

Do's and Don'ts for Compliance

Notice of Evaluation/Re-evaluation of Prior Written Notice (PWN) of Evaluation

Do

- ❖ Answer all questions
- ❖ More than “refer” to an attachment
- ❖ Include reasons for rejection
- ❖ List “Other Options” – there are *always* options

Don't

- ❖ Leave any blanks
- ❖ Say “See attached”
- ❖ Say “none” (applies to numbers 1-4 above)
- ❖ Use “pull downs from Sped Forms” until further notice

1. *Description of action proposed or refused*

Compliance:

The district is proposing to conduct a reevaluation. See evaluation plan below.

<i>Area</i>	<i>Assessment/Tools</i>	<i>Evaluators</i>
Academic Functioning	Woodcock-Johnson III	School Psychologist
Communication	Expressive One Word Picture Vocabulary Test	Speech/Language Pathologist

Non-compliance:

- See attached evaluation plan.
- The district is proposing to evaluate the student.

2. *Explanation of why agency proposes or refused action*

Compliance:

- Three years will have passed since the student's last evaluation.
- Pre-referral interventions were unsuccessful.

Non-compliance:

- It's time.
- See attached.
- Writing nothing
- Other options were rejected

3. *Description of each evaluation procedure used as a basis for the proposed action*

Compliance:

- Student did not respond to pre-referral interventions and parents have requested the student now be evaluated.

Non-compliance:

- We are proposing to conduct the assessments listed in the attached plan.
- 2006 ER, classroom observations
- Writing nothing

4. *Description of other options considered or rejected – and why*

Compliance:

- The team considered adding an additional assessment to the evaluation plan, but decided against that option because all educational needs could be determined without the additional assessment.
- The team considered delaying the evaluation until another pre-referral intervention was implemented, but decided against that option because the student's behavior has made the need for evaluation urgent.

Non-compliance:

- The team considered all relevant options.
- None

5. *Description of any other factors relevant to the proposed action*

Compliance:

- The student is an English language learner, and English is not spoken in the student' home.
- None (if there are no other factors)

Non-compliance:

- Writing nothing
- None (if there are other relevant factors)
- Student is a sweet child and a joy to have in class.

Prior Written Notice (PWN) of IEP

Do

- ❖ Answer all questions
- ❖ More than “refer” to an attachment
- ❖ Include reasons for rejection
- ❖ List “Other Options” – there are *always* options

Don't

- ❖ Leave any blanks
- ❖ Say “See attached”
- ❖ Assume parent already knows why
- ❖ Say “none” (applies to numbers 1-4 above)
- ❖ Use “pull downs from Sped Forms” until further notice

1. Description of action proposed or refused

Compliance:

- The district is refusing the parent’s request to change the student’s placement to a less restrictive setting.
- The district is proposing to implement the IEP agreed upon at the 10/15/08 IEP Team Meeting. Please see attached IEP.
- The district is proposing to add 60 minutes per week of speech therapy service. The district is also refusing the parent’s request to add a full time paraprofessional to the student’s program. Please see attached IEP.

Non-compliance:

- See attached IEP
- Revised IEP
- Writing nothing

2. Explanation of why agency proposes or refused action

Compliance:

- The student is not making sufficient progress toward her speech goal.
- The student is on track to reach his goals by the end of the year, so no additional services are necessary.
- The IEP Team decided that the services reflected in the proposed IEP (attached) are appropriate for the student.

Non-compliance:

- It’s time
- See attached
- Writing nothing

3. *Description of each evaluation procedure used as a basis for the proposed action*

Non-compliance:

- IEP, classroom observations
- See attached IEP
- None

4. *Description of other options considered or rejected – and why*

Compliance:

- The team considered placing the student in a level 4 setting, but decided against that option because the student is able to make sufficient progress in the level 3 setting.
- The team considered reducing the child's direct service time, but decided against that option because the team continues to feel that the amount of services are appropriate.

Non-compliance:

- None
- The team considered placing the student in a level 4 setting.
- The team considered all relevant options.

5. *Description of any other factors relevant to the proposed action*

Compliance:

- Student is an English language learner, and English is not spoken in the student's home.
- None (if there are no other factors)
- Student has private therapy sessions twice a week in the afternoon.

Non-compliance:

- None (if there are other factors)
- Team considered other factors
- Writing nothing

Evaluation Materials and Procedures

Do

- ❖ Say “special education teacher” on eval plan
- ❖ Consider other factors (i.e., ELL/LEP, health/medical, vision/hearing)
- ❖ Ensure appropriately licensed teacher of suspected disability is on the team
- ❖ Be specific on existing data reviewed
- ❖ Enter due dates on Sped Forms
- ❖ Assess need for assistive technology

Don't

- ❖ Say “special education staff”

Compliance:

- A statement was found in the Evaluation Report that there was no need to administer evaluation materials in the pupil's native language.
- A statement that race and culture were addressed and found not to be discriminatory factors in the assessment procedures.

Evaluation Report

Do

- ❖ ***Follow SPEDFORMS template by DISABILITY***
- ❖ ***Always open a NEW ER Template for each ER***
- ❖ **Insert the following statement under Existing Data, Current Evaluation Results and Interpretation**
 - The test(s) administered and results obtained were valid for the student and for the purpose for which they were intended.
- ❖ Write a justification/explanation statement under each area of criteria
- ❖ Add WJ-III Chart from Sped Forms Templates
- ❖ INSERT & MODIFY this statement:
 - The Woodcock-Johnson Tests of Achievement III (WJ-III) were administered to assess STUDENT'S general achievement levels in the areas of reading, written language, and math. (DESCRIPTION OF CHILD'S TESTING BEHAVIOR) The results obtained from the WJ-III tests are considered (VALID/NON-VALID) concerning STUDENT'S current academic achievement levels. Scores from 90-110 are considered average. The WJ-III results are as follows:
- ❖ Pull summary of results from WJ-III report
- ❖ Include FUNCTIONAL SKILLS (i.e. study skills, adaptive behaviors, etc.)
- ❖ Include OT/PT/DAPE under the MOTOR section
- ❖ TRANSITION ER must contain at minimum one standardized assessment
- ❖ Insert criteria for all areas met
- ❖ Check grammar and spelling
- ❖ Consider "do student needs support the necessity of specialized transportation?"
- ❖ Consider modifications/accommodations/LRE
- ❖ Consider educational needs that derive from the disability
- ❖ Consider Assistive Technology
- ❖ Include present levels in addition to test data (describe how child's disability affects involvement and progress in general curriculum)

Don't

- ❖ Change state criteria
- ❖ Include things that are not on the evaluation plan
- ❖ Use the RtI Template for SLD Evaluation

Compliance:

- Information obtained through evaluation is synthesized and integrated into one comprehensive Evaluation Report that is easily read and understood by parents and is useful in determining needs derived from the disability.
- Information in the report provides comprehensive information that adequately describes the student's skill, strengths and weaknesses.
- The Evaluation Report includes how the child's disability affects his or her involvement and progress in the general curriculum (i.e., the same curriculum

for non-disabled children). This may include information concerning the pupil's academic achievement, social adaptation and how the child's behavior impedes his or her learning or that of others, vocational skills, sensory and motor skills, self-help skills, language and communication needs, and speech and language skills.

- Statements contained in the ER address the child's educational needs that result for his or her disability.
- Need statements are written that address concerns that allow the child to participate and progress in the general curriculum.
- Statements contained in the ER draw upon information from a variety of sources.
- Shortened reading and writing assignments.
- Test questions read/explained to the student, when he asks.
- Reducing the difficulty of assignments.
- Reducing the reading level.
- Using a student/peer tutor.
- Allowing answers to be given orally or dictated.
- Using a word processor for written work.
- Using sign language, a communication device, Braille or native language if it is not English.

Non-compliance:

- Information written in the PWN/Evaluation Plan as part of the assessment is not written in the Evaluation Report.
- If there are a number of individual reports written, but the information is not synthesized and integrated into one comprehensive Evaluation Report.

IEP

Do

- ❖ Ensure required team members attend meeting

Compliance:

- Parent(s) of the student.
 - General education teacher.
 - A licensed special education provider.
 - The student (by age 14 or grade 9).
 - A representative of the district.
 - Teacher licensed in student's disability.
 - A transition service provider/payer.
 - For student enrolled in a private school, a representative of the school.
 - For a student in out of district placement, a representative from the outside district, agency or academy.
 - For a student transitioning from part C or part B, a service coordinator or other representatives of the part C system by parent request.
- ❖ Ensure absent team member form is filled out, signed and filed
 - ❖ Ensure Agreement Regarding IEP Team Member Attendance is filled out and signed

Points to Consider:

- Include documentation of a written agreement between the LEA and parent(s) to excuse a team member.
- Include documentation of an absent member submitting written input to the parent(s) and the IEP team prior to the IEP team meeting when that member's area of expertise was to be discussed or modified during the meeting.
- Parents must be informed that they do not need to consent to the excusal and that instead the meeting can be rescheduled. Parent can revoke their consent at anytime.
- When a discretionary member is unable to attend the meeting, it is not necessary to obtain a written agreement or consent from a parent. The parent may ask for the meeting to be continued so that this member can attend.

- ❖ Ensure PLAAFP is clearly stated

Points to Consider:

- Address educational needs within PLAAFP statements.
- Make sure to consider other special factors.
- Student behavior using positive behavioral interventions.
- Language needs for students with limited English proficiency.
- Braille skills and assessment for student with visual impairments.

- Language and communication needs for students who are deaf and hard of hearing.
- Information from ER, IEP or other documents that are not addressed in order to meet students' needs to allow progress in general education.

Compliance:

- Max is bright and knows many mechanics rules. He correctly capitalizes and uses appropriate ending punctuation for all of his sentences. However, in a recent writing sample, he was unable to spell sight words such as “could” and “respect” as well as many of the shorter words (five letters or less). Due to his written expression difficulties he will need to continue work on spelling.
- Karen is not turning in or completing assignments and is receiving failing grades. This is interfering with her being able to perform better on written assignments. On assignments she turns in she was able to improve her ability to write a paragraph. She is unable to progress beyond a one paragraph assignment.

Non-compliance:

- Jamal is presently a 10th grade student. Last year his grades were mostly A's and B's. His low ability is in reading.
- PLAAFP statement says “See ER” and the Evaluation Report is dated over a year ago.
- Franklin has a good color-coded folder system that he uses, but some organizational problems still exist.

- ❖ Ensure PLAAFP relates to the ER
- ❖ Ensure PLAAFP contains data that reflects current performance in general and special ed
- ❖ Ensure PLAAFP includes how needs impact general education
- ❖ Ensure goal relates to data found in PLAAFP
- ❖ Ensure goals are measurable and include a baseline within the IEP

Points to Consider:

- Goals must be measurable and include a baseline within the IEP in order to measure goals. Each goal must include at least 2 short-term objectives.
- A measurable starting level must be included in the PLAAFP or annual goal. The annual goal must include a measurable ending level.
- The annual goal(s) must be able to be accomplished within one year based on the FLAAFP or progress reporting data.
- Measurable annual academic and functional goals drive the services in the IEP. For transition age students, the measurable postsecondary goals will drive the annual goals and activities.
- The measurable academic and functional goals should meet all of the student's needs that result from his or her disability.
- The goals must include benchmarks or short-term objectives that will demonstrate whether the student is making progress toward the goal.

Typically, the benchmarks or short-term objectives will identify how progress toward the annual goal is measured.

Compliance:

- When give a 3 paragraph writing assignment, Martha will include a topic sentence and at least 3 supporting details and progress from 50% to 85% accuracy over 2 trials as measured by data collection from written assignments, tests and charting.

Non-compliance:

- Goals are not measurable and/or addressing all needs.
 - Tina will pay attention and not disrupt the class.
 - Micah will read at the same level as his peers.
 - Brenda will be reading at a 4th grade level.
- ❖ Ensure each goal includes two short-term objectives

Don't

- ❖ Write annual goals that relate to attendance, passing state assessments, earning passing grades (these are goals for ALL students)

LRE

Compliance:

- Due to Sarah's significant information processing deficits in the areas of auditory acquisition and organization related to sequencing letters and words, she needs small group instruction with repeated directions in multiple formats. Therefore, Sarah will receive her reading instruction in the special education classroom.
- Jim needs intensive social skills instruction and practice in a small group situation in order to improve his ability to resolve conflict and cooperate with peers. He will receive this instruction from the social worker during his study hall.

Non-compliance:

- Dan will spend no less than 79% of his school day in a general education setting with his peers. He will receive the majority of his special education services in the general education setting.
- Sue needs a quiet environment with few distractions in order to progress in her academics. She will use the resource room to organize her materials and complete classroom assignments.

Do

- ❖ Include specific statement of what student is missing in general education and to what extent

Related Services/Modifications

Do

- ❖ Include a statement of special education and related services for the child

Compliance:

- Leah will have a picture schedule and color coded folders for each class to assist her with organization.
- Tyrone will need a copy of teachers' notes for all classes. He will receive extra time to complete all assignments requiring writing more than one paragraph. For writing assignments longer than one page, he may use the library or his personal word processor for taking accurate notes and completing writing assignments.

Non-compliance:

- Steve may access the resource room for homework assistance and emotional support as needed.
- Jill will receive curriculum and grading modifications as needed in classes requiring reading, math and written expression.

- ❖ Address program adaptations and modifications for the child
- ❖ Ensure modifications are linked to the evaluation report findings
- ❖ Be specific as to when and where
- ❖ Be specific as to the duties of the paraprofessional

Compliance:

- Dan will receive 1:1 paraprofessional support in each of his regular education classes due to his significant behavior needs in the areas of self-regulation. The paraprofessional will provide behavioral redirection, visual calming cues in the form of picture cards provided by the special education teacher, and sensory breaks to reduce his stressful reaction when over-stimulated.

Non-compliance:

- Dan needs a 1:1 paraprofessional due to his lack of impulse control and understanding of non-verbal social cues and physical proximity to others.
- Mia will have the assistance of a paraprofessional with her throughout the day.

- ❖ Explain how school personnel will be supported and add that to indirect minutes on service grid

Record Review Points to Consider:

- Supplementary aids and services means aids, services and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.
- Program supports include indirect services and other supports to assist teachers and other people working with the student, and specialized training for groups of staff.

- If the IEP documents a child’s need for modifying instructional delivery in the regular education classroom, it must also document the support(s) to the regular education teacher(s), including training on how to modify the instruction and/or the specific modified curriculum techniques or materials necessary for the child to participate and progress in general education.
- ❖ If special transportation box is checked yes—explain (consider Sped Forms drop downs)
- ❖ For ESY, check transportation box Yes and explain that services are provided at an alternate site and no general ed busses are available

Don’t

- ❖ Use “as needed” or “when required”
- ❖ Refer to ESY as ‘summer program’, ‘summer school’, etc.
- ❖ Offer a choice regarding ESY

Transition

Do

- ❖ Write measurable post-secondary goals

Record Review Points to Consider:

- Measurable postsecondary goals drive the annual transition goals. Annual goals related to transition are the yearly “steps” designed to enable the child to achieve their postsecondary goal(s).
- Annual goals must sufficiently address the child’s transition needs. They must be updated or revised annually.
- Academic and/or functional goals may be written in a transition-oriented way that addresses academic and/or functional needs and one or more postsecondary needs.

Compliance:

- After graduation, Jamal would like to obtain a bachelor’s degree in computer science.
- After graduation, Maria would like to pursue an internship in the field of advertising while she attends post-secondary school part-time.
- Karen will improve her ability to self-advocate from her current level of knowing her disability category (SLD), to being able to verbally express her areas of academic strengths and weaknesses as they pertain to needed adaptations and modifications in the educational environment.
- Danny will increase his awareness of employment options and needed qualifications related to computer science from knowing two professions and knowing 4 professions and the required qualifications for each.
- Kelly will improve her essay-writing skills from currently being able to generate a two paragraph cohesive written essay with 4 or more spelling or grammatical errors to writing a 4-paragraph cohesive essay with no grammatical or spelling errors.

Non-compliance:

- After graduation, Danny will participate in a variety of indoor and outdoor leisure activities.
- After high school, Mia is unsure of what she would like to do as a profession.

- ❖ Include course of study for the following year

Record Review Points to Consider:

- “Courses of Study” means the series of courses and experiences that the student needs to achieve his/her desired post-school goal(s).
- The courses of study should show a direct relationship between the student’s educational experience in high school and the student’s measurable postsecondary goals.

Other Points to Consider:

- Courses of study should not be simply a recording of classes already taken, but a long range educational plan that is a projection of future coursework, updated annually.
- Examples of courses of study include:
 - Specific courses/classes (functional or academic)
 - Job shadowing or work-based learning
 - Vocational, technical classes
 - Instruction in daily living skills, personal and community safety, shopping and budgeting, and other topics related to community living.

❖ Transition services

Record Review Points to Consider:

- Transition services must specifically address postsecondary goals and sufficiently enable the child to advance appropriately toward attaining their postsecondary goals.
- Transition services, if specialized instruction, must be documented in the IEP services grid, but details of services may also be included in other sections of the IEP.

Progress Report

Do

- ❖ Must report as often as non-disabled peers

Compliance:

- Written reports will be given quarterly, as with the regular education students and once orally during the annual IEP meeting.
- Four times per year in writing.

Non-compliance:

- Front of IEP: progress will be reported 4 times per year through conferences, phone calls, *and/or* written reports.
- Progress Report: Report including goals from IEP with no documented progress – if a goal is written, progress must be documented.
- Progress Report: Phone log which includes when parents were contacted, but does not include information on what was discussed during the conversation. (Sped Forms has communication log)
- Progress Report: Report does not determine that this progress is sufficient for student to achieve the goal by the end of the year. If insufficient progress, IEP team should meet and consider change.

- ❖ Be specific
- ❖ Report data as it relates to the goals
- ❖ Revisit IEP goals and instructional strategies if no progress is being made
- ❖ Use the Communication Log (Sped Forms) to document discussion/conversation

Don't

- ❖ Use “and/or” when stating how progress will be reported
- ❖ Write “didn't get to this”

Transfer of Rights

Do

- ❖ Complete form in Sped Forms before 17th birthday
- ❖ Inform parents/student one year prior to age of majority
- ❖ Include a statement on team meeting notice

Don't

- ❖ Forget to do this one year prior to age of majority

Points to Consider:

- Beginning no later than one year before the student reaches the age of majority under state law, the IEP must include a statement that the child has been informed of the student's rights, if any, that will transfer to the student on reaching majority.
- The rights transfer to the student, even if the student is incarcerated in an adult or juvenile state or local correctional institution.

Modification of Assessment

Do

- ❖ Complete every box on Sped Forms
- ❖ Connect modifications to student needs on IEP
- ❖ Modifications must be necessary for all testing situations during the year
- ❖ Check with your district assessment coordinator if you have questions

Don't

- ❖ Just check the box

Transfer Students

Do

- ❖ Refer to TSES manual for detailed information
- ❖ Check with your special ed coordinator

ESY

Record Review Points to Consider:

- If the IEP team determines ESY services are necessary, the projected start date, anticipated frequency, duration, and location of the recommended services must also be documented on the IEP services grid, and if transportation is necessary.

Points to Consider for DCD, ASD and DD:

- This citation refers to attainment and maintenance of self-sufficiency services that the IEP team deems necessary due to the critical nature of the skill addressed by an annual goal, the child's age and level of development, and the timeliness for teaching the skills.

Points to Consider for All Other Criteria:

- This citation refers to a significant decline in the performance of a skill or acquired knowledge, specified in the annual goals, that occurs during an instructional break and requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate.

Points to Consider When Changing Settings:

- Despite a significant decline, the IEP team may have determined ESY services were not necessary in order to provide FAPE to the child; however, documentation to this effect must be reflected in the child's file.