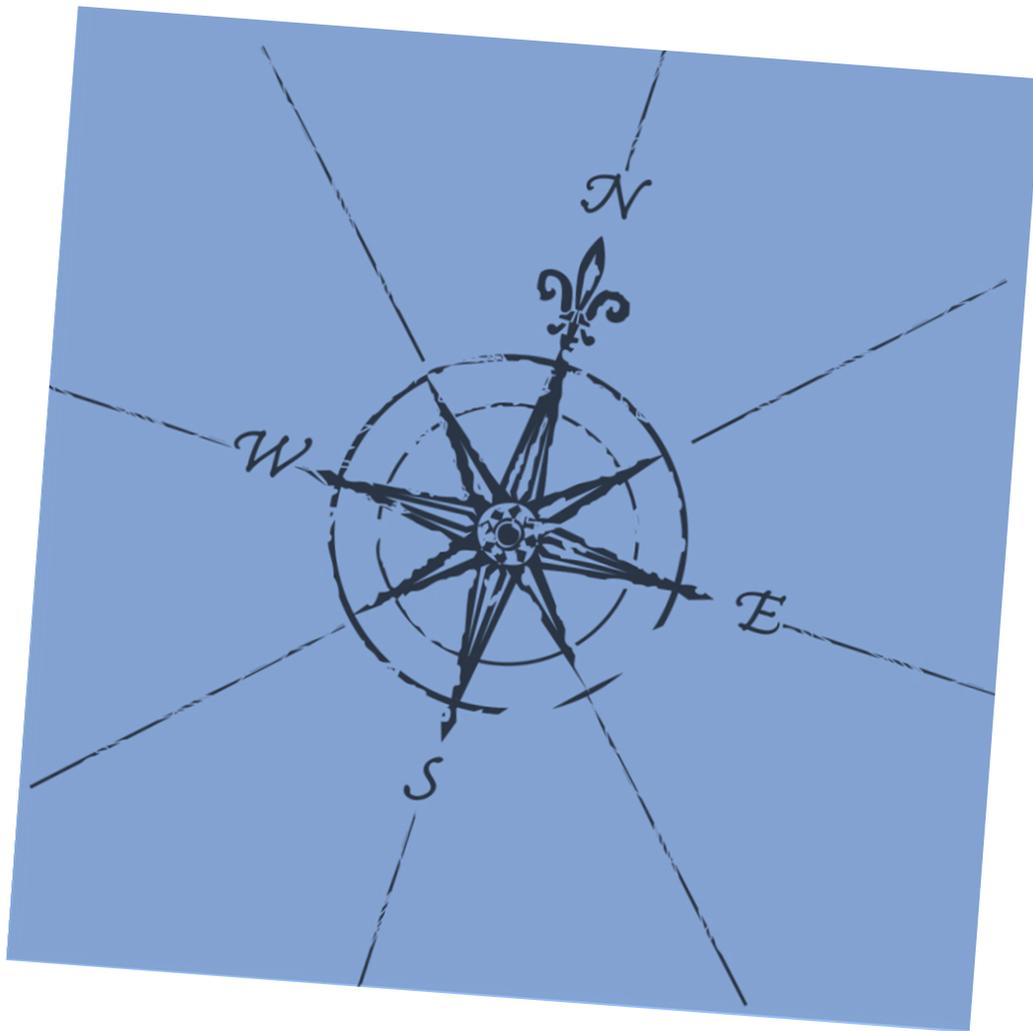


# Navigating the Course:

Finding Your Way Through  
Indiana's Special Education Rules



A companion guide to:

## **ARTICLE 7**

*September 2009*

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# SECTION I

## INTRODUCTION

**DEFINITION: Parent(s)** – Throughout *Navigating the Course* the term parent(s) is used. The term is defined in Article 7 as any of the following: A biological or adoptive parent whose parental rights have not been terminated; an authorized guardian, a foster parent, an individual with legal custody or acting in the place of the biological or adoptive parent, an educational surrogate, a student of legal age, or an educational representative. For clarity, this document will use the term parent(s) to mean any individual defined as a parent under 511 IAC 7-32-70.

### PURPOSE

The purpose of *Navigating the Course: Finding your way through Indiana's Special Education Rules* is to provide an overview and a practical resource to help parents, advocates, school personnel, and students understand the requirements of Indiana's special education rules, found at 511 IAC 7-32 through 47, commonly known as Article 7. It is intended to serve as a companion guide to Article 7, replacing the previous *Live, Learn, Work, and Play* document and is not a substitute for Article 7. Please refer to Article 7 for the specific language of the special education rules. You may obtain a copy of Article 7 by:

- Downloading a copy from the Indiana Department of Education's website at: <http://www.doe.in.gov/exceptional/speced/docs/2008-08-06-Article7.pdf>.
- Requesting a copy from the Indiana Department of Education at 1-317-232-0570 or 1-877-851-4106.
- Requesting a copy from your child's principal or the local special education director.
- Requesting a copy from the Indiana Resource Center for Families with Special Needs (IN\*SOURCE) at 1-800-332-4433 or 1-574-234-7101.

Understanding Article 7 helps parent(s), advocates, school personnel, and students work together more effectively. When positive relationships are established between a parent(s) and the school, students with disabilities receive a better education and leave school better prepared to succeed as adults.

## ARTICLE 7

Article 7 is part of the Indiana Administrative Code (IAC) that contains Indiana's special education rules. These rules have been adopted by the State Board of Education (SBE) in order to implement the requirements of the Individuals with Disabilities Education Improvement Act as amended in 2004, commonly known as IDEA '04.

The **six principles** of IDEA '04:

- **Free Appropriate Public Education (FAPE)**,
- Appropriate educational evaluation,
- **Individualized Education Program (IEP)**,
- **Least Restrictive Environment (LRE)**,
- Procedural safeguards (sometimes referred to as the Notice of Parent Rights or NOPS), and
- Parent(s) participation in decision.

IDEA '04 requires public schools to provide students with disabilities with a **FAPE** in the **LRE** and requires the Indiana Department of Education (IDOE) to have rules, policies, and procedures to ensure that the federal rules are fulfilled.

Article 7 describes the school's responsibility to provide a **FAPE** to a student with a disability, including evaluating the student, working with the parent(s) as part of the case conference committee (CCC), implementing the student's individualized education program (IEP), and ensuring that procedural safeguards are provided. It also describes parental rights and responsibilities of the parent(s) as a participant in identifying the student's needs and the special education and related services that the public school will provide to meet those needs. There are 16 rules in Article 7 that address definitions, programs and personnel, disability categories and eligibility, evaluations, CCC meetings, IEPs, related services, services to students in nonpublic schools, discipline, child count, and funding for extraordinary educational services.

### **DEFINITION: Days**

- **Calendar days:** Everyday
- **Business days:** Monday-Friday, except federal and state holidays
- **Instructional (school) days:** Any day or part of a day that students are expected to be in attendance at the school the student attends or will attend. Please note that a full instructional day is counted if the student only attends a half day of school.

## SPECIAL EDUCATION OVERVIEW

Article 7 requires that each eligible student with a disability enrolled in a public school between the ages of 3 and 22 be provided with a **Free Appropriate Public Education** or a **FAPE**. A FAPE is defined as special education and related services that are provided at public expense, and in accordance with an IEP [at no cost to the parent(s)].

A **student with a disability** is a student who has been evaluated in accordance with [Article 7] and determined eligible for special education and related services by a CCC.

**Special education** is specially designed instruction provided to students who have been determined eligible through an educational evaluation. It must be provided at no cost to the parent(s) and in accordance with the student's IEP.

**Related services** are services such as occupational therapy (OT), physical therapy (PT), an educational interpreter, transportation, etc. that are necessary to allow the student to benefit from his/her special education.

**"At no cost"** means that the parent(s) do not have to pay extra for special education and related services. The school may charge for the same things that it charges the parent(s) of a student without disabilities (such as text book rental, lab fees, etc.).

It is the responsibility of the **case conference committee (CCC)** to determine what services are appropriate depending on the student's individual educational needs. The CCC is a group of individuals, including parent(s) and school personnel, that determines if the student is eligible for special education and if so, determines the special education and related services to be provided to the student. The CCC must meet at least annually.

Article 7 describes the process for parent(s) and school personnel to use in making educational decisions and developing the student's **individualized education program or IEP**. An IEP is the written document, developed by parent(s) and school personnel, describing how the student will participate in the general education curriculum, and any special education or related services to be provided.

Special education services must be provided in the **least restrictive environment (LRE)**. This means that a student with a disability is educated with students without disabilities to the maximum extent possible for each individual student.

**PARENT RESPONSIBILITIES:** In order for the parent(s) of a child with a disability to access a **FAPE** for a child, the parent(s) must:

- Give written consent for educational evaluations of the student;
- Participate as a member of the **CCC** in developing and revising the student's **IEP**;
- Give written consent for the school to implement the student's initial **IEP**;
- Partner with school personnel as the student's advocate to identify and ensure appropriate special education and related services; and
- Ensure the IEP is designed to meet the student's unique educational needs in the LRE appropriate for the child.

For assistance regarding Article 7 there are a variety of resources for parent(s). See the *Parent Resource* section in the Appendix for information.

*"Our vision for the education of Indiana's students centers on the understanding that family involvement is essential. This involvement is crucial for the academic achievement of every child."*

**- Indiana State Board of Education's Family Involvement Policy**

## PARENT AND SCHOOL PARTNERSHIP

IDEA '04 contains numerous references to parental participation in the early intervention and special education process. Such references are continuously repeated demonstrating the emphasis on the importance of parent participation. Congress found that:

*Over 20 years of research and experience have demonstrated that the education of children with disabilities can be made more effective by ... strengthening the role of parents and ensuring that families ... have meaningful opportunities to participate in the education of their children at school and at home. (1997 Amendments to the IDEA)*

There are many decisions to be made for each student with a disability, and it is essential that decisions are based on all information available. Each student's parent(s) have valuable and unique information about the student's needs. Teachers and school personnel can provide valuable expertise and important input and information from their work with the student on a daily basis. Students themselves also should be consulted and actively involved in the decision-making process.

Because all students receiving special education services must have an IEP, the parent(s) and school personnel have a unique opportunity for partnership. Many students participate in special education from the ages of 3 to 22 and partnerships between the parent(s) and the school may last many years. Good communication is essential to the ongoing success of this partnership. For more information on establishing positive partnerships, see the *Communication* section in the Appendix.

## SECTION II

### EVALUATION

# IDENTIFICATION, REFERRAL, INITIAL EVALUATION, REEVALUATION, AND INDEPENDENT EDUCATIONAL EVALUATIONS 511 IAC 7-40

#### OVERVIEW

To be eligible for special education and related services, the **case conference committee (CCC)** must determine, based on the evaluation results and other information, that the child is a student with a disability. A student with a disability is a child who has been evaluated in accordance with Article 7 and been determined eligible for special education and related services by a CCC.

**DEFINITION: Educational Evaluation** – The process of gathering information from several sources and using that information to determine if a child has a disability and qualifies to receive special education and related services.

The purpose of an educational evaluation is to assess areas of educational need. The school must look at the student's academic achievement and functional performance to determine whether the student's disability has an impact on the student's educational performance. The school must ensure that the method it uses to assess students provides meaningful information that directly helps the CCC make decisions regarding eligibility and educational services.

The process begins with a request that a student be evaluated for a suspected disability. This request is known as a **referral**. The parent(s) or school personnel may make a request to have a student evaluated for special education. Before the school can evaluate the student, the parent(s) must give written consent for evaluation.

If written parental consent for evaluation is provided, a multidisciplinary team (M-Team) conducts a comprehensive educational evaluation. When the educational evaluation is completed, school personnel and the parent(s) meet (a process known as the CCC meeting) to review the evaluation results and determine if the student is eligible for special education and related services. There are various timelines, notices, and procedural safeguards throughout the referral and evaluation process to ensure that the evaluation is

completed in a timely manner and that the parent(s) are informed of the educational evaluation results.

A student may be found eligible for special education and related services in one or more of the thirteen (13) disability categories:

- Autism Spectrum Disorder (ASD)
- Blind or Low Vision (BLV)
- Cognitive Disability (CD)
- Deaf or Hard of Hearing (DHH)
- Deaf-Blind (DB)
- Developmental Delay (DD) (early childhood only)
- Emotional Disability (ED)
- Language or Speech Impairment (LSI)
- Multiple Disabilities (MD)
- Other Health Impairment (OHI)
- Orthopedic Impairment (OI)
- Specific Learning Disability (SLD)
- Traumatic Brain Injury (TBI)

For more detailed information on the individual disability categories, see 511 IAC 7-41-1 through 7-41-13 in Article 7.

## INITIAL EVALUATION REFERRAL/REQUEST

A student's parent(s) or school personnel working with the student may make a referral or request for an educational evaluation. If the parent(s) make the request, the request must be made verbally or in writing to **licensed personnel** such as teachers, school counselors, school psychologists, school social workers, building principals, and other administrators. It is always a good idea for the parent(s) to put the request in writing.

If the school **refuses** to conduct the evaluation, the notice must tell the parent(s) what action(s) they can take if they want to disagree with the school's decision. An example may be that the school wants to institute an RtI process for the student instead of moving directly into conducting an educational evaluation.

The parent(s) may ask the school to participate in mediation or request a due process hearing if the school declines to conduct the requested evaluation. However, in an effort to better understand the school's position and perhaps reach an agreement on the requested evaluation, the parent(s) may wish to meet with representatives from the school to talk

further with school personnel before deciding upon further action. Although there is no timeframe in which the parent(s) must take action, this should occur in a timely manner to ensure the educational needs of the student are fully addressed if needed.

## WRITTEN NOTICE

Within **10 school days** after the parent(s) makes a request for an educational evaluation, the school must provide the parent(s) with **written notice** responding to the request, as well as a copy of the *Notice of Procedural Safeguards*. The parent(s) must receive the written notice no later than 10 school days after making the request to licensed personnel employed by the school corporation of legal settlement.

Written notice must:

- Inform the parent(s) if the school agrees or declines to conduct the evaluation,
- Describe the information the school used to make its decision,
- Explain the reason for the decision,
- Advise the parent(s) of procedural safeguard protections, and
- Provide a list of sources to contact for help in understanding special education rules.

If the school **agrees** to conduct the educational evaluation, the notice will *also* include:

- The evaluation timeline,
- A description of the evaluation procedures, and
- How the parent(s) may obtain a copy of the evaluation report or schedule a meeting to discuss the results of the educational evaluation prior to the CCC meeting.

## PARENTAL CONSENT

If the school agrees to conduct the evaluation, the parent(s) must provide written consent before the school may proceed. This consent is only for the school to conduct an initial educational evaluation; it is not consent for any special education services.

There is no deadline by which the parent(s) must provide the school with written consent, but the sooner written consent is provided, the sooner the evaluation can be conducted.

Although parental consent is required for an initial educational evaluation, the school is not required to obtain parental consent to:

- Review existing data as part of an educational evaluation,
- Administer tests or other evaluations administered to all students unless parental consent is required for all students,

- Screen students if school personnel is using the information to determine appropriate instructional strategies, or
- Collect progress monitoring data as part of the RTI process.

If the parent(s) **refuses** to provide written consent for an educational evaluation or fails to respond to the school's request for consent, but the school believes that a student needs special education and related services, the school may, but is not required to, ask the parent(s) to participate in mediation or request a due process hearing. It is up to the school to decide if it will take either of these actions. If the parent(s) does not provide written consent and the school does not pursue mediation or a due process hearing, the school is not required to conduct the educational evaluation. (For more information on mediation and due process, see the section on *Complaints, Mediation, and Due Process*).

### ADDITIONAL PARENTAL RIGHTS OR REQUESTS

At the time the parent(s) provides consent for an educational evaluation, the parent(s) may also request a copy of the evaluation report and/or a meeting with someone who can explain the evaluation results prior to the CCC meeting. If the parent(s) make such request, the school must provide the evaluation report and/or meet with the parent(s) at least **five (5) school days** prior to the CCC meeting. If the parent(s) does not request a copy of the educational evaluation report before the CCC meeting, then the evaluation report will be provided to them at the scheduled CCC meeting.

### EVALUATION REPORT

An initial educational evaluation must be comprehensive and conclusive. Information must be gathered in all areas related to the suspected disability, including information and input from the parent(s).

**NOTE:** Each evaluation report must, for each disability category, include information and analysis in the categories of, if applicable:

- Development,
- Cognition (ability to acquire knowledge),
- Academic achievement,
- Functional performance or adaptive behavior,
- Communication skills,
- Motor skills and sensory responses,
- Social and developmental history, and
- Medical and/or mental health information and any other assessments or information that will help the CCC make its determination.

## CONDUCTING THE EDUCATIONAL EVALUATION

A **multidisciplinary team**, sometimes called the M-Team, conducts the educational evaluation. This team is a group of qualified professionals that may include a general education teacher; a special education teacher; a school psychologist or speech language pathologist; or other qualified professional(s) based on the student's unique needs or suspected disability. Parent(s) play an important role with the M-Team by providing input and information about the student.

The M-Team reviews existing information, identifies the suspected disability or disabilities for which the student should be evaluated, and determines what, if any, additional information is needed to help the CCC determine whether the student is eligible for special education services. After this review, if additional data is needed to make an eligibility determination, the M-Team gathers the additional information identified. This process may include administering tests, conducting observations, and collecting information from a variety of sources.

## TIMELINES FOR COMPLETING THE EDUCATIONAL EVALUATION

The M-Team must complete its evaluation, and the CCC must convene within **50 school days** from the date written parental consent is provided to licensed school personnel, except in five situations.

- If the student has completed the RTI process and not made adequate progress within an appropriate period of time, the school has **20 school days** from the date licensed personnel receive written parental consent to conduct the evaluation and convene the CCC.
- There is a similar **20 school day** timeline if the parent(s) requests an initial evaluation during the time a student is suspended or expelled. This is often referred to as an expedited evaluation. See the section on *Discipline* for more information.
- For a student who is receiving *First Steps* early intervention services (from birth to age 3) and transitions from the *First Steps* program to the public school early childhood program the timeline is different. In this situation, the initial educational evaluation must be completed, the CCC convened, and any necessary special education services made available for the student no later than the **student's 3<sup>rd</sup> birthday**. For more information, see the section on *Early Childhood*.
- If the parent(s) provides written consent for an educational evaluation in one school corporation and the student moves to another school corporation while the evaluation is pending, the "new" school corporation must complete the educational evaluation as quickly as possible and within a time period agreed upon by the school and the parent(s). At 511 IAC 7-40-5(d)(4)(A) it states that the receiving school must ensure 'prompt completion' of the educational evaluation.
- If the parent(s) repeatedly fails to make the student available for the educational evaluation the school must document these events and will not necessarily be held to the 50 school day timeline.

## EDUCATIONAL EVALUATION REPORTS

The M-Team compiles the information into an evaluation report, and the school sends a written notice to the parent(s) that includes:

- A summary of the evaluation results,
- The school's proposal on the student's eligibility (at 511 IAC 7-42-4 it states the written notice must include a description of any action that may be proposed), and

- An explanation of the reasons for the school's proposal.

The school must prepare the written notice at least **five (5) school days** before the CCC meeting, in the event the parent(s) is requesting a copy be made available prior to meeting with the school. Although the written notice describes what the school proposes in regard to the student's eligibility, the ultimate decision about the student's eligibility is made by the student's CCC.

The final step in the educational evaluation process is the initial CCC meeting. The CCC reviews the evaluation results and other information, determines if the student is eligible, and if so, develops an individualized education program.

If, at the time the parent(s) provided written consent for the educational evaluation, and requested to receive a copy of the evaluation report prior to the CCC meeting; the school must provide the report to the parent(s) at least **five (5) school days** prior to the CCC meeting. If the parent(s) requested a meeting with someone to explain the evaluation results prior to the CCC meeting, the school must conduct the meeting with the parent(s) at least **five (5) school days** before the CCC meeting. If no request was made by the parent(s) at the time written consent was provided, the school must provide the parent(s) with a copy of the report at the CCC meeting.

**NOTE:** Article 7 specifically prohibits the M-Team from using a severe discrepancy between academic achievement and global cognitive functioning to demonstrate or establish that the student exhibits a pattern of strengths and weaknesses in performance or achievement.

#### WHAT HAPPENS IF THE STUDENT'S PARENT(S) DISAGREE WITH THE EDUCATIONAL EVALUATION?

If the parent(s) meets with the school and disagrees with the educational evaluation there are a few options available. The parent(s) may explain to the school personnel the specific reason(s) for the disagreement. The parent(s) may also want to seek input from other professionals who know the student well or have worked with the student in the past. These discussions should occur in the CCC meeting so that all who are involved with or familiar with the student may provide input as well. Finally, the parent(s) may ask the school for an independent educational evaluation to be conducted at public expense. See *Independent Educational Evaluation* below. Please see the *Appendix* for resources and services regarding educational evaluations.

**NOTE:** Students suspected of having a specific learning disability cannot be found eligible for special education on the basis of a specific 'point discrepancy' between the student's intellectual ability and classroom performance. To find a student eligible as a student with a specific learning disability, the CCC must review and consider data that, in addition to the documentation of appropriate instruction in reading and math, verifies the student:

- Does not achieve adequately for the student's age or grade level standards when provided with learning experiences and instruction appropriate for the student's age or state grade level standards;
- Does not make sufficient progress to meet age or grade level standards based on the student's response to scientific, research-based intervention; or
- Exhibits a pattern of strengths and weaknesses in performance or achievement, or both, relative to age, grade level standards, and intellectual development.

## REEVALUATION

The school must consider the potential need for reevaluation for each student receiving special services at least once every **three (3) years**. Because the CCC is responsible for ensuring that the student's individualized education program (IEP) addresses his/her educational needs, the CCC should routinely review existing information and determine if additional information is required in order to continue to develop an appropriate IEP. In addition, a reevaluation may be requested to determine if the student is eligible for special education under a different or additional eligibility category or to inform the CCC of the student's developing needs, like the need for assistive technology or a related service.

The CCC may decide that a reevaluation is needed or the parent(s) or teacher may request a reevaluation. If the parent(s) requests a reevaluation, the request may be made verbally or in writing to licensed personnel. It is always a good idea for parents to put the request in writing.

Written parental consent must be sought before the school can conduct the reevaluation. However, if the parent(s) fails to respond to the school's request for and efforts to obtain consent, the school may conduct the reevaluation without parental consent. The school must document in detail the attempts made to obtain written consent from the parent(s). If the parent(s) refuses to consent to a reevaluation, the school has the option, but is not required, to pursue Mediation or a Due Process Hearing.

## WHAT HAPPENS AFTER A REQUEST FOR REEVALUATION IS MADE?

After the student's parent(s) make a request for reevaluation, the school must provide them with a written notice indicating whether the school agrees or refuses to conduct the reevaluation. The notice must also describe the information the school used to make its decision, advise the parent(s) of procedural safeguard protections, how to obtain a copy of the *Notice of Procedural Safeguards*, and provide a list of sources the parent(s) may contact for help in understanding these *Special Education Rules*. If the school agrees to conduct the reevaluation, the notice must describe the reevaluation process and the timeline for conducting the reevaluation and convening the CCC. If the school refuses to conduct the reevaluation, the notice must inform the parent(s) of the action(s) they can take if they want to challenge the school's decision.

## HOW LONG DOES THE SCHOOL HAVE TO CONDUCT THE REEVALUATION?

The timeline for conducting the reevaluation depends on the **purpose** of the reevaluation. If the reevaluation is to reestablish the student's eligibility under the current disability category, the school has until the next annual CCC meeting to complete the reevaluation.

If the reevaluation is to determine if the student is eligible under a different or additional category or to provide information to the CCC about the student's needs, the reevaluation must be conducted and the CCC convened within **50 school days** of the date the parent(s) provides written consent to licensed personnel.

## INDEPENDENT EDUCATIONAL EVALUATION

**DEFINITION: Independent Educational Evaluation (IEE)** – an evaluation conducted by a qualified professional who is not an employee of the school. If the parent(s) disagrees with the results of the school's educational evaluation, the parent(s) may request an IEE at public expense. In this case, the school pays for the IEE or otherwise assures that it is at no cost to the parent(s). If the IEE is at public expense, the parent(s) is allowed only one IEE each time the school conducts an evaluation.

Should the parent(s) requests that the school pay for an IEE, the school must provide information about where the parent(s) can get an IEE for the student, as well as the school's criteria for an IEE. The parent(s) may choose a different independent evaluator so long as the evaluator is qualified and meets the school's criteria. The school may ask the parent(s) why an IEE is necessary, but the school may not delay its response to the parent(s) request if

the parent(s) chooses not to answer the school's questions. Within 10 business days of the parent(s) request, the school must either:

- Notify the parent(s) in writing that the school will pay for the IEE; or
- Initiate a due process hearing to show that the school's educational evaluation is appropriate.

If an IEE is paid for by the school, a copy must be received by the school and the results of the IEE must be considered by the student's CCC. If the parent(s) obtains an IEE at their own expense, the parent(s) chooses whether to share the results with the CCC. If the parent(s) shares the information from the IEE obtained at their own expense with the CCC, the CCC must consider the information in making decisions about the student's educational needs.

## EARLY INTERVENING SERVICES AND RESPONSE TO INTERVENTION

Article 7 permits schools to implement a process known as **comprehensive and coordinated early intervening services (CCEIS)**. Early intervening services are provided to students who *have not been identified* as needing special education and related services, but who need additional academic and behavioral support to succeed in the general education classroom.

As part of early intervening services, many schools are utilizing a systematic process referred to as **response to intervention (RtI)**. The **RtI** process utilizes screening and periodic monitoring of progress of all students. Through this process students identified as needing additional educational or behavioral assistance are provided help through interventions to support each student's unique needs for success. Students who do not make adequate educational gains with the supports are provided more structured and intensive supports with progress monitoring. If students are still in need of support, a referral for special education evaluation may be the next step.

It is important for the parent(s) to know that the RtI process is useful with any student who is not making sufficient educational gains in the core curriculum. Parental permission is not required as part of the RtI process. However, the parent(s) must be sent written notice if a student requires an intervention that is not provided to all students in the general education classroom.

**NOTE:** The **written notice** for RtI services provided to each student's parent(s) must describe:

- The amount and type of data that will be collected regarding the student's progress and the general education services to be provided;
- The timeframe for which the data will be collected and reported to the parent(s);
- The evidence-based strategies that will be used to increase the student's rate of learning to grade level;
- The parental right to request an educational evaluation to determine eligibility for special education; and
- An explanation that:
  - In the event the student *fails* to make **adequate progress after an appropriate period of time**, as determined by the school and the parent(s), the school will request an educational evaluation.
  - In this case, the school will provide the parent(s) with written notice and request written parental consent before an educational evaluation will be conducted.
  - If the parent(s) give consent for an educational evaluation, the school has **20 school days** from the date it receives written parental consent to conduct the evaluation and convene the CCC meeting (rather than the 50 school days for other initial educational evaluations).

A referral for an educational evaluation can be made by the parent(s) or school personnel at any time during the RtI process. The use of an RtI process cannot delay the appropriate educational evaluation of a student suspected of having a disability.

#### USE OF RTI EVALUATION DATA

When an individual RtI intervention is determined necessary for a student, the school and the parent(s) decide, based on the intervention(s) to be provided, what progress and results they hope the student will make and in what time period. This collaboration can be another opportunity to build a positive partnership between school and parent(s).

The RTI process can provide essential information and documentation about the provision of appropriate instruction and opportunities for the student to learn. It is also a means for analyzing the student's educational difficulties and determining instructional strategies to address them.

Classroom teachers can use RTI data to adjust instruction based on their students' progress in the curriculum. Data from the RtI process shows what concepts and skills students have mastered and what skills need additional instruction.

Information from the RtI process can also be used in an educational evaluation. It can provide the documentation of appropriate instruction in reading and math as well as provide needed evidence of a student's progress in the general education curriculum.

## SECTION III

### CASE CONFERENCE COMMITTEE 511 IAC 7-42-1 THROUGH 7-42-5

**DEFINITION: Case Conference Committee (CCC)** – The case conference committee (CCC) is the group of people including the parent(s) and school personnel, who share the responsibility of making educational decisions for a student with a suspected or identified disability. In the CCC meeting the parent(s) is an equal partner with the representative of the school. In the case where the student with a disability has attained adult legal status, the student will act on his/her own behalf thus assuming all of the functions and rights given to the parent(s).

#### PARTICIPATION IN THE CCC

The CCC must include:

- A representative of the school (sometimes referred to as the public agency representative or PAR) who:
  - Knows about the school's resources and has the authority to commit or expend them,
  - Knows about the general education curriculum, and
  - Can provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
- The student's teacher of record (TOR) or a teacher licensed in the area of the student's suspected disability if the student has not yet been determined eligible. The speech language pathologist serves as the TOR for a student with a language or speech impairment only;
- At least one of the student's general education teachers, unless it is certain that the student is not or will not be participating in the general education environment;
- A person able to describe what the evaluation information means in terms of how to best instruct the student and the instructional implications of the evaluation information. This individual is typically referred to as an instructional strategist; and

- The parent(s) of a student less than 18 years of age or the student of legal age. In some cases this may include a guardian or educational representative for the student.

School personnel may fulfill more than one role in the CCC meeting. For example, the student's TOR may also serve as the school representative with the authority of committing resources.

At the discretion of the parent(s), the student may participate in any CCC meeting in addition to those CCC meetings to which the student must be invited.

Depending on the purpose of the meeting, the CCC must include other individuals. For example, if the CCC is determining the student's initial eligibility for special education, a member of the multidisciplinary team (M-Team) is required to attend. If the parent(s) has enrolled the student in a private school, a representative of the private school must either attend or participate by alternate means in the CCC meeting. For more information, see 511 IAC 7-42-3(c) and (d) and the *Appendix* for a chart on who must or may be invited to attend.

Both the parent(s) and school personnel may invite "other individuals who have knowledge or special expertise" about the student. Determining if the individual has knowledge or special expertise is up to the person who invites the individual to participate.

## CCC MEETINGS

The CCC must meet:

- Within the stated timeline for an initial evaluation or reevaluation;
- At least annually;
- When requested by the parent(s) or school personnel;
- Within 10 school days of the date a student with a disability enrolls from another school district or state;
- Within 10 school days of a disciplinary change of placement;
- To determine an interim alternative educational setting (IAES); and
- Every 60 school days when a student with a disability has been placed on full time homebound services.

The school schedules the CCC meeting that is a "mutually agreed upon time and place" by the parent(s) and school personnel. Some schools set up the conference at the time parental consent (permission) for the evaluation is received. This is not required, but it does permit for increased flexibility in choosing convenient dates and times for all involved.

## NOTIFICATION OF CCC MEETING

Once the CCC meeting is arranged, the school will send the parent(s) a written notice of the CCC meeting that includes the date, time, location, purpose, and the names and titles of participants expected to be in attendance that are believed to have special knowledge or expertise about the student. The notice must also advise the parent(s) of their right to invite anyone the parent(s) determines to have special knowledge or expertise about the student. If you, as the parent(s) are going to invite someone it is helpful to inform school personnel to ensure adequate seating and space for all who attend.

If the parent(s) cannot attend in person, the school should ensure parental participation through other methods such as telephone or video conference. Article 7 [at 511 IAC 7-42-2(b)] states that a CCC meeting may be conducted without a parent in attendance if the parent chooses not to participate in person or by other means. The school must document all attempts to arrange for a meeting to take place and any response received from the parent(s).

If the parent(s) chooses not to participate, either in person or by other means, the school may conduct the CCC meeting without the parent(s). However, before the school can do this, it must make reasonable efforts to convince the parent(s) to participate, and it must document its efforts (such as telephone calls, emails, letters, home visits, etc.). See Article 7 [at 511 IAC 7-42-2(b)].

## CAN PARTICIPANTS BE EXCUSED FROM PARTICIPATING IN ALL OR PART OF A CCC MEETING?

In some circumstances, a required member (i.e., the school representative, special education teacher, general education teacher, or the person explaining how the evaluation results impact instruction) may be excused from the meeting if the school and the parent(s) agree in writing that the member's attendance is not necessary for all or part of the meeting. However, if that member's area of curriculum or related services *will be discussed or modified* during the meeting and the member will miss the entire meeting, s/he must provide input in writing to the parent(s) and the other CCC members prior to the meeting and the parent(s) must provide written consent for the excusal. The school must obtain parental consent to excuse the required participant before the CCC meeting. If the parent(s) does not agree to an excusal of a required member of the CCC, the required member must participate in the CCC meeting or the meeting must be rescheduled.

## CCC RESPONSIBILITIES

The CCC is responsible for:

- Reviewing the educational evaluation report and determining a student's eligibility for special education and related services (for initial evaluations and any subsequent reevaluation of the student);
- Reviewing the student's present levels of educational performance and any progress monitoring information that is available;
- Developing, reviewing and revising a student's individualized education plan (IEP);
- Determining appropriate special education and related services;
- Determining where, when, and how long the services will be provided and;
- Addressing other matters that relate to providing the student with a **free appropriate public education (FAPE)**.

## HOW ARE DECISIONS MADE IN THE CCC?

Information about the student is shared with and by all CCC members. Everyone can offer input into and participate in the discussion about the decisions to be made, such as:

- Is the student eligible as a student with a disability?
- If so, what disability category (if more than one was initially suspected)?
- If eligible, what are the student's educational needs, and what special education and related services are appropriate to meet the student's needs?

The actual decisions are between the parent(s) and the school representative authorized to commit the school's resources. Decisions are *not* made by a vote or consensus of the CCC members. A CCC meeting is not a meeting controlled by a vote of 'majority rule'. The only two individuals who have a final say in the final decision of the CCC meeting are the parent(s) and the public agency representative for the school.

## WHAT HAPPENS IF THE PARENT(S) AND SCHOOL REPRESENTATIVE DISAGREE?

For an initial placement (the first time a student is found eligible for special education and related services) the school must obtain written and informed parental consent for services to begin. After any CCC meeting, the school must provide the parent(s) with written notice about any action it is proposing or refusing to take with regard to the student's identification, evaluation, eligibility, services, placement, or anything else affecting the provision of a FAPE. The school must provide this notice regardless of whether there was agreement between the parent(s) and the school representative.

After receiving this notice, the parent(s) may contest the school's decision by asking for and participating in a meeting with a school official, participating in mediation, or requesting a due process hearing. For more information on the written notice, mediation, and due process see the sections on *IEPs* and *Resolving Disagreements*.

There are other options the parent(s) have in certain situations. For example, if the disagreement is over eligibility or evaluation results, the parent(s) may request an independent educational evaluation at the school's expense. The parent(s) may also ask to reconvene the CCC for further discussion and consideration. For more information see the section on *Identification, Referral, and Evaluation*.

Being a member of a CCC may seem intimidating or overwhelming to some parents. The following are some tips that have been offered to help the student's parent(s) feel more comfortable during CCC meetings:

- Make a list of questions so you don't forget them during the CCC meeting;
- If there is an evaluation report, talk with someone who can explain it in easy to understand terms;
- Talk with the student's teacher or other school personnel before the meeting;
- Talk to other parents who have participated in CCC meetings;
- Take someone with you who knows the student; or
- Take this booklet with you to the CCC meeting.

For more information on CCC meetings, see 511 IAC 7-42-2 through 42-5.

## SECTION IV

### INDIVIDUALIZED EDUCATION PROGRAM 511 IAC 7-42-6 THROUGH 7-42-10 AND 511 IAC 7-43-1

If the case conference committee (CCC) decides the student is eligible for special education services, the next step is for the CCC to develop an individualized education program (IEP).

**DEFINITION: Individualized Education Program (IEP)** – The written plan that describes how the student will participate in the general education curriculum (if appropriate) and identifies the special education and related services that the school will provide to the student. Once the IEP is developed, the CCC must review the IEP at least one time each year and make changes to the IEP as needed.

#### IEP DEVELOPMENT

The CCC develops the IEP after considering all of the information about the student. The CCC must consider various general factors when developing an IEP, such as:

- The student's strengths,
- The concerns of the parent(s) for improving the student's education,
- The results of any recent educational evaluations or assessments, and
- The student's academic, developmental, communication and functional needs.

In addition, the CCC must consider special factors (when applicable) such as:

- Positive supports and interventions when a student's behavior affects his/her learning,
- Supports to provide school personnel with knowledge and skills to implement the student's IEP,
- Language needs of a student with limited English proficiency, and
- Instructional and communication needs for a student whose vision and/or hearing is impaired.

As the CCC reviews and considers all of the information, it identifies the student's present levels of performance, writes annual goals to meet the student's needs, identifies the special education and related services to meet those needs, and determines the most appropriate placement for the student. The end result of this and the other items described in the following section is a complete IEP for the student.

## CONTENTS OF THE IEP

An IEP must include:

- ***The student's present levels of academic achievement and functional performance*** - This means looking at the student's current skills, both academically (such as reading, math, writing, and language) and functionally (such as fine and gross motor skills, personal care, behavioral, social, and emotional skills, and independent living skills). It also includes how the student's disability affects his/her involvement and progress in the general education curriculum.
- ***Measurable goal(s) that the CCC expects the student to achieve over the next 12 months*** - This includes goals designed to meet the student's academic and/or functional needs that result from the student's disability. Well-written goals will help the student be involved and make progress in the general education curriculum to the fullest extent appropriate. Although previously required that the IEP include benchmarks or short-term objectives for every goal, they are now *only* required if the student participates in ISTAR instead of ISTEP (see section below on *Participation in Statewide Assessment*).
- ***Information on how the student's progress toward achieving the IEP goals will be measured*** - Although objectives and benchmarks may not be required, it is still an expectation that all IEP goals will be written so that period reports can be given to the parent(s) on how the student is progressing in achieving each IEP goal. Depending on how the goal is designed, the teacher may be monitoring such things as scores on assessments, incidents of behavior, or other examples of skill attainment observed by the teacher. The data collected must be specific to the student's goal(s) and should provide the parent(s) with information that is easily understood. The amount and type of data to be collected by the teacher should be discussed by the CCC.

**NOTE:** Students who are being assessed on the ISTAR assessment are required to have benchmarks or short term objectives; it is optional for all other students.

- **Information on the student's progress will be reported to the parent(s)** – The school must provide the parent(s) with a periodic report on the student's progress that is easy to understand. The report must be given to the student's parent(s) at least as often as when progress reports (report cards, mid-term reports, etc.) are provided to the parent(s) of students who have not been identified as having a disability. Although a more frequent report of progress may be provided if determined appropriate by the CCC.
- **A description of the special education services and supports that will be provided to the student or to staff working with the student** – The type of services and supports to be provided to a student and staff will be based on the student's educational needs. The supports are designed to help the student achieve his/her annual goals and participate in the general education curriculum, extracurricular activities, and other nonacademic activities with non-disabled students as much as possible. In addition to specially designed instruction, the student may need related services, accommodations, or modifications in order to benefit from his/her special education. If staff members who are in contact with the student need supports or training to better understand the student's strengths and needs or to implement the student's IEP, those may be listed as well (see the section below on *Related Services, Accommodations, and Modifications*).
- **The projected date the services will begin and end, and the length, frequency, and location of the services** – The IEP must include the dates of *when* the school expects services to begin and end, *how often* the services and supports will occur, *how long* each service or support will last, and *where* the student will receive the service or support.

For example, the IEP may state that the student will receive:

- 30 minutes of speech therapy one time a week in the general education classroom beginning on or about September 1, 2009 and ending on or about June 1, 2010.
- 60 minutes of reading instruction two times per week in the resource room beginning on September 1, 2009 and ending on December 31, 2009.

Although some schools build time into service providers' schedules at the beginning and end of each school year to allow for screening of new students or convening annual case reviews for current students, the provision of services cannot be reduced unless the CCC agrees to these exceptions. To adjust for schedules an IEP may state that the student will receive 60 minutes of reading instruction two times per week for the first and last month of the school year; and 30 minutes of reading instruction two times per week for all other months during the school year. However, unless the CCC discusses and agrees otherwise, the

decision to modify the IEP at certain times during the school year due to staff requirements such as screening or annual case review is prohibited.

- **Information about how the student will participate in local and statewide assessments** – Schools test students at various times during the school year. ISTEP (the Indiana Statewide Testing of Educational Performance) is the **statewide** test that schools give to students. Most students will participate in the ISTEP+ either with or without accommodations. In 2010, a modified version of ISTEP+ is expected to be available for students with disabilities who meet the criteria to participate in a modified assessment. For students with more significant cognitive disabilities the state has an assessment called ISTAR (the Indiana Standards Tool for Alternate Reporting). The ISTAR assessment has two achievement levels that the CCC must consider for a student to be eligible to participate. It is up to each student's CCC to decide whether the student should participate in:
  - the ISTAR assessment aligned to academic competence, or
  - the ISTAR assessment aligned to independent functioning.

All assessment decisions for the student are based on his/her expected educational outcomes using existing performance data available to the CCC. Students in high school who intend to graduate with a high school diploma must participate in the end of course assessment (EoCA) for Algebra and Language Arts 10. An EoCA in Biology is expected to be added in the upcoming year. Students who have a significant cognitive disability will be assessed minimally at grade 10 and optionally at higher grades (see the Appendix for criteria expectations and decision-making charts).

The CCC must discuss the testing options available for the student, including local and national tests not regulated by the state. In making testing decisions the CCC must discuss any potential consequences (e.g., earning a high school diploma) and record the reason the CCC chose the assessment option(s) for the student. Accommodations used routinely by the student in his/her educational program may be offered in the assessment situation if so determined by the CCC. However, any accommodation offered on the state-mandated assessment must meet the guidance criteria provided by the Indiana Department of Education (IDOE). The assessment guidance is updated routinely and is available on the IDOE website at: <http://www.doe.in.gov/istep/>. Look for the link for the *ISTEP+ Program Manual*.

- **The student's participation with non-disabled students** – If the IEP does not limit a student's participation in any way, the student should be able to participate with non-disabled students in academic classes and other educational programs such as vocational education, art, music, industrial arts, consumer and homemaking education, field trips and convocations. The student should also be able to participate in nonacademic and extracurricular activities such as meals, recess,

athletics, recreational activities, school-sponsored groups or clubs, graduation ceremonies, and student employment.

If the CCC decides that a student needs supplementary aids and services in order to participate with non-disabled students in extracurricular or nonacademic activities, the CCC should include these in the IEP. If the CCC decides that there are times that the student will not participate with non-disabled students, the CCC must identify those situations in the IEP. This covers all educational, extracurricular, and other nonacademic activities.

- ***The student's need for extended school year (ESY) services*** – ESY services means special education and related services that are provided to a student at times when other students are not in school (like during the summer or after school). The CCC decides, based on the student's educational needs, if a student needs ESY services. If the CCC decides the student needs ESY services, the services must be described in the student's IEP. This description must be specific enough that all involved with the student understand the ESY services to be provided and when/how they will occur.
- ***The student's placement in the least restrictive environment (LRE)*** – The CCC decides where the student should be placed. For example, will the student be placed in the general education classroom and receive some or all of the special services and supports in that classroom, or will the student spend only part of the day in the general education classroom and receive services and supports in another location? There are a variety of placement options ranging from full time placement in a general education classroom to placement in a private residential setting.

**DEFINITION: Least Restrictive Environment (LRE)** – Placement must allow the student to be educated with non-disabled students to the greatest extent appropriate for the student regardless of the student's disability. For some students, this means that they will be educated in the general education classroom, but for others it will mean that they are with non-disabled students only for certain periods of time such as lunch, recess, or a particular class.

Unless the CCC decides something else, a student with a disability should attend the school s/he would attend if not disabled and be in classes and school buildings with non-disabled students of the same chronological age. Generally, the CCC begins by looking at whether the student's needs may be met in a general education classroom in the student's home school. If not, the CCC would look at other options to meet the student's needs in the **least restrictive environment (LRE)**. Special

classes, separate schools, or other removal of students from the general education environment should occur only if the nature and severity of the disability is such that education in general education classes using supplementary aids and services cannot be satisfactorily achieved.

- **Written notes to document the CCC meeting** – The IEP and the documentation of the CCC may include a section called written notes. This document may blend the required components of the IEP and other necessary details such as the date and the purpose of the meeting, the names and titles of everyone who participated in the meeting, the issues discussed, the rationale for various decisions made by the CCC, and other educationally relevant notes considered by the CCC.

**NOTE:** It is not advisable to list services the student will receive in the notes as they will often be overlooked by the providers.

- **Information on transfer of rights when the student turns 18** – When the CCC is developing an IEP for a student who will turn 17 when the IEP is in effect, the parent(s) and the student must be notified that the parental rights will transfer to the student when the student turns 18. The statement that the parent(s) and student have been notified of this transfer must be documented in the IEP (see the section on *Preparing for Transition from School to Adult Life*).

**DEFINITION: Transition IEP** - The IEP developed for a student who will be turning 14 or entering the 9<sup>th</sup> grade. A Transition IEP includes all of the components described above, but is driven by an understanding of the student's needs once s/he leaves high school. A student has a Transition IEP until the completion of high school. See the section on *Preparing for Transition from School to Adult Life* for more information on the Transition IEP.

## RELATED SERVICES

A **related service** is a developmental, corrective, or other supportive service that is provided to help a student benefit from his/her special education program. The CCC decides what related services, if any, a student needs. For example, a student who is deaf or hard of hearing may need an educational interpreter in order to participate in the school setting. Or, if a student who is orthopedically impaired needs physical therapy to

help him/her learn to get around the school more independently. The most common related service is transportation. For a list of common related services and what each service includes, see 511 IAC 7-43-1.

The IEP must state the type of related service to be provided, when the service will begin and end, how frequently the service will be provided (daily, weekly, monthly, etc.), the length of the service (15 minutes, 30 minutes, one hour, etc.), and where the service will be provided. The IEP should be specific and detailed enough so that both the parent(s) and school personnel can clearly determine how much of a service the student should be receiving at any one time during and throughout the school year.

## ACCOMMODATIONS

Students with disabilities may require instructional or testing accommodations. An **accommodation** “levels the playing field” without changing what is being taught or tested. An accommodation is “intended to reduce or eliminate the effects of a student’s disability,” but does not reduce what the student is expected to learn. A student with a disability might have an accommodation during testing that allows the student to take the same test as everyone else, but is given extra time to complete the test.

Accommodations must be used routinely in classroom situations in order for the CCC to apply the accommodation(s) to assessments. The student needs the opportunity to practice and become familiar with the accommodation. Routine practice in comfortable situations allow the student to become accustomed to the accommodation. It is not permissible to use an accommodation during high stakes testing situations if it is not used routinely in classroom assessment because the student needs to be familiar with the process.

On some standardized tests, such as ISTEP, some accommodations are not allowed because they have been determined to affect the validity of the test scores. However, there is no limitation on accommodations that can be provided to the student in other situations to support classroom learning on functional assessments.

Some examples of accommodations:

- The student is given extra time to complete assignments and tests.
- The student is allowed to complete assignments and tests using a computer instead of writing by hand.
- The student is provided with special lighting or work space.

**NOTE: Accommodations When Taking ISTEP+ -** Certain accommodations are allowed for students with an identified disability during the ISTEP+ assessment. However, there are some accommodations that are not permitted, even if the accommodation is listed in the student's IEP. For more information on ISTEP+ accommodations, see Appendix C in the *ISTEP+ Program Manual* available at: <http://www.doe.in.gov/istep/>

#### WHAT IS THE DIFFERENCE BETWEEN AN "ACCOMMODATION" AND A "MODIFICATION?"

A modification actually changes what is being taught or tested, and an accommodation does not. For example, a student has a disability marked by significant issues with fine motor skills and finger dexterity. The class may be learning about spelling patterns using words that end in silent "e" by writing out those patterns. For the student with fine motor issues, an accommodation may be that s/he is allowed to type the answers whereas a modification would be to permit the student to produce a smaller number of correctly spelled words written by hand.

#### POSITIVE BEHAVIORAL INTERVENTIONS, STRATEGIES, AND SUPPORTS

One thing the CCC must consider is whether the student has any behaviors that interfere with the student's learning or the learning of other students. If the student has these behaviors, the CCC is required to consider ways to address those behaviors, using positive behavioral interventions, strategies, and supports, planned interventions designed to prevent identified behaviors from occurring.

Regardless of the student's disability, if s/he has problems learning because of continuing behavioral problems or if the student's behavior is disruptive to other students, the CCC must consider whether specific interventions are needed to help the student learn new behaviors or skills. Any needed interventions must be included in the student's IEP and should be consistently implemented wherever and whenever the behaviors occur.

**DEFINITION: Functional Behavioral Assessment (FBA)** – A process where data is collected and used to identify both a pattern of behavior and the reason or purpose of the behavior for the particular student. An FBA may be assembled based on existing data for the student or may involve getting written parental consent to collect new assessment data.

After collecting data on behaviors and identifying the likely reason they are occurring, the CCC develops strategies and supports to address the behaviors. For some students, a simple intervention of moving the student's desk to the front of the classroom may make a difference. For other students, the interventions may be more involved. The CCC should also consider whether any personnel working with the student will require training in order to implement the strategies and supports suggested.

The CCC may develop a **behavioral intervention plan (BIP)** to address behavior or may address behaviors through goals and objectives that are a part of the student's IEP. Remember that the **BIP** is a plan that is developed and agreed upon by the CCC and integrated in the student's IEP.

At minimum, the **BIP** describes:

- The student's behavior,
- Why the behavior occurs,
- The positive interventions, strategies and supports that may be necessary to address the behavior and make sure that interventions are consistently implemented across different settings,
- Any supports or technical assistance for staff that may be necessary to ensure the plan is supported and implemented, and
- The skills that will be taught and monitored in order to change the student's behavior, if applicable.

## TEACHER OF RECORD

Each student with a disability must have a **teacher of record (TOR)** identified and assigned to him/her. The TOR must be appropriately licensed in the area of the student's disability. For disabilities such as autism spectrum disorder, other health impaired, deaf-blind, and traumatic brain injury for which no state licensure is available, the teacher of record must be appropriately trained. The TOR has many wide responsibilities, including:

- Providing direct or indirect services to the student according to the student's IEP.
- Participating in the CCC meeting as the student's teacher to assist in developing measurable goals, benchmarks, and objectives to meet the student's needs.
- Monitoring, and implementation of the IEP and providing progress reports to the parent(s) on the IEP.
- Making sure that all staff responsible for implementing the student's IEP have access to it and know their responsibilities for ensuring the IEP is implemented as written.

- Making sure that all supplementary aids and services, program modifications, supports for school personnel, and accommodations on statewide or districtwide assessments are provided as required in the student's IEP.
- Serving as a consultant and resource person for personnel who are working with the student.
- Participating in reevaluations of the student.
- Making sure that the CCC is notified of any changes to the student's IEP when the parent(s) and the school make changes without holding a CCC meeting.

#### WHAT IS THE DIFFERENCE BETWEEN "TEACHER OF SERVICE" AND "TEACHER OF RECORD?"

A **teacher of service (TOS)** is any teacher who provides services to a student with a disability. A teacher of service could be a general education classroom teacher or a special education teacher who provides instruction to the student. The student's teacher of record may also be the student's teacher of service. For example, a student with a specific learning disability (SLD) may receive all instruction and special education services in the general education classroom. The classroom teacher would be the teacher of service, but the student would also have a teacher of record licensed to teach students with SLD. The teacher of record does not always provide direct instruction to the student, but is responsible for making sure that the teacher of service implements the student's IEP and for consulting with the teacher of service as needed.

#### AFTER THE IEP IS DEVELOPED

Once an IEP has been developed, the school must provide a copy of the IEP at no cost to the parent(s) within 10 business days of the date of the CCC meeting. The school may also give the IEP to the parent(s) at the end of the meeting, or it may mail the IEP to the parent(s) at a later date as long as the parent(s) receives the IEP no later than 10 business days after the CCC meeting.

Parental consent (written permission) must be obtained for the school to provide special education services for the first time. Once the parent(s) has given consent for the school to provide special education services, the school must continue to provide special education services included in the current IEP unless the parent(s) revokes (withdraws) their consent for services.

Once parental consent to begin services is given the student's parent(s) should always be included in decisions by the CCC. However, written consent from the parent(s) is not required to revise the IEP. After communicating with the parent(s) about the IEP changes being made, the school has to provide the parent(s) with written notice before it can

implement any of the proposed changes. This written notice must also inform the parent(s) of what steps they may take, should the parent(s) disagree with the proposed changes.

## WRITTEN NOTICE

In addition to providing the parent(s) with a copy of the IEP, the school must also provide the parent(s) with a written notice that:

- Describes what the school is proposing or refusing to offer. For example, if the parent(s) asked for 30 minutes of speech therapy two times a week, but the school wants to provide 30 minutes one time per week, the written notice would say that the school is proposing speech therapy for 30 minutes each week and is refusing the request for 60 minutes of speech therapy each week;
- Describes all of the information the school used in decision-making;
- Explains why the school made its decision(s);
- Describes any other options the CCC considered;
- Describes any other factors that are relevant to the school's proposal or refusal;
- Explains that the parent(s) has protection under the procedural safeguards and how to obtain a copy of the safeguards;
- Explains what action the parent(s) can take if they disagree with what the school wants to do [applies only to IEPs written after the parent(s) consented to the initial IEP];
- Explains that if the parent(s) takes any actions to disagree with the IEP within the timeline, the school must continue to implement the student's current IEP (rather than the proposed IEP); and
- Provides a list of resources for the parent(s) to contact if they want help in understanding the notice or other special education rules.

**NOTE:** The IEP may serve as the *written notice* if it contains all of the information described above.

## REVIEW OF THE IEP

The CCC must meet to review the IEP at least once a year to see if the student is achieving his/her annual goals and revise the IEP as needed to appropriately address the student's educational needs. The CCC also meets:

- After a reevaluation has been conducted;
- Upon the request of the parent(s) or school staff;
- At least every 60 school days for a student who receives special education services at home or in an alternate setting; and
- Within 10 school days of the enrollment of a student who had an IEP in another state or Indiana school district.

## CHANGING THE IEP

If the CCC makes changes to a student's IEP, the school must provide the parent(s) with written notice before it can implement the changes. This written notice must also inform the parent(s) of what steps they may take should the parent(s) disagree with the proposed changes.

Once parental consent to begin services is given the student's parent(s) should always be included in decisions by the CCC. However, written consent from the parent(s) is not required to revise the IEP. After communicating with the parent(s) about the IEP changes being made, the school has to provide the parent(s) with **written notice** before it can implement any of the proposed changes. This written notice must also inform the parent(s) of what steps they may take, should the parent(s) disagree with the proposed changes.

If the CCC has completed its annual review and/or revision of the IEP and the parent(s) and school agree to change the IEP without having the whole CCC getting together, the parent(s) and school personnel can change the IEP without getting together for an actual meeting. The school may ask that the agreement to change the IEP without the CCC meeting be put in writing or signed off on by the parent(s). Any changes to the IEP that the parent(s) and school agree to must also be put in writing (written into the student's IEP).

## DISAGREEMENT OVER CHANGING AN IEP

If the student's parent(s) disagrees with the IEP changes described in the written notice, they must take action within **10 school days** of receiving the written notice. If they do not take any action within 10 school days of receiving the written notice, the school is required to implement the revised IEP.

If the parent(s) takes one of the following actions within 10 school days of receiving the written notice, the school must continue to implement the current IEP until the disagreement about the proposed IEP is resolved. The parent(s) may:

- Request **and participate** in a meeting with someone from the school who can resolve the problem,
- Initiate mediation (for more information on mediation, see the section on *Resolving Disagreements*), or

- Request a due process hearing (for more information on a due process hearing, see the section on *Resolving Disagreements*).

If the parent(s) requests a meeting within 10 instructional days of receiving written notice, school personnel must meet with the parent(s) and try to resolve the disagreement. Merely requesting the meeting is not enough to stop the implementation of the proposed IEP, the student's parent(s) must participate in the meeting with school personnel. If the disagreement is not resolved in the meeting, the school must continue to implement the current IEP. This is sometimes called the "Stay Put" provision.

If the parent(s) initiates mediation or requests a due process hearing within 10 instructional days of receiving written notice the same applies. If the parent(s) and the school participate in mediation, but are not able to resolve the disagreement, the school must continue to implement the current IEP. If the parent(s) requests a due process hearing, the school must continue to implement the current IEP until the hearing officer makes a decision resolving the dispute or the parent(s) and the school reach an agreement.

If the parent(s) does not take any of the three actions, the school may implement the changes described in the written notice on the 11<sup>th</sup> school day after the parent(s) receives the written notice about the IEP changes or the "effective date" written on the IEP if this date is later than the 11<sup>th</sup> day.

## IMPLEMENTATION OF THE IEP

The school must implement the IEP as it is written and must provide the services described in the student's IEP:

- No later than 10 school days after the school receives the written parental consent to implement the initial IEP, or
- On the eleventh school day after the parent(s) receives the written notice of proposed changes to the IEP *unless* the parent(s):
  - Has given the school written permission to implement the changes earlier, or
  - Has taken one of the three actions when they disagree with the proposed changes, or
- By the student's 3<sup>rd</sup> birthday if the student is moving from early intervention services (First Steps) to early childhood education (see the section on *Early Childhood Special Education*).
- The effective or start date indicated in the IEP.

## REVOCAION OF CONSENT FOR SERVICES

Any time after the parent(s) has given the school permission to provide special education services, they may revoke or withdraw their consent. To revoke consent, the request must be made in writing and given to school personnel. Before the school stops providing special education services, the school must provide the parent(s) with written notice explaining the consequences of the request for revocation of services.

After the parent(s) receives the written notice from the school, all special education instruction, related services, accommodations, and any other services and supports provided to the student will stop. The student will be placed in a general education classroom and will receive education as a non-disabled student. After consent is revoked, neither the parent(s) nor the student will be entitled to the protections or the safeguards under Article 7 or the Individuals with Disabilities Education Improvement Act (IDEA '04). If the parent(s) revokes consent for services and later decide they want the student to receive special education services again, they must request an initial evaluation and go through the CCC process to decide if the student is still eligible for services (see the section on *Evaluation*).

## RELOCATION OF STUDENTS WITH IEP'S

**For a student moving from one Indiana school district to another:** When a student with an IEP moves from one school district to another within Indiana, the new school must *immediately* provide the student with a **free appropriate public education (FAPE)**. The new school must provide services similar to those described in the student's IEP from the old school, until the CCC meets. The CCC must meet within **10 school days** of the date the student enrolls in the new school and either adopt the student's IEP from the old school or develop a new IEP.

**For a student moving into an Indiana school district from another state:** The new school must *immediately* provide the student with a **free appropriate public education (FAPE)**, including services that are similar to those described in the student's IEP. If the school thinks a new evaluation is necessary, it may request written consent to conduct a reevaluation of the student from the parent(s). Nonetheless, the school must continue to provide the services listed in the IEP from the receiving school until an evaluation is conducted and the CCC reviews, revises or develops an IEP for the student.