox"/> Work Samples | <input type="checkbox"/> State Assessments |
| <input type="checkbox"/> Achievement | <input type="checkbox"/> Motor | <input type="checkbox"/> Discipline Records | <input type="checkbox"/> Other |
| <input type="checkbox"/> Behavior | <input type="checkbox"/> Grades | <input type="checkbox"/> Attendance Reports | <input type="checkbox"/> Other |

DESCRIPTION OF OTHER OPTIONS CONSIDERED AND WHY THE OPTIONS WERE REJECTED

THE FOLLOWING PEOPLE ATTENDED AND PARTICIPATED IN THE IEP MEETING

POSITION	IEP TEAM MEMBERS' SIGNATURE	DATE
Parent	_____	_____
Parent	_____	_____
General Education Teacher	_____	_____
Special Education Teacher	_____	_____
LEA Representative	_____	_____
Someone Who Can Interpret The Instructional Implications Of The Evaluation Results	_____	_____
Student	_____	_____
Career/Technical Education Representative	_____	_____
Other Agency Representative	_____	_____

INFORMATION FROM PEOPLE NOT IN ATTENDANC

POSITION	NAME	DATE
_____	_____	_____
_____	_____	_____

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEN agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact:

_____ at _____
 (Name) (Telephone)

Date Provided/Sent:

ALSDE Approved Feb 2013

Directions for: Notice of IEP Team's Decision Regarding Reevaluation

Notice of IEP Team's Decision Regarding Reevaluation:

Purpose(s) of this form

- To document whether additional data/no additional data are needed to determine the eligibility and/or IEP status.
- To document that the parent and student (age 19 and older) have been informed of the IEP Team's decision regarding reevaluation.

Provide the parent a [*Notice of Proposal or Refusal to Take Action*](#).

Notice of IEP Team's Decision Regarding Reevaluation:

Things to remember when completing this form

IEP TEAM REEVALUATION DECISION

- **Additional data are needed.** This decision means that sufficient data are not currently available to ensure that the student continues to be eligible for special education services and/or that additional data are necessary to determine if changes need to be made to the IEP.
- **No additional data are needed.** This decision means that existing data (tests, scores, reports, work samples, parent information, observational data, etc.) are sufficient to support continued eligibility in a disability area, to determine that the student is ineligible for special education services, and/or to maintain or revise the current IEP. The IEP Team completes this form and provides a copy of the form to the parent along with a copy of a new Notice and Eligibility Decision Regarding Special Education Services if reevaluation for continued eligibility is being discussed.

BASIS FOR DECISION

Must be completed to reflect the data used to determine whether additional/no additional data were needed. DO NOT LEAVE BLANK

Examples of responses if additional data are needed:

- The IEP Team determined that a new evaluation of cognitive ability is needed to obtain a current indication of the student's intellectual performance. Previous evaluations are inconsistent.
- The IEP Team determined that the student has made significant progress and may no longer need specially designed instruction. The IEP Team is requesting a current evaluation.

- The IEP Team determined that the student may be in need of physical therapy and is proposing an evaluation by a physical therapist.
- The student currently receives services in the area of speech or language impairment and the IEP Team suspects the student may have a reading problem and is proposing a formal reading assessment at this time.

Examples of responses if no additional data are needed:

- After reviewing previous eligibility reports, educational data, eligibility determinations, and current educational evaluation data, the IEP Team has determined that the student continues to have a significant disability that has an adverse effect on his/her educational performance.
- The IEP Team has reviewed all existing data (previous eligibility reports, curriculum based assessments, grades, etc.) and has determined that he/she continues to be in need of specially designed instruction.
- The IEP Team has reviewed the IEP and has determined the IEP is currently appropriate to provide educational benefit.
- The IEP Team has existing evaluation data that documents a need for the IEP to be revised.

Evaluation Procedures, Assessments, Records, and/or Reports Used to Make Decision

- Check the type of evaluation information that the IEP Team used in making the decision. The IEP Team must have supporting data for any area checked.

Description of Other Options Considered and Why They Were Rejected

Examples of Responses:

- The IEP Team considered evaluating the student in the area of intelligence but determined that the three previous assessments were consistent and are accurate indicators of his/her functioning at this time.
- The IEP Team considered not evaluating the student and dismissing him/her from special education but wanted confirmation and therefore proposed a comprehensive evaluation.
- The IEP Team determined that more current behavior rating scales were needed for this student with Emotional Disability. The behavior rating scales were not significant. The IEP Team has decided to use the option of continued eligibility at this first reevaluation. The completion of a new Notice and Eligibility Decision Regarding Special Education Services form is required.
- The student qualifies for both SLD and SLI. The IEP Team has determined that SLD is the area of disability that has the most adverse effect at this time.

Information From People Not In Attendance

- If information is submitted from someone unable to attend, that person's position, name, and date the information was received should be reported in the space provided.

Notice of IEP Team's Decision Regarding Reevaluation:

What happens next:

If additional data are needed:

- The IEP Team obtains written consent from the parent or student (age 19 and older).
- Additional data are collected.
- At the eligibility meeting, a new Notice and Eligibility Decision Regarding Special Education Services form must be completed and a copy given/sent to the parent and student (age 19 and older).

If no additional data are needed and the parent or student (age 19 and older) is in agreement (to move forward or if appropriate prior notice was provided on the Notice and Invitation to a Meeting/ Consent for Agency Participation):

- The IEP Team determines continued eligibility and/or develops the IEP.
- A new Notice and Eligibility Decision Regarding Special Education Services form must be completed if eligibility was being conducted.

The IEP Team must send the Notice of IEP Team's Decision Regarding Reevaluation and the new Notice and Eligibility Decision Regarding Special Education Services to the parent and student (age 19 and older).

Notice and Consent for Reevaluation

STUDENT'S NAME

The IEP Team met to discuss a reevaluation of your child. After reviewing existing information they have determined that additional data is needed to determine continued eligibility for special education and related services and/or appropriate services.

The reevaluation will include new assessments in the following checked areas:

- | | | |
|---------------------------------------|---|--------------------------------|
| <input type="checkbox"/> Vision | <input type="checkbox"/> Observation | <input type="checkbox"/> Motor |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Speech | <input type="checkbox"/> Other |
| <input type="checkbox"/> Intellectual | <input type="checkbox"/> Language | <input type="checkbox"/> Other |
| <input type="checkbox"/> Achievement | <input type="checkbox"/> Interview | <input type="checkbox"/> Other |
| <input type="checkbox"/> Behavior | <input type="checkbox"/> Developmental Scales | <input type="checkbox"/> Other |

If you give consent, the reevaluation will be provided to you at no cost. If you fail to respond, the LEA/agency may proceed with the reevaluation after two documented attempts to obtain your consent. If you refuse consent, the LEA/agency may request a mediation and/or a due process hearing.

PLEASE CHECK ONE OF THE FOLLOWING BOXES, SIGN, AND DATE THE FORM.

- I **GIVE PERMISSION** for the reevaluation that has been proposed.
- I **DO NOT GIVE PERMISSION** for the reevaluation that has been proposed.

Signature of Parent or Student (Age 19)

Date of Signature

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA/agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you have information that can assist in this reevaluation, have questions regarding this reevaluation, wish to schedule a conference, or need another copy of your rights please contact:

Name _____ Telephone: _____

Please return this form to:

Signature of Education Agency Official: _____

Date Provide/Sent:
 Results of 1st Attempt:

 2nd Attempt Date:
 Action:
 Results of 2nd Attempt:

Date Signed Consent Received by Public Agency:

ALSDE Approved Feb. 2014

Directions for: Notice and Consent for Reevaluation

Notice and Consent for Reevaluation:

Purpose(s) of this form

- To obtain consent from the parent or student (age 19 and older) when the IEP Team has determined that additional data are required to:
- Determine continued eligibility status.
- Determine if changes need to be made to the IEP.

Notice and Consent for Reevaluation:

When to use this form:

- To obtain parent or student (age 19 and older) consent prior to obtaining any additional data to determine continued eligibility status or to determine if changes need to be made to the IEP.

Notice and Consent for Reevaluation:

Things to remember when completing this form:

- Type in the name of the parent or student (age 19 and older) on the signature line when completing the form in the student information system. Type in the name of the person signing as the education agency official in the spaces provided when completing the form in the student information system. Maintain a printed copy with original signatures to be kept on file.
- Complete the box at the bottom of the page documenting the education agency's attempt(s) to obtain consent. The two attempts documented on the Notice and Invitation to a Meeting/Consent for Agency Participation cannot be used as the two attempts to obtain Notice and Consent for Reevaluation.
- Document the date the signed consent was received by the public agency.
- A closure rule has been added in the student information system so that either results of 1st and 2nd attempt must be completed when consent cannot be obtained OR Date signed Consent received by Public Agency must be completed. One or the other is required (two attempts with results or consent received), but not both.
- Consent is not required for assessments that the IEP Team determines appropriate at the IEP meeting for evaluating the goals (i.e., data collection, teacher/text tests, work samples, teacher observations, grades, and state assessments).

Notice and Consent for Reevaluation:

What happens next:

- If the parent or student (age 19 and older) checks **I GIVE PERMISSION** the education agency completes the evaluations.
- If the IEP Team makes two attempts to get parental or student (age 19 and older) consent and the parent or student (age 19 and older) does not respond, the evaluation may be completed. These two attempts may be documented under record review on the eligibility report.
- If the parent or student (age 19 and older) checks **I DO NOT GIVE PERMISSION** the education agency may not proceed with the evaluations. If the parent or student (age 19 and older) refuses to provide consent, the IEP Team has **three options** to consider:
 1. The IEP Team may request that the parent or student (age 19 and older) participate in a conference to discuss his/her decision.
 2. The IEP Team may determine that the additional evaluative data is not absolutely necessary in order to make changes to the IEP.
 3. The public agency may ask for mediation from the ALSDE or the public agency may initiate a due process hearing in order to have an impartial hearing officer order an evaluation to be conducted over the parent or student's (age 19 and older) objections.

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services

Dear Parent:

It is our understanding that you no longer want your child,() to receive special education and related services.

By revoking consent for the continued provision of special education and related services, you must understand that the public agency:

Result in the family paying for services that the child needs outside of school and that otherwise would be covered by the public benefits.

1. May not continue to provide special education and related services to the child but must provide prior written notice before ceasing the provision of special education and related services.
2. May not use the Mediation or Due Process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
3. Will not be considered to be in violation of the requirement to make free appropriate public education available to the child because of the failure to provide the child with further special education and related services.
4. Is not required to convene an Individualized Education Program (IEP) Team meeting or develop an IEP for the child for further provision of special education and related services.
5. Will no longer provide services to your child as of the date the public agency provides written notice.
6. Is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

If you have questions regarding this decision, your rights, or wish to schedule a conference, please contact:

Name: _____ **Telephone:** _____

Please return this form to: _____ **Address:** _____

My signature below verifies that if you require notice and an explanation of your rights in your native language, the LEA/agency has accommodated you to ensure your understanding. You are fully protected under the rights addressed in your copy of the Special Education Rights document. If you want another copy of your rights, have any questions, or wish to arrange a conference, please contact:

(Name)

(Telephone)

- Yes, I want to revoke my consent for the continued provision of special education services.
- No, after understanding the provisions above, I do not want to revoke my consent. I want my child to continue to receive special education and related services.

Signature of Parent

Date

Date Notice Received by Public Agency: _____

Directions for: Notice of Revocation of Consent for Continued Provision of Special Education and Related Services

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: Purpose(s) of the form

- To document in writing the parent's or student's (age 19 and older) request to revoke consent for the continued provision of special education and related services.
- To inform the parent or student (age 19 and older) of the provisions that the public agency has to adhere to should a parent or student (age 19 and older) revoke consent for the continued provision of special education and related services.

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: When to use this form

- This form is used when a parent requests that his/her child no longer receive special education and related services.
- A student (age 19 and older) may also request that he/she no longer receive special education and related services.

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: Things to remember

- The revocation of services must be in writing.
- If the parent or student (age 19 and older) has checked no, "I do not want to revoke my consent" at the bottom of the form, the student must continue receiving special education and related services.
- Upon receipt of a signed copy of the Notice of Revocation of Consent for Continued Provision of Special Education and Related Services form indicating the parent or student (age 19 and older) does want to revoke consent, the public agency must provide/send a copy of the Notice of Proposal or Refusal to Take Action informing the parent and student (age 19 and older) that the student will no longer receive special education and related services at the request of the parent or student (age 19 and older).

Notice of Revocation of Consent for Continued Provision of Special Education and Related Services: What happens next

- The public agency should discontinue all special education and related services.
- If a referral for an evaluation is made at a later date for this child, the evaluation will be an initial evaluation.

Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency

Student's Name

Birth Date:

Attending School:

Case Manager:

Authorized public agency staff have explained to the parent that he/she is not required to enter these agreements.

If you have questions regarding this written agreement or wish to schedule a conference, you may contact:

Name:

Telephone:

Please return this form to:

Address:

Waiver of 60 Day Timeline for the Completion of an Initial Evaluation of a Transfer Student

The 60 calendar day evaluation timeline for completing the initial evaluation does not apply if:

A public agency initiates an evaluation of the student; and the student moves to another public agency before the evaluation has been completed;

and the new public agency is promptly seeking information from the previous public agency and promptly completing the evaluation;

and the new public agency and you agree that the evaluation will be completed by a specific date.

I agree with the public agency that the initial evaluation will be completed by:

Three Year Reevaluation Currently Due on

I agree with the public agency that a three-year reevaluation is not necessary at this time. The next reevaluation for continued eligibility determination is due on

Date Provided/Sent

Parent/Student (Age 19) Signature

Date

Authorized Public Agency Staff Signature

Date

Directions for: Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency

Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency

Purpose(s) of this form:

- To document in writing from the parent or student (age 19 and older) to waive the 60 day timeline for the completion of an initial evaluation for a transfer student and to agree to a specific date to complete the evaluation. AAC 290-8.9.02(1)(b) EXCEPTION: (1) (2)
- To document in writing from the parent or student (age 19 and older) that a three year reevaluation will not be conducted because the parent or student (age 19 and older) and the public agency agree it is not necessary.

Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency

When to use this form:

- To document waiving the 60 day timeline for the completion of an initial evaluation for a transfer student. See specifics under the AAC 290-8.9.02(1)(b) EXCEPTION: (1) (2)
- To document agreement between the public agency and the parent or student (age 19 and older) that a three year reevaluation is not necessary.

Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency

Things to remember when completing this form: Initial Evaluation

- Specifics as to when a waiver of the 60 calendar day timeline may be used are listed in the AAC. This waiver does not apply unless the specific criteria are met.

Reevaluation

- If the public agency and the parent or student (age 19 and older) have a written agreement not to conduct a three year reevaluation, the reevaluation process is not required.
- A public agency should not agree to not conducting a three year reevaluation if all required assessments have not been administered and/or the child does not meet current AAC criteria.
- According to the commentary to the federal regulations, OSEP states that the opportunity for a parent and the public agency to agree that a reevaluation is not necessary occurs before a reevaluation begins. OSEP goes on to say that a reevaluation begins with the review of existing data. OSEP believes that in reaching an agreement, the parent and the public agency will discuss advantages and disadvantages of conducting a reevaluation as well as what effect a reevaluation might have on the child's educational program. Therefore, if the LEA is considering this option, SES strongly suggests that this discussion take place at the very beginning of the meeting prior to discussing the reevaluation needs. If the parent and the public agency agree that a reevaluation is not necessary, the INITIAL OR REEVALUATION WRITTEN AGREEMENT(S) BETWEEN THE PARENT AND THE PUBLIC AGENCY form must be signed by both parties documenting agreement. A copy of the signed agreement along with a Notice of

Proposal or Refusal to Take Action explaining the decision must be provided to the parent. If there is no agreement, the reevaluation process must be followed (i.e., Notice of IEP Team's Decision Regarding Reevaluation; Notice and Consent for Reevaluation; Notice and Eligibility Decision Regarding Special Education Services).

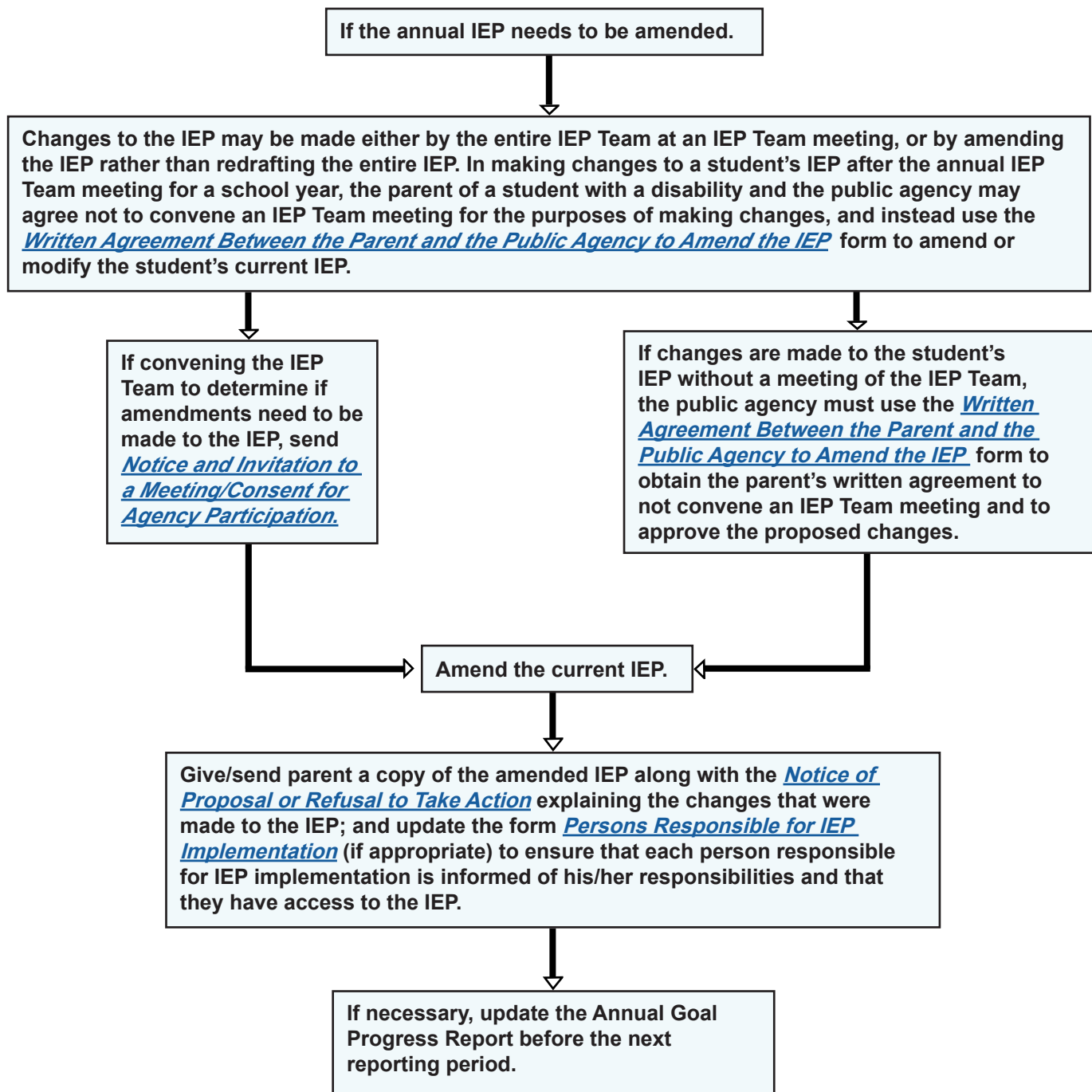
- Remember, the parent may request a reevaluation at any time.
- It is not appropriate to automatically state that this option will be used or limited to a specific group of students.
- The SES section heavily emphasizes that LEAs or public agencies use extreme caution if they choose to use this option.

Initial or Reevaluation Written Agreement(S) Between the Parent and the Public Agency

What happens next:

- A copy of the signed written agreement(s) between the parent or student (age 19 and older) and the public agency should be given to the parent or student (age 19 and older).

Process Chart 5: Amendments to the Annual IEP



Consent is not required for the evaluations listed on the IEP that will measure the progress in attaining the goals and/or benchmarks. Assessments used to document progress toward annual goals should be included in the Type(s) of Evaluation for Annual Goal on the Annual Goal Page of the IEP.

Written Agreement Between the Parent and the Public Agency to Amend The IEP

Student Name:

Birth Date:

Student ID#

School :

Case Manager:

In making changes to a student's IEP, the parent of a student with a disability and the public school system may agree not to convene an IEP Team meeting, and instead may develop a written document to amend or modify the student's IEP.

In order to make this proposed change to the IEP and not convene the IEP Team, your written agreement to make this change is needed. If you agree to the proposed change(s), your student's IEP Team members will be informed of the change(s). You will receive a copy of the revised IEP with the change(s) incorporated. Please check, sign, and date below, and return this form to your student's teacher.

I approve the proposed enclosed change(s) to the annual IEP, and I do not wish to have a meeting.

You have the right to request an IEP Team meeting to discuss this with school personnel. If you wish to have a meeting, please check, sign, and date below, and return this form to your student's teacher.

I wish to request an IEP Team meeting to discuss this change.

Parent Signature

Date

Please return this form by:

Signature of Education Agency Official

Telephone Number

Date this form was provided/sent to the parent/student (age 19):

Directions for: Written Agreement Between the Parent and the Public Agency to Amend the IEP

Written Agreement Between the Parent and the Public Agency to Amend the IEP

Purpose(s) of this form:

- To have documentation in writing from the parent or student (age 19 and older) that revisions may be made to the IEP (other than at the annual IEP Team meeting) without convening the IEP Team.

Written Agreement Between the Parent and the Public Agency to Amend the IEP

When to use this form:

- To document making changes to the IEP (other than at the annual IEP Team meeting) without convening the IEP Team.

Written Agreement Between the Parent and the Public Agency to Amend the IEP

Things to remember when completing this form: Initial Evaluation

- When making revisions to the IEP other than at the annual IEP Team meeting, the parent of a child with a disability or the student (age 19 and older) and the public agency may agree not to convene an IEP Team meeting for the purposes of making changes to the annual IEP. If changes are made to the child's IEP without a meeting of the IEP Team, the public agency must obtain the parent or student's (age 19 and older) written agreement to such changes before any changes are implemented.
- When making revisions to the IEP other than at the annual IEP meeting, the IEP revision(s) must be written on the student's IEP and dated. A completed copy of the IEP with the amendments incorporated must be filed with the student's education records, and the parent or student (age 19 and older) must be provided a revised copy of the IEP with the amendments incorporated, a copy of the signed written agreement form, and the Notice of Proposal or Refusal to Take Action form explaining the revisions.
- When making revisions to the IEP other than at the annual IEP Team meeting, the IEP Team, as well as anyone responsible for implementing the IEP, must be informed of changes to the IEP. The Persons Responsible for IEP Implementation form must be updated to reflect any changes in service providers and/or responsibilities.
- Remember to complete Date copy of amended IEP provided/sent to parent/student (age 19) on the signature page of the IEP.

Written Agreement Between the Parent and the Public Agency to Amend the IEP

What happens next:

- A copy of the written agreement between the parent or student (age 19 and older) and the public agency must be given to the parent or the student (age 19 and older).
- A copy of the amended IEP must be given to the parent or the student (age 19 and older).
- A copy of the Notice of Proposal or Refusal to Take Action form must be given to the parent and the student (age 19 and older) explaining the changes/amendments.
- Document the date a copy of this form was provided to the parent/student (age 19) on the bottom of this form

FAQs

FAQs: Intervention Strategies

1. Can children who have less than eight weeks of interventions be referred for special education services?

Before a child is referred for special education evaluation or concurrently during the evaluation process, intervention strategies must be implemented in the general education program and monitored by the Problem-Solving Team (PST) for an appropriate period of time (a minimum of eight weeks), and be determined unsuccessful.

This rule may be waived for a child who has severe problems that require immediate attention, for three- and four-year olds, for five- year olds who have not been in kindergarten, for children with articulation, voice, or fluency problems only, for children with a medical diagnosis of traumatic brain injury, and for a child who has been referred by his or her parents. AAC 290-8-9.01(4).

2. How long should an intervention be implemented for those students who need immediate help? (Example: severe behavior problems)

The requirement of intervention strategies may be waived for a child who has severe problems that require immediate attention. AAC 290-8-9-.01(4).

3. Are intervention strategies required for three- and four-year-olds?

No, intervention strategies may be waived for this age group and for five-year-olds who have not entered kindergarten. See AAC 290-8-9.01(4).

4. If a public agency receives a referral without intervention strategies in the regular education classroom does the timeline start?

The timeline starts when the public agency receives a signed consent for initial evaluation from the parent.

5. If the parent insists that interventions be waived due to the serious nature of his/her child's problems, can the referral be accepted without intervention strategies?

Yes, intervention strategies may be waived for a child who has severe problems that require immediate attention. Waiver of intervention strategies is addressed in AAC 290-8-9.01(4). However, the IEP Team (not one member) makes the decision regarding the need to evaluate the student. If the IEP Team believes there is reason to suspect a disability and the situation is one included in the waiver statement, the IEP Team may proceed without intervention strategies. The SES Section does encourage LEAs to provide the interventions during the evaluation process so that there is data to rule out the lack of appropriate instruction in reading and math.

6. When a parent contacts school personnel about concerns or a referral for a child, can the public agency talk to the parent about intervention strategies before an actual referral?

Yes, school personnel are strongly encouraged to discuss the options with parents on a case-by-case basis. However, keep in mind that the interventions may be waived for a parent referral per the AAC 290-8-9-.01(4). In addition, SES recommends intervention strategies be provided during the evaluation process if a determination is made to proceed with an initial evaluation.

7. Do intervention strategies in the regular education classroom apply to students referred for speech or language impairments?

Intervention strategies are required for students referred for a suspected language disability but may be waived for students suspected of having articulation, voice, or fluency problems.

8. How do you handle summer referrals by parents?

Remember that intervention strategies in the regular education classroom may be waived for parent referrals. The IEP Team must meet to act on parent referrals in the summer. If the IEP Team believes that more information is needed, the interventions can be implemented when school begins. Otherwise, the public agency proceeds with the evaluation. The public agency must document the decision in the student folder in the student information system.

9. If a student is SLI for articulation only and is experiencing academic difficulties, does he/she need to go through the PST and interventions before doing further testing?

No. The student has already been determined eligible for special education services and is, therefore, eligible for any service that the IEP Team determines is required after appropriate evaluations have been completed (Process Chart 3). The IEP Team may determine that the reevaluation process (Process Chart 2) would be appropriate to determine if a different disability area more accurately represents the difficulties the child is experiencing.

FAQs: Referral Process

10. If a public agency receives a referral without intervention strategies in the regular education classroom does the timeline start?

The timeline starts when the public agency receives a signed consent for initial evaluation from the parent.

11. Who can make a referral?

The parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

If a parent makes a referral directly to an individual school via telephone, mail, and/or conference, is the local school personnel allowed to refer the parent elsewhere? For example: may a public agency representative direct the referring person to the special education central office?

This is a public agency decision. The SES Section suggests that each school have someone who is knowledgeable about the referral process.

12. If the parent insists that interventions be waived due to the serious nature of his/her child's problems, can the referral be accepted without intervention strategies?

Yes, intervention strategies may be waived for a child who has severe problems that require immediate attention.

Waiver of intervention strategies is addressed in AAC 290-8-9.01(4). However, the IEP Team (not one member) makes the decision regarding the need to evaluate the student. If the IEP Team believes there is reason to suspect a disability and the situation is one included in the waiver statement, the IEP Team may proceed without intervention strategies. The SES Section does encourage LEAs to provide the interventions during the evaluation process so that there is data to rule out the lack of appropriate instruction in reading and math.

13. When a school-based secretary receives a telephone call from a parent wishing to have his/her child tested for special education services, does this mean that the referral has officially been received and the 60-calendar day timeline begins?

No. The 60-calendar day timeline begins when the public agency receives signed parental consent for the initial evaluation.

14. What are the avenues for making a referral for an evaluation?

A referral may be made in several different ways, some of which include the following:

- a. A referral may be made over the phone, whereby, the public agency would be responsible for completing a Referral for Evaluation form.
- b. A referral may be received through the mail. When this occurs, the public agency should call the referring person and complete a Referral for Evaluation form.
- c. A referral may be made during a personal conference. When this occurs, public agency personnel should complete a Referral for Evaluation form.
- d. A Referral for Evaluation form may be submitted by school personnel, e.g., classroom teacher, guidance counselor, bus driver, etc

15. May a public agency wait until a child's third birthday to act upon a referral? Example: A public agency receives a referral on a 30-month-old child. Would the public agency wait until the child is three years of age before acting on the referral?

No. A public agency must act upon all referrals in a timely manner once received. Children transitioning from EI must be evaluated and if eligible, must have an IEP implemented on the child's third birthday. When does a referral for an evaluation become official?

The referral becomes official on the date it is received via phone, mail, conference, or when a written referral form is submitted to any education personnel (e.g., secretary, guidance counselor, principal, etc.)

16. When does a referral for an evaluation become official?

The referral becomes official on the date it is received via phone, mail, conference, or when a written referral form is submitted to any education personnel (e.g., secretary, guidance counselor, principal, etc.)

17. After the public agency receives a referral, is there a timeline between the receipt and the acceptance of the referral?

No, not a specific timeline; however, it should be acted on in a timely manner.

18. When does the 60-calendar day timeline begin?

Day one of the timeline is the day the public agency receives a signed Notice and Consent for Initial Evaluation form from the parent. The public agency has 60-calendar days to complete the initial evaluation. The initial evaluation must be completed on or before day 60. The SES Section uses the field Final Completion Date of All Evaluations to determine if the timeline was met. The public agency has 30-calendar days from the completion of the initial evaluation to determine eligibility. The public agency has 30-calendar days from eligibility determination to develop an IEP.

19. May the public agency stop receiving referrals for special education evaluations in the spring?

No. Referrals are to be received and acted upon year-round by the public agency.

20. Must the public agency receive a referral from a parent when there is no clear evidence of a problem?

Yes. The public agency must receive a referral from a parent when submitted. Once submitted, an IEP Team meeting is scheduled to discuss the referral. The parent is a member of the IEP Team and must be invited to participate in this meeting. The IEP Team reviews the referral and existing data and determines if there is a need for an evaluation.

21. What happens if the IEP Team determines that the referral is not substantiated?

If the IEP Team determines that the student does not need to be evaluated for special education

services, the Notice of Proposal or Refusal to Take Action form must be used to document the IEP Team's decision not to accept the referral for evaluation and a copy must be given to the parent and student (age 19 and older).

22. Must the public agency keep documentation on a student who is not going to be evaluated?

Yes. It is a requirement that the public agency keep documentation on all students who are referred for an evaluation for special education, even if it was determined by the IEP Team that an evaluation was not necessary at that time. The public agency should keep the original referral form and a copy of the Notice of Proposal or Refusal to Take Action form to document the process in the student information system.

23. Will the student information system have special transfer forms for out-of-state students in the transfer process?

No. If an evaluation is necessary for an out-of-state transfer it is an initial evaluation. An evaluation for an out-of-state student will be documented in the Referral Process. If an evaluation is necessary for in-state transfer for students who are already IDEA eligible, it is a reevaluation. An evaluation for in-state transfers will be documented in the Reevaluation Process.

24. What process do you use for an out-of-state transfer that meets Alabama criteria?

The Referral Process as OSEP considers this an initial evaluation.

25. How do we document parental participation in a meeting if they participate by phone?

Participation should be documented on hard copy forms and in the student information system, on the parent signature line write, "parent participated by phone."

26. How do we document the parent chose to participate by phone, but at the time of the meeting they did not answer the phone?

If the parent said they were going to participate in the meeting by phone and did not participate, document that the parent was unavailable by phone and proceed with the meeting.

FAQs: Initial Evaluation

27. What if adaptive behavior scale scores that come from home and school are very high scores when determining eligibility for an intellectual disability (ID)?

The total score on at least one adaptive behavior scale must be at least two standard deviations below the mean (70 or below).

28. On the ECEC Checklist, how many items must be checked and in how many areas before saying that the disability is related to environment, culture, or economic concerns?

Any and all areas checked on the ECEC Checklist should be considered. Consideration of the statements on the ECEC checklist is critical when examining patterns of strengths and weakness for specific learning disabilities. No single area or number is required in order to indicate that there is a problem or to identify a child with a disability. Any checked area should assist the IEP Team with the decision to evaluate or not. If the decision is to evaluate, the areas noted should assist the IEP Team in choosing Assessment instruments.

29. If there is one check on the Referral for Evaluation, Environmental Cultural, and/or Economic Concerns Checklist (ECEC) section, does that disqualify the student for special education

services?

Not necessarily. If there are checks on the ECEC section of the Referral for Evaluation, the IEP Team should carefully consider whether these factors, rather than a learning deficit, inhibit the learning process. If the IEP Team determines that it does, then the checked areas may be a disqualifying factor for special education services.

30. What option does a public agency have when a parent does not attend the meeting to complete the parent interview for the adaptive behavior Assessment and the public agency did make two attempts to get the parent to attend?

The public agency may try a home visit, parent-teacher conference, telephone interview or other mutually agreed upon arrangements. The public agency must make two attempts to have the parent complete the home version of the adaptive behavior scale within 60 days of receiving parental consent for initial evaluation and document such attempts on the eligibility report. However, the absence of a home version of the adaptive behavior scale must not delay the evaluation determination timeline. If a home version of the adaptive behavior scale is not obtained, a second school version must be completed.

31. Can we send the adaptive behavior scale home to be completed?

Yes. The home version may be sent home if it is mutually agreed upon by both the parent or guardian and the public agency and if the scale does not require a face-to-face interview. If a home version of the adapted behavior scale is not completed after two documented attempts, a second school version of the adapted behavior scale must be completed. It is the responsibility of the public agency to ensure that the parent receives the assistance needed to complete the adaptive behavior scale.

32. If a parent demands that a student be evaluated, do you have to do the battery of formal Assessments including an IQ test, or can you use informal screeners (e.g., SlossonR-3, K-BIT-2) and achievement tests (i.e. WRAT-4, PIAT-R) while gathering information?

Even though intervention strategies are being implemented, the evaluations outlined in the AAC are the required minimum evaluative components. Screeners and short (or brief) forms are not sufficient to determine eligibility. Screeners only indicate what areas need to be evaluated further.

33. Can the UNIT be used to help determine eligibility for an intellectual disability or for a specific learning disability?

Yes. The UNIT is a nontraditional intelligence test that may be used for any disability area, if determined appropriate. Remember, the IQ score is just one part of an evaluation.

34. What Assessment instruments may be used to determine eligibility for DD for older students since many developmental scales do not go beyond age seven?

The IEP Team makes the decision as to the specific Assessment instruments which follow the evaluation criteria in the AAC. All five domains must be evaluated using a standardized, norm-referenced instrument(s). The IEP Team may choose to use a different instrument for each domain if a single instrument is not available. For students, ages 7-8, the IEP Team may have to use separate tests for each domain or consider another disability area.

35. May the Vineland Adaptive Behavior Scale II be used as a multi-domain instrument to evaluate motor, communication, social, and adaptive skills?

No. The Vineland Adaptive Behavior Scale II is a standardized, norm-referenced measure of adaptive behavior skills only. The social, motor, and communication scores are subtests that comprise adaptive behavior on this instrument. Only the total score can be used to determine if a student is eligible for special education services.

36. If you get consent for evaluation from a parent in one public agency and the student moves to another public agency, is the consent still in effect??

Yes, if the consent was from another public agency in Alabama.

37. Do evaluations have to be conducted in the summer?

The referral-to-placement process continues in the summer. The public agency may need to make arrangements to have personnel available during the summer months to serve on an IEP Team and Eligibility Committee in the event referrals are received during the summer and consent to begin the evaluation process is received from the parent

38. How long may the public agency wait for the parent to obtain a follow-up evaluation on a vision or hearing screening failure?

It is not the responsibility of the parent to obtain follow-up evaluations from hearing or eye specialists. It is the responsibility of the public agency to schedule, arrange, and secure any necessary follow-up.

39. What if a failure in vision and/or hearing screening causes the evaluation process to exceed the 60 calendar day timeline?

The public agency will be overdue with the timeline. An exception is when the parent repeatedly fails or refuses to produce the student for the evaluation . Follow-up evaluations must be completed when a student fails a vision or hearing screening. Every effort must be made to complete all evaluations within the 60-day timeline. If there are delays, the actions taken to obtain the evaluation should be documented in the student's record. Use the "Annotate" process in the student information system for this documentation.

40. Does the public agency have the responsibility to obtain hearing aids or glasses that are recommended by a specialist?

If the items are necessary to complete the required evaluations and for the student to receive FAPE, then it is the responsibility of the public agency to ensure that corrective measures are provided. When corrective measures (i.e., glasses, hearing aids, or other appropriate remediation) are indicated, these must be provided before any further evaluations are attempted to ensure valid results. The cost for any evaluations and/or corrective measures becomes the responsibility of the public agency. The public agency may contact other local agencies for assistance in providing glasses/hearing aids (Children's Rehabilitation Services, Lion's Club, etc.)

41. When is it appropriate to administer a functional vision or hearing screener?

A functional vision/auditory response screener is appropriate if the student:

- a. Fails the vision/hearing screening and rescreening is unwarranted due to the functioning level of the student.
- b. Cannot follow directions.
- c. Is unable to be conditioned for the testing situation.
- d. Is unable to adapt to the screening situation.
- e. Refuses to cooperate in the screening situation.

42. Can a public agency use results from mass vision and hearing screening for initial eligibility purposes?

Yes. If the screening has been done within one year, the results may be used for an initial evaluation. If there is a question about hearing or vision, a screening will need to be repeated before the other Assessments are administered and/or completed to ensure that results obtained are valid.

43. Is the public agency expected to complete three behavior rating scales on students suspected of having an emotional disability?

Yes. The administration of at least three of the same behavior rating scales must be completed by three or more independent raters, one of whom may be the parent or the child, and who have had knowledge of the child for at least six weeks.

44. What is the difference between speech or language disabilities?

Speech refers to communication disorders in the area of articulation, voice, and/or fluency. Language refers to a language disability that adversely affects a child's educational performance. Language usually involves syntax, semantics, and/or pragmatic errors.

45. May parents revoke their consent for evaluation at any time?

The parent has the right to revoke consent for the evaluation; however, revoking consent does not take away any action that has already occurred. If the parent revokes consent for an evaluation, the public agency has two options:

- a. Accept the parent's justification as valid and do not proceed with any further evaluations.
- b. Request mediation, and/or an impartial due process hearing to override the revocation if the public agency continues to believe the child is a child with a disability who is in need of special education and related services. However, the agency does not violate its obligations for Child Find if it does not pursue the evaluation.

46. Do you have to get consent from the parents to request records from the public agency the student has transferred from?

Parental consent is not required for the transmission of special education records between public agencies. Parental notice is required. A sample form is on the student information system homepage under Forms.

47. What options are available when an out-of-state transfer student cannot produce an IEP, and the parent is the only source for identifying "comparable" services?

- a. The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, from the previous public agency in which the child was enrolled (including the IEP and supporting documents and any other records relating to the provision of special education or related services).
- b. The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to such request from the new public agency.
- c. When a child with a disability who had an IEP that was in effect in a previous public agency in another state transfers within the same school year and enrolls in a new school, the new public agency, in consultation with the parents, must provide the child with FAPE,
- d. The new public agency must provide services comparable to those described in the previously held IEP, until such time as the new public agency conducts a new evaluation.
- e. The new public agency must evaluate, if necessary, and determine eligibility.
- f. When an evaluation is determined to be necessary by the IEP Team, that evaluation will be considered to be an initial evaluation.
- g. If the parents refuse consent for the initial evaluation, the public agency may, but is not required to initiate mediation and/or a due process hearing to override the parents' refusal.

48. When a student transfers from out-of-state do you have to honor the IEP from the other State?

If a student with a disability (who had an IEP that was in effect in a previous public agency in another state) transfers to a public agency in a new state, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the student with FAPE (including services comparable to those described in the student's IEP from the previous public agency), until the new public agency:

- a. Conducts an evaluation (if determined to be necessary by the new public agency); and/or
- b. Develops, adopts, and implements a new IEP, if appropriate.

49. What procedures must the public agency follow when an out-of-state transfer student cannot produce any IEP, and the parent is the source for identifying “comparable” services?

- a. The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child’s records, from the previous public agency in which the child was enrolled (including the IEP and supporting documents and any other records relating to the provision of special education or related services).
- b. The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to such request from the new public agency.
- c. When a child with a disability who had an IEP that was in effect in a previous public agency in another state transfers within the same school year and enrolls in a new school, the new public agency, in consultation with the parents, must provide the child with FAPE.
- d. The new public agency must provide services comparable to those described in the previously held IEP, until such time as the new public agency conducts a new evaluation.
- e. The new public agency must evaluate, if necessary, and determine eligibility.
- f. When an evaluation is determined to be necessary by the IEP Team, that evaluation will be considered to be an initial evaluation.
- g. If the parents refuse consent for the initial evaluation, the public agency may, but is not required to initiate mediation and/or a due process hearing to override the parents’ refusal.

50. Is it permissible for a public agency to require that a student with a disability who transfers from another state with a current IEP that is provided to the new public agency remain at home without receiving services until a new IEP is developed by the public agency?

- a. No. If a student with a disability (who had an IEP that was in effect in a previous public agency in another state) transfers to a public agency in a new state, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the student with FAPE (including services comparable to those described in the student’s IEP from the previous public agency), until the new public agency:
 - 1. Conducts an evaluation (if determined to be necessary by the new public agency); and/or
 - 2. Develops, adopts, and implements a new IEP, if appropriate.
- b. The public agency must provide FAPE to the student when the student enrolls in the school in the public agency in the new state, and may not deny services to the student pending the development of a new IEP.

51. Do public agencies have a time limit on facilitating the transfer of student records?

The new public agency in which the student enrolls must take reasonable steps to promptly obtain the student’s records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous public agency in which the student was enrolled, and the previous public agency in which the student was enrolled must take reasonable steps to promptly respond to the request from the new public agency. If hard copies of records are requested by the new public agency, SES recommends the records be delivered within ten days of the request. (With the transfer process in the student information system hopefully there will not be a need to transfer hard copies of records.)

52. What is the timeline for the receiving public agency to adopt an IEP from a previous public agency or to develop and implement a new IEP?

The federal regulations do not establish timelines for the new public agency to adopt the student’s IEP from the previous public agency or to develop, adopt, and implement a new IEP. However, the new public agency must take the steps within a reasonable period of time to avoid any undue interruption in the provision of special education and related services.

53. Who should make the decision as to the battery of tests to be administered when looking at

testing specific areas of achievement?

The IEP Team decides which type of testing is needed (e.g. intellectual, achievement, speech) and the psychometrist chooses the most appropriate assessment for the student after reviewing information provided by the IEP Team. The IEP Team may recommend particular instruments to be used, the IEP from the previous public agency or to develop, adopt, and implement a new IEP.

54. Can the Family Focus Interview/GOLD® DOCUMENTATION form be used for eligibility as the structured interview with autism?

Yes.

55. Do you complete a referral form on a child who transfers from out-of-state?

A referral form is not required. The initial referral process should be followed. However, the public agency may require a referral form to be completed. Refer to the out-of-state transfer charts to determine where to begin in the referral process.

56. How do we document parental participation in a meeting if they participate by phone?

To document parent participation by phone on hard copy forms and in the student information system, on the parent signature line write, "parent participated by telephone."

57. How do we document the parent chose to participate by telephone but at the time of the meeting they did not answer the telephone?

If the parent said they were going to participate in the meeting by phone and did not participate, document that the parent was unavailable by telephone.

58. What is the timeline between parental consent to determine initial eligibility and IEP?

- a. Timeline begins on the date the signed and dated Notice and Consent for Initial Evaluation is received by the public agency.
- b. The public agency must complete the evaluation as soon as possible but no later than 60 days. (The date the Notice and Consent for Initial Evaluation is received is counted as day 1 + 59 days.)
- c. Eligibility determination must be made within 30 days from the date of the completion of the last evaluation.
- d. The IEP meeting must be held within 30 days from the date of the eligibility determination.

59. If a biological parent refuses to give consent for an initial evaluation of the child, may a foster parent give the consent?

No. A foster parent cannot give consent for an initial evaluation unless a court has designated the foster parent to make education decisions for the child in accordance with state law and if the parental rights of the biological or adoptive parent have been terminated in accordance with state law.

FAQs: Eligibility Process

60. Who makes the eligibility decision?

There are two choices in team selection for making eligibility decisions. If the choice is the Eligibility Committee, it must be comprised of a group of qualified professionals including the parent. This will necessitate an additional meeting by the IEP Team to develop the IEP for an eligible student. If the IEP Team is used to determine eligibility and the student is determined eligible, that team may also develop the IEP at the same meeting if the Notice and Invitation to a Meeting/Consent for Agency Participation form informed the parent this might take place by checking it as a purpose of the meeting

or if the parent is in attendance and in agreement to move forward. All purposes of the meeting must be documented.

61. If a public agency receives a referral without intervention strategies in the regular education classroom does the timeline start?

The only way a student may receive services during the evaluation process is if he/she is an out-of-state transfer student and the public agency is implementing the previous IEP until eligibility in Alabama has been determined.

62. What is the age limit for a child to be considered eligible in the disability area of Developmental Delay (DD)?

A child may be determined eligible under the disability area DD at age three. A child identified with DD must be reevaluated prior to his or her ninth birthday to determine continued eligibility for special education services.

63. How many Assessments must be available to determine eligibility?

The IEP Team determines what evaluations the student will receive; however, at a minimum, the required evaluative components outlined in the AAC must be administered. The evaluation(s) must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been identified. Professional judgment should be used to determine if the results of any of the required evaluations are reliable sources of information or if other Assessment data may prove to be more accurate indicators of the child's level of functioning. The IEP Team may determine, on a case by case basis, that other evaluations are needed.

What are the requirements for the eligibility determination of students suspected of having a specific learning disability? eligibility for an intellectual disability (ID)?

When determining whether a child has a specific learning disability, a public agency is not required to take into consideration whether a child has a severe discrepancy between intellectual ability and achievement. A public agency may use a process based on the child's response to scientific, research-based intervention (RtI). A public agency may use other alternative research-based procedures for determining whether a child has a specific learning disability such as Patterns of Strengths and Weaknesses (PSW). Refer to the AAC, 290-8-9.03(10) for all the requirements.

64. When must children with disabilities who become three years old be served?

For children who are transitioning from Part C (Early Intervention) to Part B (preschool program), the public agency is required to make FAPE available to each eligible child residing in its jurisdiction no later than the child's third birthday and have an IEP implemented by that date. If the child's third birthday occurs during the summer months, the child's IEP Team will determine when special education services will begin. The public agency must participate in a transition planning conference arranged by the Early Intervention (EI) service provider in order to experience a smooth and effective transition to preschool programs in a timely manner.

65. When do services begin if a parent referral is made for a child who is older than 30 months?

If a parent referral is made for a preschool child who is older than 30 months, the public agency has 60-calendar days from receipt of parental consent to complete the initial evaluation. The public agency has 30-calendar days from completion of the evaluation to determine eligibility and 30-calendar days from eligibility determination to complete the IEP process. The timeline begins once the public agency receives consent from the parent for the initial evaluation. This may mean the services begin after age three.

66. Can a student be eligible in the area of spelling for a Specific Learning Disability?

No. Spelling is not one of the areas listed in the criteria for SLD.

- 67. If a student receives an extremely low IQ score (52), but a higher adaptive behavior score (85-93), and in addition, the parent does not want special education services, but instead insists on Section 504 plan, what do you suggest?**

If a student does not meet the eligibility criteria for intellectual disability or any other disability area outlined in the AAC, the student must be determined ineligible for special education services. Ineligibility for special education does not automatically qualify a student for protection under Section 504 of the Rehabilitation Act of 1973.

- 68. May a student who is eight years old be determined eligible for DD as an initial eligibility decision and/or as a reevaluation decision?**

Yes. However, the IEP Team may want to consider another area of disability since the student can no longer be eligible for DD at age nine. A student determined eligible for DD at age eight would have to go through the reevaluation process prior to the ninth birthday to determine eligibility for another area of disability in special education.

- 69. Regarding eligibility determination, does the IEP Team/Eligibility Committee decision have to be unanimous?**

No. However, any member stating that the report does not reflect his or her conclusions must submit a separate statement presenting his or her conclusions.

- 70. What is the process if there is dissension among the IEP Team/Eligibility Committee members regarding eligibility determination?**

Eligibility determination is a team decision. Any member in disagreement may sign in the appropriate place on the eligibility report and attach a dissenting statement.

- 71. How does the public agency respond when a parent or teacher requests that a student be removed from special education?**

- a. If the parent makes the request to remove the child from special education, the public agency must obtain a signed Notice of Revocation of Consent for Continued Provision of Special Education and Related Services form and provide notice to the parent before ceasing services.
- b. If a teacher makes the request for a student to be exited from special education, the request must be forwarded to the IEP Team for resolution. The IEP Team/Eligibility Committee must meet to consider eligibility or ineligibility for special education by following Process Chart 2. If it is determined that the student is no longer eligible for special education services, an eligibility report is completed and the student is exited from special education. However, if the IEP Team/Eligibility Committee finds that the student continues to be eligible for special education.

- 72. Are there eligibility exceptions to the transition requirements for incarcerated students in adult prisons?**

Yes, transition services are not required if the incarcerated individual's eligibility for services will end, because of his/her age, prior to his/her release from prison based on consideration of his/her sentence and eligibility for early release.

- 73. Is it true that Multiple Disabilities is intended only for children who have severe and profound disabilities or can it mean merely those who qualify for two or more disability areas?**

Multiple Disabilities means concomitant impairments (such as intellectual disability-blindness, or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that cannot be accommodated in special education programs solely for one of the impairments.

- 74. Is it true that Multiple Disabilities is intended only for children who have severe and profound**

disabilities or can it mean merely those who qualify for two or more disability areas?

Multiple Disabilities means concomitant impairments (such as intellectual disability-blindness, or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that cannot be accommodated in special education programs solely for one of the impairments.

75. Do we need to do a new eligibility report if we need to add something?

Yes, a new eligibility report must be completed each time the student is reevaluated for continued eligibility.

76. How do we document parent participation in a meeting if they participated by phone?

To document parent participation on hard copy forms and in the STUDENT INFORMATION DATA SYSTEM, on the parent signature line write, "parent participated by phone."

77. How do we document the parent chose to participate by phone, but at the time of meeting they did not answer the phone?

To document parent participation on hard copy forms and in the Student Information Data System. If the parent said they were going to participate in the meeting by phone and did not participate enter "parent was unavailable by phone" on the parent signature line.

78. A child was determined eligible and the parent did not consent to services at the time. One year later, the parent wants services. What do we do?

The child is still an eligible child. If the parent wants services, reactivate the information in the Student Information Data System, get a Notice and Consent for Provision of Special Education Services form signed and move forward with developing an appropriate IEP and document in the annotate process what occurred. If the child needs to be reevaluated, follow Process Chart 2, Reevaluation to Determine Continued Eligibility.

79. A child was served in a public agency in Alabama. The child left and attended private school or was home schooled for a year or two. The child returned to a public agency. Is this an initial evaluation or a reevaluation? was determined eligible and the parent did not consent to services at the time. One year later, the parent wants services. What do we do?

If an evaluation is necessary, it would be a reevaluation unless the child had been determined ineligible; the parent revoked consent and then requested an evaluation at a later date; and/or the child moved out-of-state and returned to Alabama.

80. Does checking "Speech" on the Notice and Consent for Initial Evaluation or on the Notice and Consent for Reevaluation give the LEA permission to conduct Assessments in each of the minimum evaluative components for articulation prescribed in the AAC?

Yes, the five evaluative components prescribed in the AAC and listed below are inherent in the Assessment in the area of articulation. However, the entire IEP Team should be informed about and understand each component of the Assessment.

81. Do we have to send the Notice and Eligibility Decision Regarding Special Education Services and the Notice of Proposal or Refusal to Take Action forms every time we make an eligibility determination?

The Notice and Eligibility Decision Regarding Special Education Services form is sufficient if all sections are completed accurately. This form is a notice and, therefore, meets the notice requirements, including other options considered, etc.

82. How should an SLP document the results of a standardized articulation Assessment?

The following criteria must be met for eligibility for SLI in the area of articulation from the AAC: “(ii) Errors are primarily characterized by substitutions, distortions, additions, and omissions. Phonological errors are in excess of developmental expectations and nondevelopmental processes may be noted. Errors are not stimulative. Connected speech may be unintelligible or may be intelligible only to familiar listeners or within known contexts.” (p. 520) In order to document the above requirement, ALL articulation errors apparent during the articulation evaluation should be listed specifically on the Notice and Eligibility Decision Regarding Special Education Services form. Documentation of standard scores alone is not sufficient to provide required documentation.

- 83. A student with an exceptionality area other than SLI has been receiving speech-language services. The child continues to need other special education services, but the IEP Team determines that the child no longer requires speech-language services. What is the process to discontinue the speech- language services only?**

Since the child has an exceptionality other than SLI, the IEP Team’s decision should be data driven and should be documented on the Profile Page of the IEP. The IEP Team may make such a change at the annual IEP meeting/review or through the Amendment Process (follow Process Chart 5 of Mastering the Maze). A Notice of Proposal or Refusal to Take Action form should also be used to document a change in services.

- 84. If a child is determined to be eligible for special education services under any disability area (other than SLI), standard scores on a language Assessment need to be below 70 to receive language as a related service?**

No. If a child is determined to be eligible for special education services, he/she may receive any service the IEP Team determines is necessary for him/her to benefit from those services. There is no standard score required for the child to receive language as a related service. An eligible child may receive language as a related service if the IEP Team determines it necessary for FAPE, regardless of his or her standard score on a language Assessment.

FAQs: IEP Process

- 85. When must an IEP be in effect for a student with a disability?**

- a. At the beginning of each school year, each public agency must have in effect, for each student with a disability within its jurisdiction, an Individualized Education Program (IEP).
- b. A meeting to develop an IEP for a student is conducted within 30 days of a determination that the student needs special education and related services; and
- c. As soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the student’s IEP. The IEP may be developed at the same meeting at which eligibility is determined, as long as prior written notice was provided.
- d. For a child transitioning from Early Intervention (EI), an IEP must be developed and implemented by the child’s third birthday.

- 86. Must those invited to the IEP Team meeting be present for the entire IEP meeting?**

A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent of a student with a disability or student (age 19 or older) and the public agency agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed at the meeting. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if the

parent, or student (age 19 or older), and the public agency consent to the excusal in writing; and the member submits, in writing to the parent or student (age 19 or older) and the IEP Team, input into the development of the IEP prior to obtaining consent for the excusal of the IEP Team member.

87. Must there be a public agency representative present at each IEP Team meeting?

Yes. A representative of the public agency should be in attendance for each IEP Team meeting. However, according to the excusal clause a public agency representative is a member who may be excused. Special Education Services highly recommends that public agency representatives attend all IEP Team meetings.

88. If service providers such as Occupational Therapists and Physical Therapists cannot attend the IEP Team meeting, do they have to get consent in writing to be excused from IEP Team meetings?

No. Only the required public agency IEP Team members must have written consent to be excused from the IEP Team meeting. The required public agency IEP Team members are as follows:

- a. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment).
- b. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student.
- c. A representative of the public agency who-:
 1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; is knowledgeable about the general education curriculum; is knowledgeable about the availability of resources of the public agency; has the authority to commit agency resources and be able to ensure that IEP services will be provided.
 2. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the above criteria are satisfied.
 3. representative, if the above criteria are satisfied.
- d. An individual who can interpret the instructional implications of evaluation results, who may already be one of the above mentioned IEP Team members. The IEP Team is encouraged to seek input from service providers who do not attend. Each public agency must ensure the student's IEP is accessible to each service provider who is responsible for its implementation and is informed of his or her specific responsibilities related to the implementation of the student's IEP; and, the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

89. Who can serve as a public agency representative?

Any representative of the public agency who:

- a. Is qualified to provide the provision of specially designed instruction to meet the unique needs of students with disabilities.
- b. Is knowledgeable about the general education curriculum.
- c. Is knowledgeable about the availability of resources of the public agency.
- d. Has the authority to commit agency resources and ensure that IEP services are provided.

A public agency may designate a public agency member of the IEP Team to serve as the agency representative if the above criteria are satisfied.

90. Must there be a public agency representative present at each IEP Team meeting?

Yes. A representative of the public agency should be in attendance for each IEP Team meeting. However, according to the excusal clause a public agency representative is a member who may be excused. Special Education Services highly recommends that public agency representatives attend all IEP Team meetings.

91. Can an OT or a PT serve as the special education teacher at an IEP Team meeting?

No. In Alabama, OT and PT services are not considered special education (specially designed instruction). Therefore, an OT or a PT may not serve in the capacity of the required special education teacher or special education provider.

92. Which regular education teachers should attend the IEP Team meeting?

A regular education teacher who has knowledge of the general education curriculum for the grade the student will be in during the implementation of the IEP and who should be a regular education teacher of the student (if the student is or may be participating in the regular education environment) should participate as a team member in the development, review, and revision of the IEP. If more than one regular education teacher will be working with the student, the public agency representative may designate who will attend the meeting. The IEP Team is encouraged to seek input from teachers who do not attend. Each public agency must ensure that the student's IEP is accessible to each regular education teacher who is responsible for its implementation and each teacher is informed of his or her specific responsibilities related to implementing the student's IEP; and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

93. Who should be invited as the regular education teacher for a preschool child with disabilities?

The requirement is to have the teacher of the child. If a child attends a program in the community, a licensed service provider of the child (i.e., Head Start teacher, day care provider, church personnel) must be invited. If there is not a regular teacher of the child, someone who meets state certification requirements such as kindergarten teacher or other qualified personnel who can provide services to this age group must be invited.

94. Preschool teachers are invited to attend IEP Team meetings but may not be able to attend. How do we go about meeting the requirement to have a regular education teacher at the IEP Team meeting?

The requirement is to have the teacher of the child. However, if this person cannot attend the IEP Team meeting, they may participate by conference call or by providing written input. The IEP Team should have input from the teacher of the child. Teacher input may be gained through such methods as the Natural Environment Observation/ ELPP Documentation, Family Focus Interview/ELPP Documentation, teacher records, etc. If the preschool teacher cannot attend, someone who meets state certification requirements such as kindergarten teacher or other qualified personnel who can provide services to this age group must be invited.

95. What is the role of the regular education teacher at an IEP Team meeting?

A regular education teacher of the child (if the child is, or may be, participating in the regular education environment) has knowledge of the general education curriculum for the grade the student will be in during the implementation of the IEP and therefore should participate as an IEP Team member in the development, review, and revision of the IEP. The regular education teacher should also assist in the determination of appropriate positive behavioral interventions and supports, other strategies for the student, supplementary aids and services, program modifications, and/or accommodations and supports for school personnel, if necessary.

96. Which related services provider should be invited to the IEP Team meeting?

Any service provider(s) responsible for implementing services identified in the IEP may be invited to the IEP Team meeting. If the service provider(s) does not attend the meeting, the IEP Team should seek input from the service provider(s). The public agency must ensure that the service provider(s) is informed of his or her specific responsibilities related to implementing the student's IEP.

97. Who are the required members of an IEP Team?

The public agency must ensure that the IEP Team for each child with a disability includes the following: The parents of a child with disability.

- a. Not less than one regular education teacher of the child if the child is, or may be, participating in the regular education environment. The regular education teacher must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports and other strategies for the child; and the determination of supplementary aids and services program modifications, and supports for school personnel.
- b. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child.
- c. A representative of the public agency who:
 - d. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities.
 - e. Is knowledgeable about the general education curriculum.
 - f. Is knowledgeable about the availability of resources of the public agency. The public agency may designate an LEA member of the IEP Team to also serve as the public agency representative, if the criteria for serving as a public agency representative are met.
 - g. Has the authority to commit agency resources and be able to ensure that IEP services will be provided.
 - h. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in sections (b) through (d) above.
 - i. At the discretion of the parent or the agency, other individuals who have knowledge or
 - j. special expertise regarding the child, including related services personnel, as appropriate. The determination of the knowledge or special expertise of any individual is made by the party who invites the individual to be a member of the IEP Team.
 - k. Whenever appropriate, the student with a disability.
 - l. Secondary Transition Services Participants. In addition to the participants specified in (a) through (f) above if a purpose of the meeting is the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, the public agency must invite the child and, with the consent of the parents or a child who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services. If the child does not attend the IEP Team meeting the public agency must take other steps to ensure that the child's preferences and interests are considered.
 - m. Early Intervention Representatives. In the case of a child who was previously served under Part C/ EI, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the EI service coordinator or other representatives in the EI system to assist with the smooth transition of services.

***Note:** In Alabama, a representative of career/technical education must be included as a member of the IEP Team for those children with disabilities who have been referred for, or are currently receiving career/technical education.

98. Does a parent or public agency have the option of inviting any individual of their choice to be participants on a student's IEP Team?

The parent or the public agency may include individuals who have knowledge or special expertise regarding the student. The determination as to whether an individual has knowledge or special expertise shall be made by the parent or public agency who has invited the individual. The public agency must get consent from the parent or a student who has reached the age of majority to invite transition agency representatives who would be responsible for providing or paying for transition services. The public agency also determines which individuals from the public agency will fill the required IEP Team member's position.

- 99. If the parent indicates on the request to attend an IEP Team meeting that he/she will attend, but then calls the day before the meeting and wants to reschedule, what is the public agency's responsibility?**

The public agency has the responsibility to hold the IEP meeting at a mutually agreed upon time and location. Therefore, if the parent informs the public agency before the scheduled meeting that the time, date, or location needs to be changed, the public agency has the responsibility to reschedule the meeting. If after attempts to reschedule with the parent, the rescheduling would prohibit the public agency from meeting a timeline (i.e., before the IEP lapses), the public agency should inform the parent that the IEP Team must meet before the specified timeline.

- 100. If the parent indicates on the request to attend an IEP Team meeting that he/she will attend, but then does not come to the meeting, what is the public agency's responsibility?**

If the parent checks that he or she will meet as scheduled but does not attend, the meeting may be held as scheduled. Only the purposes of the meeting checked on the Notice and Invitation to a Meeting/ Consent for Agency Participation form may be discussed.

- 101. What are the requirements for public agencies in regard to parent participation in the IEP Team meeting?**

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 the parent of the meeting early enough to ensure that he/she will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls or alternative means such as video conferences. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parent that he/she should attend. In this case, the public agency must keep a record of reasonable efforts (at least two attempts) to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parent and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting including arranging for an interpreter for a parent with deafness or whose native language is other than English. The public agency must provide the parent a copy of the child's IEP at no cost to the parent.

- 102. What if a parent continues to check "I want to reschedule a meeting" time after time and the timeline is running out?**

Document all attempts to schedule a mutually agreed upon time for an IEP Team meeting. If neither parent can participate in a meeting where a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls or a video conference. If rescheduling prohibits the public agency from meeting a specified timeline, the public agency should inform the parent that they must determine eligibility by a certain date or they must have an IEP Team meeting by a certain date before the IEP lapses.

- 103. What is the role of the parent at an IEP Team meeting?**

The parent should participate as an equal partner with school personnel in developing, reviewing, and revising the IEP. This is an active role in which the parent (1) provides critical information regarding the strengths of the child and expresses concerns for enhancing the education of the child; (2) participates in discussions about the student's need for special education and related services; and (3) joins with other participants in deciding how the student will be involved in the general education curriculum

and participate in state and district-wide assessments, and what services will be provided and in what setting.

104. At what age can a student attend the IEP Team meeting?

Whenever appropriate, and at the discretion of the parent, the student with a disability should be invited to attend the IEP Team meeting. The public agency must invite a student with a disability to attend the student's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals.

105. What must be considered when an IEP is developed, reviewed, or revised?

In developing each student's IEP, the IEP Team must consider the strengths of the student; the concerns of the parent for enhancing the education of the child; the student's preferences and/or interests; the results of the initial or most recent evaluation of the student; and the academic, developmental, and functional needs of the student, and how the student's disability affects his/her involvement and progress in the general education curriculum. The IEP Team must also consider "special instructional factors" for the student each time the IEP is reviewed.

106. Does a student continue to receive special education services even though he or she is making A and B but may have some areas in the standards where he or she is below grade level?

In order to be eligible for special education, a student must have a disability that has an adverse effect on educational performance and must need special education and related services. Educational performance means academic, social/emotional, and/or communication skills. Each public agency must ensure that FAPE is available to any individual student with a disability who needs special education and related services, even though the student has not failed or been retained in a course or a grade, and is advancing from grade to grade. The determination that a student is eligible must be made on an individual basis by the group responsible within the student's public agency for making eligibility determinations.

107. If a student qualifies for services in the area of DD in one domain, is that the only domain that may be addressed in the IEP for services?

No. Once the student is eligible for special education services, he or she may receive any service(s) that the IEP Team deems appropriate after appropriate evaluations have been completed.

108. At what point in the IEP process is the least restrictive environment (LRE) determined for a student?

The LRE should be determined when the IEP Team meets and identifies the type and amount of services for the student and determines how and where those services will be implemented. The IEP Team must consider each LRE option and move down the continuum to determine the appropriate LRE.

109. What information should be included in the profile of a student's IEP.

- a. The profile must include:
- b. The strengths of the student.
- c. Parental concerns for enhancing the student's education.
- d. Student preferences and/or interests that include transition information beginning no later than the first IEP to be in effect when the student turns 16 or younger, if determined appropriate by the IEP Team.
- e. The results of the most recent evaluations.
- f. The academic, development, and functional needs of the student and how the student's disability affects his/her involvement and progress in the general education curriculum.
- g. Other information.
- h. For a child transitioning from EI to preschool, justify if the IEP will not be implemented on the child's third birthday

110. Should medical information be included in the profile?

Medical information should be included in the profile when it is pertinent to the student's progress and involvement in his or her educational program or if it is a concern of the parent.

111. If an area of concern is addressed in the profile, do we need goals for that area?

Any needs addressed on the profile page must be addressed as either a goal or in other components of the IEP. If the student's needs are more than what could realistically be addressed in one academic year, the IEP Team should prioritize the student's needs in the profile.

112. What do we mean by the term general education curriculum?

The general education curriculum is the curriculum for nondisabled students. The general education curriculum in Alabama is based on content standards listed in the College- and Career-Ready Standards. For preschool age children, the Developmental Standards for Preschool Children are used as the curriculum.

113. Is it necessary for a student's IEP to address involvement in the general education curriculum regardless of the nature and severity of the student's disability and the setting in which the student is educated?

Yes. The IEPs of all students with disabilities must address the extent to which the student will be involved and progress in the general education curriculum. The Individuals with Disabilities Education Act (IDEA) recognizes that some students with disabilities have educational needs which cannot be fully met by the general education curriculum; therefore, the IEP Team must make an individualized decision as to the extent appropriate for the student to participate in the general education curriculum and whether the student has other educational needs which cannot be met by the general education curriculum.

114. Does lunch and break time count as time "inside the regular education environment"?

Yes, if indeed the student is with nondisabled peers during lunch and break.

115. Can a student with a disability be in a regular education classroom with different but related work/ activities?

Yes.

116. Is the goal now for children with severe cognitive delays to spend 80% of their time in the regular education classroom?

The goal is to include all students with disabilities in the regular education environment to the greatest extent appropriate. The LRE is an IEP Team decision that should be based on the individual needs of the student. The Office of Special Education Programs (OSEP) has asked states to work towards having all students with disabilities spend at least 80% of their time in the regular education environment. This is a goal to work toward. LRE decisions should be made on a case-by-case basis according to the student's individual needs.

117. How can state assessment data be useful in writing standard-based IEPs?

State assessments are designed to measure progress toward academic content standards; therefore, results from state assessments can be used to identify concerns to be addressed when developing a standards-based IEP.

118. Can you elaborate on the collection of discipline referrals and attendance reports for making data based IEP decisions?

In the case of a student whose behavior impedes the student's learning or the learning of others, positive behavioral interventions and supports, and other strategies to address that behavior should be

developed and implemented. If a student has discipline referrals, the IEP Team should consider and discuss the need for behavior goals and/or a behavioral intervention plan (BIP) or other services to address the behavior. If a student has truancy problems, that too should be addressed by the IEP Team.

119. What is meant by “consideration of Special Instructional Factors”?

Special Instructional Factors must be reviewed and considered at each annual IEP Team meeting and may be reviewed and considered if a revision is being made to the IEP. If “yes” is checked on any one of the Special Instructional Factors it should be addressed in the IEP.

120. If a student has a behavior problem and a BIP will be written, is the BIP considered part of the IEP?

Yes. In the circumstances outlined below:

- a. For a child with a disability whose behavior impedes his/her learning or that of others, and for whom the IEP team has decided a BIP is appropriate.
- b. For a child with a disability whose violation of the code of student conduct is a manifestation of the child’s disability, the IEP Team must include a BIP in the child’s IEP to address the behavioral needs of the child.

121. If you mark “Yes” for related services under transportation, do you need to address it elsewhere in the IEP?

Transportation does not need to be addressed further unless instruction is being provided. (e.g., teaching a student how to use public transportation).

122. If a student’s behavior in the regular education classroom would significantly impair the learning of others, can the IEP Team determine that placement in the regular education classroom is inappropriate for that student?

The IEP Team is required to consider positive behavioral interventions, and supports, and other strategies to address the behavior of a student with a disability whose behavior impedes his or her learning or the learning of others. The determination of appropriate placement for a student whose behavior is interfering with the education of others requires careful consideration of whether the student can appropriately function in the regular education classroom if provided appropriate behavioral interventions, supports, and strategies. If the student can function in the regular classroom when provided appropriate behavioral interventions, supports, and strategies, placement in a more restrictive environment would be inconsistent with the LRE provisions of the IDEA.

123. Should the bus driver be aware of the IEP?

If Yes is checked regarding the student’s need for transportation accommodations or modifications, a representative from the Transportation Department should be included in the discussion and decision-making for this section of the IEP if at all possible. If they cannot attend, at a minimum, the bus driver or transportation personnel must be informed of his/her responsibilities.

Each public agency must ensure that the student’s IEP is accessible to any service provider who is responsible for its implementation; each provider is informed of his or her specific responsibilities related to implementing the student’s IEP; and, the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. Therefore, if the student has a medical, behavioral, or other need of which the bus driver should be made aware, it is the public agency’s responsibility to inform the bus driver of his or her responsibilities to implement the student’s IEP and any specific accommodations, modifications, and/or supports the student may need.

124. In the area of Nonacademic and Extracurricular Activities, what do you check if the student is a private school student only receiving speech services through the public school?

If a student is a private school student and only receiving speech or language services from the public

agency based on the public agency's private school plan, Nonacademic and Extracurricular Activities should be addressed as "No" with an explanation provided that the student only receives speech or language services from the public agency based on the public agency's private school plan.

125. If nondisabled students receive progress reports every 4.5 weeks, should students with disabilities receive progress reports on the same frequency?

Students with disabilities should receive progress reports the same as students without disabilities. However, progress of annual goals on the IEP only need to be provided concurrent with the issuance of report cards.

126. What must be addressed in the Annual Goal Progress Report?

The following must be addressed in the Annual Goal Progress Report:

- a. A description of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student 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.
- b. IEP goals must be addressed. The report is in addition to, not instead of, the usual report card and grades given for participation in regular education classes.

127. Could teachers and service providers who are in charge of implementing an IEP be involved in a due process hearing primarily because the student did not master all of the IEP goals written for the duration of an IEP?

It is possible. However, the agency, teacher, or other persons who are responsible for implementing the IEP are not held accountable if a student with a disability does not achieve the growth projected in the annual goal(s), as long as good faith effort is made to assist the student toward achieving the goal(s). Public agencies providing special education services to a student with a disability must provide the services in accordance with the IEP and should keep documentation of the services provided to individual students.

128. Do the transition pages of the IEP have to be a part of the IEP if it is not applicable for a student?

If a student will not be entering ninth grade or will not be 16 or older during the implementation of an IEP and the IEP Team does not think transition should be addressed for a student not yet 16, the transition pages does not have to be included with the IEP.

129. What are the transition requirements at age 16?

Beginning not later than the first IEP to be in effect when the student turns 16, or if the student is entering ninth grade, or younger, if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and transition services (including courses of study) needed to assist the student in reaching those goals. If transition is being addressed before age 16 the same transition requirements that apply for students age 16 and older apply to younger students as well.

130. Do requirements for transition services apply to eligible students in adult prisons?

The requirements apply to the same extent as for eligible students in public schools with one exception. Transition planning and services do not apply to students whose eligibility will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

131. Can you check the box for the selected pathway to the AHSD on the transition pages of the IEP if

the student is not yet 16?

If the student is in the ninth grade and earning program credits the answer is yes. If the student is still in middle school and not earning program credits the statement, “This student is in a middle school course of study that will help prepare him/her for transition” should be checked in lieu of exit option, anticipated date of exit, and program credit to be earned.

132. If a student is age 16 or older and is receiving speech services only, does the transition page have to be included in the file? If yes, what has to be completed?

Yes, a student who is eligible for speech or language impairment is considered to be a student with a disability under the IDEA. Therefore, beginning no later than the first IEP to be in effect when the student turns 16 the entire transition page must be addressed.

133. If a student has a birthday on August 31, and turns 21 on that date, can the student attend school in the fall?

Yes. Students with disabilities who have not earned an Alabama High School Diploma and who have not reached their 21st birthday by August 1 are entitled to services up to age 21, even if it means that instruction is provided in excess of 12 years. A student who turns 21 on or after August 1 is entitled to begin and complete the school year.

134. How do you document “program credit to be earned”?

After the IEP Team decides which pathway towards the Alabama High School Diploma the student will pursue, the IEP Team must document for each course taken the program credits to be earned next to the appropriate pathway. If a student is taking a course under the General Education Pathway, then the credits will be coded on the General Education Pathway line. Core course credits earned through the Essentials courses should be documented on the Essentials Pathway line. Alternate Achievement Standards core course credits should be documented on the Alternate Achievement Standards Pathway line as well.

135. How should the transfer of rights at the age of majority be documented on the signature page of the IEP?

Beginning not later than the IEP that will be in effect when the student reaches 18 years of age, the student should be informed of his or her rights and that the rights will transfer to him or her upon reaching the age of majority which is age 19. Document the date the student is informed of the rights being transferred. The initial date that the student is informed of the rights being transferred should be used and carried over in subsequent IEPs.

136. Can a parent deny his/her child the process of transferring rights due to the student’s low cognitive skills?

When a student with a disability reaches age 19, which is the age of majority in Alabama (except for a student with a disability who has been determined to be incompetent under Alabama law), the public agency shall provide all notices to both the adult student and the parent. All other rights accorded to the parent transfer to the student. The public agency shall notify the student and the parent of the transfer of rights. If, under Alabama law, a student with a disability who has reached the age of 19, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the student, the state shall establish procedures for appointing the parent of his/her child, or if the parent is not available, another appropriate individual, to represent the educational interests of the student throughout the period of eligibility of the student. Those procedures can be found on the Special Education Web page under Policy/Informed Consent in a document titled Procedures for Determining Inability to Provide Informed Consent.

137. If a student has a birthday on August 31, and turns 21 on that date, can the student attend

school in the fall?

Yes. Students with disabilities who have not earned an Alabama High School Diploma and who have not reached their 21st birthday by August 1 are entitled to services up to age 21, even if it means that instruction is provided in excess of 12 years. A student who turns 21 on or after August 1 is entitled to begin and complete the school year.

138. How do we document when a student, who has not reached the age of majority or received an Alabama High School Diploma through the General Education Pathway, chooses to exit?

The IEP Team must complete the Notice of Proposal or Refusal to Take Action form and document that the student has been informed of his or her right to continue receiving services through the age of 21, but that the student has refused those services.

139. What happens if another agency fails to provide agreed upon transition services?

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 goals for the student set out in the IEP.

140. Has a process been set up for the exit IEP Team conference that is mandated by IDEA 2004?

IDEA 2004 does not require an exit IEP Team meeting. In Alabama, the Summary of Academic Achievement and Functional Performance (SAAFP) must be completed for every student that exits with an Alabama High School Diploma through the General Education Pathway who will be exceeding the age of eligibility for a Free and Appropriate Public Education (FAPE) (age 21). SES strongly encourages public agencies to complete the SAAFP for all other students exiting high school. Also, the Notice of Proposal or Refusal to Take Action form must be completed to document that the student will not be returning to school the next school year for one or more of the following reasons:

- a. The student will be completing the General Education Pathway and receiving his or her Alabama High School Diploma.
- b. The student will be age twenty-one prior to August 1 and FAPE ceases.

141. If a student does not earn the Alabama High School Diploma (AHSD) through the General Education Pathway before he/she is eligible to exit, may he/she return to school to work toward completing the requirements for an AHSD?

Yes. A student with a disability is entitled to FAPE up to the age of 21. A student who turns 21 on or after August 1 is entitled to begin and complete the school year. A student with disability who has graduated from high school with an Alabama High School Diploma earned through the General Education Pathway no longer has a right to FAPE, as the Alabama High School Diploma earned through General Education Pathway ceases the FAPE requirement.

142. If the student does not attend the IEP Team meeting, when are transition services discussed?

The public agency should take steps to ensure the IEP Team is aware of the student's needs, interests, and preferences because these must be considered in order to develop an appropriate know transition plan. Also, after the meeting there should be a follow-up meeting with the student to let him/her what was discussed at the IEP Team meeting if the student was not in attendance.

143. What happens if the parent or student who has reached the age of majority (age 19) does not give consent for a transition agency representative to participate in the IEP Team meeting?

If the public agency is unable to get consent from the parent or student (age 19 and older) to invite transition agency representatives after two attempts, the agencies responsible for transition services may not be invited to the IEP meeting. If the parent or student (age 19 and older) check on the Notice and Invitation to a Meeting/Consent for Agency Participation form I DO NOT GIVE CONSENT, the public agency may not invite any agencies that would be responsible for paying or providing transition services.

- 144. If a representative that is likely to be responsible for providing or paying for transition services (e.g., job coach) is partially funded by the public agency and partially funded by another agency does the public agency have to get parental consent to invite that agency representative to an IEP Team meeting?**

No.

- 145. Is it a requirement to develop measurable annual postsecondary transition goals for Postsecondary Education/Training, Employment/Occupation/Career, and Community/Independent Living?**

Yes. The IEP Team must develop a measurable annual postsecondary transition goal for each area if transition is being addressed.

- 146. If other agencies (such as DHR or Mental Health) not affiliated with transition are invited to the IEP Team meeting by the public agency does the IEP Team need permission from the parent or student, who has reached the age of majority, to invite the other agencies?**

Consent from the parent or the student who has reached the age of majority is only needed when inviting agency representatives that may be providing or paying for transition services. The purpose for inviting other agency representatives not providing or paying for transition services should be considered. The IEP Team should consider if the agency representatives have knowledge or special expertise regarding the child and the reason for inviting other agency representatives not affiliated with providing or paying for transition services. Parental consent is required before personally identifiable information is released to parties including those providing or paying for transition services.

- 147. Is it a requirement to address all long-term goals (Postsecondary Education/Training, Employment/ Occupation/Career, and Community/Independent Living) on the transition pages of the IEP?**

Yes. Transition must be addressed no later than the first IEP to be in effect when the student turns 16 and updated annually thereafter. Transition must be addressed for all students beginning at the age of 16 and for all students entering the ninth grade. Transition may be addressed for younger students if determined appropriate by the IEP Team. If transition is being addressed before age 16 the same transition requirements that apply for students age 16 and older apply to younger students as well.

- 148. How many transition activities are required for each measurable annual postsecondary transition goal?**

A minimum of two transition activities must be written to address each of the measurable annual transition goals in the areas of Postsecondary Education/Training, Employment/Occupation/ Career, and Community/Independent Living.

- 149. What are transition activities?**

Transition activities are action steps that lead to the achievement of the overall measurable annual postsecondary transition goal.

- 150. How many transition assessments are required to address transition?**

A minimum of two assessment must be administered. Best practice is to use a variety of formal and informal age-appropriate transition assessments to develop appropriate measurable postsecondary annual transition goals in the areas of Postsecondary Education/Training, Employment/ Occupation/ Career, and Community/Independent Living.

- 151. On the annual transition goal(s) page, who may be considered a person/agency involved for**

transition activities?

The person/agency involved in transition activities may include the student, parent(s), special education teacher, general education teacher, school administrator(s), guidance counselor(s), vocational rehabilitation counselor, or other agency representatives.

152. Does a student have to be invited to an IEP Team meeting when transition is being addressed?

Yes. The student, regardless of their age, must be invited to the IEP Team meeting when addressing transition.

153. Do you have to develop a new IEP for each senior even if the annual review signature date is in March or April?

No. According to OSEP, an “annual review” of the IEP must be conducted every 365 days. As long as the implementation/duration dates go to the last day of school, another IEP doesn’t have to be written in March or April. You do have to meet by the Annual Review Due date to review the current IEP.

- On the Notice and Invitation to a Meeting/Consent for Agency Participation form select ‘Conduct an Annual Review of the current IEP’. If the IEP will be revised also select ‘Develop an Annual IEP or Revise the Current IEP’.
- Do not change the implementation/duration dates on the IEP profile page.
- Do amend the IEP signature page to add all participates in the meeting
- If revisions to the IEP are made, also fill out the Notice of Proposal or Refusal to Take Action form.

154. What are the pathways leading to the Alabama High School Diploma?

When selecting the pathway, the IEP Team should consider the highest most appropriate pathway that meets the individual needs of the student. Students pursuing the Alabama High School Diploma through the General Education Pathway follow the General Education Course of Study, which is intended to prepare the student for college and career. Students pursuing the Alabama High School Diploma through the Essentials Pathway may select courses which meet their individual needs from either the General Education Courses of Study or the Essentials Course of Study, which are intended to prepare the student for career/competitive employment. Students pursuing the Alabama High School Diploma through the Alternate Achievement Standards Pathway follow the Alternate Achievement Standards Courses of Study, which are intended to prepare the student for supported/competitive employment. Students with an IEP who are on the General Education Pathway may take up to three courses under the Essentials Pathway. However, once one course is taken under the Essential Pathway, the student will no longer be eligible to be counted in the Federal Four Year Adjusted Cohort Graduation Rate. Counselors should advise students carefully of possible outcomes and benefits of each pathway, including careful consideration to college admission requirements, NCAA eligibility, etc.

155. What are the ALSDE’s policies for promotion and retention?

The AAC does not contain regulations for promotion and retention. Each public agency should have its own policies regarding promotion and retention based on the number of credits required for graduation in high school. The same applies for elementary grades with the school/system deciding what classes, number of classes, etc., that must be passed in order to progress from one grade to the next grade.

156. What should be considered in the Present Level of Academic Achievement and Functional Performance?

The Present Level of Academic Achievement and Functional Performance should be written in terms that are observable, specific, and based on evidence. The Present Level of Academic Achievement and Functional Performance should include the strengths and needs of the student and how the student’s disability affects the student’s performance in the general education curriculum. For preschool children, as appropriate, the Present Level of Academic Achievement and Functional Performance should include how the disability affects the child’s participation in age appropriate activities.

157. Should the Measurable Annual Goals be stated in terms of percentages or trials?

As long as the goals are written in measurable terms to the extent that they can be used to monitor progress and assess the appropriateness of special education services, goals can be stated in terms of percentages or trials. SES highly recommends that goals are reviewed on a regular basis.

158. What are Measurable Annual Goals?

Measurable Annual Goals are related to needs resulting from the student's disability that directly affect involvement and progress in the general education curriculum. Goals should be specific, based on the student's Present Level of Academic Achievement and Functional Performance. Goals should be measurable. Goals should be realistically achievable and related to the most critical needs. Goals should be results-oriented by being developed with an outcome in mind, and goals should be time bound by clearly defining the length of time in which the student should be able to master each goal. Academic goals must be written to general education content standards, or Alternate Achievement Standards for students with significant cognitive disabilities who are being assessed with the Alabama Alternate Assessment, or Developmental Standards for preschool children with disabilities.

159. If IEPs are written that cover two grades, which grade level of standards do we use?

An IEP that covers two academic grades should address the content and skills that the student will need to be involved and progress in the general education curriculum for both school years. Depending on the nature of the student's needs, the IEP goals may or may not reflect course of study standards for multiple school years.

160. Can we write only one measurable annual goal?

The amount of goals written should be based on the student's needs. (For students working on Alternate Achievement Standards at least one goal in the area of reading, math, and functional skills is required).

161. Do we write a measurable annual goal for all academic areas or just for the area(s) of the student's weakness?

Goals should address the area(s) of need for the student.

162. Do we write goals for classes taught by regular education teachers?

Goals should be written to address the student's needs not the classes taught. Goals should not restate the standard.

163. Would there ever be a reason to have the student's measurable annual goal read "the student will maintain A's and B's on grade level standards"?

No. Goals should be written based on the student's deficit areas in working toward grade level standards.

164. Must all IEPs have a reading and math goal?

Students should have goals that address the student's area of need which may or may not be reading and/or math.

165. Do goals need to be written for specially designed physical education (PE)?

If the student receives specially designed PE which is an area of instruction, the IEP must have goal(s) if the PE curriculum is being modified. If only accommodations are provided for PE, goals are not required unless specially designed PE is the only goal being addressed in the student's IEP. The PE

accommodations without a goal should be documented under Supplementary Aids and Services on the goal page of the IEP.

166. Is it appropriate to have fluency goals for a high school student?

Yes, if this is an area of need for the student.

167. If a student with physical disabilities requires specially designed PE, whose job is it to provide this service?

If specially designed PE is prescribed in a student's IEP, the public agency responsible for the education of that student must provide the services directly or make arrangements for them to be provided through other public or private programs.

168. Do goals need to be written for OT or PT services?

Goals should not be written for OT and PT services. The OT and PT services are related services that are needed to assist the student to benefit from special education services. Address OT and PT services under Related Services in the IEP.

169. Does speech need to be written as a goal or as a related service?

If SLI is the disability area and the student qualifies in articulation, voice, or fluency, there must be a speech goal(s) and speech should be addressed as "Special Education" under the Special Education and Related Service(s) section of the IEP. If a student qualifies for SLI in the area of language, the IEP team should have a language goal, reading goal, or other goal with a language component embedded in the goal and services should be addressed as "Special Education" under the Special Education and Related Service(s) section of the IEP. If SLI is not identified to be the area of disability on the student's eligibility report, goals may or may not be written in the area of articulation, voice, or fluency. That will be an IEP Team decision. When SLI is not the area of disability as stated on the eligibility report, it should be addressed as a "Related Service" under the Special Education and Related Service(s) section of the IEP.

170. What is meant by the term peer reviewed research?

The term peer reviewed research means there is reliable evidence that the program or services are effective. The IEP Team should have strong evidence (i.e., journal publications, programs that are known to be scientifically based researched, teacher data) of the effectiveness of instructional programs and other services before proposing them in an IEP. Peer reviewed research also applies to nonacademic areas such as behavioral interventions. Before the IEP Team lists specially designed services and/or programs under Special Education and Related Services, the IEP Team must validate that the services and/or programs have been proven to be effective based on peer review research.

171. Where would you list a scientifically based reading research program on an IEP?

A program used for all students does not need to be addressed in the IEP. If it is a program used specifically to meet an individual student's needs, the program would be identified under the Special Education and Related Service(s) section of the IEP. Naming a specific program in the IEP is not recommended because a specific program may change (i.e., the program isn't working, the student transfers) within the implementation and duration dates of the IEP.

How do we work toward eliminating deficits in reading and math when the students are required to be in a regular class?

For students with deficits in reading and math, the regular education teacher and special education teacher should collaborate to provide differentiated instruction during regular education time as well as during the supplemental and intervention time that should be built into the master schedule.

172. When putting the minutes on related services, do you put a cumulative amount for those areas

where the services are not provided daily?

The Amount of Time must be documented for all related service areas. There are various ways to document the Amount of Time. All IEP Team members should understand what services will be provided and ensure that the services are documented and implemented as per the IEP Team's understanding.

173. How are supplementary aids and services defined?

This refers to the aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate.

174. What is meant by Benchmarks?

Benchmarks are targeted sub skills or steps (levels of achievement) that lead to the achievement of the overall annual goal and should contain clear indications of how the student's progress will be evaluated.

175. If a child is in all regular classes, are Benchmarks required?

Benchmarks are required only for those students who participate in alternate assessments aligned to alternate achievement standards and for those students where the public agency requires benchmarks for all students.

176. Are benchmarks required for every goal area for students following the AAS?

Benchmarks are required for all goals for students who follow/or are being instructed with the AAS.

177. Can Measurable Annual Goals and/or Benchmarks be changed without initiating another IEP Team meeting?

Changes in the IEP can only be made through an IEP Team meeting or through the allowable amendment process. Regardless, notice must be provided to the parent explaining the changes made.

178. What is the difference in an accommodation and a modification?

Accommodations lessen the impact of the student's disability in the teaching/learning environment in order to level the playing field but do not change the content of the standard. When accommodations are made for the student with disabilities, the content has not been altered and the student can earn course credit.

Modifications are changes made to the content of the curriculum due to the unique needs arising from the student's disability. When course content is modified, the student is not pursuing the content prescribed in the applicable course of study and cannot earn course credit.

179. If the student requires support for personnel in the general education, curriculum, where do you document this?

Support for personnel should be documented on the Special Education and Related Service(s) page of the IEP under "Support for Personnel" and should be indicated on the IEP only when training or support are being provided to public agency personnel regarding a student's specific need.

180. When the special education teacher collaborates with the regular education teacher by meeting with him or her to discuss the student's special education services, is that considered Special Education or Support for Personnel?

That is considered Special Education and should be documented under "Special Education" in the Special Education and Related Service(s) section of the IEP.

181. Are public agencies required to have a continuum of services available?

Yes. A public agency may not say that the only option is full inclusion or a self-contained classroom.

182. If a student receives intermittent services at home or in the hospital, could more than one LRE be noted?

No. The IEP Team should determine where the student spends most of his or her time and choose the LRE based on that information. If the amount of time is equally spent at home and in the hospital only choose one LRE. The IEP Team should explain why a student receives services in more than one environment in the Least Restrictive Environment section of the IEP.

183. When extended school year (ESY services should be provided?

The IEP Team must consider ESY services at least annually as part of the provision of FAPE. The ESY services must be provided only if a student's IEP Team determines that the services are necessary for the provision of FAPE. If ESY services are needed, the IEP must clearly specify which goals and services are being extended, the beginning and ending dates for services, the location, and the amount of time committed.

184. Why is the IEP Team required to include an explanation of the extent to which a student will NOT participate with nondisabled students in the regular class and in extracurricular and nonacademic activities?

The IDEA requires that each student with a disability be educated with nondisabled students to the maximum extent appropriate. A student with a disability may be removed from the regular education environment only when the nature or severity of the disability is such that education in the regular education classroom with Supplementary Aids and Services cannot be satisfactorily achieved. To the maximum extent appropriate, students with disabilities should participate with nondisabled students in nonacademic and extracurricular services and activities. The IDEA assumes that the majority of students who are eligible for special education and related services are capable of participating in the general education curriculum to some degree with accommodations and/or modifications. The IEP Team must consider the needs of the individual student and decide the extent to which the student is able to participate appropriately in the general education curriculum.

185. Under what circumstances can you justify a separate school as a student's LRE?

The justification of LRE is written for the student not for the separate school. The justification should be based on the needs of the student. Students enrolled in separate schools should still be afforded the opportunity for interaction with age-appropriate nondisabled peers. Also, physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the public agency enrolls students without disabilities and does not provide physical education to students without disabilities in the same grades.

186. Is a parent signature required on the IEP?

There is not a requirement in the IDEA statute or the federal regulations that a parent sign an IEP for it to be implemented. The parent signature is a way of documenting parent participation.

187. If a parent participated in the IEP meeting via conference call, should a signature page for the IEP be mailed to the parent for their signature?

No. Simply document how the parent participated in the IEP Team meeting in the space provided for the parent signature. The parent must be provided a copy of the IEP.

188. How many pages will be in an IEP?

The number of pages in an IEP would depend on the needs of the student and what the IEP Team determines the student can reasonably be expected to do during a school year.

189. What if the parent gets upset and leaves the IEP meeting?

If the parent gets upset and leaves the IEP meeting, the meeting may continue. An IEP Team member

should document that the parent was present during part of the meeting. Each IEP Team member should document his or her participation and position(s) he/she is serving in by signing and dating on the appropriate line(s). The parent must be provided a copy of the IEP as well as a Notice of Proposal or Refusal to Take Action form if this was an annual IEP Team meeting. If this was an IEP amendment meeting, the parent must receive a copy of the revised IEP and a Notice of Proposal or Refusal to Take Action form explaining the changes.

190. Is it permissible for the public agency to have the IEP completed before the IEP meeting begins?

No. Public education agency staff may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding the IEP content, but the public agency must make it clear to the parent at the beginning of the meeting that the services proposed by the public agency are only recommendations for review and discussion by the IEP Team. Best practice would be to seek input from the parent prior to the meeting and/or send a draft of the IEP to the parent so he/she has time to review the proposed IEP prior to the meeting.

191. Are state assessment forms required for preschool?

No.

192. Who should have a copy of the IEP?

The special education teacher and/or case manager of the student must have a copy of the IEP. The public agency is also required to provide a copy of the IEP to the parent at no cost. Others responsible for implementing parts of the IEP (e.g., regular education teacher(s), related service providers, and any other service provider) must be informed of their specific responsibilities related to implementing the IEP and the accommodations, modifications, and supports that must be provided in accordance with the student's IEP. The IEP must be "accessible" to these other providers but it is not a requirement that a personal copy of the entire IEP be provided. If a personal copy of the IEP is provided to other service providers, they must be made aware that the IEP document in whole or in part must be protected in a secure location and treated as a confidential document.

193. Should a paraprofessional assigned to a student sign the Persons Responsible for IEP Implementation?

Yes. Each regular education teacher, special education teacher, related service providers, and any other service provider must first be informed of his or her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. Secondly, once informed of his or her responsibilities, each individual responsible for the implementation of the student's IEP must sign the form Persons Responsible for IEP Implementation. The student's case manager must keep a copy of the form Persons Responsible for IEP Implementation with the individual signatures on file.

194. Who is responsible for serving a student with disabilities who is residing in a local detention/jail facility?

The local education agency where the detention/jail facility is located should ensure that special education and related services are provided to the student with disabilities.

195. How often must the IEP and placement must be reviewed?

The IEP must be reviewed at least annually. The IEP and placement may be reviewed more often, if needed. The parent or the teacher may request an IEP Team meeting if there is a need to review or revise the IEP.

196. Will a transitional IEP be developed for students who are no longer eligible for special education services?

No.

197. When a student transfers from another public agency within the state do you have to honor the IEP from the other agency?

If a student with a disability (who had an IEP that was in effect in a previous public agency in Alabama) transfers to a new public agency in Alabama and enrolls in a new school within the same school year, the new public agency (in consultation with the parent) must provide FAPE to the student (including services comparable to those described in the student's IEP from the previous public agency) until the new public agency either:

- a. Adopts the student's IEP from the previous public agency; or
- b. Develops, adopts, and implements a new IEP.
- c. Manually enter the annual review date into the student's folder (This date represents the date the IEP Team met to review the IEP).

198. What if a student who's IEP has not been subject to a timely annual review, but who continues to receive services under that IEP, transfers to another public agency in the same state? Is the new public agency required to provide FAPE from the time the student arrives?

If a student with a disability was receiving special education and related services pursuant to an IEP in a previous public agency even if that public agency failed to meet the annual review requirements and 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 parent) must provide FAPE to the student (including services comparable to those described in the student's IEP from the previous public agency), until the new public agency either:

- a. Adopts the student's IEP from the previous public agency; or
- b. Develops, adopts, and implements a new IEP.
- c. Manually enter the annual review date into the student's folder (This date represents the date the IEP Team met to review the IEP).

199. When a student transfers from another state do you have to honor the IEP from the other state?

If a student with a disability (who had an IEP that was in effect in a previous public agency in another state) transfers to a public agency in a new state, and enrolls in a new school within the same school year, the new public agency (in consultation with the parent) must provide the student with FAPE (including services comparable to those described in the student's IEP from the previous public agency) until the new public agency:

- a. Conducts an evaluation (if determined to be necessary by the new public agency); and
- b. Develops, adopts, and implements a new IEP, if appropriate.

200. Do you have to get consent from the parent to request records from the sending public agency?

Parental consent is not required for the transmission of special education records between public agencies. Parental notice is required. A sample form is on our web site under "Forms."

201. Is the receiving public agency required to write an IEP on Alabama forms for out-of-state transfers who have a current IEP?

No. The receiving public agency would implement the out-of-state IEP until such time that a new IEP is developed, if the student is eligible according to the AAC.

202. What procedures must the public agency follow when an out-of-state transfer student cannot produce any IEP, and the parent is the source for identifying "comparable" services?

- a. The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, from the previous public agency in which the child was enrolled (including the IEP and supporting documents and any other records relating to the provision of special education or

related services).

- b. The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to such request from the new public agency.
- c. When a child with a disability who had an IEP that was in effect in a previous public agency in another state transfers within the same school year and enrolls in a new school, the new public agency, in consultation with the parents, must provide the child with FAPE.
- d. The new public agency must provide services comparable to those described in the previously held IEP, until such time as the new public agency conducts a new evaluation.
- e. The new public agency must evaluate, if necessary, and determine eligibility.
- f. When an evaluation is determined to be necessary by the IEP Team, that evaluation will be considered to be an initial evaluation.
- g. If the parents refuse consent for the initial evaluation, the public agency may, but is not required to initiate mediation and/or a due process hearing to override the parents' refusal.

203. What if a student transfers from an out-of-state agency to a public agency without an IEP, yet it is obvious he/she is in need of special education services?

If the parent and the new public agency agree on services that the student needs until records are received from the previous public agency, those agreed upon services may be provided. If the parent and the public agency do not agree on the services to provide, the student is enrolled in the regular education program along with any Special Education and Related Services on which the parent and the public agency agree. The public agency may also ask the parent for consent to conduct an initial evaluation.

204. Is it permissible for a public agency to require that a student with a disability who transfers from another state with a current IEP that is provided to the new public agency remain at home without receiving services until a new IEP is developed by the public agency?

- a. No. If a student with a disability (who had an IEP that was in effect in a previous public agency in another state) transfers to a public agency in a new state, and enrolls in a new school within the same school year, the new public agency (in consultation with the parent) must provide the student with FAPE (including services comparable to those described in the student's IEP from the previous public agency), until the new public agency:
 1. Conducts an evaluation (if determined to be necessary by the new public agency); and
 2. Develops, adopts, and implements a new IEP, if appropriate.
- b. The public agency must provide FAPE to the student when the student enrolls in the public agency in the new state, and the public agency may not deny services to the student pending the development of a new IEP.

205. How do we document parent participation in a meeting if they participated by phone?

To document parent participation on hard copy forms and in the Student information system, on the parent signature line write, "parent participated by phone."

206. Do public agencies have a time limit on facilitating the transfer of student records?

The new public agency in which the student enrolls must take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous public agency in which the student was enrolled, and the previous public agency in which the student was enrolled must take reasonable steps to promptly respond to the request from the new public agency. If hard copies of records are requested by the new public agency, SES recommends the records be delivered within ten days of the request. With the transfer process in The student information system hopefully there will not be a need to transfer hard copies of records.

207. What is the timeline for the receiving public agency to adopt an IEP from a previous public

agency or to develop and implement a new IEP?

The federal regulations do not establish timelines for the new public agency to adopt the student's IEP from the previous public agency or to develop, adopt, and implement a new IEP. However, the new public agency must take the steps within a reasonable period of time to avoid any undue interruption in the provision of special education and related services.

208. How do we document the parent chose to participate by phone but at the time of the meeting they did not answer the phone?

If the parent said he/she was going to participate in the meeting by phone and did not participate, document that the parent was unavailable by phone.

209. How should an LEA handle missed speech-language services?

The Office of Special Education Programs (OSEP) issued a letter March 8, 2007, to the American Speech-Language Hearing Association (ASHA) addressing missed services. This letter was reaffirmed for ASHA by OSEP in January 2016. OSEP reiterated that the determination of whether an interruption in services constitutes a denial of FAPE is an individual determination that must be made on a case-by-case basis. You should "consider the impact of a provider's absence or a child's absence on the child's progress and performance and determine how to ensure the continued provision of FAPE in order for the child to continue to progress and meet the annual goals in his or her IEP." Generally, absences of the child (unless excessive) do not constitute a denial of FAPE.

210. What is the process to discontinue the speech-language services only for a student with an exceptionality area other than SLI who continues to need other special education services?

Since the disability is in an area other than SLI, the IEP Team's decision should be documented on the Profile Page of the IEP. The IEP Team may make a change at an annual IEP meeting/review or through the Amendment Process (follow Process Chart 5 of Mastering the Maze).

211. Who provides services for a school-age student attending a private school located in the LEA in which he lives?

The LEA of residence is required to make FAPE available. If the parent makes clear the intention to keep the child enrolled in the private school, then the LEA of residence is responsible for ensuring equitable participation according to its private school plan.

212. Who should provide services for a preschool student attending a private preschool outside the LEA of residence, the LEA of residence or the LEA in which the private school is located?

"Question N-1: What obligation, if any, do districts have to serve three- through five-year-old children who are parentally placed in private preschools?"

Answer: An LEA's obligation to serve children aged three through five under the equitable services provisions depends on whether a child is enrolled in a private school or facility that meets the definition of "elementary school" in the IDEA and the final regulations. "Elementary school" is defined in 34 CFR §300.13 as a nonprofit institutional day or residential school, including a Public elementary charter school that provides elementary education, as determined under State law. Accordingly, three- through five-year-old children with disabilities who are enrolled by their parents in a private school or facility that meets the State's definition of "elementary school" would be considered parentally placed and the equitable participation provisions would apply.

A child aged three through five enrolled by his or her parents in a private school or facility that does not meet the State's definition of "elementary school" would not be eligible to be considered for equitable services. However, the State's obligation to make FAPE available to such a child remains. Section 612(a)(1) of the IDEA requires that States make FAPE available to eligible children with disabilities aged three through 21 in the State's mandated age range (34CFR§300.101). Because many LEAs do

not offer public preschool programs, particularly for three- and four-year-olds, LEAs often make FAPE available to eligible preschool children with disabilities in private schools or facilities in accordance with 34 CFR §§300.145 through 300.147. In these circumstances, there is no requirement that the private school or facility be an “elementary school” under State law. In some instances, an LEA may make FAPE available in the private preschool program that the parent has selected. If there is a public preschool program available, the LEA of residence may choose to make FAPE available to a preschool child in that program. If the group of persons making the placement decision, as specified in 34 CFR §300.116(a)(1), places the child in a public or private preschool program and the parents decline the public agency’s offer of FAPE because they want their child to remain in the private preschool program they have selected, the public agency is not required to provide FAPE to that child. The parent may challenge the public agency’s determination of what constitutes FAPE for their child using the State complaint and due process procedures available under IDEA.”

Who provides services for a school-age student attending a private school not located in the LEA in which he lives?

The LEA of residence would be responsible for making FAPE available. If the parent makes clear the intention to keep the child enrolled in the private school located in another LEA, then the LEA where the private school is located is responsible for ensuring equitable participation according to its private school plan.

FAQs: Assistive Technology

213. What is an assistive technology device?

An assistive technology (AT) device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device (AAC 290-8-9.076(6)(b)). The definition of the term “assistive technology device” is based on how the technology is used rather than specific types of technology.

214. What is an assistive technology service?

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- a. The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment;
- b. Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by a child with a disability;
- c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- d. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- e. Training or technical assistance for a child with a disability or, if appropriate, that child’s family; and
- f. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child (AAC 290-8-9.076(6)(d)).

215. Does every child need an assistive technology device?

No. It is the IEP Team’s decision to determine what assistive technology, if any, a student needs.

216. Can assistive technology devices and/or services be taken home?

Yes. The assistive technology device or service must be provided for home use when the IEP Team

determines that a particular assistive technology item is required for home use in order for the student to receive FAPE.

217. Can a student use an assistive technology device during summer?

Yes. If the IEP Team determines that assistive technology is needed to provide FAPE. On a case-by-case basis, the use of school purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE (AAC 290-8-9.07(6)(e)).

218. Are items such as eye glasses, wheelchairs, or hearing aids considered to be assistive technology devices? If so, who is responsible for payment?

On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE. (AAC 290-8-9.07(6)(e)). Items such as wheelchairs, hearing aids, and eyeglasses may be considered to be assistive technology (Letter to Seiler, 20 IDELR 1216 [OSEP 1993], Letter to Bachus, 22 IDELR).

219. If a particular device is recommended on a report or in a student's IEP, is the LEA responsible for providing the equipment?

No. When a particular assistive technology device or service is recommended in an evaluation report, the IEP Team must consider the recommendation. If the IEP Team decides that the recommendation is appropriate the IEP team should include the AT in the IEP.

220. Who is qualified to do an assistive technology evaluation?

The qualifications of the evaluator(s) depend on the type of assistive technology being considered. There are no federal regulations regarding the qualifications of an assistive technology evaluator.

221. Who determines the need for assistive technology?

The IEP Team determines the need for assistive technology.

222. When and where is the assistive technology evaluation completed?

When - The evaluation must be completed within a reasonable period of time.

Where - The evaluation should take place in the child's customary environment.

223. What is consideration of assistive technology?

Consideration of assistive technology is a discussion that takes place during the IEP meeting to determine if an AT device or service is needed in order for the student to receive FAPE.

224. Is assistive technology a disability category?

No. Assistive technology is not a disability category.

225. Is assistive technology a "special education service?"

According to the federal regulations 300.308 assistive technology may be a special education service a related service, or a supplementary aid and service.

226. Is assistive technology a "related service?"

According to the federal regulations 300.308 assistive technology may be a special education service, a related service, or a supplementary aid and service.

227. Is assistive technology a "supplementary aid and service?"

According to the federal regulations 300.308 assistive technology may be a special education service, a related service, or a supplementary aid and service.

228. What role does assistive technology play in supporting the student in the least restrictive environment?

Assistive technology serves as an attempt to level the playing field and to maximize, to the extent appropriate, the student's ability to receive services in the least restrictive environment.

229. Where is assistive technology documented in the IEP?

Assistive technology may be documented throughout the IEP. The student's present level of academic achievement and functional performance should determine where assistive technology is documented in the IEP. If assistive technology is checked "yes" under special instructional factors, it must be addressed in the IEP.

230. Should the IEP Team state the brand name of an assistive technology device?

No. Citing specific equipment, software, or apps on an IEP is not recommended. A broad description of function such as "communication device" instead of a brand name should be used.

231. Are back-up devices needed or emergency contingency plans required?

Yes. The IEP Team should discuss the use of back-up equipment. Back-up equipment should be used until the student's equipment is repaired or replaced even though it may not be identical to the device being repaired or replaced.

232. Who decides what assistive technology the student needs?

The IEP Team decides what assistive technology the student needs.

233. What is the assistive technology range of service or type of device the district is required to provide to the student?

There is no set range of assistive technology devices or services. The IEP Team determines the needs of the student and the device or service that best fits the student.

234. Is it appropriate to recommend assistive technology equipment at the IEP meeting if you know the necessary training for the student will not be available due to a shortage of qualified personnel?

Yes. It is appropriate as part of the consideration process. A student's IEP should not be limited to the services currently available.

235. What happens when a parent disagrees with the IEP Team's decision that assistive technology is or is not needed?

The parent may request an Independent Educational Evaluation (IEE), mediation, and/or impartial due process hearing.

236. Is the LEA responsible for funding assistive technology for a student who is served in special education and needs assistive technology?

Yes. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability (AAC 290-8-9.00(21)(a)(1).

237. Can an LEA decline to provide assistive technology services and equipment due to a lack of funds?

No. A public agency is responsible for providing what is included in the IEP. Public agencies cannot deny the provision of equipment due to a lack of funds.

238. Is the LEA required to provide assistive technology for students with disabilities parentally placed in private school?

Possibly. The specific types of services to be provided are based on equitable services outlined in the LEA's private school agreement serving children with disabilities placed by their parents in private school.

239. Can the parent choose to purchase a device for the student to use in the school environment?

Yes. Parents may purchase a device for their child to use at school.

240. Does the school have any responsibility for personally provided parent devices?

No. When the parentally purchased device is not necessary for the child to receive FAPE, the public agency is not responsible.

Yes. When the parentally purchased device is identified as a need on the IEP, the public agency is responsible.

241. How are personally provided parent devices documented in the IEP?

Personally provided parent devices are only documented on the profile page as personally provided parent devices in the "other" section of the IEP.

242. Are all service providers involved with the student required to receive training in the assistive technology used by the student?

This is an IEP Team decision. The depth of training depends on the use of AT in the environment and the person's involvement with the student and equipment.

243. What if the student does not use the assistive technology device after it has been purchased?

If the student does not use the assistive technology offered, provide additional training to the student and personnel. If additional training is not sufficient, the IEP Team should revisit the consideration process and determine if different technology is required to meet the student's needs.

244. Is a parent responsible for a lost or damaged device that was provided by the LEA?

No. When assistive technology is specified on the student's IEP, the family cannot be required to incur any financial responsibility.

245. Does the student keep the same assistive technology until graduation?

Yes. If the present technology continues to meet the student's need. However, assistive technology consideration is an ongoing process, therefore the IEP Team must annually determine if the current technology continues to meet the student's needs.

246. Must assistive technology be provided for students with disabilities attending virtual schools?

Yes. When the IEP Team determines virtual school as an appropriate environment, the student with a disability must receive assistive technology, if needed, as a part of the student's special education services.

247. If a student from another district enrolls in a virtual school in my district, who is responsible for providing the needed assistive technology?

If a student with a disability applies and is accepted as an out-of-district enrollee, the public agency sponsoring the virtual school is responsible for the educational program and the special education and related services.

248. Would a computer-based reading program be considered assistive technology?

A computer-based reading program could be considered as part of the student's Special Education,

Supplementary Aids and Services, or as Assistive Technology (AT) if the IEP Team determines the program is needed for the student to receive FAPE. If it is a program available to all students, it is not considered to be AT and not included on the IEP.

FAQs: English Learner (EL) and the Special Education Process

249. Does an EL need to be in school for a certain amount of time before he can be referred/evaluated for special education services?

No. Any student may be referred and evaluated at any time if there are concerns and it is determined to be appropriate. During the special education eligibility process, the IEP Team is directed to consider the amount of formal education the student has received in its decision regarding eligibility.

250. Can a student receive both special education services and EL services at the same time?

Yes. Once a child is determined eligible for special education services, the IEP Team must consider his specific functional, language, and academic needs and select the appropriate services to meet those needs.

251. Does an EL need to reach a certain level of English proficiency on the WIDA ACCESS or comparable measure before he can be referred for special education evaluation?

No. If concerns are present and the team determines that referral/evaluation are necessary, the student may be evaluated at any time. If the student is not proficient in English, evaluation should proceed in the dominant language.

252. Can ELs with little or no previous formal education in their home countries be referred for special education evaluation?

Yes. The IEP team and/or eligibility committee must determine that the student's disability is not the result of a lack of appropriate instruction in order to determine him eligible for special education services. Consider that some countries offer no special education services, so a student with special needs may have been excluded from attending school.

253. Can an EL kindergartner or preschooler be referred for special education evaluation?

Yes. If concerns are present, the kindergarten EL should proceed through Rtl and/or special education processes just as any other student. If the child is in preschool, no Rtl is required. If the child is too young for the WIDA ACCESS or comparable measure to be administered to determine English proficiency, the IEP Team or eligibility committee should rely upon thorough data from parents and the home language survey to determine the language in which assessment should be conducted to give the most accurate information on what the child knows and can do.

254. Should an EL's parents be discouraged from speaking their native language at home?

No. Research suggests that children need exposure to rich language environments. Parents should be encouraged to speak in the language that is most comfortable for them to create a language rich environment in the home. If a parent does not speak English, then attempts to do so to communicate with the child would be very limited in scope and would possibly not provide a rich English language model. In addition, a child who does not speak his family's language will be isolated from them linguistically, socially, and culturally.

255. How can evaluators ensure that assessment results are a true reflection of the student's performance, not limited English language proficiency?

There is no simple way to do this. Evaluators should use multiple measures to accurately determine an EL's level of functioning. To the degree possible, assessment data should be compared with level

of functioning in the classroom and/or home environments, as well as the student's response to interventions that have been introduced. In all cases, evaluators should cautiously interpret test data and standard scores, reporting any nonstandard administration of assessments on the eligibility report.

256. What is the procedure to be used if the native language of the EL is one for which a translator is not readily available?

The LEA must exhaust every possible resource for securing the services of a fluent translator, including, but not limited to, contact with universities, hospitals, military bases, community-based groups, churches, or other LEAs. Attempts at obtaining a translator should be documented and maintained in LEA files. While LEAs are discouraged from using immediate family members or close family friends as a translator, community members who are fluent in the native language and English may be used. If no translator is available, commercial sources are available that provide services such as telephone translation or online video conferencing.

FAQs: Transition: from Part C Early Intervention to Part B Preschool Programs

257. How is the LEA notified by Early Intervention of a child who is potentially eligible?

The Early Intervention service coordinator notifies a designated LEA representative by emailing an Early Intervention Notification to Local Education Agency letter. Parents are now required to sign an Opt-Out Form if they choose not to have any information sent to an LEA. Service coordinators will automatically send the EI Notification to the LEA if a parent fails to sign an Opt-out Form after 10 days. The Early Intervention Notification to Local Education Agency letter may be sent by mail, faxed or emailed. This letter serves to notify the LEA and begin the process of convening a Transition Planning Meeting. The invitation cites the age of the child, length of time in early intervention services, a timeline for meeting, and a request for confirmation. The service coordinator may include more information (IFSP, evaluations, provider notes) only if a parent provides written permission.

258. How does the LEA representative acknowledge receipt of an invitation to the Transition Planning Meeting?

The LEA representative can acknowledge receipt of an Early Intervention notification and invitation to convene a meeting by calling, mailing, faxing or emailing the service coordinator. Best practice is to email with a read receipt to the LEA's designated preschool contact. An LEA is requested to respond within two weeks of receipt of the notification.

259. Can EI's Transition Planning Meeting be combined with the LEA Referral Meeting?

Yes. If the parents agree. Recent guidance from the Alabama State Department of Education Special Education Services to LEAs indicates this is no longer the most common practice. If the two meetings are combined, the LEA must notify the family by sending a Notice and Invitation to a Meeting/ Consent for Agency Participation form. Some parents mistakenly interpret this form as an invitation to a replacement meeting for the Transition Planning Meeting. Service Coordinators must make the distinction in these meetings clear to families.

260. Who is required to attend the EI/LEA Transition Planning Meeting?

The only individuals who must attend this meeting are the parent, a service coordinator and ONE LEA Representative who is knowledgeable about the referral process.

261. Must the IEP be developed prior to the child's third birthday if the LEA has accepted the EI Notification to LEA letter?

Yes. The IEP has to be ready to implement on the third birthday if the LEA has accepted the referral and the child has been determined to be eligible for special education services according to the Alabama Administrative Code. Under such circumstances, an IEP should be developed prior to the child's third birthday.

262. Must the LEA begin services for eligible children on their third birthday when their birthday is during a school break (e.g., summer)?

When the LEA accepts a referral and the child is determined to be eligible prior to the 3rd birthday the IEP must start on the third birthday unless the IEP Team determines that services can begin at a later date (such as first day of next school year). The decision to delay the beginning of services must be made by the IEP Team and cannot be a decision made by the LEA based on its current school calendar. All children moving from early intervention to the LEA do not receive services during the summer. The decision must be documented in the IEP.

263. Who may the LEA designate as the general education teacher since publicly funded programs for typical three- and four-year-olds are not universally available to all children?

If the child does not attend an early childhood program, the LEA must designate someone who meets the state requirements for providing services to typically developing preschool children. Some examples include K-3rd grade teachers certified in early childhood, Head Start teachers who meet the state requirement to be employed as a Head Start teacher, or a childcare teacher who meets the state requirements to be employed as a childcare teacher. The general education designee must meet the state standards required for their current job, that is, early childhood public school teacher, Head Start teacher, or childcare teacher.

264. If the child is going to be served at home, will a general education teacher be a required member of the IEP Team?

Yes. A general education teacher must always be a member of the IEP Team. The least restrictive environment (LRE) is not decided until the IEP Team meets and determines the appropriate place for the special education services to be provided.

265. What is the minimum number of hours of services that a preschool child must receive?

There is no minimum number of hours of services. The IEP Team determines the amount of service needed to implement the goals.

266. When a child is attending Head Start, who is responsible for providing the special education instruction, services, and supports?

The LEA is ultimately responsible for providing the special education services, related services, support, and materials that are delineated in the IEP. However, some Head Start programs may choose to provide services that will support a child with special needs.

267. Must LEAs provide transportation for three- and four-year-olds, even when the LEA does not transport other typically developing three- and four-year-old children?

Yes. If it is required for the child to benefit from the special education services. Transportation is a related service just as occupational therapy, physical therapy, etc. are related services, and the IEP Team must consider on an individual basis if it is required for the child to benefit from special education.

268. What is “educational performance” for preschool children?

Educational performance for preschool children refers to developmentally appropriate academic, social-emotional, self-help, adaptive, motor, and/or communication skills. That is can he/she participate or do the things that a typically developing preschool age child can do.

269. Is it appropriate to provide preschool services in kindergarten classrooms?

Each decision should be made based on the individual needs of the child. In most situations, kindergarten classrooms are not appropriate for three- and four-year-olds. Also, kindergarten classrooms cannot be the placement for children who do not meet the kindergarten age requirements. Children must be five (5) by September 1. There is a wide gap in development between a typical three-

year-old and a kindergarten. Developmentally appropriate practices must be implemented with all young children, and most activities occurring in kindergarten are not developmentally appropriate for three- and four-year-olds. The LRE requirements under Part B of the IDEA state that preschool children with disabilities are expected to be educated in a preschool setting with typically developing peers.

270. Must the IEP address all five developmental domains (motor, cognition, communication, adaptive, and social)?

No. The IEP Team should prioritize the needs of the child and focus on skills that will facilitate the child's ability to function independently, become a member of the classroom community, engage in learning experiences, establish interpersonal relationships, communicate, and meet pre-academic expectations. Area(s) addressed in the IEP are dependent on the needs of the individual child.

FAQs: Reevaluation Process

271. Must an IEP Team meeting be held for every student who is due for a reevaluation?

Must an IEP Team meeting be held for every student who is due for a reevaluation?

272. Must an IEP Team meeting be held for every student who is due for a reevaluation?

Yes. The Special Education Services section recommends an IEP Team meeting even if the public agency is considering asking the parent to agree that a three-year reevaluation is not necessary.

273. What are the criteria for continued eligibility?

The AAC outlines the required minimum evaluative components and eligibility criteria for each disability area. These criteria must be met at initial eligibility as well as at each three-year reevaluation to determine continued eligibility.

274. Is parental consent required for reevaluation?

Parental consent is not required prior to the IEP Team convening to review existing data and to determine what additional data, if any, is necessary. Parents must be given the opportunity to attend the IEP Team meeting to determine what additional data is needed. If the IEP Team determines that additional data are needed in order to determine continued eligibility, parental consent must be obtained. If the parents do not respond to a request for consent for reevaluation, the public agency may proceed after reasonable efforts (at least two attempts) have been made and documented. The SES suggests these two attempts be documented on the eligibility report under record review. Parental consent is not necessary if additional data that needs to be obtained is for teacher and related service provider observations, ongoing classroom evaluations, or the administration of or review of the results of adapted or modified assessments that are administered to all children in a class, grade, or school and consent is not required for all.

275. Is it necessary to complete a new eligibility report when the IEP Team determines that additional data are needed in order to determine that a student continues to have a disability and continues to be in need of special education?

Yes. A new eligibility report must be completed each time the student is reevaluated for continued eligibility.

276. Is it necessary to complete a new eligibility report if the IEP Team determines no additional data are needed in order to make an eligibility decision?

Yes, as of May 19, 2011, a new eligibility report must be completed each time a student is reevaluated for continued eligibility.

277. What evaluation procedures are required for a student who is suspected of no longer having a disability?

The reevaluation for continued eligibility process should be initiated. The IEP Team must convene to consider existing data and determine what additional data, if any, are needed to determine whether the student continues to have a disability and continues to be in need of special education and related services. A new eligibility report must be completed.

278. In the “student no longer eligible for services” date field in the student information system, what date will go in that box?

The date the Eligibility Committee or IEP Team met to determine that the student was no longer eligible for special education services.

279. What documentation is required when an IEP Team determines that a student no longer has a disability?

Process Chart 2, Reevaluation for Continued Eligibility, must be followed. When an IEP Team determines that a student no longer has a disability, an eligibility report must be completed with all existing data, as well as any updated and/or additional data. A copy of the eligibility report must be provided to the parents. The public agency must complete all sections of the eligibility report including a description of other options considered and the information used to make the decision. The eligibility report must document all required minimum evaluative components.

280. What happens if the IEP Team is unable to get parental consent to conduct a three-year reevaluation?

If the IEP Team makes two attempts to get parental consent and the parent does not respond, the IEP Team may proceed with the reevaluation, as long as the IEP Team notifies the parent of the decision. If the IEP Team gets a “no” from the parent, the IEP Team has the following options:

- a. The IEP Team may reconsider whether or not the additional data are absolutely necessary in order to make a decision regarding continued eligibility.
- b. The IEP Team may request that the parent participate in a conference to discuss his or her decision.
- c. The public agency may ask for mediation from the ALSDE or the agency may initiate a due process hearing in order to have an impartial hearing officer to order a reevaluation to be administered over the parents’ objections. The public agency does not violate its child find obligations or evaluation obligations if it does not pursue mediation and/or a due process hearing.

281. What forms are required for the reevaluation process?

The following forms are required for the reevaluation process:

- *Notice and Invitation to a Meeting/Consent for Agency Participation.* This notice invites the parents to attend the IEP Team meeting. Indicate on the form that the purpose of the meeting is to determine if additional data are needed and, if appropriate, to determine continued eligibility.
- *Notice of IEP Team’s Decision Regarding Reevaluation.* This notice informs parents of the IEP Team’s decision regarding the need for additional data to determine continued eligibility.
- *Notice and Consent for Reevaluation* (if appropriate). This notice documents the parent’s consent for reevaluation or two attempts to obtain the parent’s consent is documented on the form.
- *Notice and Eligibility Decision Regarding Special Education Services.* This form documents the IEP Team’s or Eligibility Committee’s decision regarding continued eligibility. This form must be completed each time the student is reevaluated for continued eligibility.

282. Do we have to send the *Notice and Eligibility Decision Regarding Special Education Services* and the *Notice of Proposal or Refusal to Take Action* forms every time we make an eligibility determination?

The *Notice and Eligibility Decision Regarding Special Education Services* form is sufficient if all sections are completed accurately. This form is a notice and, therefore, meets the notice requirements, including

other options considered, etc.

283. Do the same timelines apply to reevaluations as initial referrals?

No. Reevaluations must be conducted at least every three years to determine continued eligibility. Three years from the signature date of the last eligibility report is the date by which each three-year reevaluation must be completed.

FAQs: Amendment Process

284. Can Measurable Annual Goals and/or Benchmarks be changed without initiating another IEP Team meeting?

Changes in the IEP can only be made through an IEP Team meeting or through the allowable amendment process. Regardless, notice must be provided to the parent explaining the changes made.

285. Is it permissible for the public agency to have the IEP completed before the IEP meeting begins?

No. Public education agency staff may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding the IEP content, but the public agency must make it clear to the parent at the beginning of the meeting that the services proposed by the public agency are only recommendations for review and discussion by the IEP Team. Best practice would be to seek input from the parent prior to the meeting and/or send a draft of the IEP to the parent so he/she has time to review the proposed IEP prior to the meeting.

286. Who should have a copy of the IEP?

The special education teacher and/or case manager of the student must have a copy of the IEP. The public agency is also required to provide a copy of the IEP to the parent at no cost. Others responsible for implementing parts of the IEP (e.g., regular education teacher(s), related service providers, and any other service provider) must be informed of their specific responsibilities related to implementing the IEP and the accommodations, modifications, and supports that must be provided in accordance with the student's IEP. The IEP must be "accessible" to these other providers but it is not a requirement that a personal copy of the entire IEP be provided. If a personal copy of the IEP is provided to other service providers, they must be made aware that the IEP document in whole or in part must be protected in a secure location and treated as a confidential document.

287. Should a paraprofessional assigned to a student sign the Persons Responsible for IEP Implementation?

Yes. Each regular education teacher, special education teacher, related service providers, and any other service provider must first be informed of his or her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. Secondly, once informed of his or her responsibilities, each individual responsible for the implementation of the student's IEP must sign the form Persons Responsible for IEP Implementation. The student's case manager must keep a copy of the form Persons Responsible for IEP Implementation with the individual signatures on file.

288. Is a parent signature required on the IEP?

There is not a requirement in the IDEA statute or the federal regulations that a parent sign an IEP for it to be implemented. The parent signature is a way of documenting parent participation.

289. If a parent participated in the IEP meeting via conference call, should a signature page for the IEP be mailed to the parent for their signature?

No. Simply document how the parent participated in the IEP Team meeting in the space provided for the

parent signature. The parent must be provided a copy of the IEP.

290. What must be considered when an IEP is developed, reviewed, or revised?

In developing each student's IEP, the IEP Team must consider the strengths of the student; the concerns of the parent for enhancing the education of the child; the student's preferences and/or interests; the results of the initial or most recent evaluation of the student; and the academic, developmental, and functional needs of the student. The IEP Team must also consider "special instructional factors" for the student each time the IEP is reviewed.

291. If the parent and the public agency are unable to reach agreement at an IEP meeting, what steps should be followed until agreement is reached?

The IEP Team meeting serves as a communication vehicle between the parent and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding the: (1) child's needs and appropriate goals; (2) extent to which the child will be involved in the general education curriculum and participate in the regular education environment and state and districtwide assessments; and (3) services needed to support that involvement and participation, and to achieve agreed-upon goals. The parent is considered an equal partner with school personnel in making these decisions; and, the IEP Team must consider the parent's concerns and the information provided by the parent regarding the child in developing, reviewing, and revising IEPs. The IEP Team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the student needs in order to receive FAPE. It is not appropriate to make IEP decisions based upon a majority "vote." If the IEP Team cannot reach consensus, the public agency must provide the parent with prior written notice of the public agency's proposals or refusals, or both, regarding the student's education program, and the parent has the right to seek resolution of any disagreements by initiating an impartial due process hearing. Every effort should be made to resolve differences between the parent and school staff through voluntary mediation or some other informal step, without resorting to a due process hearing. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded under the IDEA.

292. When should extended school year (ESY) services be provided?

The IEP Team must consider ESY services at least annually as part of the provision of FAPE. The ESY services must be provided only if a student's IEP Team determines that the services are necessary for the provision of FAPE. If ESY services are needed, the IEP must clearly specify which goals and services are being extended, the beginning and ending dates for services, the location, and the amount of time committed.

293. Do you have to develop a new IEP for each senior even if the annual review signature date is in March or April?

No. According to OSEP, an "annual review" of the IEP must be conducted every 365 days. As long as the implementation/duration dates go to the last day of school, another IEP doesn't have to be written in March or April. You do have to meet by the Annual Review Due date to review the current IEP.

- On the Notice and Invitation to a Meeting/Consent for Agency Participation form select 'Conduct an Annual Review of the current IEP.' If the IEP will be revised also select 'Develop an Annual IEP or Revise the Current IEP.'
- **Do not change the implementation/duration dates on the IEP profile page.**
- Do amend the IEP signature page to add all participants in the meeting
- If revisions to the IEP are made, also fill out the *Notice of Proposal or Refusal to Take Action Form*.

294. What if the parent gets upset and leaves the IEP meeting?

If the parent gets upset and leaves the IEP meeting, the meeting may continue. An IEP Team member should document that the parent was present during part of the meeting. Each IEP Team member should document his or her participation and position(s) he/she is serving in by signing and dating on the appropriate line(s). The parent must be provided a copy of the IEP as well as a Notice of Proposal or Refusal to Take Action form if this was an annual IEP Team meeting. If this was an IEP amendment meeting, the parent must receive a copy of the revised IEP and a Notice of Proposal or Refusal to Take

Action form explaining the changes.

295. What is the role of the parent at an IEP Team meeting?

The parent should participate as an equal partner with school personnel in developing, reviewing, and revising the IEP. This is an active role in which the parent: (1) provides critical information regarding the strengths of the child and expresses concerns for enhancing the education of the child; (2) participates in discussions about the student's need for special education and related services; and (3) joins with other participants in deciding how the student will be involved in the general education curriculum and participate in state and district- wide assessments, and what services will be provided and in what setting.

296. What are the requirements for public agencies in regard to parent participation in the IEP Team meeting?

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 the parent of the meeting early enough to ensure that he/she will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls or alternative means such as video conferences. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parent that he/she should attend. In this case, the public agency must keep a record of reasonable efforts (at least two attempts) to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parent and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting including arranging for an interpreter for a parent with deafness or whose native language is other than English. The public agency must provide the parent a copy of the child's IEP at no cost to the parent.

297. Which related services provider should be invited to the IEP Team meeting?

Any service provider(s) who is responsible for implementing services identified in the IEP may be invited to the IEP Team meeting. If the service provider(s) does not attend the meeting, the IEP Team should seek input from the service provider(s). The public agency must ensure that the service provider(s) is informed of his or her specific responsibilities related to implementing the student's IEP.

298. Does a parent and public agency have the option of inviting any individual of their choice to be participants on a student's IEP Team?

The parent or the public agency may include individuals who have knowledge or special expertise regarding the student. The determination as to whether an individual has knowledge or special expertise shall be made by the parent or public agency who has invited the individual. The public agency must get consent from the parent or a student who has reached the age of majority to invite transition agency representatives who would be responsible for providing or paying for transition services. The public agency also determines which individuals from the public agency will fill the required IEP Team member's position.

299. If the parent indicates on the request to attend an IEP Team meeting that he/she will attend, but then calls the day before the meeting and wants to reschedule, what is the public agency's responsibility?

The public agency has the responsibility to hold the IEP meeting at a mutually agreed upon time and location. Therefore, if the parent informs the public agency before the scheduled meeting that the time, date, or location needs to be changed, the public agency has the responsibility to reschedule the meeting. If after attempts to reschedule with the parent the rescheduling would prohibit the public

agency from meeting a timeline (i.e., before the IEP lapses), the public agency should inform the parent that the IEP Team must meet before the specified timeline.

300. If the parent indicates on the request to attend an IEP Team meeting that he/she will attend, but then does not come to the meeting, what is the public agency's responsibility?

If the parent checks that he or she will meet as scheduled but does not attend, the meeting may be held as scheduled. Only the purposes of the meeting checked on the Notice and Invitation to a Meeting/ Consent for Agency Participation form may be discussed.

301. Who can serve as a public agency representative?

Any representative of the public agency who:

- a. Is qualified to provide the provision of, specially designed instruction to meet the unique needs of the students with disabilities.
- b. Is knowledgeable about the general education curriculum.
- c. Is knowledgeable about the availability of resources of the public agency.
- d. Has the authority to commit agency resources and ensure that IEP services are provided.

A public agency may designate a public agency member of the IEP Team to serve as the agency representative, if the above criteria are satisfied.

302. Must there be a public agency representative present at each IEP Team meeting?

Yes. A representative of the public agency should be in attendance for each IEP Team meeting. However, according to the excusal clause a public agency representative is a member who may be excused. Special Education Services highly recommends that public agency representatives attend all IEP Team meetings.

303. Which regular education teachers should attend the IEP Team meeting?

A regular education teacher who has knowledge of the general education curriculum for the grade the student will be in during the implementation of the IEP and who may be a regular education teacher of the student (if the student is or may be participating in the regular education environment) should participate as a team member in the development, review, and revision of the IEP. If more than one regular education teacher will be working with the student, the public agency representative may designate who will attend the meeting. The IEP Team is encouraged to seek input from teachers who do not attend. Each public agency must ensure that the student's IEP is accessible to each regular education teacher who is responsible for its implementation and each teacher is informed of his or her specific responsibilities related to implementing the student's IEP; and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

304. Must those invited to the IEP Team meeting be present for the entire IEP meeting?

A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent of a student with a disability or student (age 19 or older) and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, or student (age 19 or older), and the public agency consent to the excusal in writing; and the member submits, in writing to the parent or student (age 19 or older) and the IEP Team, input into the development of the IEP prior to obtaining consent for the excusal of the IEP Team member.

305. If service providers such as Occupational Therapists and Physical Therapists cannot attend the IEP Team meeting, do they have to get consent in writing to be excused from IEP Team meetings?

No. Only the required public agency IEP Team members must have written consent to be excused from the IEP Team meeting. The required public agency IEP Team members are as follows:

- a. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment).
- b. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student.
- c. 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 students with disabilities.
 - Is knowledgeable about the general education curriculum.
 - Is knowledgeable about the availability of resources of the public agency.
 - Has the authority to commit agency resources and be able to ensure that IEP services will be provided.
- d. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the above criteria are satisfied.
- e. An individual who can interpret the instructional implications of results and who may already be one of the above mentioned IEP Team members. The IEP Team is encouraged to seek input from service providers who do not attend. Each public agency must ensure the student's IEP is accessible to each service provider who is responsible for its implementation and is informed of his or her specific responsibilities related to the implementation of the student's IEP; and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

