

## **Overview of the Individualized Education Program**

An IEP is a written statement for a student with a disability that is developed, reviewed and revised in a meeting(s) of a Committee on Special Education (CSE), Subcommittee on Special Education or Committee on Preschool Special Education (CPSE). The IEP is the tool that ensures a student with a disability has access to the general education curriculum and is provided the appropriate learning opportunities, accommodations, adaptations, specialized services and supports needed for the student to progress towards achieving the learning standards and to meet his or her unique needs related to the disability.

Each student with a disability must have an IEP in effect by the beginning of each school year. Federal and State laws and regulations specify the information that must be documented in each student's IEP, including the classification of the disability of the student, a description of the student's unique needs, the student's goals for the school year and the special education services that will be provided to the student in the least restrictive environment.

### **Who develops the IEP?**

An IEP can only be developed or revised by the CSE, Subcommittee on Special Education or CPSE. The Committee is required to include certain individuals who know the student and his or her unique needs and who can commit the resources of the school to address the student's needs.

To develop an appropriate IEP for the student, a group of individuals with the knowledge and expertise about the student, curriculum and resources of the school must come together and the process for discussion and decision-making needs to be effective and efficient. Information about the student's strengths, interests and unique needs gathered from parents, teachers, the student, related service providers, evaluations and observations are the foundation upon which to build a program that will result in effective instruction and student achievement. Each member of the multidisciplinary team that makes up the CSE, Subcommittee or CPSE brings information and a unique perspective to the discussion of the student's needs and has an important role and responsibility to contribute to the discussion and the recommendations for the student.

Each Committee has a chairperson who has certain responsibilities under the law and regulations. The chairperson of the CPSE must be the school district representative. The required members of the Committee include the following:

#### **Student**

In most cases, the student should be invited to participate in the Committee meetings. It is the student, after all, who will be most affected by the recommendations of the Committee. The concerns, interests and recommendations of the student need to be considered. An IEP that builds on the strengths of the student and includes recommendations that the student can support is more likely to result in successful outcomes for the student. The decision to invite the student should be discussed with the student's parent(s) to determine if the student's attendance at the meeting will be helpful in developing the IEP and/or directly beneficial to the student. Each student, beginning at age 14, must be invited to any meeting at which his or her transition service needs will be discussed. If the student does not attend, the district must take steps to ensure that the student's preferences and interests are considered.

#### **Parents of the student**

As Committee members, parents participate in the development, review and revision of their child's IEP. Parents are the constant individuals on the Committee from year to

year for that student. They bring a history as well as current information on their child's strengths and needs and their concerns and ideas for enhancing their child's education. They bring information on what expectations and hopes and dreams they have for their child, and often can speak to those approaches that have been successful and/or unsuccessful for their child. They can also provide information on their child's interests that can be used to motivate the child's learning, the skills that the child shows at home and in other settings and whether skills learned in school are being demonstrated elsewhere.

**General education teacher of the student**

The general education teacher of the student has knowledge of the school's general education curriculum requirements and helps the Committee determine appropriate positive behavioral interventions, instructional strategies, supplementary aids and services, program modifications and supports for school personnel for and on behalf of the student that are necessary for the student to participate to the fullest extent possible in general education classes. While only one general education teacher of the student is required to attend the meeting, the Committee is encouraged to seek the input of the student's other general education teachers who will not be attending the Committee meeting.

**Individual who can interpret the instructional implications of the evaluations**

At least one individual must participate in the Committee meeting who can provide information on the results of the student's individual evaluation report and assist the Committee in identifying the implications of those results for the instruction of the student. This individual may be a member of the Committee who is also serving as the general education teacher or special education teacher or related service provider of the student, the school psychologist, the representative of the school district or a person having knowledge or special expertise regarding the student when such member is determined by the school district to have the knowledge and expertise to fulfill this role on the Committee.

**School district representative**

The school district representative must be someone who is qualified to provide or supervise special education and who is knowledgeable about the general education curriculum and the availability of resources of the district. This individual brings knowledge of the continuum of special education supports and services and should have the authority to commit the resources of the school and to ensure that whatever services are set out in the IEP will be provided.

The individual who meets these qualifications may also be the same individual appointed as the special education teacher or related service provider of the student or the school psychologist on the Committee. The chairperson of the CPSE must be the school district representative on the Committee.

**Individuals with**

In addition to the other required members, parents and school personnel have discretion

**knowledge or special expertise about the student** to include other individuals who have knowledge or special expertise regarding the student. This is important to ensure that the Committee includes the input of those persons that can add to the discussion of the student's needs and recommendations for supports and services. Such individuals could include, for example, a school nurse, a physical therapist or other related service provider, the student's private counselor, a paraprofessional working with the student, a student's athletic coach or a family friend who knows the student and who can assist the parents. The determination of the knowledge or special expertise of any such individual is made by the party (parents or school) who invited the individual to be a member of the Committee.

**Special education teacher, or related service provider, of the student** A special education teacher or related service provider of the student must participate in the Committee meetings. If the student is being considered for initial provision of special education, this individual must be a teacher qualified to provide special education in the type of program in which the student may be placed and be the teacher likely to implement the student's IEP. The student's special education teacher can provide information on the specially designed instruction needed to address the student's unique needs.

**School psychologist** A school psychologist is a member of the CSE, and under certain circumstances, the Subcommittee. This individual contributes to an understanding of the individual evaluations conducted on the student, assists to identify the positive behavioral intervention supports and strategies needed by the student, assists to plan school programs to meet the student's needs and to identify, plan and manage any psychological services the student might need.

**Additional parent member** In addition to the parent of the student, another parent of a student with a disability must participate in meetings of the CSE and CPSE, except when the parents of the student request, in writing, that the additional parent member not participate. The additional parent member must be a parent of a student with a disability and must reside in the same school district or a neighboring school district. For a CPSE, the additional parent member must be a parent of a child with a disability who is enrolled in a preschool or elementary level education program. The additional parent member is not a required member of a Subcommittee.

The additional parent member can provide important support and information to the parents of the student during the meeting and, in addition to the student's parents, participates in the discussions and decision making from the perspective of a parent of a student with a disability.

**School physician** A school physician, if requested in writing at least 72 hours before the meeting, is a required member of the CSE.

## Other agency representatives

- When the purpose of the meeting is to discuss transition services, other agency representatives are invited to discuss their role in supporting the student in school to post-school activities. If an agency invited to send a representative to a meeting does not do so, the district must find other ways to involve the other agency in the planning of any transition services.
- When a student is or may be attending a private school or facility, a representative of that school or facility must be invited to participate in the student's Committee meetings. This is also the case when a student is residing in a facility operated by another State department or agency (e.g., Office of Mental Health, Office of Children and Family Services). If the private school or facility representative cannot attend, the school district must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
- Other members of the CPSE include the representative of the municipality and, for certain students when transitioning from early intervention services to the CPSE, a representative of the county's early intervention program.

Attachment 1 provides further information on the required members of these Committees.

## Steps to Developing and Implementing an IEP

The IEP needs to be developed in a particular sequence, in accordance with a parent's due process rights (e.g., meeting notices, prior notices, consent, participation). The information considered and discussed in each step provides the basis for the next step in the process.

### Step 1: Obtain and consider evaluation information

Evaluation information must be obtained in all areas of the student's disability or suspected disability. Evaluations need to identify and provide instructionally relevant information as to the unique needs of the student, current functioning, cognitive, physical, developmental and behavioral factors that affect learning and how the disability affects the student's participation and progress in the general education curriculum and in general education classes (or, for preschool students with disabilities, participation in appropriate activities).

### Step 2: Determine eligibility for special education services

The Committee must review the evaluation information to determine if the student has a disability that requires special education services. Before a student is identified as needing special education services, the Committee must ensure that the appropriateness of the resources of the general education program, including educationally related support services and academic intervention services, has been considered. If the Committee determines the student eligible, it must identify the student's disability classification. For school age students one of the following disabilities must be identified: autism, deafness, deaf-blindness, emotional disturbance, hearing impairment, learning disability, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury or visual impairment including blindness. Each 3 - 4 year old in need of special education is identified as a "preschool student with a disability."

### Step 3: Identify the student's present levels of educational performance

The student's present skills, strengths and individual needs must be discussed and documented. This includes how the student's disability affects his or her participation and progress in the general

education curriculum (or for preschool students, participation in appropriate activities), consideration of specific student needs, and the student's needs as they relate to transition from school to post-school activities.

**Step 4: Identify the projected post-school outcomes**

Beginning at age 15, the Committee must, in consideration of the student's needs, preferences and interests, identify projected post-school outcomes for the student in the areas of employment, post-secondary education and community living.

**Step 5: Set realistic and measurable goals for the student**

The measurable annual goals that the student can realistically reach in the year in which the IEP will be in effect and that will move the student toward the projected post-school outcomes must be discussed and documented on the IEP. For each annual goal, measurable intermediate steps between the student's present levels of performance and the annual goals (i.e., the short-term instructional objectives and/or benchmarks) must be identified. These goals should relate to the student's unique needs and promote the student's participation and progress in the general education curriculum in the least restrictive environment. In determining goals, the Committee must discuss and document how the student's progress toward the goals will be measured and communicated to the student's parents.

**Step 6: Determine the special education services the student will need**

Based on the student's needs and goals, the Committee must decide what services and programs, as well as accommodations, program modifications and supports the student needs.

**Step 7: Determine the coordinated set of transition activities**

For students beginning at age 14, the Committee must identify courses of study to meet a student's transition needs; beginning at age 15, the Committee must identify the transition activities that will be provided to help the student reach his or her annual goals and projected post-school outcomes.

**Step 8: Determine where those services will be provided**

The Committee must decide where the special education services will be provided. The location of services and the recommended placement must be based upon least restrictive environment requirements. Unless the student's IEP requires some other arrangement, the student with a disability must be educated in the school he or she would have attended if the student did not have a disability.

**Step 9: Implementation**

There may be no delay in implementing a student's IEP, including any case in which the payment source for providing or paying for special education services for the student is being determined. The student's IEP needs to be implemented as soon as possible following the Committee meeting and must be implemented as recommended by the Committee.

The school must take steps to ensure a student's IEP is implemented as recommended by the Committee, including but not limited to:

- providing copies of the student's IEP, as appropriate;
- informing each individual of his or her IEP implementation responsibilities; and
- providing a student with his or her instructional materials in an alternative format if recommended on the student's IEP.

**Step 10: Measure progress throughout the year**

A process needs to be identified to measure the student's progress toward meeting the annual goals and report the progress to the student's parents in the format and time schedule as agreed upon in the student's IEP.

**Step 11: Review and, if appropriate, revise the IEP**

The Committee must reconvene to review the student's IEP when requested by the student's teacher or parent, but at least annually. Discussions at the IEP review meeting must consider the student's

progress toward meeting the annual goals, the concerns of the parent, any new evaluation information, the student's progress in the general education curriculum (or for preschool students, participation in appropriate activities), the student's need for test accommodations and identify the least restrictive environment for the student. For students ages 15 and older, the projected post-school outcomes should be reviewed annually.

Upon consideration of these factors, the IEP should be revised, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum; the results of any reevaluation and any information about the student provided to, or by, the parents; the student's anticipated needs; or other matters, including a student's need for test accommodations.

**Step 12: Conduct a meeting to review reevaluation information on the student**

The needs of students change over time. Therefore, a reevaluation of the student's individual needs and the continued appropriateness of the special education services that have been provided to the student must be conducted at least every three years, but more often if conditions warrant or if the parent or the teacher requests a reevaluation of the student. The Committee must convene a meeting to discuss and, if appropriate, revise the student's IEP in consideration of the results of the reevaluation.

Guiding Principles for IEP Development

The following guiding principles for IEP development are important to ensure that each student's IEP is developed and implemented in the true spirit and intent of the law.

- The IEP development process is a student-centered process. No other issues, agenda or purposes should interfere.
- Information provided by parents regarding their child's strengths and needs is a vital part of the evaluation and is critical in developing an IEP that will lead to student success.
- The input of each individual on the Committee should be encouraged and valued.
- All members of the Committee share the responsibility to contribute meaningfully in the development of a student's IEP.
- Meaningful efforts must be made to ensure parents and students participate in the IEP development process. Information is shared in language a parent and student can understand.
- Special education is a service, not a place. The IEP development process evolves to address concerns and considerations so as to support the student's progress toward the State's learning standards and to ensure the student receives services in the least restrictive environment appropriate for the student.
- The IEP recommendations are based on the student's present levels of performance and in consideration of the student's strengths, needs, interests and preferences and the concerns of the parent for the education of their child.
- The IEP needs to be developed in such a way that it is a useful document that guides instruction and provides a tool to measure progress.
- The IEP must appropriately address all the student's unique needs without regard to the current availability of needed services.
- Positive behavioral supports and services needed by the student are identified.
- A student's need for transition services is considered throughout the IEP development process, including during discussions of the student's present levels of performance, projected post-school outcomes, goals and objectives/benchmarks, services, accommodations, program modifications and placement.
- The student's parents participate in developing, reviewing and revising the IEP, having concerns and information considered and being regularly informed of their child's progress.
- The IEP development process includes steps to ensure IEP implementation.