



**The Arc**<sup>™</sup>

*Oakland County*

# I.E.P. 101

“I.D.E.A. 1997”

*(Individuals with Disabilities Education Act of 1997)*

“I.D.E.I.A. 2004”

*(Individuals with Disabilities Education Improvement Act of 2004)*

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Revised: 2/17/2012

# Learning Highlights

- Brief History of Special Education Law
- The Concept of “Zero Reject”
- Parental Participation and Shared Decision-making
- Appropriate Program and Placement
- Least Restrictive Environment (“LRE”)
- Inclusion & Mainstreaming
- Ancillary and Related Services
- Termination of Special Education
- Due Process
- Transition Planning
- Suspension & Expulsion
- I.D.E.I.A. 2004 Highlights
- Importance of General Education Teachers to Special Education
- New (2010) Model Form for I.E.P. Team meetings
- Advocacy tips for parents

# Historical Perspective

- The Individuals with Disabilities Education Act (IDEA), originally a **federal law passed in 1975** (P.L. 94-142) and re-authorized by Congress in 1990 (P.L. 101-476), in 1997 (P.L. 105-17), and again in 2004 (P.L. 108-446) mandates that all children receive a “*free, appropriate public education*” (FAPE) regardless of the level or severity of their disability.
- **Michigan** pre-dated this federal legislation with P.A. 198 of **1971**, later amended by P.A. 451 of 1976; both commonly known as the Michigan Mandatory Special Education Act (MMSEA).

## History (continued)

- These federal and state laws provide funds to assist in the education of students with disabilities and that these students receive an **individualized** education program based upon their unique needs (in Michigan, “... program designed to develop the student’s *maximum potential ...*”) in the *least restrictive environment* possible.
- Each law provides for ancillary and related services and outlines a due process procedure to make sure these needs are adequately met.

## History (continued)

- Federal law now provides for special education from birth through age 21 in all states, however, Michigan has always provided such education from **birth through age 26**.
- Parents and professionals must be aware of I.D.E.A. because it is typically the **initial entry point** into the realm of special education and the service delivery system for community-based mental health programs.

## History (continued)

- The special education laws are quite complex and the courts have interpreted a myriad of issues arising from this landmark civil rights legislation. Parents and professionals must become knowledgeable about these laws in order to make wise choices.
- Major changes with the I.D.E.A. re-authorization of 1997:
  1. Cessation of education services prohibited.
  2. Emphasis on education results.
  3. Increased parental programming.

## History (final)

4. Improved individualized programming.
  5. Increased reliance on mediation to resolve disputes.
  6. Expanded and stricter discipline provisions.
  8. New funding formula.
  9. Revamped special purpose programs.
- Major changes with the I.D.E.I.A. re-authorization of 2004:  
(to be discussed in detail later in this presentation)

# “Zero Reject”

- Premise of IDEA: “... to exclude NO child with a disability from receiving an education ...”
- Basic assumption, or else the entire IDEA concept falls apart, is that *all children can learn* something, therefore there is a reason to give education services.

# “Zero Reject” (continued)

## Functional Exclusion

- Prior to IDEA (“EACHA”) in 1975, states and local school districts would think all sorts of reasons NOT to educate students with special needs:
  - *“unable to benefit from education ...”*
  - *“could not function within society ...”*
- ... remember the Tom Hanks movie “Forrest Gump” how his mother (Sally Field) had to resort to extraordinary means to get her son into school because of the principal’s bias?

## “Zero Reject” (continued)

- The intent of this landmark legislation was that “*no handicapped child is to be excluded from a school where federal funds for education to the handicapped are received.*” Thus, the federal educational policy of “Zero Reject” was born.

# “Parental Participation & Shared Decision-making”

- The IDEA is not supportive of unilateral decision-making in or by the schools. The legislative intent is that parents, **all teachers**, school administrators, therapists, advocates, and so on, work collectively on behalf of the child with special needs.

# “Parental Participation & Shared Decision-making”

## IDEA 1997

- Allows for **increased parental input** in the MET and IEP process ... **a team approach!** Prior to 1997 parents were NOT a part of the Multi-Disciplinary Educational Team (“MET”) that recommended eligibility and programming to the IEPT. Now, parents may submit their own reports and written input to the IEPT, such as, goals and objectives that should be considered. Parents have always had the right to submit reports or assessments of other private professionals like psychologists, OT’s, PT’s, speech therapists, etc.

# “Appropriate Program & Placement”

- Why is **testing** required?
  - plan, program for, and appropriate funds
  - provide appropriate services
  - obtain baseline for determining eligibility
  - comply with laws for census & service
  - evaluate educational system itself
  - legitimize bureaucratic reasons for services
- ... *testing should avoid racial or cultural bias; be done in native language or using a mode of communication that is appropriate for the student; part of a complete individualized evaluation.*

# “Appropriate Program & Placement”

- Federal (IDEA) standard for “appropriate”:
  - IDEA does not provide an exact definition of the term. It suggests that an appropriate education must meet state standards and conform to the student’s individualized education program (IEP). The key to “appropriateness” is that *the education program must be designed to meet the **UNIQUE** needs of the student.*
  - Therefore, the issue of an “appropriate” program is forever mired in the interpretation of educators, parents and the courts on a case-by-case basis.

# “Appropriate Program & Placement”

- Michigan law requirements of “appropriateness”:
  - In the MMSEA, the standard for appropriate services is different and stricter. It states that special education programs and services must be designed to develop the student’s *“maximum potential.”*
  - Michigan courts have never really precisely defined this term, but several state courts have found Michigan’s standard to be higher than that of IDEA.
  - Perhaps Michigan is akin to the U.S. Army’s old recruiting slogan of helping the student “be everything that he or she can be?”

# “Least Restrictive Environment”

IDEIA & MMSEA state that students must receive appropriate services in a setting that places the least restriction on his/her interaction with non-handicapped students **unless** inappropriate despite provision of supplemental aids and services.

Sacramento City Unified School District v. Rachel H.  
(1994; USCoFA)

- There is a “rebuttable presumption” that **special education is to be delivered in a regular classroom environment.** School districts must consider the following four-factor balancing test in order to assure compliance with the dictates of the federal law:
  1. The educational benefits of placement full-time in a regular class;

# “Least Restrictive Environment”

2. The non-academic benefits of such a placement;
3. The effect the student with special needs had on the teacher and children in the regular class; and
4. The costs of mainstreaming/including the student with special needs.

## The Inclusion Debate

- Those who advocate say ...
  - Education with peers is a human right
  - All students benefit from inclusive education
  - Pull-out services cause fragmentation
  - Good teaching is good teaching

# “Least Restrictive Environment”

- The challenges are that ...
  - Students’ unique needs must be met
  - Some students might require specialized settings
  - Some services highlight student differences
  - Teachers may not be prepared to teach students with disabilities
  - Support services are critical

# “Ancillary And Other Related Services”

- Any student who needs specially designed instruction to meet his or her unique needs is eligible for special education and ancillary and other related services.
- Important point: the key to eligibility for a specific ancillary/related service is that the IEPT must determine that the **service is necessary to allow the student to *BENEFIT FROM* special education.** Schools do not deliver a “medical” model.

# “Termination From Special Education”

- General Rule - If a student cannot complete a “normal course of study,” he/she cannot be graduated (receive a HS diploma) and remains eligible for services until the age of 26.
  - In Michigan, students incapable of completing vocational training remain **eligible for special education services until age 26**. The student must achieve sufficient physical education, personal adjustment education, pre-vocational and vocational education even if enough academic credits are received.
  - Since **compulsory education** in Michigan is between the ages of 6 and 16, a special education student can voluntarily withdraw, graduate with a HS diploma; or age out at 26.

# Due Process & The I.E.P.T

- **Fairness** - a right of a citizen to protest, before a governmental entity takes action with respect to him/her; following the “rules of the game.”

## Examples:

- Miranda warnings
- Guardianship, Chapter 6 of MI Mental Health Code
- IDEA rules for notice, appeal, timelines, guarantees: access to records, independent evaluations, complaints
- **Burden Of Proof** - generally in IDEA, the party bringing the action or appeal has the burden of proof; they “go first.”  
two legal standards: “beyond a reasonable doubt” (criminal) and “preponderance of the evidence” (civil).

# Due Process & The I.E.P.T.

- Due Process Hearing and Beyond
- The I.E.P.T. is the starting point for ALL due process appeals within IDEA. You cannot “jump” directly into the regular state or federal courts unless you have first “*exhausted all administrative remedies.*” This means that before one can access the court system, the following steps must be made:
  - complete an I. E. P. T.
  - appeal to a Local Hearing Officer (LHO)
  - appeal to a State Level Review Officer (SLRO)

# Due Process & The I.E.P.T

- A due process hearing is an appeal from the recommendation of the IEPT. Basically, only two parties to an IEPT can appeal, the parent or the school district.
- A parent historically has had 10 days from the completion of the IEPT (now, “Offer of FAPE”) to make a decision whether to seek an appeal ... this rule is quite flexible because a parent can ask for an IEPT at any time anyway! However, the IEPT is implemented automatically after 15 days of the IEPT if nothing is done.
- Hearing Officers must be impartial; either mutually selected or assigned by the MI Department of Education if the parties cannot agree. “Many are trained, few are called!”

# Due Process & The I.E.P.T

- **Hearable Issues** included under the IDEA:
  - Free, Appropriate, Public, Education (FAPE)
  - eligibility/classification (evaluation)
  - placement
  - the Individualized Education Plan (IEP) itself
- The **reality of hearings**:
  - financial drain (parents & schools) (\$15K for 3-4 days)
  - emotional/psychological costs (parents & teachers)
  - time and effort (everyone)
  - lost education (student)

# Due Process & The I.E.P.T

- Attorney fees - Since 1986 P.L. 99-372 (Handicapped Children's Protection Act), attorney fees have been allowed to parents who "PREVAIL" after the due process matters are complete. However, if the parents do not prevail at due process, they must pay their own attorney and it can get costly. Special Education law is complex and not something most lawyers know anything about. Fees of \$200 to \$250 and hour are not unheard of in this area of the law.
- IDEA 1997 further restricted the availability of attorney fees to only after a local hearing and beyond.

# “Complaints”

- State level complaints
  - A complaint is a specific written and signed allegation by an agency, a private individual, or an organization that there is an uncorrected violation, misrepresentation, or misapplication of any of the state Rules, ISD or MI DOE Plan, state’s use of federal funds, IDEIA and its Regulations, Provisions of the IEP, or the implementation of an ALJ’s decision.

# “Complaints”

- Federal level complaints
  - The U.S. Department of Education, Office of Special Education (OSEP) investigates all complaints of non-compliance with IDEA and its Office of Civil Rights (OCR) handles violations of §504 within educational programs. Such a complaint is usually filed if you are dissatisfied with the results of a state IDEA investigation.

# “Transition”

- “Transition Services” within the IDEA are meant to provide the necessary linkages between school services and post-school services. This includes linkages with other community or state agencies that may have a responsibility to provide services for the student. Also, these services should provide the necessary educational experiences so that students with disabilities do not drop out of school prior to completing a program that will help prepare the student to work and live in the community.

# “Transition”

- The IEP for each student, beginning no later than age 16, must include a statement of needed transition services, including, if appropriate, a statement of each agency’s responsibilities or linkages, or both, before the student leaves school.
- “Transition Life Plan” - should be done separately from the IEPT, but normally included as an integral part. It should look at the domains of: financial; residential; leisure-recreational; employment-vocational; and community services.

# “Suspension & Expulsion”

- **Short-term Suspension**

- > The temporary (10 days or less) removal of a student from school for:
  - ➔ “... gross misdemeanors or persistent disobedience ...”
  - ➔ this phrase is defined by your school board
  - ➔ consecutive or non-consecutive
  - ➔ based in School Code of 1976 (Part 16 of PA 451 of 1976)
- > Short-term suspension does NOT require an IEPT because there is not change in educational placement.
- > Although not immediately required, an IEPT is a good idea when a suspension occurs to alleviate problems when minor. The team needs to help the student effectively deal with the behavior.

# “Suspension & Expulsion”

- > All students must receive the following minimum due process safeguards before a suspension (short or long-term):
  - (a.) hear the charge(s);
  - (b.) hear the evidence;
  - (c.) given an opportunity to present his/her side of the story.
  
- ➔ Goss v. Lopez (1975; USSC) - students have a “property right” to an education; cannot be taken away without minimal due process.
  
- ➔ **“Emergency Removal”** - where student’s presence poses a substantial likelihood of an injury to him/herself or others (threat to safety).

# “Suspension & Expulsion”

- ➔ **“Transportation Suspension”** - does not deny the student from attending school. The district must find alternative methods for transporting the child to school (e.g., parent drives, cab, etc.)
- ➔ **“One-Hour of Suspension Rule”** - there is no such thing! A suspension for any length of time during the school day is considered a day of suspension. The State Board of Education does not intend to count minutes of suspension.
- ➔ **“In-School Suspension”** - denying a student an opportunity to be in his/her IEPT-determined setting because of the school’s reaction to inappropriate behavior, means a suspension occurs. However, it is allowable for the student to work on IEP-based work in the principal’s office or similar place.

# “Suspension & Expulsion”

- **Long-term Suspension Or Expulsion**

(☞ If it is not obvious at this point, students with disabilities are treated differently than the general education children when it comes to suspension and expulsion rules. Why? Well, it all goes back to when school districts would exclude a child with a disability for any reason. The IDEA intentionally makes it difficult so as to protect rights.)

- > Suspension of more than 10 days.
- > These are considered “changes of placements,” and therefore it must be an IEPT-based decision process.
- > Only school boards can decide to implement a recommendation for a long-term suspension and/or expulsion.

# “Suspension & Expulsion”

## “The Manifestation Determination”

- ◆ An IEP-Team convenes (parents, school and other qualified personnel allowed to attend, including advocates and behavior experts).
- ◆ The IEP-Team must review, in relationship to the student’s inappropriate behavior:
  - ← evaluations and assessments
  - ← observations
  - ← eligibility, program and placement
  - ← given the disability, does student understand the consequences of his/her actions? (know right from wrong?)
  - ← disability prevent student from controlling his/her behavior?

# “Suspension & Expulsion”

- ◆ If the negative behavior is found to be related to the disability, then no long-term suspension or expulsion can occur. FAPE still applies. A behavioral intervention plan is necessary for the IEP to consider.
  
- ◆ The landmark case law on the subject:
  - Honig v. Doe (1988; USSC)**
  - > **Facts:** San Francisco Unified School District; expels 2 emotionally impaired students indefinitely for violent and disruptive conduct related to their disabilities. “Doe” choked a student and kicked out a window. “Smith” abused as a kid; hyperactive; vocally hostile; stole and extorted money from fellow students; sexual comments to female classmates.

# “Suspension & Expulsion”

- > **Issue:** Whether a school district is allowed to unilaterally exclude disabled children from classes for dangerous or disruptive conduct because of their disabilities during the pendency of due process review?
  - ← All federal courts decided in favor of Doe and Smith.
- > **Outcomes:** (1) The courts unequivocally stated that the “*stay put*” clause in IDEA means just that! The student remains in his/her then current educational placement pending the completion of due process. (2) Local courts can issue a “temporary injunction” to remove a dangerous student IF school can show that keeping the student in school is “substantially likely to result in injury to himself or others.”

# “Suspension & Expulsion”

- ◆ If the IEP-Team finds no “manifestation” of the disability being the source for the behavior, then:
  - (a) Parent/student can receive an expedited appeal hearing.
  - (b) Student remains in an interim alternative educational setting pending the hearing officer’s decision or the expiration of 45 days (another hearing is necessary to extend this time period).
  - (c) No expulsion for long-term suspension until all appeals are finished.
  
- ◆ IDEA 1997 changed to Suspension and Expulsion rules:
  - (1) Schools must conduct a “functional behavior assessment” and a “behavioral intervention plan” with ANY suspension.

# “Suspension & Expulsion”

(2) School Districts can suspend if:

(a) short-term suspension of 10 days or less;

(b) 45 days or less if:

↓ guns or weapons are involved; or

↓ drugs (possession/use/soliciting) are involved; or

↓ “substantially likely to injure self or others.”

(3) Definition of “Substantially Likely to Injure:”

☐ only a hearing officer can make this decision.

☐ need substantial evidence to demonstrate this; somewhere between “preponderance of the evidence” (civil standard) and “beyond a reasonable doubt (criminal standard).

# “Suspension & Expulsion”

- ☐ IDEA 1997 standard of proof is stricter than Honig.
- ☐ Consider the appropriateness of the placement.
- ☐ Consider school’s efforts to minimize risk (e.g., isolation via a study carrel; 1:1 aide; detention; loss of privilege (e.g., sports, prom) - BUT ALWAYS CARRY OUT THE I.E.P.!
- ☐ Consider the level of disruptive behavior.

(4) A child not yet eligible for special education services who engages in behavior that violates the “gross misdemeanors or persistent disobedience” standard, may assert IDEA protections for suspension and expulsion if the district “had knowledge of the child’s disability” through past behavior, parent or teacher input, etc.

# A New I.D.E.A.

Individuals with Disabilities Education Improvement Act  
of 2004

# I.D.E.I.A. (P.L. 108-446) reauthorized I.D.E.A. 1997

- The IDEA 1997 legal requirements were for the most part left in place, but many new provisions took effect on July 1, 2005. Highlights of these changes follow:



- **Highly Qualified Teachers** - redefines the education levels and certifications necessary for special educators who teach core academic subjects.
- **Fixed Fiscal Authorization Levels** - specifically sets spending authorizations for the next six fiscal years (e.g., \$12.4 billion in FY2005, and increasing each year to \$26.1 billion in FY2011), as opposed to annual line-item budget battles.

- **Performance Goals and Indicators** - the new law requires that performance goals and measures be the same as the State's definition of adequate yearly progress (AYP) for *all* children under the No Child Left Behind Act (NCLB), which would include a State's objectives for progress by children with disabilities.
- **Participation in Assessments** - IDEA 2004 makes mandatory that all children with disabilities be included in all State and district-wide assessments, including those under NCLB, with accommodations or alternative assessments if necessary and as included in the child's individualized education plan (IEP).

- **Initial Evaluation and Reevaluations** - local districts are required to conduct a full and individual initial evaluation of a child *before* providing special education and related services, and to conduct re-evaluations *as warranted*. IDEIA 2004 no longer requires a *mandatory* three-year reevaluation, and prohibits reevaluations more frequently than once a year unless the parent and local district agree.
  - ❖ *Review of Existing Evaluation Data (“REED”)* - process whereby the IEP Team reviews existing evaluation data to make various decisions about a student; at initial, re-eval, and termination of eligibility.
- **Transition Planning** - the requirement that the IEP contain a statement of “transition service needs” (from school to employment or independent living) now must occur “*not later than the first IEP in effect when the child is 16.*”

# The I.E.P. Team & Process

- Certain members of the IEP team can now be excused from the IEP meeting if the parent and the local school district agree in writing. This would be done if the team member has nothing to do with the topic. If an absent member's expertise is needed, the requirement is that it be provided to the parent and other members of the team after the IEP team meeting via a written document without holding a formal meeting.

# The I.E.P. Team & Process

- Fifteen States have been allowed to pilot the concept of an optional “three-year IEP” that coincides with the child’s “natural transition points” (e.g., elementary to middle school, middle to high school). Have not seen results to date...
- Students transferring between school districts within a State must have their IEP’s continued with comparable services until the next IEP is developed and implemented - students transferring between States still must have their IEP’s honored by the receiving district until a new evaluation is completed (if necessary) and a new IEP is developed.

# Procedural Safeguards

- Complaints may only be presented for a violation going back two years from the date the parent or school district “knew or should have known” about the alleged action, unless the State has other explicit time limitations or the parent received specific misrepresentations from the school district.
- Notice of the procedural safeguards are now required to be given to parents annually, except where there is an initial evaluation, upon the filing of a written complaint, or when the parent requests a copy.
- Mediation has been around since IDEA 1997, but now those who chose not to participate have another alternative - meeting with a disinterested party who could explain and encourage the use of mediation. Also new is where mediation is used and resolution is obtained, then a legally binding document must be written, signed, and is enforceable in a court of law.

# Procedural Safeguards (continued)

- “Resolution Session” is totally new. This is a requirement prior to a due process hearing. The IEP team must get together within 15 days of a parent providing written notice asking for a due process hearing. The school district cannot have its attorney present unless the parents bring their attorney. This requirement may be waived if the school district and the parents agree to do so in writing, or they agree to use mediation. If the school district has not resolved the problem within 30 days, then the due process hearing can occur with the usual timelines in place. Should the “resolution session” result in agreement between the parties, then a written, legally enforceable document must be executed.
- Hearing officer qualifications are now specified and included within the statute.

# Procedural Safeguards (continued)

- The party requesting the due process hearing is not allowed to raise new issues at the hearing that were not raised in the due process complaint notice.
- There is now a 2-year statute of limitations for requesting a due process hearing. Again, two years from the date the parent or the school district “knew or should have known” about the alleged action.
- The party desiring to appeal a local due process hearing to a court of law has 90 days to do so, unless the State has explicit time limits already in place.

## Procedural Safeguards (continued)

- IDEIA 2004 allows for attorney's fees against a parent for a local/county/state school district where the school district is the prevailing party and the complaint is found to be “frivolous, unreasonable, or without foundation” or where parents’ attorney continues to litigate such a case, or to harass, cause unnecessary delay or increase the cost of litigation; attorney’s fees are prohibited for the new “resolution session.”
- IDEIA 2004 essentially maintains the “stay put” provision, however, this rule may be eliminated when it comes to a student who violates the school code of conduct --- unique circumstances on a case-by-case basis will be the test. An interim alternative educational placement and ancillary-related services must be continued by the school district pending due process and any further appeals.

# Procedural Safeguards (continued)

- **Suspension & Expulsion Change (2004):**
  - ❑ A significant change in the manifestation determination rules: the **parent** now has the “burden of proof” (preponderance of the evidence) instead of the school district. Prior to this, the school district had **to demonstrate that the student’s behavior had no direct and substantial relationship to the disability**, and that the student had the ability to control or to understand the impact and consequences of the behavior in order to order a long-term suspension/expulsion.

# The Importance (Legal Requirement) Of The General Education Educator In An IEPT

- Federal implementing regulations of the Individuals with Disabilities Education Improvement Act (“IDEIA”), at 34 CFR 300.344 dictates the make up of the this team
  - *The public agency shall ensure that the IEP team for each child with a disability includes: (1) parents; (2) at least one regular education teacher of the child; (3) at least one special education teacher of the child; (4) a knowledgeable representative of the public agency; (5) an individual who can interpret the instructional implications of the evaluation results; (6) other individuals having knowledge or expertise regarding the child; and (7) the child [invite if for transition or over 18].*

## Quotation to Ponder ...

*“ It is when the student is the most difficult that we have to be the best teacher.”*

John McGee, PhD

- teacher, psychologist, behaviorist. Architect of the behavior-modification technique known as concept of “Gentle Teaching.”

# The “Top Ten” Reasons For The Presence Of A General Education Educator At An IEPT

10. Required by federal and state law and administrative regulations
9. Children are assumed to be general education students first and special education students second
8. Familiarize him-herself with the student’s education and social needs
7. Interact with the special educational support staff and understand their expertise
6. It is the right thing to do!

# The “Top Ten” Reasons for the presence of a general education educator at an IEPT (continued)

5. Tax dollars in the long-term mental system can be reduced if the student learns more at an early age; less burdensome to care and train for a job
4. Gain insight and knowledge of disabilities and how children with special needs cope
3. Learn strategies for dealing with general education students
2. Non-special needs students can learn about persons with disabilities
1. Did I mention that IT IS THE LAW?

# Advocacy Pointers for IEPT Meetings - I Extended School Year (ESY)

- Must be at least one current **IEP goal** (an essential skill) where significant concern exists regarding a student's skill maintenance during a break in school services
- Review the **new guidelines** and state rules
- Must be discussed **at all IEP** Team meetings
- **Don't wait** until May or June for ESY IEPT! Due Process takes time ... January!
- Collect educational and behavioral **data** on your child NOW! (school, private, clinical, etc.); don't rely only on school data
- Be mindful of **regression**- recoupment timelines
- Know the **nature and severity** of your child's disability
- Is your child at a **"critical stage"** or areas of learning?

# Advocacy Pointers for IEPT Meetings - II

1. **Prepare** - don't rely on others, or the internet as authority
2. Make and **keep copies** of everything in a binder;
3. Place ALL school-based and related medical **information and correspondence** into this binder;
4. **Negotiate, look for compromise** - the educational system does not do well for students via due process;
5. **Attend** all meetings;
6. Attend **advocacy trainings** - don't expect to be an expert without formal education and IEPT experience!
7. **Listen**;
8. Propose **solutions and alternatives** that you and school can live with - do not expect everything to go your way;
9. Seek **competent advice**;
10. Getting angry will only **alienate** the school officials;
11. Look to the **long-term** - many years are ahead; and
12. Keep lines of **communication** open at all times.

# New (2010) Model I.E.P. Form

§1 - Demographic Information

§2 - Present Level of  
Academic Achievement  
& Functional  
Performance (PLAAFP)

§3 - Secondary Transition  
Considerations

§4 - Goals & Objectives or  
Benchmarks

§5 - Supplementary Aids and  
Services

§6 - Assessment-Participation  
and Provisions

§7 - Special Education  
Services and Programs  
(FAPE “offer sheet”)

§8 - Notice to Parent of  
Intent to Implement  
Individualized Education  
Program (IEP)  
Amendment

# New (2010) Model I.E.P. Form - Highlights/Take-aways

1. Parent/guardian **commitment signature** no longer required on final page (formerly: agree, or disagree but allow IEP occur, or disagree requesting a hearing)
2. Parent/guardian/student **due process rights** have **NOT** changed; you may always call for another IEP or request dispute resolution (e.g., mediation, hearing)
3. The so-called “**Offer Sheet**” is the school district’s written guarantee of FAPE
4. The “**IEP Amendment**” is new. Use this form page to make changes or modify the current IEP without holding an IEP Team meeting. This **DOES NOT** replace the requirement to hold an annual IEP Team meeting
5. Each district may **adopt and alter this new form** (e.g., choose one of three options for the PLAAFP)
6. **Data-driven decision-making** aligned with curriculum rather than by “seat-of-pants”

# Questions?

Please call The Arc of Oakland County to set up an appointment or to become a member. Thank you for your attention.

The Arc of Oakland County  
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