



## DUE PROCESS REQUIREMENTS from MDE

	DOCUMENT	REQUIREMENTS	CLARIFICATION or EXAMPLE
	<b>Access Record</b>	One in every file; as IEP manager sign each year	
	<b>Notice of Proposed Action</b>	Now called Prior Written Notice (PWN)	There is no longer a significant change form.
	<b>ER Plan</b>	<p>Until the Notice of Eval is updated on EasyIEP, incorporate the 5 questions of a Prior Written Notice for initial and reevaluations:</p> <p>Give details of 1) Proposal; 2) Why; 3) Other options and why rejected; 4) Info used to make proposal; 5) Other relevant factors</p> <p>NO acronyms; spell out all tests, titles, etc. Do <b>NOT</b> use: "and/or", "as needed" or "NA"</p>	<p><b>Reevaluation</b> Sample:</p> <p>1 &amp; 2) "Federal law requires that a reevaluation of each child with a disability is conducted at least once every 3 years; a reevaluation is due for your child." 3) "The team considered adding an additional assessment to the evaluation plan, but decided against that because all educational needs could be determined without additional tests." 4) "The team reviewed data from progress reports, parents, student, previous evaluation and current IEP manager to determine areas for reevaluation." 5) "None" OR factors like language/cultural issues, communication concerns, health, behavior.</p> <p><b>Initial</b> Evaluation Sample:</p> <p>1 &amp; 2) The special education team is proposing an initial evaluation based on data from prereferral interventions and input from parents and classroom teacher to determine evaluation areas. Specific concerns are for: ???</p>
	<b>ER</b>	<p>ER is completed to determine eligibility AND identify needs and adaptations.</p> <p>Signature page required for SLD ERs. Medical documentation of diagnosis is required for OHD.</p>	<p>Throughout the Evaluation Report and in the final summary include clear details on <b>how the student's disability affects the student in a general education setting.</b></p> <p>Be sure there is a comprehensive <u>summary</u>, statement of <u>needs</u>, and <u>recommendations</u> at the end of the ER (including accommodations and/or modifications)</p>

		Cultural References	Include cultural information and non-discrim. statements for evaluation & re-evaluation.
IEP	5 Required team members	Any required IEP team member not in attendance must be excused, by the parent in writing & provide written information	Parent, general education teacher, district rep, special education teacher/licensed in student's disability and student (if appropriate). Counselor can be general ed. D. Rep is "knowledgeable about the gen ed curriculum, the availability of resources & the design and delivery model of special education". If changing Related Services, those staff need to attend also.
		ANY "District Rep" must be entered under "Parents & Other tab so that District Rep title appears.	Written excusal form on Easy IEP in Document section. Require parent signature prior to (preferably) OR on date of IEP meeting and written information from the excused required team member. Written info must be included in the student's file and incorporated into the IEP.
			Correct: Amy Stafford, District Representative Incorrect: <del>Amy Stafford, Special Education Teacher</del>
IEP	Clear explanation of <u>frequency</u> , <u>method</u> and <u>when progress</u> will be reported to parents		"Parents will receive quarterly (4) updates on their child's progress. An IEP and three progress reports will be written annually."
IEP	<u>ESY</u>		"The team agreed that XXX is <b>not</b> in need of ESY services. There is no regression, significant recoupment time or inadequate self sufficiency skills when compared to his same age peers. He does not demonstrate unique needs when compared to his same age peers"  "Based on classroom observations, parent input and progress reports, XXX <b>qualifies</b> for ESY services to help attain / maintain self sufficiency in the area of functional academics and independent living." (Must be consistent with appropriate current IEP goal(s))  <i>For students qualifying for ESY, a document on EasyIEP will be used this year. Please be sure to check if goal will be part of ESY; ESY service will be a Related Service dropdown to be added to the time grid when decisions/dates are finalized.</i>
IEP	<u>PLAAFP</u>		Must reflect student's performance within the classroom and <b>how the student's</b>

		Present Level of Academic, Achievement and Functional Performance (Formerly PLOP, PLEP)	<b>disability impacts progress &amp; performance in general education curriculum.</b>
<b>IEP</b>		Annual <u>goals</u> must be measurable (include clear starting and ending level); include at least 2 objectives; attainable in one year.	Do not use “age appropriate” and “grade level” in annual goals/objectives; these terms are not measurable unless the IEP clearly describes what this means.  Do <b>NOT</b> write annual goals for attendance, passing state assessments, earning passing grades and/or earning credits for graduation because these are goals of all students, and <b>NOT</b> considered specialized instruction.  Team could write goals that address the issues impacting attendance, grades, etc. related to the cause of these problems. Attendance itself can not be a goal.
<b>IEP</b>		<u>Accommodations</u> , supplemental aids or supports must be specific and list the decisions made at the IEP meeting.  <u>Assistive Technology (AT)</u>  For <b>paraprofessional</b> list under accommodation and include specific duties. For open enrolled & shared time (non-public) students, note minutes on service grid.	Using “may,” “and/or”, “as needed” is <b>NOT</b> acceptable; <b>DO</b> use will or shall.  “XXX will have use of a 14” theraband to attach while sitting in circle time.”  “XXX will be able to access the resource room for any test. RR staff will provide a quiet room, repeat directions or read the test to XXX”.  If AT needed – enter specific info in the first text field for Accommodations. Use broad categories (word prediction software); Do NOT list technology available to all students (computers, SmartBoard)  Computer access is an accommodation NOT Assistive Technology.  “XXX will receive adult support in each of his general education classes due to his significant behavioral needs in the areas of self-regulation. The staff person will provide verbal behavior redirections, visual calming cues in the form of picture cards provided by the special education teacher, and sensory breaks every 45 minutes to reduce stressful reaction when over stimulated” DO NOT CUT AND PASTE OR COPY THIS EXAMPLE..IT IS JUST THAT – AN EXAMPLE

		<p><u>Supports for School Personnel</u> must be written as an accommodation in IEP.</p>	<p>“Copies of XXX’s goals and accommodations will be given to each of XXX’s teachers. The IEP manager will be available to answer any questions regarding XXX needs, goals and services.”</p> <p>An “In-service for general education teachers will be provided quarterly to all of XXX’s teachers detailing information on her hearing loss”.</p>
	<b>IEP</b>	<p><u>Service/Time Grid</u> must include category of the service.</p> <p>Dates for Service</p>	<p>For students receiving LD service – differentiate between Reading, Math, Writing</p> <p>Indicate service will be begin 14 days after the date you send the IEP. If parent returns the signature form giving permission to begin prior to the 14<sup>th</sup> day, you do not need to go into EZ and change the date.</p>
	<b>IEP</b>	<p><u>LRE</u> statement must include <b>HOW</b> much time the student is out of General Ed, <b>WHAT</b> the student will miss in the general education and explain <b>WHY</b> the student must be removed from the general ed to receive special education and related services.</p>	<p>“XXX attends social skill class once a week in the resource setting during his classroom story time to instruct him in coping strategies to deal with his anger.”</p> <p>“XXX has 5 classes in a general education setting and 1 in the special education setting. XXX has this Learning Center class in place of an elective. XXX needs this small group instruction with frequent repetition, reteaching and modified curriculum to improve his math skills.”</p>
		<p><b>Transition IEP</b> (9<sup>th</sup> grade)</p> <p>For the 3 transition areas – <b>Desired Outcomes</b> must be measurable, based on what the student “will” do <i>after</i> high school.</p> <p><b>Annual</b> measurable transition goals</p>	<p>Transition is a part of any evaluation for any student by age 14 or in 9<sup>th</sup> grade; we are required to include <b>two transition instruments</b> (minimum of 1 formal.)</p> <p>“XXX <u>will</u> attend a 2 year college”.</p> <p>“XXX <u>will</u> work in a supported vocational setting”</p> <p>“XXX <u>will</u> live independently with friends after college.</p> <p>The yearly “steps” designed to enable the child to achieve their education/training/independent living future goals. We are responsible to write and provide instruction for annual goals.</p> <p>Every Transition IEP <b>must</b> have an <b>Education</b> and an <b>Employment</b> goal.</p>

			<u>Course of Study</u> – includes classes and any activities (job shadow, volunteer, etc.) the student will participate in. Enter for all grades up to current year and predict for their next year.
	<b>Prior Written Notice for IEP (PWN)</b> (Notice of Proposed Service)	Must complete all <u>5</u> sections: 1) WHAT is being proposed?  2) WHY it is the district proposing this?  3) What other OPTIONS were considered <b>&amp;</b> why they were rejected?  4) What <u>information</u> the team used to decide on the proposed action?  5) Describe <u>other relevant factors</u> .	1) “The district is proposing to implement the IEP discussed at the IEP Team Meeting on October 14, 2009. Please see attached IEP.”  2) “XXX continues to have information processing and achievement difficulties related to math. He continues to demonstrate a need for specialized instruction.”  3) “The team considered less special education service and agreed that XXX needed the service reflected in the IEP developed on 10/14/09.”  4) “The team reviewed data from progress reports, parents, student, teachers, school record and current IEP manager to determine information in the attached IEP.”  5) “None” OR factors like language/cultural issues, communication concerns, health, behavior.
	<b>Progress Reports</b>	Include <u>date</u> , <u>progress</u> on goals/obj & <u>extent</u> to which progress is sufficient for student to meet goals by end of year. (IEP YEAR)	“Progressing” will NO longer be a dropdown option for goals since it does not give parent enough information.
	<b>Exit Evaluation and Summary</b>	<u>Exit process</u> : A public agency must evaluate a child with a disability before determining that the child is no longer a child with a disability  Exit Evaluation required <b>only</b> when dismissing a student from <b>ALL</b> special and related services.  IF dismissing from 1/some services include update and rationale in IEP present level & on PWN. NO Exit process needed.	5 documents - Team Meeting Notice, Evaluation Plan (check c), the Exit Evaluation and Summary, Progress report and Prior Written Notice (permission).  Exit evaluation may be a review of records as long as there is enough current data to document: * Student’s present levels of educational and functional performance, * Determination that the child is no longer a child with a disability, and * The student no longer needs special education and related services.
	<b>Manifestation Determination</b>	Within 10 school days of any decision to change the placement of a child with a disability because	“The IEP team has determined that that the student’s behavior of hitting another student <b>was</b> the result of the student’s disability. The student is non-verbal,

	<p>of a violation of a code of student conduct the LEA, the parent and relevant members of the child’s IEP team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the IEP teacher observations and any relevant information provided by the parents.</p> <p>Team will determine if the conduct <b>is/is not</b> a manifestation of the child’s disability</p>	<p>evaluation data indicates the student is unable to distinguish the difference between teasing and threats.”</p> <p>“The IEP team determined that when the student brought a knife to school, the behavior <b>was not</b> a part of the student’s disability. The student uses a wheelchair for mobility, there is no other disability of judgment type factors in the student’s history.”</p>
<p><b>Functional Behavioral Assessment (FBA)</b></p>	<p>An FBA includes the identification of events, times and situations that predict the occurrence and non-occurrence of the behavior .</p> <p>An FBA includes the possible <b>functions</b> of the behavior</p> <p>The FBA includes possible <b>positive behavior options</b></p> <p>An FBA includes a variety of data collection methods and sources that facilitate the development of <b>hypotheses</b> and <b>summary</b> statements regarding behavioral patterns</p>	<p>“The student leaves the classroom when reading loud activities are about to occur. When activities require silent reading the student stays in the classroom but puts his head down and does not participate in the activity. “</p> <p>“The student leaves the classroom when oral reading activities occur because he does not want to read out loud. The student reads three years below grade level and struggles with reading fluency when he reads a passage without practice in class.”</p> <p>“The IEP or behavior plan identifies behavioral skills being taught as identified by student’s behavioral needs. *XXX will identify when he is feeling so anxious he has to leave the classroom. When he has identified the feeling he will signal the teacher with a red card...”</p> <p>“The team observed the student in 3 classes , English, PE and Music. The student left the PE class without permission but stayed in the other classes...”</p> <p>“Hypothesis: The student is able to independently stay in classes where there is structure and individual and small group activities. In classes where there are multiple activities and a large group the student becomes overwhelmed...”</p>
<p><b>Behavior Intervention Plan (BIP)</b></p>	<p>The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. Intervention should focus on skills acquisition rather than merely behavior reduction or elimination</p>	<p><b>FBA would identify and describe the behavior</b>, the <b>BIP would outline the behavior skills to be taught</b> to the students. Team members should sign the BIP, especially if restraints are included.</p>

