

**REVIEW OF STUDENT PLANS, DUE PROCESS ISSUES AND RESOURCES  
SECONDARY STAFF  
AUGUST, 2009**

**Student Plans - IEP Changes & Reminders**

**PAGE 1 – Sample Sample's IEP**

**Dates**

1. The evaluation, meeting, and review dates will not copy. Make sure the dates for the last comprehensive evaluation and the meetings are accurate.
2. IEP Effective Date - 14 calendar days from the date you send the IEP/IIP to the parent.
  - a. A new IEP must be done annually and there should be no gap between the end date of an IEP and the effective date of the next IEP.
  - b. The duration of an IEP should not exceed one year.
  - c. Do not change the effective date of continuing IEPs if you receive the signature after the effective date. The parent is giving permission for the IEP as it is written. Enter the signature date on the Prior Written Notice follow up.
3. 10 Days – The District does not allow 10 school days from the IEP meeting date to write the IEP. The IEP should be written immediately or as soon as possible after the meeting.
4. 14 Calendar Days – This is the number of days the district must give parents to review the IEP or evaluation plan so they can agree or disagree with the proposed action.
  - a. Schedule the IEP meetings far enough in advance to allow adequate time to write the IEP and still give the parent(s) 14 calendar days to review the proposed IEP. Meetings may need to be scheduled three to four weeks before the IEP expires (end date) in order to make sure that the new IEP goes into effect when the current one expires.
5. 30 Calendar Days – If the IEP staffing is not held at the initial eligibility staffing, the IEP staffing must be held within 30 calendar days.

**IEP Types**

1. Initial – The system will now allow you to create another initial IEP if a student discontinues special education and returns later.
  - a. The IEP would be an annual or continuing plan if the student was out of service less than twelve months.
  - b. The IEP would be an initial plan, if the student was out of service more than 12 months.
2. Continuing – The system will not allow the duration of the IEP to go beyond a year.
  - a. Do not make changes in the current IEP.
  - b. Do a new IEP each year – making sure to update PLAAPFs and goals.
3. Significant Change –
  - a. The IEP is a Significant Change IEP when the team:
    - i. Changes, adds, or deletes goals or services;
    - ii. Changes site or setting;
    - iii. Change the amount of time a student spends with nondisabled students;

- iv. Adds a regulated (restrictive) intervention to the IEP/BIP.
- b. Make sure to do a meeting notice and hold a meeting for Significant Change IEPs.
- c. Make a copy of the current IEP. Changes are made on the copy. Do not make changes in the current IEP.
- d. If a parent agrees that it is not necessary to have an IEP meeting to change a testing decision or accommodations, IEP managers can change a testing decision or accommodation by revising the existing IEP.
- e. IEP meetings are not required to revise the IEP when there are changes:
  - i. in the time of day of services,
  - ii. in service providers,
  - iii. in regular education curriculum, methods, and teaching strategy,
  - iv. in buildings which are NOT the result of a “change in placement,
  - v. due to correcting typographical errors or including missing information that was discussed at the meeting, or
  - vi. due to adding or changing objectives.

See the FOCUS on Significant Changes on page 3 in the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

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### **Post-Secondary Goals**

1. There are now three Measurable Post-Secondary Goals areas, Post Secondary Education and Training and Employment and Independent Living.
  - a. Independent Living includes recreation and leisure, community participation and independent living.

### **Summary of Transition Needs**

1. The other areas in this section are now consistent with the State form. The new areas are:
  - b. Instruction (i.e. specialized instruction, regular education, career and technical education),
  - c. Related services,
  - d. Community participation,
  - e. The development of employment and other post-school adult living objectives,
  - f. If appropriate the acquisition of daily living skills and provision of a functional vocational evaluation.
2. Each transition service must be addressed –if only to say there is no need.
3. When the agency responsible is the school, use all capitol letters (e.g., SCHOOL DISTRICT, ST CLOUD SCHOOL DISTRICT or ISD742)
4. It is not necessary to list Agencies Responsible to pass the completeness check.
5. In some instances, services will be listed in the Needs and Activities section and in the Special Education and Related Services section. For example, the instruction section of the Statement of Transition Needs indicates that the student needs to improve their communication as part of obtaining employment. The articulation time would also be listed in the Special Education and Related Services section. Another student might need to complete the application for vocational rehabilitation services. This would be included in the Statement of Transition Needs as a related service but would not be included on the Special Education and Related Services section.
6. Information from previous IEPs will not copy to new IEPs.

See the MDE Handouts on Transition and Other Handouts on Transition from the 2008/2009 Transition Training.

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#### **Progress Reporting**

1. Four Progress Reports are required for all buildings except Apollo. The IEP may be counted as one of the Progress Reports when the completed IEP is sent to the parents within a few weeks of report cards being mailed or sent home.
2. Progress Reports must inform a parent of the student's progress toward achieving the annual IEP goals and must include data for each goal.
3. There must be written documentation when conferences, phone calls or home visits are the method for completing Progress Reports. Use the Student Conferences Logs in Student Plans to document the completion of Progress Reports when these methods are used.

See the FOCUS on Progress Reporting on page 3 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

#### **Special Education and Related Services**

1. Service providers can not do progress reports on students unless they are listed as a provider in the Service Grid.
  - a. Make sure to promptly return the Workshop Week Caseload Rosters which identify the students you case manage and services providers.
  - b. If service providers change during the school year, use the 'Providers' link for the current IEP/IFSP/ISP. Changes in grade and building can also be made on this screen.
  - c. Notify Julie Gillen at Ext 1210 or Susan Densmore at Ext 1203 about service provider or case manager changes.
2. Include special transportation, nursing, interpreter time, mental health facilitator, audiologist, OT, and PT in the Special Education and Related Services grid of the IEP.
3. Direct service time, including pupil support assistance time, should not exceed the total minutes in a school day.
4. Generally, only licensed/certified staff should be listed in the Special Education and Related Services section. The exception would be bus drivers providing special transportation.
  - a. Paraprofessionals should be listed in the Pupil Support Assistance table or in the Supplemental Aids section of the Adaptations.
5. The services of Transition –Community Participation and Transition – Recreation and Leisure were inactivated. Transition – Independent Living replaced Transition – Home Living.

See the Service Provider Change document in the Student Plans Information section of the Student Services web page.

See the Focus on Related Services on page 69 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

## LRE

1. The LRE statement should communicate to the parent what the student is missing when they are pulled out of the regular education classroom.
  - a. If frequent schedule changes occur, describe what the student is missing in terms of core or non-core classes.
  - b. Do not explain why students can't participate in the regular education setting.

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### ESY

1. Many IEPs for students attending ESY this summer did not contain complete information. This made it very difficult for teachers that were not familiar with students to prepare for and to provide appropriate services. To prevent this from happening again, make sure that IEPs for students who qualify for ESY:
  - a. Identify which goals will be worked on during ESY (see page 3 of IEP),
  - b. Include service information for the critical goals in the ESY service grid,
  - c. Have a completed ESY checklist establishing eligibility. Including gibberish in the text boxes (as illustrated below) to pass the completeness check is not acceptable.

The team shall consider the following three areas to determine the student's need for Extended School Year services:  
**Regression and Recoupment, Self Sufficiency, and the Pupil's Unique Need.**  
To qualify, the student must meet the criteria in A, B or C, AND the criteria in D.

YES  NO A. Regression and Recoupment  
Did this student experience a significant regression of a skill or acquired knowledge specified in the IEP goal(s) that required more than the length of the break to recoup?  
To qualify, answer Yes to A1 or A2.

YES  NO 1. Use observations of pupil's tendency to regress over extended breaks of instruction during the school year. Indicate fall, winter or spring break. Use primarily if a student is new to the district or with an initial IEP with no previous progress notes. Include critical goal(s) information and supporting data.  
fgkdfjgdfiuas[tre

YES  NO 2. Use prior observation of pupil's regression and recoupment over the summer. Use progress notes and report from previous year, test scores, and end of the first grading period for all current IEP students. Include critical goal(s) information and supporting data.  
dgdjgkldfjgkldfids

YES  NO B. Self Sufficiency - Will a break in special education programming prevent the student from achieving/maintaining a reasonable degree of independence in the following functional skills identified on the IEP? To qualify, check at least one of the functional areas in B1 and answer Yes to either B2 or B3.

YES  NO 1. Check all functional skill areas that apply to self sufficiency (check one or more)

YES  NO a. Basic self-help, toileting, eating, feeding, and dressing

YES  NO b. Muscular control

YES  NO c. Physical mobility

YES  NO d. Impulse control

YES  NO e. Personal hygiene

YES  NO f. Development of stable relations with peers and adults

2. Transportation forms must be completed for students who are attending ESY. The form is available on the website.

See the Focus on ESY newsletters on pages 7 and 55 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

### **Pupil Support Assistance Table**

1. Use this table for Pupil Support Assistance (one on one paraprofessional) or ECSE Program Support.
  - a. This section has the same format as the regular service page.
  - b. Information from previous IEPs will not copy so it will be necessary to reenter information.
  - c. Accurate information is vital for federal funding and third party billing.

See the Focus on Documenting Pupil and Program Support Assistance in Student Plans on page 62 in the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

### **Supplemental Aids**

1. Describe the duties of Pupil or Program Support Assistance in the Supplemental Aids section.
2. Include the frequency, location, and duration of Program Support Assistance and any other supplemental aids and modifications.
3. Describe personal care assistance (PCA), special transportation, assistive technology that the student is receiving so we have the necessary documentation for third party billing
  - a. Third party billing revenues for 2008/2009 were \$414,030.60. The district has earned \$1,502,498 since 2001/2002.
4. If a student needs a one on one paraprofessional for special transportation, include this in the Pupil Support Assistance table and describe it in the Supplemental Aids section.

See the Focus on Documenting Pupil and Program Support Assistance in Student Plans on page 62 in the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

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### **Assessment Section**

1. The first time students take the 9<sup>th</sup> grade Writing, 10<sup>th</sup> grade Reading, and the 11<sup>th</sup> grade Math, these assessments are both MCAII and GRAD.
  - a. Since the student may not pass, the testing decision and accommodations must be listed in both sections for the first administration.
  - b. After the student has taken the assessment one time, the testing decision and accommodations only need to be listed in the GRAD section. For all future administrations, Check "Not Applicable at this time or not tested in this grade" for the MCA II.

- When adding accommodations, make sure to check the boxes indicating the tests where they will be used.

State Assessments Limited English Proficient Diploma Requirements District-Wide Assessments

**Minnesota Comprehensive Assessment II (MCA II)**

The MCA-II test is administered for Reading, Mathematics and Science.  
 Reading is administered in grades 3, 4, 5, 6, 7, 8 and 10  
 Math is administered in grades 3, 4, 5, 6, 7, 8 and 11  
 Science (Effective 2007-2008) is administered in grades 5, 8 and high school

| Choose Assessment Conditions                                  |  | All                   | Reading                          | Math                             | Science                          |
|---|--|-----------------------|----------------------------------|----------------------------------|----------------------------------|
| Not applicable at this time or not tested in this grade level |  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Will participate without accommodations                       |  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Will participate with accommodations listed                   |  | <input type="radio"/> | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            |
| Will participate with alternate assessments listed            |  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |

**Will participate with accommodations listed**

| Accommodation                                 |   | All                      | Reading                             | Math                                | Science                  |
|---|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Submit/New                                    | Extended Time <input type="text" value="3"/> List Seq: <input type="text" value="3"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments:                                     |   |                          |                                     |                                     |                          |
| <a href="#">Edit</a>   <a href="#">Delete</a> | Seq 0: Large Print Test - 14  |                          | <input checked="" type="checkbox"/> |                                     |                          |
| <a href="#">Edit</a>   <a href="#">Delete</a> | Seq 2: Audio CD   |                          |                                     | <input checked="" type="checkbox"/> |                          |

**Parental Notification of Alternate Assessment**

If this box is checked, your child's academic achievement will be assessed using alternate academic achievement standards or modified academic achievement standards, as indicated above, on State or District-wide assessments. Your child's academic proficiency must always be based on academic content standards for his or her grade level.

- The Basic Skills Test will be retired after the 2011-2012 school year.
  - Check "Not Applicable at this time or not tested in this grade" for most students. Students who have not passed the test by 2010/11 or age 21 will be required to pass the GRAD.
- A description of available accommodations is available on the Assessment/ Testing page of the Curriculum, Instruction, and Assessment section of the web site.

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### Record of Proficiency

- Record Pass State or Pass Individual Status information only for the GRAD and/or the BST. Do not enter information into the MCA II, LEP or District sections.
- If students take the MTAS and are not proficient, the IEP team will need to make the decision that they have passed the MTAS on a Pass Individual basis. Record this on the Record of Proficiency for the GRAD Reading, Math and Writing.
- To ensure that Pass Individual information gets entered on the student's transcript, send the new form, IEP Team Decision to Place a Student on Pass Individual Status, to Susan O'Connor Meyer at the DAO. The form is located in Departmental Forms on the web.

### Other Student Plan Changes

#### Individual Service Plans

- A separate form has been developed for the Individual Service Plan (ISP). It is no longer necessary to use the IIIP for ISPs.
- The format is nearly identical to the IEP.
- Use the Draft Components feature to copy goal, service, PLEP, and Adaptation information.

- Since non-public students do not participate in Statewide and District Assessments, the assessment section is not included.

### Team Meetings - Parent Excusal of Team Members

- There are two more ways to document parental excusal of team members:
  - A column has been added to the follow up screen to indicate if the team member was excused from the meeting.
  - The form, Parent Excusal of Team Member has been added to the Departmental Forms page in the Student Services section of the web site.

### Evaluation Report

The append screen includes the option on whether to include the evaluator's name and title from the individual report. It also includes the option to separate the reports with a horizontal line for easier reading.

A red checkmark following the sequence box indicates that the procedure section has been appended to one of the other Summary Sections.

The screenshot displays the 'Evaluation Summary Report' for St. Cloud School Dist #742. The interface is viewed in Internet Explorer. The main content area is titled 'Summary Section: Emotional, Social, Behavioral'. It contains instructions: 'To append selected Procedure Report sections to the Emotional, Social, Behavioral section, enter sequence numbers in the Seq column. The sections will be appended in the sequence specified. The sequence numbers need not be sequential.' and 'You may include Procedure Report sections from other Summary Section groups, but that is not recommended.' Below this, there are checkboxes for 'Check here to include the evaluator's name and title.' and 'Check here to separate each report with a horizontal line.', both of which are checked. A table follows with the following structure:

| Seq                                 | Procedure Section   | Status   |
|-------------------------------------|---|----------|
|                                     | Summary Section: <b>BACKGROUND INFORMATION</b>  |          |
|                                     | No Associated Procedure Sections  |          |
|                                     | Summary Section: <b>Intellectual/Cognitive</b>  |          |
|                                     | No Associated Procedure Sections  |          |
|                                     | Summary Section: <b>Academic</b>  |          |
| <input checked="" type="checkbox"/> | Susan O'Connor Meyer<br>Academic Performance<br>ABLETS: Summary of Results<br>gfgfugyrd   | Complete |
|                                     | Summary Section: <b>Communication</b>   |          |
|                                     | No Associated Procedure Sections  |          |
|                                     | Summary Section: <b>Motor</b>   |          |
|                                     | No Associated Procedure Sections  |          |
|                                     | Summary Section: <b>Sensory</b>   |          |
|                                     | No Associated Procedure Sections  |          |
|                                     | Summary Section: <b>Health/Physical</b>   |          |
|                                     | No Associated Procedure Sections  |          |
|                                     | Summary Section: <b>Emotional, Social, Behavioral</b>   |          |
| <input checked="" type="checkbox"/> | Ginia Meyer<br>Social, Emotional, Behavioral<br>Achenbach Child Behavior Checklist (Parent/Guardian): Summary of Results<br>The Achenbach Child Behavior Checklist allows the parents/guardians to rate the student's behavior across a wide range of items that will demonstrate whether there are excessive indications of Anxious/Depressed, Withdrawn, Sleep Problems, Somatic Problems, Aggressive | Complete |
|                                     | Summary Section: <b>Functional</b>  |          |
|                                     | No Associated Procedure Sections  |          |

### Due Process Issues

#### Transfer IEPs

- Transfer IEPs should be written immediately when students with IEPs from other districts or from out of state enroll in our district.
- We must begin providing services as soon as possible based on the existing IEP.

See the FOCUS on Transfer Procedures on page 27 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

### **Summary of Performance**

1. The Summary of Performance must be completed when students graduate.
2. We are required to give a copy to the Student

The Summary of Performance is in the Departmental Forms section of the Student Services section of the web page.

### **Changes in Programs**

If challenging behaviors have escalated to the point where the IEP Team is considering significant changes in programming, the IEP Team should:

1. Inform the Special Education Supervisor about the changes/increases in challenging behavior.
2. Review the existing Functional Behavior Assessment (FBA) and the Behavior Intervention Plan (BIP).
3. Update the FBA or BIP as needed. Notify the parent, hold an IEP meeting, and/or obtain parent consent as required.
4. Review and/or update IEP services and setting as needed. For example, more behavior services provided in the special education setting may result in changing the Federal Setting from II to III. If it is not already being provided, consider the need for adding the support of the Mental Health Facilitator (MHF) as a related service.
5. Implement and document the results of the updated services, interventions, and placement.
6. Invite the Special Education Supervisor if the IEP Team is meeting to consider an out-of-building placement or placement in the Behavior Education Program and/or additional resources are anticipated to implement the new placement.
7. If the school is initiating a referral to BEP, City Life 742, Riverwoods, or Day Treatment, the mental health facilitator serves as the communication liaison. If the referral is being made to ALC or YLC the school social worker serves as the communication liaison.

If there will be a change in placement, the current IEP manager should:

1. Set up IEP meeting and issue proper notice(s) making sure to include the projected IEP manager at the new site.
2. Copy the IEP and change effective/meeting dates, setting, site, and update the PLAAFP.
3. Collaborate with new IEP manager on services and goals.

See the FOCUS on Changes in Programs for Students with Challenging Behaviors on page 42 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009.

### **Prior Written Notice**

Things to keep in mind when answering the five items:

1. You are restating the decision(s) made by the team and the considerations that were involved in those decisions for the parent's review so they can make an informed decision.
2. You need to complete each item even if it seems redundant.
3. Not Applicable or NA should generally not be used on any item.
4. Make sure the content is applicable to each item and the situation.

5. On the last item (Description of any other factors affecting the proposal) some example for other factors include:
  - a. There are currently no openings in Day Treatment so the team decided to increase mental health related services and revise goals.
  - b. The team recommended that Title 1 services be explored.
  - c. If he does not maintain a production level of 90% accuracy for the "r" sounds, the team will discuss resumption of services within the 12 month period of discontinuing services.

On this item, the team may use, "No other factors were considered".

See the Team Meeting Notice & Prior Written Notice Information in Student Plans Information on the Student Services web page.

### **Revocation of Parental Consent for Services**

A parent or guardian can now revoke consent for special education at any time. A district can not use conciliation, mediation, or due process hearing in an attempt to continue special education services when a parent revokes consent.

The parent's revocation of consent must be in writing. The District must provide parents with a Prior Written Notice before services are discontinued, tell parents about the implications that discontinuing special education services has for their child, and inform parents that services will continue until the District receives a written revocation of services. Parents will be asked to sign a Parent/Guardian Revocation of Permission to Provide Services form when they state they no longer want their child to receive special education services. Supervisors have access to this new form.

The procedures to use when a parent revokes consent for special education are as follows:

1. Inform your special education supervisor of the situation.
2. The supervisor will contact the parent to:
  - a. Explain that the District needs a written request to revoke consent for services.
  - b. Review the implications of discontinuing special education services.
  - c. Inform the parent that they will receive a Prior Written Consent form and a Parent/Guardian Revocation of Permission to Provide Services form.
  - d. Tell the parent they need to return the Parent/Guardian Revocation of Permission to Provide Services form revoke consent.
3. Work with the supervisor to complete the Prior Written Notice and send it to the parent. The Prior Written Notice will restate the implications of discontinuing services.
4. Send the Prior Written Notice and the Parent/Guardian Revocation of Permission to Provide Services form to the parent.
5. Continue providing services until the signed Parent/Guardian Revocation of Permission to Provide Services is received.
6. Discontinue service when the signed Parent/Guardian Revocation of Permission to Provide Services is received.
7. Change the status of the student's plan and notices to inactive.
8. Change the student's status in Student Plans to inactive.
9. Complete the Status Change Form (SE-51) on the Student Services web page and send to the DAO.

10. The special education supervisor and the special education director will send a Stand Ready to Serve Letter to the parent.

See the Focus on Discontinuing Special Education Services on page 37 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009

### **Talking Points for Reviewing Implications of Students Discontinuing Special Education Services**

1. The student will be treated as a regular education student for the purposes of disciplinary purposes, the expectation of performing at grade level, meeting graduation credit requirements, and participating in state wide assessments without accommodations or modifications of graduation standard requirements.
2. The student will not be eligible for compensatory special education and related services in the future because special education and related services are being discontinued due to parent request.
3. If the student demonstrates a need for special education and related services after they have been discontinued for twelve months, the student would need to meet initial eligibility criteria to qualify for special education and related services.
4. It is likely that the discontinuation of special education and related services would significantly impact educational programming which could contribute to the student failing academically and not meeting graduation requirements.
5. The parent's decision to discontinue special education and related services may limit protections from discrimination that the student would be eligible for under Section 504 of the Rehabilitation Act.

### **Resources**

#### **Transition Assessment Information**

Two transition assessments are required and one must be formal.

#### **External Links on Student Plans**

Viewpoint  
Ten Sigma  
Student Services Website  
Focus Newsletters  
Student Plans Manual

Always "Submit" before going to an External Links.

#### **Website**

Resources, Forms, and Focus Newsletters

See the FOCUS on the District Website on page 23 of the Consolidation of Pertinent FOCUS Newsletter Information - August, 2009