

# Developing Quality IEPs



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<http://www.ped.state.nm.us/SEB/technical/index.html>

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August 12, 2010

**MEMORANDUM**

**TO:** District Superintendents  
Special Education Directors  
Regional Education Cooperative Directors  
Charter School Administrators

**FROM:** Denise Koscielniak  
Special Education Director, Special Education Bureau

**RE:** **DEVELOPING QUALITY INDIVIDUALIZED EDUCATION PROGRAMS (IEPs):  
TECHNICAL ASSISTANCE MANUAL**

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Enclosed, please find the updated "*Developing Quality Individualized Education Programs (IEPs): Technical Assistance Manual*" that includes updates from the New Mexico Public Education Department (NMPED), Special Education Bureau (SEB) rule changes. IDEA Regulations and NMPED rules provide a renewed focus on improving educational outcomes and promoting successful post school employment and/or education for students with Individualized Education Programs (IEPs).

The "*Developing Quality Individualized Education Programs (IEPs): Technical Assistance Manual*" is located under the Technical Manuals section of the SEB's website at: <http://www.ped.state.nm.us/SEB/index.html>.

Listed below are changes regarding State Recommended IEP forms and the TA Manual:

- Content of the IEP
- Transition
- Medicaid

IEP teams must make individualized decisions regarding the appropriate special education services for each student. When the IEP team meets to develop a program for a student with disabilities, they must consider many factors. A satisfactory IEP must provide for significant learning and provide meaningful educational benefit. In addition, the school district is required to take into account a continuum of placement options when formulating the IEP. Implementation, monitoring, and revision of the IEP is a continuous process, and it should be noted that it may become necessary to reconvene an IEP team to address an individual student's lack of progress in accordance with 34 CFR §300.324 (b)(1)(ii)(A).

In order to promote positive educational benefit and improve student outcomes effective transition planning must occur throughout a student's educational program. Effective transition planning begins when a student transitions from IDEA Part C services to IDEA Part B preschool services and continues as the student transitions from one

grade to the next, from one school to another, and ultimately to post high school work or continuing education. By consistently working as a team to develop and implement quality IEPs with strategically planned transitions from one stage of life to the next, districts can create a solid foundation leading to positive post school outcomes for students receiving special education support and services.

The *"Developing Quality Individualized Education Programs (IEPs): Technical Assistance Manual"* provides guidance for completing the State recommended Secondary and Pre-School/Elementary IEP. These forms facilitate life span transition planning within the IEP process and can be downloaded from the SEB homepage at: <http://www.ped.state.nm.us/SEB/index.html>.

This technical assistance manual was developed to assist educators and families in developing and implementing quality IEPs and will provide a foundation for improving outcomes for New Mexico students who receive special education support and services. If you have any questions regarding the manual, please call the SEB at (505) 827-1457 and ask to speak with an Education Administrator.

DK/ss

cc: Sheila Hyde, Ph.D., Deputy Education Secretary, Learning and Accountability  
Kristine Meurer, Ph. D., Interim Assistant Secretary, Student Success Division  
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**The office of the Secretary of Education would like to acknowledge the following individuals for their assistance in this project:**

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# ***Introduction***

**How to Use This Manual**

**The Special Education  
Process—Flow Chart  
& Overview**

**Guiding Principles**



# How to Use This Manual

## Online?

You can download and print this manual and all needed forms at

<http://www.ped.state.nm.us/SEB/technical/index.html>

## Navigating the Special Education Process

This manual was prepared by the New Mexico Public Education Department's (NMPED) Special Education Bureau specifically to assist educators and parents in developing quality Individualized Education Programs (IEPs) for students who receive special education services. It provides comprehensive information and guidance for ensuring that the Special Education Process is carried out in compliance with state and federal rules and regulations.

A good place to begin is to review the **Flow Chart** on page 4, which provides a visual map of the Special Education Process. This is followed by a more detailed written explanation of the **Special Education Process**—specifically, the mandated procedures that must be adhered to when identifying, referring, evaluating, and serving a child with disabilities.

Though it is not necessary for educators serving students eligible under the Individuals with Disabilities Education Act of 2004 (IDEA), to memorize all the provisions of the IDEA, but it is essential that they follow its basic procedures and know their responsibilities under the law. The section entitled **Guiding Principles** on page 9 offers the rationale for the procedures detailed in this manual.

## The IEP—Cornerstone of Special Education Services

A medical doctor prescribes treatment of a patient based on a specific diagnosis and the individual needs and circumstances of a patient. Even with the same symptoms, no two patients are exactly alike; each case is unique. It is the same with the professionals responsible for educating students with disabilities. They must make their recommendations for an educational program based on their assessment of the whole child—not just an isolated symptom—and take into account the child's unique circumstances. Like doctors, educators must also carefully document the diagnosis and prescriptive treatment plan, note progress as treatment is implemented, evaluate and revise the treatment as necessary, and of course, inform and include the patient (and/or family) in the entire process. For those involved in the special education process, the IEP is the written documentation of the child's strengths, needs, specific recommendations, the annual goals and how they are to be

measured, the services needed and how and when they are to be provided, the consideration of any special factors, a schedule of progress review and evaluation, and the involvement and the consent of the parents.

The bulk of this manual is devoted to preparation of a quality IEP. Like a doctor's treatment plan, an IEP must be detailed, specific, and done in accordance with the law. The initial IEP meeting is the time and place where the foundation for the quality of the child's services will be laid. Here, a team of professionals; the child's parent(s); anyone else who can offer insight; and ideally, the child (*required to be invited if age 14 or over\**) all contribute valuable pieces of a puzzle, which if put together carefully, can provide the child his or her best opportunity for success. This meeting is so important that a separate section entitled **The IEP Meeting** is included in this manual. In addition to covering the planning and conducting of the meeting itself, there are tips and strategies for effective communication among the participants.

After considering all the information gathered at the IEP meeting, the team must develop the IEP for the child. The section entitled **Writing the IEP** is a step-by-step guide to the process. Detailed information is given about what must be documented and who is responsible for each part of the child's program. Pre-developed forms ensure that all the required components are covered. These forms are referred to in the text and are available in the **Appendix** sections. (Forms can be reproduced. No permission is necessary.) The state-recommended IEP forms are also available in Spanish and are located on the NMPED Website at <http://www.ped.state.nm.us/SEB/technical/index.html>

### Checkpoint

Developing a quality IEP for a child identified as being eligible for special education services is more than a responsibility—it is the law! Before beginning, be certain that everyone involved is familiar with these key points:

- ✓ The Special Education Process (flow chart p. 4 and overview p. 5–8) should be followed unless the parent requested an evaluation.
- ✓ The IEP must be an individualized written statement documenting the assessments, strengths, needs, services, goals, accommodations, service schedules, and progress of a child identified as being eligible for special education and related services.
- ✓ According to the IDEA and state special education rules, local educational agencies must follow the special education process and develop and implement an IEP for any student who is found eligible to receive special education services.
- ✓ For an IEP to be in compliance with the federal and state laws, regulations, and rules it must be complete, specific, and written.

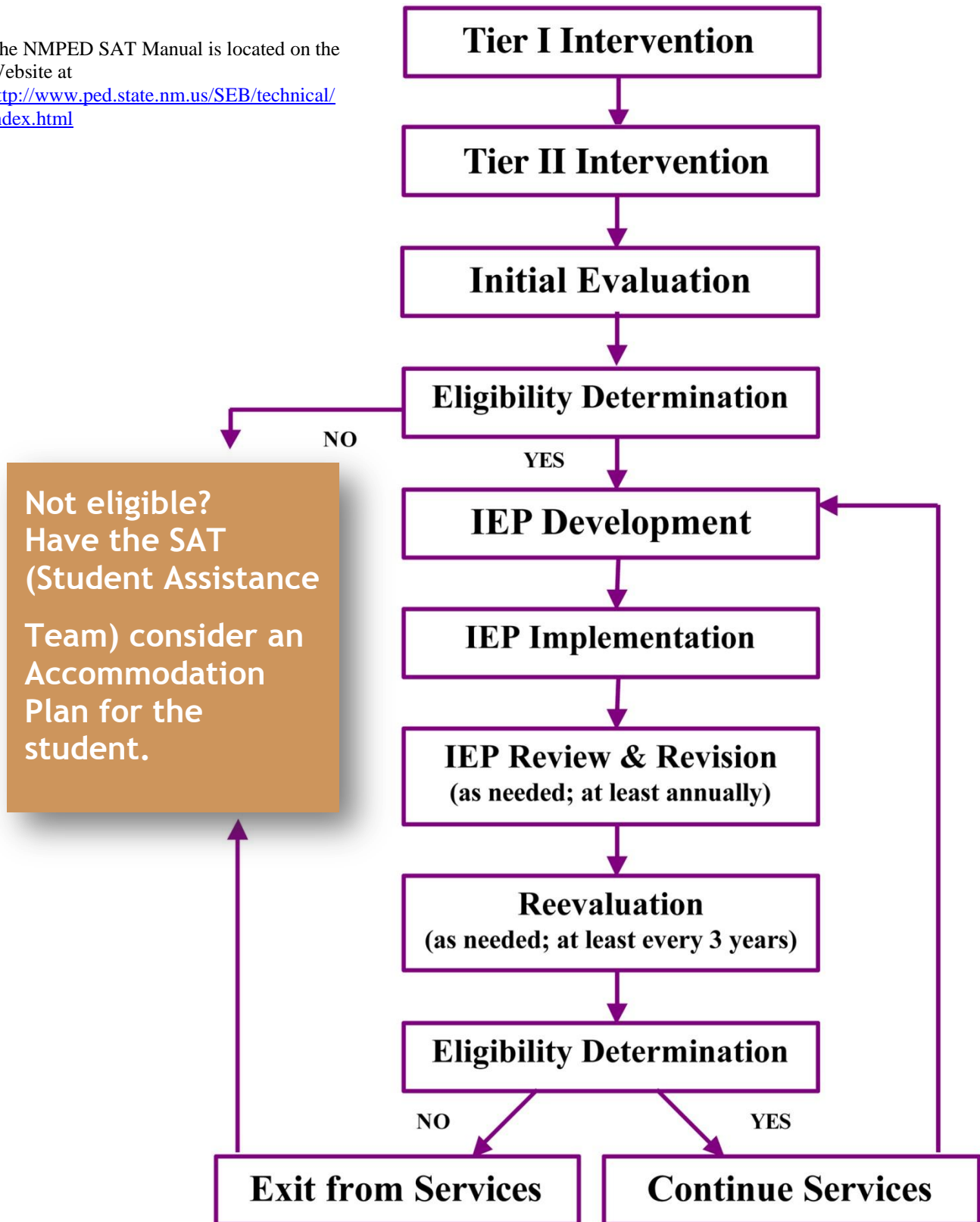
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*\*New Mexico State Statutes and rules require that transition planning begins at age 14*



# The Special Education Process Flow Chart

The NMPED SAT Manual is located on the Website at <http://www.ped.state.nm.us/SEB/technical/index.html>



Under the IDEA, public agencies must identify, evaluate, and serve all students with disabilities within their educational jurisdiction.

## An Overview of the Special Education Process

Local education agencies (LEAs) must follow the special education process established under the IDEA and NMPED rules. In order to qualify for special education and related services under Part B of the IDEA, a child must be between the ages of 2 and 21<sup>\*</sup>, must meet the definition of one or more categories of disabilities specified under the IDEA, and demonstrate a need of special education and related services as a result of his or her disability. (Not all students who have been identified as having a disability require special services.)

In addition to the categories of disabilities defined by the IDEA, New Mexico's special education rules include gifted students who show high intellectual ability paired with one or more exceptional skills in aptitude, achievement, creativity/divergent thinking, or problem solving/critical thinking and demonstrate a need for services to supplement and enhance their educational program.

**REFERRAL:** Federal regulations established by the IDEA require local education agencies to be responsible for locating, identifying, and placing students in special education programs. Since a large number of children are not identified through school referrals because they are not yet in the regular school setting, a procedure called "Child Find" is conducted by state agencies, local education agencies, and others.<sup>\*\*</sup> Through Child Find activities in the community, parents or professionals may refer a child for evaluation to determine if the child is eligible for special education services. Whether located through Child Find or through regular school channels, a child who may need special education services is first referred to the Student Assistance Team (SAT) for Tier I and Tier II intervention strategies and/or evaluation. Prior to referral for special education evaluation, SAT prescribed interventions are to be considered, implemented, and documented. If these Tier II interventions are deemed to be ineffective, the student may be identified as needing a formal evaluation to determine if additional services are required to enable the student to benefit from his or her education. Parents must give consent before their child is evaluated to determine if he or she is eligible for special education services.

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<sup>\*</sup> reach at least 3 years of age at any time during the school year; not reached aged 22 by the first day of the school year

<sup>\*\*</sup>Under the New Mexico State special education regulations, the Child Find requirement does not apply to potentially gifted children who have not yet reached age 5 prior to September 1 of the school year and/or school-age children who are not enrolled in public schools.

**EVALUATION:** A variety of assessment tools, including interviews and observations, are used to gather functional and developmental information about the child. Assessments must be nondiscriminatory and selected based on the language and communication mode of the child and take into account the student’s level of English proficiency. In addition, an evaluation must assess the child in all areas related to the suspected disability. To be eligible for special education services in New Mexico, a child must be identified as a “child with a disability” as defined by the IDEA or show the exceptionality of “gifted” and need special education services to benefit from their educational program. For students entering preschool, a group of qualified individuals must **review existing** Part C data as a component of the initial evaluation process.

*The Federal Law defines the term “child with a disability” as a child evaluated in accordance with the IDEA as having intellectual disabilities (mental retardation), a hearing impairment or deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, a health impairment, a specific learning disability (including dyslexia), deaf-blindness, multiple disabilities, or developmentally delayed (ages 3–9). The New Mexico Technical Evaluation, an assessment manual NM TEAM, provides specific guidance for each.*

**DETERMINING ELIGIBILITY:** Upon completion of the evaluation, a group of qualified professionals and the parents, commonly known as the IEP team, meets to discuss the evaluation and decide if the child meets the criteria to be eligible for special education and, if appropriate, related services. If so, an IEP is developed. This may begin immediately by continuing and extending the scope of the current meeting or scheduling a separate meeting soon thereafter. If parents do not agree with the evaluation results, they have the right to request an Independent Educational Evaluation (IEE). They can ask the school system to pay for the IEE.

An IEP must be developed for any child who meets the criteria for one or more disabilities *and* is determined to be in need of special education services.

**DEVELOPING THE IEP:** Once a child meets the criteria for one or more disabilities and is determined to be in need of special education and, if appropriate, related services, a team that includes parents, school professionals, and the student (when appropriate) must meet to develop an IEP for the child. The IEP is a document that directs and guides the development of meaningful educational experiences to provide students with opportunities to gain skills and knowledge that will assist them in achieving the standards and expectations for all students in the educational system and prepare them for transition into adult life.

Student participation in the IEP development is mandatory at age 14 and over but is strongly recommended for younger students as well. No matter the age or the ability level of the child, his or her presence at the IEP meeting helps team members focus on their purpose—to enable that child to learn and achieve as much as he or she possibly can. Part of this task involves assessing the capabilities, strengths, needs, and interests of the child. Whenever possible, the team should ask for and include the child’s input in its discussions and consideration.

**Tip! Most communication, if oral only, will be remembered slightly to very differently by each person who heard it. To avoid unnecessary misunderstanding, it is imperative that the member of the IEP team who is recording information on the IEP form carefully document what was suggested, proposed, discussed, and decided and by whom.**

**IMPLEMENTATION OF THE IEP:** When developing the IEP, the team must document on the IEP specifically how the plan will be implemented and by whom. Every person involved with the education of the child must be notified of the plan and fully understand his or her responsibilities in its implementation. The initiation of special education services date is important. It is the date upon which school staff must be prepared to implement the IEP. The initiation of services must not be unduly delayed. Again, clear communication is essential for success.

**Tip! At the first IEP meeting (if not pre-determined), one school professional should be designated as the coordinator, case manager, or lead teacher. He or she takes the responsibility of ensuring that all the people involved understand and are prepared to implement their part of the IEP after the meeting.**

**REVIEW AND REVISION OF THE IEP:** An IEP defines one or more measurable annual goals for the child, each of which may include short-term objectives and/or benchmarks, as appropriate. The annual goals are based on the student’s strengths and needs according to his or her present levels of academic achievement and functional performances, provide direction for the IEP, and must be measurable. Each annual goal set at the IEP meeting must spell out precise expectations, including identifying what methods of measurement and criteria will be used to track progress and judge success. The IEP must also identify who is responsible for implementing each goal and an anticipated date of mastery.

**The law requires that every IEP be reviewed as needed, but at least annually.**

Once implemented, the law requires that the IEP be reviewed and revised as needed but at least annually. Of course, IEP reviews can and should be done more often if necessary. With or without a formal IEP review meeting, progress toward annual goals must be regularly monitored and measured. Written progress reports must be provided to the parents at least as often as they are

provided for the rest of the student population. During the student's IEP year, teachers, parents, and other professionals may have conversations about the student's progress.

**REEVALUATION:** Students receiving special education services should be informally evaluated continuously through the IEP process to determine if the services are meeting the goals and objectives for the child and/or if the child continues to benefit from them. Formal reevaluation can be done at any time as needed or as requested by parents, but the law requires that it be done at least every three years unless the parent and the district agree that it is not necessary.

Under the IDEA of 2004, IEP teams have a responsibility to review existing evaluation data on the student, including evaluations and information provided by parents of the student, current classroom-based assessments and observations, and observations by teachers and related service providers. On the basis of that review and parent input, the team decides what, if any, additional data is needed to determine whether the student continues to have a disability and requires special education services to benefit from their educational program. If the team decides that no additional data is needed and the parent disagrees, the parent may request further assessment.

**DETERMINING ELIGIBILITY:** During reevaluation, the child's skills and needs are reassessed. If the team determines that the child remains eligible for continued special education services, the IEP development process is repeated and the child continues to receive appropriate services. If it is determined that the child no longer meets eligibility criteria, he or she exits from the special education program.

### Checkpoint

Each step of the special education process is discussed in more detail in subsequent sections of this manual.

Forms are provided to support those areas of the process that require documentation.

## What's the IDEA Behind this Manual?

**Question: What's the IDEA?**

**Answer:**

**The Individuals with Disabilities Education Act of 2004.**

This manual is based on and follows the requirements of the IDEA and NMPED rules. It is designed to assist educators and others who are responsible for children eligible under the IDEA as they ensure that federal regulations and state rules are being met on the child's behalf. The guiding principles of this manual are in concordance with 34 CFR § 300.1, which states the primary purposes of the IDEA:

- Ensure that all children with disabilities have available to them a Free Appropriate Public Education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.
- Ensure that the rights of children with disabilities and those of their parents are protected.
- Assist states, local education agencies, and federal agencies to provide for the education of all children with disabilities.
- Assess and ensure the effectiveness of efforts to educate children with disabilities in the Least Restrictive Environment (LRE) and provide them access to the general education curriculum.

The IDEA of 2004 represents a shift from the previous federal focus of providing access to a FAPE to one that strives for **improved educational and transitional results** for students receiving special education services. To achieve results, educational systems now, and in the future, must maintain high academic standards and clear performance goals for students eligible under the IDEA. **The standards, goals, and expectations for students receiving special education services are to be consistent with the expectations for all students in the educational system.**

Students who are eligible to receive special education and related services must have an IEP—the instrument that identifies the child's strengths and needs and implements strategies that lead to improved student outcomes. A student's IEP is based on an assessment of his or her present

levels of academic achievement and functional performance, plus takes into account the student's interests, preferences, and strengths. The IEP is the vehicle for carrying out the requirements of the IDEA and therefore must be prepared carefully and consistent with the mandated regulations.

**Checkpoint** The IEP requirements in Part B of the IDEA emphasize the importance of three core concepts:

- ✓ Students receiving special education services will be involved in and progress in the general curriculum; they will be provided with accommodations and services that address their unique needs.
- ✓ Parents and students will be involved in the IEP process and work with special and regular educators in making decisions to support each student's educational success in the Least Restrictive Environment (LRE).
- ✓ Students receiving special education services will be provided with opportunities to prepare for employment and other post-school activities.

These requirements strengthen the parents' role in educational planning and decision making on behalf of their child, focusing on students eligible under the IDEA having access to and progressing in the general curriculum in the LRE, and ensure that all students meet high academic standards and gain the skills needed to achieve their post-school goals.

The IEP meeting is an opportunity for parents, teachers, administrators, related service personnel, and students (when appropriate) to communicate and work together to improve educational outcomes for the student. *Providing an IEP for a student identified as having a disability under the IDEA is not optional—it is the student's right under the law.* Students aged 14 and over are required to be included in the IEP development process. The NMPED encourages student involvement in the IEP process at *all ages*.

Student participation encourages ownership in the plan and increases opportunities for successful completion of the child's educational program. Many New Mexico education agencies have implemented IEP processes that are *student centered* or even *student led*. Students who prepare for and participate in their own IEPs are given added opportunities to develop self-determination and self-advocacy skills. These skills will help them to make better decisions about everything from course offerings at the secondary level to career goals, as well as help them learn to

advocate for the services and accommodations they will need to be successful. If the development of these self-determination and self-advocacy skills is begun early in a child's program, it will only strengthen as the child transitions to adult life. The IEP meeting is an opportunity for students with disabilities to interact with professionals, gain a better understanding of their disability, begin taking responsibility for their own lives, and be active participants of the team.

IEP development and implementation is the cornerstone of quality education for students receiving special education services. This technical assistance manual is designed to assist educators, parents, and others involved in the education of a child with a disability to understand and develop appropriate IEPs that are goal-based and comply with the law.



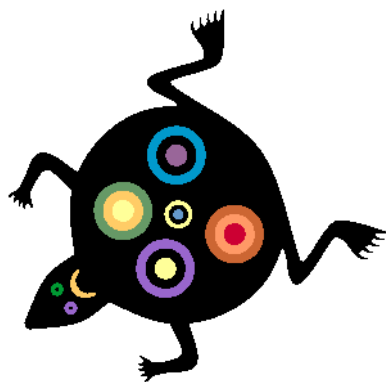


# ***The IEP***

**Preparing for the Meeting:**

**Before, During,  
and After the Meeting**

**Strategies for**



# Preparing for the Meeting

## The IEP Team

At an IEP meeting, the Individualized Education Program (IEP), for a student is developed by a team who, together, make informed decisions designed to provide the student with his or her best opportunity for success both in the present and future.

Members of an IEP team may vary, but parents must ALWAYS be invited to participate.

Under the IDEA and NMPED rules, each public agency is responsible for developing, implementing, reviewing, and revising an IEP in compliance with all applicable regulations and standards for each child eligible under the IDEA served by the agency or referred to or placed in a private school or facility by the agency. The IEP is the core document and is *required* for an eligible student

to receive special education services. Parents must be invited members of the IEP team. They must be given written notice, sufficient time to respond, and the opportunity to ask for rescheduling of a meeting. Though the NMPED recommends that each student be invited to participate in the development of his or her own IEP, students aged 14 and over *must* be included if the purpose of the meeting will be the consideration of postsecondary goals for the student and the transition services needed to assist the student in reaching those goals.

The IEP team will also include regular education teachers, special education teachers, administrators, district representatives, other professionals with relevant knowledge or expertise, and individuals invited by the agency or parents (such as an interpreter, advocate, or transition liaison).

## When Is An IEP Meeting Necessary?

By definition, an IEP is the written statement documenting a unique educational program to assist a student eligible under the IDEA to receive a Free Appropriate Public Education (FAPE) and is required for any student eligible for services. Before developing an IEP, the student must have been referred, evaluated, and found eligible for services—the first steps in the special education process (see pages 4–6 of the **Introduction** Section).

**Tip! Be sure to have the proper documentation for the first steps in the special education process. Completing the forms in Appendix A will provide the necessary written documentation of (1) the parents' consent to an educational evaluation, (2) a determination of eligibility, (3) the existence of a Specific Learning Disability (SLD) (if applicable), and (4) the parents' invitation to the IEP meeting.**

## Before, During, and After the IEP Meeting

### BEFORE the Meeting. . . Step by Step

Parents or the public agency have the right to request an initial evaluation of a child at any time, and that evaluation must be conducted within 60 days of receiving parental consent for evaluation. Otherwise, several steps should be taken before a student can be considered eligible for special education and, if appropriate, related service. The Student Assistance Team (SAT) and IEP team have the responsibility of ensuring that the required steps are followed. (*Note: All key steps in the process require documentation. Those marked with an \* indicate forms are supplied in Appendix A and are explained below.*)

**Checkpoint** Before organizing and planning an IEP meeting, make sure all of the following actions have been taken. Use this checklist.

- ✓ Work with parents (and student when appropriate) to identify, implement, and evaluate intervention methods geared to the concerns that led to the referral.
- ✓ Decide if the student should be formally evaluated. **Get written consent from parents.\***
- ✓ Evaluate the child through a variety of assessments, observations, and information gathering, targeting all areas related to the suspected disability.
- ✓ Have the IEP team examine the data and determine if the child meets the criteria to be considered eligible for special education and, if appropriate, related services. **Record determination results.**
- ✓ Have the IEP team determine if the child has a Specific Learning Disability. **Record data and findings.\***

- ✓ Inform school and other personnel of the need for a meeting and schedule it for a time when each person needed is available. (Arrangements may need to be made to cover a class or relieve someone from a duty in order to attend.) Schedule the meeting to review the evaluation and determine the child's eligibility for services.
- ✓ Send a written **notice to parents\*** informing them of and inviting them to the meeting. Allow sufficient time for response and opportunity to request another time in order to accommodate the parents' schedules.

## Ready-to-Go Forms

The following forms can be used to document key steps that occur before the IEP meeting.

- *Parent Consent Form for Educational Evaluation*
- *Determination of Eligibility for Special Education Services*
- *Determining the Existence of a Specific Learning Disability*
- *Prior Written Notice of Meeting*

Need a ready-to-go form? See Appendix A for these reproducible forms.

## Appendix A, Form 1: Parent Consent Form for Educational Evaluation

A child must meet the criteria for one of the areas of disability as defined by the IDEA and NMPED rules to be eligible for special education and, if appropriate, related services. This determination requires a formal evaluation that may involve any number of diagnostic tools depending on the child's suspected disability and individual circumstances. Parents must give written consent to have their child formally evaluated. The *Parent Consent Form for Educational Evaluation* informs the parents that the purpose of the evaluation is to determine if the child has a possible need for special education and related services and allows the school or agency to indicate precisely what tools will be used to evaluate the child. It must be filled out completely, explained to parents in understandable language, and signed by a parent *before* the child can be formally evaluated.



## **Appendix A, Form 2: Determination of Eligibility for Special Education Services**

When the SAT process determines that the student fails to achieve adequately when provided appropriate instructional and behavioral interventions, the local education agency must take the necessary steps to determine if the child is eligible under the IDEA requirements. The SAT is responsible for working with the parents (and student when appropriate) to provide interventions that would assist the student to be successful within the regular classroom setting and program. The first page of the *Determination of Eligibility for Special Education Services* form is specially designed to document the assessments and the effectiveness of interventions, which provides the premise for going forward.

The second and third pages of the *Determination of Eligibility for Special Education Services* form are used to record the results of the IEP team's review and findings. A student may be found not eligible because he or she did not have a qualifying disability or because even if the disability criteria were met, the student's educational needs may be met without special education services. If found to be in need of services, the IEP team notes the criteria by which the student is eligible. Parents must receive a copy of the eligibility determination.

*Note: If a student is found eligible for special education services because of a SLD, the IEP team must also complete the form *Determining the Existence of a Specific Learning Disability*, discussed next.*

## **Appendix A, Form 3: Determining the Existence of a Specific Learning Disability**

A student who is "behind" or "having difficulty learning" does not necessarily have a learning disability. "A child with a disability" is clearly defined by the IDEA (see page 5 of the **Introduction** Section). Once the IEP team compiles and reviews all the information gathered about a child perceived to have a learning disability, the IEP team uses the *Determining the Existence of a Specific Learning Disability* form to document its assessment. This three-page form includes objective results (such as test data) and subjective assessments (such observation and professional opinion) to make the determination. This form also requires each team member to agree or disagree with the findings. An IEP team member who disagrees must submit a separate statement presenting his or her conclusions.

## Setting Up the Meeting

Once all the “legwork” is done and the local education agency has determined that an IEP meeting is the next appropriate step for a student, the first consideration is to ensure that all the people who will make up the IEP team are aware of and have plenty of notice to make arrangements

“...Schedule the meeting at a time and place agreeable to the parents and the school...”

to attend the meeting. It is critical to plan carefully when and where the meeting should be held, whether it will be a continuation of the eligibility meeting or held separately a short time later. (The IEP meeting should be held within 30 days of determination of eligibility.)

## Giving Notice

A phone conversation with a parent or a verbal invitation does not meet the requirements for notifying parents of an IEP meeting (See note below). Federal regulations and state rules require that the parents of a child with a disability be provided with advance *written* notice of IEP meetings and any other meetings in which the parent has a right to participate. If necessary, use certified mail or hand delivery to ensure parents receive the notice.

Parents must be notified of the meeting in writing.  
A conversation is not sufficient!

The parent must also be afforded the opportunity to reschedule the meeting. The notice must tell the parents the purpose, time, and location of the meeting, inform them who will be attending, and let them know that they may invite people to the meeting who have knowledge or special expertise about their child. They may also request a translator or interpreter, if needed.

*Note: There may be rare emergency situations where an IEP meeting is needed and time does not permit a formal written notice. In such instances, documentation that notice was given via phone or face-to-face conversation with notes showing the notice requirements were met can replace the regularly used notification form or letter. Even in these circumstances, however, the notice must be given to the parents early enough to allow them an opportunity to attend or to reschedule the meeting if they are unable to attend.*

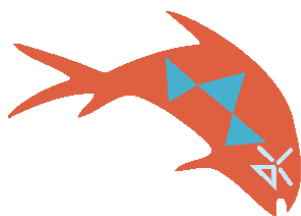
At age 14 and older, when transition services or planning will be discussed, the student *must* be invited to his or her IEP meeting. At that time, it is necessary to provide a notice of invitation to the student also. While not all students are required to attend IEP meetings, it is desirable to invite the student to be part of his or her IEP team.

#### **Appendix A, Form 4: Prior Written Notice of IEP Meeting**

Use the *Prior Written Notice of IEP Meeting* form to provide the essential written notification of an IEP meeting to parents (and students when appropriate). Complete and deliver (by mail or in person) the notice early enough so parents can plan or request a change (a minimum of 10 days is suggested).

- Include the name or title of each person you expect to be attending the meeting.
- Include the name and telephone number where the contact person (IEP coordinator or lead teacher) can be reached or where a message can be left.
- When sending a parent an invitation to an IEP meeting, it is mandatory to enclose a copy of the Parent and Child Rights in Special Education at least once per year. If hand delivered, include it with the invitation.
- If it is known that a parent will not be able to read or understand the notice, consider other ways to ensure the parent is aware of the meeting and has an opportunity to review the parent and child rights, such as through a home visit or other personal contact.
- If it is known that English is not the primary language spoken at home, arrange for an interpreter to help deliver the notice.
- Document the date the notice is sent or delivered and the method (i.e., hand delivered, mailed).

*Note: If the parent or guardian does not attend the scheduled meeting, the meeting may need to be rescheduled and new notice requirements may apply. A meeting may be conducted without the parent but only if the school can clearly show it has made several documented good-faith efforts to convince the parents that they should attend. (See the following federal regulatory language.)*



Pursuant to IDEA at 34 CFR § 300.322 (d) *Conducting an IEP meeting without a parent in attendance*: A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must have a record of its attempts to arrange a mutually agreed on time and

Meeting without a parent present?  
See what the law says...

place, such as:

- detailed records of telephone calls made or attempted and the results of those calls
- copies of correspondence sent to the parents and any responses received
- detailed records of visits made to the parent's home

## Helping Parents Prepare

An IEP must be developed so as to provide a baseline that reflects the entire range of the child's strengths and needs, including academic (reading, math, communication, etc.) and non-academic (motor skills, daily life activities, health, etc.). Background information about the child's strengths, needs, learning styles, and interests needs to be gathered. In order to form a balanced picture of the child from which to develop an appropriate IEP, parent input is critical. Once the IEP team has determined that an IEP is the appropriate path for a student, the parents must be given the opportunity to contribute, and the IEP must reflect consideration and inclusion of information the parents provide. One way to do this is to incorporate into the IEP their answers to a ***Parent Report Questionnaire*** (Appendix A-5). This optional form could either be sent to the parent with the *Prior Written Notice of IEP Meeting* to be filled out and brought with them to the meeting, or completed at the meeting by eliciting answers verbally. Either way, if the form is used, its contents should be discussed, considered, and incorporated in the IEP.

An IEP is designed to plan an individual program based on a student's present levels of academic achievement and functional performance but with measurable goals in mind for the future. The questionnaire not only guides parents to think specifically about their child's current strengths and needs, but also addresses the parents' hopes for their child's future. At the IEP meeting, one of the first steps is to complete a student profile and create a vision statement. Combining the professional assessments with the observations and input of the parents (and student, when appropriate) makes the IEP team more effective in its efforts to address the needs of the whole child as a member of a family, school, and community.

For parents to be able to participate comfortably as members of the IEP team, they must first



understand what an IEP is and the purpose for it. The *Parents' Guide to an IEP* (Appendix A-6) is an optional letter designed specifically to familiarize parents with the IEP and what to expect. The content is in question-and-answer form from the parents' perspective, (i.e. the questions are written as if being asked by the parent).

It is very important that parents' input be heard and addressed. If, during a meeting, a parent suggests verbally or in writing proposals for placement, services, or modifications, they must be considered. If accepted by the team, they must be incorporated into the IEP. Prior written notice of proposed action must be given to parents explaining why the proposal was accepted or rejected (normally given on the *Prior Written Notice of Proposed Actions* section of the IEP form).

## Helping Students Prepare

Though the basic purpose of the IEP is the same for students of all ages, the law includes additional requirements and provisions for students aged 14 and older. These students face transition into post-school activities, and their IEPs reflect the need for identifying realistic measurable post-

Participation in the IEP gives the student a stake in his or her own education.

school goals and developing skills to reach them. An important component of this process is the input of the student. Though the state rules require that students 14 and older be included in their IEP meeting, students of all ages would benefit from participating in the process, as appropriate.

Self-advocacy is a learned skill for all students and a challenge for many. For individuals with disabilities, it is even more critical to be able to communicate their needs and interact with others in a way that can be understood and respected. Participating in the IEP process, at any age, gives the student a meaningful opportunity to begin to develop self-advocacy skills and the confidence to use them.

Even young children have a lot to say about themselves—their strengths, their needs, their interests and preferences, and what they would like to do in the future. A student's presence at IEP meetings reminds other team members that IEPs are opportunities for communication that focus on the student's abilities and interests. Students have much to gain from being involved in the IEP process.

Active participation in their own IEP process helps students:

- learn and share more about their strengths and skills and be able to tell others;

- learn and share more about their disability, including how to talk about and explain its nature;
- learn and share what accommodations are and what types of accommodations might help them succeed in the classroom;
- learn and demonstrate how to speak for themselves;
- develop some of the skills necessary for self-determination and independent decision-making;
- understand the goals and objectives that form the basis of their education; and
- become more involved in their own education.

The development of an IEP can be a positive learning experience when professionals and parents have a mutual respect for each other and value input from all team members. Preparing students for the meeting will help them feel comfortable enough to speak up regardless of who is present. Through participation, students are accepting responsibility, making informed decisions, communicating with adults, understanding their exceptionality, and making connections between current programs and future results.

Below is a list of activities that can be done by educators and/or parents to help a student prepare for his or her IEP meeting; the list is followed by some resources that may be useful in helping students learn self-advocacy and to just being comfortable expressing themselves around others.

- Spend time allowing the student to think about what he or she wants from education.
- Fully explain the purpose of the IEP meeting and who will be present.
- Review the parts of the IEP and what each one means.
- Share information that others will have, such as the past IEP, and be sure the student understands what it says.
- Share with the student the kinds of conversations that might occur at the IEP meeting.
- Have the student(s) role play an IEP meeting to practice.

## Inviting All Participants

### Checkpoint

In addition to the parents and the student (when applicable), other participants at an IEP meeting need to be invited and informed about their role in the meeting.

## Participants to be invited to an IEP meeting

- Parents
- At least one regular education teacher (if the child is or may be participating in the general education environment)
- The child's special education teacher
- A representative of the public agency who provides supervision and is knowledgeable about curriculum and resources
- A professional who can interpret evaluation results
- Student, as appropriate

For students entering preschool, the team must **consider** Part C data and invite the early intervention Part C provider to the **Initial** IEP meeting.

## At an IEP meeting where transition is a component, include

- Appropriate service agency and/or postsecondary representative(s) and;
- The student (must be invited).

## Other participants the school or the parents may want to invite to, or at least inform about, the meeting

- Related service providers\*
- All teachers who work with the student
- The principal, if other than the school representative
- Other individuals who have knowledge or pertinent information to contribute
- Parent advocate

*\*Note: Related service providers have critical information about the student and should be invited to all annual IEP meetings as needed to support the written goals. When related service providers or others with information to share are unable to attend the full IEP meeting, alternate ways to include their input should be available.*

*Some suggestions are to have the person:*

*—provide a written report;*

*—participate by telephone for the entire meeting or the part of the meeting that is directly related to him or her; or*

*—attend the meeting only for a short period during which time his or her input and*

*information are discussed and documented.*

*Please note excuses from participation of core team members must be agreed to in writing by the parent and the local education agency.*

*Parents may invite others to the IEP meeting. Parents should be encouraged to inform the school prior to the meeting if they plan to bring others. Though prior notice may not always be possible, any guests of the parents should be made to feel welcome and comfortable.*

## **DURING the Meeting . . . Focused but Flexible**

The key to the success of a team leader of a meeting is that he or she must be focused but flexible.

Even when all the initial steps are completed and team members are assembled to begin, the IEP meeting will not run itself. One solution is to appoint a team leader. This person's function is vital to ensuring that the goals of the meeting are met, the participants feel comfortable, and the time is used efficiently. The team leader should have an agenda designed to accomplish the purpose of the meeting in the time allotted. During the meeting, the team leader should keep the group focused on the agenda, but be flexible enough to allow for the unexpected—perhaps some new information is revealed, a question raised, or a conflict arises. While offering everyone opportunities to communicate, the team leader should keep the group focused on the positive and the present. The team leader can remind the group that its common goal is to build upon the strengths of the student so that he or she may be as successful as possible.

The team leader holds the key to the success of the meeting. He or she must conduct the meeting so that everyone stays on task yet has opportunities to contribute. Below are some tips on how to achieve this. More ideas are offered in [Strategies for Effective Meetings](#).

1. Have a prepared meeting agenda. Either post it or give a copy to each participant.
2. Thank everyone for their time and interest.
3. Open with something light and upbeat that helps relax the participants (but not a joke!).
4. Remind participants that they are members of a team who all want the best for the student.
5. Set the tone by defining the objectives for the meeting and what is hoped to be accomplished.
6. Encourage participants to introduce themselves and share their perceived role in the meeting.
7. Pay attention to the time and keep the meeting moving.

8. If the discussion gets off-track, summarize what has been said, then redirect the topic.
9. If a topic or issue is brought up that is not relevant to the IEP, place it on a “sidebar” as something that needs to be revisited.

**Tip! List it on the board or a posted sheet of chart paper for all to see. At the end of the meeting, indicate how the topic or issue will be dealt with.**

10. Use good listening skills to validate others’ input and effective questioning techniques to encourage participation and stay on topic.

## **AFTER the Meeting Follow Up**

Ideally, when a meeting is conducted well, the planned agenda was followed and the objectives of the meeting were accomplished. Everyone came away with the feeling of having contributed and been heard. In reality, a meeting may conclude with unanswered questions, topics that still need to be addressed, problems that need to be resolved, decisions that need to be made, and more tasks that need to be done.

Whatever the true outcome of the meeting, follow-up is essential. “Follow-up” can be thought of as preparation for the next meeting if anything from the first meeting was left undone. It also means that commitments made need to be honored, communication continued, and new issues or topics that arose be addressed. Once the IEP has been developed, it is the IEP team’s responsibility to ensure the IEP is implemented as soon as possible following the development of the IEP.

**Developing a quality IEP may take more than one meeting.**

# Strategies for Effective Meetings

## Characteristics of an Effective Meeting

An effective meeting is characterized by clear measurable goals, members feeling involved, voices being heard, opinions respected, concerns addressed, and a sense of accomplishment. The

**The most important component of any meeting is the people in it.**

most important component of a meeting is the people in it. In an effective meeting, the group has opportunity to give input and express views but remain positive and focused on the intended purpose and outcome. There are things the team leader can do to create an atmosphere that provides positive group interactions and keeps up a steady pace. Following are a few suggestions:

- Take time at the beginning of the meeting to get to know the participants. Through an informal (and non-pressured) conversation, the team leader may be able to get a sense of everyone's attitudes and concerns ahead of time and make them more comfortable.
- Gather extra resources that may be useful to explain or support educational findings or decisions, such as books, research, or other materials. The team leader may ask specialists to help locate resources. Have these on hand for the meeting, if needed.
- Prepare a written agenda with time blocks in mind. For example, consider about how long it might take (with time for comments and questions) to go through each item on the IEP form. Allow a little extra time for unanticipated events. Keeping in mind that a meeting of this nature should not run more than 1.5–2 hours in length, the team leader can then decide if the objectives can be accomplished in one meeting, or if two would be more reasonable.
- Check to be sure that the proposed meeting location has needed access and adequate space for each person expected at the meeting. The team leader should ensure that participants are arranged so no one is crowded or obscured and everyone has equal opportunity to see, hear, and be heard.

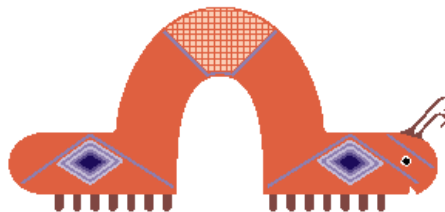
*The nature of an IEP meeting makes it special. Developing an IEP for a student identified as eligible under the IDEA often involves a mixture of people who may have very different points of view and motivations, or even different cultures and languages. The strategies and ideas presented in this manual could apply to many types of meetings but are particularly helpful and effective for use with IEP and other educational program meetings.*

# ***Writing the IEP***

**The IEP Document**

**Components of the IEP**

**Implementation and  
Follow Up**



# The IEP Document

## The Individualized Education Program (IEP)

Before a child can receive special education and, if appropriate, related services, he or she must be formally evaluated (with informed written consent of the parents) to determine eligibility. LEAs must follow the special education process established under the IDEA regulations and NMPED rules. (See Section I, **Introduction**, for an overview of the special education process and the mandated procedures that must be adhered to when identifying, referring, evaluating, and serving a child with disabilities.) The law requires that an IEP be developed for a child who meets the criteria for one or more disabilities and is determined to be in need of special education services.

The IEP is developed at a meeting that includes school personnel, the parents, and when appropriate, the child and other professionals. (See Section II, **The IEP Meeting**, which covers the planning and conducting of the meeting plus offers tips and strategies for effective communication among the participants.) Involvement of the parents is very important, and every effort should be made to accommodate them and encourage their input as valued members of the IEP team. In addition to the parents, New Mexico requires that students 14 and older *must* be invited to an IEP meeting, but participation by younger students is encouraged.

Each local education agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising IEPs.

An IEP meeting may begin immediately following a meeting in which eligibility has been determined, or scheduled for a separate time soon thereafter. An IEP is a written document that:

- 1) directs and guides the development of meaningful educational experiences to provide students with opportunities to gain skills and knowledge that will assist them in achieving the standards and expectations for all students in the educational system, and
- 2) prepares them for transition into adult life. Together, the IEP team makes informed decisions to develop an IEP for the student that provides him or her with the opportunities and experiences for success. The IEP supports the present strengths and needs of the student and his or her vision for the future.



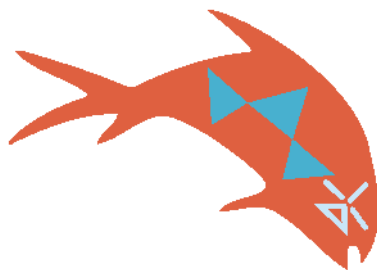
An IEP must contain or address the following in writing:

- Student Profile & Student/Family Vision
- Consideration of Special Factors
- Present Levels of Performance
- Measurable Post-School Goals—Secondary
- Transition Services Secondary IEP
- Transition Planning—Preschool/Elementary IEP
- Annual Goals/Objectives/Benchmarks
- Extended School Year
- Participation in Mandated Testing
- Least Restrictive Environment
- Schedule of Services
- Consent for Medicaid
- Levels of Services
- Setting
- Accommodations & Modifications
- IEP Progress Documentation
- Prior Written Notice of Proposed Actions

**\*Transition planning is required beginning at age 14 in New Mexico. This promotes early planning for post-school goals.**

The NMPED has developed state-recommended IEP forms for Preschool/Elementary and Secondary to assist you in ensuring that all of the IEP elements required by the regulations are covered. The rest of this section will lead you through the steps to develop and write an IEP. The state-recommended IEP forms are available on the Special Education Bureau website. (Forms can be reproduced. No permission is necessary.)

*Note: A complete IEP must be prepared for students who are being reviewed for continued service, as well as for those newly eligible to receive special education services for the first time.*



# Components of the IEP

## Student Profile and Student/Family Vision

The NMPED state-recommended IEP documents begin with general information about the student. Demographic information is very important in establishing a baseline about the student and is needed to track the student from year to year or from place to place. Dates are critical. The date of the IEP establishes the timing of the annual review; evaluation dates give important

### New Mexico Recognized Areas of Disability/Giftedness

*Intellectual disabilities; hearing impairment or deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism, traumatic brain injury; other health impairment; specific learning disability, including dyslexia; deaf-blindness; multiple disabilities; developmentally delayed (ages 3-9); gifted*

information about the age of the data. The student's date of birth is vital—in New Mexico, transition services must be included *by* age 14. If the student will turn 14 during the IEP year, transition services must be addressed at the IEP prior to his or her birthday. The primary (and if applicable, secondary) disability/giftedness is noted, as well as identified areas of need.

**STUDENT PROFILE:** The Student Profile is a summary of what the IEP team currently knows and perceives about the student. The team discusses and considers the student's strengths, needs, concerns, and plans for the future. As part of the IEP team, the parents (and student, when

appropriate) must be encouraged to offer their input. Though professionals can describe assessment results and observations, it is the parents (and student) who really have the whole picture and know all the subtle factors that affect the student's ability to learn, progress, and succeed.

The purpose of the IEP is to assist the student in achieving educational and personal goals. Professionals and parents working together as a team cannot only find the doors that lead to success for that student, but also provide the means to unlock them.

When completing the Student Profile section of the IEP, the team must consider and describe the student's strengths and the concerns as identified by the parents, the student, teachers, related service staff, and other team members. Both objective assessment

**In developing an IEP, consider the whole student—strengths, needs, concerns, and future plans—not just his or her disability.**

results and subjective information should be considered, and there should be a balance of input. If concerns are discussed, include these as well in the student profile. For all information gathered, identify in the document who provided the information.

If this is an initial IEP, methods or modifications that have been tried before should be brought up and assessed—both in the learning environment and at home. School personnel can and should share the documented interventions and/or accommodations that were previously implemented as part of Tier I and Tier II and the results of those efforts. Parents can offer strategies that have been successful or unsuccessful at home. For example, the parent may relate that at home, the student responds well to verbal praise but not necessarily to rewards.

As the team works together to fill out the student profile, it is establishing the foundation and tone for developing the rest of the IEP. It is important to establish and maintain a balanced focus that addresses the concerns by building on the student's strengths.

The Student Profile section of the IEP has a chart on which to record the student's strengths and the concerns in several domains, or areas, of skill. The Preschool/Elementary student profile differs slightly from the Secondary student profile. The forms are used for all students identified as eligible to receive special education supports and services. Even a kindergartener may show aptitude in an area that may, one day, lead to a job. Encouraging and building upon every strength increases the student's potential opportunities in the future.

Unlike judgments, performance can be measured and, therefore, objectively evaluated. When filling out the student profile, the team should word the entry in terms of the student's performance.

For example, *if 10-year-old John shows strength in math but is challenged by reading, his strength in the Academic Domain could be noted as “tests above grade level (5.6) in math computation” (instead of “good in math”). A concern might be noted as “overall math score (4.0) is lower because John’s reading level of 2.6 impacts his ability to solve word problems” (instead of “he can’t read word problems”).*

The completed IEP will include specific goals and objectives where applicable, which must be measurable. The student profile is a good reference from which to address concerns and build upon strengths. Wording descriptions on the student chart in terms of performance whenever possible will help when identifying the student's present level of academic achievement and functional performance and writing objectives.

## Notes about specific domains located on the Student Profile

- **Academic**—Note performance in all critical areas; where there is no concern, list strengths.
- **Recreation & Leisure**—Strengths listed here may offer clues to developing effective ways to support educational and non-academic activities.
- **Community Participation and Home & Independent Living**—Describe the student’s level of ability and involvement in these areas. List strengths and concerns identified by team members.
- **Jobs & Job Training**—Note skills applicable to potential employment opportunities. For older students, note any jobs or job training the student has had.
- **Postsecondary Training and Learning**— Describe strengths and concerns related to post-school plans for students 14 and up.
- **Independent Living** – Note skills applicable to living independently, include areas that need developing.
- **Other Educational Areas**— Here is where to include all other areas that impact the student’s educational experience, such as health matters, communication, physical or emotional factors, or behavior.
- **Additional Information Considered by the IEP Team**—Include results from a variety of assessments including transition and functional vocational assessments and in the case of a child transitioning from IDEA Part C Programs, consider Part C data and assessment information.

## TIPS FOR DEVELOPING A STUDENT/FAMILY VISION

A vision statement must be tailored to the student’s preferences and interests and describes what the family and the student hope to achieve—their vision for the student’s post-school future. In some cases, it may provide a general description of expectations over time. In others, it may reflect more immediate and specific desired outcomes. Either way, a family vision provides a common foundation for dialogue and allows the team to focus on developing a plan that will help the student set and reach realistic goals and realize his or her aspirations.

### Checkpoint

#### A vision statement:

Summarizes what the student and family want for the student.

Describes the student’s expectations and hopes for the future.

Addresses the student’s/family’s situation and/or concerns.

Is developed through dialogue with the family and/or student.

Can and should be revised as circumstances or aspirations change.

## Examples of vision statements

1. Tom's parents are pleased with his progress in his ability to hold a pencil and write his name legibly. They have expressed concern about his very short attention span. Tom would like to have a job someday. His parents hope the IEP team will be able to suggest activities that will engage Tom and help him be able to focus his attention for longer periods of time.
2. Rose and her parents feel she has made great strides in developing greater independence and responsibility. Rose is selecting appropriate clothes and is completing homework without frequent reminders. Rose would like to eventually work in child care. Her parents hope that she can one day live independently.

*Note: When developing an IEP for students in New Mexico who are or will be 14 or older during the year the IEP will be implemented, the vision statement should be reflected in and incorporate the student's goals for appropriate measurable post-secondary goals.*

As part of the commitment to include and involve the family in the student's IEP, the school may wish to offer the *Parent Report Questionnaire* (Appendix A-5,). This could be included with the *Prior Written Notice of Meeting* (Appendix A-4,) to the parents for them to complete and bring to the IEP meeting or, if more appropriate, the form could be filled out during the IEP meeting as parents verbally respond. Whether collected on this form or through other means, information from parents should be incorporated into the resulting IEP.

## Consideration of Special Factors

Federal regulations require that the IEP team consider the following six special factors when developing an IEP for a student eligible under the IDEA.

The IEP team must consider how the communication needs of students who are deaf or hearing impaired will be addressed.

1. Visual impairment/blindness (See *Appendix B-1 Addendum for Braille Instruction*)
2. Hearing impairment/deafness (See *Appendix B-3—the addendum for Communications Considerations and B-4—for guidance on completing the addendum.*)
3. Special oral/written communication needs
4. Limited English proficiency
5. Assistive technology needs
6. Behavior that impedes learning

To complete this portion of the IEP, consider each question carefully. Check *yes* or *no* based on the response. If any question is answered *yes*, the IEP team must describe how the need is to be addressed. Because of their broad nature, the two areas of assistive technology and behavior can be particularly challenging for the IEP team. They are discussed in more detail on the following pages.

## ASSISTIVE TECHNOLOGY

Assistive Technology (AT) is a device or service provided to students who need specialized equipment to have access to the general curriculum and to improve the functional capabilities of the child. Any device or tool that helps the student learn—ranging from a simple pencil grip to a specially designed desk—is considered assistive technology. AT services may include both the provision of the technological devices and the consultant services for assessment, application, or training in the use or maintenance of the devices. It is important to note that AT is not limited to students with severe disabilities. The IEP team needs to consider assistive technology eligible under the IDEA regardless of the type or severity of the disability. If the IEP team does not feel it has enough information about AT to determine what may or may not be appropriate for the student, the team should determine if an AT assessment is needed. The IEP team is responsible for developing an educational program that will provide a FAPE for the student; to do that, the team must base decisions on the student's needs and goals and must consider all strategies and accommodations necessary to allow the student to make reasonable education progress, including assistive technology. The team may consider the following questions:

1. What task do we want this student to perform that he or she is unable to do at a level reflecting his or her skills and/or abilities (writing, reading, communicating, seeing, hearing...)?
2. Is the student currently able to complete tasks with the special strategies or accommodations already in place? If yes, then document.
3. Is there available assistive technology (devices, tools, hardware, or software) that could be used to address this task? If so, what?
4. Is the use of an AT device, AT service, or both, necessary for the student to perform this skill more easily or efficiently in the LRE? If yes, then document.

Assistive technology is just one type of related service or supplementary aid possible in designing an IEP for a student identified as eligible for special education services. To comply with state rules and federal regulations regarding consideration of special factors, the IEP team must

consider assistive technology for every student eligible under the IDEA and, upon making an informed decision, provide the necessary devices, services, or both

## TIPS for CONSIDERING BEHAVIOR AND DISCIPLINE

One of the special factors the IEP team must consider is behavior—specifically, whether or not the student’s behavior impedes his or her learning **or** that of others. With regard to behavior that interferes with the student’s own learning or that of others, the IEP team has the responsibility to address the behavior in a manner consistent with the severity of the problem. The three avenues for managing problematic behavior include the following:

- address the behavior concerns in the IEP through measurable goals and objectives/benchmarks when appropriate.
- conduct a Functional Behavioral Assessment (FBA)\*.
- develop and implement a Behavioral Intervention Plan (BIP).

### A RECOMMENDED “BEST PRACTICE”

\*Though not required until a student has been suspended for 10 school days, conducting a FBA for any persistent or problematic behavior is recommended.

Measurable goals and objectives/benchmarks, if appropriate, regarding behavior are developed the same way as those for academics except instead of basing them on the present levels of *academic achievement and functional* performance, they are based on *functional behavioral* performance. It is suggested that a Functional Behavior Assessment (FBA) (**Appendix B-5**) be conducted to provide that baseline, or starting point, from which to set measurable goals and objectives/benchmarks, if appropriate, or to develop a Behavioral Intervention Plan (BIP) (**Appendix B-6**). An FBA is an assessment that examines the student’s behavior and addresses the relationship between a behavior and the relevant factors that may be interfering with the student’s or others’ learning. The purpose of an FBA is to identify the circumstances under which problematic behaviors occur so an effective intervention plan can be designed. From the baseline information gathered in an FBA, the IEP team develops and implements a BIP, which describes positive interventions and/or accommodations designed to address the reasons the target behavior is happening and strategies for redirecting it. (**Appendix B-6**) For further guidance refer to the *Addressing Student Behavior Technical Assistance Manual* on the PED Website at: <http://www.ped.state.nm.us/SEB/technical/index.html>

## Discipline

In order to function as a community, all schools have a general school-wide discipline plan or code of student conduct, including specific policies and procedures regarding expected and acceptable behavior. As part of the IEP for a student eligible under the IDEA, the IEP team must decide if the student can follow the school-wide plan as is. If modifications and/or instructional accommodations are needed, they must be described as measurable goals and objectives in the student's IEP. If a BIP was developed to address the student's behavior, the BIP must be included in the IEP.

### Checkpoint

School personnel must be fully aware of the regulations under the IDEA, and the New Mexico rules regarding discipline of a child eligible under the IDEA do not apply to [students identified as gifted](#).

If not available on site, paper copies of the IDEA can be obtained at most public libraries and electronic copies can be obtained online through the U.S. Department of Education, Office of Special Education Programs (OSEP) at [www.ed.gov/offices/OSERS/IDEA/regs.html](http://www.ed.gov/offices/OSERS/IDEA/regs.html). The New Mexico rules can be obtained online through the NMPED at <http://www.ped.state.nm.us/SEB/law/index.html>

## Tips on Present Levels of Academic Achievement and Functional Performance

Under the IDEA and NMPED rules, the IEP of a student with a disability must contain a statement of the student's academic achievement and functional performance, including how the disability affects the student's involvement and progress in the general curriculum; or for preschool children, how the child's disability affects his or her participation in activities.

Commonly referred to as PRESENT LEVELS (Present Levels of Academic Achievement and Functional Performance), the document must describe the impact of a student's disability on performance in the areas identified—academic or non-academic (including behavior).

The part of the IEP that addresses the student's present levels of performance is the blueprint for the whole IEP document. It establishes a base from which the other components are built and supports and links together the entire structure. The purpose of the statement is to identify precisely where the student is currently functioning and thereby laying the groundwork for developing an appropriate and quality plan for him or her.



To record the Present Levels, the IEP team should develop statements that give a specific account of the student's skills, knowledge, behaviors, or other areas that are to be addressed in the IEP. The Present Levels should also indicate problems that interfere with the student's education and detail the needs of the student so that all participants (including any outside service providers) have an accurate picture of the student.

The information on the Present Levels should be:

**The student's  
PRESENT LEVEL is  
based on  
information that is:**  
—Current  
—Relevant  
—Specific  
—Objective  
—Measurable

✓ **Current**—based on recent data, observation, and evaluation;

✓ **Relevant**—related to how the student's disability affects his or her education;

✓ **Specific**—described as precisely as possible;

✓ **Objective**—unbiased and from a variety of sources, such as formal observations, work samples, input from teachers, parents, service providers, formal and informal assessments and tests; and

✓ **Measurable**—conclusions from assessments, test scores, and other quantifiable data.

When the information used to develop Present Levels statements are current, relevant, specific, objective, and measurable, the IEP team can make better-informed decisions about setting goals for the student and identify appropriate services, placements, and programs that meet his or her needs. It also allows the student's progress to be measured by degrees from one benchmark to the next.

The Preschool/Elementary and Secondary IEP forms are designed to record present levels of academic achievement and functional performance. The remainder of the IEP will be based on these statements. If the Present Level is vague, broad, and/or subjective, the IEP will be ineffective. Conversely, if the Present Level is clear, specific, and incorporates both objective and measurable baseline data, the IEP will target and meet the needs of the student. When the following two samples are compared, the difference becomes obvious:

**WEAK:**

Area of Need: ☐ Math ☐ Reading ☐ Written Language ☐ Behavior ☐ Other\_\_\_\_\_

Present Level of Educational/Behavioral Performance:

Jack is a poor reader. He doesn't have good word attack skills. Despite getting help, he hasn't made much progress. Jack needs more help.

This PRESENT LEVEL statement leaves many unanswered questions:

The focus of the Present Level statement is narrow.

The Present Levels only address areas impacted by the student's disability.

*In what grade is Jack now? At what precise grade level is he reading? What was used to measure his reading level? When was it last measured? What were his scores in each area of reading? What are "good" word attack skills? On what basis was it determined that his word attack skills are not good? What kind of help has Jack been getting? What progress was expected and how should progress be measured? Is Jack's reading difficulty related to his identified disability?*

### REVISED:

Area of Need: ☐ Math ☐ Reading ☐ Written Language ☐ Behavior ☐ Other \_\_\_\_\_

Present Level of Academic Achievement and Functional Performance:

Jack is in his second month of third grade (3.2). He was tested four weeks ago using the reading textbook placement test. He scored at low second grade level in comprehension (1 yr. below gr. level) and middle first grade level in word attack skills (1 1/2 yrs. below gr. level). Jack has been working with the reading volunteer tutor 2 hrs/wk for the last four school months as an informal intervention strategy. It was hoped that Jack would test now at no more than one-half year below grade level. Upon formal evaluation, also done one month ago, it was discovered that Jack has visual and auditory processing deficits. Jack has difficulty finding his place in a book or on a page and difficulty copying from the board, book or paper. Jack requires specific direct, small group instructions to compensate for his processing difficulties.

The student's first IEP establishes a baseline from which to begin implementing special education and, if appropriate, related services. The Present Levels statements are the blueprint on which the team assesses the student's needs, determines priorities, and then builds the student's attainable annual goals with objectives and/or benchmarks.

As the student continues to receive special education services, more information will be gathered about what approaches, modifications, and interventions are effective in assisting the

student to learn. There will be measurable ways to track progress. The child's learning style may become more evident.

At the first, and at each subsequent annual review, the IEP team will have, and should use, the cumulative information available to develop even more precise Present Levels statements. Pinpointing strengths, learning styles, and methods that have worked in the past assists the team to define with even greater precision, an effective IEP for the student.

**Checkpoint** The following is a summary of a few key points to keep in mind when writing PRESENT LEVEL statements.

- ✓ Consider the needs of the student identified by the evaluation. Write the PRESENT LEVEL statements for those areas only.
- ✓ Ensure that there is a direct relationship between the identified needs and the present levels of achievement and performance.
- ✓ Use information that is current, relevant, specific, objective, measurable, and obtained from a variety of sources.
- ✓ Use details about evaluation and test results, grade levels, and assessments—particularly data that can be quantified by degrees or comparison to standards.
- ✓ Consider the observations by teachers (regular and special education) and parents and input from the student (either directly or in the form of work samples or other evidence of performance levels).
- ✓ Take into account the effectiveness of any interventions, modifications, or supports that have previously been implemented.
- ✓ Write a separate PRESENT LEVEL statement for each specific problem and/or need for which an annual goal and objectives or benchmarks will be established. (Keep the number of goals to an amount that is attainable in 12 months).

### ***Transition Services: Students 14 and Older***

One of the primary purposes of the IDEA is to ensure that children with disabilities are prepared for employment and independent living. At age 14, or sooner if appropriate, IEPs become future-directed. Part of the IEP team discussion and decision-making must focus on designing and implementing an educational program and experiences that prepare students for transition to adult life. These transition-planning activities are a required component of an IEP for New Mexico student's aged 14 and up.

## Checkpoint

If a student will reach the age of 14 during the IEP year, transition planning for secondary coursework must be included in the IEP for that year.

Incorporating transition into the IEP includes early identification of and planning for the student's measurable post-school goals by defining a course of study. Transition makes education relevant to the student and is driven by these beliefs:

- The IEP represents and supports the vision of the student and the student's family.
- Transition helps prepare the student for the changes and demands of life after school.
- Transition is an ongoing and outcome-oriented process that includes commitment of resources and collaboration between people and agencies.
- The family, school, and adult service agencies share responsibility for the transition.
- Transition planning promotes relevant instructional objectives within the LRE, including community-based experiences as appropriate.

Transition services, therefore, must be a coordinated set of activities and/or strategies based on the student's needs, interests, and goals that includes instruction, related services, community experiences, the development of employment and other post-school objectives, and when appropriate, the acquisition of daily living skills and functional vocational evaluation.

Beginning by age 14, the student's IEP must include these items:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.
- A planned course of study designed to select high school courses based on assisting the student to meet his or her post-school goals and graduation requirements.
- No later than one year before the student reaches the age of majority, the IEP must contain a statement regarding the transfer of rights. Transfer of rights must be discussed at annual IEP meetings beginning at age 14.

Students in New Mexico may graduate using one of three graduation options leading to a regular high school diploma. The IEP team determines the most appropriate graduation option based on the student's needs and impact of the disability.

The secondary IEP address the student's graduation planning, which includes the development of a course of study, the identification of graduation options to a regular high school diploma, performance on the New Mexico Graduation Exam, and continuing and transition IEP requirements. Specific requirements and sample program plans can be found in the New Mexico Public Education Department Technical Assistance and Training Resource Document, *Graduation Options for Students with Disabilities*. The document can be accessed from the New Mexico Public Education Department's website at <http://www.ped.state.nm.us/SEB/technical/index.html>

The document outlines three graduation options for students receiving special education services to graduate with a high school diploma:

**Standard Graduation Option:** A standard program of study based upon meeting or surpassing all requirements for graduation based on New Mexico Standards of Excellence, with or without reasonable modifications of delivery and assessment methods.

**Career Readiness Alternative Graduation Option:** A career readiness program based upon meeting New Mexico Public Education Department's employability and career education standards with benchmarks and performance standards as identified in the student's IEP, with or without reasonable modifications of delivery and assessment methods.

**Ability Alternative Graduation Option:** An ability program of study is based upon meeting or exceeding IEP goals and objectives, with or without reasonable accommodations of delivery and assessment methods, referencing skill attainment at a student's ability level which provides a clear and coordinated transition to meaningful employment or other appropriate day habilitation or community membership and independent living, as appropriate to meet anticipated functional needs.

If the team chooses a graduation option other than the standard option, then the team must

document the reasons for doing so. At each annual review of the IEP after age 14, the team needs to evaluate the student's progress toward meeting his or her graduation requirements. If the student is not progressing as expected, the team must decide what adjustments need to be made in the student's program of study.

If the student has not met his or her graduation requirements and peers are ready to graduate, the district may choose to grant the student a conditional certificate of transition in the form of a continuing or transition IEP. This conditional certificate allows the student to participate in the graduation activities with peers, but does not end his or her entitlement to services. The student's continuing or transition IEP

### The three Graduation Options to a Diploma:

1. Standard
2. Career Readiness
3. Ability

must outline measures, resources, and specific responsibilities for both the student and the district or charter school to ensure that the student receives a diploma on or before age 22.

*Note: When planning a student's transition, the composition of the IEP team must meet federal and state requirements. When a graduation program of study is proposed, an individual knowledgeable about high school curriculum must be included on the team. When the IEP team meets to review the program of study and/or student progress to determine if he or she has fulfilled graduation plan requirements, a building administrator must be included on the team.*

The foundation of transition planning is to provide activities and experiences that will enable students to reach their post-school goals. This is achieved through coordinating each student's interests with his or her needs. The IEP team identifies measurable post-school goals based on results from formal and informal transition assessments. The student's projected course of study is designed to assist the student in achieving their post-school goals. The team continues to revise the program and begins the process of connecting with outside agencies that will help with the transition of the student from school to post-school life. The team is responsible for ensuring that a student is linked to, and will receive, needed post-school supports, services, or programs.

Transition is an essential part of the IEP of any student aged 14 or older in New Mexico. Many factors have to be considered, many different people have to be involved, and requirements must be met under IDEA.



*Example: At age 14, Ellen expressed an interest in cosmetology. The team chooses a painting class as one of Ellen's elective high school courses, since cosmetology and painting are both activities dealing with the artistic use of color to produce pleasing effects. Each year the team continues to review and revise her program of study, and begins the process of connecting with outside agencies such as the Division of Vocational Rehabilitation (DVR), and/or having Ellen gather information on cosmetology schools, making visits, and so forth. It is now a requirement that an outside agency be invited to the IEP.*

In **Appendix B-8** there is a **Transition Planning Checklist**, adapted from “*Transition Requirements: A Guide for States, Districts, Schools, Universities and Families*” by O’Leary, Storms, and Williams which provides guidance for planning before, during and after an IEP. This

comprehensive manual is available electronically on the following website: <https://files.eric.ed.gov/fulltext/ED441324.pdf>. This technical assistance manual contains a wealth of additional help and support with this vital component of an IEP. This document was revised in May of 2000.

## Checkpoint

When developing an IEP that includes transition services, the following must be kept in mind:

- ✓ In New Mexico, students aged 14 and older must have been invited to participate in their own IEPs. If the student does not attend his or her IEP, the LEA must take steps to ensure that the student's preferences and interests are considered.
- ✓ In New Mexico, any person who has reached his or her 18<sup>th</sup> birthday is considered to have reached the age of majority and is an adult for all purposes not otherwise limited by law. Unless there is a court-appointed guardianship, parental rights transfer to the student at age 18. Each annual review for a child who is 14 must include a discussion of the rights that will transfer when the child turns 18 and, if appropriate, a discussion regarding parents' plans to obtain guardianship prior to that time.

## Transition Planning: Preschool/Elementary (Appendix B)

Life Span Transition planning for students in preschool and elementary grades is a collaborative planning process designed to strengthen communication and continuity between school programs. The process focuses on improving the academic and functional achievement of the student. Life Span Transition Planning facilitates the student's movement through the educational system beginning with the transition from IDEA Part C to IDEA Part B programs, preschool to kindergarten, and from grade level to grade level, leading to positive post-school outcomes. The IEP team uses a collaborative planning process to ensure that student's strengths, needs, and interests are considered when identifying special education services. Transition planning for preschool and elementary may include:

- ✓ development of learning skills;
- ✓ identification of related services;
- ✓ the development of career awareness and readiness skills;
- ✓ participation in recreation and leisure community activities;
- ✓ participation in community activities;
- ✓ development of communication skills;





- ✓ development of social/emotional behavior skills;
- ✓ development of fine and gross motor skills; and
- ✓ referral for DD or DE waiver for children with significant needs.

## Tips on Annual Goals/Standards/ Benchmarks

Each goal must address a need identified on the student's PRESENT LEVEL, be measurable, and be attainable within one year.

The next step in developing the IEP is to write one or more measurable annual goals for the student, supported by short-term objectives and/or benchmarks where appropriate. These goals provide the purpose and direction for a student's IEP. They must address a direction of change, be measurable, and be directly related to the needs identified on the PRESENT LEVEL. Each goal must also be attainable within one year. Using the written PRESENT LEVEL achievement and performance statements, the IEP team must first prioritize the student's needs. Then, it must decide which and how many goals the student can reasonably be expected to attain within one year. For some students the team may need to construct short-term objectives (logical breakdown of the skill into distinct components) and/or benchmarks (progressive steps toward the goal).

*Note: The Preschool/Elementary IEP form and the Secondary IEP form are designed to write and develop a single goal. A separate copy of these pages will be needed for each annual goal.*

## SELECTING AND WRITING GOALS

Constructing appropriate and complete short-term objectives or benchmarks is critical to planning an effective IEP for students who participate in alternate assessments.

In addition to the criteria above, when selecting goals, consider both formal and informal assessments as well as the student's interests and vision for the future. **Write goals directed toward enabling the student to be involved in and progress in the general curriculum.** For example, *Darin does not complete writing assignments in the given amount of time. He struggles with handwriting, but he likes computers. A good goal for Darin would be that, within 12 months, he would complete 90% of class writing assignments on time using a word processing program on the computer.* Finally, the IEP team should write goals based on New Mexico's Standards for Excellence: Content Standards with Benchmarks and Performance Standards as appropriate. The standards are located on the following website: <http://www.ped.state.nm.us/standards/>



**Include these components in each goal:**

- ✓ **Conditions:** under what conditions progress will be measured;
- ✓ **Behavior:** identify measurable performance; actions by student;
- ✓ **Criterion:** quantifies how much, how often, to what extent;
- ✓ **Timeframe:** exactly when mastery is expected; and
- ✓ **Method of Measurement:** how progress and/or mastery will be measured.

## WRITING SHORT-TERM OBJECTIVES AND/OR BENCHMARKS

For children with disabilities who take alternate assessments aligned to alternate achievement standards, *the IEP must contain a description of benchmarks or short-term objectives*. Once the goal is written, the IEP team must determine how progress toward the goal will be measured. This is done by breaking down the goal into parts and then writing short-term objectives and/or benchmarks. The team may decide to use either or both based on its judgment of how the student may be best able to tackle and realize the goal.

**Short-term objectives** are a logical breakdown of a task (or goal) into smaller, often progressive steps—each of which may be a prerequisite of the next. For example, for a student with a physical disability to realize the goal of drinking from a cup independently, she must first be able to grasp the cup, hold it steady, lift it to her lips, sip the drink, replace the cup on the table, and release it without spilling. Each of these steps could become a short-term objective toward reaching her goal. There may be several intermediary steps, as in the previous example, but obviously, there will be at least two or more short-term objectives needed for each annual goal. A related service provider would be helpful in developing objectives for a student whose evaluation results indicate deficits that may need to be addressed in order to achieve the student's goals. (*See Appendix B-9*)

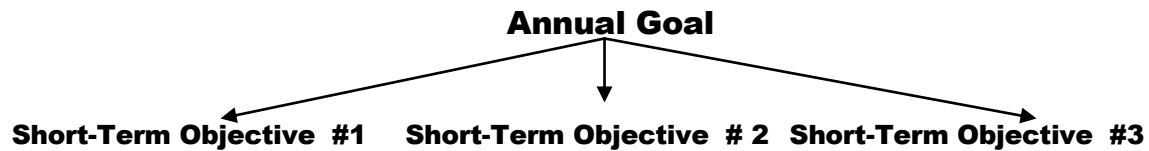
### EXAMPLE of a GOAL and SHORT-TERM OBJECTIVES for a student (Jason)

**Goal:** By the end of the school year, when asked to write his name, Jason will be able to write his name independently 100% of the time as measured by teacher observation.

**Objective#1:** When asked, Jason will correctly spell his name orally 100% of the time.

**Objective#2:** When presented with letter cards, Jason will identify the letters in his name with 100% accuracy.

**Objective#3:** When shown his name in print, Jason will copy it from the model with 100 % accuracy.



It is clear that the student's goal lends itself well to being broken down into progressive short-term objectives. He must master all three objectives in order to reach the goal.

In place of objectives, benchmarks can be used to delineate expected milestones of progress along a time line.

**Benchmarks**, in contrast, describe the amount of progress a student is expected to make within a certain segment of time during the year in order to achieve the goal by the end of the year. Benchmarks are most appropriate for goals that involve increasing skill levels, rather than learning new ones.

For example, for a student with the goal of improving his oral reading from a 2.0 to a 3.2 grade level, benchmarks may be set in three-month intervals—by October 15, he will read orally at 2.2 grade level, by January 15 at 3.0 grade level, and so on. Since benchmarks represent skill levels along a time line, the year will be broken into two or more time segments with defined levels of increased skill along the way.

## EXAMPLE of a GOAL and BENCHMARKS for Chris

**Goal:** In 36 weeks, Chris will be able to read aloud to an adult from a familiar book for five minutes without stuttering.

**1st Benchmark:** By 9 weeks, Chris will read aloud to an adult from a familiar book for one minute without stuttering.

**2nd Benchmark:** By 18 weeks, Chris will read aloud to an adult from a familiar book for two minutes without stuttering.

**3rd Benchmark:** By 27 weeks, Chris will read aloud to an adult from a familiar book for four minutes without stuttering.

**GOAL (36 weeks)**  
— 3<sup>rd</sup>  
**Benchmark (27 weeks)**  
— 2<sup>nd</sup>  
**Benchmark (18 weeks)**  
— 1<sup>st</sup>  
**Benchmark (9 weeks)**

The IEP team may choose to use short-term objectives, benchmarks, or both but must base them on the specific needs identified in the present levels of academic achievement and functional performance (PRESENT LEVEL). Both objectives and benchmarks must be

measurable and represent progress toward the goal. Each specifies a skill or performance level the student must accomplish between his or her starting point (PRESENT LEVEL) and final goal. Objectives and/or benchmarks guide the IEP team in the development of strategies (and modifications as needed) to help the student realize the goal.

To write goals, objectives, and benchmarks means having to focus on measurable data and observable behaviors rather than on thoughts, feelings, or bias. This “objective” method of describing circumstances and expressing desired results is a learned skill. It takes practice and requires vigilance in word choice. For example, Janet has a consistent pattern of physical aggression. If Janet’s teacher reports that she is “constantly” hitting other students in class, the parents and teachers may say they want her to learn to “control herself.” Obviously, the words “constantly” and “control” are not definable. If written correctly, Janet’s PRESENT LEVEL statement would reflect observational data, such as “Janet was observed on five different occasions for one-hour periods. During those times, she pushed or hit another student an average of five times per hour.” The goal and objectives or benchmarks could then be set in measurable terms.

In addition to identifying the student’s annual goals, objectives, and/or benchmarks, of the Preschool/Elementary IEP form and of the Secondary IEP form ask for additional information critical to the success of the student’s IEP.

- 1) Mark the area of need (as identified on the PRESENT LEVEL statement).
- 2) Identify the reference from New Mexico’s Standards for Excellence Regulations: Content Standards and Benchmarks and Performance Standards.\*
- 3) Select and write a measurable goal that relates to the student’s present level of academic achievement and functional performance. Goals for functional performance may or may not relate to the Content Standards with Benchmarks and Performance Standards.
- 4) Write the date it will be initiated.
- 5) Determine what objectives or benchmarks may be used.
- 6) Use one box for each objective or benchmark and check which it is. *If the objective or benchmark is related to the student’s transition plan or services, check the Transition Activity Box.*
- 7) Write the objective or benchmark. Make sure it is specific and measurable.
- 8) Each benchmark or objective must contain the following:
  - a. **Criteria for Mastery** (Example: 90% accuracy on weekly spelling test)
  - b. **Anticipated Date of Mastery**
  - c. **Position/Agency Responsible** (Note: This line should not be filled in until after the LRE and

*Schedule of Services sections of the IEP are completed. At that point in the IEP meeting, the team will determine which service provider or combination of service providers will implement each goal.)*

**d. Method of Measurement**

**e. Progress Documentation** *(Each service provider, as specified in the IEP, must document progress on the objective or benchmark at least as often as progress is reported for the general student population **or** as spelled out in the IEP.*

## Checkpoint

Use this five-point list to check the validity of a written objective or benchmark:

- ✓ Is it written in terms of what the student will do (not what someone will do for the student)?
- ✓ Does it state the condition under which the student will demonstrate the behavior? (in what setting? under what circumstances?)
- ✓ Does it define specific measurable behavior to be displayed by the student (not general and subjective, such as “learn” or “understand”)?
- ✓ Does it specify what criteria will be used to measure progress or mastery (described by degree, such as 9/10 times, not “accurately” or “successfully”)?
- ✓ Is an evaluation procedure included with an expected time for the desired level of attainment to be reached? (Within 8 weeks, when orally given a pair of words with different short vowel sounds, the student will be able to correctly identify the vowel sounds with 80% or greater accuracy as measured/recorded by the service provider.)

***Note: For more help, see Appendix B: Writing Effective Grade Level Short-Term Objectives. This handy one-page guide is also useful for selecting wording in writing benchmarks.***

## Medical / Significant Health Information (Preschool/Elementary IEP and Secondary IEP)

On this section of the IEP form, note what medications (if any) the student takes, plus any significant medical/health information and/or the need for an individualized health plan or other school health services as a related service. Also note any related services, such as catheterization

or tube feeding that may be needed to enable the student to attend school. Identify what type of physical education program is appropriate for the student. If the student requires assistance to move around the school, note and describe his or her needs. Also carefully consider if accommodations or supports are required for the student to be transported with peers without exceptionalities in the LRE. If he or she has special transportation needs, identify them on the IEP form. IDEA states that all persons who are providing services needed to implement a student's IEP must be informed of their responsibility. A **Special Transportation Instructions** form is provided in **Appendix B-10** to document and assist the transportation office in implementing the student's transportation needs.

## Extended School Year (Preschool/Elementary IEP and Secondary IEP)

If a student has demonstrated significant regression of learned skills (relative to the current IEP goals, objectives, and present levels of academic achievement and functional performance) that cannot be recouped in a reasonable length of time, the student may be considered for Extended School Year (ESY) services. If the team determines that ESY is appropriate, it needs to document its rationale on the **Addendum for Determining Eligibility for Extended School Year Services** in **Appendix B-11** and attach it to the IEP. For further guidance please refer to the ESY Technical Assistance manual on the PED website.



## Participation in District and State Testing (Preschool/Elementary IEP and Secondary IEP)

The IDEA B regulations and state rules requires all children eligible under the IDEA to be included in all general State and district-wide assessment programs, including assessments under NCLB (20 USC 6311). The IEP team has the responsibility to determine not **if** they will participate but **how** they will participate.

The IDEA and state regulations mandate that students with disabilities are to participate in the district and state testing. The IEP team determines **HOW** the student will participate.

Although the IEP team has the authority to designate how a student eligible under the IDEA will be assessed, it must be careful to select testing methods (and accommodations as needed) that are valid, reliable, and consistent with professional and technical standards. The IEP must contain a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-

wide assessments. The selected accommodations must be consistent with State guidelines for the provision of appropriate accommodations.

If a student is not reasonably able to participate in the standard test administration with students without disabilities, the team selects the most appropriate alternate testing method. For Alternate Assessment, the IEP team must base its determination on multiple records and sources of information, and the student must meet eligibility criteria for New Mexico Alternate Assessment. In making this determination, the IEP team must use the **Addendum for Determining Eligibility for the New Mexico Alternate Assessment** in **Appendix B-12**.

## Checkpoint

The team must indicate which testing method will be used to allow the student to participate in district and state testing, as required by law. The choices are as follows:

- ✓ **Standard Administration**—The student takes the test without accommodations or modifications.
- ✓ **Special Education**—Allowable Accommodations are accommodations that do not interfere with the validity and comparability of scores.

Additional guidance regarding inclusion of students, allowable accommodations, and prohibited modifications may be found in the New Mexico Statewide Assessment Program Procedures Manual. This manual is updated annually and is located on the PED website at <http://www.ped.state.nm.us/AssessmentAccountability/index.html>

## Least Restrictive Environment (Preschool/Elementary and Secondary IEP)

The IDEA provides that to the maximum extent possible, students eligible under the IDEA should be educated with age-appropriate peers who do not have disabilities. It also mandates that a student be given the opportunity to learn in the LRE. The key concept is that placement within the home school among peers is desirable, but the IDEA recognizes that an “inclusive” environment is not always appropriate nor does it always provide the LRE.

The extent to which an individual student with disabilities participates in the regular education setting must be decided on a case-by-case basis. A wide range of placement options, known as the **continuum of alternative placements**, must be available to ensure each student is educated in the LRE for that individual. To determine the placement that offers the

LRE, an inquiry into the unique educational needs of the student is required. The IEP team must determine what, if any, aids and supports could enable the student to be educated in his or her home school with age- and grade-level peers or if an alternative placement would offer the student the LRE. These issues are to be addressed by the team and the team's determinations must be documented on the IEP.

## Schedule of Services (Preschool/Elementary and Secondary IEP)

This is the point where the IEP team considers which service providers are necessary to deliver the regular and special education instruction and related services for achieving stated goals. It is also the point where the LRE setting decisions made previously are summarized. Keep in mind that related services are the supporting services the student must have in order to benefit from special education. These would include (but are not limited to) such things as counseling, audiology service, speech/language, physical therapy, interpreter service, occupational therapy, psychological service, social work services, school health services, and parent counseling and training. If the IEP bridges parts of two school years, the Schedule of Services must be completed twice, separating the services to be delivered in each school year.

Special education and, if appropriate, related services may be provided within the general education setting and/or special education setting. The schedule of services is the directive for implementing the student's IEP. All service providers are accountable for fulfilling their responsibilities under the schedule. It is vital that it is completed carefully, accurately, and specifically:

### Checkpoint

- ✓ Identify the activities the student will participate in with the general student population.
- ✓ Define the subjects within the general education program and note if the student does or does not need accommodations or modifications to participate in each area. If so, complete the Preschool/Elementary IEP and the Secondary IEP.
- ✓ **Instructional Accommodations or Modifications** (explained in detail below).
- ✓ Provide the specific schedule of special education and related services needed based on the measurable goals and objectives or benchmarks previously identified. The types, amounts and frequency of services, and the start and ending dates must be indicated (example: 30 min/day, 5 days/wk). **Note: This must be based on the student's need, not on what is convenient or available.** Identify the service provider or team of providers

by title (such as physical therapist and regular education teacher) rather than by name. Indicate the setting (regular or segregated) in which the service will be provided. Repeat for supplementary aids and services such as special transportation, school nurse, or non-school based provider.

- ✓ Indicate what supports for school personnel may be needed to carry out their responsibilities in implementing the IEP. For example, the regular education teacher may need training with an unfamiliar device or information about the student's individual needs. A monitored observation of students or a demonstration of the required accommodations or modifications may be necessary.

*Note: The IEP team must notify any person expected to provide service, accommodations, or modifications of their specific responsibilities in implementing the IEP. It is the expectation that regular education teachers will be included among those who will provide special services to a child. However, regular education teachers may be either uncomfortable or unprepared to do so without help. In Appendix B is a two-part form is designed to assist the IEP team in ensuring that a regular education teacher is notified of his or her responsibilities and is given the opportunity to ask for support in carrying them out. The Teacher Modification Notice B-13, lets the teacher know what is expected of him or her. At the bottom is a sign-and-return portion that will serve as documentation that the teacher was notified. The second page of the form, Teacher Request for Assistance B-15, gives the teacher the opportunity to ask for help in carrying out his or her responsibilities under the IEP. Again, the sign and return portion documents the teacher's response.*

- ✓ If there is a service that is delivered other than weekly, identify the service and its frequency on the line provided. Have parents initial the information.
- ✓ Consider any possible adverse effects and/or safety issues related to the student's placement. For example, a student may be physically much larger or smaller than the other students; he or she may have a medical condition that may impact the student, the teacher, the class, or the environment; there may be a behavioral pattern that service providers should be made aware of; the student may have a known reaction to something that would not normally be expected. If any issue exists, explain it briefly and how it should be treated.
- ✓ Examine the student's placement and location of services with regard to safety concerns in the event of an emergency and/or evacuation. **If for any reason the student would have difficulty with or be unable to follow the emergency and/or**



evacuation procedures with the general school population without assistance, an individualized emergency and/or evacuation plan must be prepared for the student.

*Note: The plan should identify where the student will be at any time and how the student is to be evacuated from each location. A copy of the plan should be posted in each work area the student attends as well as kept in the appropriate administrative office. The plan should be detailed enough to show emergency response, assisting personnel, routes of evacuation, and method of evacuation. Parents and guardians should be encouraged to discuss the plan with the child's doctor. There may be complications of which the staff is unaware. It may be necessary to administer medicine, respond to a medical emergency, or move the student to a second, safer location. If the student has any special needs regarding emergency and/or evacuation procedures, all staff who interact with the student should be informed, and trained, if needed, to carry out the responsibility of ensuring the child's safety in the event of an emergency. The plan should be followed during drills, reviewed at least once a year, and modified as needed.*

## Consent for Services: Medicaid

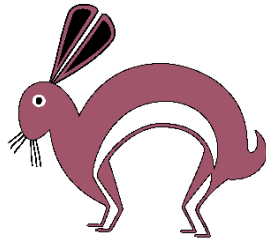
In accordance with 34 CFR § 300.154 LEAs have the opportunity to bill Medicaid or other public benefits or insurance programs in which a child participates for health related services as documented in the child's IEP. The federal IDEA requires that LEAs obtain parent consent consistent with 34 CFR § 300.9, each time access to public benefits or insurance is required. Parents must be informed that if they chose not to provide access to benefits or insurance that the public agency is required to provide the services at no cost to the parent. Parents must be fully informed of the services, the frequency of the services, and the length of time the services will be provided in order to bill Medicaid. The consent may be obtained one time for these specific services and duration of services identified in a child's IEP. Any time services change or more services are added; parents must be informed and must sign a new consent form. LEAs **may not** require the parent to provide consent or incur out of pocket expense in order for the child to receive FAPE under the IDEA.

Additionally, the public agency cannot use a child's benefits to support services if:

- the use of the benefits would decrease available lifetime coverage;
- result in the family paying for services;
- increase premiums or lead to discontinuation of benefits or insurance; or

- risk loss of eligibility for home or community based services.

The State recommended IEPs include a section for obtaining consent to bill for services.



## **Level of Service / Setting (Preschool/Elementary IEP and Secondary IEP)**

A small, but very important section of the IEP form is recording the level of service (hours the student is receiving special education service) and the setting (location of services). These numbers determine the State's funding of special education services. The formulas to calculate the student's level of service and setting.

To get the most accurate result, follow this guideline: when calculating level of service, count hours the student receives special education and related services that are being implemented within the regular education setting as well as those in a special education setting. For example, in a 6-hour day, the student receives a total of 3 hours of special education—2 hours delivered in a special education setting and 1 hour in the regular education setting; the other 3 hours, he is in the regular education setting and not receiving special education services.

## **Instructional Accommodations or Modifications (Preschool/Elementary and Secondary IEP)**

Accommodations and modifications are provided to the student to assist him or her in participating and learning in the LRE. For many students, supplying supplementary aids or services in the regular education classroom will allow the student to be educated with his or her peers without disabilities. In other instances, modifying the educational program or setting assists the student to progress in the general education curriculum.

Accommodations and modifications must be determined on an individual basis and reflect the

**Need help with accommodations? See Appendix B: Testing Accommodations and Instructional Accommodations & Modifications**

true needs of the student without regard for ease of delivery or availability. An accommodation for a student with limited vision may be to provide large-print versions of classroom materials; a modification for a student who has poor small muscle control and cannot fill in the bubbles on an answer sheet may be to allow the

student to take the test orally or dictate her answers to a recorder. The possibilities are as numerous and varied as the students who need them. (See **Appendix B-14, Instructional Accommodations and Modifications** for more examples and guidance.)

Based on the identified needs of the student and measurable annual goals, the IEP team determines what kind of adjustments would give this student better access to the general education program and help him or her achieve the goals in the LRE. First, all areas of the program must be considered, such as physical environment, instructional presentation, in-class and mandated testing, specific subject areas, grading, homework and assignments, social and behavioral management, technology and media, transportation, in-school non-academic time, and extracurricular activities. Keeping in mind that accommodations and modifications are to be provided for any area that is directly affected by the student's disability, the IEP team must document accommodations and modifications on the IEP form.

## Checkpoint

Though accommodations may be useful in other areas, the team must adhere to only those situations directly affected by the disability. A good indication that an accommodation is appropriate is that the IEP team is able to verbalize exactly how the accommodation will offset the disability, not just that it would be generally helpful.

## IEP Progress Documentation (Preschool/Elementary and Secondary IEP)

In developing the IEP to this point, the IEP team has evaluated the student's present levels, set measurable annual goals, considered objectives and/or benchmarks as appropriate, and determined what accommodations and modifications the student needs to allow him or her to achieve those goals in the LRE. Federal regulations and New Mexico rules state that the progress of students eligible under the IDEA should be reported to parents periodically (usually concurrent with the issuance of report cards). No specific progress reporting *form* is mandated, but the following should be kept in mind regarding content and scope: A progress report for a student receiving special education services must be based on the measurable annual goal(s) as set forth in the student's IEP.

1. If the student has more than one measurable annual goal, a separate progress report is required for each annual goal. If more than one service provider is implementing a single

goal, those sharing the responsibility for the goal and service may combine their evaluation on a single report.

2. When objectives or benchmarks are included within the measurable annual goal, they must be individually addressed. The objective or benchmark should be stated with the criteria being used to evaluate the progress.
3. For each reporting period, the service provider(s) must record the report date and give his or her assessment of the student's progress on the measurable goals and objectives or benchmarks and by what method(s) the student's progress was evaluated. The service provider(s) should elaborate on this with a narrative comment.

*Note: Include in the progress report suggestions of what the student could do to accelerate or improve his or her progress. These “Next Steps for Success” build a bridge from the present to the future and give the student and parents something concrete to focus on as they look ahead. Some examples of teacher comments for next steps might be these:*

- |                                 |  |
|---------------------------------|--|
| —Increase class participation.  | —Ask for help more often.              |
| —Organize materials.            | —Work more independently.              |
| —Have better attendance.        | —Maintain concentration.               |
| —Participate more with peers.   | —Follow class rules.                   |
| —Show more effort.              | —Make up missed work.                  |
| —Practice and memorize.         | —Complete homework.                    |
| —Opportunity to mentor or lead. | —Practice skill in the everyday world. |

**Appendix B-16** is a **Contact Log** form for ease of tracking each service provider's contact with the student—ensuring clear documentation of actual time spent with the student as well as specific records of time missed and the reason (holiday, absence, etc.)

In the Preschool/Elementary IEP form and the Secondary IEP form, the team documents how often, and in what form the parents will be informed of the student's progress.

First, each member of the IEP team documents his or her participation by signing and dating the **Meeting Participants** section.

Second, parents acknowledge that they were given the opportunity to participate in the IEP development and the recommended placement and services, the information was presented in an understandable manner, and they have received a copy of their procedural safeguards. They initial the **Parent Rights** section. The NMPED developed a Parent and Child Rights in Special

Education. This booklet is located on the NMPED website at:  
<http://www.ped.state.nm.us/SEB/index.html>

Third, the next section, **Age of Majority**, notifies parents (and the student) of the law with regard to student's rights when he or she reaches age 18. (This has been previously discussed in detail.) If applicable, the student and parents can be given a copy of **Appendix C, The Student Bill of Rights**).

Finally, the **Case Manager/IEP Team Coordinator** section designates by signature the person who assumes responsibility for ensuring that everyone involved in the implementation of the IEP has access to it and is given the information necessary to carry out his/her responsibilities.

## **Prior Written Notice of Proposed Actions (Preschool/Elementary and Secondary IEP)**

Federal regulations and state rules require that parents of a child eligible under the IDEA be informed of and consent to any actions that would initiate or change the identification, evaluation, educational placement, or provision of a FAPE for their child *before* implementing the proposed action.

In developing the IEP, the team assesses and identifies the strengths and needs of the student, sets measurable goals, and proposes specific actions be taken, such as accommodations and modifications of the general education program, providing special education and related services, or recommending alternate placement.

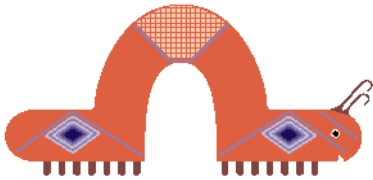
First, a summary of the IEP meeting is documented. The date of the meeting is recorded, followed by a brief but specific indication of what data was reviewed during the discussion of possible special education and related services for the student.

**\*The parent's proposals (if any) must be considered and included in the documentation.**

Next, all items that were proposed or options that were considered are noted, regardless of the source.\* Each is marked accepted or rejected and why. It is important to keep in mind that the items marked "accepted" are intended to become the actions implemented for the student under the IEP. Once accepted and consent given, if appropriate, the directives of the IEP become a legal obligation.

The final steps of the IEP fulfill the requirements under the law regarding parents:

- Secure written parent consent, if appropriate, before implementing the proposed actions.
- Ensure that parents have been informed of and understand their rights.
- Give parents the opportunity to ask for clarification, disagree with the proposed actions, or request another IEP meeting.
- Offer parents assistance in understanding procedural safeguards and due process rights by listing specific contacts at the local and state level and informing them of parent advocacy support.
- Document that the content of the notice was translated if needed in the parents'/student's primary language, and if so, by what method and by whom.



**\*Remember— If a student reaches 18 and does not have a legal guardian, the student has the sole right to accept or refuse actions.**

## When the IEP Is Completed...

When the IEP meeting is over and all members have signed the document, the IEP is completed. It may seem as if this is the end, but completing the IEP is just the beginning of the team's responsibilities to the student. Until it is *implemented*, the IEP is just a plan.

It is expected that the IEP of a student will be implemented. Implementing the IEP involves ensuring that all those sharing responsibility for providing services for the student as identified in the IEP document are aware of their role in the plan and are prepared to deliver service. All members are responsible for ongoing evaluation of the student and regular reporting of progress. It is important that each service provider document his or her contact with the student and be accountable for that portion of the IEP he or she is designated to fulfill.

The parents should be given a copy of the completed IEP document and encouraged to communicate with the school about their child. If appropriate, the student should also be fully informed of the provisions in the IEP and what is expected of him or her.

Once implemented, the IEP defines the student's individualized educational program for one year. It must be reviewed at least annually but should be reviewed more often if, at any time during the year,

- concerns about its effectiveness are raised,
- services are not being provided as defined,
- the student is falling short of expected progress,
- there is a change that affects the appropriateness of the existing IEP,
- new factors or circumstances arise, or
- the parents or student request a review.



## Conclusion—It's the Law

### 34 CFR § 300.323

(a) *General.* At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in 34 CFR § 300.320.

(b) *IEP or IFSP for children aged three through five.*

(1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-

year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is-

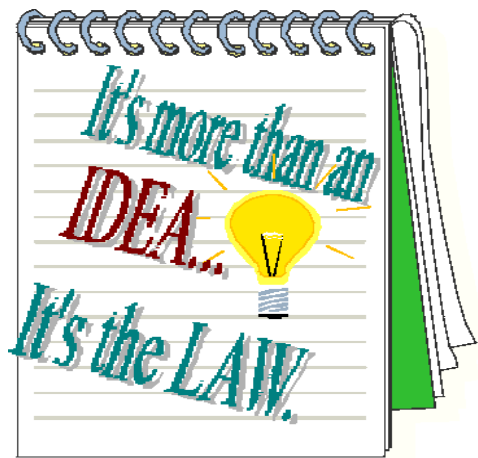
- (i) Consistent with State policy; and
- (ii) Agreed to by the agency and the child's parents.

(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must-

- (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
- (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(c) *Initial IEPs; provision of services.* Each public agency must ensure that—

- (1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
- (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.





# *Appendices*

## Appendix A

- ✓ Parent Consent for Educational Evaluation
- ✓ Determination of Eligibility for Special Education Services
- ✓ Determining the Existence of a Specific Learning Disability
- ✓ Prior Written Notice of IEP Meeting
- ✓ Parent Report Questionnaire
- ✓ Parents' Guide to an IEP

## Appendix B

- ✓ Addendum for Braille Instruction
- ✓ Addendum for Orientation and Mobility
- ✓ Addendum for Hard of Hearing
- ✓ Addendum for Hard of Hearing Poster
- ✓ Functional Behavior Assessment
- ✓ Behavior Intervention Plan
- ✓ Strategies for Behavior Assessment & Intervention
- ✓ Transition Planning Checklist
- ✓ Writing Effective Short-term Objectives
- ✓ Special Transportation Instructions
- ✓ Addendum for Determining Eligibility for ESY
- ✓ Addendum for Determining Eligibility for the New Mexico Alternate Assessment
- ✓ Teacher Modification Notice
- ✓ Instructional Accommodations or Modifications
- ✓ Teacher Request for Assistance
- ✓ Contact Log

## Appendix C

- ✓ Student Bill of Rights

# *Appendix A*

- ✓ **Parent Consent for Educational Evaluation**
- ✓ **Determination of Eligibility for Special Education Services**
- ✓ **Determining the Existence of a Specific Learning Disability**
- ✓ **Prior Written Notice of IEP Meeting**
- ✓ **Parent Report Questionnaire**
- ✓ **Parents' Guide to an IEP**

## PARENT CONSENT FORM FOR EDUCATIONAL EVALUATION

To the Parent(s)/Guardian(s) of \_\_\_\_\_ Date: \_\_\_\_\_

Following a discussion with school personnel acquainted with my child, I authorize the use of school educational diagnosis to aid in the planning and to assist in the guidance of my child. I understand that this evaluation may include administration of the following assessments:

- ☐ Intelligence tests (IQ)—designed to measure learning ability or intellectual capacity (learning and thinking skills associated with mental ability)
- ☐ Functional thinking assessment—designed to evaluate how the child applies and uses his or her abilities in different circumstances
- ☐ Academic performance—assesses present levels in reading, math, language, etc.
- ☐ Achievement tests—measures mastery of skills and knowledge acquired
- ☐ Behavior and psychological assessment—tests how the child feels, reacts, and adapts to different social environments and situations; assesses social skills
- ☐ Visual-motor integration tests—checks coordination, balance, eye movement, eye-to-hand coordination, form recognition, and visual memory
- ☐ Auditory processing—checks speed and accuracy of processing what is heard, ability to recall detail and order, and association of sounds and symbols.
- ☐ Speech and language assessment—assesses symbolic communication in speech, language, or hearing, including articulation disorder, language disorder, and voice disorder
- ☐ OT evaluation—assesses the ability to use and manipulate small muscle groups, primarily the hands, which affect activities such as drawing and writing
- ☐ PT evaluation—assesses the ability to use and manipulate large muscles that affect activities such as running and throwing; assesses body control, balance, and coordination
- ☐ Counseling and social work evaluation—assesses individual, group, and family needs and concerns that may benefit from additional support

- ☐ Audiology evaluation— determines the presence and/or degree of hearing loss and the selection and fitting of hearing aids
- ☐ Classroom observation—a trained professional observes behavior in natural settings and records or classifies each behavior objectively as it occurs
- ☐ Vocational evaluation—assessment to determine the eligibility and appropriate programming for students receiving vocational education, including assessment of skills, aptitudes, interests, work ethic, and social skills
- ☐ Adaptive behavior assessment— assesses the student’s level of self-sufficiency and social responsibility in a number of domains, including (a) independent functioning, (b) physical development, (c) economic activity, (d) language development, (e) numbers and time, (f) vocational activity, (g) self-direction, (h) responsibility, and (i) socialization
- ☐ (other)

I hereby certify that I have been advised of and have received a copy of “Parent and Child Rights in Special Education.”

\_\_\_ Aware of these rights, I **give** my permission for my child to be evaluated to determine my child has a need for special education services.

\_\_\_ Aware of these rights, I **do not give** my permission for my child to be evaluated to determine if my child has a need for special education services.

Name of Child: \_\_\_\_\_

Birth Date: \_\_\_\_\_

School: \_\_\_\_\_

Signature of Parent: \_\_\_\_\_

Date: \_\_\_\_\_

Interpreter: \_\_\_\_\_

## ***DETERMINATION OF ELIGIBILITY FOR SPECIAL EDUCATION SERVICES***

Student Name: \_\_\_\_\_

Date: \_\_\_\_\_ School: \_\_\_\_\_

**Evaluation:**   ☐ **Initial**      ☐ **Re-evaluation**

1. Explain how the IEP Team eliminated lack of instruction in reading or math as the determinant factor in reaching a conclusion about the presence of a disability. (Not applicable for gifted-only referrals.)

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2. Explain how the IEP team eliminated limited English proficiency as a determinant factor in reaching a conclusion about the presence of a disability. (Not applicable for gifted-only referrals.)

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3. Explain how information contained in the evaluation confirms that the student's disability has an adverse affect upon his/her educational performance and ability to progress in the general curriculum or appropriate activities if the child is a preschool child.

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4. What Tier I and Tier II interventions were implemented?

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If no interventions were implemented, explain why.

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5. What information did the parent provide to be considered by the IEP team?

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**The IEP team has reviewed the referral and evaluation sources relevant to this student and has made the following determination:**

☐ Not Eligible

☐ The results of the evaluation show that the student does not meet all necessary eligibility criteria for being a child with disability.

☐ Although the evaluation show that the student meets all necessary criteria for an educational disability, the IEP team has determined that the student's educational needs can be met without special education services.

☐ Unable to Determine Eligibility

**The following information is needed in order for the IEP team to reconvene and make a final determination:**

☐ current classroom-based observations/assessments

☐ additional information from:\_\_\_\_\_

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☐ additional assessment in the following area(s):\_\_\_\_\_

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☐ other:\_\_\_\_\_

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☐ Eligible

**This student is eligible for special education services because he/she meets the criteria for and requires special education services under the following disability(ies):**

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**If the team agreed that the student is eligible for special education due to a Specific Learning Disability, the team must also complete the DETERMINING THE EXISTENCE OF A SPECIFIC LEARNING DISABILITY form.**

**Persons listed on the following table (as applicable) must complete and sign their section:**

Title	Date	Signature
<b>Parent</b>		
<b>Parent</b>		
<b>Student</b>		
<b>Sp. Ed. Teacher</b>		
<b>Reg. Ed. Teacher</b>		
<b>District Rep.</b>		
<b>Evaluator</b>		

- Parents were provided a copy of the evaluation report and this determination of eligibility on (date)\_\_\_\_\_Parent initials:\_\_\_\_\_

## Specific Learning Disability: Initial Evaluation Worksheet

A specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR §300.8 (c)(10))

The NMPED **highly recommends** that the Eligibility Determination Team (EDT) use the following in making an eligibility determination under the category of specific learning disability.

### **DUAL DISCREPANCY MODEL** **(Required for Kindergarten through Grade 3** **Optional in Preschool and Grades 4 – 12)**

#### **A. The EDT team must review and/or complete the following evaluations and/or assessments:**

- complete SAT file documentation
- data documentation to demonstrate appropriate instruction in area(s) of concern using scientific, research-based interventions
- investigation and analysis of:
  - academic
  - medical (including vision, hearing, motor)
  - family (including cultural, environmental and economic factors)
  - social/behavioral history
- determination of student's language and language of the home interviews
- appropriate classroom observations in area(s) of concern (or environment appropriate for child less than school age or out of school)
- standards-based assessment documentation (e.g. SBA, district short-cycle assessments, curriculum-based measures)
- assessment of cognitive/intellectual ability if concerns exist
- individual academic achievement assessment
- individual assessment of processing skills
- data analysis comparing student's performance against State approved grade-level standards (State mean)
- documentation of student's progress on age or State-approved grade level standards in areas of concern (calculating slope and comparing to



an expected rate of change or expected rate of progress compared to State mean of grade-level peers)

These assessments and evaluation data must demonstrate that the student is a student with a disability according to the requirements of the IDEA (34 CFR §300.8 (c)(10) listed above.

**B. The questions below must be answered to help the EDT with the determination of a student's eligibility for special education and related services.**

1. Has the EDT eliminated all exclusionary factors listed below?

☐ YES ☐ NO

- lack of appropriate instruction in reading
- lack of appropriate instruction in math
- emotional disturbance
- mental retardation
- limited English proficiency
- cultural factors
- visual, hearing, or motor disability
- environmental or economic disadvantage

Rationale:

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Documentation:

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The EDT must eliminate these exclusionary factors for the student to be eligible under the model for the SLD category.

2. Has the EDT determined that the child does not achieve adequately for the child's age or to meet State-approved grade-level standards in

one or more of the following areas (oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving), when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards as evidenced by a difference of 1.5 standard deviations between the student's achievement score(s) (e.g., SBA or SCA) and the mean score using New Mexico grade-level standards-based assessments (e.g., SBA or SCA)? ☐ YES ☐ NO

Rationale:

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Documentation:

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If answered *NO*, then the student is not eligible under the SLD category.

3. Has the Eligibility Determination Team determined the child does not make sufficient progress to meet age or State approved grade-level standards in one or more of the areas identified in above when using a process based on the child's response to scientific, research-based intervention as evidenced by:

a. a difference of 1.5 standard deviations between a student's standards-based assessment growth (slope) and that of **normative rates of improvement** (State) age or grade-level peers (state norms)? OR

b. a ratio of deficiency (calculating slope and comparing to an expected rate of change or improvement divided by obtained rate of improvement; ratio of deficiency less than 1.0 (indicates progress faster than expected); ratio of deficiency greater than 2.0. (considered of concern).

☐ YES ☐ NO

Rationale:

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Documentation:

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If answered *NO to 3a or 3b*, then the EDT may consider patterns of strengths and weaknesses employing professional judgment.

c. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR §300.304 and §300.305. EDT should consider a highly consistent pattern of strengths and weaknesses as evidenced by multiple data points from a variety of sources.

☐ YES ☐ NO

Rationale:

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Documentation:

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If the team cannot answer YES to *Factor 3a, 3b or 3c*, then the student is not eligible under the SLD category.

4. Was the student provided with high-quality, scientific, research-based instruction and interventions by qualified personnel in regular education settings?

☐ YES ☐ NO

Rationale:

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Documentation:

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5. Have parents been provided with
- a. data-based documentation of repeated assessments of achievement at reasonable intervals (progress monitoring), and
  - b. information about strategies for increasing the child's rate of learning?
- ☐ YES      ☐ NO

Rationale:

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Documentation:

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6. Was an observation of the child completed in his/her learning environment to document the child's performance and behavior in area(s) of difficulty?

☐ YES      ☐ NO

Relevant Behavior:

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Documentation:

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**C. The student must also demonstrate a need for special education. Ask these questions:**

Question 1.

☐ YES

☐ NO

Can adaptations be made in the regular education program alone (Tier I and Tier 2) to support both the student's access to the general education curriculum and his/her ability to meet the standards that apply to all students (Consider adaptation of content, methodology, and/or delivery of instruction)? If answered *YES*, refer student back to the SAT. If answered *NO*, provide rationale and documentation and proceed to question two.

Rationale:

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Documentation:

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Question 2.

☐ YES

☐ NO

Does the student need specialized instruction and/or supplementary aids and services that cannot be provided through general education (Tier 1 and Tier 2)? If answered *YES*, provide rationale and documentation and complete eligibility determination process.

Rationale:

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Documentation:

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In order for the Eligibility Determination Team to determine that the student **NEEDS** special education under the Dual Discrepancy Model, the team must answer YES to Question 1, YES to Question 2, YES to Question 3, YES to Question 4, YES to Question 5 and, document relevant findings, if any, for Question 6.

**Severe Discrepancy Model  
(PreSchool, Grades 4-12)**

**A. The EDT team must review and/or complete the following evaluations and/or assessments:**

- complete SAT file documentation
- data documentation to demonstrate appropriate instruction in area(s) of concern using scientific, research-based interventions
- investigation and analysis of:
  - academic
  - medical (including vision, hearing, motor)
  - family (including cultural, environmental and economic factors), and
  - social/behavioral history
- determination of student's language and language of the home interviews
- appropriate classroom observations in area(s) of concern (or environment appropriate for child less than school age or out of school)
- standards-based assessment documentation (e.g. SBA, district short-cycle assessments, curriculum-based measures)
- assessment of cognitive/intellectual ability if concerns exist
- individual academic achievement assessment
- individual assessment of processing skills

These assessments and evaluation data must demonstrate that the student is a student with a disability according to the requirements of the IDEA (34 CFR §300.8 (c)(10) listed above.

**B. The questions below must be answered to help the Eligibility Determination Team with the determination of a student's eligibility for special education and related services.**

1. Has the EDT eliminated all exclusionary factors listed below?

☐ YES    ☐ NO

- lack of appropriate instruction in reading
- lack of appropriate instruction in math
- emotional disturbance
- mental retardation
- limited English proficiency
- cultural factors
- visual, hearing, or motor disability



- environmental or economic disadvantage

Rationale:

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Documentation:

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The EDT must eliminate these exclusionary factors for the student to be eligible under the model for the SLD category.

2. Has the Eligibility Determination Team determined that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments consistent with 34 CFR §300.304 and 34 CFR §300.305 as evidenced by:

*a. student demonstrates a severe discrepancy, at least **1.5** standard deviations on co-normed assessments. If tests are not co-normed, and only if tests are not co-normed, considering the regression table found in Appendix G and the standard error of measure of the difference between predicted achievement level and actual achievement in the area(s) of concern; **and***

*b. standards-based achievement results are both below the average range and support the discrepancy in the area(s) of concern.*

☐ YES ☐ NO

Rationale:

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Documentation:

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If answered *NO*, then the student is not eligible under the SLD category.

3. Was the student provided with high-quality, scientific, research-based instruction and interventions by qualified personnel in regular education settings?

☐ YES ☐ NO

Rationale:

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Documentation:

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4. Have parents been provided with  
a. data-based documentation of repeated assessments of achievement at reasonable intervals (progress monitoring), and  
b. information about strategies for increasing the child's rate of learning?

☐ YES ☐ NO

Rationale:

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Documentation:

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5. Was an observation of the student completed in their learning environment to document the child's performance and behavior in area(s) of difficulty?

Relevant Behavior:

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Documentation:

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**C. The student must also demonstrate a need for special education. Ask these questions:**

Question 1.

☐ YES

☐ NO

Can adaptations be made in the regular education program alone (Tier 1 and Tier 2) to support both the student's access to the general education curriculum and his/her ability to meet the standards that apply to all students (Consider adaptation of content, methodology, and/or delivery of instruction)? If answered *YES*, refer student back to the SAT. If answered *NO*, provide rationale and documentation and proceed to question two.

Rationale:

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Documentation:

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Question 2.

☐ YES

☐ NO

Does the student need specialized instruction and/or supplementary aids and services that cannot be provided through general education (Tier 1 and Tier 2)? If answered *YES*, provide rationale and documentation and complete eligibility determination process.

Rationale:

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Documentation:

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**In order for the Eligibility Determination Team to determine that the student NEEDS special education under the Patterns of Strengths and Weaknesses Model, the team must answer YES to Question 1, YES to Question 2, YES to Question 3, YES to Question 4, and, document relevant findings, if any, for Question 5.**

## PRIOR WRITTEN NOTICE OF IEP MEETING

Date \_\_\_\_\_

Notice: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

Dear Parent or Guardian of \_\_\_\_\_,

*This letter is to let you know that a meeting concerning your child's educational program is scheduled for (date) \_\_\_\_\_ at (time) \_\_\_\_\_ at (location) \_\_\_\_\_ and you are invited to participate. If you cannot attend the meeting at this time, and/or you need a translator or interpreter, please contact (name) \_\_\_\_\_ at (phone#) \_\_\_\_\_.*

The purpose for this meeting is to discuss

- |  |  |
|--|--|
| <input type="checkbox"/> Initial Evaluation        | <input type="checkbox"/> Change in Services          |
| <input type="checkbox"/> Eligibility Determination | <input type="checkbox"/> Transition Planning         |
| <input type="checkbox"/> Initial IEP Development   | <input type="checkbox"/> Manifestation Determination |
| <input type="checkbox"/> IEP Review                | <input type="checkbox"/> Transportation Issues       |
| <input type="checkbox"/> Initial Placement         | <input type="checkbox"/> Extended School Year        |
| <input type="checkbox"/> Reevaluation              | <input type="checkbox"/> Exit from Special Education |
| <input type="checkbox"/> Interim Placement         | <input type="checkbox"/> Graduation Exit             |
| <input type="checkbox"/> Annual Placement          | <input type="checkbox"/> Other: _____                |

The following people are expected to attend this meeting:

- ☐ Regular Education Teacher: \_\_\_\_\_
- ☐ Special Education Teacher: \_\_\_\_\_
- ☐ District Representative: \_\_\_\_\_
- ☐ Evaluator: \_\_\_\_\_
- ☐ Student (Required if 14 or older): \_\_\_\_\_
- ☐ Transition Agency(ies): \_\_\_\_\_
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

*Your presence at this meeting is important. You may also bring others who have knowledge or special expertise to assist in this important planning for your child's education program. You are encouraged, but not required, to notify the district about people you are bringing to the meeting to assist you.*

**By signing below, I acknowledge that I have been informed of the meeting, its purpose, and the persons expected to attend prior to the meeting. I also acknowledge receiving a copy of "Parent and Child Rights in Special Education."**

☐ I will attend as scheduled.

☐ I will attend but need a translator or interpreter.

☐ I cannot attend at this time. I request rescheduling.

☐ I will not attend but give my permission to hold the meeting without me.

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Record of contacts to assure parent participation:

Date	Method	Results
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Dear Parent or Guardian of \_\_\_\_\_,

*You have been invited to participate in a meeting concerning your child's educational program. Since you know your child best and can offer helpful insights from a unique perspective, your participation is greatly valued as a member of the team. This **Parent Report Questionnaire** is one way for you to offer your input. Though filling out all or any part of this form is optional, your ideas and opinions will help the team better understand your child and guide us in developing an appropriate individualized educational program. Please bring this form with you to the educational meeting, scheduled for (date) \_\_\_\_\_ at (time) \_\_\_\_\_ at (location) \_\_\_\_\_*

**PARENT REPORT QUESTIONNAIRE**  
(Preparing for the IEP Meeting)

(1) What are your child's best attributes and positive qualities? \_\_\_\_\_

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(2) What concerns or questions do you have about your child? \_\_\_\_\_

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(3) What are your goals for your child in the next year? \_\_\_\_\_

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(4) What are your future hopes and goals for your child? (Where do you see your child at age 25?)

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(5) How does your child learn best (seeing, hearing, hands-on; working alone or with others?)

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(6) What type of positive reinforcement (and reward) works well with your child?

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(7) What do you see as your child's strengths and what are your concerns, if any, in these areas?

a. Academic (reading, math, written language...) \_\_\_\_\_

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b. Recreation & Leisure (outside of school activities & interests) \_\_\_\_\_

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c. Community Participation (safety, transportation, group interaction, shopping...) \_\_\_\_\_

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d. Home/Independent Living (self-care, responsibility, habits, ...) \_\_\_\_\_

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e. Jobs and Job Training (skills that apply to self-sufficiency or future employment) \_\_\_\_\_

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f. Post-school Training or Learning (skills, interests, plans once out of school) \_\_\_\_\_

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g. Other Areas (health considerations, communication, physical abilities, emotional or behavioral areas, mobility...) \_\_\_\_\_

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## PARENTS' GUIDE TO AN IEP



Dear Parent or Guardian of \_\_\_\_\_,

*This is an invitation to attend a meeting about your child's Individualized Education Program (IEP). Like your child, each IEP is unique. Your participation is very valuable in planning and implementing a program that addresses your child's specific needs. To help you understand the process and be more comfortable as a member of your child's IEP team, we have answered below some questions you might have.*

### “WHAT IS AN IEP?”

Federal Regulations and State Rules, mandate that any child who meets the criteria for exceptionality and demonstrates need for special education or related services must have an “Individualized Education Program” (IEP) to meet his or her unique educational needs. The IEP must be developed, and reviewed at least annually by a team that includes school professionals, parents, and others as appropriate.

### “WHO WILL BE INVOLVED IN DEVELOPING THE IEP?”

The specific participants in developing an IEP are determined on an individual basis, but in general, the team is composed of parents, the child (if appropriate), a regular education teacher (if the child is, or will be, participating in the general education program), a special education service provider and/or qualified district specialist and a school or district supervisor. In addition, the school or you may invite other people who have special knowledge or information about your child that could be important in planning an appropriate program.

### “WHAT IF I CAN'T ATTEND THE MEETING?”

Your input at an IEP meeting is very important. The school will make every reasonable effort to ensure that you are included. If, upon receiving an invitation and notice of an IEP meeting for your child, and you cannot attend, you can reschedule the meeting by contacting your child's school. If for some reason you still cannot be present, you can participate through written input or by phone. You may request an interpreter, if necessary, to ensure your full participation in the meeting.

If you do not respond to the invitation and do not choose to participate, the school can hold the IEP meeting without you. They will then mail or give you a copy of the IEP for your review before the program starts to give you an opportunity to review the school's findings or plans.

### “WHAT WILL BE DISCUSSED AT THE IEP MEETING?”

The IEP will include the following information:

- (1) your child's skills, abilities and strengths.
- (2) your child's academic and/or social needs.
- (3) reasonable objectives (goals) and expectations that your child can achieve within one year, and the activities that will help him or her do so.
- (4) the special education and related services your child may need in order to benefit from his or her education



- (5) the accommodations and/or modifications (changes) your child may need to participate in the general education program or curriculum;
- (6) the supports your child may need to participate in standardized testing or other ways to measure progress and mastery of skills;
- (7) a determination if there is a need for extended school year (ESY) services or assistive technology; and
- (8) supports, as needed, for school personnel and parents.

#### “WHAT CAN I DO TO PREPARE FOR THE MEETING?”

Since the focus of the meeting is on your child and you know him or her best, take some time to think about what strengths your child has that can be reinforced, what interests and goals he or she has, what hopes you have for his or her future, and what concerns you have about your child? Then fill out the *Parent Report Questionnaire* form and bring it to the meeting.

Consider if there is anyone who would have special knowledge or information about your child that would help the team design the best possible IEP for the child. This could be another family member, a professional, or someone in the community who could offer insight from another perspective. You are not required to bring someone to the meeting, but you do have the right to invite others if you wish. (If you are planning to bring someone, please let the school know ahead of time to ensure that the meeting area is large enough for everyone.)

#### “WHAT WILL HAPPEN AT THE IEP MEETING?”

Whether the meeting is to develop the child’s first IEP or it is to review and update an existing IEP, the team will begin by discussing the child’s strengths and looking at the child’s assessments. Each team member will have the opportunity to contribute. As the child’s parent and valued member of the team, offering your insights is an important part of the process. The team will then work together to formulate annual goals and short-term objectives or benchmarks tailored to your child’s needs. During the process, feel free to ask questions or express your point of view.

The IEP is a plan for your child’s educational success. Once the IEP is developed, you will receive a copy. The plan is a 12-month plan and reviewed annually; however, you may ask to revise the IEP at any time.

#### “WHAT HAPPENS AFTER THE MEETING?”

The IEP will include specific goals and objectives for your child, how he or she will accomplish them, and what support necessary to do so. Once the team has reached consensus about the plan, the program begins. The IEP team will monitor progress and you will receive written reports at least quarterly, or as spelled out in the IEP.

# *Appendix B*

- ✓ Addendum for Braille Instruction
- ✓ Addendum for Orientation and Mobility
- ✓ Addendum for Hard of Hearing
- ✓ Addendum for Hard of Hearing Poster
- ✓ Functional Behavior Assessment
- ✓ Behavior Intervention Plan
- ✓ Strategies for Behavior Assessment & Intervention
- ✓ Transition Planning Checklist
- ✓ Writing Effective Short-term Objectives
- ✓ Special Transportation Instructions
- ✓ Addendum for Determining Eligibility for ESY
- ✓ Addendum for Determining Eligibility for the New Mexico  
Alternate Assessment
- ✓ Teacher Modification Notice
- ✓ Instructional Accommodations or Modifications
- ✓ Teacher Request for Assistance
- ✓ Contact Log

## ADDENDUM FOR BRAILLE INSTRUCTION

1. According to the FVE/LMA, the student's primary and secondary learning sensory channels are:

<b>Sensory Channel(s)</b>	<b>Instructional Strategies</b>	<b>Reading and Writing Media</b>
<b>Tactual</b> ___ Primary ___ Secondary	___ Tactual Symbols ___ Brailled materials ___ Raised line materials ___ Concrete manipulative objects ___ Hand-under-hand modeling ___ Tactual charts and maps	___ Braille reading ___ Braille writing ___ Tactual Symbols ___ Non-reader ___ Unable to braille
<b>Visual</b> ___ Primary ___ Secondary	___ Large print books, maps, and worksheets ___ Materials from sensory stimulation ___ Kit and/or Bright Sights ___ Low Vision devices ___ The same materials provided sighted peers	___ Regular print ___ Large print ___ Keyboarding ___ Pen/pencil and paper ___ Assistive writing device ___ Non-reader ___ Unable to write
<b>Auditory</b> ___ Primary ___ Secondary	___ Auditory instruction ___ Taped materials ___ Class discussion	___ Recorded materials ___ Speech output devices ___ Dictation

2. According to the FVE/LMA, the student's primary literacy media is: \_\_\_\_\_

3. Due to a progressive eye condition, should student receive instruction in Braille to address future literacy needs?

☐ YES      ☐ NO      ☐ NA due to eye condition is not progressive

List below the names and dates of documentation/evaluations that were reviewed in order to determine whether the student needs Braille instruction.

Document Name:

Document Date:

Based upon the review of the information recorded above, the IEP team has determined that the student needs:

- ☐ Instruction in Braille      ☐ Instruction in Braille for functional purposes
- ☐ Use of Braille for all tasks      ☐ Use of Braille for functional purposes
- ☐ Instruction and use of Braille is not appropriate for this student.

## Addendum for Students who are Deaf or Hard of Hearing Communication Considerations

This addendum must be completed for any student who is deaf or hard of hearing, even if this is not identified as the student's primary disability. This tool will be helpful in fulfilling the requirements of Special Factors (34 CFR 300.324 (a)(2)(iv)) and the NM Deaf/Hard of Hearing Education Bill of Rights (28 -11C-3). The completed form should reflect a conscientious discussion and connection to services agreed to in the IEP.

**\*Completion of Communication Considerations Form is a required STARS data field in the Special Ed Events Template, Field #5 Event Type Code, enter 4 = A Communication Consideration Form was completed at their IEP.**

### Consideration of Special Factors (from IDEA-2004)

In developing each child's IEP, the IEP team must consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode (34 CFR 300.324 (a) (2) (iv)).

#### Section 1:

**The student's primary language and/or communication mode is one or more of the following (check all that apply):**

Student's Academic Language (classroom)	Student's Social Language (non-classroom settings in the school)	Student's Home Language
Languages(s) (check all that apply):  <input type="checkbox"/> *American Sign Language (ASL)  <input type="checkbox"/> English  <input type="checkbox"/> Spanish  <input type="checkbox"/> Other:  Comments:	Languages(s) (check all that apply):  <input type="checkbox"/> *American Sign Language (ASL)  <input type="checkbox"/> English  <input type="checkbox"/> Spanish  <input type="checkbox"/> Other:  Comments:	Languages(s) (check all that apply):  <input type="checkbox"/> *American Sign Language (ASL)  <input type="checkbox"/> English  <input type="checkbox"/> Spanish  <input type="checkbox"/> Other:  Comments:

Communication modes (check all that apply):  (Classroom)	Communication modes (check all that apply):  (Social)	Communication modes (check all that apply):  (Home)
<input type="checkbox"/> English-based signed system <input type="checkbox"/> Gestural <input type="checkbox"/> Spoken <input type="checkbox"/> Written <i>*ASL is a complete signed language with complex grammar and syntax. Only mark "Gestural" if student is using non-standard gestures to communicate only or in addition to formal ASL.</i> <input type="checkbox"/> Other:  Comments:	<input type="checkbox"/> English-based signed system <input type="checkbox"/> Gestural <input type="checkbox"/> Spoken <input type="checkbox"/> Written <i>*ASL is a complete signed language with complex grammar and syntax. Only mark "Gestural" if student is using non-standard gestures to communicate only or in addition to formal ASL.</i> <input type="checkbox"/> Other:  Comments:	<input type="checkbox"/> English-based signed system <input type="checkbox"/> Gestural <input type="checkbox"/> Spoken <input type="checkbox"/> Written <i>*ASL is a complete signed language with complex grammar and syntax. Only mark "Gestural" if student is using non-standard gestures to communicate only or in addition to formal ASL</i> <input type="checkbox"/> Other:  Comments:

## Section 2:

**What language(s) and/or mode(s) of communication does the family use with their child?**

The family reports the following strengths and challenges when communicating with their child:

Comments:

Action Plan:

## Section 3:

**Does the student have age appropriate communication and language proficiency that is adequate to enable him/her to succeed in acquiring grade level skills and concepts of the general curriculum?**

☐ Yes: What supports are needed to assure access to the general curriculum?

Issues considered:

Action plan:

- ☐ No: What supports and opportunities will be provided to increase the child's proficiency in the language(s) and/or communication mode(s) that best meet his/her needs, allow him/her to participate in the general curriculum and meet his/her IEP goals and objectives?

Issues considered:

Action plan:

#### **Section 4:**

##### **The following factors have been identified and discussed:**

The ability of teachers, interpreters and other specialists to communicate fluidly with the student.

Issues considered:

Action plan:

The ability of teachers to accommodate and to design an educational program that meets the student's unique language and communication needs.

Issues considered:

Action plan:

The consideration of the student's accessibility to and inclusivity in all components of the educational process, including the classroom and all other school activities (as appropriate), including, e.g. recess, assemblies, conversations with members of the school community in and out of the classroom, field trips, extracurricular activities and athletics. Regulations require each public agency to ensure that each child with a disability participates with nondisabled children in extracurricular services and activities to the maximum extent appropriate to the needs of that child and that supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the child to participate in nonacademic settings (34 CFR Sec. 300.117).

Issues considered:

Action plan:

Opportunities for direct and fluid communication with a variety of peers and professional personnel.

Issues considered:

Action plan:

Opportunities for direct and fluid instruction in the child's language and communication mode.

Issues considered:

Action plan:

### **Section 5: Continuum of placement options and LRE**

An accurate and complete explanation of the continuum of educational placement options has been provided and considered pursuant to 34 CFR Sec. 300.115. The IDEA mandates that the placement for each student with a disability be only as restrictive as the student's individual needs require. The basic regulatory requirement is that students are only removed from regular education classroom if they cannot be educated satisfactorily in regular classes with the use of supplementary aids and services (34 CFR Sec. 300.114). The regulations also require that the continuum of placements include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions (34 CFR Sec. 300.115).

Language, communication, inclusivity and other issues considered related to LRE:

\*Complete Least Restrictive Environment Rationale section of the IEP.

### **Section 6:**

**Identify accommodations and/or modifications needed to support student success in accessing the general curriculum:**

\*Complete Accommodations/Modifications section of the IEP



## **Glossary of Terms**

**Ability:** The acquired professional proficiencies of staff members that pertain to working specifically with deaf or hard of hearing students and to the role of the staff person within the educational team (i.e. degree in deaf education; degree in interpreting; documented proficiency in sign language; certification/licensure as applicable; participation in ongoing professional development opportunities; membership in related professional organizations).

**Direct Communication:** The exchange of language with other deaf or hearing peers and adults who can converse at a fluent level in the student's language and mode and that does not require the use of an interpreter to facilitate the communication.

**Accessibility:** The right to access and fully experience the same opportunities that any other student has; assurance that school is useful and meaningful; assurance of equity for students to have opportunities to meet or exceed state content standards.

**Inclusivity:** Opportunities for the student to consistently and meaningfully take part in day-to-day interactions throughout the school day; to participate as a member of the classroom and school community; and to use these planned and incidental interactions to enhance their learning and skill building across a variety of domains.

**Fluid:** Communication that is reciprocal, spontaneous, flowing and unimpeded; this type of educational environment requires an educational team that is \*fluent in a student's language, who can quickly accommodate for student understanding and who have the skills to set up the learning environment for maximum interaction between students and all communication partners, inclusive of the student who is deaf or hard of hearing. \*Fluency in ASL means the ability to understand and use the language for a broad spectrum of social and academic functions.

**Proficiency:** Refers to the student's formally evaluated academic and functional abilities in the language(s) the student is using to communicate. In order for a student to be deemed "proficient", the student must exhibit grade and age level skills in each language assessed by specialists versed in the language(s) of that student.

## Addendum for Students who are Deaf or Hard of Hearing Communication Considerations

**This state required IEP addendum stems from a U.S. Department of Education Policy Guidance issued in 1992. This policy guidance led to the 1997 and 2004 Special Considerations requirement in the IDEA reauthorization.**

### Consideration of Special Factors (from IDEA-04)

In developing each child's IEP, the IEP team must consider—the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode (34 CFR 300.324 (a) (2) (iv)).

**Section 1: The student's primary language and/or communication mode is one or more of the following (check all that apply):**

**Intent of Section 1: Document the way the student uses language and/or communication in a variety of environments, with a variety of people and at home with their family.**

#### **Guiding Questions to Facilitate Dialogue:**

- What language(s) does the student use to communicate at home, with his/her friends, in the community and in school?
- What modes does the student use to communicate at home, with his/her friends, in the community and in school?
- How successful is the student's communication in a variety of situations?
- Are tactile communication strategies being used if the child has vision loss?

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> American Sign Language | <input type="checkbox"/> English based Sign System | <input type="checkbox"/> Spoken Language |
| <input type="checkbox"/> Written English        | <input type="checkbox"/> Visual Gestural           | <input type="checkbox"/> Other _____     |

What language(s) and/or mode(s) of communication do the parents use with their child? \_\_\_\_\_

Comments: \_\_\_\_\_

**Section 2: Is the student's communication and language proficiency adequate to enable him/her to succeed in acquiring grade level skills and concepts of the general curriculum?**

**Intent of Section 2: Objectively examine whether or not the student is able to tackle grade level curriculum given their identified communication and language skills.**

**Guiding Questions to Facilitate Dialogue:**

- What tools or resources have been used to adequately determine the child's proficiency in a particular language?
- Is the team satisfied that we have enough information to make this determination? If not, what do we need to do?
- **Is the mode of communication the child is using and being exposed to, helping him/her to progress in attaining higher-level language and academic skills: If not, what needs to be changed?**

**IF  
YES**

**ID what is needed for student to access the regular curriculum** (i.e. interpreter, sound field, personal FM, note taker, comprehension checks, desk top for note taking, augmentative communication systems for students who are deaf blind or who have other disabilities, etc.)

**IF  
NO**

**ID what is needed to boost the student's language proficiency** (i.e. speech/language services, educational interpreter/aide, resource room, critical mass opportunities, etc.)

☐ Yes: What supports are needed to assure access to the general curriculum? \_\_\_\_\_

☐ No: What supports and opportunities will be provided to increase the child's proficiency in the language and/or communication mode that best meet his/her needs, allow him/her to participate in the general curriculum and meet his/her IEP goals and objectives? \_\_\_\_\_

**Section 3: The following supports have been identified and discussed:**

**Intent of Section 3: Examine the level of access the student has within all aspects of their educational environment.**

**Guiding Questions to Facilitate Dialogue:**

1. How fluidly can the staff in the placement(s) being considered communicate with the student according to their language and communication mode? Is there a need for change? What are the training needs of staff?

2. How will the student have communication access to incidental learning, school sponsored special activities (e.g. assemblies, plays, field trips, movies) and social opportunities (i.e. cafeteria, recess)

If the student is interested in extracurricular activities and/or athletics, how will the student have communication access during these activities?

3. What is the ability and opportunity of the student and the hearing staff and students to communicate directly and meaningfully with each other so that the student can effectively engage in the educational process?

What is the opportunity for the student to engage in direct conversation with other deaf or hearing peers and adults who can converse at a fluent level in the student's language and mode, so that the student is able to expand his/her skills and meet grade level standards and benchmarks.

4. Are there adequate numbers of Deaf/HH peers who use the student's language and mode of communication to enable the student to engage meaningfully and directly in the educational process?

Are there adequate numbers of professionals who are native language users or highly fluent in the student's language and mode of communication?

What is the need of the child to interact with other Deaf/HH peers to support his/her development of his/her self-identity and self esteem?

- ☐ The ability of teachers, interpreters and other specialists to communicate fluidly with the student and accommodate his/her unique language and communication needs.

Issues considered: \_\_\_\_\_

\_\_\_\_\_

Action plan, if any: \_\_\_\_\_

\_\_\_\_\_

- ☐ Accessibility to all components of the educational process, including the regular education classroom and all other school-sponsored activities (as appropriate), including, e.g. recess, assemblies, field trips, extracurricular activities and athletics (34 CFR Sec. 300.117)

Issues considered: \_\_\_\_\_

Action plan, if any: \_\_\_\_\_

\_\_\_\_\_

- ☐ Opportunities for direct communication with peers and professional personnel

Issues considered: \_\_\_\_\_

Action plan, if any: \_\_\_\_\_

\_\_\_\_\_

- ☐ Opportunities for direct instruction in the child's language and communication mode

Issues considered: \_\_\_\_\_

Action plan, if any: \_\_\_\_\_

## Section 4: Continuum of placement options and LRE

**Intent of Section 4: Explore what educational placement option best meets the student's identified needs.**

### **Guiding Questions to Facilitate Dialogue:**

- What options are available within the child's neighborhood school, availability of inter zone transfers to other programs in the district and the state-supported New Mexico School for the Deaf (or New Mexico School for the Blind and Visually Impaired for students who are deaf blind)?
- What parts of a school program can be adjusted to meet the needs of a student? (Representatives of the various programs should be available to discuss the programs and/or families should be encouraged to visit the various placement options.)

An accurate and complete explanation of the continuum of educational placement options has been provided and considered (34CFR 300.115). The IDEA mandates that the placement for each student with a disability be only as restrictive as the student's individual needs require. The basic regulatory requirement is that students are only removed from regular education classroom if they cannot be educated satisfactorily in regular classes with the use of supplementary aids and services (34 CFR Sec. 300.114).

Language, communication, and other issues considered related to LRE: \_\_\_\_\_

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**Section 5: Identify accommodations needed to support student success in accessing the general curriculum.**

**Intent of Section 5: Review supports discussed in this dialogue. Are there others? Would supports change with placement selected? Use this info to ID accommodations.**

**Guiding Questions to Facilitate Dialogue:**

- **What supports does the student need to effectively access the general curriculum when considering the variety of placement options?**
- What are the pros and cons of providing specific supports (i.e. interpreter vs. direct communication; personal amplification vs. FM system)

Who is responsible for ensuring that supports are provided? \_\_\_\_\_

## Functional Behavior Assessment

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_ Age: \_\_\_\_ Gender: \_\_\_\_

Area(s) of exceptionality: \_\_\_\_\_

A **Functional Behavior Assessment** (FBA) is done when a student's behavior interferes with his or her learning or the learning of others. Its purpose is to identify why a behavior is happening so that the IEP team can develop appropriate interventions.

**1. SOURCES OF INFORMATION** ✓**Check** sources to be used; **Circle E** if reviewing **existing** data,

**Circle N** if **new** data is needed\*

- |  |   |
|--|---|
| _____ <b>E N</b> Anecdotal information provided by parents                         | _____ <b>E N</b> Parent interviews                                  |
| _____ <b>E N</b> Diagnostic evaluation(s) done by<br>by the district/public agency | _____ <b>E N</b> Diagnostic evaluation(s)<br>done by outside agency |
| _____ <b>E N</b> Classroom/school observation(s)                                   | _____ <b>E N</b> Student interview                                  |
| _____ <b>E N</b> Interview with other professionals                                | _____ <b>E N</b> Teacher interview(s)                               |
| _____ <b>E N</b> Behavior Rating Scales  | _____ <b>E N</b> Discipline records                                 |
| _____ <b>E N</b> IEP(s)  | _____ <b>E N</b> Attendance records                                 |
| _____ <b>E N</b> (other) _____   |   |
| _____ <b>E N</b> (other) _____   |   |

*Note: Parent consent is required for any evaluation or reevaluation. If the FBA team seeks more than what already exists in records (new observations, interviews, etc.) then consent is required.*

**2. Identified Problem Behavior (what the student is doing or not doing) State setting, frequency, duration, intensity, and severity.**

A) Observed and/or reported by ☐ School staff ☐ Parents ☐ Other \_\_\_\_\_

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B) Observed and/or reported by ☐ School staff ☐ Parents ☐ Other \_\_\_\_\_

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C) Observed and/or reported by ☐ School staff ☐ Parents ☐ Other \_\_\_\_\_

**3. Events that Typically Precede the Problem Behavior (school setting)**

**Check all that apply, then describe:**

- ☐ directive or request from authority    ☐ provocation from peers    ☐ academic activity  
☐ unstructured setting    ☐ transition time    ☐ certain time of day  
☐ no obvious circumstance    ☐ other

**4. Events that Typically Follow the Problem Behavior (school setting)**

**Check all that apply, then describe:**

- ☐ behavior is socially reinforced by peers    ☐ receives attention    ☐ gets corrective feedback  
☐ is removed from the setting    ☐ privileges are withheld    ☐ gets negative consequence  
☐ no consequences or behavior is ignored    ☐ no obvious consistency    ☐ other

**5. Effectiveness of Interventions on Behavior**

Describe what **positive reinforcers** have been tried and rate their level of effectiveness from 0-5, with 5 being very effective and 0 being completely ineffective. *Example: special activities (4); compliments (1)*

Describe what **consequences** have been tried and rate their level of effectiveness from 0-5, with 5 being very effective and 0 being completely ineffective. *Example: losing privileges (2); call to parents (4)*

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## 6. Analysis and Recommendation

A) The presumed **function** or explanation of this behavior is

- ☐ to get \_\_\_\_\_
- ☐ to escape \_\_\_\_\_, or
- ☐ to control \_\_\_\_\_.

B) The target behavior may be linked to a **skill deficit** in the following areas: \_\_\_\_\_

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C) The target behavior may be linked to a **performance deficit** in the following areas: \_\_\_\_\_

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D) Next Steps:

- ☐ The student's behavior patterns may require instructional modifications or accommodations only.
- ☐ The student's behavior patterns suggest that a Behavioral Intervention Plan is warranted.
- ☐ Existing data is insufficient for a complete functional assessment. Follow-up/additional data is needed as follows: \_\_\_\_\_

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***The following person(s) conducted this Functional Behavior***

_____ Signature	_____ Title	_____ Date
_____ Signature	_____ Title	_____ Date
_____ Signature	_____ Title	_____ Date

## ***Behavior Intervention Plan***

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Area(s) of exceptionality: \_\_\_\_\_

*This **Behavior Intervention Plan** (BIP) is being created for this student because persistent and/or severe behavior is being exhibited that interferes with the student's learning or the learning of others and interventions are needed to positively redirect the targeted behavior. The approach identifies the type and cause of the behavior and then helps the student learn replacement behaviors through a combination of positive interventions and supports, as well as appropriate consequences. In addition to defining a how the student is to be taught the skills needed for behavior modification, the plan includes provisions for monitoring progress and crisis management.*

### **Problem Behavior:**

**Is this behavior a ☐ Skill Deficit or a ☐ Performance Deficit?**

Skill deficit: The student does not know how to perform the desired behavior.

Performance deficit: The student knows how to perform the desired behavior, but does not consistently do so.

**Presumed FUNCTION (cause) of the behavior:** What desired thing(s) is the student trying to GET? or  
What undesired thing(s) is the student trying to AVOID?

### **Intervention Strategies:**

**1. Environment and/or Circumstances**

Can the environment or circumstances that trigger the behavior or the result of it be adjusted? If so, how?

**2. Curriculum and/or Instruction**

Would changes in the curriculum or instructional strategies should be helpful? If so, what and by whom?

**3. Other Strategies or Positive Supports (including school personnel, peers, or family)**

**Desired Replacement Behavior:**

What behavior will the student be taught to replace the targeted behavior? How and by whom?

**Rewards/Motivators:**

How will the student be reinforced so that the replacement behaviors are more motivating than the problem behavior?

**Consequences:** What consequences will be implemented for repeated occurrences of the problem behavior?

1<sup>st</sup> occurrence?

2<sup>nd</sup> occurrence?

3<sup>rd</sup> occurrence?

Continuing?

**Crisis Plan:** How will an emergency situation or behavior crisis be handled? (Define possible scenarios, including the use of in-school or out-of-school suspension, or aversive techniques, as appropriate)

**Monitoring of Behavior:** How will behavior be assessed and evaluated? What data will be collected? How and by whom? When will the plan be first reviewed for its effectiveness? Thereafter?

Additional notes/information regarding this BIP: \_\_\_\_\_

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# STRATEGIES FOR BEHAVIOR ASSESSMENT AND INTERVENTION

## PART 1: Behavior Assessment

***Is the behavior of this student worthy of serious concern and intervention?*** In assessing the seriousness of a student's behavior, it may be helpful to consider the answers to these questions:

- ✓ Does the student's behavior differ significantly from other students'?
- ✓ Does the student's behavior interfere with his or her learning or that of others?
- ✓ Have past efforts using "traditional" methods been ineffective?
- ✓ Does the student's behavior reflect a consistent deficit or excess in response?
- ✓ Can any part of the student's behavior be attributed to cultural differences?
- ✓ Is the student's behavior threatening or dangerous to him or herself or others?
- ✓ Will more extreme disciplinary action likely be needed if the behavior continues?
- ✓ What aspects of the student's behavior, if any, are directly related to his/her exceptionality?

### ***Ways to categorize behavior: by function (purpose) and by deficit (skill vs. performance)***

**FUNCTION:** *Why the behavior is occurring? What purpose is it serving for the student?*

Behavior is motivated by the need to get something positive, to avoid something negative, or to control something. Identifying the underlying motivation(s) allows interventions to be tailored to the reason for the behavior rather than just attempting to suppress its manifestation. For example, if a student displays inappropriate behavior to get a teacher's attention, an intervention that fulfills that need in a more appropriate manner is more likely to succeed than imposing a consequence.

**DEFICIT:** *Is the child lacking the **skill**, or does the child have the skill, but lack consistent **performance**?*

Further categorizing behavior by deficit allows the team to refine the intervention to target the source of the problem. A student's inability to perform a certain behavior is a **skill deficit**. If the student can perform the behavior but does not under certain conditions, it is a **performance deficit**.

## PART 2: Behavior Intervention Strategies

***The following are sample intervention strategies categorized by the ATRIM techniques.***

**Adjust the circumstances that trigger the behavior and/or result of it.**

- Change the time or order the student normally does a particular task or activity.
- Assign the student a partner for a particular task or activity.

**Teach replacement behaviors that serve the same function.**

- Have student use silent signals or response cards instead of calling out.
- Role play (or model) desired behaviors (example: phone etiquette).

**Reinforce appropriate behavior.**

- Implement the use of a student behavior contract with built-in rewards.
- Use "good news" notes or phone calls to alert parents of positive behavior.

### Implement changes in curriculum and instructional strategies.

- Allow student to tape-record assignments.
- Create a “secret signal” to use that means something to just that student.

### Modify the physical environment.

- Label items in the room.
- Create a safe space (with an imaginary force field?) for students to go to as needed.

*Adapted from techniques outlined by the CECP (Center for Effective Collaboration and Practice), an OSEP funded research organization. For comprehensive guidance on behavior and discipline, go to [www.cecp.air](http://www.cecp.air)*

## ***TRANSITION SERVICES CHECKLIST***

Student Name: \_\_\_\_\_

Birthdate: \_\_\_\_\_ Age at IEP \_\_\_\_\_ Date of IEP meeting: \_\_\_\_\_

School: \_\_\_\_\_

### **Before the IEP Meeting**

- ☐ Encourage the parents and the student to be actively involved in the IEP process. Assist them in determining the student's strengths, needs, interests, preferences, and post-school goals.
- ☐ Assess the student's strengths, needs, interests, preferences, and post-school goals.
- ☐ In writing, notify parents of the IEP meeting and invite them to participate in the process. Ensure that the notice contains all the necessary components:
  - \_\_\_ identify the purpose of the meeting as transition planning
  - \_\_\_ include date/time/location and expected attendees (including the student)
  - \_\_\_ inform parents of their right to invite others who may have relevant information
  - \_\_\_ offer to reschedule or provide an interpreter if needed
  - \_\_\_ include a copy of the parental rights
  - \_\_\_ give the name and phone number of a contact person
- ☐ If parents do not respond or choose not to attend, document attempts to involve them.
- ☐ Formally invite the student to the IEP meeting and invite him or her to participate in the process.
- ☐ If the student will not attend, use other means to gather and share information about his or her strengths, needs, interests, preferences, and post-school goals.
- ☐ Determine if any outside agency or agencies need to be involved in the student's IEP in order to make a successful transition. If so, provide notice of the meeting as needed. Document contacts.
- ☐ Obtain parental consent before an outside agency or agencies are invited to participate in the IEP Team meeting because confidential information about the child, from the child's education records, would be shared.

### **During the IEP Meeting**

- ☐ Include and consider input given by parents and the student.
- ☐ Review current levels of performance as related to transition.
- ☐ If the student is 14 or older, inform parents about transfer of rights at the age of majority (18 in NM);  
  
If the student is 17 and/or one year from graduation, inform parents about securing legal guardianship prior to the student reaching the age of majority (if appropriate).
- ☐ Focus on the student's strengths and consider his or her strengths, needs, interests, preferences and goals to develop and include in the IEP:
  - \_\_\_ a goal-oriented student/family vision statement
  - \_\_\_ a statement of transition services and activities targeted toward either: 1. (by age 14) designing

and specifying a course of study for high school and graduation options or, 2. (by age 14) to achieve the student's post-school goals.

\_\_\_ statement of annual goals and objectives or benchmarks for the student to accomplish within one year, along with the supports and services he or she will need to do so.

\_\_\_ a statement of transition services needed that has taken into account needs and concerns in each of these areas: instruction, related services, community experiences, employment/post-school options, independent living, and functional/vocational assessment.

\_\_\_ an agreement spelling out who will provide and/or pay for each service or support required (including assistive technology or transportation) and a schedule of services

### **After the IEP Meeting**

- ☐ Implement the IEP by providing the instruction, experiences, accommodations and modifications, supports, and services outlined in the IEP.
- ☐ Assist the student and family as needed to access supports and programs.
- ☐ Monitor and document the student's progress, as spelled out on the IEP.
- ☐ Check that all agreed-upon services are being conducted as planned. If not, follow up as needed. If necessary, reconvene the IEP team to consider alternative strategies for achieving the student's goals and objectives.
- ☐ Plan and conduct a review of the IEP as needed, but at least annually. Anticipated date of next review: \_\_\_\_\_

*Notes / Comments:*

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## ***WRITING EFFECTIVE SHORT-TERM OBJECTIVES***

An effective short-term objective has the following components:

- ✓ It is written in terms of what the **student** will do.
- ✓ It defines specific measurable behavior to be displayed by the student.
- ✓ It states the condition under which the student will demonstrate the behavior.
- ✓ It specifies what criteria will be used to measure progress or mastery.
- ✓ It includes an evaluation procedure with an expected time for the desired level of attainment to be reached.



**EXAMPLES:** An effective objective often begins with the conditions under which the student will demonstrate a skill followed by what he or she is expected to do. Example: **“While on the playground... James will...”** The objective is then completed by stating how the behavior will be measured and evaluated, and when. The following lists, though not all-inclusive, offer the types of wording used for writing objectives

## List of Objectives

### Conditions

(setting/circumstances)

- in a small group
- independently
- with an assistive device
- in a 1:1 situation
- on the playground
- while reading
- without a prompt
- in sentences
- in a test setting
- while alone
- in a social setting
- with a partner
- in a variety of school situations
- when given
- without assistance
- verbally
- when describing
- in isolation
- during structured activities
- when asked to
- by pointing
- when encountered
- during lunchtime
- prior to
- when presented with
- in all situations

### Behaviors

(actions)

- answer
- prepare
- recite
- solve
- read
- sequence
- imitate
- retell
- respond
- state
- write
- recognize
- identify
- sort
- complete
- choose
- find
- list
- recite
- track
- record
- respond
- draw
- spell
- choose
- conclude
- name
- compare
- describe

### Criteria

(degree of mastery)

- out of \_\_\_\_ trials
- \_\_\_\_ times/week
- consecutive sessions
- \_\_\_\_ % accuracy
- out of \_\_\_\_ items
- for \_\_\_\_ minutes
- \_\_\_\_ % above baseline
- with a grade of
- over \_\_\_\_ days
- in each of \_\_\_\_ encounters
- within \_\_\_\_ minutes
- \_\_\_\_ of \_\_\_\_ correct
- in \_\_\_\_ of \_\_\_\_ responses
- with at least \_\_\_\_ per \_\_\_\_
- \_\_\_\_ % of attempts
- with no errors
- on \_\_\_\_ separate occasions
- for \_\_\_\_ consecutive \_\_\_\_

### Evaluation

(method used to evaluate)

- teacher checklist
- test scores
- observation with data collection
- pre- and post-test comparison
- behavior log
- criterion-referenced test
- data from school records
- student self-evaluation with data
- oral performance
- work samples

### Time Expectation

(when is behavior to occur)

- weekly
- monthly
- quarterly
- \_\_\_\_ time per day
- in \_\_\_\_ weeks
- on MWF
- daily, upon arrival at school or home
- for \_\_\_\_ consecutive \_\_\_\_
- within a period of \_\_\_\_
- before \_\_\_\_

## SPECIAL TRANSPORTATION INSTRUCTIONS

Date: \_\_\_\_\_

*The student listed on this form has special transportation needs that have been determined by his or her Individualized Education Program (IEP) team. These instructions are being provided to you because under the Individuals with Disabilities Education Act of 1997 (IDEA) at 34 CFR Sec. 300.324 (a) (4)(ii), all persons required to provide service needed to implement a student's IEP must be informed of their responsibility.*

Name of student: \_\_\_\_\_ D.O.B. \_\_\_\_\_

School: \_\_\_\_\_ School Yr. 20\_\_ - \_\_ Gr: \_\_\_\_\_

Teacher: \_\_\_\_\_ School Ph: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Home Ph: \_\_\_\_\_

Home address: \_\_\_\_\_

Work phone: Mother/Guardian \_\_\_\_\_ Father/Guardian \_\_\_\_\_

Caretaker (if not parent): \_\_\_\_\_ Ph: \_\_\_\_\_

Primary language of student: \_\_\_\_\_ Parent/Guardian: \_\_\_\_\_

Alternative Contact: Name: \_\_\_\_\_ Ph: \_\_\_\_\_

Address: \_\_\_\_\_

### Bus Equipment needs:

Can the student ride a regular bus? ☐ Yes ☐ No

Does the student require a special bus? ☐ Yes ☐ No

Will the student need seat belt? ☐ Yes ☐ No

Does the student require a wheelchair? ☐ Yes ☐ No

Does the student require a lift? ☐ Yes ☐ No

Does the student need an aid on bus? ☐ Yes ☐ No

Is the student able to go to the bus stop? ☐ Yes ☐ No



### Pick-up and drop-off needs:

Does the student require curb-to-school transportation? ☐ Yes ☐ No

Does the student require transportation between schools? ☐ Yes ☐ No

Does the student require a teacher/assistant present at the school stop? ☐ Yes ☐ No

Does the student require a parent/guardian present at the home stop?

☐ Yes ☐ No

Other needs: \_\_\_\_\_

\_\_\_\_\_

**Pick-up location:** \_\_\_\_\_

**Drop-off location:** \_\_\_\_\_

**Medications taken:** \_\_\_\_\_

**Special considerations or concerns related to the child's disability or medical needs:**

(Examples: the student is diabetic, has hemophilia, or is a lip-reader)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Special Instructions/Information regarding behavior and/or crisis situations:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ADDITIONAL NOTES:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**These instructions delivered**

**to:** \_\_\_\_\_  
(Name/Title)

**by:** \_\_\_\_\_  
(Name/Title)

**on:** \_\_\_\_\_  
(Date)

## ***Addendum for Determining Eligibility for Extended School Year Services***

A significant regression/recoupment factor is the first line of inquiry for establishing criteria and eligibility standards for ESY services. The regression/recoupment factor must relate to the student's current IEP goals, objectives, and present levels of educational performance based on multi-disciplinary team data, including information from the parent(s)/guardian(s).

In addition to regression/recoupment, consider the following factors: severity of the disability, behavioral skills, critical learning period, learned material, potential for generalization and maintenance, emerging skills that are at risk for loss, medical conditions and family circumstances.

To determine eligibility for ESY services, the IEP team must:

- 1) answer the following questions and,
- 2) provide documentation indicating that the student's regression of learned skills, and his or her ability to recover lost skills (recoupment), render it unlikely that the student will attain the state of self-sufficiency that he or she would otherwise reasonably be expected to reach.

### **The student...**

- |  |   |
|--|---|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Does the review of data show that the student experiences significant regression in adaptive behaviors or learned skills (social, motor, behavioral, academic, self-help and communication) over regularly scheduled school breaks during the year (i.e., holidays, weekends, between special education classes)? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Does the review of data show that the student requires a significant amount of time and effort to recoup previously learned behavior and skills?  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Does the review of data indicate that the student benefited from previous ESY services? <b>It is important to note that the impact of previous ESY services on overall student performance is not the sole basis for determining a current need for ESY.</b>  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Does the review of data indicate that the benefits to be derived from an extended educational program outweigh the positive benefits of a summer vacation?  |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Did the IEP team consider other program options that would meet the needs of the student? Identify the programs considered by the IEP team:   |
-

☐ Yes ☐ No Did the IEP team determined that ESY would best meet the need of the student? Why or Why not? \_\_\_\_\_

List the names of documents reviewed by the team to make this determination.

Document Name:

Document Date:

_____	_____
_____	_____
_____	_____
_____	_____

If documentation is not attached to this addendum, please indicate where it is located.

\_\_\_\_\_

The IEP team has reviewed the documentation above and has determined the following:

☐ The student is **not** eligible for ESY services.

☐ The student requires the following ESY services:

☐ Instructional

☐ Behavioral

☐ Related services (Identify): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How will services be provided and by whom? \_\_\_\_\_

\_\_\_\_\_

Start and ending dates: \_\_\_\_\_

☐ Additional information is required to determine eligibility for ESY services.

• Name of person responsible for collecting additional information:

\_\_\_\_\_

• Anticipated data collection dates: \_\_\_\_\_

• Anticipated IEP date for review of collected data: \_\_\_\_\_

### **Addendum for Determining Eligibility for the New Mexico Alternate Assessment**

Members of the IEP team are charged with the determination of eligibility for the New Mexico Alternate Assessment. The New Mexico Alternate Assessment was developed for a specific subpopulation of students with severe disabilities. A student is not eligible to take the New Mexico Alternate Assessment if the primary reason that the student is being considered is that he or she has

- Specific Learning Disabilities (SLD)
- Visual or auditory disabilities
- Emotional Disturbance
- Excessive or extended absences
- Social, cultural, and economic differences

Please list below the dates of IEPs and evaluations from the student's record that were reviewed in order to determine whether the student meets participation criteria for the New Mexico Alternate Assessment as opposed to the general assessment. Attach any other documents not found in the student's record that were also reviewed.

Document Name:

Document Date:

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The IEP team must agree that the student is eligible for the New Mexico Alternate Assessment according to the participation criteria below. Sufficient documentation must be provided (multiple records and multiple sources of information) to answer all of the questions below in the affirmative.

1. ☐ Yes ☐ No Does the student's past and present performance in multiple settings (i.e., home, school, community) indicate that a significant cognitive disability is present?  
Explain.

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2. ☐ Yes ☐ No Does the student need intensive, pervasive, or extensive levels of support in school, home, and community settings? Explain.

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3. ☐ Yes ☐ No Do the student's current cognitive and adaptive skills and performance levels require direct instruction to accomplish the acquisition, maintenance, and generalization of skills in multiple settings (home, school, community)?

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## TEACHER MODIFICATION NOTICE

Date: \_\_\_\_\_

Dear \_\_\_\_\_,

*This letter concerns the educational program modifications for the following student:*

*Student's name \_\_\_\_\_ Grade \_\_\_\_\_*

*The student has been evaluated and found to have one or more exceptionalities that require program modifications. In order for him/her to successfully participate in your classroom activities, the IEP team has identified the following essential accommodations (instructional, behavioral, testing, and/or other as indicated):*

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*Your participation in this child's individualized education program is vital. If you have questions or need help with any aspect of carrying out your responsibilities—clarification, materials, additional training, or other type of assistance— please let me know. I have enclosed a form for your requests.*

*If, at any time, you think these accommodations are not being effective or are not working in the best interest of the student, or, if the student begins falling behind expectations or you have other concerns, please share this information with me. Only through communication can we, together, develop strategies for this student's success. I appreciate your cooperation in helping us help this student benefit from his/her education to the fullest extent possible.*



Sincerely,

\_\_\_\_\_  
Case Manager or IEP Team Coordinator

.....

You are an important key in opening the doors of opportunity for this student. Please sign and return this portion (and the request for help form, if needed) to let me know that you have received this information and the option of requesting help in order to implement the needed accommodations.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## Instructional Accommodations or Modifications

### **Environment**

- Low lighted area
- Study carrel for independent work
- Minimize auditory distraction
- More physical space for learner

### **Assignment/Homework**

- Reduced homework load and/or assignments
- Opportunity to use typewriter or computer
- Extra time for assignments
- Emphasis on major points

### **Behavior management**

- Clearly defined limits
- Frequent reminder of rules
- Positive reinforcement
- In-class time out
- Opportunity to help teacher
- Frequent eye contact

### **Instructional strategies**

- Frequent feedback
- Immediate feedback
- Positive reinforcement for academic skills
- Positive reinforcement for communication skills
- Checking for understanding
- Repeat, clarify and/or simplify directions

### **Other**

- Use of special devices (pencil adapted in size or grip, manipulatives)
- Motivational accommodations (encourage student to remain on task, provide snacks, treats, or prizes)
- Use of communication device

### **Instructional materials**

- Reading material at \_\_\_ grade level
- Color coded materials for reading and emphasis
- Study aids and/or manipulatives

### **Testing**

- Exams of reduced length
- Extended time for exams
- Open book test
- Opportunity to have test read or translated

### **Instructional presentation mode**

- Short instructions (1 or 2 steps)
- Opportunity to have instructions written
- Opportunity to have instructions repeated
- Visual aids (pictures, flash cards, etc.)
- Multimodal and/or multi-sensory presentation

### **Student response mode**

- Extra time for oral response
- Extra time for written response
- Oral instead of written response
- Illustration and labeling instead of writing
- Opportunity for taped response

### **Grades will be based on**

- Regular classroom standard
- Work completed
- Effort and demonstrated mastery
- No penalty for spelling error

<p><b><u>In case of failing grade</u></b></p> <ul style="list-style-type: none"> <li>➤ Conference with special education teacher</li> <li>➤ Conference with student's parents</li> <li>➤ Call a IEP meeting to allow parents and all service providers discuss educational needs of the student</li> <li>➤ Call an IEP meeting to discuss placement</li> </ul>	<ul style="list-style-type: none"> <li>➤ IEP objectives and/or benchmarks</li> </ul> <p><b><u>Grades will be determined by</u></b></p> <ul style="list-style-type: none"> <li>➤ Regular education teacher</li> <li>➤ Special education teacher</li> <li>➤ Regular and special education teacher in collaboration</li> </ul>
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## Teacher Request for Assistance

From: \_\_\_\_\_

Date: \_\_\_\_\_

Dear: \_\_\_\_\_,

*I have received and reviewed the Teacher Modification Notice for  
(student's name ) \_\_\_\_\_.*

*Upon reviewing the accommodations/modifications that the IEP team determined  
are essential, and my role in implementing them in my classroom, I request the following  
assistance in order to carry them out effectively.*

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*Sincerely,*

\_\_\_\_\_  
Teacher

.....

**For Case Manager/IEP Team Coordinator:** This request was received on (date) \_\_\_\_\_  
and the following action taken: \_\_\_\_\_

\_\_\_\_\_

## Contact Log

Month: \_\_\_\_\_

Year: \_\_\_\_\_

**FOR:** \_\_\_\_\_  
(Student) (Date)

**BY:** \_\_\_\_\_  
(Name) (Title)

**Scheduled service and frequency:** \_\_\_\_\_

**CODES:** DS: Direct Service CS: Collaborative Service E: Evaluation M: Meeting H: Holiday  
SA/TA: Student /Teacher Absent TC: Teacher Cancel DNS: Did Not Show O: Other  
(Explain)

**Week of \_\_\_\_\_ Mon. Tues. Wed. Thurs. Fri.**  
Contact Code: \_\_\_\_\_  
Time (hr/min): \_\_\_\_\_  
Total time (hr/min): \_\_\_\_\_ Comments: \_\_\_\_\_

**Week of \_\_\_\_\_ Mon. Tues. Wed. Thurs. Fri.**  
Contact Code: \_\_\_\_\_  
Time (hr/min): \_\_\_\_\_  
Total time (hr/min): \_\_\_\_\_ Comments: \_\_\_\_\_

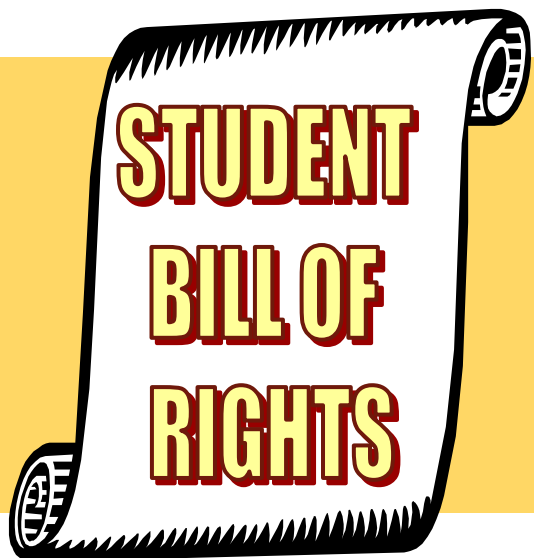
**Week of \_\_\_\_\_ Mon. Tues. Wed. Thurs. Fri.**  
Contact Code: \_\_\_\_\_  
Time (hr/min): \_\_\_\_\_  
Total time (hr/min): \_\_\_\_\_ Comments: \_\_\_\_\_

**Week of \_\_\_\_\_ Mon. Tues. Wed. Thurs. Fri.**  
Contact Code: \_\_\_\_\_  
Time (hr/min): \_\_\_\_\_  
Total time (hr/min): \_\_\_\_\_ Comments: \_\_\_\_\_

**Week of \_\_\_\_\_ Mon. Tues. Wed. Thurs. Fri.**  
Contact Code: \_\_\_\_\_  
Time (hr/min): \_\_\_\_\_  
Total time (hr/min): \_\_\_\_\_ Comments: \_\_\_\_\_

# *Appendix C*

✓ **Student Bill of Rights**



As a student receiving special education supports and services, you have certain rights based on both Federal and State Laws. This document will help you understand your rights related to getting an education and other key issues. You should always speak to your teacher, school case manager, and parent first if you need further information or are having a problem advocating for any of the rights listed here. If you need additional help, this document lists the addresses and phone numbers of agencies to contact.

As a high school student who is eligible to receive special education services, you have the right to:

- ✓ **A Free Appropriate Public Education through age 21 or high school graduation, whichever comes first.**
- ✓ **Have transition services included in your IEP beginning at age 14. Transition services are activities/strategies that prepare you for a successful adult life.**
- ✓ **Attend and participate in your entire IEP meeting beginning at age 14, or younger if transition services are being discussed.**
- ✓ **Be informed that all parental rights under New Mexico special education law will transfer to you when you reach 18.**
- ✓ **Be educated with peers who do not require special education support and services, as much as possible.**

# SUMMARY of MY RIGHTS and RESPONSIBILITIES

**I need to balance exercising my rights....**



- ✓ **I have the right** to know what my disability is and how it affects my ability to learn, live independently, and be a part of a lifelong learning system.
- ✓ **I have the right** to be provided information regarding assessment, services, and my Individualized Education Program (IEP) in a language and format that I understand.
- ✓ **I have the right** to participate in my IEP meetings.
- ✓ **When I am 18, I will have the right** to accept or refuse services.
- ✓ **When I am 18, I will have the right** to disagree with my IEP and to receive help in writing a complaint or requesting mediation or a due process hearing.

**...with accepting my responsibilities.**



- ✓ **I have the responsibility** to ask questions, request help, or see self-advocacy training and peer support so that I can learn more about my disability and advocate for my needs.
- ✓ **I have the responsibility** to ask questions until I understand.
- ✓ **I have the responsibility** to attend all IEP meetings and actively participate in planning for my adult life.
- ✓ **I have the responsibility** to invite people (i.e. friend, parent, grandparent, coach, teacher) I trust and know well.
- ✓ **I have the responsibility** to understand that refusing services may affect my school/work program, and that I may not get these services back.