

Individuals with Disabilities education Act (IDEA) : Process and Partnerships





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Individuals with Disabilities education Act (IDEA)

The SIX PRINCIPLES of IDEA



← Read the entire OSERS Dear Colleague Letter
Here

IDEA – The Process



Child Find Sources

- **ECI (Early Childhood Intervention Provider)**
- **Parent or Guardian**
- **Teachers and other LEA professionals can refer an enrolled student for evaluation when there is a suspicion**

IDEA – The Process



Evaluation is the cornerstone of creating an effective IEP – Individualized Education Plan. The student has both intrinsic and instructional needs and the ARD Committee’s (known in other states as the IEP TEAM) charge is to discover and honor the intrinsic needs while designing a program to meet his or her instructional needs. The parents’ primary role on the ARD Committee is

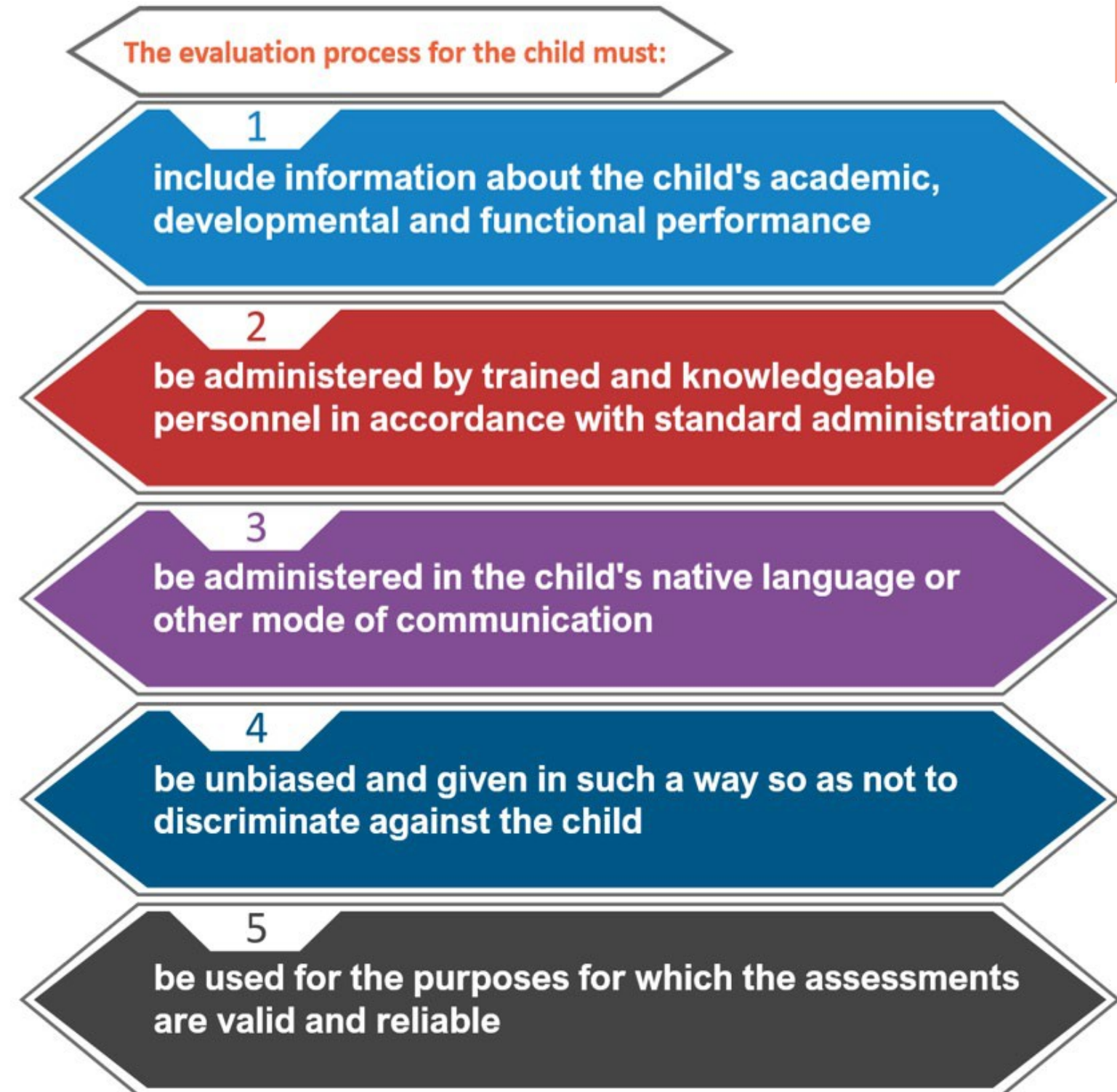


IDEA – The Evaluation Process Procedures

The **FIE** provides the information for the ARD Committee to **REVIEW AND CONSIDER**.

The **EVALUATOR** assists the ARD Committee with **INTERPRETING** the results of the evaluation.

The ARD Committee determines **ELIGIBILITY & PLACEMENT**.



IDEA – The Process



Best practice is when the evaluation team shares their reports with the parents before the ARD meeting and reviews the report with parents in person or via phone before the meeting so the parent understands the results and the implications for their child’s learning.

Draft goals presented at this time will also help the parent be involved in the development of the IEP.

IDEA – The Process -

Disability + Educational Need = Eligibility

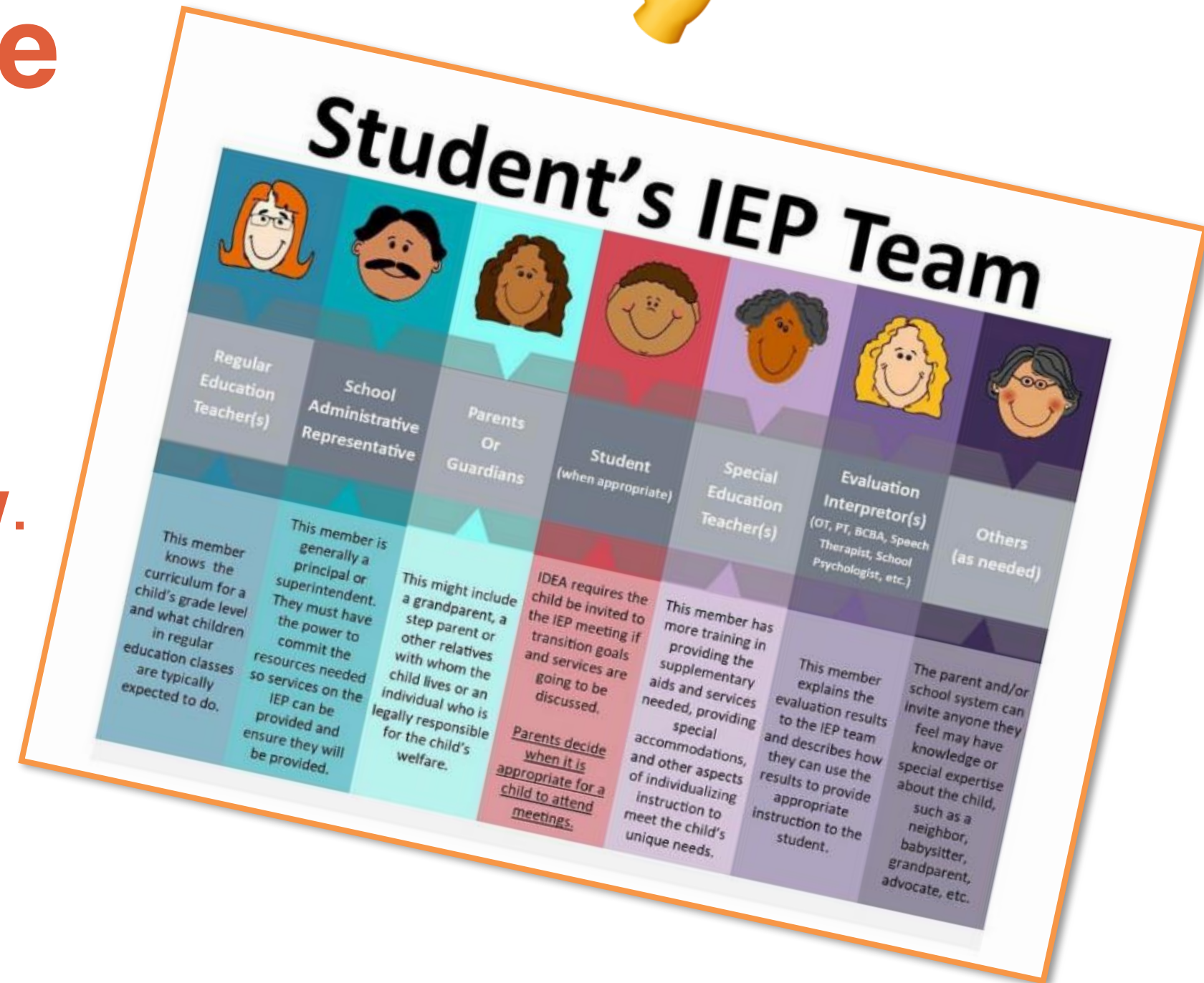


Determines whether the child/student is a child/student with a **disability** and the **educational needs** of the child/student.

The ARD Committee

The ARD Committee is comprised of a **group of individuals** defined in **federal law**.

The ARD Committee **develops the IEP** and determines **the educational placement** of the child/student.



The “Who” of an IEP

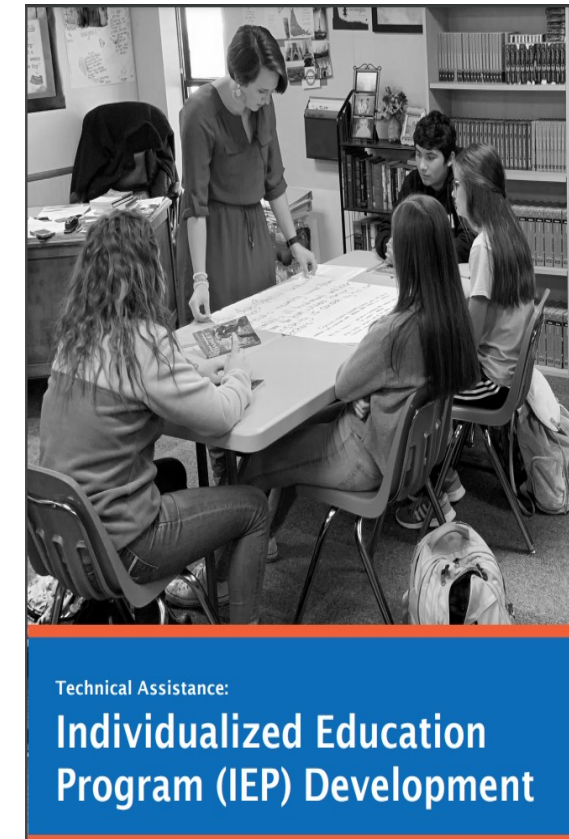
Pages 5-7 Technical Assistance Guide to IEP Development

REQUIRED ARD Committee **MEMBERS** include;

- Parent or adult student
- Reg Ed Teacher
- Sp Ed Teacher/ Provider
- LEA Representative
- Individual who can interpret instructional implications of the evaluation results
- Special Circumstance participants (VI, DHH, CTE, LPAC, etc.)

ALLOWABLE DUAL ROLES: member who can interpret evaluation results & LPAC Rep. only-LPAC rep **MAY NOT** be the same as the LEA rep

EXCUSALS of required members must be **IN WRITING**.



IEPs are the **CENTERPIECE** of the IDEA law.

Every public school student in Special Education, ages 3-21, **MUST HAVE** an IEP.

IEPs are developed **DURING AN ARD** meeting.

ARD meetings must be held at a time and place that is **MUTUALLY AGREEABLE**.

Schools must **take steps to ensure** that **PARENTS ARE PRESENT**.

Any **preparations** before an ARD are “**DRAFT**” only.

IEPs are **reviewed** at least **ANNUALLY** or when there are concerns/new information to review

IDEA – The Process - FAPE

§ 300.17 FREE APPROPRIATE PUBLIC EDUCATION.

FREE APPROPRIATE PUBLIC EDUCATION or **FAPE** means **SPECIAL EDUCATION** and **RELATED SERVICES** that -

- (a) Are provided at **PUBLIC EXPENSE**, under public supervision and direction, and without charge;
- (b) Meet the **STANDARDS OF THE SEA**, including the requirements of this part;
- (c) Include an **APPROPRIATE** preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an **INDIVIDUALIZED EDUCATION PROGRAM (IEP)** that meets the requirements of §§ 300.320 through 300.324.

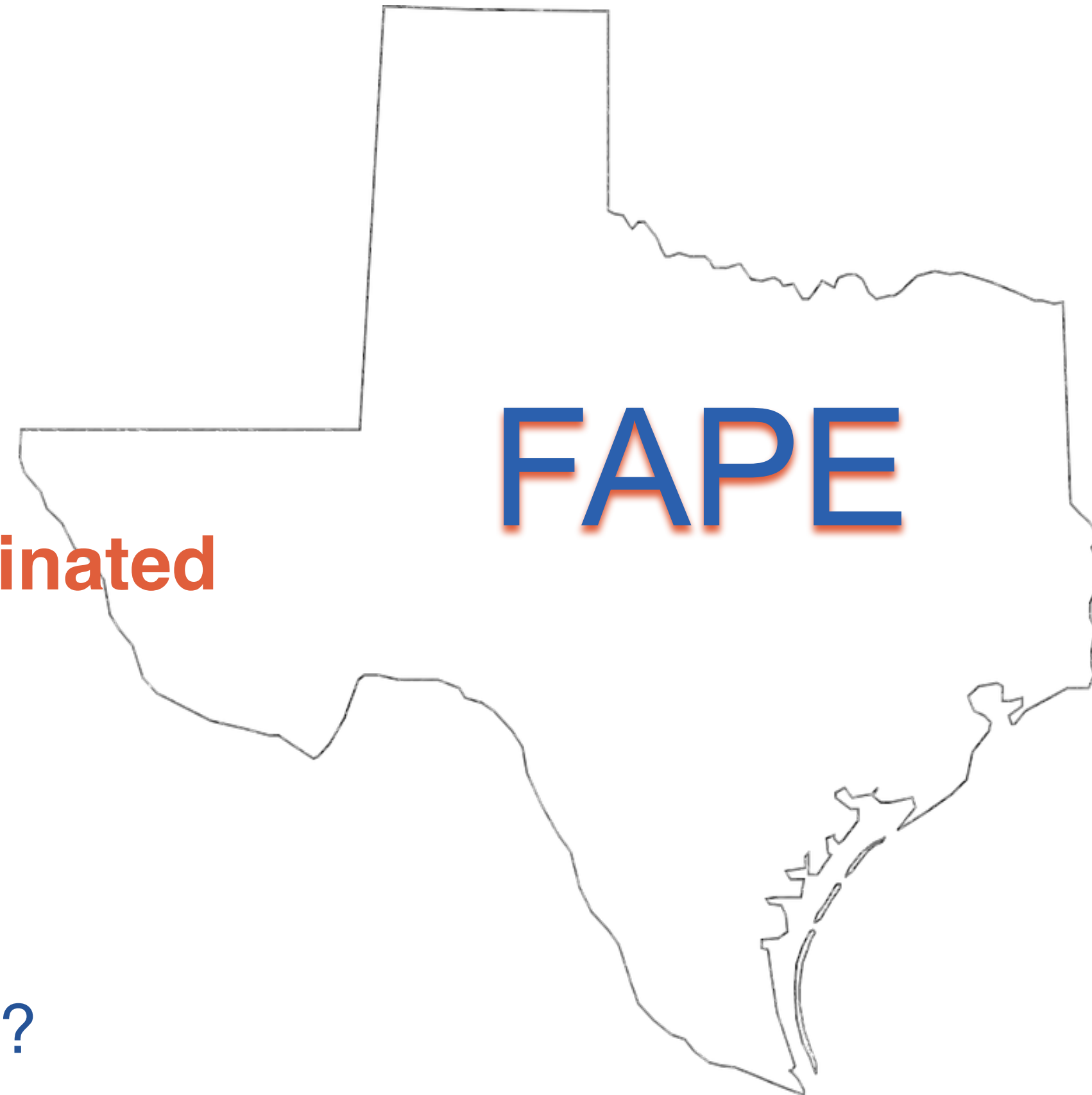
Four Factors of FAPE: TEXAS STYLE

IS THE PLAN INDIVIDUALIZED ON THE BASIS OF THE STUDENT'S ASSESSMENT AND PERFORMANCE?

Is the program administered in the least restrictive environment?

Are the services provided in a coordinated and collaborative manner by the key “stakeholders”?

ARE POSITIVE ACADEMIC AND NON-ACADEMIC BENEFITS DEMONSTRATED?



IDEA – The

Pages 8-9

Process –

▶ **ELIGIBILITY** for special education is based on “**TWO PRONGS**”
Does the child **MEET THE CRITERIA** for at least one of the 13 disability

Eligibility

categories.

AND

As a result of the disability, does the child have a **NEED FOR SPECIAL**

EDUCATION *Disability + Educational Need = Eligibility*

13 Disability Categories

1. Auditory Impairment (Deaf or Hard of Hearing)
2. Autism
3. Deaf-Blindness
4. Emotional Disturbance
5. Intellectual Disability
6. Multiple Disabilities
7. Noncategorical Early Childhood
8. Orthopedic Impairment
9. Other Health Impairment
10. Specific Learning Disability
11. Speech or Language Impairment
12. Traumatic Brain Injury
13. Visual Impairment Including Blindness

categories

*Meets criteria
for disability
condition*

*Has a need for specially
designed instruction and
supports in order to
make progress*

*Is eligible for
Special
Education
services*

TWO-PRONG Determination

PLAAFP: Present Levels Of Academic Achievement And Functional Performance

The PLAAFP is the FOUNDATION to the IEP and addresses both ACADEMIC & FUNCTIONAL performance

Page 9-11 Technical Assistance Guide to IEP Development

PLAAFPs should have:

- Clear, **OBJECTIVE** data (**BASELINE**)
- Description of **STRENGTHS, NEEDS, & SKILL GAPS**
- Explanation of **HOW** the skill **GAPS AFFECT STUDENT LEARNING AND PARTICIPATION** across settings
- Explanation of how the student's **DISABILITY IMPACTS PROGRESS IN THE GENERAL CURRICULUM**
- Information on what a student can **REASONABLY ATTAIN** in a year

SPECIALLY DESIGNED INSTRUCTION (SDI)

The **ESSENCE OF SPECIAL EDUCATION** is the **SPECIALLY DESIGNED INSTRUCTION** a student receives as determined by the ARD committee.

“Specially designed instruction means **ADAPTING**, as appropriate to the needs of an eligible child, **THE CONTENT, METHODOLOGY, OR DELIVERY OF INSTRUCTION** -

- (i) To **ADDRESS THE UNIQUE NEEDS** of the child that **RESULT** from **THE CHILD'S DISABILITY**; and
- (ii) To **ENSURE ACCESS** of the child **TO THE GENERAL CURRICULUM**, so that the child **CAN MEET THE EDUCATIONAL STANDARDS** within the jurisdiction of the public agency **THAT APPLY TO ALL CHILDREN.**” CFR §300.39 (b)(3)

IDEA– The Process – Goals

The IEP must include a statement of **MEASURABLE** annual goals, including academic and functional goals designed to

- 1) Meet the child's needs that result from the child's disability to enable the child to **be involved in** and **make progress** in the general curriculum; and
 - 2) Meet each of the child's other educational needs that result from the child's disability CFR §300.320 (a)(2)(i)
- All students who receive special education services **MUST HAVE AN ANNUAL GOAL**
 - Goals may be **ACADEMIC** and/or **FUNCTIONAL**.
 - Academic goals must be **LINKED TO THE ENROLLED GRADE-LEVEL CONTENT** standards.
 - Goals must be **MEASURABLE AND BE MASTERED**; may not be activities and must **STAND ALONE** from objectives.
 - Components of a measurable goal; **TIMEFRAME, CONDITIONS, BEHAVIOR, & A CRITERION**.
 - If a student is **REMOVED** from the general education setting **DUE TO BEHAVIOR** the student **REQUIRES A GOAL SPECIFIC TO THE CURRICULUM** from which he/she is removed, regardless if the content is modified.

Special Education & Related Svcs, Supplementary Services and AT

Pages 17-19 Technical Assistance Guide to IEP Development

The **IEP** must include a statement of the **SPECIAL EDUCATION AND RELATED SERVICES**, as well as **SUPPLEMENTARY AIDS AND SERVICES***, based on peer-reviewed research (to the extent practicable) on behalf of the student.

IEP must also contain a statement about **PROGRAM MODIFICATIONS** (accommodations and modifications) and **SUPPORTS** for staff.

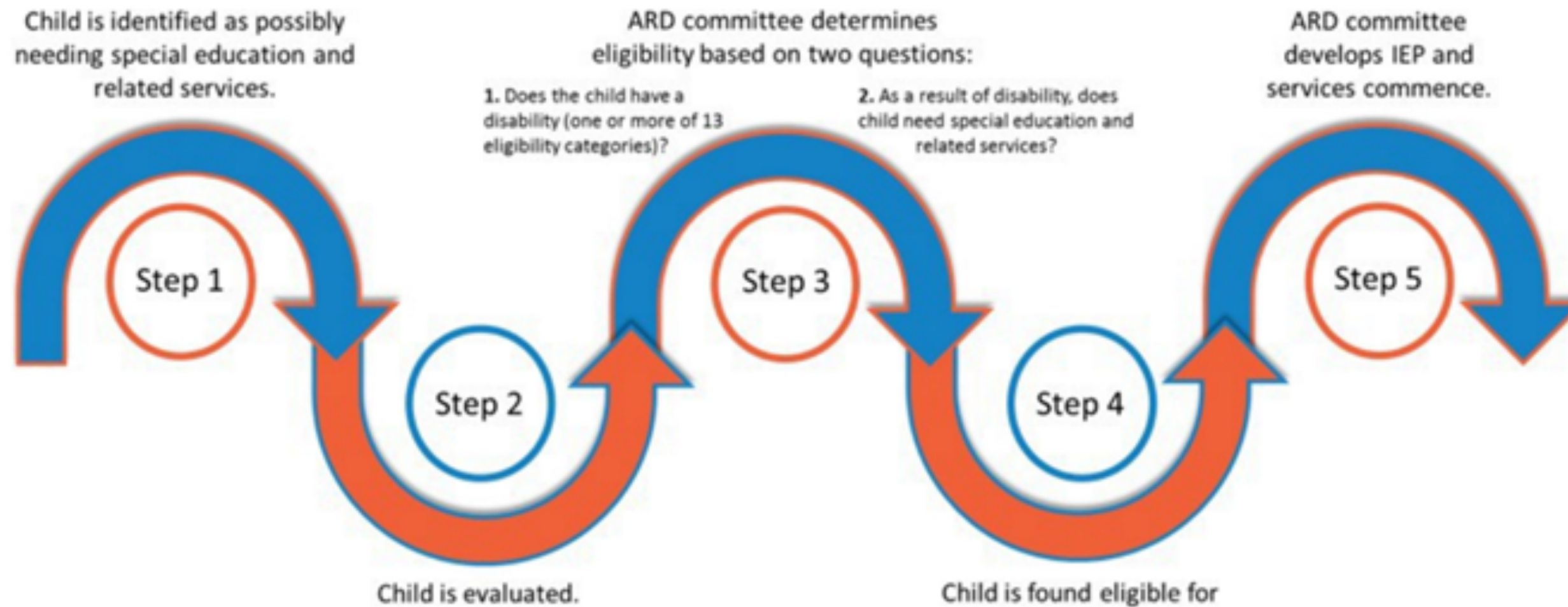
Related services that are required to assist the student in benefiting from sped.

The ARD committee **MUST CONSIDER** whether a student needs **ASSISTIVE TECHNOLOGY**.

SUPPLEMENTARY AIDS & SERVICES: Supplementary aids and services means *aids, services, and other supports* that are **PROVIDED IN REGULAR EDUCATION** classes, **OTHER EDUCATION-RELATED** settings, and in **EXTRACURRICULAR AND NONACADEMIC** settings, *to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate* in accordance with §§300.114 through 300.116. §300.42

IDEA – The Process

Identification and Eligibility Overview

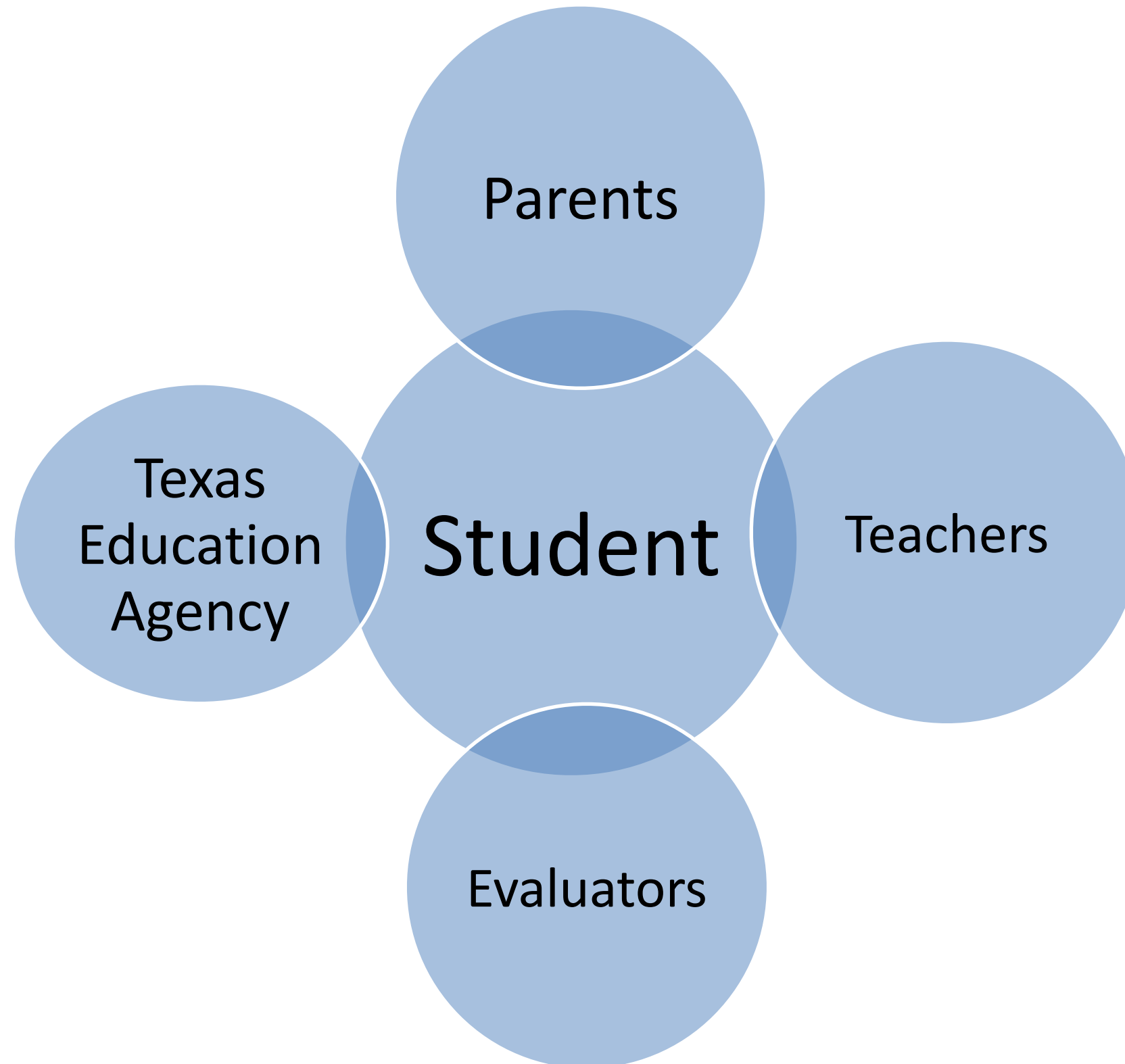


IDEA – The Process



TEA’s recommends school districts create Standards Based IEPs as a best practice for achieving academic goals. In this approach, the IEP supports the curricula for the students, goal statements are aligned to general education, the IEP effectively measures progress toward goals, strives to bridge the child's present levels of academic achievement and the state standards for the enrolled grade level, focuses primarily on access and progress in the enrolled grade level in order to

IDEA – The Partnerships



IDEA – The Partnerships

Intrinsic Needs

- Cognitive
- Social
- Emotional
- Behavioral
- Physical
- Maturity/
Readiness

What the student brings internally as a part of his or her profile.

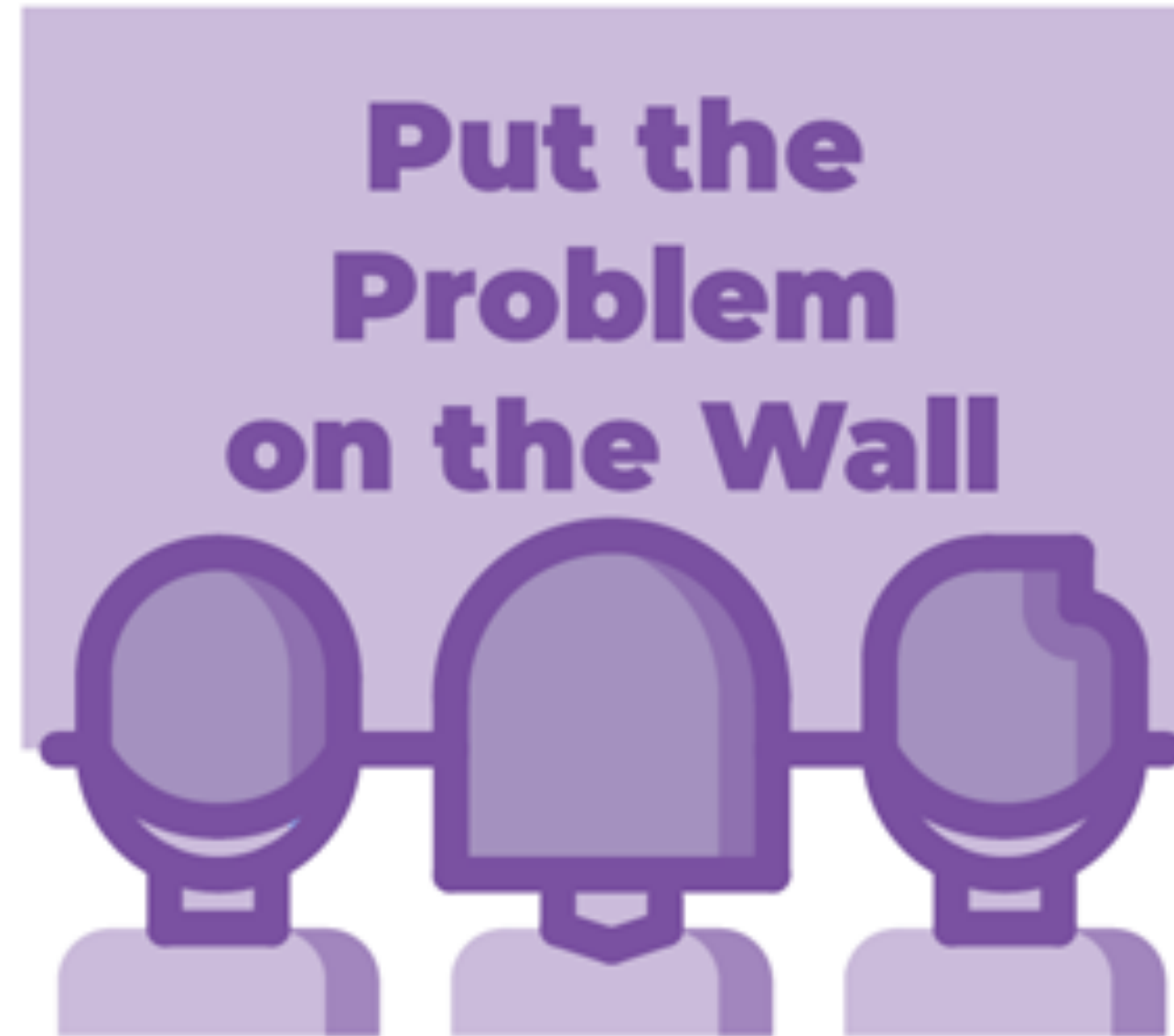
Don't forget strengths, talents, and preferences!

Instructional Needs

- Personnel
- Curriculum
- Interventions
- Services
- Supports
- Specialized
Training
- Environment

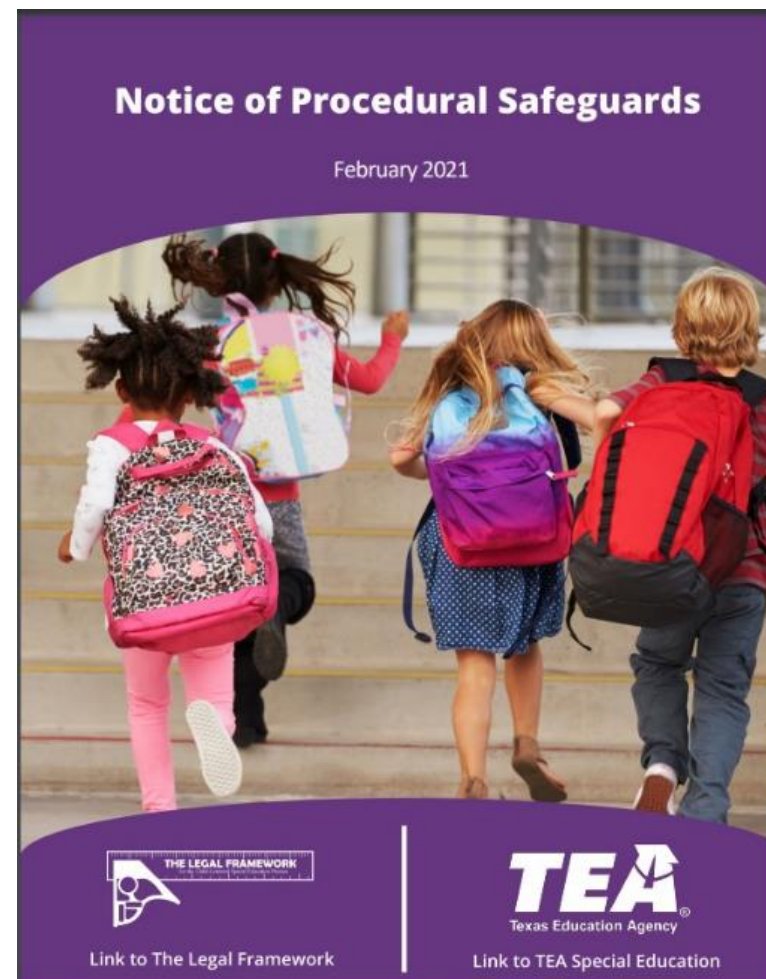
What the school provides or designs to get the student from where he or she is today to where he or she needs to be by the next annual review.

IDEA – The Partnerships



IDEA – The Partnerships

Procedural Safeguards



“The Individuals with Disabilities Education Act (IDEA), as amended in 2004, requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under IDEA and its implementing regulations.”

“This document, produced by the Texas Education Agency (TEA), is intended to meet this notice requirement and help parents of children with

The document must be provided to parents at least once a year and when any of the following circumstances occur:

- Upon referral or parent request for an initial evaluation;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first request for a due process hearing in a school year;
- On the day a decision is made to make a disciplinary change of placement;
- Upon parent request.

LEAs must document Parent or Guardian receipt of safeguards

PROCEDURAL SAFEGUARDS AND MORE CAN BE FOUND ON THE LEGAL FRAMEWORK



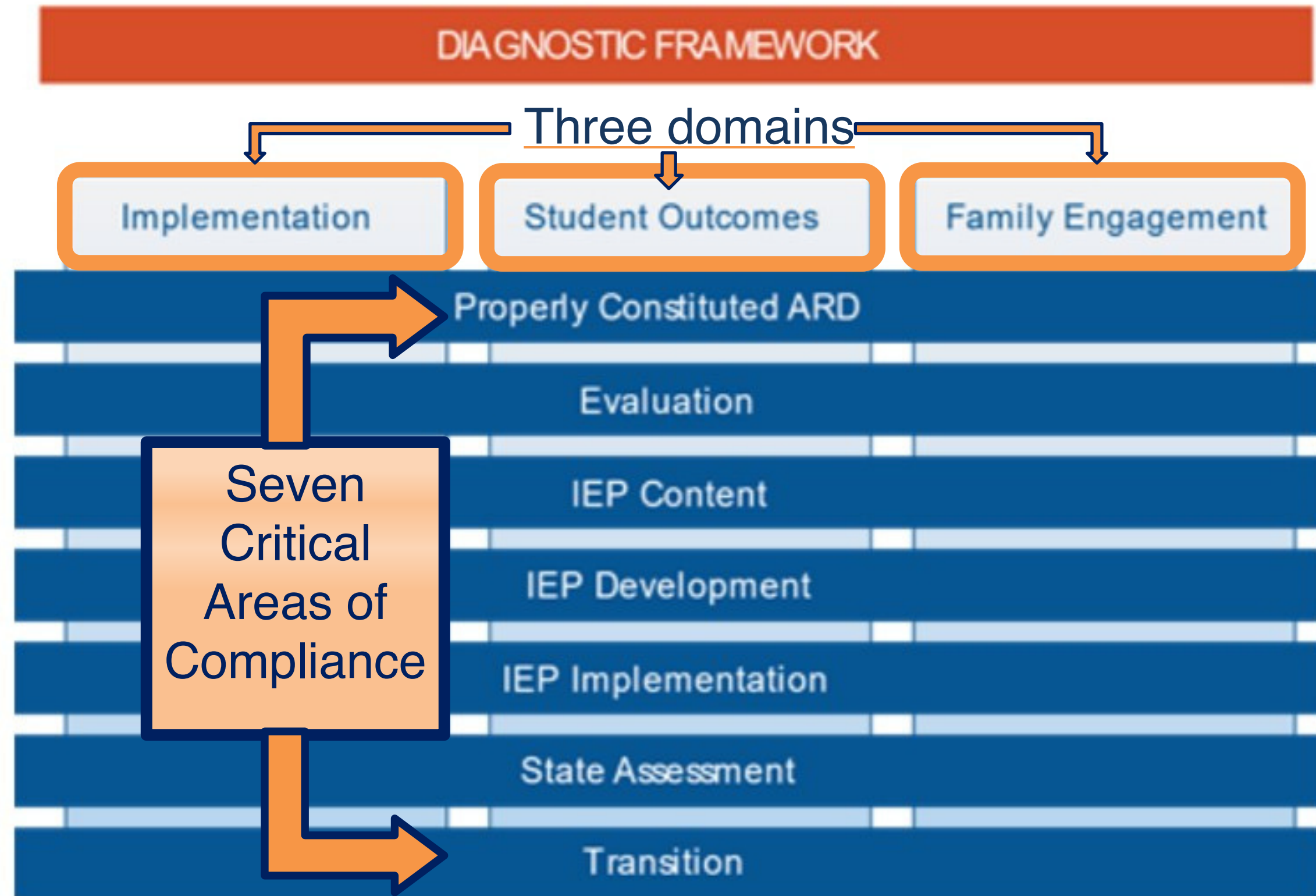


Figure 6. Diagnostic Framework for Special Education

IDEA – The Process – additional thoughts

1: *“IEPs should be able to track forward and backward.”*

FIE/DATA/REED → PLAAFP → GOAL → SERVICES → LOCATION of SERVICES

2: *“Services, supports, accommodations, modifications are not selected or based on disability/eligibility.”*

ARDCs must ensure that the elements of the IEP are based off of the identified **individualized needs and abilities** of the student. Not all students with (plug in eligibility category) require a (plug in setting, goal, service, etc.).

TEKS are not goals.

IDEA – The Process – additional thoughts



Districts must make sure that they **do not** “**predetermine**” a child’s placement prior to the ARD meeting. Because predetermination violates **IDEA!**

It is a **procedural violation of the IDEA** which can cause “substantive harm, and therefore **deprive a child of FAPE.**”

But, predetermination is not synonymous with **preparation.**

Preparation is appropriate and advisable; predetermination is prohibited.

DEAL V. HAMILTON CO. BD. OF EDUC., 42 IDELR 109 (6TH CIR. 2004)

Supplements

Pages 31-34

Supplements are required when a student has **NEEDS NOT COVERED** by the **CORE IEP**.

- Visual Impairment
- Deaf or Hard of Hearing
- Transportation
- Extended School Year
- Autism
- Residential Placement
- Student placed at Texas School for the Blind and Visually Impaired (TSBVI) and Texas School for the Deaf (TSD)
- Behavior Improvement Plan or Behavior Intervention Plan
 - After an MDR if a student's behavior is deemed a manifestation of the disability an FBA must be conducted and a BIP created or reviewed.

Transition

Page 28-31

Transition planning may begin earlier, but **NOT LATER THAN** when the student reaches **AGE 14** (Texas rule; Federal is 16).

Student **MUST BE INVITED** to these ARD meetings.

Transfer of Rights at Age of Majority - the student and parents **MUST BE INFORMED A YEAR BEFORE THE STUDENT TURNS 18** of the “Transfer of Rights under the IDEA”.

Transition includes the **TRANSITION FROM ECI (Part C) to School Age (Part B)**, as well as from school age to beyond (18 or 21)

IDEA – The Process – additional thoughts



LRE To the **MAXIMUM EXTENT appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with CHILDREN WHO ARE NOT DISABLED, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment **OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY OF A CHILD IS SUCH THAT EDUCATION IN REGULAR CLASSES WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE ACHIEVED SATISFACTORILY.**”**

[34 CFR 300.114 - LRE requirements](#)

[34 CFR 300.320 - Definition of individualized education program](#)

[34 CFR 300.116 – Placements](#)

[20 U.S. Code § 1412 - State eligibility](#)

LRE & Instructional Arrangements

Page 21-25

IDEA requires students with disabilities, including students in public or private institutions or other care facilities, are **EDUCATED WITH STUDENTS WITHOUT DISABILITIES TO THE MAXIMUM EXTENT APPROPRIATE.** **GENERAL EDUCATION** should always be the **FIRST** consideration.

Instructional Arrangements and Setting **MOVE FROM THE LEAST RESTRICTIVE TO MOST** restrictive.

Each LEA is required to have a **CONTINUUM OF ALTERNATIVE PLACEMENTS.**

The **LENGTH OF THE SCHOOL DAY** for a student with a disability must be **COMMENSURATE** with general education..

IDEA – The Process- –

IDEA (§ 300.116) state that when determining an educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:

(a) The placement decision -

(1) Is made by a group of persons, including the parents, and other persons **KNOWLEDGEABLE ABOUT THE CHILD, THE MEANING OF THE EVALUATION DATA, AND THE PLACEMENT OPTIONS;** and

(2) Is made in conformity with the LRE provisions of this subpart, including §§300.114 through 300.118;

(b) The child's placement –

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as **close as possible to the child's home;**

(c) Unless the IEP of a child with a disability *requires some other arrangement*, the child is educated in the *school that he or she would attend if nondisabled; (think centralized placements)*

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

IDEA – The Process- – additional thoughts

What Placement is *NOT*:

- Placement decisions are **NOT based on disability labels** (“We have a wonderful program for kids with autism on the Northside campus”).
- Placement decisions are **NOT based on the types of supports needed** (“We work with all the non-verbal kids in the Pre-K room” or “The life-skills classroom is the best place for kids with these kinds of needs” or “Kids with behavior problems go to Ms. Smith’s class” or “If your child needs an aide, they need to be in the resource or life skills class”).
- Placement decisions are **NOT based on what the parent wants or what a school professional wants** for the child (“Our school only has a self-contained classroom; we don’t have resource” or “My child could never be included - I want my child to be in a special classroom” or “His wheelchair is too big for the regular education classroom”).
- Placement decisions should **NOT guide the development of the IEP Goals & Objectives** (“He is going to be in self-contained so we will develop only functional goals” or “She is going to go to XYZ campus and they will only work on life skills there”). Placement decisions should be made **AFTER** goals and objectives, based on the needs of the student, have been developed.

IDEA – The Process- – additional thoughts

What is *placement* then?

So what does this mean? If placement is not about “where” the child is going to work on his or her goals – why do we use the [Placement Matrix](#)? Once you map out all the goals and support services on the matrix, the ARD committee will be able to see what percentage of the day the student’s instructional arrangement is “outside” of the regular education classroom.

If all special education supports and related services are provided within the general education classroom during the whole day, then the placement, or instructional arrangement, would be “mainstream”. If your child receives supports and services outside of the general education setting, the percentage of the day will determine the “placement in the LRE”. See also [Instructional Arrangements](#).

IDEA – The Process- – additional thoughts

**A student's LRE can
and should be
fluid**

SINCE IT IS BASED ON STUDENT NEED

IDEA – The Process- – additional thoughts

Sec. 300.115 of IDEA Continuum of alternative placements

(a) Each public agency must ensure that a **continuum of alternative placements** is available to **meet the needs of children with disabilities** for special education and related services.

(b) The continuum required in paragraph (a) of this section **must**—

(1) Include the alternative placements listed in the definition of special education under §300.39 (**instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions**); and

(2) Make provision for supplementary services (such as **resource room or itinerant instruction**) to be provided *in conjunction with regular class placement*.

The Continuum of Placements (aka Continuum of Services)



Accommodations and Modifications

Pages 20 & 21

Accommodations change **HOW** the student learns or demonstrates knowledge.

Accommodations **DO NOT LOWER** learning expectations.

Modifications change **WHAT** the student is expected to master.

Modifications **CREATE A DIFFERENT STANDARD** as compared to the grade-level standard for the student receiving the modifications.

Accommodations & Modifications: Accommodations and modifications should **MEET THE UNIQUE NEEDS OF EACH INDIVIDUAL STUDENT.**

Not all students with the same disability will benefit from the same accommodation or modification.

Whether a support is an accommodation or modification depends on the content being taught.

Remember **modification in HS coursework** has **RAMIFICATIONS** for graduation.

Visit <http://acentral.education/> for ideas on accommodations based on student's area of need.

IDEA – The Process- – additional thoughts

- Accommodations should grow with your child and should be fluid. What Specific supports are needed in one grade level will depend on the goals, placement, and the content your child is learning. Specific accommodations may be needed in some content areas and not others, and in some grades and not others.

-  accommodations need to be taught to be an effective tool for our students.

Frequency, Duration, and Location

Pages 19 & 20

SCHEDULE OF SERVICES: USDE has instructed that: “the amount of services to be provided must be stated in the IEP so that **THE LEVEL OF THE AGENCY’S COMMITMENT OF RESOURCES WILL BE CLEAR TO** parents and other IEP team members.”

Schedule of Service should include; **FREQUENCY, AMOUNT OF TIME, BEGINNING/ENDING DATE, AND LOCATION OF SERVICES.** *Routinely called Frequency, Duration & Location- The schedule of services must pass the “Stranger Test”*

Frequency, Duration, and Location of Services

The U.S. Department of Education has previously instructed that: “the amount of services to be provided must be stated in the IEP so that the level of the agency’s commitment of resources will be clear to parents and other IEP team members.” Each IEP must include the frequency, duration, and location of the services to be provided. ARD committees should review all IEPs to be sure that the LEA’s commitment of resources is clear.

For each special education and related service to be provided to the student, the following is to be included in the IEP:

- 1 Frequency** — how often the service is to be provided;
- 2 Amount of time** — the minutes per session for the service;
- 3 Beginning/ending date** — the starting and ending dates of the specific service; and
- 4 Location of service** — the setting (e.g., general education or special education) where the service is to be provided.

Frequency	Duration	Location
How often will the service be provided (daily, weekly)? 1	How long will the services be provided?	Where will the services be provided? 4
If a service is provided less than daily then the conditions for the provision of the services must be clearly specified within ARD documents using a weekly reference (1 hour a week, 30 minutes every two weeks)	The beginning and ending dates must be specified. 3	
	How long will each session be (15 minutes, 30 minutes)? 2	
	If a term (1 class period) is used in the IEP to define duration of service, the term must be defined in the IEP (example: 1 class period = 50 minutes).	

IDEA – The Partnerships



Texas Continuous Improvement Process

The State of Texas incorporates the SPP in the blueprint for the Texas Continuous Improvement Process (TCIP). The requirements of IDEA related to the development of the SPP and the accompanying APR correlate directly with the State's philosophy to build a system which encompasses data-driven, evidence-based improvement efforts inclusive of stakeholder needs and input. The State's general supervision system demonstrates how this philosophy guides the State in its efforts to improve results for students with disabilities.



Guidance Documents

[Technical Assistance: Child Find and Evaluation \(Revised June 2020\) \(PDF\)](#)

[Technical Assistance: Section 504 \(PDF\)](#)

[Technical Assistance: Individualized Education Program \(IEP\) Development \(PDF\)](#)

[Dyslexia, Dysgraphia, and Dyscalculia in the IEP Guidance Document \(PDF\)](#)

[Delayed Evaluations and Compensatory Services \(October 2021\) Required Postings to LEA Websites](#)

[Special Education Operating Procedures \(March 2022\)](#)

[Special Education Operating Procedures \(March 2022\) FAQs](#)

<https://tea.texas.gov/academics/special-student-populations/review-and-support>

Current Topics in Texas Special Education

SSES – Supplemental Special Education Services

TEA is providing online accounts of \$1,500 to parents of eligible students served by special education who have been impacted by COVID-19 school closures.

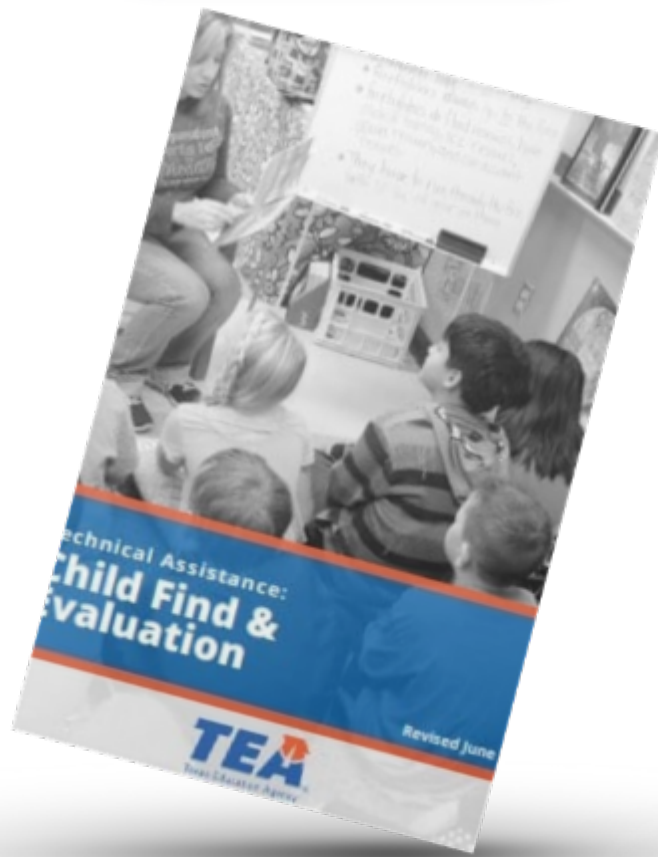
Dyslexia – Revised Dyslexia Handbook

[Dyslexia, Dysgraphia, and Dyscalculia in the IEP Guidance Document \(PDF\)](#)

TEA RESOURCES

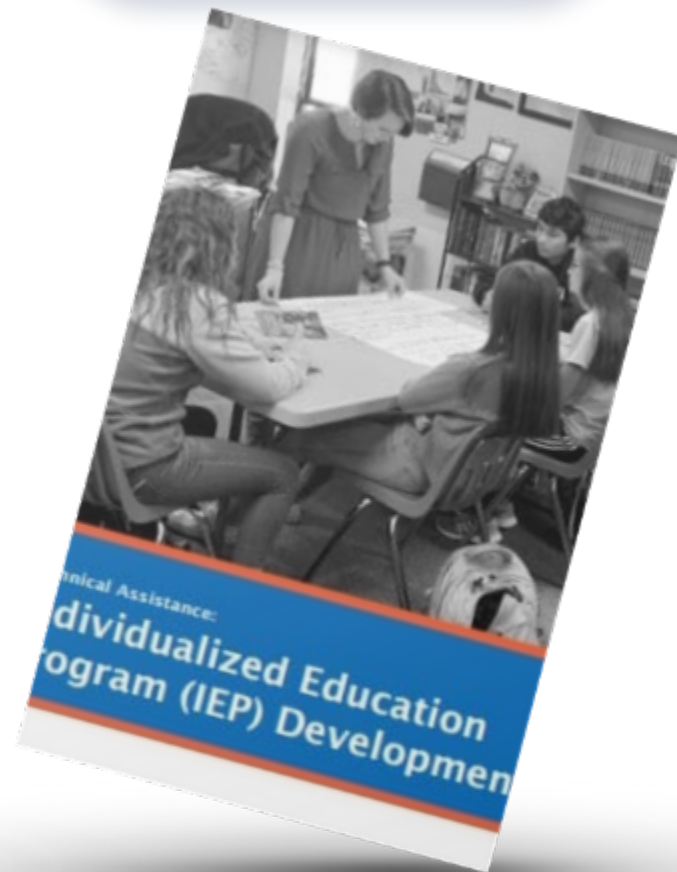
Technical Assistance:
Child Find and Evaluation
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ESC 13 RESOURCES

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Questions?

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