PARENT HANDBOOK

a guide to special education rights and responsibilities in Indiana



INSOURCE
Special Education Parent Support

INTRODUCTION



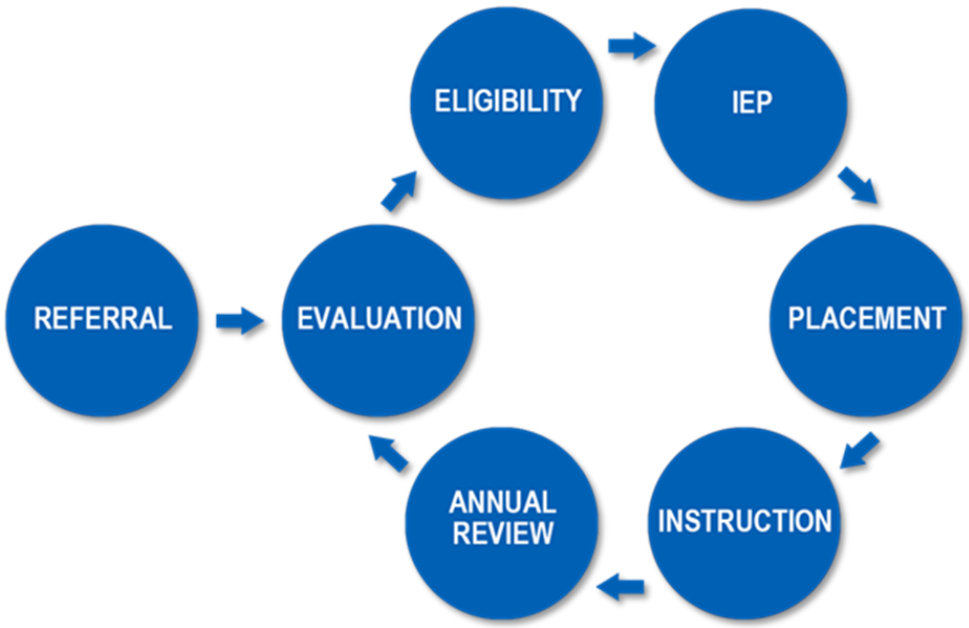
INTRODUCTION

The Indiana Resource Center for Families with Special Needs, Inc. (IN*SOURCE) is a parent organization. The majority of the staff and members of our board are parents or family members of persons with disabilities or are persons with disabilities. From our central office in South Bend and regional offices that cover the whole state, including IN*SOURCE staff based at the Indiana Department of Education, IN*SOURCE provides training, information, individual assistance and support to parents for their children with special needs. With grant support from the U.S. Department of Education, the Indiana Department of Education, and individual charitable contributions, IN*SOURCE has served Indiana families since the 1970's.

IN*SOURCE is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this Parent Handbook or provided by IN*SOURCE staff is not intended as legal advice and should not be used as a substitute for legal services.

Our mission is to provide parents, families, individuals & service providers in the state of Indiana the information & training necessary to help assure effective educational programs & appropriate services for individuals with disabilities. And our vision is equipping families and partnering with professionals to help students with special needs realize their potential.

We do this by working with the special education process, which can be visualized in this way:



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A current list of the program specialist in your area may be found by visiting:
http://insource.org/contact-us/staff-directory/

PEOPLE FIRST LANGUAGE

We encourage awareness and use of appropriate language when referring to an individual so as not to offend a person or convey the wrong message. A person with a disability is a person first. It is best not to refer to a person *by* the disability. Instead of using the term 'an epileptic', try using 'a person who has epilepsy'. First and foremost, each individual is a person. People with disabilities are part of the general public and segregation should not be implied by using 'we/they' language, by grouping individuals into categories like 'the disabled', or using trendy terminology such as 'handi-capable', or 'differently abled.' People with disabilities are simply people like everyone else.

USE...	**AVOID...**
Person with a disability	Cripple, handicap, invalid
Person who has...or person with...	Victim of, stricken with, afflicted with
Person who uses a wheelchair	Confined to a wheelchair; bound or restricted to a wheelchair
Person who is deaf	Mute, deaf and dumb
Person with mental illness	Crazy, insane, deranged
Seizures	Fits, spastic
Person with an intellectual disability	Retard, imbecile, moron
Person with a learning disability	Slow
Person with Down syndrome	Mongoloid

(Adapted from, *Language is a Powerful Tool,* National Center on Accessibility)

SIX PRINCIPLES OF IDEA

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT



SIX PRINCIPLES OF IDEA
THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The **Individuals with Disabilities Education Act Amendments of 1997** were the fifth set of amendments to the **Education for All Handicapped Children Act** that was originally passed in 1975 and went into effect in 1977. Before 1977, children with disabilities were often not served in the public schools.

Following is a brief look at the intent of the federal law through the following six principles:

1. Free Appropriate Public Education (FAPE)
2. Least Restrictive Environment (LRE)
3. Appropriate evaluation
4. Individualized Education Program (IEP)
5. Procedural safeguards
6. Parent participation in making decisions

The law requires a free appropriate public education (FAPE) in the least restrictive environment (LRE) for all children with disabilities. The six principles emphasize the rights of children with disabilities and their families. They indicate how states are required to plan, deliver and evaluate the early intervention and special education services provided to children. These principles work together and are the foundation of the law. No one principle works in isolation from the others.

1. **Free Appropriate Public Education (FAPE**)

Free appropriate public education (FAPE) is defined as special education and related services that are provided at public expense and at no cost to the parent. FAPE includes preschool, elementary and secondary education and services provided according to an individualized education plan (IEP).

An 'appropriate' education differs for each child with a disability. Each child with a disability is entitled to an education that is 'appropriate' for his or her needs. The law specifies in some detail how the school and parents are to plan the education that each child receives so that it is appropriate.

2. **Least Restrictive Environment (LRE)**

Educating students in the least restrictive environment (LRE) means that, to the maximum extent appropriate, children with disabilities are to be educated along with children without disabilities. It means that moving children with disabilities out of the regular educational environment occurs only if the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved. The determination of the LRE for each student is made according to the student's IEP, based on the student's individual needs.

3. **Appropriate evaluation**

To decide whether a child has a disability and the nature and extent of the special education and related services the child needs, a comprehensive evaluation must be given. The evaluation must not be racially or culturally discriminatory and must be administered in the child's native language. Once a child has been identified as a student with a disability, the need to re-evaluate must be discussed by the case conference committee at least every three (3) years. If the committee determines that they have enough data to plan for the student, the committee can agree not to re-evaluate at that time.

4. **Individualized Education Program (IEP)**

An IEP is a written document, developed by a team and reviewed at least annually. An IEP describes how a student will learn with the general education curriculum and the special education and related services needed by the student.

Note: The law requires this education to be appropriate and individualized. Thus, in practice, this principle is manifested concretely as the Individualized Education Program, or IEP, which is a document of great importance in the life of each student with disabilities. Each such student must have an 'IEP' designed to meet his or her unique individual needs. The IDEA is clear about the information the IEP must contain, about who develops the IEP, and about the public agency's obligation to provide the special education and related services that are identified in the IEP.

5. **Procedural Safeguards**

Procedural safeguards are a set of rules and procedures that define and protect the rights of parents and students. These safeguards also outline the processes to be used for resolving disputes between parents and agency personnel. Procedural safeguards affirm the rights of parents to be fully informed and to participate in the process, the right to notice and consent, the right to have information remain confidential, and the right to examine records.

6. **Parent and student participation in decision making**

Throughout this document the term **parent** is used. Article 7, provides the following definition:

Sec.70. 511 IAC 7-32-70 (a) "Parent" means one (1) of the following:

(1) Any biological or adoptive parent whose parental rights have not been terminated or restricted in accordance with law.
(2) A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student, including a court-appointed temporary guardian.
(3) A foster parent.
(4) An individual with legal custody or an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, or other adult who accepts full legal responsibility for the student and with whom the student lives.
(5) An educational surrogate parent appointed in accordance with 511 IAC 7-39-2.
(6) Any student of legal age, which is defined in section 91 of this rule to mean a student who: (A) is eighteen (18) years of age; and (B) has not had a guardian appointed by a court under IC 29-3.
(7) An educational representative appointed under 511 IAC 7-43-6.

IDEA is filled with references to parents' participation in the early intervention and special education process. Such references are continuously stressed. The IDEA amendments of 1997 state that Congress finds: "Over 20 years of research and experience have demonstrated that the education of children with disabilities can be made more effective by... strengthening the role of parents and ensuring that families… have meaningful opportunities to participate in the education of their children at school and at home."

There are many decisions to be made for each student with a disability. Parents know their children best, and children should contribute to important decisions that affect their life. From its earliest days, the law has required schools to involve parents in developing IEPs and student involvement has grown over time. IDEA guarantees all students with disabilities age 3 through 21, regardless of the severity of their disability, who are eligible to receive services, the right to a free appropriate public education designed to meet their individual needs. This section of IDEA is referred to as Part B.

PROCEDURAL SAFEGUARDS



PARENTAL RIGHTS
PROCEDURAL SAFEGUARDS

Parents have a right to receive written notice of their rights and their students' rights from the public schools. Schools have a responsibility to inform parents of their rights by way of a written notice. These rights are called Procedural Safeguards. These rights are in place because of federal and state regulations. The regulations direct schools, also called local education agencies (LEAs), to include specific information in their written notice to parents and to provide the written notice at specific times when parents and schools interact or work together.

Parents are to be given written notice of their rights at least one time per school year and whenever they ask for it, but because most parents don't know to ask, the schools also must provide the written notice of procedural safeguards (NOPS) as follows:

REFERRAL for EVALUATION

1. when a parent asks the schools to evaluate their student if they suspect a disability; or
2. when a school staff person recommends such an evaluation for a student; or
3. when a reevaluation is needed;

FORMAL DISAGREEMENT

4. when a complaint is filed;
5. when a due process hearing is requested;

DISCIPLINE ISSUE

6. when the school first removes a student to a different educational setting;

PARENT REQUEST

7. when a parent asks for notice of their rights.

Local education agencies may post a copy of the NOPS on their websites if they have one. However, referring a parent to the website does not take away the responsibility for them to provide NOPS to a parent in writing at the times listed above.

CONTENTS OF THE NOTICE OF PARENTAL RIGHTS
NOTICE OF PROCEDURAL SAFEGUARDS

The notice must contain information about the parents' right to receive written notice of an action proposed by the schools or refused by the schools.

The requirement of written parent consent before:

- ✓ evaluating, reevaluating;
- ✓ starting services;
- ✓ accessing public or private insurance for certain services;
- ✓ releasing or exchanging educational records;
- ✓ inviting a transition agency representative to case conference committee (CCC) meeting;
- ✓ excusing a person from a school meeting with the parents.

The parent's right to:

- ✓ request an educational evaluation;
- ✓ request a copy of the initial evaluation report before the initial case conference committee meeting;
- ✓ request a meeting to have the evaluation report explained before the initial case conference committee meeting;
- ✓ participate as a member of the case conference committee;
- ✓ request a case conference committee meeting as appropriate;
- ✓ learn about how an independent educational evaluation may be obtained.

The parent's rights regarding:

- ✓ the student's educational records;
- ✓ the transfer of rights to the student at age 18;
- ✓ complaint, mediation, due process procedures;
- ✓ protections and procedures for students who are subject to disciplinary procedures;
- ✓ protections for students who have not been found eligible for special services;
- ✓ reporting crimes allegedly committed by students to authorities;
- ✓ contact information for organizations that provide help understanding parent rights and special education.

CONFIDENTIALITY OF INFORMATION & PROCEDURES FOR AMENDING EDUCATIONAL RECORDS

The information contained in Article 7 concerning confidentiality of information and the procedures for amending educational records, for the most part, reflects the federal language contained in Public Law 93-380, the Family Educational Rights and Privacy Act (FERPA).

FERPA gives parents of students under age 18 and students age 18 and over the right to examine records kept in the student's personal file. Both custodial and non-custodial parents have full rights under the law unless the public agency or institution has evidence of a court order, statute or legal document specifically revoking those rights.

The major provisions of the Act are as follows:

- ✓ parents and eligible students have the right to review educational records within forty-five (45) days from date of request;
- ✓ parents and eligible students have the right to have the records explained and interpreted by school officials;
- ✓ school officials may not destroy any records if there is an outstanding request to inspect and review them;
- ✓ parents and eligible students who believe that information contained in the educational records is inaccurate, misleading, or a violation of any rights of the student may request that the records be changed.

If, after a request, the school decides that the records should not be changed, the parent or eligible student must be advised of his/her right to a hearing.

The hearing is to be held within a reasonable period of time, with the parent or eligible student given advance notice of the date, place and time. The hearing is to be conducted by a party who does not have a direct interest in the outcome of the hearing.

A school may release certain kinds of educational records to education and other social service agencies without permission from the parent or eligible student, including the following:

- ✓ school officials in the school district to which a student intends to transfer;
- ✓ certain state and national educational agencies, if necessary for enforcing federal laws;
- ✓ student financial aid officials;
- ✓ research organizations that are helping the school, provided they guarantee confidentiality;
- ✓ school officials in the same district with a legitimate educational interest;
- ✓ court orders, provided the school makes reasonable efforts to notify the parent or student before releasing the records; and
- ✓ appropriate people in health and safety emergencies.

A record containing information regarding requests for records must be maintained with the student's files. This information can be inspected by the parent or eligible student.

Each school district or institution must give parents of students in attendance, or students age 18 or over, an annual notice to inform them of the following:

- ✓ the school or institutional policy and procedure in providing the rights and protections of FERPA;
- ✓ the right of parents and students age eighteen (18) and over to file a complaint if the school or institution fails to comply with the requirements of the law; and
- ✓ the school's responsibility for communication with parents and/or students having a primary language other than English.

FERPA applies to **all** students, not just those with disabilities and includes all students in post-secondary programs. By definition, a student becomes eligible at eighteen years and all rights under the act transfer from parents to student at that time. No special provision is made for students whose disabilities may affect their ability to understand or exercise their rights, unless guardianship has been established.

If the school refuses to let you see or correct your records, or releases information without your consent, you may send a written complaint to:

FAMILY POLICY COMPLIANCE OFFICE of the U.S. DEPARTMENT OF EDUCATION
400 Maryland Avenue, S. W.
WASHINGTON, D.C. 20202- 5920
(800) 872-5327
http://www2.ed.gov/policy/gen/guid/fpco/index.html

Be sure you file your complaint as soon as possible and keep a copy of your letter in your home records.

EDUCATIONAL SURROGATE PARENT

An educational surrogate parent is a person trained and appointed to represent a student with a disability in matters relating to the provision of a free appropriate public education, including identification, evaluation and placement. An educational surrogate parent is appointed in accordance with Article 7 Rule 39 (511 IAC 7-39). Schools must implement written procedures to determine if a student is in need of an educational surrogate parent according to the following criteria:

- no parent can be identified;
- after reasonable efforts, the school cannot locate a parent; or
- the student is a homeless student who is not in the physical custody of a parent or guardian;
- the student is a ward of the state, unless the court order creating the ward ship permits the student to remain in the home or expressly reserves to a parent the authority to make decisions regarding the student's education or upbringing. **Ward of the state** refers to a student who has been removed from their home for suspected or actual neglect or abuse, and the court has issued an order restricting or terminating rights of the parent. If the student is a ward, the educational surrogate parent may be appointed by the judge overseeing the case.

Schools must determine the need to appoint a surrogate parent at the following times:

- when the student is referred for an initial educational evaluation, or
- any time a student who is identified as disabled (is receiving special education services) is in need of a surrogate parent.

Schools must implement written procedures describing how potential surrogate parents will be identified, trained and assigned to eligible students. Individuals who serve as surrogate parents shall meet the following criteria:

- are not employed by the department of education, a public agency, or any other agency involved in the education or care of the student;
- have no interest that conflicts with the interests of the student;
- match the student's cultural and linguistic background, when possible;
- have knowledge and skills to ensure the ability to represent the student.

Effective with the August 2008 revision, Article 7 recognizes foster parents as parents. As with biological parents, training regarding special education rights and responsibilities is advisable. The surrogate parent may represent the student in all matters relating to identification and eligibility, evaluation, placement and the provision of a free appropriate public education. This includes the following:

- participating in case conferences or other parent-teacher conferences;
- granting or denying written permission for evaluation and services;
- accessing and reviewing the student's educational record;
- requesting mediation, a due process hearing, or filing a complaint; and
- exercising on behalf of the student any other rights that a parent may exercise under Article 7.

The school may offer training about special education laws and rules or may contract with another agency or organization to provide training to develop and draw from a pool of surrogate parents.

When a student attends an educational program outside the school corporation of legal settlement and needs a surrogate parent, the school corporation of legal settlement is responsible to ensure a surrogate parent is assigned. The surrogate parent may be from the school corporation of legal settlement or from the geographic area where the educational services are located as agreed to by the administrators of both school districts. The schools are to keep a list of qualified surrogate parents in their local communities who can be assigned to serve. The list is to note the qualifications and the number of assignments of each person on that list.

IDENTIFICATION
&
EVALUATION
STEPS TO QUALIFY FOR SPECIAL EDUCATION SERVICES



ARTICLE 7 (RULES 32-47)
RULES AND REGULATIONS FOR
SPECIAL EDUCATION IN INDIANA

Indiana's special education law is called Article 7, which is based on the **Individuals with Disabilities Education Act** (IDEA '04) and federal regulations. It is made up of 16 rules describing how special education and related services are to be determined and provided by Indiana's public schools. Article 7 requires that each student with a disability between the ages of 3 and 22, enrolled in a public school, be provided with a free appropriate public education (FAPE). FAPE is one of the six (6) principles of IDEA described in an earlier section of this booklet.

Article 7 may be obtained here: http://www.doe.in.gov/sites/default/files/specialed/art7.pdf.

Article 7 defines the responsibilities of parents in securing a free appropriate public education for students with disabilities:

- to give written consent for educational evaluations for the student;
- to participate as part of the case conference committee that includes responsibility for developing and writing the student's IEP;
- to give written consent for appropriate initial special education placement;
- to attend the case conference committee meeting and make certain the services written into the IEP are carried out and continue to be appropriate for the student;
- to serve as the student's advocate in securing those special education and related services that are necessary to meet the student's unique needs.

For Article 7 to be most effective and to help students who have a disability to develop to their full potential, it must be implemented through the cooperation of parents, teachers, specialists, community agencies, and school administrators.

IMPORTANT TERMINOLOGY IN THE SPECIAL EDUCATION PROCESS

Special education is specially designed instruction, provided at no cost to the family, and designed to meet the unique needs of each student who qualifies for special education services.

Case conference committee (CCC) is the group of individuals, including school personnel and the parents, that decides whether a student qualifies, is eligible, for special education and, if eligible, decides what special education and related services will be provided, based on the student's needs.

Individualized education program (IEP) is a written document developed by the school and the parents at a case conference committee meeting. Among other things, an IEP describes any needed accommodations or modifications in the general education environment, as well as any special education and related services that will be provided to the student. An IEP must be reviewed and updated by the case conference committee at least every twelve months.

Student with a disability means a student who has been identified as having a disability listed in Article 7 AND who needs special education and related services because of that disability. Rule 41 lists the eligibility categories and the criteria for each category.

13 Identified Areas of Eligibility:

- Autism spectrum disorder
- Blind or low vision
- Cognitive disability
- Deaf or hard of hearing
- Deaf-blind
- Developmental delay (early childhood)
- Emotional disability
- Language or speech impairment
- Multiple disabilities
- Other health impairment
- Orthopedic impairment
- Specific learning disability
- Traumatic brain injury

Related services are services such as physical therapy, counseling, or transportation, that are designed to supplement the student's instructional program and are necessary for the student to benefit from special education.

EARLY CHILDHOOD SPECIAL EDUCATION

The school must make a free appropriate public education available to any student with a disability beginning on the student's third birthday. Some students may have participated in an early intervention program for infants and toddlers and, at the age of 3, if eligible, will transition to early childhood special education provided by the school. First Steps is the name of Indiana's program for infants and toddlers and their families. Participating in an early intervention program is not a requirement for receiving early childhood special education services when the student turns 3. Early childhood special education is available for students with disabilities from the student's third birthday until the student is eligible for kindergarten.

TRANSITION INTO EARLY CHILDHOOD SPECIAL EDUCATION

If the student has been participating in an early intervention program, such as First Steps, there is to be a "transition planning conference" convened by the First Steps service coordinator, before the student's third birthday. The school is required to participate in this conference as long as the parents agree to the school's participation.

By the time of the student's third birthday, the school must have:

- completed its evaluation of the student;
- convened the case conference committee to decide if the student is eligible for special education services;
- developed an IEP if the student qualifies for services; and
- prepared to start services on the student's third birthday.

If the student's third birthday occurs during the summer, services must be provided during the summer if the student's IEP requires *extended school year* services. Otherwise, the IEP should indicate that services will start at the beginning of the school year.

DEVELOPMENTAL DELAY (511 IAC 7-41-6)

A 3 year old, 4 year old, or 5 year old who is not yet eligible for kindergarten may qualify for special education as a student with a "developmental delay," a category that can only be used for this age group.

A developmental delay is defined as a delay in the student's development of gross motor, cognitive, receptive or expressive language, social or emotional, self-help, or other adaptive skills. The student's eligibility for services as a student with a developmental delay is dependent upon the extent of the delay in specific developmental areas.

The case conference committee determines the number of hours per day and days per week of instructional time the student will receive. The case conference committee also decides the related services needed by the student. Services are to be tailored to the unique developmental and educational needs of the individual student. The caseload for teachers is to be decided by the case conference committee based on the following:

- the nature and severity of the students' disabilities;
- the type and intensity of services needed as specified in each student's IEP;
- the chronological age of the students;
- the total number of students with and without disabilities for whom the teacher has instructional responsibility.

As decided by the case conference committee according to the individual needs of each student, young students ages 3 and 4 may receive special services in a general education preschool, a special education preschool or a community preschool. Home-based early childhood special education and related services may also be provided in the residence of the student's family or caregiver, or in a combination of these settings.

FIRST STEPS SUMMARY

In 1986, IDEA was amended to include the preschool amendment act. With the reauthorization of IDEA in 1997, the infants and toddlers with disabilities section became known as Part C. Part C supports the provision of services to infants and toddlers from birth to age 3 and their families. While Parts B and C are both part of IDEA, they are different federal programs, each with their own set of rules and regulations.

The majority of the material in this information packet refers to Part B and specifically Indiana's special education rule, Article 7, as revised and updated in 2008. The following information briefly discusses Indiana's early intervention system.

First Steps, Indiana's early intervention program, offers a framework that is responsive to the regulations set forth in IDEA, Part C, and guides providers to implement services through a collaborative team effort with families and their children. All available resources must be accessed to support the provision of early intervention services to all eligible children and their families.

The First Steps Early Intervention System is available to serve infants and toddlers (from birth to their third birthday) and their families. Each state is also responsible for defining their eligible population within the criteria set forth by federal law.

In Indiana an infant or toddler with a disability is defined in Article 7, at 511 IAC 7-32-50, to mean "an individual under three (3) years of age who needs early intervention services…because the individual:

(1) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one (1) or more of the areas of :

a. cognitive development;
b. physical development;
c. communication development;
d. social or emotional development; and
e. adaptive development; or

(2) has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

I am concerned that my child may need early intervention services. What should I do?
You will need to contact the regional System Point of Entry or SPOE office. Each regional SPOE office serves a cluster (group) of Indiana counties. You may view a "cluster map" at http://www.in.gov/fssa/ddrs/4819.htm. There you will find contact information for your regional office.

The SPOE is the place within a region where referrals are received for children who have, or are suspected of having, a developmental delay or a condition likely to result in a delay. It is also where children from birth to age 21 may be referred for the Children with Special Health Care Services (CSHCS) program. There are 10 offices in the state that facilitate access to programs and services for families. Each office maintains a list of providers within the region.

Once you have made contact with the regional SPOE, you will begin working with an Intake Service Coordinator. The Intake Service Coordinator will meet with you and your family to understand your concerns. That person will also work with you to schedule activities that will determine eligibility, assess developmental services needs, and if your child is eligible, develop an Individual Family Services Plan (IFSP).

(Adapted from: *The Individuals with Disabilities Education Act Amendments of 1997: Curriculum, Washington, D.C., November, 1997)*

BEFORE SPECIAL EDUCATION SERVICES COMPREHENSIVE & COORDINATED EARLY INTERVENING SERVICES

Response to Intervention-RTI 511 IAC 7-40-2

Traditionally, when students have not been able to keep up with the rest of the class *academically, good teachers have tried using alternative ways of teaching before referring* them for formal evaluation. The same is true for students who present challenging behaviors that interfere with learning. In an attempt to provide this type of early help, Indiana has established an option for schools to provide pre-referral interventions. Article 7, Rule 40, Section 2, gives Indiana schools the authority to establish "Comprehensive and coordinated early intervening services."

This means that Indiana schools may provide more support for students who struggle to learn, especially students in kindergarten through 3rd grade, but also older students. These are students who do not currently receive special education or related services but who need more academic and behavioral support to succeed in the classroom.

One of the first steps for the schools to take is to provide training for staff to learn to use "scientifically based academic and behavioral interventions" for struggling students. This means that the methods teachers use to help students must be backed up by scientifically-based evidence of their effectiveness. These methods are to be provided in the student's regular classroom so they receive support aimed at helping the student work at grade level. The goal is three-fold:

(1) to help as many students as possible reach their potential in school without needing special education services;
(2) to make sure that students who struggle get the right kind of instruction to increase the student's rate of learning to grade level; and
(3) to gather accurate information about the needs of students who may truly have a specific learning disability and need to be referred for comprehensive educational evaluation.

NOTICE TO PARENTS

The parent is to be notified by the school, in writing, if their student needs specific academic and behavioral interventions. Schools do not need written consent from the parent to provide interventions. The written notice should tell the parent how the school will keep track of the student's progress, what kind of information they will record about the student's progress and what general education services the student will receive. It must also explain what methods will be used and the parent's right to request an educational evaluation.

The *written notice** about academic and/or behavioral interventions needs to advise the parent of the following:

- the parent and the school need to agree about the amount of time to allow for progress to occur;
- that the school will recommend an educational evaluation for the student when the student has been unable to make enough progress;
- the school will provide the parent "written notice"* about the evaluation process before asking for written consent from the parent to conduct educational evaluations; and
- after the school receives written consent from the parent the school must evaluate the student and convene the case conference committee meeting within **twenty (20) instructional days**. This 20 day timeline only applies to students who have received interventions described in this section.

**Written notice about the evaluation process is explained in the information that follows.*

REFERRAL AND INITIAL EDUCATIONAL EVALUATION

511 IAC 7-40-1 thru 8

The first step in accessing appropriate educational services for a student suspected of or who has a disability, is the **referral for an educational evaluation.** This step will start the process of gathering information about a student to help determine if the student is eligible for special education services and, if so, what services the student may need.

A referral may be made by the parents, teachers, school administrators, or specialists. If the parent or student wishes to make a referral, the parent or student must contact licensed personnel.*

A parent's request may be made verbally or in writing. At that point, **the school has ten (10) instructional days to provide the parent with**

- a copy of the written notice of their rights during the evaluation process as described in (1) through (7) below; *and*
- a statement that a parent of a student with a disability has protection under the procedural safeguards of Article 7. (Notice of Procedural Safeguards (NOPS) is explained in the Procedural Safeguards section of this booklet.)

***Licensed personnel** is defined as teachers, school counselors, school psychologists, school social workers, building principals and other administrators who are employed by the public agency.*

The school needs to provide the parent all relevant information about the evaluation process in an effort to assure that the parent is fully informed before giving their written consent. This information should include the following:

(1) a statement that the school either agrees or refuses to provide the educational evaluation and the reason for doing so;
(2) a description of the evaluation process;
(3) the timeline for conducting the evaluation and convening the case conference committee meeting;
(4) an explanation of how to request
  (a) a copy of the evaluation report at no cost to the parent, before the case conference committee meeting; ***and/or***
  (b) a meeting with someone who can explain the results of the evaluation before the case conference committee meeting.
(5) if the school is refusing to conduct the educational evaluation, a description of why they are refusing;
(6) the parent's right to contest the school's refusal by asking for mediation or a due process hearing; and
(7) a list of sources for parents to contact to obtain assistance regarding the special education provisions.

INFORMED WRITTEN CONSENT

Before the evaluation can begin, the parents need to give informed written consent* for the evaluation.

> ***Consent** means that the parent has been fully informed, in their native language or mode of communication, of all relevant information; the parent understands and agrees to the activity for which consent is being sought. The consent describes the activity and lists what records will be released and to whom. The parent understands that giving consent is voluntary and can be revoked at any time. If consent is revoked, it is not retroactive. [511 IAC 7-32-17]*

Article 7 states that if the parent does not provide consent for initial educational evaluation or fails to respond to a request to provide consent the public agency may, but is not required to, pursue the initial evaluation of the student by using mediation or requesting a due process hearing. However, the school/public agency is not required to provide the educational evaluations if the parent does not provide written consent.

The evaluation must be conducted and a case conference convened within fifty (50) *instructional* days of the date licensed personnel receives written consent from the parent.

When the referral process is complete, the fifty (50) day timeline for conducting a comprehensive educational evaluation will begin.

Parental consent for evaluation shall not be intended to mean consent for any services other than the evaluation of the student.

QUESTIONS PARENTS MAY WANT TO ASK BEFORE AN EVALUATION

- What will the evaluations be like for my student?
- How can I prepare my student and help make this a positive experience?
- Who will conduct the evaluations?
- Will my student have an opportunity to get acquainted with the people doing the evaluation?
- How long will the evaluations take and will they all be done at one time or over several days?
- What information can I share with you to help you understand my student and will you consider reports that I already have from doctors, therapists, and specialists?
- What information does the school need to help decide if my student qualifies for special services?
- How soon can I expect to hear when the evaluations will begin?
- When will I be able to learn about the evaluation results and talk with the evaluators about them?
- What happens after the evaluations are completed?

OVERVIEW OF THE EVALUATION PROCESS

511 IAC 7-40-3 thru 6

Educational evaluation is the process used to decide if a student has a disability and qualifies to receive special education and related services. The purpose of educational evaluation is to assess specific areas of educational need, and not just to determine a student's IQ (intelligence quotient). The schools must make sure that the methods they use to assess students provide meaningful information that directly helps the case conference committee decide on services that will meet the needs of the student.

An **educational evaluation** must be done before a student begins receiving special education services and at least every three years after that, as needed.

An evaluation must -

- be preceded by written parental consent;
- be conducted in the student's native language or mode of communication;
- be given in ways that are likely to provide accurate information about
  - ✓ What the student knows academically;
  - ✓ The student's level of development; and
  - ✓ The student's level of functioning
- be nondiscriminatory and unbiased (because of disability, race, culture, native language, way of communicating, socioeconomic status, etc.);
- be carried out by a *multidisciplinary team of trained evaluators*;
- use a variety of assessment tools and strategies, not just one test; and
- include ways to identify *all* of the student's special education needs, not just those typical of a particular disability category.

As a part of the educational evaluation, the case conference committee and other qualified professionals (*known as a multidisciplinary team*) must, with or without a meeting, review the existing data on the student. The existing data is likely to include information provided by the parent, current observations by teachers, and related service providers and current classroom, local and state assessments. Based on that review and input from the student's parent, the team will identify the suspected disability and the need for additional data to help the case conference committee (CCC) make decisions about the student's eligibility for special education, and the special and related services needed by the student.

A comprehensive educational evaluation should include assessments through observation, interviews and formal testing. Several areas may be assessed, including the following:

- Development
- Cognition (defined as pertaining to the mental processes of perception, memory, judgment, and reasoning. It may also be described as the ability to think and the process of knowing or having knowledge.)
- Academic achievement
- Functional performance or adaptive behavior
- Communication skills
- Motor and sensory abilities, including vision and hearing
- Available medical and mental health information ***that is educationally relevant***
- Social and developmental history

This assessment must be conducted by a team of professionals that, in most cases, includes at least the following:

- one (1) teacher licensed in, or other specialist with knowledge in, the area of suspected disability;
- a school psychologist, except for 3 and 4 year olds **or** a student with only a suspected speech or language impairment; *(see explanations below)*
- others as appropriate such as a general education teacher, or counselor who know the student well; and
- input from the parent.

Medical evaluation is ***required*** for the three (3) eligibility categories of blind or low vision, deaf or hard of hearing, and deaf-blind. For all other categories available medical information that is educationally relevant may be gathered.

There are several other requirements, according to Article 7, for certain areas of suspected disability. For a student with suspected speech impairment only, the speech-language pathologist may serve as the only evaluator. For a student with suspected language impairment, a speech-language pathologist and at least one (1) qualified person from a different area of expertise must participate.

For a student who is blind or has low vision, is deaf or hard of hearing or has suspected multiple disabilities, the school may request that a representative from the state-operated schools* serve as a part of the team. This can be done only when the parent has provided additional written consent for the representative's participation, separate from the consent for the initial evaluation.

** "State-operated schools" refers to either the Indiana School for the Blind, the Indiana School for the Deaf in Indianapolis, or Indiana Soldiers' and Sailor's Children's Home In Knightstown, IN.*

For a 3 or 4 year old student with a suspected developmental delay, the team needs to include at least two (2) qualified professionals from different disciplines based upon the needs of the student.

THE EDUCATIONAL EVALUATION REPORT

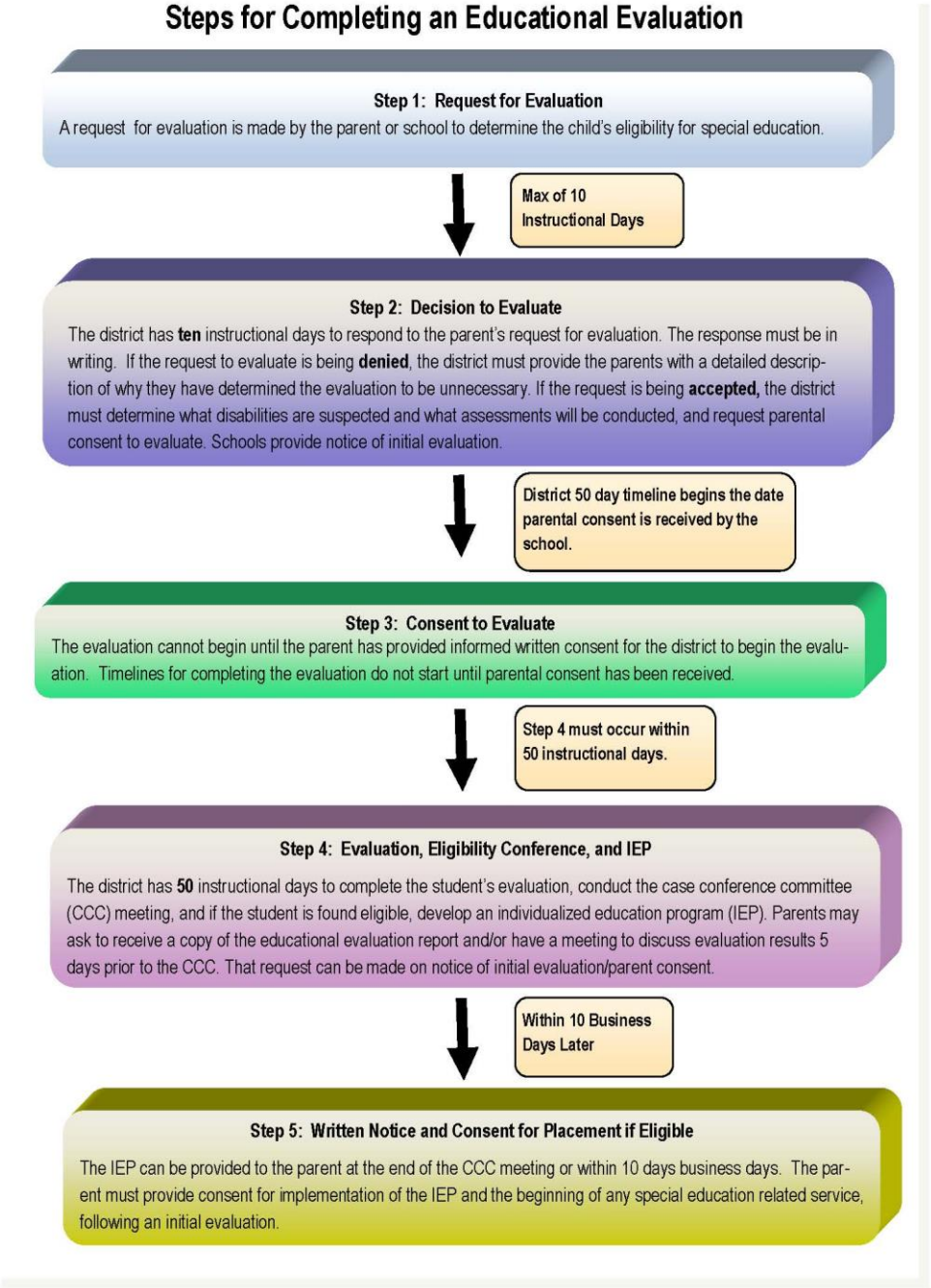
After an educational evaluation has been completed, the team must record the results, their findings, into an educational evaluation report. When the parents provided their written consent for evaluations the schools were to have offered the parents an opportunity to receive a copy of the evaluation report and an opportunity to meet with a person who can explain the results, before the case conference committee meeting.

For a student with a suspected disability of autism spectrum disorder, the educational evaluation report must include the results of a collection of information specific to the characteristics of autism spectrum disorder.

All the information contained in the educational evaluation team report must be considered by a case conference committee. The determination of eligibility rests solely with the case conference committee.

Remember that the parent is a member of the case conference committee and is to have input about decisions that affect the student.

STEPS FOR COMPLETING AN EDUCATION EVALUATION



INDEPENDENT EDUCATIONAL EVALUATION

511 IAC 7-40-7

"Independent educational evaluation" (IEE) means an evaluation conducted by a qualified evaluator who is not employed by the schools.

If the parent disagrees with the school's evaluation, the parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation conducted by the public agency, subject to the provisions of subsection (c). Public expense means that the school either pays for the evaluation or otherwise assures that the evaluation is provided at no cost to the parent. When the IEE is at public expense, the parent is allowed only one evaluation each time the school conducts an evaluation with which the parent disagrees.

The school may ask the parent why the parent believes an independent evaluation is necessary, but the school cannot require a response. The school is not to unreasonably delay providing the IEE because of the response they receive from the parent or because the parent does not respond.

The school has ten (10) business days from the date they receive the parent's request for an IEE to

- notify the parent in writing that the independent evaluation will be at public expense; or
- initiate a due process hearing to show that its evaluation is appropriate.

When the parent asks about an independent educational evaluation the schools are to give the parent information about where they can get an IEE for their student. The schools also need to inform the parent about the school's requirements according to "educational criteria" which means the rules or standards they use for their evaluations.

A parent always has the right to get independent educational evaluations at their own expense. However, if the parent wants the schools to consider the results of their IEE, the schools' evaluation criteria must be followed during the course of the evaluations.

***Citation 511 IAC 7-40-7

Sample Letter Requesting Evaluation

Date

Your Name
Your Street Address
Your City and State
Your Phone Number

Principal's Name
School Name
School Address

Reference: Student's Name
DOB: Student's Date of Birth
School: Name of School and enrolled grade

Dear XXXXXXX:

I am writing to you because my child is having difficulties in school and I believe is in need of being evaluated for Article 7 services. My child's difficulties are (*list academic subjects, skills, behaviors or emotional or social issues for example*).

If you need more information, please call me at home (*your home phone*) or at work (*your work phone*).

Thank you very much for your kind assistance. I look forward to hearing from you within the next 10 instructional days.

Sincerely,

Your Name
Your Contact Information

REEVALUATION

511 IAC 7-40-8

The school must *consider* reevaluation for each student receiving special services **at least once every three (3) years**. However, if there is no need for updated information, the parent and schools may agree that a reevaluation is not needed.

If the case conference committee, the parent or the teacher requests reevaluation, it must take place within **fifty (50) instructional days** of the date that written parent consent is received by licensed school staff.

The school is required to make an effort to get informed parental consent when the school is proposing to reevaluate the student. However, the school may proceed with the reevaluation if they have kept a record and can document sufficient effort to get consent but were not successful. Also in such an instance, either the parent or the school may pursue mediation or a due process hearing if they so choose.

When moving forward with the reevaluation, the case conference committee and other qualified professionals, as appropriate, are to do the following:

- review any existing information on the student, including evaluations and information provided by the parents, current classroom based, local and state assessments and observations of teachers and related service providers;
- based on the review and input by the parents, identify what additional information is needed to determine the following:

  - ✓ whether the student continues to have a disability
  - ✓ the present levels of academic achievement and functional performance and related developmental needs of the student;
  - ✓ whether the student still needs special education and related services; and
  - ✓ whether changes to the special education and related services are needed to assist the student to meet the goals of the IEP and to participate as appropriate in the general curriculum.

This review may be done without a meeting.

CASE CONFERENCE COMMITTEE

511 IAC 7-32-12

A case conference committee (CCC) is a group of persons, including parents and public agency personnel, who are responsible for the following:

(1) reviewing the educational evaluation report and determining a student's eligibility for special education and related services;
(2) developing, reviewing and revising a student's individualized education program (IEP) or transition IEP; and
(3) determining the appropriate special education services and placement for a student and the settings in which those services will be provided.

NOTICE OF CASE CONFERENCE COMMITTEE MEETINGS

511 IAC 7-42-2

A case conference committee meeting must be scheduled at a mutually agreed upon date, time and place. The parent must be given adequate notice of the case conference committee meeting in the parent's native language* or other mode of communication early enough to ensure that one (1) or both parents have the opportunity to attend. If neither parent can attend in person, the public agency must use other methods to ensure parent participation, including an individual or conference telephone call.

*"Native language," for use in all contact with students and parents, means the following:

- for a parent or student of limited English proficiency, the language normally used by that individual in the home;
- for a parent or student who is deaf or hard of hearing or blind or has low vision or with no written language, the mode of communication that is normally used by the individual, such as sign language, Braille, or oral communication.

*For the **initial** case conference committee meeting, the first one following the very first educational evaluation, the notice of the meeting must be provided to the parent in writing. It must be given not later than **five (5) instructional days** before the meeting. It must include a description and findings of each evaluation, procedure, assessment, record or report the school used when evaluating the student. It must also describe what the school is proposing for the student and explain the reasons for their recommendation.*

Notice of the meeting must be sent to the following persons:

- the parent, regardless of the age of the student;
- the student of legal age;
- each person who *must* attend the case conference committee meeting.

Notice of the meeting must include the following:

- the date, time and place of the meeting;
- the purpose of the meeting;
- the name and title or position of the designated public agency representative and a list, by name and title or position, of other expected participants, including any other agency that will be invited to send a representative;
- a statement that the parent may bring or request the participation of any other individual whom the parent has determined has knowledge or special expertise regarding the student, including the student; and
- a statement that the student will be invited to case conference committee meetings when the purpose of a meeting is to develop or revise the transition IEP.

CASE CONFERENCE COMMITTEE PARTICIPANTS

511 IAC 7-42-3

The public agency shall ensure that the case conference committee participants include the following:

- a representative of the school who
  - ✓ is qualified to provide or supervise those who provide special instruction;
  - ✓ knows about the general education curriculum;
  - ✓ knows about the school's resources and has the authority to provide those resources.
- the student's current teacher of record or, in the case of a student with a communication disorder only, the speech-language pathologist;
- someone who can explain the evaluation results and what they mean for the education of the student;
- for a student whose *initial eligibility* for special education and related services is being considered, a teacher licensed in the area of the student's suspected disability; and at least one member of the evaluation team;
- one (1) of the student's general education teachers, if the student is or may be participating in the general education environment;
- the parent of a student who is less than eighteen (18) years of age, or the student of legal age;
- the student when the purpose of the meeting is to develop or revise the transition IEP.

Either the parent or the public agency may ask for other individuals to attend who have knowledge or special expertise about the student including special education teachers, general education teachers and related service personnel as appropriate. The person who requests someone else to attend decides that person has special expertise or knowledge.

For further details about participants who either need to attend certain case conference committee meetings or may be excused from certain case conference committee meetings, it is a good idea to call IN*SOURCE staff or read Rule 42, Section 3, at http://www.doe.in.gov/sites/default/files/specialed/art7.pdf .

THE CASE CONFERENCE COMMITTEE MEETING

511 IAC 7-42-5

The case conference committee (CCC) must meet at the following times:

- after an initial evaluation or a reevaluation;
- periodically but not less than annually;
- on request when either the parent or school believes some required content of the IEP needs to be changed;
- within 10 instructional days of the date the student enrolls from either another district or another state;
- when certain disciplinary action is being taken;
- at least every 60 instructional days when a student is receiving homebound services

The purpose of the periodic or annual case conference meeting is to review the student's IEP and decide whether the annual goals are being achieved. That is the time when the committee needs to address any lack of expected progress, based on progress monitoring data, toward the annual goals and in the general education curriculum.

As a parent, your most important goal should be to get good services for your student. Although we all want the best for our student, the law guarantees a free **appropriate** public education. This means thinking, planning and being prepared. This information is designed to help you prepare for a successful and productive conference.

Always remember that you are part of the "team" that plans your student's individualized education program (IEP).

"It is important to recognize that behind every success story, there lays a journey in which commitment, hard work, and humor paved the way."

~Institute of Disability, University of New Hampshire

CASE CONFERENCES REMINDERS FOR PARENTS

Parents are important participants in school meetings. So important, in fact, that parental participation is guaranteed by federal special education law. This handout is designed to help parents participate in school meetings by highlighting some parental rights and discussing typical meeting procedures. Article 7 is Indiana's Special Education rule that complies with the federal special education law. Where applicable, you will see citations (beginning with the number seven) showing where supporting information can be found in Article 7. If you wish to obtain a copy of Article 7, visit our website at http://www.insource.org/.

- The Case Conference is a meeting where school personnel, parents and sometimes students meet to discuss and develop a students Individualized Education Plan (IEP).
- The parent and the school are equal partners of the case conference committee and both share decision-making authority. IAC 7-32-12, 7-37-1 (f) (3) (A), 7-42-3 (b) (5) (A)
- Remember that as a parent, you know your child's needs and strengths best. The Case Conference Committee is required to consider your concerns. Your input is valuable and you are an important member of the team! IAC 7-42-6 (b) (2)
- Conferences are to be held at a "mutually agreed upon" day & time. If the date suggested by school does not work for you, please contact school immediately and offer alternative dates/times when you will be available. If necessary, you can attend by phone. 7-42-2 (a)
- Case conference meetings can be overwhelming because there are usually several people from the school in attendance. Special education law requires that people with different areas of expertise attend – not because they are trying to intimidate you. IAC 7-42-3 (e)
- You can invite an advocate, friend, anyone knowledgeable about your child to the case conference. Let the school know if you plan on bringing someone with you. 7-42-2 (d)(4)(A)
- Be sure to read the Notice of Procedural Safeguards that is provided by the school at your meeting. It provides a good summary of your rights. Prepare for the meeting by making a list of the issues you wish to discuss and prioritize them as "must haves" and "would be nice to haves." Go to insource.org Parent Resources tab to print off a copy of "Worksheet of Concerns".
- Organize important information you have about your child (such as test results, report cards and samples of school work) to bring to the meeting. This information should support the concerns and/or services you may be requesting.
  - At the beginning of the meeting, clarify who is making decisions for the school.
  - Clarify how much time has been set aside and use the time wisely by maintaining focus on your child and the topic at hand.
  - Stay focused and positive. You have the right to air your concerns in an appropriate manner. Ask questions about things you don't understand.
  - Keep notes of what transpires at the meeting in order to review them later and to be certain that the discussions were included in the report of the meeting.
  - You can stop a case conference at any time and ask to continue the meeting at a later date if you don't understand something or feel that the meeting is becoming too emotional.
  - If you and school personnel disagree on key issues such as eligibility for special education or services, you can stop the case conference and ask to reconvene at another time. You can bring additional information or an advocate to the next meeting. Or, you may choose to request mediation and/or a due process hearing to resolve the disagreement. You don't have to sign the IEP at the meeting. You can take it home to read and compare to your notes of what transpired at the meeting. You can call IN*SOURCE with questions.
  - If this is your child's **first** IEP meeting, the school cannot provide any services without your signature on the IEP.
  - If this **is not** your child's first IEP, it is very important to remember that the IEP can be implemented without your signature. You **must** submit your disagreement to the IEP **in writing** to the school within 10 days. Date it and keep a copy. IAC 7-42-8 (a) (2)
  - Keep in mind that building a good relationship with school staff is the best way to achieve good results during your student's school years.
  - **Remember, if things are not going well, you can request to stop the meeting and reconvene at a later date.** You can contact IN*SOURCE for assistance (800) 332-4433 or insource.org

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THE HOME FILE

One very important thing a parent can do to help school meetings run smoothly is to keep a Home File containing their student's special education information. This file will be will rich with information and can help a parent significantly in preparing for the meeting. It can also provide the basis of "evidence" that can help bolster a parent's "case" if they feel their student may need more or a different type of service or is not making adequate progress. The Home File will augment the school's official educational records (a copy of which may be requested by the parent) by including some more specific items as well as documentation of home/school communication.

Parents sometimes report feeling that the school isn't following their child's Individualized Education Plan (IEP), but do not have a copy of the IEP. Parents may feel their child is not making adequate progress. But, how does a parent know? Report cards, scores on standardized tests such as ISTEP and homework all provide evidence of success, failure or need for improvement. Parents can take these documents to the case conference and use them to support their request for more or different services, or different goals, in a way that just a "feeling" cannot. Feelings are not objective. Written documentation is evidence! To effectively advocate, parents must be prepared. Create your Home File as soon as your student is referred for their first special education evaluation. Don't wait until a problem arises.

The home file should contain:

- IEP or Section 504 Plan or Service plan (non-public schools)
- Report Cards, samples of graded homework, and any documentation of progress towards IEP goals
- Statewide Assessment Data (such as ISTEP)
- School evaluations and other outside evaluations
- All written communication with outside professionals including reports/evaluations/ letters/recommendations from student's doctor/psychologist/psychiatrist/therapist regarding student's disability
- All written communication to and from school including hand written notes, comments on homework, email, notice of conferences
- Dated notes regarding important phone conversations between parent and school
- Parent's home observations on academic tasks or tasks that are relevant to school issues

If applicable –

- Relevant medical records and list of medications
- Discipline information including Functional Behavior Assessment, Behavior Plan, attendance reports, all disciplinary referrals including suspensions and expulsions

A three ring binder with dividers or individual file folders are very helpful in organizing these documents. Documents should be separated into the above categories and then filed in chronological order. Parents can create an email file for their student and save each email and response from the school into this file for ready access. For more information, visit our website at http://www.insource.org, and watch our webinar on *Preparing for the Special Education Case Conference*.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS



INDIVIDUALIZED EDUCATION PROGRAM (IEP)

An individualized education program (IEP) is a written document, developed by the case conference committee that describes how a student will access the general education curriculum and the special education and related services needed to participate in the educational environment.

The IEP requirements of Part B of the IDEA emphasize the importance of three core concepts: (1) the involvement and progress of each student with a disability in the general curriculum including addressing the unique needs that arise out of the student's disability; (2) the involvement of parents and students, together with regular and special education personnel, in making individual decisions to support each student's (child's) educational success; and (3) the preparation of students with disabilities for employment and other post-school activities.

THREE CORE CONCEPTS

IEP Requirements under Part B of IDEA

Involvement in the General Curriculum

1. In enacting the IDEA Amendments of 1997, the Congress found that research, demonstration, and practice over the past 20 years in special education and related disciplines have demonstrated that an effective educational system now and in the future must maintain high academic standards and clear performance goals for students with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students with disabilities have maximum opportunities to achieve those standards and goals. Accordingly, the evaluation and IEP provisions of Part B place great emphasis on the involvement and progress of students with disabilities in the general curriculum. (The term "general curriculum" refers to the curriculum that is used with non-disabled students.)

   While the Act and regulations recognize that IEP teams must make individualized decisions about the special education and related services and supplementary aids and services provided to each student with a disability, they are driven by IDEA's strong preference that, to the maximum extent appropriate, students with disabilities be educated in regular classes, with appropriate supplementary aids and services, with their non-disabled peers.

   In many cases, students with disabilities will need appropriate supports in order to successfully progress in the general curriculum, participate in state and district-wide assessment programs, achieve the measurable goals in their IEPs, and be educated together with their non-disabled peers. Accordingly, the Act requires the IEP team to determine, and the public agency to provide, the accommodations, modifications, supports, and supplementary aids and services, needed by each student with a disability to successfully be involved in and progress in the general curriculum, to achieve the goals of the IEP, and to successfully demonstrate his or her competencies in assessments.

Involvement of Parents and Students

2. IDEA requires that parents have an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student, and the provision of FAPE to the student.

   In addition, the concerns of parents and the information that they provide regarding their student must be considered in developing and reviewing their student's IEPs; and parents must be kept informed about the educational progress of their student, particularly as it relates to their progress in the general curriculum.

   IDEA also contains provisions that greatly strengthen the involvement of students with disabilities in decisions regarding their own futures, to facilitate movement from school to post school activities.

Improved Results

3. One of the key purposes of IDEA is to "promote improved educational results for students with disabilities through early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment."

   Thus, throughout their preschool, elementary, and secondary education, the IEPs for students with disabilities must, to the extent appropriate for each individual student, focus on providing instruction and experiences that enable the student to prepare himself or herself for later educational experiences and for post-school activities, including formal education, if appropriate, employment, and independent living.

   Adapted from Briefing Paper LG2, 4th Edition, September 1999, published by National Information Center for Children and Youth with Disabilities.

IEP - THINGS TO CONSIDER

1. An IEP is a written document for a student who is eligible for special education services. It is developed by the case conference committee (CCC) and must include specific information. Each IEP must document general information about the student such as the **strengths of the student**. The strengths of the student are to be considered when looking for potential ways to help the student make progress.

2. Case conference committees (CCCs) are to consider the concerns of the parent as they relate to enhancing the education of the student. The IEP needs to record or document **parent concerns**.

3. Educational evaluations results should help the case conference committee understand why and how the student is struggling and how to adjust instruction so the student can succeed. This portion of the IEP is called **"a statement of the results and instructional implications of the initial and most recent educational evaluation and other assessments of the student."**

4. All of the above factors are to be discussed and thought through so the case conference committee can then determine and record **the student's academic, developmental, communication and functional needs.**

IEP - SPECIAL FACTORS TO CONSIDER

Case conference committees are required to address the following considerations when developing an IEP for each eligible student:

1. positive behavioral interventions and supports and other strategies to address any of the student's behaviors that hinder the student's learning or the learning of others;
2. any training, technical support, knowledge and skills the school personnel need to implement the student's IEP;
3. the language needs of the student who has limited English skills, as those needs relate to the student's IEP;
4. the full range of needs of a student who is deaf, hard of hearing or deaf-blind;
5. whether or not the use of Braille is needed for a student who is blind or has low vision;
6. the student's need for assistive technology devices and services; and
7. the Individualized Family Services Plan (IFSP) for a student who is transitioning from First Steps to early childhood services.

Any of the above factors that apply to the student are to be recorded on the IEP. **When developing the IEP, a case conference committee must determine the special education and related services that will meet the unique needs of the student, regardless of the student's identified disability.**

IEP CONTENTS

511 IAC 7-42-6

Each IEP shall contain the following components:

1. a statement of the student's present levels of academic and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum or, for early childhood education students, how the disability affects the student's participation in appropriate activities;
2. a statement of measurable annual goals including academic and functional goals. The goals are to address the student's needs that result from the student's disability. The student should be involved in the general education curriculum. For early childhood education students, the annual goals should allow them to participate in appropriate activities;
3. a statement of how the student's progress toward annual goals, will be measured and a statement of how the student's parents will be regularly informed of the student's progress;
4. a statement of the special education and related services and supplementary aids and services based on peer-reviewed research, as practical. There should also be a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals. The statements need to describe how the student is to be involved in and progress in the general education curriculum and to participate in extracurricular and other non-academic activities; and to be educated and participate with other students with disabilities and non-disabled students in the activities;
5. an explanation of the extent, if any, to which the student will not participate with non-disabled students in general education classes or settings and in extracurricular and other non-academic activities;

6. statement regarding the student's participation in statewide or local assessments, including individualized appropriate accommodations the student needs to participate in the assessment. The case conference committee may determine that the student needs to take an alternative assessment of student achievement. If so, the statement must include:
    a. why the student cannot participate in the general assessment;
    b. why the alternative assessment has been selected;
    c. documentation that the school informed the parent that the student's performance will not be measured against grade level academic standards.
7. the projected dates for initiation of services and modifications and the anticipated length, frequency, location, and duration of services and modifications;
8. a statement of the student's need for extended school year services (ESY);
9. identification of the placement in the least restrictive environment (LRE);
10. for students who will be entering grade 9 or who will be turning 14 years of age (or earlier if determined appropriate by the CCC, a transition IEP is to be developed (see the section on TRANSITION for details);
11. beginning **at least one year** before the student reaches **age eighteen (18)**, a statement that the student and parent have been informed that parents' rights under Article 7 will transfer to the student at age eighteen (18);
12. written notes documenting the meeting of the case conference committee that include the date and purpose of the meeting, names and titles of the participants and the issues discussed during the case conference committee meeting; and
13. any member of the case conference committee may submit a written opinion regarding the IEP no later than ten (10) business days following the meeting. The written opinion becomes a part of the student's educational record.

INDIANA IEP
The Indiana Department of Education, Office of Special Education has supported the development of a standardized, statewide, electronic IEP form called Indiana IEP, for Article 7 Compliance. All Indiana special education districts are encouraged to use this tool but may choose to use their own IEP forms.

IMPLEMENTATION OF THE IEP

511 IAC 7-42-8

Once the case conference committee has agreed upon the IEP, it must be carried out as written. The services identified in the agreed-upon IEP must be provided as soon as the necessary arrangements are completed as follows:

- **No later than ten (10) instructional days** after parent consents to the student's initial (first) IEP is received by the school;
- for all IEPs after the first one, on the eleventh instructional day **after the schools have provided written notice to the parents of their proposed actions or earlier** if the parent consents in writing to an earlier implementation date;
- on the student's third (3rd) birthday, if the 3rd birthday falls during the school year, when the student is transitioning from First Steps;
- in all other circumstances, on the initiation date stated in the student's IEP.

It is important for parents to understand that except for the initial IEP, the schools have the responsibility and the authority to provide services according to the previous year's IEP if the parent challenges the newly proposed IEP before it is implemented. In such a situation, the student continues to receive services while the parent and the schools work through their disagreement.

A parent has three options for challenging the proposed IEP:

- The parent may ask for a meeting with a person from the school who has the authority to work through the disagreement with the parent.
- The parent may ask for mediation.
- The parent may ask for a due process hearing.

One of the keys to getting the IEP implemented is the student's teacher of record. The teacher of record is a member of the case conference committee, is a special education teacher to whom a student with a disability is assigned who is licensed to work with the student. When implementing the IEP, the student's teacher of record must do the following:

- monitor the implementation of the student's IEP;
- make sure that all teachers and paraprofessionals who work with the student have access to the student's IEP and are informed about their specific responsibilities when working with the student including supports and accommodations needed by the student;
- make sure that the case conference committee is informed of any changes to the student's IEP when the parent and schools have agreed to make a change without convening a meeting.

IEP - ACCOMMODATIONS

1. List specific day-to-day adjustments in instructional methods and approaches that are made by either a general or special education teacher to assist the student to access the general curriculum and achieve the annual goals and any individual, appropriate accommodations that are necessary to measure the academic and functional performance of the student. NOTE: changes or revisions to the accommodations **or** modifications do not require action by the case conference committee UNLESS changes to the measurable annual goals, benchmarks, or short term objectives are also contemplated.

2. Include the support that will be provided to personnel working with the student. Support could include consultation with the teacher of record, training regarding the materials and/or equipment to be used, etc.

3. The term supplementary aids and services means aids, services and other supports that are provided in the general education classes or other education-related settings and extracurricular and non-academic settings to enable students with disabilities to be educated with non-disabled peers to the maximum extent appropriate. [511 IAC 7-32-95]

An ***accommodation*** allows a student to complete the same assignments or tests as other students but with a change in the timing, formatting, setting, scheduling, response and/or presentation. This accommodation does not alter in any significant way what the test or assignment measures. Examples of accommodations include a student who is blind taking a Braille version of a test or a student taking a test alone in a quiet room.

A ***modification*** is when a student is taught something different from the rest of the class, taught the same information but at a different level of complexity to meet the needs of the student, has a reduced assignment, for example, has fewer questions to answer, or the student uses a lower-level reading text book, which covers similar subject content.

*****Parents should be aware that if the student's curriculum is modified so that it no longer focuses on grade-level standards, the student's course of study is changed to one that leads to a certificate of completion, not a high school diploma. The decision to make modifications should not be made lightly or by one individual but requires a CCC team decision.**

IEP - POSSIBLE ACCOMMODATIONS/MODIFICATIONS

Learning Style:

- ☐ As an auditory learner, this student learns best by listening and discussing
- ☐ As a visual learner, this student learns best by seeing
- ☐ As a kinesthetic learner, this student learns best by doing
- ☐ As a tactile learner, this student learns best through touch
- ☐ This student is a multi-sensory learner and will benefit from having material presented using as much sensory input as possible
- ☐ Other

Study Skills & Strategies:

- ☐ Use of daily assignment sheet or notebook
- ☐ Provide extra time to complete assignments
- ☐ Audiotape classroom lectures or discussions
- ☐ Student may need a demonstration, hands on activities, concrete materials or explanation of a process or new concept; may not understand the terms used to explain a concept
- ☐ Student is allowed to copy another student's notes, use duplicate notes or use a note taker

Reading:

- ☐ Reading assignments should be presented on cassette tape or orally
- ☐ Other

Math:

- ☐ Assign fewer problems
- ☐ Assign more problems
- ☐ Use calculator when doing math
- ☐ Allow use of fact chart
- ☐ Read story problems to student
- ☐ Other

Written Expression:

- ☐ Permit use of manuscript writing
- ☐ Reduce number of spelling words to be memorized
- ☐ Word processor or computer for written assignments
- ☐ Other

Test Taking & Evaluation:

- ☐ Provide extra test time
- ☐ Duplicate book pages so student does not have to copy
- ☐ Highlighted materials
- ☐ Provide extra set of books to keep at home
- ☐ Use of peer buddy, peer tutor and/or cooperative learning
- ☐ Other

Environment:

- ☐ Preferential seating
- ☐ Study carrel
- ☐ Other

Supports of Personnel

Supplemental Aids & Services

IEP - RELATED SERVICES

511 IAC 7-43-1

In the same way that present levels of academic and functional performance, goals and objectives are individually determined for each student during the IEP process, so, too, are related services. Related services are those services necessary for a student to benefit from special education. The services may be developmental, corrective, or supportive in nature.

If the case conference committee determines that a specific related service is necessary and it is written into the IEP, the school must provide that service to the student at no cost to the parent.

Related services, which may be provided as direct services by qualified professionals or as integrated services by teachers or paraprofessionals acting in accordance with the instructions of qualified professionals, include, but are not limited to, the following:

(a) Audiological services;
(b) Counseling services;
(c) Early identification and assessment;
(d) Interpreting services;
(e) Medical services for the purpose of diagnosis and evaluation;
(f) Occupational therapy;
(g) Orientation and mobility services;
(h) Parent counseling and training;
(I) Physical therapy;
(j) Psychological services;
(k) Recreation, including therapeutic recreation;
(l) Rehabilitation counseling;
(m) School health services;
(n) School nurse services;
(o) School social work services;
(p) Transportation;
(q) Other supportive services.

Related services **do not** include the following:

(1) a medical device that is surgically implanted, such as a cochlear implant;
(2) the optimization of a surgically implanted device's functioning (such as mapping of a cochlear implant);
(3) maintenance of a surgically implanted device; or
(4) the replacement of a surgically implanted device. [511 IAC 7-32-79]

The projected dates for initiation of related services, as well as the anticipated length, frequency, location, and duration of those services must be included on the IEP.

IEP - LEAST RESTRICTIVE ENVIRONMENT

511 IAC 7-42-10

Each public agency must have in place written policies and procedures to ensure the following:

1. to the maximum extent appropriate, students with disabilities, including students in public and private institutions or other care facilities, are educated with non-disabled students;
2. special classes, separate schooling, or other removal of students from the general education environment occurs only if the nature and severity of the disability is such that education in general education classes using supplementary aids and services cannot be satisfactorily achieved;
3. unless the IEP requires some other arrangement, a student with disabilities is educated in the school the student would attend if he/she were not disabled. If another arrangement is required, the placement should be as close as possible to the student's home school. Placement is based on the student's IEP and reviewed annually;
4. a continuum of services that is available to meet the individual needs of students with disabilities and makes provisions for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general education placement;
5. in selecting the least restrictive environment, consideration is given to any potential harmful effect on the student or quality of services needed;
6. each student with a disability has an equal opportunity to participate with non disabled students in nonacademic and extracurricular services and activities to the maximum extent appropriate;
7. special education and related services are delivered in the least restrictive environment determined by the case conference committee, regardless of the identified disability;
8. the provision of services to students with different disabilities at the same time and in the same classroom is permitted;
9. students with disabilities are in classes and buildings with students of similar ages unless an alternative is determined appropriate by the case conference committee and the reasons for that determination are documented in the written notice;
10. students with disabilities are not removed from education in age-appropriate general education classrooms solely because of needed modifications in the general curriculum.

IEP – TRANSITION

Transition services must be addressed in the IEP for each student beginning at the case conference committee meeting when the student enters into grade 9 or becomes 14 years of age, whichever comes first, or earlier if determined appropriate by the case conference committee.

The student must be invited to any conference that formally discusses transition planning. If possible, the student should lead and/or provide input to the development of transition outcome statements, goals, objectives and activities. If a student cannot attend, the student's preferences and interests must be taken into consideration.

1. Students will plan and select a path of study for high school, guided by the post school desires. Consider whether the student will pursue high school graduation and a diploma by earning credits for academic and vocational courses or whether the student would benefit from an educational program which is non-credit in nature.

2. The IEP team must develop appropriate, measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills. The student should be primarily responsible for determining his or her projected post school outcomes. Transition outcome statements that begin with "I will" encourage the student to be more involved in the discussion.

3. The statement of transition services should relate directly to the student's post secondary goals and should:
    a. define every activity that **must** occur;
    b. identify who has primary responsibility for each activity;
    c. specify the dates and order that each activity will begin and end; and
    d. motivate your student to complete his or her education and minimize the risk of dropping out prior to graduation.

4. If the answer to the questions "Are services needed?" under any of the listed categories is "Yes," then the service identified must be connected to a specific goal on the goals and objective page of the IEP. If the answer is "No," a statement must be included stating why that determination was reached and what the decision was based on.
    a. **Academic Instruction:** The use of formal techniques to impart knowledge typically provided in schools but could be provided in adult basic education and post secondary schools.
    b. **Community Experiences:** Those services provided outside the school building, in community settings, by schools or other agencies, such as job training programs, banking, shopping, recreation/leisure activities.
    c. **Employment - Adult Living:** Services that lead to a career and adult living activities, such as registering to vote, filing tax returns, obtaining work permits, job shadowing and job training.
    d. **Daily Living - Functional Vocational Education:** Those activities that adults do every day, such as preparing meals, housekeeping skills, budgeting, personal care skills, etc.

5. Activities are action steps necessary to reach desired outcomes. If an outcome is "I will seek employment," sequential activities that support the outcome might be as follows:
    a. obtain a student work permit;
    b. visit the local Office of Workforce Development to do a job search on the computer database;
    c. check employment ads.

6. A statement identifying the individuals and agencies responsible for implementing the activities and services and, if appropriate, a statement of each agency's responsibilities or linkages. If an identified agency fails to provide agreed upon services, the public school must reconvene the case conference committee and determine an alternative strategy to meet the goal or objective.

7. The case conference committee shall review the available adult services provided through state and local agencies and present written information on those services to the student and the parent. Adult services may include, but are not limited to, the following:

    a. Vocational Rehabilitation Services;
    b. Department of Workforce Development;
    c. Social Security Administration;
    d. Bureau of Developmental Disabilities Services;
    e. Mental Health Center;
    f. Community Rehabilitation Program; and
    g. Area Agency on Aging.

8. Upon obtaining authorization to disclose confidential information, the public agency and the vocational rehabilitation counselor shall confer at least **one (1) time per year** to review transition-age students. The school must obtain written consent from the parent or the student of legal age to invite the vocational rehabilitation counselor to the case conference committee meeting that will take place during the school year before the student's projected final year of school or earlier.

    This form is to be sent to the Office of Vocational Rehabilitation in the year prior to the student's anticipated exit and shall include the name, address, age and identified disability of the student for whom the case conference committee meeting is being conducted. The public agency shall orally advise and provide written materials to the student and the parent that describe the array of vocational rehabilitation services that may be available and the process to access those services.

9. At least **one (1) year** before the student reaches the age of majority, which is age **eighteen (18)**, the school must tell parents and students about the rights that will transfer to the student, if appropriate, at age eighteen (18).

Excerpt from Article 7

Transfer of rights to student [511 IAC 7-43-5]
Section 5.(a)..., when a student attains **eighteen (18) years** of age, all of the rights that were formerly provided to the student's parents under Article 7 shall transfer to the student.

(b) If a student who has attained **eighteen (18) years** of age has (1) a guardian appointed, the rights under this Article shall transfer to the guardian unless specifically otherwise provided in the guardianship proceeding; or (2) an educational representative appointed according to the procedures in section 6 of this rule, the rights under this article must transfer to the student's educational representative.

(c) When a student who is incarcerated in an adult or juvenile state or local correctional institution attains **eighteen (18) years** of age, the student shall have all of the rights that were formerly provided to the student's parents under this Article.

(d) At a case conference committee meeting, no later than one year before a student becomes 18 years of age, the public agency must inform the student and the parent that the parent's rights under this article will transfer to the student at **eighteen (18) years** of age unless a guardianship or educational representative has been established for the student. The student's individualized education program must include a statement that the student and the parent were informed of the transfer of parental rights in accordance with 511 IAC 7-42-6(f)(10).

(e) At the time the student attains **eighteen (18) years** of age and unless a guardianship has been established for the student, the public agency shall provide written notice to the parent and the student that the rights under this Article have transferred to the student.

10. Now, under IDEA 2004, when a student graduates with a regular diploma or reaches the maximum age for receiving special education services as set by the state (turning **22 years** of age in most cases), the school district is not required to perform a reevaluation. Instead, the school district must now provide a summary of the student's academic and functional performance. This summary of performance must include recommendations for helping the student meet his or her goals after high school.The **summary of performance** refers to the written plan required when the student exits school that provides a student with a summary of the student's academic achievement and functional performance and includes recommendations on how to assist the student in meeting the student's post secondary goals. The summary should include the information and documentation of your student's abilities and disabilities that will be necessary to access supports and services in post school activities, such as higher education. It should provide specific, meaningful and understandable information to your student, your family and any agency, including post secondary schools, that may provide services to your student after high school.

IEP - STATE AND LOCAL ASSESSMENTS

511 IAC 7-36-10

A student with a disability must participate in state and local assessment programs, including assessments described under Section 1111 of the Elementary and Secondary Education Act, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in a student's IEP.

The Department of Education, or in the case of a district assessment, the public agency must, to the extent possible, use universal design principles in developing and administering assessments.

Appropriate accommodations for the state assessment programs are set forth in the program manual issued each year by the Department of Education.

For district assessments, public agencies must develop guidelines for the provision of appropriate accommodations that do not invalidate scores.

The student's case conference committee must determine, in advance, whether the student will use any of the appropriate accommodations described in subsections (c) and (d) during state and district assessments and throughout the student's education program. If the student will use accommodations, the case conference committee must select testing accommodations the student needs in order for the assessment to reflect the student's academic achievement, not select testing accommodations that will invalidate a student's score, and document the testing accommodations in the student's IEP.

Nothing in this article prohibits the use of accommodations in classroom instruction that, if used for state and district assessments, would invalidate a student's score.

Before a case conference committee can determine that a student will participate in an alternate assessment in lieu of the general assessment, the public agency must provide the case conference committee with a clear explanation of the differences between the assessments, including any effects of state or district policies on the student's education resulting from participation in an alternate assessment.

The case conference committee may determine that a student will participate in an alternate assessment in lieu of participating in the general assessment. If the case conference committee determines that a student will participate in an alternate assessment, the public agency must ensure that the parent is informed that the student's performance will not be measured against grade-level academic achievement. Indiana's alternate assessment is called ISTAR. ISTAR guidance and criteria is available at http://www.doe.in.gov/assessment/istar.

IEP - EXTENDED SCHOOL YEAR (ESY) SERVICES

Extended school year services are special education services that are provided to a student with a disability beyond the normal school year of the public agency in accordance with the student's individualized education program. They are provided at no cost to the parent or the student and meet the standards of the state educational agency.

Each public agency must ensure that extended school year services are available as necessary if a student's case conference committee determines, on an individual basis, in accordance with 511 IAC 7-42-6 or 511 IAC 7-42-9, that the services are necessary for the provision of free appropriate public education for the student. The case conference committee may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount or duration of those services.

For a student who transitions from First Steps to Early Childhood Services, if a student's third birthday occurs during the summer and the case conference committee determines the student requires extended school year services, the student's IEP must state that services will be initiated during the summer of the student's third birthday. If the student does not require extended school year services, the student's IEP shall state that services will be initiated at the beginning of the upcoming school year.

Extended school year guidelines may be found at:
http://www.doe.in.gov/sites/default/files/specialed/technical-assistance-document-determining-need-extended-school-year-services.pdf

IEP - ASSISTIVE TECHNOLOGY

511 IAC 7-32-7

The provision of assistive technology devices and services is limited to those situations in which they are required in order for a student with a disability to receive FAPE. The case conference committee needs to discuss any item, piece of equipment, product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. This is referred to in Article 7 as an assistive technology device. The term does not include a medical device that is surgically implanted or the replacement of such device.

Assistive technology encompasses both a student's personal needs for assistive technology devices (e.g. electronic note-takers, cassette recorders, etc.) as well as access to general technology devices used by all students. If an eligible student is unable, without specific accommodation, to use a technology device used by all students, the agency must ensure that the necessary accommodation is provided.

On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's case conference committee determines that the student needs to have access to those devices in order to receive FAPE. The assistive technology devices that are necessary to ensure FAPE must be provided at no cost to the parents, and the parents cannot be charged for normal use and wear and tear.

Assistive technology service is any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes, but is not limited to, the following:

- evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
- purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities;
- selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; and
- training or technical assistance for the student or, if appropriate, the student's family or others involved in major life functions of the student.

Schools must ensure that the student, their teachers, and other personnel receive the necessary in-service instruction on the operation and maintenance of technology.

The school must ensure that assistive technology devices and assistive technology services, or both, are made available to a student with a disability if required as a part of the student's (1) special education, (2) related services or (3) supplementary aids and services.

IEP - POSITIVE BEHAVIORAL INTERVENTION

STRATEGIES AND SUPPORTS

1. Article 7 requires that the case conference committee "shall...in the case of a student whose behavior interferes with his or her learning or that of others, consider strategies, including positive behavioral interventions and supports to address that behavior."

   Regardless of a student's disability, if he or she has problems learning because of persistent behavioral concerns, or if the behaviors of the student are significantly disruptive to other students, the case conference committee must consider whether specific interventions are needed to help the student learn new behavioral skills. Any needed interventions must be written into the student's IEP and must be used consistently across environments where the behavior is a concern. Positive behavioral interventions are planned interventions that take place before the onset of problem behaviors, before escalation of those behaviors, or to prevent the behaviors from recurring.

2. Functional behavioral assessment (FBA) means a process that uses data to identify patterns in the student's behavior and the purpose or function of the behavior for the student. A functional behavioral assessment may require written parental consent if it is an educational evaluation. Written parental consent is not required when a functional behavioral assessment reviews existing data regarding a student.

3. After collecting data on behaviors and formulating a hypothesis about why the behaviors occur, the case conference committee will develop strategies and supports to address the behaviors of concern. For some students, simple interventions, such as moving a desk in a classroom may make a difference. For others students, a positive behavior intervention plan will need to be developed to address the behaviors. A plan should be tied to goals and objectives (or benchmarks) in the IEP.

   Behavior intervention plan (BIP) means a plan agreed upon by the case conference committee and incorporated into a student's IEP that describes the following:
   (a) pattern of behavior that impedes the student's learning or learning of others;
   (b) purpose or function of the behavior as identified in a functional behavioral assessment;
   (c) the positive interventions and supports, and other strategies
      (i) to address the behavior; and
      (ii) to maximize consistency of implementation across people and settings in which the student is involved.
   (d) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

The IEP can serve as the behavioral intervention plan as long as the documentation the parent receives meets all the requirements in this section.

IEP CHECKLIST

Article 7 requires that the Individualized Education Program (IEP) written for each student include specific information. This checklist is designed to be used as a tool to help you:

- **PREPARE** to develop the IEP
- **PARTICIPATE** in IEP development
- **REVIEW** the finished IEP for accuracy and completeness

A COMPLETE IEP CONTAINS	
1.	A statement of the student's present levels of academic achievement and functional performance clearly stated and supported with objective information and assessment or evaluation data, such as information from standardized testing, curriculum based measurements or performance on district or statewide assessments. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel.
a.	Academic, developmental and functional strengths □
b.	Academic, developmental, communication and functional needs □
c.	Physical/Motor development □
d.	Self-help/Personal care skills □
e.	Learning style □
f.	Social skills □
g.	Vocational/Pre-vocational skills □
2.	A statement of how much the student will participate in *general education classes and activities*
a.	All *modifications* that will be made in the general education program □
b.	The name of the teacher of record who monitors how the IEP is implemented in general education and to whom progress/needs will be reported by general education teachers □
c.	Who will report/communicate with parents and how often those reports will be provided. □
3.	A statement of *annual* goals that describe what the student can be expected to accomplish within the next **twelve (12) month** period. These goals need to be clearly stated, measurable and directly related to the student's needs as stated in the present levels of performance
a.	Academic goals (i.e., math, reading, other subject areas) □
b.	Social/Behavior goals □
c.	Self-help/Personal care goals □
d.	Physical/Motor development goals □
e.	Vocational/Pre vocational goals □

4.	For a student who will take alternate assessments, a statement of short-term instructional *objectives/benchmarks* stating	
	a. Objectives that will help the student reach the stated goals b. Objectives written so they can be measured c. Clearly stated method(s) to monitor and evaluate the student's progress toward the annual goals	□ □ □
5.	A statement of the *specific special education services/placement* (LRE) and the goals to be worked on in that setting	
	a. The specific amount of time the student will spend in general education	□
6.	A statement of *related services* and *supplementary aids and services* which will help the student benefit from special education	
	a. Date services will begin b. How often services will be provided c. How long services will last per session d. When services will end e. Location of services f. Who will provide each service g. Are the special education services and related services recommended for the student supported by scientific research that supports their effectiveness?	□ □ □ □ □ □ □
7.	A statement of *specifically designed materials* and/or *assistive equipment* needed by the student and who will provide it	□
8.	A statement of how the content of the IEP will be communicated and shared with the staff responsible for its implementation	□
9.	A statement of the projected *year* and *month* in which the student will be re-evaluated	□
10.	A statement of necessary *transition services*, if applicable	□
11.	For students in *early childhood* special education programs, objectives for parents to implement at *home* may be included	□
12.	A statement of *extended school year services*, if applicable	□
13.	A statement regarding the student's participation in statewide or local assessments	□
14.	Beginning at least one year before the student reaches age **eighteen (18)**, a statement that the student and parent have been informed that parents' rights will transfer to the student at **age eighteen (18)**	□
15.	A provision for attaching *written opinions*	□

WHAT TO INCLUDE IN YOUR STUDENT'S HOME FILE

1. Records kept in chronological order with the most recent on top.
2. Each year, a list of your student's:
    - Teacher
    - School
    - Principal
    - Psychologist
    - Related Service Personnel
    - Special Education Teacher(s)
    - School District Superintendent
    - Supervisor and/or Director
    - Special Education Administrator
3. A list of the chain of command within the school system beginning with local and ending with state and federal. Include addresses and telephone numbers for easy reference.
4. A copy of Article 7 (revised in 2008).
5. Copies of all records from your student's school files, psychological reports and any other papers the school district may have regarding your student.
6. All report cards, progress reports and standardized test scores.
7. Copies of evaluation results and recommendations from independent evaluations.
8. All written (including handwritten) letters and notes to and from school.
9. All written communication with outside professionals regarding your student's unique needs.
10. Dated notes on parent/teacher conferences.
11. Medical records and dated notes you have taken in conversation with your student's physician or other professionals who see your student related to the disability and ability to learn.
12. Dated notes on all telephone conversations with school personnel or others regarding your student.
13. A list of medications being given your student at home and at school. Include the kind of medication, time and dosage information. In addition, note prescription (℞) number(s), as well as any changes in dosage or reaction.
14. IEPs and for non-public school students, service plans.
15. Samples of schoolwork.

DISCIPLINE



DISCIPLINE

When a student with a disability breaks one of the school rules, the student may be disciplined the same as a student without a disability. However, a student with a disability has more protections in certain situations. The discipline provisions of Article 7 provides direction to both parents and schools about balancing access to educational services while maintaining an orderly learning environment in the school community.

Removal – any situation in which a student is removed from the student's current placement for ***any*** period of time.

- Schools often describe removals as suspensions or expulsion; Article 7 uses the term "removal."
- The first 10 days of removal are "FAPE free"-students with disabilities can be disciplined the same way non-disabled students are for violating school rules. The school does not have to provide services to students with disabilities if they do not provide them for students without disabilities.
- Discipline beyond 10 days – THE SCHOOL MUST PROVIDE SPECIAL EDUCATION SERVICES

***Parents need to be very careful before agreeing to "cool-down days" or removals being written into the IEP. If removals are written in the IEP they are not counted. Remember, IEPs can always be changed!

In-School suspensions typically are not considered removals if:

1. the school provides services so the student can progress in the general education curriculum;
2. the school provides services so the student can advance in their IEP goals;
3. the student participates with non-disabled students to the same degree as in their current placement.

When an eligible student exhibits behaviors that result in a **removal or a series of removals** the school principal decides if the removals result in a "disciplinary change of placement". Schools have a responsibility to make sure the student is not denied long-term access to services specified in the IEP. Recall that the basic principles of IDEA require the school to provide a **free appropriate public education** in the **least restrictive environment.** Keeping these principles in mind will help you understand the school's responsibility regarding a 'disciplinary change of placement. Principal decides based on the total number of days of removals and what behaviors triggered the removals. If the behaviors are similar there may be a change.

Two Types of Removals:

- Change of placement – if the behaviors are similar there may be a pattern.
- No change of placement – if there are no similarities there is no pattern.

Removals Exceed 10 Days but No Change of Placement

It is possible for a student to be removed for more than 10 cumulative instructional days in the same year and that the removals do not constitute a pattern and do not qualify as a change of placement. When the principal/school decides the removals do not qualify as a change of placement but the 10 instructional day timeline is passed, the principal has the responsibility to arrange for IEP services to continue in another setting.

Services may be provided in an interim alternative educational setting (IAES) and is a short-term setting where special education services are provided to the student in a more restrictive environment.

- School personnel, in consultation with at least one of the student's teachers, will determine which services will enable the student to:
    - Continue to participate in the general education curriculum
    - Progress toward meeting the goals in the student's IEP
- Parent can challenge the school's decision.
- If a parent requests a due process hearing, the hearing is expedited.

***511 IAC 7-44-3

Parent can challenge the school's decision regarding whether there is a pattern/disciplinary change of placement via mediation and/due process

If parent requests a due process hearing, the hearing is expedited. Hearing officer may return student to current placement if removal violates Article 7

If no pattern of removals has been established then there is no change of placement. If the parent challenges the school's decision or files for a due process hearing different rules apply depending on where the student was at the time. If the student was in an IAES the student remains until the time period expires or an independent hearing office decides otherwise.

***Citation can be found at 511 IAC 7-42, Sec 2, and, 511 IAC 7-44-3, Sec. 3.

Removals That Constitute a Change of Placement

- Greater than 10 consecutive days; **or**
- Greater than 10 cumulative days when there is a pattern;
- On day of decision, school must notify parents, provide NOPS;
- School must reconvene CCC within 10 instructional days to conduct a manifestation determination.

Examples:
The student keeps getting suspended for the same issue – showing disrespect to the teacher. We review and see the pattern – same behavior.

It is more difficult when the behaviors look different – 3 days for fighting, 3 days for insubordination and 4 days for property destruction. If these were all triggered by a similar incident for this student they might constitute a pattern. If not, they might be considered separate events.

***Citation can be found at 511 IAC 7-44-4, Sec. 4

Manifestation Determination
The CCC reviews the information in the file in order to answer two questions:

- Was the conduct caused by, or had a substantial relationship to, the student's disability?
- Was the conduct the direct result of the school's failure to implement the student's IEP?

If either of the two questions are answered "Yes" then the conduct MUST be determined to be a manifestation of the student's disability.

If it is determined that the conducted was caused by, or had a substantial relationship to the student's disability, the student must be returned to his/her prior placement. The CCC must also conduct a Functional Behavior Assessment (FBA) to develop a Behavioral Intervention Plan (BIP); if a BIP already exists, it must be reviewed and modified. If it is determined that the IEP was not implemented, this must be remedied.

***Citation can be found at 511 IAC 7-44-5.
When the CCC determines that the conduct is NOT a manifestation of the student's disability and the school did implement the student's IEP the school personnel may apply the relevant disciplinary procedures to the eligible student in the same manner and for the same amount of time as those procedures would be applied to a student who does not have a disability. If eligible/protected' student is removed, services are to continue in a different setting.

CCC figures out how and where the student will be served. Appropriate services are needed to:

- Continue to participate in the general education curriculum, although in another setting;
- Progress toward meeting the goals in the student's IEP; and
- Receive, as appropriate, an FBA and behavior intervention services and modifications designed to address behavior so it does not recur.

***Citation for "no" answer to Manifestation Determination can be found at 511 IAC 7-44-5, (f) (1-3) and (g).

FUNCTIONAL BEHAVIOR ASSESSMENT

When should a Functional Behavior Assessment be used?

- When a student's behaviors do not respond to the interventions used with all students.
- When the team cannot provide data that supports why inappropriate behaviors occur.
- When a student is repeatedly disciplined for behaviors that do no improve.

Functional Behavior Assessment (FBA) is the use of **data** to identify patterns and reasons for a student's behavior. The goal is to identify possible patterns, triggers and the purpose of the behavior. Data should be collected from as many sources as possible including samples of the student's class work, interviews conducted with the student and/or parents to develop a hypothesis about why the problem behaviors occur (function of the behaviors). The FBA should also identify replacement behaviors that can be taught and that serve the same purpose for the student.

Steps of a FBA

1. Identify the behavior of concern.
2. Where does it occur and not occur?
3. Antecedents (what happened beforehand)?
4. Is there a consistent pattern? Is it predictable?
5. What does the student "get" from it (the reinforce)?
6. Possible reasons for the behavior (hypothesis)?
7. What replacement behaviors can be taught to the student that serve the same function?

Interventions

1. Make Changes in the environment (seating, etc.).
2. Provide opportunities to make choices.
3. Modify the curriculum.
4. Provide reinforcement for appropriate behavior.
5. Teach appropriate pro-social behaviors.
6. Teacher adapts instructional style.
7. Develop a behavior intervention plan using the data acquired through an FBA.

Examples

Johnny pokes at other students when they ignore him.
Hypothesis:

- Johnny does not know how to make friends.
- Johnny is trying to get attention (from his teacher or other students?
- Johnny does not have good problem-solving skills.

Johnny has a hard time staying in his seat during math.
Hypothesis:

- Math is too hard.
- He does not understand directions.
- He cannot read the math book.
- There are too many math problems on a page; Johnny is overwhelmed.
- Johnny needs breaks during academic activities.

Johnny stays in his seat during art.

- Johnny likes art, or is good at art.
- Johnny needs hand-on activities.
- Johnny works well with color.

Possible Interventions for Johnny:

- Plan to provide more attention.
- Schedule activity breaks.
- Alternate curriculums at learning levels.
- Use additional art work as an earned reward for increasing in-seat time.
- Pair Billy with another student for social reinforcement.
- Teach problem-solving skills.

Importance of Focusing on Positive Interventions

- Required by IDEA.
- Builds positive relationships.
- Encourages new behaviors.
- Reinforces skills (maintenance).
- Increases self-satisfaction and optimism among youth, parents and teachers.

Behavior Intervention Plan (BIP)

A behavior intervention plan should be positive and instructive, based on an FBA, and address:

- Effective re-teaching of the expected behavior.
- Rewards and consequences that are personally meaningful to the student (no two plans are alike).
- Opportunities to self-manage behaviors.

Interventions that work:

- Planned ignoring -- ignore inappropriate behaviors that are directed at gaining attention of the teacher or others -- calling out answers in class, not having materials ready, interrupting the teacher, and whistling or humming. Provide attention the student is seeking when he or she displays appropriate behaviors.

- Preventive Cuing (signal Interference) – used to alert the student who is doing something unacceptable – a frown, shake of the head, making eye contact, pointing to a seat for a wandering student, or snap of the fingers can convey the need to pay attention or stop behaviors before they escalate.

- Proximity Control – Stand close to the student who is beginning to have a problem with behavior. Less effective, move the student closer to the teacher. Be sure that proximity is not seen as a threat to the student. Use during questions/answer periods or when giving directions; may pair this intervention with "preventive cueing" for some students.

- Nonverbal Warnings – Place cue cards inconspicuously on a student's desk as a reminder to change the behavior, or point to the posted rules.

- Discipline Privately – Whenever possible and not before the student's peers Students can gain power from daring to "take on" the teacher in a disagreement.

- Humor – A lighthearted comment or joke (NEVER ridicule) can let a student "save face" who is in a confrontational situation with an adult.

- Positive Phrasing – Let a student know exactly what behavior is expected of them; not just what is **not** expected. State the reinforcement for carrying out the desired behavior: Example: "You will be able to go outside with your friends during recess if you keep your hands on the desk during discussion" or "I will call on you to answer as soon as you raise your hand."

- Behavior Shaping – Reinforce behavior that is close to the desired behavior, then raise the criteria for reinforcement in small steps until reaching the desired goal.

- Reinforce Learning – Go over rules and expectations daily, demonstrate if necessary. Remind student of the rules, "Remember, the rules say that you are not to interrupt others." Reminders that do not redirect the behavior must be followed with meaningful consequences.

****Information on FBAs and BIPs for this section was provided by Partners Resource Network, Inc. based on Curriculum developed by the Technical Assistance Alliance for Parent Centers and the Families and Advocates Partnership for Education. Kristina Henning, PRN Technology Specialist.

SECTION 504



THE REHABILITATION ACT OF 1973
SECTION 504

Section 504 is the first federal civil rights law that protects the rights of people with disabilities. It states, "No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance." [Section 504 of the Rehabilitation Act of 1973, 29 USC 706, § 84.4]*

Section 504 applies to all recipients of federal funds, including:

- states, counties, cities, towns and villages;
- public and private schools;
- public and private institutions;
- public and private colleges;
- public and private hospitals and clinics;
- public and private agencies;
- other health service providers; and
- other organizations receiving federal funds.

Discrimination is prohibited in:

- the education of students with disabilities;
- vocational education programs;
- college programs and other post-secondary education programs;
- employment;
- health, welfare and other social service programs; and
- other programs and activities that receive federal funds.

SECTION 504 AND PROGRAM ACCESSIBILITY

Section 504 states that programs must be accessible to persons with disabilities. It does not require that every building or part of a building must be accessible, but the program as a whole must be. Structural changes to make the program accessible must be made only if alternatives, such as reassignment of classes or home visits, are not possible. All buildings built after 1977 must be designed to be accessible.

SECTION 504 AND EDUCATION

The education provisions of Section 504 are consistent with the requirements of IDEA (PL 105-17). No student can be excluded from a public education because of a disability. The education must be free and designed to meet the individual educational needs of the student. Students with disabilities must also have equal opportunity to participate in:

- non-academic services
- extracurricular activities
- recreational programs
- athletics
- special interest groups or clubs sponsored by the school
- health services
- transportation
- referrals to service providers
- referrals for employment purposes
- counseling services

All post-secondary education programs and activities are also covered by Section 504. Recruitment, admission and treatment of students must be free from discrimination. Students with disabilities must have the same options as others in selecting courses. Admissions and other tests must not discriminate against people with disabilities.

Colleges and universities must also make reasonable modifications in academic requirements. Modifications might include extension of time for completing degree requirements, adaptation of the manner in which specific courses are conducted and the elimination of rules prohibiting persons with disabilities from having tape recorders in class or guide dogs on campus. Students with manual, sensory or speaking disabilities must be given auxiliary aides such as taped texts, interpreters, library readers and special equipment.

Section 504 and Employment of Individuals with Disabilities

Discrimination against qualified individuals with disabilities in employment is prohibited by Section 504 which states, "No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies. Agencies and institutions that receive federal funds must take affirmative action to employ and advance qualified people with disabilities. Employers are also required to make a 'reasonable accommodation' for people with physical or mental disabilities in order to facilitate their integration into the job."*

*Please note that Section 504 of the Rehabilitation Act was written in 1973, using language that, at the time, was considered acceptable (i.e., *handicapped person*). Today, the term *persons with disabilities* is more commonly used and generally considered more appropriate.

SECTION 504 AS IT APPLIES TO SCHOOLS

An individual with disabilities is one who:

- has a physical or mental impairment which substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

Major life activities, under Section 504, include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The disabling condition need only **substantially** limit **one** major life activity in order for the student to be eligible. [34 CFR 104.3 (j)]

While the definition does not include a list of specific diseases and conditions, the term "an individual with disabilities" is understood to refer to persons with such diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; and emotional illness.

REFERRAL

A referral for possible 504 eligibility must be initiated by a parent or professional of the school corporation if there is reason to believe that the student has a "physical or mental impairment that substantially limits one or more major life activities." Pertinent information relative to the referral should be documented.

Section 504 referrals should be accompanied by documentation of attempts to remediate difficulties for students experiencing educational problems. The following instances must result in the initiation of evaluations for Section 504 eligibility:

(a) student hospitalization (except for short-term);
(b) home bound student (except for short-term); or
(c) a parent requests evaluation. (The school corporation has the right to refuse to evaluate but must inform the parent of the right to a due process hearing to challenge the refusal.)

The 504 conference committee may include the following individuals:

(a) building principal (or designee);
(b) general education teacher(s);
(c) assessment team members (or representatives);
(d) school nurse (medical issues);
(e) parent;
(f) student, if appropriate, or if the student is eighteen (18) years of age and not adjudicated incompetent;
(g) other representatives having experience with or information regarding the referred student; and
(h) any other individual the parent(s) may wish to bring to the conference.

Section 504 requires that the placement decision be made by a group of persons that are knowledgeable about the student, about the meaning of the evaluation data and about the placement options. Two or more persons constitute a group. In some cases, a parent and a school representative may be sufficient.

Reasonable accommodations may include, but not be limited to:

- adjusting testing procedures;
- individualizing classroom assignments and homework;
- recording lectures and student responses;
- utilizing computer or other assistive technology;
- providing note takers;
- providing an interpreter;
- modifying instructional materials;
- modifying the organization of the student's day;
- facilitating or modifying parent/student/teacher/staff communication; and
- modifying corporation policy or procedures (i.e., allowing an increase in the number of unexcused absences for health reasons, adjusting transportation or parking assignments, approving early dismissal).

504 EVALUATIONS

No formal testing is required under 504

Schools must look at a variety of sources, such as:

- Grades
- Teacher reports
- State assessments
- Doctor reports
- Attendance records
- Adaptive behavior information
- Information from parents

It is important for parents to contribute any medical diagnoses or other information important for making sound decisions. Section 504 does not mention or specifically require parent participation in decision making; however, if the school excludes the parent from the process, the parent may wish to contact the Office of Civil Rights for further guidance.

Each school district must develop policies and procedures for implementing Section 504 in their district. It is important for parents to ask for these.

SECTION 504 PLAN

- The Section 504 Plan is a written document developed by the 504 committee. It addresses the need of the eligible student and should include:
  - Accommodations/Modifications
  - Must be individualized
  - Placement (Lease Restrictive Environment)

Placement may be in a regular classroom with supplementary aids and services, unless school demonstrates that education in that environment cannot be satisfactorily achieved, behavior interferes with the education of others, or behavior threatens the safety of the student or other students. It may be in special education classes with related services.

EXAMPLES OF 504 PLAN ACCOMMODATIONS

A student with a chronic illness such as kidney disease, asthma or cancer may have difficulty walking distances and require use of:

- An elevator
- Special parking
- Extra time between classes
- An adjusted attendance policy

If a student has asthma the school might:

- Provide teachers with information about asthma
- Adapt attendance policy
- Adapt PE requirements

Students with impaired vision, learning disability, or physical impairment may require:

- A note taker or a tape recorder

The parent should consider whether it would be appropriate to include the school nurse on the team when developing the 504 Plan. The nurse could be asked for suggestions regarding how other students manage a particular condition in a school environment.

REEVALUATIONS

- Periodic re-evaluations are required; a re-evaluation conducted in accordance with IDEA complies with Section 504.
- Section 504 Plans should not be significantly changed or terminated without a re-evaluation
- A significant change of placement would be considered a significant change to the 504 Plan. OCR considers the following to be a significant change of placement:
    - Suspensions/expulsion of more than 10 school days for misbehavior.
    - Transfer of student from one type of program to a more or less restrictive placement.
    - Terminating or significantly reducing related services.

MANIFESTATION DETERMINATION

If a school expels a student or suspends a 504 student for more than 10 school days, this triggers a re-evaluation and a manifestation determination conference. A manifestation determination conference will consider the re-evaluation results and determine if the behavior is a manifestation of the child's disability. If "yes," then the child returns to his/her current placement at school. If "no," then the child may be suspended/expelled like any other student.

PARENTAL RIGHTS UNDER 504

- The parent should receive notice regarding identification, evaluation, and/or placement of the student.
- The parent may examine relevant records pertaining to the student.
- The parent may request an impartial hearing when you disagree with the school.
- The parent may file a complaint with either the 504 coordinator or with OCR.

Schools are required to develop their own 504 policies which must be written in accordance with 504 law. Parents should request a copy to view these parental rights, along with any additional rights the school might provide…Section 504 is enforced by the **US Office of Civil Rights -** www2.ed.gov/about/offices/list/ocr**.**

COMMUNICATION



COMMUNICATION

Positive Working Relationships

A major intent of federal and state law requiring early intervention services and a free appropriate public education is to encourage positive working relationships between parents and service providers. These important relationships are ongoing ones that last as long as the student is in school.

When those involved collaborate on the student's program, conflict may be minimized. IDEA and Article 7 build upon this notion by providing for the involvement of parents in placement decisions and requiring schools to report to parents on a regular basis regarding student progress.

The use of effective communication techniques can enhance collaborative relationships and minimize conflict. While the basic business of schools is to educate students, schools sometimes face problems in their attempt to do that. Financial constraints, human resource constraints and complex human problems are a few of these. Because of the variety of issues, it is inevitable that parents and school personnel will sometimes disagree with one another.

> "A good working relationship is like a savings account you can draw on in moments of trouble."
> – William Ury

A good working relationship can lead to the sharing of ideas, concerns and the honest expression of opinions. Parents and professionals are presented with situations on an ongoing basis that call for good communication skills. Following are a few things to remember about communicating with professionals:

- There will always be differences of opinion, and that is o.k.
- All conflicts will eventually be resolved.
- People are o.k., but their behavior may not be.
- To win does not mean to take all. The "winner" and the focus should always be the student.

A good working relationship can accomplish the following:

- overcome the feeling of isolation often felt by both parents and school personnel;
- provide a support system for parents, teachers and, most importantly, the student;
- build bridges between parents and professionals as they learn from one another; provide consistency for the student when the parents and professionals work together;
- help the student reach his/her full potential.

It is important to try to build bridges of trust and openness with teachers and other specialists working with your student. As these bridges are strengthened, you are likely to feel more confidence in addressing issues pertaining to your student's education.

A sense of equality needs to prevail – not necessarily equality of knowledge, education, professional expertise and specific skills, but equality of worth and dignity with each person being fully respected by the other.

Trust is the essence of our human communications. We can develop trust by doing the following:

- talking together in a way that indicates we are really communicating what we believe - not just saying what we think the other person wants to hear;
- revealing what makes us human; being honest about feelings; really listening to one another;
- understanding through asking questions and respecting people's right to disagree or feel the way they do; and
- sharing honestly. Where you agree, let it be known. Where you disagree, let it be known with courtesy.

Talking, **r**evealing, **u**nderstanding and **s**haring as a **t**eam add up to **trust**.

Talk
Reveal
Understand
Share
Team
➥**TRUST**

Trust can lead to teamwork which is a goal that should be shared by parents and professionals. The team approach allows service providers and parents to relax and honestly communicate in a more comfortable way for all.

The team approach has benefits for everyone.

GOOD COMMUNICATION SKILLS

For communication to be effective, good communication skills--both verbal and non-verbal--need to be utilized. In a typical conversation, 55% is communicated through body language, 38% through tone of voice or volume and only 7% through words. Your body language (facial expression, the way you sit, use your hands, tilt your head, roll your eyes) and the tone and volume of your voice can communicate a great deal more to another person than the words you speak. Positive communication might include the following:

- direct eye contact
- a clear, warm tone of voice; moderate speed of speech;
- smiling;
- leaning forward; and
- nodding occasionally.

Other suggestions for effective communication could include the following:

- use of encouragers ("oh?" "Mmm hmm");
- restating the other's points in your own words;
- asking open-ended questions;
- treating everyone with courtesy and respect; and
- being willing to compromise.

The uses of these techniques indicate that you are interested in what the other person(s) has to say.

A major component of good communication is active listening. The following rules of good listening apply not only to communicating with school personnel, but communication in general:

- Be certain that the other party has the time to listen. If not, it's better not to start the conversation.
- Once someone starts to talk, don't interrupt.
- If you don't understand, say so. It's better to admit that you don't understand what the other person is trying to communicate than to misinterpret what is said.
- Don't jump to conclusions. Listen to the entire point being made.
- Hear what is being said – **not** what you want to hear.
- Listen to "what" is being said – **not** "who" is saying it. Sometimes we allow negative feelings about a person to distort the message he or she is conveying. Focus on the "what" and not the "who."

The following are things to avoid when communicating with professionals:

- agreeing with everything said whether you do or not;
- beating around the bush and feeling afraid to ask for what you feel your child needs;
- belittling others;
- being defensive;
- dominating meetings; and
- being unpleasant, argumentative or rude.

> "Speak when you are angry and you will make the best speech you will ever regret."
> – Ambrose Bierce

COMMUNICATING WITH PROFESSIONALS

It is so important to develop good communication skills because you are going to spend many hours interacting with professionals while your student is in school. At times parents feel intimidated when talking to professionals, sometimes feeling that they should accept what they have to say without question. It is important for parents to try not to let themselves be intimidated when talking about things having to do with their student. After all, parents know their student . . . they have spent more time with them and know them better than others do. Their observations, opinions and even their instincts need to be taken into consideration when planning for their students' education. Effective communication encourages dialogue and invites creative solutions.

The following suggestions might help parents avoid feelings of intimidation:

- Each time you have contact with school personnel, remind yourself of the importance of your involvement as well as your right to be involved.
- Prepare for meetings. Make a list of the points you want to be sure are covered and bring it with you to the meeting. The better prepared you are, the more comfortable you are going to feel and that will allow you to concentrate on the issue at hand.
- Bring someone with you to the meeting to support you.
- When you don't understand something, ask for clarification.
- Be assertive, stating your point of view as well as taking into account what others have to say.
- Explain your point of view in a calm, courteous way. You are more likely to be seen as a partner who has a different point of view rather than as a "difficult parent."
- Try to let your nonverbal behavior communicate that you know you belong on the team. Look at people when you talk to them. Take notes.
- If you cannot work things out with a professional directly after having made every effort to do so, you might consider contacting their supervisor.
- Keep in contact with the professionals involved with your student.
- A "thank you" to a professional who is doing a good job can mean a lot.

Parents might also try to remember that professionals are often experiencing the same feelings when they are having meetings with parents. They too may feel "frustrated, uptight, insecure, threatened, tense, upset, unprepared, put down, burdened with red tape. . ." Parents can meet them as partners, involved in the same meeting, sharing the same feelings, the same frustrations, the same fears.

PROBLEM SOLVING

When a problem arises, it is important to communicate the problem as soon as possible before it gets out of hand. The following points should be kept in mind when communicating with professionals:

- **Define the problem clearly.** Spend time clarifying the issues in your own mind so that you know what the problem really is.
- **Contact the key person**. . . the person closest to the problem.
- **Schedule a face-to-face meeting** whenever possible. It is a good way to build the groundwork for a good relationship. Remember that you can learn much through observing body language.

Following are some suggestions for establishing good communication and keeping frustration levels to a minimum during a problem-solving meeting:

- Introduce yourself.
- Clearly state your concern(s) and be specific, citing examples when appropriate.
- Don't minimize the problem.
- Maintain eye contact with the people with whom you are speaking.
- Listen actively to what the others have to say.
- Indicate appreciation when warranted.
- Admit mistakes.
- Speak positively, using humor where appropriate.
- Don't threaten or belittle anyone.
- Be willing to compromise.

"The best time to lay the foundation for a good relationship is before a problem arises."
– William Ury

STEPS IN PROBLEM SOLVING

Step 1: Define the problem. The first step in problem solving is to pause and clearly identify what you need to communicate. Define the problem in terms of actions that are present or not present. Avoid burying the statement of the problem in language expressing how you **feel** about present practices.

For example, your twelve year old son, Kent, has been diagnosed with a learning disability. He has moved into middle school where he has no special help. You can define the problem in terms of emotion or in terms of fact.

***As a statement of emotion*:** "Nobody at Kent's new school even cares. It seems like Kent's learning has really gone downhill."
As a statement of the individual problem: "Kent needs different teaching methods and more help in order to benefit from school."
As a statement of the problem in a broader content: "The students with learning disabilities, who are assigned to Kent's building, including Kent, don't have resource rooms or LD specialists available to them."

Step 2: Collect information to support your statement of the problem. Once you have defined the problem, you're ready to begin the process of researching it. Research can be as simple as making a list of facts to share about your student and his/her program or as complicated as undertaking a thorough review of policy, existing programs, identified needs, and so on. The information you collect to support your statement could include the following:

Information that points out the current problem in comparison to better situations in the past or to future goals;

- ✓ You assemble evidence of Kent's past school performance, his present lower level of achievement.

Other people's opinions of the problem and their recommendations for changes;

- ✓ You ask Kent's past and current teachers and the LD specialists to discuss how Kent's program can be made more individualized. (Parents of other students with special learning problems might also explain to you the similar needs of their students.)

The laws that support your right to appropriate services;

- ✓ You may need to point out that, according to federal and state law, Kent, as well as all students with special needs, is entitled to have his individualized needs met.

During the process of clarifying the issue, you are likely to identify possible solutions to the problem. In dealing with Kent's problem, your list might include some of the following:

- ✓ develop an LD resource room for Kent's building;
- ✓ with the case conference committee, design a program that all of Kent's teachers can implement;
- ✓ assign a one-on-one tutor for Kent;
- ✓ be certain that the teacher of record is communicating regularly with all of Kent's teachers.

Step 3: Express the need for change. Decide with whom the problem should be discussed. It's usually best to start with the person who deals most directly with the problem rather than beginning at the top of the administrative ladder.

Determine your priority. If your goal is to have all of Kent's classroom teachers modify their teaching methods, a meeting with them or the building principal would be a likely starting point. If, on the other hand, you are asking that all new services be designed and offered to all students with learning disabilities, begin your discussion with the director of special education for the district.

If you find that there is a lack of responsiveness or an unwillingness to tackle the problem at the first level, you may want to go one step higher.

Approach the parent-school discussion prepared with a well thought through statement of the problem and enough background information to give it credibility. State your position clearly using effective communication techniques.

Step 4: Work to help make the change. If you feel you have the knowledge, time or energy to give toward solving the problem, by all means make the offer to do so. Don't feel or be made to feel that because you have identified the problem, the burden rests on you to engineer a plan, find the money and see the problem to its final resolution.

COMMUNICATING AT CONFERENCES

Knowing your rights and responsibilities is only one step toward obtaining appropriate programs and services for your student. It is just as important to be able to communicate effectively with others responsible for providing the program. It is important to remember to do the following:

- express *facts* about your student's needs;
- express *feelings* and *opinions* regarding your student's program;
- maintain your right and responsibility to be a part of the decision-making team.

Following are some suggestions for effective communication:

- **Be direct** - Direct your comments to the person for whom the message is intended. Be open and honest in making your comments, stating what you feel and think.
- **Be willing to compromise -** You can be assertive and, at the same time, demonstrate a willingness to negotiate compromise, provided that the compromise is in the best interests of your student.
- **Be confident** - Make requests without feeling guilty or intimidated.
- **Be involved** - Ask questions about things you don't understand. Rather than simply waiting for things to happen, attempt to make them happen. Participate in discussions about your student's needs.
- **Be respectful** - It is important to treat others with respect - as you expect to be treated. Maintain your self-respect by attempting to cope with feelings of anxiety or anger without letting them get the best of you.
- **Be prepared** - Prepare a list of questions to be answered at the meeting and be certain that related papers or documents are handy.
- **Be willing to accept assistance** - Take someone with you to the conference because "extra ears" can be helpful in remembering details later.
- **Be willing to follow up** - Write a letter to the school confirming your understanding of the points stated at the conference.

TIPS FOR HANDLING TOUGH CONVERSATIONS

Begin with agreement. If you know you're going to be disagreeing with someone, start off the discussion with an issue on which you both agree. Even if it requires really digging to uncover that common ground, do it.

Example: *"I know you have found John's behavior difficult to control at school. We have had similar difficulties at home."*

- **Say "and" not "but."** "But" acts like an eraser. It erases the value of anything said before it in a sentence.

  Example: *"We need a plan to get John's behavior under control and we must not lose track of how much John needs to experience academic success in the classroom."*

- **Use "I" statements and limit the use of "you" statements.** "I" clarifies for the other person what you think and feel while "you" can make a person feel criticized. "I" also reduces defensiveness and fosters communication. Example: "I am feeling discouraged because the information that I receive about John seems so negative."

- **Avoid negative and absolutes.** Use of negative or absolute statements shut down communication.

  Examples:
  Negative: "Why can't you. . ."
  Positive: "What if we..."

  Negative: "I hate it when. . . "
  Positive: "Wouldn't it be better if . . ."

"When angry, count to ten before you speak; when very angry, a hundred."
– Thomas Jefferson

DEALING WITH DIFFICULT PEOPLE

The following are some useful strategies to consider when dealing with people that you anticipate might be difficult:

"Kill with kindness." Treat everyone nicely regardless of how you are treated. Be honest – but likable and polite. It is difficult to treat a thoughtful person thoughtlessly.

Listen and respond. Allow the other person to express his or her feelings, then acknowledge your awareness of what the person has said. State your version of what you have just heard. This gives the other person the opportunity to correct any misunderstanding on your part. But – don't judge ("You shouldn't be that way") or generalize ("You always do that").

Describe how you see the situation. Don't evaluate. Simply state how you see it, reveal what you think and feel and state what you would like to have happen. ***Example:*** *"What I see at home is that John has four to five hours of homework every night during the week and often does several hours of schoolwork on the weekends. When I see him working so hard and not experiencing success, I feel discouraged on his behalf. I'd like to modify his school program so that he has less homework and the homework he does have is profitable for him."*

Try not to take a position – deal with a need. Find out what motivates the other person so you can offer alternative ways of solving the problem. It's quite possible that the other person has simply adopted the most obvious solution. Move from what the person wants to why the person wants it. ***Example:*** *"I know that you have many students and that it is difficult to make individual homework assignments. Perhaps we could agree on a time limit for work done at home – maybe two hours – and grade John only on what he has been able to complete."*

Be "for" something. In conversations with difficult people, avoid being against anything. Instead, be for something that constitutes positive change. For example, instead of being against the school district absence policy, be for finding ways to keep students coming to school (e.g., changes in curriculum, incentives for good attendance, examinations to test out of classes). Generally speaking, whatever you are against, works against you. You begin fighting it and become a part of the problem. But when you state what you are for, you begin focusing on the potential for positive change. Your positive suggestions will impress others more than your criticisms will persuade them.

Ask questions. Many difficult people do not listen to other people's ideas. When dealing with a know-it-all, it's best not to be a know-it-all in return. When you disagree with know-it-alls, they might immediately freeze their plans and not budge and you've created a stand-off. Instead of telling the know-it-all when the idea will not work, ask questions about the idea. Remember that know-it-alls love to answer questions. As they look for answers, it's possible that they'll discover that some of your ideas might be useful. In fact, it's possible they'll blend some of your ideas with theirs and think they came up with them.

Examples:

- ✓ *"Why do you think suspending John from school will change his behavior? What do you think the effect of suspension will be?"*
- ✓ *"Have you had success talking with John when he is angry? How does he respond when you confront him about his behavior?"*

Keep communication going. When you get into arguments in which you and the other person have developed rigid viewpoints, your comments are likely to become increasingly bitter until all progress stops. Then, the problem is really a breakdown in communication.

When a communication impasse occurs, try to stop the discussion and ask the other person to agree to a new ground rule for both of you. Neither will be allowed to speak up for himself or herself or to state his or her side of the argument until each has stated the other's ideas and attitudes to the other's complete satisfaction.

Accept blame. When you have consciously or unconsciously offended the other person, admit what your fault is quickly. Whenever you shoulder your share of the blame, others are more likely to own up to theirs. **Tip:** Sometimes you can encourage the other person to cooperate by claiming more responsibility than you deserve. ***Example:*** *"I might have sounded a bit irate when I called about John's homework. I apologize if I came across as demanding. I was just so stressed from trying to help him each night. I guess I needed to vent my frustrations and I'm sorry I took it out on you."*

(adapted from *Alliance Parent Center Newsline Articles and Resources, from PLUK News October/November, 1999)*

FINAL THOUGHTS ABOUT EFFECTIVE COMMUNICATION

- Be honest about your feelings and sensitive to others' feelings.
- Be open minded and receptive to information.
- Allow a flow of communication.
- Listen and digest what is said and then explain your viewpoint.
- If there is a serious problem, ask for specifics in writing.
- Ask for a copy of school policies and procedures.
- Ask questions about your child.
- When calling the school, ask the person to identify himself/herself when giving you information.
- Be aware of the chain of command.
- Have someone go with you to a meeting or case conference about your child.
- Be reliable about your attendance at scheduled meetings.
- Let the teacher know when you are most available. Make sure there is a phone number where you can be reached.
- Collect facts and your thoughts before attending a meeting. Write them down so you don't forget.
- Attempt to control your emotions.
- Try to resolve one issue at a time.
- Keep your child's file in order. Keep all written communication.
- Give solutions an opportunity to work.
- If the problem is not resolved at one level, go to the next level in the chain of command.
- Never send verbal messages by way of your child to teachers or other school officials.
- Avoid criticizing teachers in front of your child.
- Stop saying "I'm just a parent."

DISPUTE RESOLUTION & DUE PROCESS



DISPUTE RESOLUTION OPTIONS

Understanding Your Options for Settling Disputes

Who Is This For?

This section is for parents who either disagree with the school district's assessment or educational program for their child or who believe that the school district has violated any of the requirements of IDEA and/or Article 7.

Why Is This Important?

Ideally, parents and educators will be able to work as partners in all aspects of serving students with disabilities. Good communication between parents and schools will minimize disputes and disagreements. However, when disagreements arise, there are several avenues for handling such disputes. Parents should be familiar with the options available for settling disputes and for reporting lack of compliance.

Words and Terms to Know

Mediation: A confidential, voluntary process that allows parties to resolve disputes. An impartial mediator helps the parties to express their views and positions and to understand the other's views and positions. The mediator's role is to facilitate discussion and help parties reach an agreement – not to recommend solutions or take positions or sides. Mediation may be used as an alternative to a Resolution session.

State Complaint: A written complaint can be filed by any organization or individual claiming that a school district within the state has either violated a requirement of Part B of IDEA (the part that contains all requirements regarding the delivery of special education services) or Article 7, Indiana's special education law or regulations. State complaints **must** be filed and received by the Office of Special Education within **one (1) year** of the date of the alleged violation.

Due Process Hearing: A formal procedure before an impartial hearing officer who is not an employee of the state education agency or school district. Both the parents and the school district present arguments and evidence. A request for a due process hearing must be made within **two (2) years** of the date the parent or public agency knew or should have known of the alleged dispute unless the parents were prevented from requesting the hearing due to specific misrepresentations or withholding of information by the school.

Resolution Session: A mandatory meeting that the school district must convene within **15 calendar days** of receiving the parents' due process hearing request. The resolution session includes parents, members of the IEP team who have specific knowledge relevant to the issues and a representative of the school district who has decision-making authority.

FACILITATED IEPS***

Some states have been using facilitated IEP (FIEP) meetings when relationships between parents and schools are strained; fortunately, Indiana is one of those states. When IEP teams reach an impasse or meetings are expected to be contentious, an independent, trained facilitator not affiliated with the team or school district may help guide the process. An effective facilitator is skilled and capable and helps keep members of the IEP team focused on the development of the IEP while addressing conflicts and disagreements that may arise during the meeting.

IEP facilitation should not be confused with mediation. Mediation is typically used when there is a significant disagreement that the parties are otherwise unable to resolve. Although FIEPs are not mandated by any federal or state regulations, alternative dispute resolution is supported by the U.S. Department of Education, parent training and information centers, (such as IN*SOURCE) and various disability organizations.

The facilitator helps generate ground rules for the meeting, keeps the team's energy focused on the student, and assists the team to resolve disagreements about the IEP that arise during the meeting. In addition, a skilled facilitator helps to maintain open communication among all members, clarifies past issues and keeps team members on task and within the allotted time. The facilitator maintains impartiality, does not place blame, does not determine if a particular decision is right or wrong and does not impose a decision on the team. An FIEP meeting should improve relationships between parents and schools, will clarify points of agreement and disagreement, should encourage identification of new options to address unresolved problems and is less costly and stressful than more formal proceedings. Better follow through and follow-up is supported because roles and responsibilities are written down. Unlike mediation, the FIEP meeting ***is*** the IEP meeting; no separate meeting is needed to formalize the agreements reached.
Families should prepare for an FIEP meeting as they would prepare for ***any*** IEP meeting. They should develop a written list of issues they want to discuss and questions they want to ask, have all documentation organized with copies of those they wish to share. Parents should consider three important questions:

1. Where is my child now in his/her educational performance?
2. Where do I want my child to be a year from now and how can those expectations be measured?
3. In what ways can the team help my child meet those expectations?

Families should be willing to listen carefully and consider possible solutions and options.
If parents need any assistance with preparing for an IEP or FIEP meeting, they should contact their parent training and information center to learn more about their role and responsibilities as a member of the IEP team.

***Although the option to request a Facilitated IEP still exists, this option is rarely used at this time.

MEDIATION

511 IAC 7-45-2

Mediation is a voluntary process in which the parent and public agency attempt, with the assistance of a trained, impartial mediator to resolve a complaint or due process issue. This is a confidential process that allows parties to resolve disputes concerning the following issues:

(1) a student's identification or eligibility;
(2) the appropriateness of the educational evaluation;
(3) the appropriateness of the student's special education services or placement;
(4) any other dispute involving the provision of a free, appropriate public education; or
(5) reimbursement for services obtained by the parent.

A request for mediation may be made by either the parent or the public agency but the process cannot begin unless both parties agree, in writing, to mediate. Mediation is provided at no cost to either party. The procedure is paid for by the Office of Special Education.

Mediation is to be held in a "timely" manner at a location that is convenient to both parties in the dispute. It can be held prior to or concurrent with a due process hearing request but cannot preclude or delay the hearing.

If the dispute is resolved through mediation, a legally binding, written agreement is signed by both parties. This documents the discussions, the agreement, and the agreed upon resolution. This agreement is enforceable through the complaint procedure and a state or district court of jurisdiction. **All discussions occurring during the mediation session remain confidential and cannot be used as evidence in a due process hearing or civil procedure.**

See **REQUEST FOR MEDIATION FORM**

Special Education Request for Mediation

Indiana Department of Education
Office of Special Education
115 W Washington St
South Tower Ste 600
Indianapolis, IN 46204
Telephone: (317) 233-2131
Toll Free: 1-877-851-4106
Fax: (317) 232-0589

http://www.doe.in.gov/sites/default/files/specialed/request-mediation-form.pdf

INSTRUCTIONS: Form may be completed electronically, but must be printed and must include a hand written signature. Please mail or fax a copy to the Office of Special Education.

STUDENT INFORMATION

Name of Student: | Address: | City:

State: | Zip Code: | Gender: | Date of Birth(M/D/Y): | Age: | Grade:

Name of Parent/Guardian: | Address of Parent/Guardian (if different from student):

City: | State: | Zip Code: | Home Number:

Work Number: | Cell Number: | Email:

SCHOOL INFORMATION

Name of School Student Attends:

Name of the School Corporation or Charter School:

Address: | City:

State | Zip Code | Telephone Number:

DISPUTE ISSUES

We request that a mediator be assigned to assist in resolving disagreements regarding: **(check all that apply)**

- ☐ Student's identification and eligibility for services.
- ☐ Appropriateness of the educational evaluation.
- ☐ Appropriateness of the student's proposed or current level of special education services or placement.
- ☐ Provision of a free appropriate public education for the student.
- ☐ Reimbursement for services obtained by the parent.
- ☐ School's determination regarding the manifestation of a student's disability 511 IAC 7-44-5(h).

Comments regarding dispute issues. (Space below is limited to 22 lines)

REASON FOR THE REQUEST (if applicable):

Was a due process hearing requested? ☐ Yes ☐ No If yes, Hearing No.:

If yes, are you requesting this mediation to take the place of the resolution session? ☐ Yes ☐ No

Is this mediation request made to resolve a complaint investigation? ☐ Yes ☐ No If yes, Complaint No.:

Our signatures indicate that:

We understand that mediation is **voluntary** and a due process hearing can be requested if agreement is not reached.
We understand that all discussions during the mediation session are **confidential** and may not be used in any subsequent due process hearing or civil proceeding.
The Indiana Department of Education, Office of Special Education will provide a mediator at no direct cost to the participants.
We agree to attempt to reach a resolution in the best interest of the student.

Signature of School Corp. or Charter School Representative | **Signature of Parent/Guardian**

Printed Name | **Date** | **Printed Name** | **Date**

(OPTIONAL) By initialing this box, we consent to allow Office of Special Education staff to attend the mediation for observational purposes only, as part of the IDOE mediator evaluation process.

School | Parent

Contact Information for School Representative :

Address: | City: | State: | Zip Code:

Telephone Number: | Fax Number: | Email:

NOTE: Form may be completed electronically, but must be printed and must include a hand written signature. *Requests received without written signature of both parties will NOT be processed.* Mail or fax the completed form (including hand written signatures) to: Fax number - 317/232-0589; Mailing Address - Indiana Department of Education, Office of Special Education, 115 W Washington St., South Tower, Ste 600, Indianapolis, IN 46204.

Print Form

Revised - August 2014

STATE COMPLAINTS

511 IAC 7-45-1

The complaint procedure allows any individual, agency, group of individuals or organization to file a complaint alleging that a school district (or districts) has violated any federal or state laws that apply to special education programs.

State complaints may be filed on behalf of one student or a group of students.

Issues you would file a complaint about are items that are in writing either in IDEA, Article 7 or the student's IEP. Read the IEP and/or regulations to see if you find it in writing. If the answer is, "yes," ask yourself, "Is the school doing what is written?" If that answer is "no," you could file a complaint.

Examples of issues which could be the basis for a state complaint include failure to conduct an evaluation within the required timeline or failure to implement a service or services written in an agreed upon IEP.

The complaint request must:

- be in writing;
- state the alleged violations of the rule and the facts upon which the allegations are based;
- propose a resolution to the problem;
- be signed by the person(s) filing the complaint;
- contain contact information for the complainant/s;
- be submitted to the Office of Special Education, the public agency serving the student; and
- pertain to a violation that occurred within **one (1) year** of the date the complaint is received by the Office of Special Education.

If the complaint is in regard to a specific student, the information **must** also include:

- the name and address of the student. (If the student is homeless, available contact information must be included.)
- the name of the school the student attends.

See **FORM LETTER - FILING A COMPLAINT**

A complaint investigator, who is a trained employee of the Department of Education or other state agencies, as appropriate, is assigned, the complaint is investigated and a final written report is issued within **forty (40) calendar days** after the complaint is received by the Office of Special Education. (An extension of time may be granted but only in exceptional circumstances.).

The written report will address all issues investigated in the complaint. If the complaint investigator finds the school to be in violation, the following requirements apply to the written report:

- the corrective action required is binding on the public agency;
- the timelines for submitting a corrective action plan and achieving compliance are included in the report;
- compliance with the corrective action plan is monitored by the Office of Special Education; and
- failure to achieve compliance may result in the withholding of funds.

Should either party disagree with any part of the complaint report, the following occurs a request for reconsideration may be submitted to the Office of Special Education within **seven (7) calendar days** of the day the report is received.

The complete complaint process, from the time the Division of Exceptional Learners receives the complaint to the issuing of the results of the reconsideration, should take no longer than **sixty (60) calendar days** unless a written extension of time has been granted under exceptional circumstances.

The request shall be in writing stating the specific portion(s) of the report to be reconsidered and the facts supporting the request.

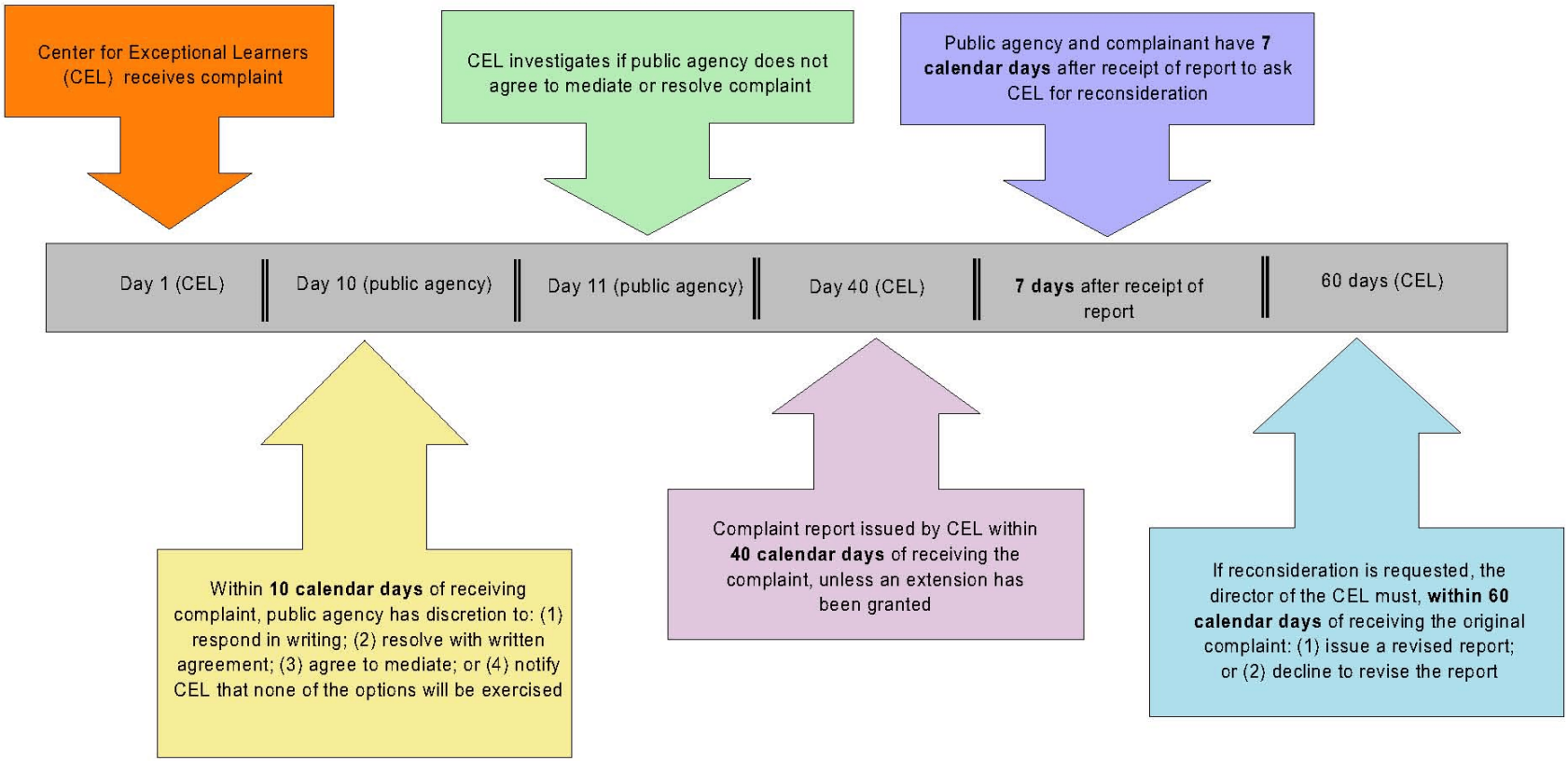
The request is sent to the Director of the Office of Special Education.

Refer to the Chart - **COMPLAINT TIMELINES**

Mediation may be used to attempt resolution of complaint issues. If both parties agree to mediate, the mediation must be completed within **twenty (20) calendar** days from the date the request for mediation is signed. Some, if not all, issues may be resolved with mediation. If there is a mediation agreement, the agreement must be signed by both parties and forwarded to the Office of Special Education If there is no resolution or a partial resolution, The Center for Exceptional Learners (CEL) will continue with the complaint investigation of any issues that remain unresolved.

The complaint procedure is not a substitute for the Due Process Hearing procedure which is a separate procedure to resolve other types of issues.

Complaint Timelines



FORM LETTER - FILING A COMPLAINT

(Insert current date)

Indiana Department of Education
Office of Special Education
115 West Washington Street
South Tower, Suite 600
Indianapolis, IN 46204

Dear Director:

This is to inform you that, in my opinion, *(insert name of school district),* is not in compliance with Indiana's requirement for a free appropriate public education for *(insert name of student or group of students)* as stated in IDEA or Article 7. *[If the complaint is in regard to a* ***specific*** *student, the information must also include: the name and address of the residence of the student, (If the student is homeless, available contact information must be included), and the name of the school the student attends.]*

I am filing this complaint because I believe that the following practices or actions are in violation of IDEA or Article 7:

(List the specific practices or actions.)

For the above named student, this is my proposed resolution to the problem:

(Insert your proposal; this is required for a complaint regarding a ***specific*** *student.)*

Please conduct an investigation and notify me of the results.

Sincerely,
(Signature)
(Print Name)
(Organization or agency, if applicable)(Address) - This contact information **must** be included
(City, State and Zip Code)
(Telephone number)

cc: Director of Special Education *(insert name of special education district)*

Keep a copy for your records!

Filing a Special Education Complaint

Indiana Department of Education
Office of Special Education
115 W Washington
South Tower Ste 600
Indianapolis, IN 46204
Telephone: (317)233-2131
Toll Free: 1-877-851-4106
Fax: (317)232-0589

http://www.doe.in.gov/specialed

INSTRUCTIONS: Form may be completed electronically, but must be printed and must include a hand written signature. Please mail or fax a copy to the Office of Special Education.

COMPLAINANT INFORMATION

Name: | Address:
City: | State: | Zip Code:
Home Number: | Work Number:
Cell Number: | email:

STUDENT INFORMATION (If Applicable)

Name of Student: | Gender: | Date of Birth(M/D/Y): | Age:
Address of Student (or contact information if Student is homeless): | Grade:
Name of Parent/Guardian (if other than person filing complaint):

SCHOOL INFORMATION

Name of School Student attends:
Name of School Corporation or Charter School:

STATEMENT OF VIOLATION

Did the alleged violation(s) occur within the last year? If yes, please provide specific dates:

Please explain how you believe the school has violated federal or state special education law. You are not required to specify which special education law has been violated, but you must explain why you believe the school has not complied with the law. Example: "The teacher is not following my child's IEP." (Space below is limited to 14 lines. Attach additional pages as necessary.) ***You may attach any documents that you believe support your allegations.***

FACTS RELATED TO THE ABOVE ALLEGATION

Describe why you believe the school has violated the special education law. Include all important facts in this description. Example: "On October 13th, my child was not allowed extra time on his history exam." (Space below is limited to 24 lines. Attach additional pages as necessary.)

PROPOSED RESOLUTION

Briefly explain how you would like the problem to be resolved. (Space below is limited to 17 lines. Attach additional pages as necessary.)

Printed name | **Signature** | **Date**

Note: Form may be completed electronically, but must be printed and must include a hand written signature. You may also attach any documents that you believe support your allegations. A letter of complaint received without written signature will NOT be processed. **Mail or fax the completed form (including hand written signatures) to: Fax number - 317/232-0589; Address - Indiana Department of Education, Office of Special Education, 115 W Washington St., South Tower, Ste 600, Indianapolis, IN 46204.**

Print Form

Revised - August 2013

DUE PROCESS HEARINGS

511 IAC 7-45-3

A due process hearing is a proceeding initiated by a student's parent, a public agency, or the state educational agency and is conducted by an independent hearing officer when there is a dispute regarding any of the following:

- the student's identification and eligibility for services under Article 7;
- the appropriateness of the educational evaluation;
- the student's proposed or current level of special education services; placement;
- or any other dispute regarding the provision of a free, appropriate public education for the student.

A request for a due process hearing must be made within **two (2) years** of the date the parent knew or should have known about the alleged action that is the basis of the parent's disagreement with the school. This **two-year** limit does not apply if the school led the parent to believe they had resolved the issue when they had not; or withheld relevant information from the parent that is required under Article 7.

The request for a due process hearing and for the appointment of an independent hearing officer shall be in writing and signed.

DUE PROCESS	
What information is needed	**Where to send the request**
• Student's name and address • Your name, address, and telephone number • Name of the school corporation & school the student attends • Statement of reason for the hearing request, with description of the problem, a statement of the facts relating to the problem, and • A proposal for resolution of the problem, to the extent known to the parents at the time.	Superintendent of Public Instruction Indiana Department of Education Office of Special Education 115 West Washington Street South Tower, Suite 600 Indianapolis, IN 46204-2798 Toll free: (877) 851-4106 And the superintendent of the school corporation/public agency of your child.

All of the information in the due process chart is **required** for your request to be honored.

The State Superintendent of Public Instruction will send the parent and the public agency a letter notifying both parties of the name of the hearing officer and a copy of the due process hearing request. The independent hearing officer shall have the following qualifications:

- have no personal or professional interest that would conflict with his/her objectivity;
- not be an officer, employee or agent of the public agency or any agency involved in the education or care of the student;
- have knowledge of and understand the IDEA, federal regulations implementing the IDEA, legal interpretations of the IDEA and of Article 7;
- be trained in due process hearing procedures; and
- have the knowledge and ability to decide and write decisions in accordance with standard legal practice.

The public agency must follow certain requirements and specific time periods after it receives the request for a due process hearing.**The timelines for a due process hearing begin when the opposing party receives the due process hearing request.** The public agency must also inform the parents of the availability of free or low cost legal and/or other relevant services available.

Within **ten (10) calendar days** of receiving the parent's request for a due process hearing, the school must do two (2) things:

1. send the parent **written notice** that fully explains the school's actions; and
2. send the parent a **written response** that specifically addresses the issues the parent raised in the parent's request for a due process hearing.

Within **fifteen (15) calendar days** of receiving the parent's request for a due process hearing, the school may send a letter to the parent and the hearing officer indicating that the school does not believe the parent's letter requesting a due process hearing contains all the information required.

The hearing officer then has **five (5) days** to determine if the parent's request is complete and will then inform both the parent and the school in writing of the decision. [511 IAC 7-45-4]

RESOLUTION SESSION

Within **fifteen (15) calendar days** of receiving the parent's request for a due process hearing, the school must provide the parent with the opportunity for a **resolution meeting** to see if the matter can be resolved.

The meeting must include a representative from the school with decision-making authority and relevant members of the case conference committee (CCC) who have information about the facts alleged in the hearing request. Unless the parent brings an attorney to this meeting, the school may not have an attorney attend. In this meeting, the parent will discuss the reasons for the hearing request and give the school an opportunity to resolve the issues raised. The parent and the school may agree to hold the resolution meeting by video conference or conference telephone call.

If the parent and the school come to an agreement during this meeting, both will sign a legally binding, written agreement that will be enforceable in a court of appropriate jurisdiction. After it is signed, both the parent and the school have **three (3) business days** to change their minds, and either party may void the agreement during that time.

There does not need to be a resolution session held if the parent and the school agree in writing to waive the meeting or both agree to use the mediation process.

If the parent and the school agree in writing not to have the resolution meeting or if the issue cannot be resolved in mediation or a resolution meeting within **thirty (30) calendar days** from the date the school received the parent's request for a hearing, a **45-day** timeline for the due process hearing begins at this point.

The parties to a due process hearing have a right to the following:

- to be accompanied and advised by legal counsel and by individuals with knowledge and training with respect to special education;
- to present evidence, confront, cross-examine and compel the attendance of witnesses;
- to prohibit the introduction of any evidence that has not been disclosed at least **five (5) business days** prior to the hearing;
- a separation of witnesses who are not parties to the dispute; and
- be provided with an interpreter, if needed.

The parent (or the parent's representative) has the right to the following:

- $ to have the student who is the subject of the hearing attend;
- $ to have the hearing open or closed to the public;
- $ to inspect and review, prior to the hearing, any records pertaining to the student, including all tests and reports upon which the hearing is based;
- $ to obtain a written or electronic verbatim transcript of the proceedings at no cost;
- $ to obtain written or electronic findings of fact and the decision at no cost; and
- $ to recover reasonable attorney's fees if a court determines the parent ultimately prevailed.

The hearing shall be held at a time and place convenient to all parties. The public agency is responsible for payment of the hearing officer's fees and the court reporter charges. The parent is responsible for the costs of participating in the due process hearing (e.g., witness fees, parent's attorney's fee, costs of copying documents, etc.). Under certain circumstances the school may be required to reimburse the parent for the parent's attorney fees.

The decision of the hearing officer shall be based solely upon the oral and written evidence presented at the hearing. The decision shall be dated and must include the following:

- $ findings of fact and conclusions of the law;
- $ a decision and orders, if necessary; and
- $ a notice of the right and the process to appeal the decision.

The independent hearing officer must conduct the hearing and mail the parent and the school a written decision within **forty five (45) calendar days**

- of the date that the parent and the school agreed in writing to waive the resolution meeting;
- or the 30th day following the Department of Education's receipt of the parent's request for a hearing if the parent and the school did not resolve the issues in mediation or a resolution meeting during the thirty (30) day period.

The written decision will be mailed to both parties by certified mail, return receipt requested. This decision is considered final and enforceable unless appealed.

However, it may be longer than **forty five (45) days** if the independent hearing officer grants a request from the parent or the school for an extension of time. The independent hearing officer's decision is final and the orders must be implemented **UNLESS** the parent or the school appeals the decision by requesting a review by the Board of Special Education Appeals.

See **FORM LETTER - REQUEST FOR A HEARING**

Form Letter - Request For a Due Process Hearing

(*Insert current date*)

Indiana Department of Education
Office of Special Education
115 West Washington Street
South Tower, Suite 600
Indianapolis, IN 46204

To Whom It May Concern:

(*Insert student's name*), who resides at (*insert student's address*), is presently enrolled in (*insert grade or special education level*) at (*insert name of school*), which is part of (*insert name of school corporation*).

As (*insert student's name*) parent, I am requesting a due process hearing be conducted before an independent hearing office to resolve a special education dispute that has arisen within the case conference committee regarding (*insert eligibility, evaluation, length, intensity or duration of services, placement, least restrictive environment, etc.*). I am requesting the hearing because:

> (*Insert a statement of the reason for the hearing request, including a description of the problem and a statement of the facts relating to the problem*)

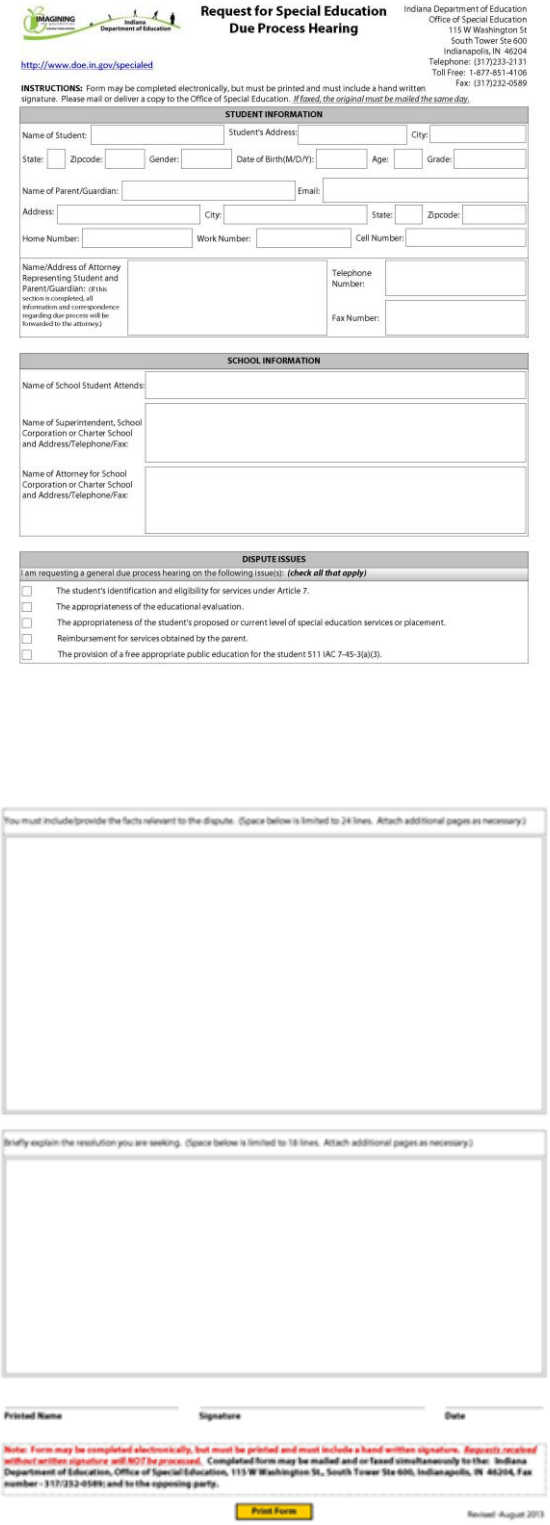
A proposed resolution to this disagreement may be:

(*Insert a proposal for resolution of the problem*)

Thank you for your attention to this matter.

Sincerely,
(*Signature*)
(*Print Name)*
(*Address*)
(*City, State and Zip Code*)
(*Telephone number*)

cc: Glenda Ritz, Superintendent of Public Instruction
Superintendent (*insert name of school district*)



Request for Special Education Due Process Hearing

Indiana Department of Education
Office of Special Education
115 W Washington St
South Tower Ste 600
Indianapolis, IN 46204
Telephone: (317)233-2131
Toll Free: 1-877-851-4106
Fax: (317)232-0589

http://www.doe.in.gov/specialed

INSTRUCTIONS: Form may be completed electronically, but must be printed and must include a hand written signature. Please mail or deliver a copy to the Office of Special Education. *If faxed, the original must be mailed the same day.*

STUDENT INFORMATION

Name of Student: | Student's Address: | City:
State: | Zipcode: | Gender: | Date of Birth(M/D/Y): | Age: | Grade:
Name of Parent/Guardian: | Email:
Address: | City: | State: | Zipcode:
Home Number: | Work Number: | Cell Number:
Name/Address of Attorney Representing Student and Parent/Guardian: (If this section is completed, all information and correspondence regarding due process will be forwarded to the attorney.) | Telephone Number: | Fax Number:

SCHOOL INFORMATION

Name of School Student Attends:
Name of Superintendent, School Corporation or Charter School and Address/Telephone/Fax:
Name of Attorney for School Corporation or Charter School and Address/Telephone/Fax:

DISPUTE ISSUES

I am requesting a general due process hearing on the following issue(s): ***(check all that apply)***

- ☐ The student's identification and eligibility for services under Article 7.
- ☐ The appropriateness of the educational evaluation.
- ☐ The appropriateness of the student's proposed or current level of special education services or placement.
- ☐ Reimbursement for services obtained by the parent.
- ☐ The provision of a free appropriate public education for the student 511 IAC 7-45-3(a)(3).

You must include/provide the facts relevant to the dispute. (Space below is limited to 24 lines. Attach additional pages as necessary.)

Briefly explain the resolution you are seeking. (Space below is limited to 18 lines. Attach additional pages as necessary.)

Printed Name | **Signature** | **Date**

Note: Form may be completed electronically, but must be printed and must include a hand written signature. Requests received without written signature will NOT be processed. Completed form may be mailed and or faxed simultaneously to the: Indiana Department of Education, Office of Special Education, 115 W Washington St., South Tower Ste 600, Indianapolis, IN 46204, Fax number - 317/232-0589; and to the opposing party.

Print Form

Revised August 2013

DUE PROCESS TIMELINE OVERVIEW

PARENT REQUEST FOR HEARING

Within 10 Days of Receiving a Request for a Due Process Hearing

- If it hasn't already done so, the public agency must provide *prior written notice* to the parents on the subject matter of the due process hearing request.
- And, the public agency must provide a *written response ("Answer") to the parent's due process hearing request* specifically addressing the issues identified in the due process hearing request.

Within 15 Days of Receiving a Request for a Due Process Hearing

- If the public agency believes that the parent's due process hearing request does not meet the requirements of 511 IAC 7-45-4, the public agency may send notice to the independent hearing officer (IHO) and the parent of its belief. (A parent's request for a due process hearing will be deemed sufficient unless the public agency notifies the IHO and the parent in writing of the public agency's belief to the contrary.)

  Article 7 requires the parent's due process hearing request to include:
  - ✓ the name, address and residence of the student (or available contact information for a homeless student)
  - ✓ The name of the school the student attends
  - ✓ a description of the nature of the problem of the student relating to such proposed initiation or change, including facts relating to such problem, and
  - ✓ a proposed resolution to the extent known and available at the time.

  Within 5 days of receiving the public agency's notice of insufficiency, the IHO must make a decision on the sufficiency of the parent's request for a due process hearing and immediately notify the parties in writing.
- The public agency must convene a meeting with the parent and relevant members of the case conference committee (CCC), including a public agency representative, to allow the parents to discuss the facts that form the basis of the hearing request and provide the public agency with an opportunity to resolve the issues.
- The public agency's attorney may not attend unless parent's attorney attends.
- Meeting may be waived by mutual written consent of the public agencies and the parents OR by agreement to mediate.

Within 30 Days of Receiving a Request for a Due Process Hearing

- If the matter is not resolved to the parent's satisfaction, a due process hearing can proceed, and the 45-day timeline for the due process hearing begins.
- If the matter is resolved, the parties must execute a legally binding agreement, signed by both parties, which shall be enforceable in court. Either party may void the agreement within 3 business days of executing the agreement.

Within 45 Days of the Determination That the Matter Has Not Been Resolved to the Parent's Satisfaction

- A hearing must be conducted and a written decision rendered unless the hearing officer grants a party's request for an extension of time.
- Mediation may occur during this time but may not delay the timelines.

PUBLIC AGENCY REQUESTS HEARING

Within 10 Days of Receiving a Request for a Due Process Hearing

- The parent (or the parent's attorney) must provide a *written response ("Answer") to the public agency's due process hearing request* specifically addressing the issues identified in the due process hearing request.

Within 15 Days of Receiving a Request for a Due Process Hearing

- If the parent (or the parent's attorney) believes that the public agency's due process hearing request does not meet the requirements of 511 IAC 7-45-4, the parent (or the parent's attorney) may send notice to the independent hearing officer and the public agency of its belief. (The public agency's request for a due process hearing will be deemed sufficient unless the parent (or the parent's attorney) notifies the IHO and the public agency in writing of the parent's belief to the contrary.)

  - Article 7 requires the public agency's due process hearing request to include:
    - ✓ the name, address and residence of the student (or available contact information for a homeless student)
    - ✓ the name of the school the student attends
    - ✓ a description of the nature of the problem of the student relating to such proposed initiation or change, including facts relating to such problem, and
    - ✓ proposed resolution to the extent known and available at the time.
  - Within 5 days of receiving the parent's (or parent's attorney) notice of insufficiency, the IHO must make a decision on the sufficiency of the public agency's request for a due process hearing and immediately notify the parties in writing.

Within 45 Days of the Determination That the Matter Has Not Been Resolved to the Parent's Satisfaction

- A hearing must be conducted and a written decision rendered unless the hearing officer grants a party's request for an extension of time.
- Mediation may occur during this time but may not delay the timelines.

NOTE: Due process hearing timelines are **CALENDAR** days. The timelines for providing prior written notice, a response to the request for a hearing and providing notice that a request does not comply with the stated requirements begin upon the receipt of the request for hearing by the IDOE. The 45-day timeline within which the due process hearing must occur does not begin until after the opportunity for a resolution meeting and the unsuccessful resolution within 30 days after receipt of the due process hearing request.

CIVIL LAWSUIT

Any party disagreeing with the decision of the independent hearing officer may file a petition for judicial review with a civil court with jurisdiction. Under IC-4-21.5-5, a petition for review by a state or federal civil court must be filed within (30) calendar days after the date the independent hearing officer's written decision is received by the party. A civil suit will require that parents employ an attorney and go through extensive legal proceedings. However, in some cases it is the only option that will resolve the dispute and ensure that the student receives appropriate supports and services to ensure a free appropriate public education as required by IDEA.

A lawsuit may be filed in federal, district and appellate courts, including the United States Supreme Court.

Note: A parent represented by legal counsel during the proceedings of hearing, an appeal or civil court action is entitled to reimbursement for legal fees if the parent ultimately prevails. Determination of which party prevails and the amount of reimbursement shall be determined by negotiation between the parent and the public agency. If agreement cannot be reached, either party may proceed to civil court for resolution. The mediation process is not available for resolution of legal fees.

FINAL WORD

You should use some caution when giving the school written feedback in an attempt to communicate frustration about services for your child. If you have concerns, you should raise them. Just be aware that when you submit a written complaint about your child's services, this may be construed as a formal complaint or due process request. Filing complaints is serious business. Before proceeding you should be well informed and understand federal and state policies about such actions. Be sure to get all available information regarding all complaint options prior to filing a complaint.

ATTORNEY'S FEES

511 IAC 7-45-11

For a parent to recover attorney's fees, a request must be filed in a civil court with jurisdiction within **thirty (30) calendar days** after receiving the hearing officer's decision

Attorney's fees awarded must be based on rates prevailing in the community for similar types of proceedings. No bonus or multiplier may be used in calculating the fees awarded. (A bonus is sometimes added or a multiplier sometimes applied if the case involves a substantial public question, the issue is unusually difficult, or the attorney is exceptionally experienced, etc.)

The court may **not** award attorney's fees for:

- services performed after the public agency made a timely written settlement offer to the parents, and the relief the parents finally obtained is not more favorable to the parents than the public agency's settlement offer (unless the parents were justified in rejecting that settlement offer);
- any meeting of the case conference committee, unless the meeting was convened as the result of an administrative proceeding or judicial action;
- a mediation session that was conducted prior to the time the due process hearing request was filed; or
- the resolution session.

A court may award attorney's fees and related costs to a parent who was substantially justified in rejecting the settlement offer.

Unless the public agency has unreasonably prolonged the controversy or is in violation of the procedural safeguards, a court may reduce the amount of attorney's fees awarded under the following circumstances:

- if the parent or parent's attorney prolongs the controversy;
- if the fees unreasonably exceed rates prevailing in the community;
- if the time spent and legal services furnished were excessive considering the nature of the proceedings; or
- the attorney representing the parent did not provide appropriate information to the public agency in the due process hearing.

Note: The Department of Education or a public agency may seek attorney's fees against the parents and/or their attorney if there is continuing litigation that is deemed frivolous, unreasonable or without foundation. The Department of Education or the public agency may also seek attorney's fees from the parents or the parents' attorney if the hearing request was presented for any improper purpose, such as to harass, to unnecessarily delay, or to needlessly increase cost of litigation. Funds under Part B of the Individuals with Disabilities Education Act (IDEA) may not be used to pay parents' attorney's fees, school district's attorney's fees or costs related to an action or procedure under IDEA and Article 7.

EXPEDITED DUE PROCESS HEARINGS AND APPEALS

511 IAC 7-45-10

An expedited due process hearing may occur in any of the following situations:

- the parent disagrees with the determination that the student's behavior was not a manifestation of the student's disability;
- the parent disagrees with the public agency's decision regarding the student's disciplinary change of placement (see *Discipline* section);
- the public agency believes that it is dangerous for the student to return to the current placement (placement prior to interim alternative educational setting) after being in the interim alternative educational setting.

An expedited due process hearing shall follow the procedures for due process hearings except for the following:

- occur within **twenty (20) instructional days** of the date the request was received by the public agency;
- a resolution meeting must occur within **seven (7) calendar days** of the date the hearing request was received by the public agency unless this has been waived in writing by both parties or the mediation process is used;
- if there is no resolution, the hearing will proceed within **fifteen (15) calendar days** of the receipt of the hearing request;
- the hearing officer must issue a written decision within **ten (10) instructional days** after the hearing;
- no extensions of time shall be granted.

CHECKLIST FOR PARENTS

PREPARING FOR A DUE PROCESS HEARING

Tasks Begun	Tasks Completed	
		EXAMINE THE ISSUE CLOSELY.
[ ]	[ ]	1. Identify the main issue and any related sub-issues.
[ ]	[ ]	2. Consider the risks (time, stress, etc.) involved in the hearing process.
[ ]	[ ]	3. Negotiate on the local level - look at mediation as an option.
[ ]	[ ]	4. Verify that it is a hearable issue rather than a complaint.
[ ]	[ ]	5. Consider attending a resolution session.
		GATHER AND ORGANIZE YOUR INFORMATION.
[ ]	[ ]	1. Determine how much time you will need to assemble evidence **before** submitting a request for a hearing.
[ ]	[ ]	2. Choose the date when you will submit a letter to the State Department of Public Instruction and the local Superintendent of Schools requesting a hearing.
[ ]	[ ]	3. Decide if you will need legal counsel.
[ ]	[ ]	4. Ask for a complete copy of your child's school records. These records can include: ♦ Cumulative school history (information regarding schools attended, days present, grades earned, extra activities, disciplinary actions) ♦ Form referring student for testing ♦ Notice of parents' rights in evaluation (presented at the time of referral) ♦ Parental permission to evaluate ♦ Results from any and all educational evaluations ♦ Notices inviting parents to IEP meetings ♦ Summary report of initial special education placement meeting ♦ Summary report of each annual case review meeting ♦ Summary reports of other parent-school meetings ♦ Student's IEPs, including transition plans if appropriate (initial and yearly revisions) ♦ Notice to parents of proposed special education placement ♦ Parental permission to place student in special education ♦ Medical information ♦ Progress reports ♦ Written description of student's history by parent(s)
[ ]	[ ]	5. Request other pertinent records from the school and school personnel. These may include: ♦ Actual tests taken by student ♦ Letters from parents or teachers ♦ Records of telephone conversations ♦ Organizational information about special education programs and employees' roles ♦ Minutes of pertinent meetings, School Board sessions, etc. ♦ Copies of school policies and procedures relevant to the issues

Tasks Begun	Tasks Completed	
[ ]	[ ]	6. Assemble your own records about your child, such as: ♦ Letters to the school ♦ Records of phone calls, meetings ♦ Medical information ♦ Sample work of student ♦ Parental observations of student's strengths and weaknesses ♦ Evidence of peer and sibling interaction ♦ Descriptions of extra services you provided your child
[ ]	[ ]	7. Collect information and expert opinions from non-school sources that support your case, such as: ♦ Written results of medical examinations ♦ Outside testing results ♦ Written diagnostic opinions
		DECIDE WHO WILL BE PRESENT AT YOUR HEARING
[ ]	[ ]	1. Identify individuals that you will need to serve as witnesses at the hearing. Contact those you feel will voluntarily testify to explain what their role will be.
[ ]	[ ]	2. Submit witnesses' names to the hearing officer as soon as possible so that all witnesses can be notified of the time and place. The hearing officer can also compel the presence of those witnesses who may be unwilling to testify.
[ ]	[ ]	3. Ask the hearing officer for a list of witnesses the school intends to use.
[ ]	[ ]	4. Decide whether it is to your advantage to have an open hearing where friends, observers from either side or the press may come or if you would prefer a closed hearing.
[ ]	[ ]	5. Decide whether the student should be present for some or all of the proceedings.
		PREPARE YOURSELF MENTALLY AND PSYCHOLOGICALLY.
[ ]	[ ]	1. Write out a clear statement of your position for use as opening remarks and for reference.
[ ]	[ ]	2. Develop a precise non-emotional description of your child and his/her needs to refer to and repeat whenever necessary.
[ ]	[ ]	3. Decide how you will establish credibility.
[ ]	[ ]	4. Brainstorm all the possible pitfalls that may occur. Develop appropriate reactions to them. Such pitfalls may be: ♦ A challenge to credibility. ♦ An attack on your motives as a parent. ♦ A lapse in procedure by the school or their attorney. ♦ Submission of records not previously seen. ♦ Presence of individuals not expected. ♦ Confusing questions by the attorney. ♦ Attorney lapsing into heavy courtroom tactics. ♦ Intimidation by large crowd of school personnel. ♦ Losing your cool or control of your emotions. ♦ Feeling sorry for the school's problems.

ACRONYMS, ABBREVIATIONS & TERMS USED IN SPECIAL EDUCATION



COMMONLY USED ACRONYMS IN SPECIAL EDUCATION

AAA	Area Agency on Aging
AAC	Augmentative and Alternative Communication
AAMD	American Association on Mental Deficiency
AB	Adaptive Behavior
ABA	Applied Behavior Analysis
ABS	Adaptive Behavior Scale
ACF	Administration of Children and Family
ADA	Americans with Disabilities Act
ADA	Average Daily Attendance
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
ADL	Activities of Daily Living
ADS	Adult Day Services
AFB	American Foundation for the Blind
APE	Adaptive Physical Education
APHB	American Printing House for the Blind
APR	Annual Performance Report
APS	Adult Protective Services
ASAP	Accountability System for Academic Progress
ASD	Autism Spectrum Disorder
ASDC	American Society for Deaf Children
ASHA	American Speech Language Hearing Association
ASK	About Special Kids *(formerly IPIN)*
ASL	American Sign Language
AT	Assistive Technology
ATTAIN	Accessing Technology Through Awareness in Indiana
ATTIC	Assistive Technology Training and Information Center
AU	Autism
AYP	Annual Yearly Progress
BAIHS	Bureau of Aging and In-Home Services
BCD	Bureau of Child Development
BDDS	Bureau of Developmental Disability Services
BPD	Bipolor Disorder
BIP	Behavioral Intervention Plan
BQIS	Bureau of Quality Improvement Services
CA	Chronological Age
CAP	Client Assistance Program
CARF	Commission on Accreditation of Rehabilitation Facilities
CASE	Council of Administrators of Special Education
CBVA	Curriculum Based Vocational Assessment
CBM	Curriculum Based Measurement
CCB	Cost Comparison Budget
CCC	Case Conference Committee
CCSSO	Council of Chief State School Officers
CD	Communication Disorder
CEC	Council for Exceptional Children
CEEP	Center for Evaluation and Education Policy
CEO	Chief Executive Officer
CF	Cystic Fibrosis
CHINS	Child in Need of Services
CHIP	Children's Health Insurance Program
CHOICE	Community & Home Options to Institutional Care for Elderly & Disabled Program

CIC	Clean Intermittent Catheterization
CIFMS	Continuous Improvement Focused Monitoring System
CIMS	Continuous Improvement Monitoring System
CIPYC	Center for Innovative Practices for Young Children
CMHC	Community Mental Health Center
CMS	Center for Medicare and Medicaid Services
CO-OP	Cooperative (Special Education Cooperative)
COVOH	Council of Volunteers and Organizations for Hoosiers with Disabilities
CP	Cerebral Palsy
CPIP	Collaborative Parent Involvement Project
CPS	Child Protective Services
CR	Compliance Review
CRO	Central Reimbursement Office
CSHCS	Children with Special Health Care Services
CSPD	Comprehensive System of Personnel Development
CSSO	Chief State School Officer
CTQ	Center for Improving the Quality of Teachers
DB	Deaf and Blind
DD	Developmental Disability
DDRS	Division of Disability and Rehabilitative Services
DDC	Developmental Disabilities Council
DDPC	Developmental Disabilities Planning Council
D & E	Diagnosis and Evaluation
DFC	Division of Family and Children
DIBELS	Dynamic Indicators of Basic Early Literacy Skills
DMH	Division of Mental Health
DOE	Department of Education
DSE	Director of Special of Education or Division of Special Education
DVR	Division of Vocational Rehabilitation (Indiana Rehabilitation Services)
EC	Early Childhood
ECA's	End of Course Assessments
ED	Emotional Disability
EDGAR	Education Department General Administrative Regulations, U.S. DOE
EEG	Electroencephalogram
EEOC	Equal Employment Opportunity Commission
EHA-B	Education for the Handicapped Act, Part B (now IDEA)
EI	Early Intervention
EKG	Electrocardiogram
EPC	Educational Planning Committee
EPSDT	Early Periodic Screening, Diagnosis and Treatment
ESEA	Elementary and Secondary Education Act
ESP	Educational Surrogate Parent
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FAS	Fetal Alcohol Syndrome
FERPA	Family Educational Rights and Privacy Act
FRCD	Family Resource Center on Disabilities
FS	First Steps
FSCP	Families, Schools and Community Partnerships
FSIQ	Fall Scale Intelligent Quotient
FSSA	Family and Social Services Administration
GAF	Global Assessment of Functioning
GEI	General Education Intervention
GPCD	Governor's Planning Council for Persons with Disabilities

HB	Homebound
HEA	Higher Education Act
HHS	Health and Human Services (U.S. Department)
HI	Hearing Impairment
HIP	Healthy Indiana Plan
HMO	Health Maintenance Organization
HOUSSE	High Objective Uniform State Standard of Evaluation
IAC	Indiana Administrative Code
IAES	Interim Alternative Educational Setting
IARCCA	Indiana Association of Residential Child Care Agencies
IASEP	Indiana Assessment System for Educational Proficiencies
IC	Indiana Code
ICASE	Indiana Council of Administrators of Special Education
ICC	(Governor's) Interagency Coordinating Council (on Infants and Toddlers)
ICF	Intermediate Care Facility
ICLD	Individualized Community Living Budget
IDEA	Individuals with Disabilities Education Act
IDEAL	Indiana Designs Equitable Access for Learning
IDEIA	Individuals with Disabilities Education Improvement Act
IEP	Individualized Education Program (or Plan)
IFCEC	Indiana Federation Council for Exceptional Children
IFSP	Individualized Family Service Plan
IIDC	Indiana Institute on Disability and Community (formerly ISDD)
IPMG	Indiana Professional Management Group
INARF	Indiana Association of Rehabilitation Facilities
INPSFS	Indiana Post School Follow-Up System
IN-SIG	Indiana State Improvement Grant
IN*SOURCE	Indiana Resource Center for Families with Special Needs
IPAS	Indiana Protection Advocacy Services
IPE	Individualized Plan for Employment
IPTP	Indiana Parent Training Program
IQ	Intelligence Quotient (score on intelligence test)
IRCA	Indiana Resource Center for Autism
IRS	Indiana Rehabilitative Services or Internal Revenue Service
ISB	Indiana School for the Blind
ISBA	Indiana School Boards Association
ISBH	Indiana State Board of Health
ISD	Indiana School for the Deaf
ISEAS	Indiana Special Education Administrator's Services
ISP	Individualized Support Plan
ISTAR	Indiana Standards Tool for Alternate Reporting
ISTART7	Indiana Standard Tool for Article 7 Compliance
ISTEP	Indiana State Test for Educational Progress
IWRE	Individual Work Related Expense
LCC	Local Coordinating Committee (or Council)
LD	Learning DisabilityLDA Learning Disability Association
LDSB	Longest Digit Span Backward
LDSP	Longest Digit Span Forward
LEA	Local Education Agency
LEP	Limited English Proficiency
LPCC	Local Planning Coordinating Council
LRE	Least Restrictive Environment

MA	Mental Age
MCH	Maternal and Child Health
MCO	Managed Care Organization
MCR	Multi-Categorical Resource
MD	Mental Disability
M-TEAM	Multidisciplinary Team
MOU	Memorandum of Understanding
NAEP	National Assessment of Educational Progress
NARIC	National Rehabilitation Information Center
NASDSE	National Association of State Directors of Special Education
NBLI	Narrative-based Language Intervention
NCLB	No Child Left Behind
NEC*TAS	National Early Childhood Technical Assistance System
NICHCY	National Information Center for Children and Youth with Disabilities
NICU	Neonatal Intensive Care Unit
NIMAC	National Instructional Materials Access Center
NIMAS	National Instructional Materials Accessibility Standard
NOPS	Notice of Procedural Safeguards
NORD	National Organization for Rare Disorders
NSCIA	National Spinal Cord Injury Association
NSTTAC	National Secondary Transition Technical Assistance Center
OASIS	Objective Assessment System for Individual Supports
OCR	Office for Civil Rights
ODD	Oppositional Defiant Disorder
OFSS	Office of Family and Social Services
OHI	Other Health Impairment
OI	Orthopedic Impairment
OMPP	Officer of Medicaid Policy and Planning
OSEP	Office of Special Education Programs, U.S. Department of Education
OSERS	Office of Special Education &Rehabilitation Services, U.S. DOE
OT	Occupational Therapy or Occupational Therapist
PAC	Parent Advisory Council
PASS	Plan for Achieving Self-Support
PATINS	Partnerships for Assistive Technology with Indiana Schools
PCP	Person Centered Planning
PDD-NOS	Pervasive Developmental Disorders-Not Otherwise Specified
PE	Physical Education
PEC	Picture Exchange Communication
PIAT	Peabody Individual Achievement Test
PIRC	Parent Information and Resource Center
P.L.	Public Law
PPO	Preferred Provider Organization
PSI	Processing Speed Index
PT	Physical Therapy or Physical Therapist
PTI	Parent Training and Information (Centers)
PVE	Pre-vocational Education
RFP	Request for Proposal
ROM	Range of Motion
RP	Retinitis Pigmentosa
RRC	Regional Resource Center
RTI	Response to Intervention

SBVTE	State Board of Vocational Technical Education
SCD	Significant Cognitive Disability
SCHIP	State Children's Health Insurance Program
SCI	Spinal Cord Injury
SED	Special Education Director
SEP	Special Education Programs (Office of OSERS)
SES	Supplemental Educational Services
SICC	State Interagency Coordinating Council
SIG	State Improvement Grant
SIP	State Improvement Plan
S/LP	Speech/Language and Hearing Pathologist
SOP/SSP	State Operated Program/State Supported Program
SPOE	System Point of Entry
SPP	State Performance Plan
SSA	Social Security Administration
SSDI	Social Security Disability Income
SSI	Supplemental Security Income
SSN	Social Security Number
STN	Student Test Number
TANF	Temporary Assistance to Needy Families
TAPP	Technical Assistance to Parents Program
TASH	The Association for Persons with Severe Disabilties
TBI	Traumatic Brain Injury
TDD	Telephone Device for the Deaf
TTY	Tele-typewriter
UAP	University Affiliated Programs
UCP	United Cerebral Palsy (Association)
UDL	Universal Comprehensive Index
UTS	Unified Training SystemV
VCI	Verbal Comprehension Index
VI	Visual Impairment
VMI	Visual Motor Index
VR	Vocational Rehabilitation
VRS	Vocational Rehabilitation Services
WIAT	Wechsler Individual Achievement Test
WIC	Women's, Infants& Children
WISC	Wechsler Intelligence Scale for Children
WMI	Working Memory Index
WRAT	Wide Range Achievement Test

TERMS AND DEFINITIONS

Accessible:
Modified or designed so that persons with limited mobility (in wheelchairs or with crutches, for example) can move into and around the structure or building.

Achievement Test:
A test that measures progress in school subject areas such as reading, spelling and math. Example include Wide Range Achievement Test (WRAT)& the Peabody Individual Achievement Test (PIAT).

Adapted:
Changed, altered or adjusted to meet a student's unique needs (e.g., curriculum, materials, equipment, toys, activities, classroom environment, etc).

Adapted Physical Education:
Physical education designed to be safe and successful for students with disabilities; ideally taught by a certified adapted physical education teacher.

Adaptive Behavior:
How a person fits socially & emotionally with people of similar age & cultural background in varied situations.

Advocacy:
Agencies/individuals speak/act on behalf of the interests of themselves/other individuals/groups.

Advocate:
A person knowledgeable about special education issues and procedures who takes action to help a parent; an advocate can be another parent of a child with disabilities.

Age Appropriate:
Reflects a student's chronological age.

Age Appropriate Transition Assessment:
Ongoing process of collecting data on the individual's needs, preferences, and interests as related to demands of current and future working, educational, living and personal and social environments."

Aid:
An assistive or corrective device, such as a hearing aid.

Aide:
See Paraprofessional.

Annual Goals:
The educational performance to be achieved by a student by the end of the school year.

Aptitude Test:
A test to measure an individual's ability to learn in a particular area such as music, mechanics, etc.

Article 7:
Rules and regulations for special education services in Indiana.

Assessment:
The process of testing & observing a child to understand their nature, personality, learning style and abilities to help make decisions about the kind of educational programming required.

Assistive Technology Device:
Any piece of equipment that is used to increase, maintain or improve abilities of individuals with disabilities.

Assistive Technology Service:
Any service that helps an individual with a disability choose or learn to use an assistive technology device.

At-risk:
Term used to describe children who are considered likely to have difficulties in school because of home life, medical difficulties or other factors & who may need intervention services to prevent further difficulties.

Audiologist:
A specialist who has studied the science of hearing, to help prevent hearing loss, administer hearing tests to detect possible hearing loss & give information about hearing aids, training programs or medical treatment.

Auditory Association:
The ability to relate to concepts presented orally (i.e. "If a ball is round, a block is _____?").

Auditory Closure:
The ability to fill in the missing parts that are left out of an auditory presentation (i.e., "Banan__").

Auditory Perception:
The ability to receive sounds accurately and to understand what they mean when combined into words.

Auditory Sequential Memory:
The ability to remember what is heard in the specific order or sequence it was presented, which may affect a person's ability to follow oral directions.
Augmentative Communication:
An additional or alternative means of communication (i.e., verbal communication paired with sign language, communication book/board, computer with voice synthesizer, etc.).
Baseline Data:
Written documentation of the strength/level (rate, duration, latency) of a target behavior(s); taken before a behavior plan can be developed.
Behavior Management Modification:
A method for changing specific behaviors that emphasizes regular encouragement or discouragement of behaviors that can be seen, and for observing what happens both before and after the behavior.
Behavior Plan:
A written, agreed upon method of dealing with behavior. A behavior plan delineates specific strategies intended to decrease inappropriate behavior by increasing the occurrence of appropriate behavior.
Behavior Specialist:
A person trained in behavior management/behavior guidance strategies.
Bilingual Education:
An instructional model that involves the use of two languages. The speaker's native language is used to teach concepts, linguistic skills, broaden the individual's abilities, & gradually introduce a second language to prevent academic delay. The student learns in the host country and fosters pride in both cultures.
Case Conference:
The meeting held to discuss evaluation results, determine a need for special services and plan for the student's educational future by developing the IEP.
Case Management:
Activities by a case manager include coordination and assistance to families or individuals to gain access to appropriate services. "Service coordination" may be used in place of the term "case management."
Central Directory:
A system that is managed and maintained in one central location for keeping track of services, resources and experts that provide assistance to individuals with disabilities and their families.
Cerebral Dominance:
The control of activities by the brain with one side (hemisphere) usually considered consistently in control over the other. The left side controls language in most people and is thought to be the dominant side.
Cerebral Palsy:
A condition involving disabilities in movement, as a result of brain damage before or during birth or infancy.
Change in Placement:
Change of program, change of label; expulsion from school.
Children's Health Insurance Program:
A federal law to use state and federal dollars to provide health insurance for uninsured children.
Chronic:
Continuing over a long period of time; recurring frequently.
Chronological Age:
A person's actual calendar age, usually given by year and month, such as CA=6.7 (6 years, 7 months).
Cognition:
The act or process of knowing; the various thinking skills and processes are considered cognitive skills.
Collaboration:
The ability to work together to complete a task and common goal.
Communication:
The ability to make understood wants and needs using verbal language, sign language, gestures, facial expression(s), computers or a combination of methods.
Community-Based Programs:
Programs for individuals with disabilities located within the individual's community.
Complainable Issue:
An issue arising from a violation or suspected violation of Article 7 (e.g., school denying related services).
Complaint:
The action taken to notify the state education agency that there is a suspected violation of special education regulations. A complaint triggers an investigation of the suspected problem.

Comprehensive System of Personnel Development (CSPD):
The school's written plan outlining procedures to provide training & information to public agency personnel, parents & others regarding the provision of a free appropriate public education to students with disabilities.
Conceptual disorder:
Disturbance in the thinking process and cognitive activities or a disturbance in the ability to form concepts.
Confidentiality:
Refers to being careful and using good judgment in reporting only the information that is relevant about the child when disclosing personal information to school personnel, social workers, friends, etc.
Congenital:
A condition existing from birth.
Consent:
To be fully informed & agree on a proposed plan of educational action. Parental consent in education has three parts: parent is fully informed; parent agrees in writing; consent is given voluntarily.
Continuum:
A series of options.
Contracted:
Services purchased or contracted from outside the school (e.g., psychological, therapy, transportation).
Cultural Diversity:
An element of a program that acknowledges individualized needs of children and families based upon ethnic membership and the value system of that cultural group.
Curriculum Based Vocational Assessment:
Various tests to determine career & vocational instructional needs of students based on preferences in course content &7curriculum & identification of students' career/vocational strengths and weaknesses.
Designee:
One acting on behalf of; the representative of the school or special education department (the case conference coordinator may be the designee of the direction duration of special education; the director of special education may be the designee of the superintendent).
Development:
Stages of human growth; observable in sequential steps (i.e., rolling over, sitting up, standing). Generally measured fine & gross motor, cognitive, self-help, social-emotional & language (expressive & receptive).
Developmental Delay:
A measurable delay means that a significant difference exists between the child's age-expected level of development (adjusted for prematurity, if applicable) and the child's current level of functioning.
Developmental Disability:
A chronic disability that is a result of mental or physical impairment or combination of a mental or physical impairment which appears before the person is twenty-two (22) years of age, likely to continue throughout that person's life and substantially limits his/her ability to function in three (3) or more major life activities.
Developmental Disabilities Council:
The agency in each state authorized by the federal DD Act. Sometimes called DD Planning Council.
Developmental History:
Recorded developmental progress of a child (birth to 18 years) in such skills as sitting, walking or talking.
Diagnostic Services:
Services to identify presence of a disability (cause and complications) and the extent to which the disability is likely to limit the individual's life and work.
Diagnostic Tests:
Assessments & evaluations to find strengths & weaknesses in developmental skill or academic subject.
Direct Therapy:
Services (e.g., physical, occupational or speech therapy) provided directly to a student by a therapist, typically in an isolated or clinical setting.
Directionality:
The relationship of an object or point in space to another object in space. Difficulty in this developmental skill may result in left-right confusion in reading and writing.
Distractibility:
Attention that moves rapidly from one thing to another giving unusual, fleeting attention to trivial sights and sounds and having very little ability to concentrate.
Down Syndrome:
A common cause of intellectual disability defined by chromosomal abnormalities.

Due Process:
A term ensuring persons with disabilities the right to challenge any decision made on their behalf.
Durable Medical Equipment:
Equipment such as wheelchairs, braces, etc.
Dysfunction:
Impaired ability to perform or function in a particular way, usually as a result of delayed development.
Early Intervention:
Programs and services provided to infants and toddlers with disabilities during the years of most rapid growth and development, the years from birth through age three (3).
Early Periodic Screening, Diagnosis and Treatment:
Mandatory Medicaid health benefits and services for Medicaid-eligible children and adolescents. Designed to ensure children's access to early and comprehensive preventive care and treatment. The state Medicaid agency is required to pay for and make sure that providers deliver EPSDT services.
Educational Evaluation:
The procedures used to determine whether a child has an educational disability and the nature and extent of special education and related services the child needs.
Educational Records:
Records directly related to a student maintained by a public agency or a party acting for the public agency. This does not include records of instructional, supervisory, administrative or ancillary personnel. These remain in the sole possession of the maker of the record and are not accessible to or revealed to any other person. The term does include test protocols and individualized education programs.
Educational Surrogate Parent (ESP):
A person who has received training, knowledge & skills to substitute for the natural parent when a student's parent or guardian is not known or when the student is a ward of the Division of Family and Children. The function of the educational surrogate parent is to serve as an advocate and represent the student's educational needs and interests in the special education process in place of the natural parent(s).
Eligible:
Able to qualify; meeting certain requirements.
Epilepsy:
Condition characterized by recurrent disturbances in activity of the central nervous system. (Seizure.)
Evaluation:
The process of collecting and interpreting information about a child consisting of a variety of tests, observations & background, by a group of qualified people called a "multidisciplinary team."
Exclusion:
Removing or excluding a student with disabilities from school activities (denial of recess, time out, etc.).
Expressive Language:
Skills required to produce language for communication with other individuals. Speaking and writing are expressive language skills. Sign language is also considered an expressive language skill.
Expulsion:
Discharge or removal from school.
Extended School Year:
Special education and related services provided to a student for a period of time exceeding the regular school calendar. Case conference committee determines necessity in order for student to receive FAPE.
Family Assessment:
The ongoing process used to identify the family's strengths and needs related to the development of the child. (Used specifically in Early Intervention Programs in developing individualized family service plans.)
Family-Centered Programming:
Programs that actively implement procedures to involve and include families in all aspects of their child's care/education; programming based on family needs and preferences.
Figure-ground (auditory):
The ability to listen to specific sounds with background noise and ignore background noise.
Figure-ground (visual):
The ability to see specific forms or figures of a visual field and ignore background forms and figures.
Fine Motor Coordination(eye/hand):
Purposeful, coordinated movements of hand & eye for specific movements, such as writing, sewing, etc.
Follow-along:
A component of supported employment services that involves ongoing support of a person on and/or off their job site which begins after the worksite training is completed.

Free, Appropriate Public Education (FAPE):
An educational program designed to meet the individual needs of a student with a disability at no cost to the parent or child, provided by or through the public schools.
Functional Assessment:
Measures ability, competence or preference.
Functional-Based Curriculum:
Skills taught considered to be life skills (feeding, dressing, etc.); needed to function in home or community.
Functional Living Skills Assessment:
Skills, interests and values related to functioning in the home and community.
Gainful Employment:
Includes employment in: competitive labor market, supported employment or homebound work. Work is performed for living wage and typical benefits.
Gestational Age:
The amount of time the unborn infant has been carried in the mother's womb.
Goal:
The level of ability accepted as reasonable/desirable for a student at a specific time; the end result expected at a certain point. (The student will be able to write his name by the end of the first semester.)
Gross Motor Coordination(Leg/ Arm):
Movement that involves coordination and large muscle activity needed for walking, running, and other physical activities.
Guardian:
One entrusted by law with the person or property, or both, of another as for a minor or some other person legally incapable of managing his own affairs.
Habilitation:
Services provided to individuals with developmental disabilities to assist them in achieving independence.
Hearable Issue:
Issue relating to the initiation change or denial of identification, evaluation, educational placement of a child.
Hyperactivity:
Overactive, either in unplanned or planned body activities, e.g., child is in a constant state of motion.
Hypoactivity:
Lethargy or extreme lack of movement. The opposite of hyperactivity.
Impairment:
Disability (hearing, visual, learning, physical impairment); physical weakness, damage; functional problem.
Impartial Hearing Officer:
A fair, unbiased person appointed by the state to preside over a due process hearing.
Impulsive:
Acting (upon impulse) without thought or consideration of the outcome or consequences of an action.
Inclusion:
Strategies and processes that educators, therapists, principals, families and students use to include students/classmates with disabilities in general education classes and activities and in society as a whole.
Independent Evaluation:
An evaluation conducted by a qualified agency or individual who is not employed by or under contract with the public school system.
Independent Living:
Daily living functions with personal attendant care services or without direct supervision.
Individual Work Related Expense:
A Social Security work incentive program that allows an individual receiving SSDI to deduct from earnings the cost of certain impairment-related items and services in figuring substantial gainful activity.
Individualized Education Program:
The written educational plan for the student in special education with goals and objectives to be achieved. Each student receiving special education services has his/her own IEP.
Individualized Family Service Plan (ISFP):
A written plan developed jointly by the family and professionals providing early intervention services. The IFSP is based on a multidisciplinary evaluation and assessment of the child and family and includes services necessary to enhance the development of the child and the capacity of the family in meeting the needs of the eligible child. The IFSP must include information about the child; family information with concurrence of the family; outcomes; early intervention services; other services, dates and duration of services; the service coordinator; and steps to be taken to support transition at age three (3).

Individualized Plan for Employment (IPE):
Action plan developed by an individual with a disability, vocational rehabilitation counselor and others, with long and short-term goals to enable success in preparing for, obtaining and keeping a job.
Individuals with Disabilities Education Act (IDEA), Part B:
A federal law governing special education for students with disabilities age three (3) through twenty-one (21). IDEA is enforced by the federal Office of Special Education Programs (OSEP).
Individuals with Disabilities Education Act (IDEA), Part C:
Section under IDEA requiring states to develop comprehensive, coordinated, interagency multidisciplinary systems of services to eligible infants and toddlers from birth to age three (3) and their families.
Instructional Day:
A day that school is in session (not counting holidays, breaks, in-service days, etc.).
Intelligence Quotient (IQ):
A measure of cognitive ability for comparing an individual with others in the same age group.
Interagency Agreement:
A formal agreement between service providers which specifies the roles and responsibilities of all parties to the agreement, describes the special education services to be provided and outlines procedures for the administration and evaluation of each component included in the agreement (see 511 IAC 7-18-3).
Interdisciplinary Team:
An educational planning team comprising related service professionals, parents, teachers or significant others to develop a student's individualized program. Each team member compiles individual assessments within his/her discipline and shares recommendations to plan a comprehensive intervention program.
Job Cluster:
Related occupations based on similar job requirements.
Job Coach:
Provides individualized one-to-one assistance in job placement, travel training, skill training at the job site, ongoing assessment and long-term assessment.
Job Shadowing:
an individual observing a worker doing a job to better understand and gain information about that job.
Kinesthetic Method:
A method of teaching reading or remediating reading disorders by having the student trace the outline of words, thereby using muscle movement to reinforce and supplement auditory and visual stimuli.
Lead Agency:
The agency within the state in charge of overseeing and coordinating educational programs and services. In Indiana, the lead agency for early childhood special education programs is the Department of Education, Division of Special Education; for early intervention services, the lead agency is First Steps.
Learning Style:
The way in which a person learns; usually defined in sensory modalities (visual, auditory, tactile, kinesthetic).
Least Restrictive Environment:
One of the principles of normalization, it requires that people with disabilities receive services and support in environments that do not limit their life activities unnecessarily. For example, students with disabilities should be educated in ways that meet their needs and least limit their opportunities to be near and interact with other students.
Life Skills Assessment:
A person's ability to successfully cope in a number of areas.
Local Lead Agency:
A public or private entity within each county with direct or delegated authority to provide early intervention services to eligible infants and toddlers, birth to age three (3) and their families.
Local Planning and Coordinating Council:
The group of people in a county or group of counties organized for the purpose of implementing the early intervention system as required by state regulations.
Long-Term Goal:
Annual goal; a goal or skill expected to be mastered within a twelve (12) month period.
Managed Care:
A way to finance and deliver health care for a set fee using a defined network of services and providers. More and more Americans receive their health care through managed care systems. The organizations that deliver managed care are known as MCOs (Managed Care Organizations), HMOs (Health Maintenance Organizations), or PPOs (Preferred Provider Organizations).

Manifestation Determination:
A determination made by a case conference committee, following review of all relevant data, whether a student's behavior is caused by or is a manifestation of the student's disability.
Maternal and Child Health:
A program that oversees plans & sometimes delivers health care & other services to women and children.
Measurable Goal/Objective:
A statement of what a person will be able to do in terms that can be documented (John will be able to write the first ten spelling words correctly in 5 minutes).
Measurable Post-Secondary Goals:
A post-secondary goal is a goal that a child hopes to achieve after leaving high school.
Mediation:
A formal intervention process between parents and school systems to resolve special education disputes.
Medicaid:
A medical insurance program for income qualified, aged, disabled or blind individuals.
Medicaid Waiver:
A program that provides funds for home & community-based services for qualified adults with disabilities.
Medicare:
A federal health insurance program administered by the Social Security Administration for individuals over 65, regardless of income; persons with disabilities at any age may be eligible in certain circumstances.
Mental Age:
The score a student receives on an intelligence test; compares his/her score to those of other children of the same chronological age given the same test.
Modality:
The pathways through which an individual receives information and learns; auditory, visual, tactile-kinesthetic (listening, seeing, touching, etc.).
Modification:
Changes in curriculum, materials, activities to accommodate the needs of a child with disabilities.
Multi-sensory Approach:
The use of many modalities at the same time in teaching.
Multi-categorical:
A classroom or program designed to accommodate children with various disabilities.
Multidisciplinary Team (M-team):
The people who gather information through the assessment and evaluation process who are trained in a variety of disciplines. Parents are a part of this team.
Natural Supports:
The use of co-workers, employers and other naturally occurring sources of assistance to help an individual in an integrated, community-based employment setting.
Neurologists:
Medical doctors who specialize in diseases of the nervous system.
Norm-Referenced Test:
A test which compares a learner's performance to the average performance.
Objectives:
Measurable steps of learning which help a student reach a goal.
Occupational Therapy:
Services provided by, or under the supervision of, an occupational therapist to evaluate and train a person to use gross and fine motor skills, self-care skills, and use sensory and perceptual motor integration with the intent of strengthening the person's ability to function as independently as possible.
Office for Civil Rights (OCR):
Enforces Section 504 of the Rehabilitation Act of 1973. OCR is a part of the U.S. Department of Education.
Paraprofessional:
An individual who works under the supervision of licensed teachers or related services personnel to assist in areas which relate to personal, social, and instructional needs. The term includes, but is not limited to, instructional or program assistants, school bus monitors, interpreters, note-takers, and job coaches.
Payor of Last Resort:
Funding source used for services that an eligible child needs but is not entitled to under any other federal, state local or private source.

Percentile:
A score comparing one student's performance with others taking the same test. (A score in the 80th percentile, means that 80% of all children taking that test scored below that level and 20% scored higher).
Perception:
The process of organizing or interpreting information received thought the senses, such as auditory or visual thoughts, ideas or impressions.
Perceptual-motor:
A term describing the use of the various channels of perception with motor activity or movement. Channels of perception include visual, auditory, tactile and kinesthetic (seeing, hearing, touching).
Permanent File:
Educational records maintained by the special education department on each student receiving special education services.
Personal Assistance Service:
A wide range of services provided by one or more persons, to assist an individual with a disability to perform daily activities that the individual would typically perform if the individual did not have a disability.
Personally Identifiable Information:
Refers to information by which it is possible to identify a student with reasonable certainty, such as (1) the name of a student, a student's parent or any other family member; (2) the address of a student; (3) a personal identifier such as a student's social security number; and (4) a list of personal characteristics including disability designation.
Physical Therapy:
Services provided by, or under the supervision of, a physical therapist to evaluate individual developmental levels, functional abilities, reflex levels, range of motion, muscle strengths, perceptual motor levels, and respiratory function, and provide therapy in identified areas of need.
Placement:
Services & classes determined by the case conference committee that provide the most appropriate education for the student.
Plan for Achieving Self-Support:
A Social Security work incentive program that allows an individual receiving SSI to set aside income for a specified period of time for a work goal, such as education, vocational training or starting a business.
Positioning:
Techniques for aligning parts of the body to promote improved functions for gross and fine motor activities.
Procedural Safeguards:
Provisions insuring that parents' and students' rights are not denied.
Psychiatrist:
Medical doctor specializing in mental illness who counsels patients, prescribe drugs.
Psychologist:
A person trained in the study of mental processes & human behavior (not a medical doctor).
Reevaluation:
Re-testing a student for special education services; school is required to consider reevaluating a student at least every three (3) years.
Reasonable Accommodation (Employment):
An adjustment that permits a qualified person with a disability to apply for a job; perform the essential functions of a job; and enjoy benefits and privileges of employment equal to employees without disabilities.
Receptive Language:
The ability to understand language spoken or written by others.
Referral:
The process of directing a person to another person or service agency that can provide needed services. Referral is also the term used to start the educational evaluation process.
Regulations:
Statement that clarify the laws that are passed by Congress or the state legislature. Regulations are written and issued by departments within the executive branch of government; the regulations for P.L. 105-17 Individuals with Disabilities Education Act, which were enacted by the U.S. Congress, were written by the U.S. Department of Education. In Indiana, the regulations to implement our state laws for special education are known as "rules" and were issued by the Indiana Board of Education and have the force of law (Article 7, Rules 17-31).

Rehabilitation:
The process of helping a person who has a disability learn the skills needed for daily life activities.
Rehabilitation Counselor:
A person who helps individuals deal with the personal, social and vocational impact of their disabilities.
Rehabilitation Technology:
The systematic application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities.
Related Services:
Support services required to help a child with a disability to benefit from special education.
School to Work Opportunities Act:
A law administered by the Departments of Education & Labor to bring together partnerships of employers and education to build a system that prepares young people for careers in high-skill, high-wage jobs.
Self-Concept:
A person's idea of and feelings about himself/herself.
Sensorimotor:
Relates to both senses & movement & the combination of the input of sensations & the output of activity.
Sensory Integration:
The neurological principle that sensory input (i.e., taste, touch, smell, etc.) is organized in a meaningful way by the brain. An occupational therapist may be of assistance in identifying sensory integration deficits and providing interventions.
Sequencing:
The ability to put things in the correct order.
Service Coordination:
Activities carried out by a service coordinator that may include management and assistance to individuals to gain access to appropriate services. See "case management".
Sheltered Workshop:
Transitional and/or long term employment and training in a controlled, closed, segregated work environment. May also provide vocational evaluation and supported employment services.
Situational Assessment:
An assessment in a controlled or semi-controlled environment to evaluate work-related skills and behaviors.
Social Perception:
The ability to understand the meaning of behavior in situations and appropriately relate such understanding to one's own behavior.
Social Worker:
A person from a service agency involved with helping an individual and/or family in dealing with specific problems and needs, i.e., social, emotional, financial, etc.
Spatial Orientation:
The ability to organize space in terms of the individual relating his physical self to the environment with reference to distance, size, position and direction.
Special Education:
Instruction designed to specifically address the needs of a person with a disability.
Speech/Language Therapy:
The process of correcting speech and/or language problems; improving ability to use speech or language.
Standardized Test:
Any one of a variety of tests given to a student or group of students using uniform conditions.
Summary of Performance:
School-provided summary, upon exit of high school, of the student's achievements and functional performance, including recommendations on how the student can meet post-secondary goals.
Supplemental Security Income:
A disability program directed by the Social Security Administration for individuals who have little or no income or resources and are disability program directed by the Social Security Administration for individuals who have little or no income or resources and are elderly, blind or disabled.
Supported Employment:
Paid employment in community settings for persons with severe disabilities who need ongoing support to perform their work. Support can include on-the-job training, transportation or supervision.

Systems Point of Entry:
The central point, location, office or agency responsible for ensuring that all referrals of children under the age of three (3) and their families receive a timely response to their requests and that the various functions are conducted with families in a prompt, professional and family-centered manner.
Tactile Perception:
Ability to interpret and give meaning to sensory stimuli that are experienced through the sense of touch.
Task Analysis:
The breakdown of a particular job into its component work activities.
Test Protocol:
Written instructions on how a test must be administered and graded.
Total Communication:
The combined use of finger spelling, sign language, speech and lip reading to communicate with persons who have a hearing impairment or other disabilities.
Transition:
The period between preschool and school, school and adult services, or any other period where careful planning is needed to ensure the smooth transfer of records and information and the continuity of services from one setting to another.
University Affiliated Program:
Programs that train practitioners and research disability issues; Indiana's is at IU-Bloomington, Indiana Institute on Disability and Community (IIDC).
Visual Discrimination:
The ability to recognize small differences between similar and slightly different forms or shapes as in alphabet letters "p," "g," "q," "b," and "d."
Visual Motor Coordination:
The ability to coordinate vision with the movements of the body or parts of the body.
Visual Perception:
The identification, organization, interpretation of stimuli received by the individual through vision/eyesight.
Visual Reception:
The ability to gain meaning from visual stimuli.
Vocational Education:
An educational program which provides training in daily living skills, occupational skills for paid or unpaid employment, and/or career preparation for students in post-secondary programs.
Vocational Training:
Acquisition of job-specific skills in preparation for competitive employment.
Work History:
Cumulative employment experiences, including job titles, requirements, duties performed by an individual.
Written Opinion:
A brief written statement that may be attached to an IEP explaining an option opinion or belief about the nature of services to be provided. A written opinion may express agreement or disagreement with a specific decision of the case conference committee as written into or omitted from the IEP. Any member of a case conference may submit a written opinion.