

SCHOOL DISTRICT OF FORT ATKINSON GUIDE TO SPECIAL EDUCATION FORMS

JULY 2013

INTRODUCTION

Special education forms assist the School District of Fort Atkinson staff and parents in implementing federal and state special education law by guiding them through referring and evaluating children, developing individualized education programs (IEPs), and determining educational placements. Some forms assist in implementing other requirements, such as conducting a manifestation determination or determining the need for extended school year services. In addition, the forms serve as a LEA's primary documentation tool for demonstrating compliance with many of the requirements of federal and state special education law. The information is intended to provide general guidance to assist School District of Fort Atkinson staff and parents in implementing requirements of federal and state special education law. It is not intended to provide child-specific legal advice. State special education law, Subchapter V of Chapter 115, and the Federal IDEA are available at www.dpi.wi.gov/sped/idea.html.

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Prior Written Notice

Parents must be provided written notice a reasonable time before an LEA:

- Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of FAPE to the child; or
- Refuses to initiate or change the identification, evaluation, or educational placement of a child or the provision of FAPE to the child.

Anytime written notice is required it must include:

- A description of the action proposed or refused by the LEA;
- An explanation of why the LEA proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record or report the LEA used as a basis for the proposed or refused action;
- A description of any other options that the LEA considered and the reasons why those options were rejected;
- A description of other factors that are relevant to an LEA's proposal or refusal;
- A statement that parents have protection under the procedural safeguards of special education law and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- Sources for parents to contact to obtain assistance in understanding the provisions of special education law.

Notices must be:

- Written in language understandable to the general public; and
- Provided in the native language of the parent or other mode of communication of the parent, unless it is clearly not feasible to do so.
- If the native language or other mode of communication of the parent is not a written language the LEA must take steps to ensure that (1) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, and (2) the parent understands the content of the notice. The LEA must maintain written evidence of having complied with the requirements in (1) and (2).

NOTE:

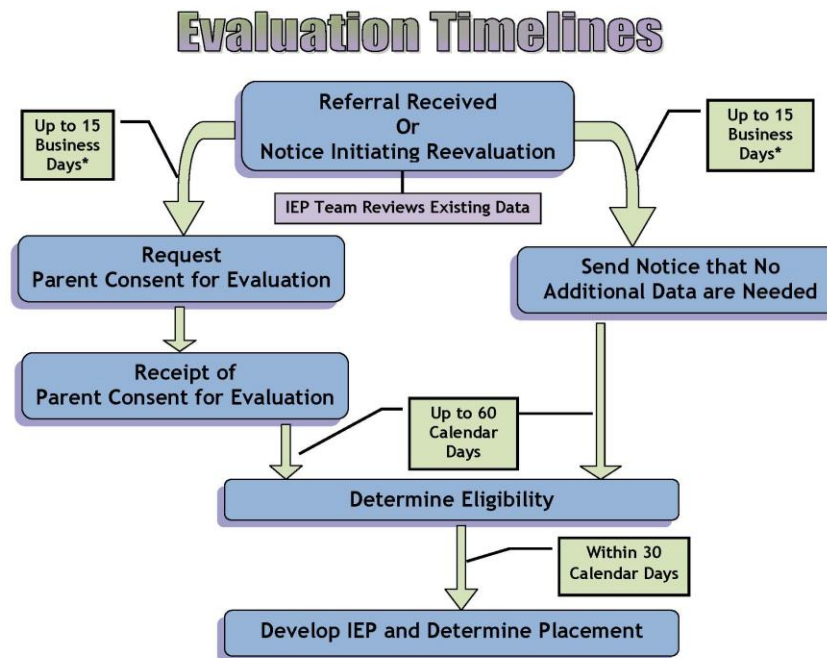
When a student reaches the age of majority (age 18 in Wisconsin), the rights under special education law transfer to the student unless a guardian has been appointed. Consequently, when any of the above notices are sent to an adult student, the LEA should modify the language (e.g., changing "your child" to "you"). In addition, when any of these notices are sent to an adult student, a copy also must be sent to the student's parents.

Timelines

Evaluation

- At least **annually** the LEA must inform parents and others required to make referrals about the LEA's referral and evaluation procedures.
- Within **15 business days** of receiving a referral to evaluate a child, or initiating a reevaluation, the IEP team must complete its review of existing evaluation data and send the child's parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination. "Business day" means Monday through Friday except for Federal and State holidays. There are no legal exceptions or provisions for extension of the 15 business day timeline.
- Within **60 calendar days** of receiving parent consent to evaluate, or informing parents that no additional assessment or evaluation data are needed, the LEA must complete its evaluation of the child and determine whether the child is or continues to be a child with a disability. There are exceptions to the 60-day timeline. The timeline may be extended by written agreement between the parent and the LEA when the child is being evaluated for a specific learning disability for the first time. This provision provides the LEA time to gather information about a child's responses to interventions. Also the timeline may be extended when a student transfers from one LEA to another during the 60-day time period if the receiving LEA is making sufficient progress to ensure prompt completion of an initial evaluation or reevaluation, and the parent and LEA agree to a specific time when it will be completed. Another exception is when the parent repeatedly refuses or fails to make the child available for an evaluation or a reevaluation.
- At least **once every 3 years** a child with a disability must be reevaluated, unless the parent and LEA agree that a reevaluation is unnecessary. There are no exceptions or provisions for extension in the law.

The IEP team reevaluates the child no more than once a year unless the child's parents and the LEA agree otherwise.



*"Business day" means Monday through Friday except for Federal and State holidays.

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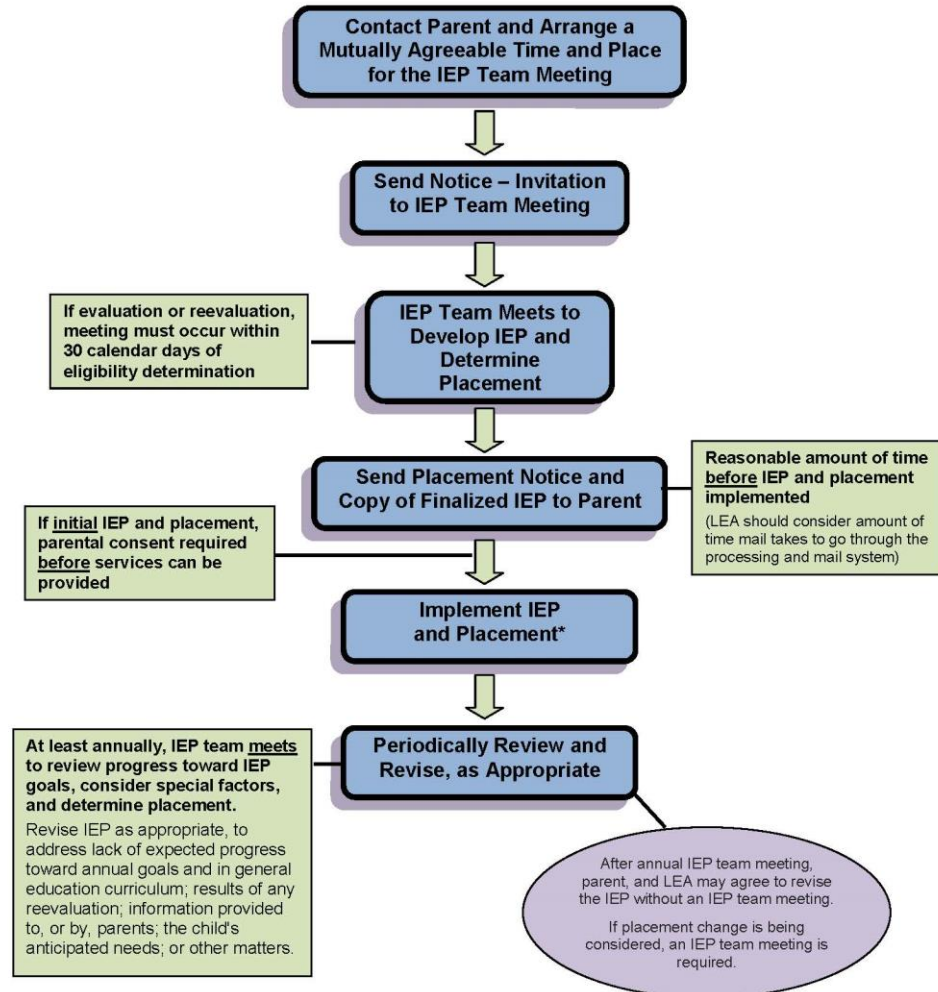
IEP & Placement Timelines

Individualized Education Programs (IEPs)

- Within **30 calendar days** of determining a child is or continues to be a child with a disability, the IEP team must meet to develop an IEP and determine a placement for the child.
- IEPs must be reviewed at least **annually**.
- Beginning not later than the first IEP that will be in effect when a child with a disability is or turns **age 14** and updated annually thereafter, the IEP must include a statement of measurable postsecondary goals and the transition services necessary to assist the child in reaching the goals.

Placement

- Within **30 calendar days** of determining a child is or continues to be a child with a disability, the IEP team must meet to determine a placement for the child.
- A child's placement must be determined at least **annually**.



*At the beginning of each school year, each LEA must have an IEP in effect for each student from whom the district has FAPE responsibility

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Other

- A manifestation determination must be made within **10 school days** of any decision to change the placement of a child with a disability for disciplinary reasons.

Referral and Evaluation

R-1 Referral Form - Special Education and Related Services

Form R-1 is used to start the initial evaluation process to determine whether a child is a child with a disability. State law does not allow an LEA to refuse a referral for an initial evaluation. The date the LEA receives the referral or initiates a reevaluation begins the 15-business day timeline in which to complete the review of exiting evaluation data and send the child's parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination.

Under state special education law, LEAs are required to do all of the following.

- Establish written procedures for accepting and processing referrals.
- Provide information and in-service opportunities to all of its licensed staff to familiarize them with the LEA's referral procedures.
- At least annually, inform parents and persons required to make referrals about the LEA's referral and evaluation procedures.

The State of Wisconsin has developed an electronic referral system (Program Participation System or PPS) enabling Birth to 3 programs to refer children with suspected disabilities to LEAs prior to their third birthdays. If a child referred by a county Birth to 3 program is determined to be a child with a disability, the LEA must develop and implement an IEP for the child by the child's third birthday. For further information, see Information Update 98.09 at <http://dpi.wi.gov/sped/bul98-09.html> and guidance on State Performance Plan Indicator 12 at <http://dpi.wi.gov/sped/spp-tran-presch.html>.

Implementation Considerations:

LEAs should establish and implement a process to ensure whoever receives the referral records the date it was received. IEP team participants should be informed of the date by which they must complete their review of existing evaluation data, so the LEA can request consent to evaluate the child or notify the parents no additional data are needed within the 15-business day timeline.

Since a referral must be in writing, most LEAs use a referral form for documentation. An LEA cannot require a parent who submitted a written referral in another manner, such as in a letter, to complete the LEA's referral form as a prerequisite to acting on the referral.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date parent notified of intent to refer & method of notifying the parent if referral is not initiated by the parent

An individual required under state law to make a referral must notify the child's parent before submitting a referral to the LEA. The parent may be informed orally or in writing, e.g., by letter, phone call, at a parent-teacher conference.

FORM CONTENT

CLARIFICATION/EXPLANATION

Parent or Adult Student's and Child's Native language or primary mode of communication

This information helps ensure parents will receive notices and other information in a manner that is understandable to them. It also identifies the child's native language or other primary mode of communication for administering tests and other evaluation materials.

Date referral received

The LEA must date the referral upon receipt. This date begins the 15-business day timeline in which to complete the review of existing evaluation data and send the child's parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination.

Reason for referral and identification of existing data

The person making the referral must state the reasons why s/he believes the child is a child with a disability. Supporting information may include the child's academic and functional performance, medical information, and interventions attempted. Information on the referral form assists the IEP team in identifying existing evaluation data for the IEP team to review.

Children transitioning from Birth-to-3

To ensure a smooth and effective transition to public school special education preschool programs for a child transitioning from Birth-to-3 early-intervention programs, a representative of the LEA must participate in a transition planning conference arranged by the lead agency for the Birth-to-3 program. The LEA determines the LEA personnel who will attend the conference.

IE-1 Notice of Receipt of Referral and Start of Initial Evaluation

An LEA receiving a referral for an initial evaluation to determine whether a child is a child with a disability must appoint an IEP team and conduct an evaluation of the child. State law does not allow an LEA to refuse a referral for an initial evaluation.

The purposes for conducting an initial evaluation are to determine:

- whether the child has a particular category of disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the child;
- whether the child needs special education and related services;
- if applicable, the nature and extent of special education and related services the child needs; and
- if applicable, the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum.

Following receipt of a referral for an initial evaluation, form IE-1 is completed and sent to the parents (or adult student with a copy to the parents).

Each IEP team must consist of the following:

- The parents of the child.
- At least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- At least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child.
- A representative of the local educational agency who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local educational agency.
- An individual who can interpret the instructional implications of evaluation results.
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate.
- Whenever appropriate, the child. If a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the child.
- If a child is attending school through open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the child.
- When a child is suspected of having a specific learning disability for the first time and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive interventions with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluations of children.
- When a child is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.

Implementation Considerations:

Another LEA member of the IEP team, e.g., the special education teacher, may also serve as the LEA representative, provided the individual meets the requirements to act in that capacity. To identify the LEA representative in these situations, write the individual's name in each applicable space on the form. Likewise, IEP team participants filling the required roles when considering SLD eligibility for the time may serve in more than one capacity on the IEP team, as appropriate.

The determination of whether an individual invited to the IEP team meeting by the parent or by the LEA has knowledge or special expertise about the child is made by the party who invited the individual.

FORM CONTENT

CLARIFICATION/EXPLANATION

The LEA received a referral to evaluate a child to determine whether the child has a disability.

An LEA must inform the parents of why it proposes to evaluate a child. The notice documents that the reason for the referral is to determine whether the child has a disability.

The IEP team will conduct the evaluation.

Under state special education law, an IEP team must conduct the evaluation. The LEA must send a written notice of its proposed action to the child's parents.

IEP team participants

Parents must be notified about the composition of the IEP team, including the participants' names if known at the time of the notice.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options, if any, considered, the reasons those options were rejected, and a description of any other relevant factors. For example, the parent may request particular LEA staff be included or excluded from the IEP team, and the LEA may refuse to honor the request. If no options were considered, check the "None" box.

IEP team will review existing data to determine what, if any, further assessment or evaluation data are needed

The LEA must inform the parents of the specific actions the LEA proposes to take. The first action is a review of existing evaluation data to determine whether additional data are needed. Enter the date by which the LEA will request parent consent for evaluation or notify the parent no additional data are needed.

Narrative regarding the IEP team role, the evaluation and IEP process, timelines, and right to be provided additional time

The notice also provides general information to assist parents in understanding the evaluation and IEP process, including the timelines for completing the evaluation.

If the parents of a child or LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing an evaluation and meeting to develop an IEP.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of state and federal special education law and of sources they may contact to obtain information and assistance in understanding state and federal special education law. Because this evaluation is an initial evaluation, the LEA is required to provide the parents with a complete procedural safeguards notice.

IE-2 Initial Evaluation: Notice that No Additional Assessments Needed

The IEP team, including the parents, must review existing evaluation data to determine whether additional assessments are needed. Form IE-2 is used when the IEP team determines additional assessments are not needed.

There must be sufficient information and data for the IEP team to determine:

- whether the child has a particular category of disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the child;
- whether the child needs special education and related services;
- the nature and extent of special education and related services that the child needs; and
- the content of the child’s IEP including information related to enabling the child to be involved in and progress in the general education curriculum.

Implementation Consideration:
The review of existing evaluation data may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose. LEAs should use the "Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed" (form EW-1) to document existing data and the input of IEP team participants, including the parents.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of notice

The notice must be sent within **15 business days** of receiving the referral. See the date of receipt of referral on form R-1.

The IEP team, including the parents, has considered existing data available about the child and determined that additional testing or evaluation is not needed

The date form IE-2 is sent begins the **60-calendar day** timeline in which to complete the evaluation of the child and determine if the child is a child with a disability.

As part of the notice, parents must be provided a description of the information used as the basis for the IEP team’s decision not to conduct additional assessments. This list includes:

- Evaluations and information provided by the parents;
- Current classroom based, local, or state assessments;
- Classroom-based observations; and
- Observations by teachers and related service providers.

Based on data from these sources, the IEP team has determined no additional assessments or other evaluation materials such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed.

Documentation of parent participation

Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. Check the first box if parents participated in determining no additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents.

The review may be conducted without a parent's participation if the LEA is unable to convince the parent to participate. If the parent did not participate, the LEA must document at least three reasonable attempts to convince the parent to participate. Examples of documentation include:

- detailed records of telephone calls and the results of those calls;
- copies of correspondence sent to parent and any response received; and
- detailed records of visits made to the parent's home or place of employment and results of the visits.

Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A delivered e-mail message is one reasonable attempt.

Reasons for this determination and other options considered

The LEA must document the reasons why it proposes not to conduct additional assessments, including a description of other options, if any, the LEA considered and the reasons for rejecting those options, and a description of any other relevant factors. For example, the results of recent comprehensive testing at a clinic may be available, and, therefore, no additional assessment may be required.

Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time

The notice also provides general information to assist parents in understanding the evaluation and IEP team process. The IEP team process may be concluded in one meeting or may require more than one meeting.

If the parents or LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide additional time. However, when providing additional time the LEA must comply with applicable timelines. See "General Comments About Timelines."

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources to obtain information and assistance in understanding IDEA and state special education law. Since the LEA previously provided a copy of the procedural safeguards with the initial notice of evaluation (form IE-1), the LEA is not required to provide the parents with another copy unless they request it.

IE-3 Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments

Form IE-3 is used when the IEP team, after reviewing existing data including information from the parents, determines additional assessments or other evaluation materials need to be administered.

The IEP team, including the parents, must review existing evaluation data to determine whether additional assessments are needed. There must be sufficient information and data for the IEP team to determine:

- whether the child has a particular category of disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the child;
- whether the child needs special education and related services;
- if applicable, the nature and extent of special education and related services that the child needs; and
- if applicable the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum.

Parent consent is required before tests or other evaluation materials are administered to a child.

Implementation Considerations:

The review of existing evaluation data may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose. LEAs should use the *Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed* (form EW-1) to document existing data and the input of IEP team participants including the parent.

If a parent of a child enrolled in or seeking to enroll in a public school does not consent to an initial evaluation, the LEA may, but is not required to, pursue the evaluation by requesting mediation or initiating a due process hearing. However, if the child is enrolled in a home-based private education program (home-schooled) or in a private school, the LEA may not use mediation or a due process hearing.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of notice

The notice must be sent within 15 business days of receiving the referral. See the date of receipt of referral on form R-1.

The IEP team, including the parents has reviewed existing data available about the child and determined that there is a need to gather additional information and data through the use of additional assessments and other evaluation materials

As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision to conduct additional assessments. This list includes:

- Evaluations and information provided by the parents;
- Current classroom based, local, or state assessments;
- Classroom-based observations; and
- Observations by teachers and related service providers.

Based on data from these sources, the IEP team has determined additional assessments or other evaluation materials, such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed.

Documentation of parent participation

Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. Check the first box if parents participated in determining additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents in the decision.

The review may be conducted without a parent's participation if the LEA is unable to convince the parent to participate. If the parent did not participate, the LEA must document at least three reasonable attempts to convince the parent to participate. Examples of documentation include:

- Detailed records of telephone calls and the results of those calls;
- Copies of correspondence sent to parent and any response received; and
- Detailed records of visits made to the parent's home or place of employment and results of the visits.

Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A delivered e-mail message is one reasonable attempt.

Areas to be evaluated including assessments to be given, and individuals who will administer the assessments or other evaluation materials

The LEA must notify parents of any test or other evaluation materials it proposes to administer. If the specific assessment tools are known, list the specific tools along with a brief description. At a minimum, describe the types of tools that will be used and the area(s) that will be assessed, e.g. standardized testing to measure academic ability and achievement. In addition, identify the names of the evaluator(s), if known at the time of the notice. If the names are not known, identify the types of evaluators, e.g., school psychologist.

Options considered and reasons rejected

Enter other evaluation options considered, if any, the reasons those options were rejected, and any other factors relevant to the proposed evaluation. For example, if a parent requests a particular test and the LEA denies the request, the LEA must notify the parents in writing of its decision and the reason why the test will not be administered. The LEA may state another test is more appropriate, or a newer test is now available and should be used. If no other options were considered, check the “None” box.

Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time

The notice provides general information to assist parents in understanding the evaluation and IEP team process.

If the parents of a child or LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide additional time within the applicable timelines for completing the evaluation and meeting to develop an IEP. See “General Comments About Timelines” in this guide.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

FORM CONTENT

CLARIFICATION/EXPLANATION

Consent is needed before administering assessments or other evaluation materials

The LEA must obtain the informed consent of the parent before administering tests and other evaluation materials to the child. The LEA must make reasonable efforts to obtain informed consent. The consent for evaluation may not be construed as consent for placement.

Explanation regarding consent is voluntary, the right to revoke that consent, and the possible effects of not granting consent

The LEA must inform parents the granting of their consent is voluntary and may be revoked at anytime prior to the administration of tests or other evaluation materials. Parents must be informed they are not required to give their consent, and if consent is not granted, the LEA may request mediation or a due process hearing about whether the assessments should be administered.

Revocation of consent is not retroactive. Revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

Date school district received parent consent

In the box under the parent's signature and date, enter the date the LEA received parental consent. This date starts the **60-calendar day** timeline in which to complete the evaluation and determine if the child is a child with a disability.

RE-1 Notice of Reevaluation

Form RE-1 is used to provide written prior notice to parents that the LEA is initiating a reevaluation. It explains the reevaluation process and identifies the functions the IEP team will perform.

An LEA must reevaluate a child with a disability if the LEA determines the educational or related services needs of the child, including the child's academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation. However, a reevaluation may occur not more than once a year unless the parent and the LEA agree otherwise (see form RE-2). A reevaluation must occur at least once every 3 years unless the parent and LEA agree a reevaluation is unnecessary (see form RE-3). In addition, a child with a disability must be reevaluated before determining the child is no longer a child with a disability.

The purposes for conducting a reevaluation are to determine:

- whether the child continues to have particular category of disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the child;
- whether the child continues to need special education and related services;
- the nature and extent of special education and related services that the child needs;
- the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum; and
- whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child.

Each IEP team must consist of the following:

- The parents of the child.
- At least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- At least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child.
- A representative of the local educational agency who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local educational agency.
- An individual who can interpret the instructional implications of evaluation results, who may be another member of the IEP team other than the parents or the child.
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate.
- Whenever appropriate, the child. If a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the child.
- If a child is attending school through open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the child.
- When a child is suspected of having a specific learning disability for the first time and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive interventions with the referred pupil, and a

licensed person qualified to conduct individual diagnostic evaluations of children.

- When a child is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.

Implementation Considerations:

Another LEA member of the IEP team, e.g. the special education teacher, may also serve as the LEA representative, provided the individual meets the requirements to act in that capacity. To identify the LEA representative in these situations, write the individual’s name in each applicable space on the form. Likewise, IEP team participants filling the required roles when considering SLD eligibility for the first time may serve in more than one capacity on the IEP team, as appropriate.

The determination of whether an individual invited to the IEP team meeting by the parent or by the LEA has knowledge or special expertise about the child is made by the party who invited the individual.

An evaluation conducted after an initial evaluation that determines a child is eligible for special education is considered a reevaluation. For example, if a child initially found eligible as a child with a learning disability is evaluated for an emotional behavioral disability or for a speech or language impairment, the new evaluation is a reevaluation. If a child who was previously evaluated and determined not eligible for special education is referred again, the new evaluation is considered an initial evaluation. Note the law does not permit an LEA to refuse any referral for an initial evaluation.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of notice

The date of this notice begins the **15-business day** timeline in which to complete the review of exiting evaluation data and send the child’s parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination. If an LEA uses form R-1 to initiate a reevaluation, the date the LEA received form R-1 begins the 15 business day timeline.

LEA intends to reevaluate a child and reason for the reevaluation

The notice informs the parents of the LEA’s intent to reevaluate their child and the reason(s) for the reevaluation.

IEP team participants

The LEA must notify the parents about the composition of the IEP team, including the names of the participants if known at the time of the notice.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options, if any, that were considered and rejected, the reasons those options were rejected, and a description of any other relevant factors. For example, the parent may request particular LEA staff be included or excluded from the IEP team, and the LEA may refuse the request. If no options were considered and rejected, check the “None” box.

FORM CONTENT

CLARIFICATION/EXPLANATION

Narrative regarding the IEP team role, the reevaluation and IEP process, timelines, and the right to be provided additional time

The notice also provides general information to assist parents in understanding the reevaluation and IEP team process including the timelines in which these activities must be carried out.

If the parents of a child or the LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing the reevaluation and meeting to revise the child's IEP. The notice informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide the parent with a copy before any IEP team meeting or due process hearing, and in no case more than 45 days after the request.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

RE-2 Notice of Agreement to Conduct a Reevaluation More Than Once a Year

A reevaluation may not occur more frequently than once a year unless the parent and the LEA agree otherwise. *Notice of Agreement To Conduct A Reevaluation More Than Once A Year* (form RE-2) is used when a parent and an LEA agree to reevaluate a child with a disability within a 12-month period. Prior to sending this notice, the parent and LEA must agree about the need for a reevaluation. If the parent and LEA agree to conduct a reevaluation, form RE-2 is sent to the parents starting the evaluation process.

Implementation Considerations:

The LEA should identify a process for obtaining information to decide whether a child should be evaluated more than once within 12 months. The LEA may involve the IEP team in this process. However, neither an IEP team meeting nor an IEP team is required to make the decision. The LEA should designate staff with authority to enter into an agreement with the parent to reevaluate the child. The designated staff should consult with staff working with the child.

If an LEA believes a reevaluation is needed, but the parent disagrees, the LEA may request mediation or initiate a due process hearing regarding whether the child should be reevaluated. The LEA cannot unilaterally decide to conduct more than one evaluation of a child within 12 months of the previous evaluation.

The date of the most recent eligibility determination begins the 12-month period. (see form ER-1). For example, if the date of a child's IEP meeting to determine eligibility was 10/1/06, any reevaluation initiated prior to 10/1/07 requires agreement of the parent and LEA. If a reevaluation is initiated on or after 10/1/07, the LEA may conduct the reevaluation without an agreement between the parent and the LEA.

If a child previously evaluated and determined not to be a child with a disability is referred for an evaluation, even if the referral is within 12 months of the previous evaluation, the new evaluation is considered an initial evaluation. Note state law does not allow an LEA to refuse a referral for an initial evaluation. In this case, the LEA uses form IE-1, *Notice of Receipt of Referral and Start of Initial Evaluation*, to initiate the evaluation.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of notice

The date of form RE-2 begins the **15-business day** timeline in which to complete the review of existing evaluation data and send the child's parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination.

Parent agreement to conduct more than one evaluation in a year

Form RE-2 documents the parent and LEA agree to conduct more than one evaluation in a year. The notice documents the date and manner in which the agreement took place, e.g. face-to-face conference, phone conversation, or exchange of e-mails. The parent is not required to sign the agreement.

FORM CONTENT

CLARIFICATION/EXPLANATION

Reason for the reevaluation	The LEA must identify the reason(s) for the reevaluation, e.g., a change in the child's academic achievement or functional performance.
Other options considered related to initiating the reevaluation and reasons rejected, and a description of any other relevant factors	Enter other options, if any, considered when initiating the reevaluation and the reasons they were rejected, including a description of any other relevant factors. If no other options were considered, check the "None" box.
IEP team participants	The LEA must notify the parents about the composition of the IEP team, including the names of the participants if known at the time of the notice.
Other options considered related to selection of IEP team participants and reasons rejected, and a description of any other relevant factors	Enter a description of other options, if any, that were considered and rejected, the reasons those options were rejected, and a description of any other relevant factors. For example, the parent may request particular LEA staff be included or excluded from the IEP team, and the LEA may refuse the request. If no options were considered and rejected, check the "None" box.
Narrative regarding the IEP team role, the reevaluation and IEP process, timelines, and the right to be provided additional time	<p>The notice also provides general information to assist parents in understanding the reevaluation and IEP process including the timelines in which these activities must be carried out.</p> <p>If the parents of a child or the LEA staff determine that additional time is needed to permit meaningful parent participation, the LEA must provide additional time within the applicable timelines for completing the reevaluation and meeting to revise the child's IEP. The notice further informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide parents with a copy before any IEP team meeting or due process hearing and in no case more than 45 days after the request.</p>
Parents have procedural safeguards and can contact other sources for assistance about understanding their rights	Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation and the LEA agreed to conduct the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

RE-3 Notice of Agreement that a Three-Year Reevaluation Not Needed

A reevaluation must occur at least once every three years, unless the parent and the LEA agree a reevaluation is unnecessary. Form RE-3 is used when the parent and LEA agree not to conduct a three-year reevaluation. Prior to sending this notice, the parent and LEA must discuss and come to agreement that a reevaluation is unnecessary. If the parent and LEA agree a three-year reevaluation is not needed, the LEA does not appoint an IEP team to conduct a reevaluation. Form RE-3 is sent to the parents instead of form RE-1. If the parent and the LEA do not agree a three-year reevaluation is unnecessary, the LEA must conduct the reevaluation.

Implementation Considerations:

The LEA should designate the staff with authority to enter into an agreement with a parent not to conduct a three-year reevaluation. Whomever the LEA designates with authority to enter into an agreement with the parent should consult with staff working with the child. The LEA should identify a process for obtaining information and deciding whether to agree not to conduct a three-year reevaluation. The LEA may involve the IEP team in this process. However, neither an IEP team meeting nor an IEP team is required to decide to propose not to conduct a three-year reevaluation.

The decision not to conduct a three-year reevaluation must be given careful consideration. The parent and the designated school staff should discuss the advantages and disadvantages of conducting a reevaluation, as well as what effect a reevaluation might have on the child's educational program. A reevaluation may be necessary to obtain current data to determine the educational needs of the child; the present levels of academic achievement and functional performance; the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum; and whether any additions or modifications to the special education and related services are needed to enable the child to meet the IEP annual goals.

If the LEA does not conduct a three-year reevaluation as a result of an agreement between the LEA and the parent, the next evaluation is due in three years. For example, if a child was reevaluated on October 1, 2004, and continued to be a child with a disability, the child's next three-year reevaluation must be completed no later than October 1, 2007. However, if the parent and LEA agree not to conduct the three-year reevaluation due October 1, 2007, the next evaluation must be completed on or before October 1, 2010.

FORM CONTENT

CLARIFICATION/EXPLANATION

Reason for not conducting a three-year reevaluation

The LEA must identify the reason(s) for not conducting a three-year reevaluation.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, and the reasons they were rejected when agreeing not to conduct the reevaluation and other factors relevant to the proposed action. If no other options were considered, check the "None" box.

FORM CONTENT

CLARIFICATION/EXPLANATION

Parent agreement that a three-year reevaluation is not needed

The notice documents the parent and LEA agreed that a three-year reevaluation is unnecessary. There is no requirement the parent sign the agreement.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation and the LEA agreed to conduct the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

RE-4 Reevaluation: Notice that No Additional Assessments Needed

The IEP team, including the parents, must review existing evaluation data to determine whether additional assessments are needed. Form RE-4 is used when the IEP team determines additional assessments are not needed.

There must be sufficient information and data for the IEP team to determine:

- whether the child has a particular category of disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the child;
- whether the child needs special education and related services;
- the nature and extent of special education and related services that the child needs; and
- the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum.

Implementation Consideration:

The review may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose. LEAs should use the "Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed" (form EW-1) to document existing data and the input of IEP team participants including the parent(s). See form EW-1 for more information.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of notice

The notice must be sent no more than **15 business days** from the date the LEA initiated the reevaluation. A reevaluation may be initiated by sending form RE-1 or RE-2 to the parents. However, if the referral form (R-1) is used to initiate the reevaluation, then the date on form RE-4 may be no more than 15 business days from the date the LEA received the referral as recorded on form R-1.

The date of this notice starts the **60-calendar day** timeline in which to complete the reevaluation of the child and determine if the child continues to be a child with a disability.

FORM CONTENT

CLARIFICATION/EXPLANATION

IEP team, including the parents has considered existing data available about the child and determined that additional testing or evaluation is not needed

As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision not to conduct additional assessments. This list includes:

- Evaluations and information provided by the parents;
- Current classroom based, local, or state assessments;
- Classroom-based observations; and
- Observations by teachers and related service providers.

Based on these data sources, the IEP team has determined no additional assessments or other evaluation materials, such as achievement or performance tests, interviews, observations, checklists, or rating scales, are needed.

Documentation of parent participation

Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. The review may be conducted without a parent's participation if the LEA is unable to convince the parent to participate. If the parent did not participate, the LEA must document at least three reasonable attempts to convince the parent to participate. Examples of documentation include:

- Detailed records of telephone calls and the results of those calls;
- Copies of correspondence sent to parent and any response received; and
- Detailed records of visits made to the parent's home or place of employment and results of the visits.

Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A delivered e-mail message is one reasonable attempt.

Check the first box if parents participated in determining additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents in the decision.

Reasons for this determination and other options considered

The LEA must document the reasons why it proposes not to conduct additional assessments or other evaluation materials, including a description of other options, if any, the LEA considered and the reasons for rejecting those options, and a description of any other relevant factors.

FORM CONTENT

CLARIFICATION/EXPLANATION

Parent has right to request that additional assessments or other evaluation materials be conducted

If the IEP team determines additional assessments are not needed, parents have the right to request additional assessments to determine whether the child continues to be a child with a disability and to determine the child's educational needs. The right to additional assessments is limited to determinations of continued eligibility for special education services and the child's educational needs. The LEA is not required to conduct assessments for other reasons, such as meeting entrance requirements for admission to college. If the LEA denies such a request from the parent, the LEA must provide reasons why the LEA refuses to conduct additional assessments under the section "other options considered and reasons rejected" on this form or form M-1.

Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time

The notice provides general information to assist parents in understanding the reevaluation and IEP team process.

If the parents of a child or the LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide additional time within the applicable timelines for completing the reevaluation and meeting to review and revise the child's IEP. The notice informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide the parent with a copy before any IEP team meeting or due process hearing, and in no case more than 45 days after the request.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation and the LEA agreed to conduct the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

RE-5 Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments

Form RE-3 is used when the IEP team, after reviewing existing data including information from the parents, determines additional assessments or other evaluation materials need to be administered. Prior to providing this notice, the IEP team, including the parents, must consider the existing evaluation data. The review may be conducted at an IEP team meeting, but there is no requirement to conduct an IEP team meeting for this purpose.

There must be sufficient information and data for the IEP team to determine:

- whether the child continues to have a particular category of disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the child;
- whether the child continues to need special education and related services;
- if applicable, the nature and extent of special education and related services that the child needs; and
- if applicable, the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum.

Before additional assessments are administered to a child, parent consent is required. However, if the LEA can demonstrate it has made reasonable efforts to obtain parental consent and the child's parent failed to respond, the LEA can proceed with administering tests or other evaluation materials. This exception only applies to reevaluations, not to initial evaluations.

Implementation Considerations:

The review of existing evaluation data may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose. LEAs should use the *Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed* (form EW-1) to document existing data and the input of IEP team participants including the parent.

A parent's denial of consent and a parent's failure to respond to a request for consent are not the same. Tests or other evaluation materials may be administered without parental consent only when the parent fails to respond to requests for consent.

If the parent refuses consent for a reevaluation, the LEA may, but is not required to, pursue the reevaluation through mediation or a due process hearing. However, if the child is enrolled in a home-based private education program (home-schooled) or placed in a private school by the parents, the LEA may not use mediation or a due process hearing.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of notice

The notice must be sent no more than **15 business days** from the date the LEA initiated the reevaluation. A reevaluation may be initiated by sending form RE-1 or RE-2 to the parents. If the referral form (R-1) is used to initiate the reevaluation, the date on form RE-5 can be no more than 15 business days from the date the LEA received the referral as recorded on form R-1.

The IEP team, including the parents has considered existing data available about the child and determined that additional testing or evaluation is needed

As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision to conduct additional assessments. This list includes:

- Evaluations and information provided by the parents;
- Current classroom based, local, or state assessments;
- Classroom-based observations; and
- Observations by teachers and related service providers.

Based on these data sources, the IEP team has determined additional assessments or other evaluation materials, such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed.

Documentation of parent participation

Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. The review may be conducted without a parent's participation if the LEA is unable to convince the parent to participate. If the parent did not participate, the LEA must document at least three reasonable attempts to convince the parent to participate. Examples of documentation include:

- Detailed records of telephone calls and the results of those calls;
- Copies of correspondence sent to parent and any response received; and
- Detailed records of visits made to the parent's home or place of employment and results of the visits.

Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A delivered e-mail message is one reasonable attempt.

Check the first box if parents participated in determining additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents in the decision.

FORM CONTENT

CLARIFICATION/EXPLANATION

Areas to be evaluated including assessments to be given, and individuals who will administer the assessments or other evaluation materials

The LEA must notify parents of any test or other evaluation materials it proposes to administer. If the specific assessment tools are known, the specific tools should be listed along with a brief description. At a minimum, the LEA must describe the types of tools that will be used and the area(s) that will be assessed, e.g. standardized testing to measure academic ability and achievement. In addition, the LEA must identify the names of the evaluator(s), if known at the time of the notice. If the names are not known, the LEA must identify the types of evaluators, e.g., school psychologist.

Options considered and reasons rejected

Enter other evaluation options considered, if any; the reasons those options were rejected; and any other factors relevant to the proposed evaluation. For example, if a parent requests a particular test and the LEA denies the request, the LEA must notify the parents in writing of its decision and reason why the test will not be administered. The LEA may state another test is more appropriate, or a newer test is now available and should be used. If no other options were considered, check the "None" box.

Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time

The notice also provides general information to assist parents in understanding the reevaluation and IEP team process including the timelines within which these activities must be carried out.

If the parents of a child or the LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing the reevaluation and meeting to review and revise the child's IEP. The notice informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide the parent with a copy before any IEP team meeting or due process hearing, and in no case more than 45 days after the request.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

Consent is needed before administering assessments or other evaluation materials

The LEA must have the informed consent of the parent before administering tests and other evaluation materials to the child. The LEA must make reasonable efforts to obtain informed consent.

FORM CONTENT

CLARIFICATION/EXPLANATION

Explanation regarding consent is voluntary, the right to revoke that consent, and the possible effects of not granting consent

The LEA must inform parents the granting of their consent is voluntary and may be revoked at anytime prior to the administration of tests or other evaluation materials. Parents must be informed they are not required to give their consent, and if consent is not granted, the LEA may request mediation or a due process hearing about whether the assessments should be administered.

Revocation of consent is not retroactive. Revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

Date school district received parent consent

The date the LEA receives parental consent starts the **60-calendar day** timeline in which to complete the evaluation and determine if the child continues to be child with a disability.

If the parent fails to respond to the LEA's request for consent, the LEA may proceed with the reevaluation if it documents it has taken reasonable efforts to obtain the parent's consent, and the child's parent failed to respond. The LEA must notify the parent in writing it will proceed with the evaluation. The date of this notification begins the **60-calendar day** timeline.

EW-1 Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials Are Needed

As part of an evaluation, the IEP team first must review existing evaluation data available on the child. Parental consent is not required before reviewing existing data as part of an initial evaluation or a reevaluation. Based on that review the IEP team must decide what additional data, if any, are needed to determine:

- Whether the child is, or continues to be, a child with a disability;
- The present levels of academic achievement and functional performance;
- Related developmental needs of the child;
- Whether the child needs or continues to need special education and related services;
- If applicable, the nature and extent of special education and related services the child needs;
- The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum; and
- In the case of a reevaluation, whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP.

Form EW-1 is used by the IEP team to document the review of existing evaluation data. An IEP team meeting is not required for this purpose although it is permissible to hold one. If a meeting is held, the *Invitation to a Meeting of the IEP Team* (form I-1) must be sent to the parents, and form EW-1 is used with the *Evaluation Report and IEP Cover Sheet* (form I-3) to document the meeting.

Implementation Considerations:

Sources of evaluation data may include the child's permanent or cumulative file, the behavioral records of the child, medical records, work samples and grades on daily assignments or tests, and teacher observations.

If the IEP team determines additional data is needed after reviewing existing data, it describes the assessments and other evaluation materials to be administered, including the names of specific tests if known, on form IE-3 or RE-5.

The review of existing data is an IEP team function and the parent is an IEP team participant. Whether or not the review of existing data is completed at an IEP team meeting, the LEA must document the parent's participation or attempts to convince the parent to participate in the review of existing data. Often LEA personnel will attempt to contact parents by telephone. The LEA may not count a telephone call where there is no answer as an attempt. A telephone call where the phone is answered and a message is left may be counted as an attempt. The LEA may count a delivered email message as an attempt.

Documentation of all IEP team members' participation is required, including the LEA representative on the IEP team. A common error is failing to obtain the input of the LEA representative, especially when the LEA representative is the principal.

Sometimes an error occurs when what is documented is a review by a problem-solving team, e.g., teacher assistance team, building consultation team, prior to referral, instead of the IEP team's review to decide whether additional evaluation data is needed to complete an IEP team evaluation.

Another common error occurs when an IEP team participant completes form EW-1 and fails to include his or her own input. If the individual completing the worksheet is one of the IEP team participants, the individual needs to remember to record his/her own involvement and input regarding the need to conduct additional assessments under section IV of form EW-1.

FORM CONTENT

CLARIFICATION/EXPLANATION

Sources of information reviewed

The IEP team must review existing evaluation data, including:

- Evaluations and information provided by the parents;
- Previous interventions and the effects of those interventions;
- Current classroom based, local, or state assessments;
- Classroom-based observations; and
- Observations by teachers and related service providers.

Determination of need for additional data

The IEP team must determine whether additional data is needed. If additional data is needed, the IEP team indicates additional tests or other evaluation materials are needed to gather the data.

The IEP team documents its decision about whether to administer tests or other evaluation materials to the child.

Documentation of parent involvement

The consideration of existing data is an IEP team function and the parent is an IEP team participant. Documentation of the parent's involvement in the consideration of existing data must include the date, method, and the parent's input. If the consideration of existing data was done at a meeting, the parents' involvement is documented on the *Evaluation Report and IEP Cover Sheet* (Form I-3).

The review may be conducted without a parent's participation if the LEA is unable to convince the parent to participate. If the parent did not participate, the LEA must document at least three reasonable attempts to convince the parent to participate. Examples of documentation include:

- Detailed records of telephone calls and the results of those calls;
- Copies of correspondence sent to the parent and any response received;
- Detailed records of visits made to the parent's home or place of employment and results of the visits.

The requirement for involving parents in the review is the same as for IEP team participation. If the parents did not participate in the review, the LEA should document three good faith attempts to involve the parents. Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not counted as an attempt. A telephone call where the phone is answered and a message is left may be counted. A delivered e-mail message counts as an attempt.

FORM CONTENT

CLARIFICATION/EXPLANATION

List of other IEP team participants involved

Documentation on form EW-1 must include the name of each individual, a description of the input, and the date the input was given. If the consideration of existing data was done at a meeting, the IEP team participants will also be listed on the *Evaluation Report and IEP Cover Sheet* (Form I-3).

ER-1 Evaluation Report

As part of any initial evaluation or reevaluation, an IEP team must develop an evaluation report that includes documentation of a determination of eligibility. Form ER-1 must be completed for all IEP team initial evaluations and reevaluations. Additional evaluation report forms may be needed to document the evaluation results depending on the circumstances, e.g. *Additional Documentation Required for Specific Learning Disabilities (ER-2)*, *Evaluation for Determining Braille Needs (ER-3)*.

Implementation Considerations:

While individual summaries of IEP team participant’s findings are no longer required, it is good practice for IEP team members who administer tests or other evaluation materials to prepare a written summary of their individual findings that may assist parents and other IEP team members in program planning.

The Department has developed eligibility criteria worksheets and evaluation guides such as the ‘CD Criteria Evaluation Guide’ and ‘EBD Criteria Evaluation Guide.’ These resource guides are available on DPI’s website at www.dpi.wi.gov/sped/eligibility.html.

Parents must be provided with a copy of the IEP team’s evaluation report; however, neither federal nor state law specifies when parents must be provided with a copy. Typically, the LEA provides the parents with a copy of the evaluation report with the child’s IEP and notice of placement. It is, however, important LEAs ensure parents have the information they need to participate meaningfully in IEP team meetings. Parents may need to review their child’s education records. An LEA must comply with a parent request to inspect and review existing education records, including IEP team evaluation reports or summaries of IEP team participants’ findings, without unnecessary delay and before any meeting regarding an IEP or a due process hearing and in no case longer than 45 days after the request.

FORM CONTENT

CLARIFICATION/EXPLANATION

Type of evaluation

The IEP team identifies whether the evaluation being completed is an initial evaluation or a reevaluation. See the comments under ‘Implementation Considerations’ on forms RE-1 and RE-2 for a discussion of when an evaluation is an initial evaluation and when it is a reevaluation.

Date of eligibility determination

The date of the eligibility determination is the date the IEP team meets and determines whether the child is or continues to be a child with a disability.

In the case of an initial evaluation the IEP team must make the eligibility determination within 60 calendar days of receiving parent consent for administering tests and other evaluation materials, (see form IE-3) or providing the parent notice that no additional assessments are needed. (See form IE-2.)

In the case of a reevaluation, the IEP team must make a determination about continuing eligibility within **60 calendar days** of receiving parent consent for administering tests and other evaluation materials (see form RE-5) or providing the parent notice that no additional assessments are needed.

(See form RE-4.)

Date of eligibility determination (cont'd)

There are exceptions to the 60-calendar day timeline. The exceptions include situations when (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation; (2) a child enrolls in a school of another LEA after the 60-calendar day timeline has begun but prior to a determination of eligibility or continuing eligibility by the child's previous LEA (see form M-2); or (3) there is a written agreement with the parent to extend the timeline to complete the evaluation of a child suspected of having a specific learning disability. (See form M-3.)

The date of eligibility determination also begins the **30-calendar day** timeline within which the IEP team must meet to develop an IEP and determine a child's placement.

Information from review of existing data

When interpreting evaluation data to determine special education eligibility and a child's educational needs, IEP teams are required to document and carefully consider data from a variety of sources. Form ER-1 summarizes the existing data, relevant to the evaluation, reviewed by the IEP team at the IEP team meeting to determine special education eligibility. This evaluation data was created as part of the current evaluation. It is information that existed prior to the current evaluation. Any data from tests or other evaluation materials administered as part of the current evaluation is documented on form ER-1 under 'Information from Assessments and Other Sources.'

Item A—Summary of previous evaluations Include previous district evaluations and independent educational evaluations whether at school district expense or parent expense.

Item B—Information provided by parents Record information provided by the parents and discussed at the IEP team meeting. LEAs should encourage parents' participation in discussing their child's strengths and abilities and what they view as their child's difficulties. Some LEAs have developed short questionnaires they request the parents complete and bring to an IEP team meeting as a way of engaging them.

Item C—Previous Interventions and the effects of those interventions Identify any previous interventions, including instructional methodologies, provided in the regular education classroom or a special education setting, and the effects of those interventions. Include how the child responded to the interventions, e.g., "Direct instruction in reading fluency for eight weeks resulted in an increase of two words per minute."

Item D—Current classroom-based, local, or state assessments Include the child's performance on classroom tests, quizzes, assignments, and local and state assessments. They may have been conducted in the regular education classroom or in a special education classroom.

State assessments include the *Wisconsin Knowledge and Concepts Examination* and the *Wisconsin Alternate Assessment-SwD*. Local or district-wide assessments include any standardized tests administered district-wide, e.g., *Iowa Test of Basic Skills*.

Information from review of existing data
(cont'd)

Item E—Current classroom-based observations Include observations of the child by the regular education teacher, or, if the child is not participating in a regular education classroom, observations of the child in his/her special education setting by the child's special education teacher.

Item F—Observations by teachers and related service providers Include observations of the child by the special education teacher or related service provider in a regular education classroom or other settings. If the child is not participating in a regular education classroom, include observations of the child in a special education setting or other setting by school personnel other than the child's special education teacher.

Information from assessments and other sources

Document data and information obtained from tests and other evaluation materials administered as part of the current evaluation. The data may include results from checklists, behavior rating scales, interviews, standardized tests, and informal assessments. Summarize and integrate the data and information obtained during the evaluation.

The evaluation report also includes a description or explanation of how assessments were given if not administered in accordance with the instructions provided by the publisher, e.g., use of an interpreter or a different language or other mode of communication.

Determination of eligibility for special education

In order to identify a child as a child with a disability, the IEP team must first determine the child has one or more impairments. The IEP team must also determine that an impairment adversely affects the child's educational performance and as a result the child needs special education. Identify the child's impairment(s), if any, using the eligibility criteria in section PI 11.36, Wisconsin Administrative Code, and document how the child meets (or does not meet) the criteria. If no impairments are identified, or if some are identified and others are considered but rejected, document how the child did not meet the criteria for a particular impairment.

If the IEP team identifies a Specific Learning Disability, document the additional information required for Specific Learning Disabilities on form ER-2.

If the IEP team identifies a visual impairment, document the additional information required for determining a child's need for Braille on form ER-3.

Need for Special Education

The IEP team must determine that a child needs special education as a result of the impairment

before the child may be identified as a child with a disability. It is possible for a child to have an identified impairment and not need special education and, therefore, not be a child with a disability.

Need for Special Education (cont'd)

Answer question 1 by checking the appropriate box to indicate whether the student has needs that cannot be met in regular education as structured. If "Yes" is checked, list the needs. If "No" is checked, there is no need for special education. Check the box at the top of the form to indicate there is no need for special education.

If "Yes" is checked for question 1, answer question 2. Check the appropriate box to indicate whether there are modifications that can be made in the regular education program to allow access to general education curriculum and to meet the educational standards that apply to all students. If "Yes" is checked for question 2, list under 2a modifications that do not require special education and under 2b modifications that require special education. If "No" is checked for question 2, proceed to question 3 and determine whether the child needs additions or modifications that are not provided through the general education curriculum. If "Yes" is checked for question 3, list the additions or modifications not provided through the general education curriculum. If "Yes" is checked for question 1 and needs are listed for question 2b and/or question 3, check "Yes" at the top of the form to indicate the student needs or continues to need special education.

ER-2 Evaluation Report: Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities

Form ER-2 is used only when a child is being evaluated or reevaluated in the area of Specific Learning Disabilities (SLD).

FORM CONTENT

CLARIFICATION/EXPLANATION

Documentation for eligibility determination, Items A. – J.

The Department has developed resource materials to assist IEP teams in responding to items A. through J. The materials describe the types of data and information that must be included. The materials are available on the DPI's website at www.dpi.wi.gov/sped/eligibility.html. Please note, some items are required only for initial evaluations, some for reevaluations, and some for both. Additional Instructions for completing form IE-2 can be found at <http://www.dpi.wi.gov/sped/pdf/ld-er2-guidance.pdf>.

Assurance that decision is based on a variety of sources and agreement with conclusions of whether the child is a child with a Specific Learning Disability

When determining whether a child has a specific learning disability, the IEP team must base its decision on information from a variety of sources and not on any single measure or assessment as the sole criterion.

Each IEP team participant, including the parents, signs form ER-2 and indicates if she/he agrees with the team's conclusion about whether or not the child has a specific learning disability. If any IEP team participant, including the parent, does not agree with the team's conclusions, then s/he must also attach a statement reflecting his/her conclusions. If a parent disagrees with the conclusions of the team and refuses to submit a statement, the LEA cannot compel the parent to do so. The LEA may summarize the parent's position in writing and indicate the parent refused to submit a separate statement.

ER-3 Evaluation Report: Documentation for Determining Braille Needs for a Child with a Visual Impairment

Form ER-3 is used only when the IEP team determines a child has a visual impairment (see form ER-1). The law requires the IEP provide for instruction in Braille and the use of Braille unless a determination is made that instruction in Braille or the use of Braille is not appropriate for the child. This form should be attached to the IEP if form I-5, *Special Factors*, indicates the child does not need instruction in Braille or in the use of Braille.

Implementation Considerations

In some situations, e.g., a child of preschool age or a child with a degenerative disease of the eye, it may not be possible to make a determination of the child's future need for instruction in Braille or the use of Braille. In these instances, the IEP team should follow and monitor the child's progress to determine if there are any changes in the child's need for instruction in Braille or the use of Braille.

FORM CONTENT

CLARIFICATION/EXPLANATION

Evaluation of reading and writing skills, needs and appropriate media

For a child with a visual impairment, an IEP team must evaluate reading and writing skills, needs, and appropriate reading and writing media, including the child's future need for instruction in Braille or the use of Braille.

Determination of current need for instruction in Braille or use of Braille

Check "Yes" or "No" to indicate whether the child demonstrates a current need for instruction in Braille and/or the use of Braille. If "No" is checked, enter an explanation of the basis for this conclusion.

Determination of future need for instruction in Braille or use of Braille

Check "Yes," "No," or "Cannot be determined at this time" to indicate the IEP team's conclusion about whether the child demonstrates a future need for instruction in Braille or the use of Braille. If "No" or "Cannot be determined at this time" is checked, enter an explanation of the basis for the conclusion.

ER-4 Notice of IEP Team Findings that Child Is Not a Child with a Disability

Form ER-4 is used only when an IEP team determines upon initial evaluation a child does not have a disability or upon reevaluation that a child no longer continues to be a child with a disability.

FORM CONTENT

CLARIFICATION/EXPLANATION

Findings by the IEP team

When an IEP team determines a child is not a child with a disability, or is no longer a child with a disability, the LEA must provide written notice to the parents of the determination. Federal and state laws require the LEA provide notice to parents whenever the LEA proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education (FAPE).

Check the first box if the child is determined not eligible after an initial evaluation. Check the second box if the child is determined no longer eligible after a reevaluation.

A copy of the IEP team's evaluation report

The LEA is required to provide a copy of the IEP team's evaluation report to the parents. Enclose the report with form ER-4.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, related to the determination the child is not a child with a disability and any other factors relevant to the determination. If no other options were considered, check the "None" box.

Parents have procedural safeguards and may contact other sources for assistance about understanding their rights

Any required notice must inform parents about the protections they have under the procedural safeguards of IDEA and sources they may contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parent with a copy of the complete procedural safeguards notice if the LEA previously provided the parent with a copy of the procedural safeguards in the current school year. However, if the parent requests another copy, the LEA must provide one.

Arranging/Scheduling Individualized Education Program Meetings

I-1 Invitation to a Meeting of the Individualized Education Program Team (IEP)

Whenever an LEA will conduct an IEP team meeting, form I-1 is used to notify parents the LEA will conduct the IEP team meeting.

Implementation Considerations:

LEAs commonly contact parents to arrange a mutually agreed upon date and time for an IEP team meeting before sending form I-1. This practice saves time when scheduling IEP team meetings. If the parent requests specific LEA personnel be included and the LEA decides to include them, the personnel must be listed on the invitation.

If an IEP team meeting ends and is reconvened on another day, the parent participation requirements must be followed, including providing an invitation to the next meeting.

When scheduling IEP team meetings, the LEA must observe required timelines. For example, a meeting to develop a child's IEP and determine placement must occur within 30 calendar days of the determination the child is eligible for special education services. LEAs should schedule IEP team meetings well before a timeline ends to permit meetings to be rescheduled, if needed, and still meet the timeline. Whenever possible, LEAs should avoid scheduling IEP team meetings on or shortly before the last day of a timeline.

If transition is checked on form I-1 as one purpose of the IEP team meeting, the student must be invited to the IEP meeting. A separate invitation may be sent to the student. Alternatively, the student's name may be included with the parents' names on the invitation and envelope, or the student may be invited verbally. The date and method for inviting the student should be documented on form I-8.

When a manifestation determination is required for a student, an IEP team meeting may be held for this purpose, although an IEP team meeting is not required. IDEA allows "...the LEA, the parent, and relevant members of the IEP team..." to make the determination. However, if it is determined the child's behavior that resulted in the disciplinary action is a manifestation of the disability, an IEP team meeting will be required to develop a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP) or review an existing BIP and modify it as necessary. Also an IEP team must review and revise the IEP and determine placement, as appropriate. Therefore, it may be expeditious to conduct manifestation determination reviews at IEP team meetings.

FORM CONTENT

CLARIFICATION/EXPLANATION

Informing parents of the IEP team meeting

The LEA must take steps to ensure one or both of the child's parents are present at the IEP team meeting or are afforded the opportunity to participate.

The LEA must do the following.

- Notify the parents of the meeting early enough to ensure they have an opportunity to attend;
- Schedule the meeting at a mutually agreed on time and place;
- Inform the parents of the purpose, time, and location of the meeting and who will attend;
- Inform the parents of their right to bring other people they believe have knowledge or special expertise about their child; and
- Inform the parents of the right to request the LEA invite the Birth to Three coordinator or other representative to the IEP team meeting if their child is transitioning from a county Birth to Three program.

Consolidation of IEP team meetings

The IDEA requires an LEA to encourage, to the extent possible, the consolidation of reevaluation meetings and other IEP team meetings. Often LEAs determine continuing eligibility for special education, revise the IEP, and determine educational placement at the same IEP team meeting.

Purpose of the meeting

Check all boxes in this section that apply to the meeting. For example, if the LEA intends (1) to determine a child's continuing eligibility for special education, (2) review and revise the IEP, (3) address transition, and (4) determine the child's continuing placement at the meeting, then all four purposes must be checked.

Purpose: Evaluation and Reevaluation.

If one purpose of the meeting is to determine initial or continuing eligibility for special education, then the child's eligibility must be determined no more than **60 calendar days** from either:

- 1) the date the parents were provided notice no tests were needed (form IE-2, for initial evaluations or form RE-4 for reevaluations) or
- 2) the date the LEA received parent consent (form IE-3, for initial evaluations or RE-5 for reevaluations).

Exceptions to the 60-calendar day timeline may apply when:

- 1) the parent of a child repeatedly fails or refuses to produce the child for evaluation;
- 2) a child transfers from another LEA after the 60-calendar day timeline has begun but prior to an eligibility determination by the previous LEA (See form M-2.); or
- 3) a parent agrees in writing to an extension to complete the evaluation of a child suspected of having a specific learning disability. See form M-3.

Purpose of the Meeting (cont'd)

Purpose: Individualized Education Program (IEP)

Develop an initial IEP: The date the IEP team meets to develop the IEP must be no more than **30 calendar days** from the date the IEP team made the eligibility determination. See form ER-1. An IEP team may develop an initial IEP at the same meeting the IEP team determines the child's initial eligibility.

Develop an annual IEP: An IEP team must meet periodically, but no less than annually, to review the IEP. The IEP team must meet no more than **12 months** from the date the IEP team last met and developed the child's annual IEP. At an annual IEP team meeting, the IEP team must review the IEP to determine whether the annual goals are being achieved. The team must revise the IEP, as appropriate, to address:

- any lack of expected progress toward the annual goals and in the general education curriculum;
- the results of any reevaluation;
- information about the child provided to or by the parents;
- the child's anticipated needs;

- special factors (See form I-4.); and
- other matters.

Review/Revise IEP: An IEP team may conduct a meeting to review/revise a child's IEP at any time. After a reevaluation, an IEP team must meet within **30 days** of a determination of continuing eligibility to review and revise the IEP, as appropriate, to address the results of the reevaluation. The IEP team may review and revise the IEP at the same meeting the IEP team determines the child's continuing eligibility.

An IEP team meeting to review/revise an IEP is also considered an annual IEP meeting only if the IEP team reviews the IEP to determine whether the annual goals are being achieved and revises the IEP, as appropriate, to address all the factors listed above under "Develop an annual IEP." If the IEP team does not review annual goal progress and revise the IEP to address all of the factors above, the meeting cannot be considered the annual IEP meeting.

An IEP may be modified or amended without holding an IEP team meeting after the annual IEP meeting. See forms I-10-A and I-10-B.

Transition: If a child is 14 or older or will turn age 14 during the dates the IEP will be in effect, transition must be checked as one purpose of the meeting. If transition is checked as one purpose, the student must be invited to attend. In addition, the LEA must inform the child's parents their child will be invited to the IEP meeting.

Purpose of the Meeting (cont'd)

Purpose: Placement

If one purpose of the meeting is to develop an initial placement following the development of the child's initial IEP, the date the IEP team meets to determine the placement must be no more than **30 calendar days** from the date the IEP team determined the child is eligible for special education. See form ER-1.

If one purpose of the meeting is to determine a child's continuing placement following a reevaluation and review and revision of the child's IEP, the date the IEP team meets to determine the child's continuing placement must be no more than **30 calendar days** from the date the IEP team determined the child's continued eligibility. See form ER-1.

An IEP team must determine a child's placement at least annually. The date of the IEP team meeting to determine placement must be no more than **12 months** from the date the IEP team last determined the child's placement. For example, if an IEP team last met and determined a placement on 10/1/07 (form P-1 or P-2), an IEP team must determine the child's placement again no later than 10/1/08.

Purpose: Other

Review of existing information: An LEA is not required to conduct an IEP team meeting to review existing evaluation data to determine whether to administer tests during an evaluation. See form EW-1. However, an LEA may hold an IEP team meeting for this purpose. If it holds a meeting for this purpose, the LEA must invite the child's parents.

Conduct a manifestation determination: A manifestation determination is required within **ten school days** of a decision to change a placement because of a violation of a code of student conduct. An IEP team meeting is not required to conduct a manifestation determination; however, an IEP team meeting may be conducted for this purpose. See "Implementation Considerations" above.

Determine setting for services during disciplinary change in placement: When a disciplinary removal is a change of educational placement, the IEP team is required to determine the appropriate services and the setting in which the services will be provided. If this is one purpose of an IEP team meeting, the appropriate boxes under "IEP" and "Placement" must also be checked on form I-1.

Participating transition agency representative

If “Transition” is checked as one purpose of the meeting, with the consent of the parent or adult student (See form I-1-A.), the LEA must invite a representative of any participating agency likely to be responsible for providing or paying for transition services. Enter the name of the agency along with the name and title of the individual representing the agency. If the name of the individual who will attend is not known, at a minimum enter the title or position of the individual who will attend, e.g., DVR counselor. If an outside agency representative will not be invited, check the “None” box.

IEP team participants

Each IEP team must consist of the following.

- The parents of the child.
- At least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- At least one special education teacher who has recent training or experience related to the child’s known or suspected area of special education needs or, where appropriate, at least one special education provider of the child.
- A representative of the local educational agency who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local educational agency. An LEA member of the IEP team may also serve in the capacity of the LEA representative at the meeting if the individual meets the legal requirements to serve as an LEA representative.
- An individual who can interpret the instructional implications of evaluation results.
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate.
- Whenever appropriate, the child. If a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the child.
- If a child is attending school through open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the child.
- When a child is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.
- If the purpose of the meeting is to conduct an evaluation to consider a suspected specific learning disability for the first time, and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive interventions with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluation of children.

Parents must be informed of who will attend an IEP team meeting. Parents have the right to bring to the meeting an individual, even if the individual is not listed on the invitation or known to the LEA in advance.

Parents right to additional time

If during any meeting addressing an evaluation, IEP development (including IEP review and revision), or placement, either the LEA or the parent determines additional time is needed to ensure meaningful parent participation, the LEA must provide it, subject to the timelines for evaluation, and IEP development, and placement.

Parents have the right to a copy of the procedural safeguards and to contact other sources for assistance about understanding their rights

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy in the current school year. However, if the parents request another copy, the LEA must provide it.

Other sources parents can contact to obtain information and assistance in understanding IDEA and state special education law must be identified.

I-1-A Request to Invite Outside Agency Representative(s) to the Individualized Education Program (IEP) Meeting

To the extent appropriate, and with the consent of the parent or adult student, an LEA must invite a representative of any outside agency likely to be responsible for providing or paying for transition services. Form I-1-A is used to obtain parental consent to invite a representative of such an agency to the IEP team meeting, where information about the student will be disclosed. The consent requirement is included in the IDEA regulations specifically to address the disclosure of confidential information to transition agency representatives at IEP team meetings.

Implementation Considerations:

Before sending the invitation to the IEP team meeting (form I-1), the LEA must obtain parent or adult student consent to invite an outside agency representative. It is a good practice to discuss attendance of an outside agency representative with the parents or the adult student prior to requesting written consent. Information and materials for collaborating with outside agencies are available at the Department's website at www.dpi.wi.gov/sped/transition.html and at the Wisconsin Statewide Transition Initiative website, www.wsti.org.

Obtaining parent or adult student consent on this form only allows the disclosure of information to an outside agency representative at an IEP meeting to discuss post-high school goals and transition services needed to achieve the goals. It does not permit the disclosure of information to an agency representative under other circumstances. For example, if an LEA wishes to disclose information about a child to an agency following a disciplinary removal from school, the LEA must obtain a separate consent from the parent or adult student for this purpose. An LEA may disclose personally identifiable information about a child under three circumstances: (1) with the written consent of the parent, guardian or adult student; (2) pursuant to a court order; and (3) by authority of statute. For additional information about confidentiality, see the publication, "Student Records and Confidentiality" on the Department's website at www.dpi.wi.gov/sped/sbrecords.html.

Because form I-1-A provides authority only to disclose information at an IEP team meeting where transition is considered, some LEAs have modified their general consent forms for release of records or information to include consent for inviting an agency representative to IEP team meetings. A consent form for release of records must identify the records, information or data that may be disclosed, the purpose of the disclosure, and the parties or class of parties to whom the disclosure may be made. The Department recommends the form include the effective period of the consent, e.g. 9/1/07 through 8/31/08, and the effective period be no more than one year. If consent is needed for longer than one year, a new consent should be obtained.

FORM CONTENT

CLARIFICATION/EXPLANATION

Participating outside agency representative

Enter the name of the agency representative, if known, who will be invited to the IEP meeting. If the name of an agency representative is not known, identify the individual's title or position, e.g. DVR counselor.

Parent or adult student consent

The parent or adult student checks the appropriate box, signs, dates, and returns form I-1-A to the LEA.

Parents have the right to a copy of the procedural safeguards and to contact other sources for assistance about understanding their rights

If consent is not obtained, the LEA cannot invite an outside agency representative. The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if the parents request another copy, the LEA must provide it. Other sources parents can contact to obtain information and assistance in understanding IDEA and state special education law are identified.

I-2 Agreement on IEP Team Participant Attendance at IEP Meeting

Under certain conditions, and with the written agreement or consent of the parent and the LEA, IDEA permits a required IEP team participant to be excused from attending an IEP team meeting in whole or in part. The excusal provisions are intended to allow added flexibility for parents and LEAs in scheduling IEP team meetings to avoid delays when there is a scheduling conflict. Excusing required IEP team participants from attending meetings in whole or in part should be the exception. The summary of comments and changes to the IDEA regulations states, “An LEA that routinely excuses IEP Team members from attending IEP Team meetings would not be in compliance with the requirements of the Act, and, therefore, would be subject to the State’s monitoring and enforcement provisions.” [Analysis of Comments and Changes, 34 CFR Parts 300 and 301, *Federal Register*, Vol. 71, No. 156, Monday, August 14, 2006/Rules and Regulations, p.46674]

Required IEP team participants include the following:

- The parents of the child.
- At least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- At least one special education teacher who has recent training or experience related to the child’s known or suspected area of special education needs or, where appropriate, at least one special education provider of the child.
- A representative of the local educational agency who is qualified to provide or supervise the provision of special education, is knowledgeable about the general curriculum and is knowledgeable about and authorized to commit the available resources of the local educational agency.
- An individual who can interpret the instructional implications of evaluation results, who may be another member of the IEP team other than the parents or the child.
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate.
- Whenever appropriate, the child. If a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the child.
- If a child is attending school through open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the child.
- When a child is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.
- When the purpose of the meeting is to conduct an evaluation to consider a suspected specific learning disability for the first time, and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based,

intensive intervention with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluations of children.

At least one individual serving in each required participant category must attend the IEP team meeting or must be excused. When a child has more than one regular education teacher and at least one of them will attend the IEP team meeting, an excusal is not required for the child's other regular education teachers. Similarly, when at least one of the child's special education teachers will attend the meeting, an excusal is not required for the other special education teachers who do not attend.

If a required participant's area of curriculum or related service will not be modified or discussed at the IEP team meeting, the participant may be excused from the meeting if the parent agrees in writing. When a required participant's area of curriculum or related service will be modified or discussed, the participant may be excused from the meeting if (1) prior to the meeting, the participant submits written input for IEP development to the parent and other IEP team participants and (2) the parent consents in writing to the excusal. At the time consent is obtained, the LEA must provide the parent with appropriate and sufficient information to ensure the parent fully understands the parent is consenting to excusing a required participant whose area of curriculum or related services will be changed or discussed. If the parent does not consent, the IEP team meeting must be held with that required participant.

Implementation Considerations:

LEAs should carefully consider, based on the needs of the child and the issues to be addressed, whether it makes sense to conduct the IEP team meeting without a particular member or whether it would be better to reschedule the meeting. The LEA should determine the individual(s) with authority to consent or agree with the parent to excuse an IEP team participant. The individual must have the authority to bind the LEA to the agreement.

The LEA should discuss an excusal with the parent before the IEP team meeting. Prior to agreeing in writing to an excusal, the parent may request to discuss the proposed excusal with the individual(s) who would be excused from the meeting. If the parent agrees to the excusal, the parent is requested to sign the form *Agreement on IEP Team Participant Attendance at IEP Meeting* (form I-2). The reason for the excusal is documented along with any other options considered and relevant factors.

While the IDEA and state special education law permit the excusal of an LEA representative from an IEP team meeting, it may not be reasonable for an LEA to agree to the excusal of the LEA representative if that individual is needed to ensure decisions can be made at the meeting about the commitment of agency resources to implement the child's IEP.

When a participant is excused from the entire meeting, the excused individual's name does not appear on the *Evaluation Report and IEP Cover Sheet* (form I-3) as attending or participating in the meeting. Instead, the individual's name appears in the appropriate section on a signed form I-2. If it is agreed that a required IEP team participant will be excused from attending a portion of the IEP meeting, the excused individual's name appears on the form I-3 as attending the meeting and also appears in the appropriate section on a signed form I-2.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date and manner of discussion

Enter the date and manner in which the discussion about excusal took place, e.g., face-to-face conference, phone conversation, or exchange of emails.

Circumstances of excusal

Mark the appropriate box and identify the individual who will not attend the IEP meeting in its entirety or in part. Check the first box when the named participant will not attend the IEP meeting because the participant's area of curriculum or related service will not be modified or discussed. Check the second box if the named participant is excused from the IEP meeting when the participant's area of curriculum or related service will be modified or discussed, and the participant provides the IEP team written information. Check the third box when the participant will attend the meeting when the participant's area of curriculum or related service is modified or discussed, but will be excused from attending the rest of the meeting.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, related to the excusal of an IEP team participant and the reasons for rejecting those options, including any other relevant factors. If no other options were considered, check the "None" box.

Parents have the right to a copy of the procedural safeguards and to contact other sources for assistance about understanding their rights

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if the parents request another copy, the LEA must provide it. Other sources parents can contact to obtain information and assistance in understanding IDEA and state special education law are identified.

Written parent agreement or consent

When consent is sought, the parent must be informed his/her consent is voluntary and may be revoked at anytime prior to the activity for which the consent is sought. The parents are also informed they may request to confer with an IEP team participant who may be excused before agreeing or consenting to excusing the individual from attending the IEP meeting.

I-3 Evaluation Report and IEP Cover Sheet

When an IEP team meets, an *Evaluation Report and IEP Cover Sheet* is completed. It is used in conjunction with forms ER-2, ER-3 and ER-4; I-4 through I-9, I-11 & I-12; and P-1, P-2 and P-3, as appropriate. The *Cover Sheet* documents the child's demographic information, the purpose(s) of the IEP team meeting, and those in attendance.

Implementation Considerations:

While the names of IEP team participants in attendance must be documented, their signatures are not required. An LEA may request an IEP team participant to sign the cover sheet or write initials next to a printed name. The signature is not an indication of agreement with the IEP, but is simply documentation of attendance.

Some LEAs enter the names of IEP team member on form I-3 before the IEP meeting is conducted. LEAs that follow this practice should use check marks or participants' initials next to the names of participations or some other means to indicate the individuals who actually participated in the meeting.

FORM CONTENT

CLARIFICATION/EXPLANATION

Transfer students

When a child transfers between LEAs in Wisconsin, or transfers from an LEA in another state, the new LEA must provide FAPE to the child. The new LEA must either adopt the child's evaluation and IEP from the previous LEA or conduct its own evaluation and develop its own IEP. Until then, the LEA must provide the child services, in consultation with the child's parents, comparable to those described in the child's IEP from the previous LEA.

If the LEA adopts the evaluation and IEP, enter the individual(s) who reviewed and adopted the evaluation and IEP and the dates. An IEP team meeting is not required to determine placement if the child will attend the school s/he would attend if not disabled and the IEP can be implemented as written in the school. However, if the child's IEP cannot be implemented as written in the school the child would attend if not disabled, an IEP team must meet to determine the child's placement.

When a Wisconsin LEA adopts the evaluation and IEP of a child transferring from an LEA in another state, a new parental consent for initial provision of services is not required if the parent granted consent in the other state.

If a child transfers from one LEA to another within Wisconsin and the new LEA does not adopt the evaluation from the previous LEA and initiates its own evaluation, this evaluation is a reevaluation.

If a child transfers from an LEA in another state, and the Wisconsin LEA does not adopt the evaluation from the previous LEA, the Wisconsin LEA must conduct its own evaluation. The purpose of the evaluation is to determine if the child is a child with a disability under state eligibility criteria and to determine the educational needs of the child. Therefore, this evaluation is

an initial evaluation.

Purpose of the meeting

Check each applicable purpose of the IEP team meeting. The purpose(s) checked should correspond to those on the invitation (form I-1). Do not check a particular purpose on form I-3 unless it was identified on the invitation.

Consideration of the initial or most recent evaluation, statewide assessments and district wide assessments

If one purpose of the meeting is to develop an initial or annual IEP or review and revision an IEP, the IEP team must consider the results of the child's initial or most recent evaluation, as well as any results from statewide and district wide assessments. Check "Yes" to indicate the IEP team considered these results. Check "Not applicable" only when neither "initial or annual IEP development" nor "IEP review/revision" is one purpose of the meeting.

Date of meeting

Enter the month, day, and year of the meeting. When conducting IEP team meetings, LEA staff must observe the state and federal timelines for evaluation, IEP development, and placement. For example, the LEA must conduct a meeting to develop an IEP and determine a child's placement within **30 days** of a determination the child is a child with a disability.

IEP team participants attending or participating by alternate means

List only the names of those who participate in the IEP team meeting in its entirety or in part, either by attending or participating through alternate means e.g., conference phone call or video conferencing. The LEA may use alternate means of meeting participation if the LEA and the parents agree. An individual who submits written information prior to the meeting and does not participate in real time has not participated by alternate means. It is a good practice to record the alternate method of participation on form I-3.

If a parent and LEA agree to excuse a required IEP team participant from a meeting in its entirety, do not record the individual's name on the *Evaluation Report and IEP Cover Sheet*. Attach the signed agreement excusing the participant (form I-2) to the *Evaluation Report and IEP Cover Sheet*. If a required IEP team participant is excused from part of a meeting, record the individual's name on the *Evaluation Report and IEP Cover Sheet* and attach the agreement (form I-2).

Documentation of efforts to involve parents

An LEA must take steps to ensure one or both parents are present at each IEP team meeting or are afforded the opportunity to participate. If neither parent can attend the meeting in person, the LEA must use other means to ensure participation, including an individual or a conference phone call. It is a good practice to record the alternate method of participation on form I-3.

An IEP team meeting may be held without the parents only if the LEA is unable to convince them they should participate. In this case, the LEA must have a record its attempts to arrange a mutually agreed upon time and place for the meeting, such as telephone calls made and attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits to the home or the parent's place of employment and of the results of those visits. Enter on form I-3 the date of each attempt, the means by which the LEA attempted to contact the parents, and the results.

Generally, a good faith effort to convince parents to participate in an IEP team meeting includes not less than three reasonable attempts. For example, a record of three phone calls with no answer would not be considered a good faith effort.

If an LEA documents the parents agreed to participate in a meeting, the LEA does not need to document additional attempts. If the parents are not present at the agreed upon meeting time, it is a good practice to attempt to reach them prior to beginning the meeting. In addition, if the parents did not participate in the IEP team meeting, it is a good practice for the LEA to contact them and offer to meet to review the information discussed at the meeting.

Developing Individualized Education Programs

Information and materials to assist in developing IEPs are available at the Department’s website at www.dpi.wi.gov/sped/sbiep.html. Examples of materials available include *Doing It Right: IEP and Objectives to Address Behavior* and *A Guide for Writing IEPs*.

I-4 Present Level of Academic Achievement and Functional Performance

Form I-4 is used when the IEP team develops an initial or annual IEP or reviews and revises a child’s IEP. The present level of academic achievement and functional performance must include information that corresponds with each annual goal. The description of the child’s present level of academic achievement and functional performance should encompass all areas of need for the child and create a “snapshot” of the child’s skills and abilities.

Developing a comprehensive statement of a child’s present level of academic achievement and functional performance promotes consideration of the whole child and a more unified approach to addressing the child’s needs.

FORM CONTENT

CLARIFICATION/EXPLANATION

Child’s strengths and concerns of the parent

In developing a child’s IEP, the IEP team must consider the child’s strengths and the parents’ concerns for enhancing the education of their child.

Present level of academic achievement and functional performance including how the disability affects involvement and progress in the general curriculum

Identify the child’s present levels of academic achievement and functional performance related to his or her educational needs. The statement should be written in language understandable to all, including the parent. The statement must address **both** academic achievement **and** functional performance. Functional performance includes the following:

- Activities and skills not considered academic or directly related to a child’s academic achievement. Academic achievement generally refers to a child’s performance in academic content areas (e.g., reading or language arts, math, science, history).
- Routine activities of daily living.
- Skills needed for independence and performance at school, in the home, in the community, for leisure time, and for post-secondary and life-long learning.
- Motor skills, personal care, time and money, school/work habits, home/community orientation.
- Behavior and interpersonal relationships.

If after conducting a review, the IEP team determines the child does not have deficits in functional performance, it is sufficient to document this in the child’s IEP.

Include information that corresponds with each annual goal in the present level of academic achievement and functional performance.

Present level of academic achievement and functional performance including how the disability affects involvement and progress in the general curriculum (cont'd)

The present level of educational performance must include how the child's disability affects the child's involvement and progress in the general curriculum. A statement that just acknowledges a student's disability impacts his/her performance is not sufficient. Look for statements that tell how the child's progress is impacted by the disability. The term "general curriculum," refers to the same curriculum as for nondisabled children. It is the common core of subjects and curriculum areas adopted by each LEA or schools within the LEA that applies to all children within each general age grouping from preschool through secondary school.

For a preschool child, address how the child's disability affects the child's participation in appropriate activities. "Appropriate activities" means activities that children of that chronological age typically engage in as part of a formal preschool program or in informal activities, for example coloring, pre-reading activities, play time, sharing time, listening to stories read by teachers or parents. A statement that simply acknowledges a child's disability impacts performance is not sufficient, e.g., "Due to John's disability, he has difficulty achieving the goals of the general education curriculum." The statement should explain how a child's performance or progress is impacted, e.g. "John's lack of decoding skills interferes with reading science and social studies texts."

The extent to which a child with a disability will not participate in the general curriculum.

The IEP team decides the extent to which a school-age child with a disability will not participate in the general education curriculum. This requirement is about what the child will be taught, not where the child will be taught. The term "general curriculum" means same curriculum as that for nondisabled children. It is the common core of subjects and curriculum areas adopted by each LEA or schools within the LEA that applies to all children within each general age grouping from preschool through secondary school. "Full time in the general curriculum" means the child's instruction addresses the curriculum standards for nondisabled children in the child's general age grouping in all areas of the LEA's curriculum.

A child with a disability may be taught the general curriculum with modifications or supports. The student is in the general curriculum as long as the student is expected to meet the general curriculum standards for the child's general age grouping— even if the student is using different texts or other materials. A student may be full time in the general curriculum if he is pulled out of class to an LD resource room or for speech therapy or other services, but still expected to meet the same general curriculum standards as other students. If a child's instruction addresses alternate achievement standards e.g., *Extended Grade Band Standards*, in one or more area(s) of curriculum, the child is not full time in the general curriculum.

The extent to which a child with a disability will not participate in the general curriculum (contd)

If a child will not participate full time in the general curriculum, or for preschoolers in appropriate activities, an explanation of the extent to which a child will not participate is required in the IEP. If a child is participating in an alternate or replacement curriculum that is aligned with alternate achievement standards, then the IEP team must check all content areas tested for the child's grade level. If the child is a preschooler, list the age-appropriate activities in which the child will not participate.

Special factors

The IEP team must consider the factors listed on form I-5, *Special Factors*, when developing an initial or annual IEP or reviewing and revising an IEP after a reevaluation. If the child is visually impaired, check the "Yes" box on form I-4 and complete form I-5. If the child is not visually impaired and has no need in the other special factors, check the "No" box on form I-4. When the "No" box is checked on form I-4, form I-5 is not completed.

I-5 Special Factors

This form is used when the IEP team has answered “Yes” to the special factors question at the bottom of Form I-4. It is always completed when a child has an identified visual impairment. Devices and services needed to meet the needs identified on form I-5 must be included in the IEP. See form I-9, *Program Summary*.

FORM CONTENT

CLARIFICATION/EXPLANATION

Behavior

If the child’s behavior impedes the child’s learning or that of others, the IEP team must consider using positive behavioral interventions and supports and other strategies to address the behavior. Examples of positive behavioral interventions or supports include social skills instruction; modifying or adjusting classroom seating; providing increased opportunities for the student to make choices; and foreshadowing change. An IEP that only includes negative consequences, such as suspension or detention, does not meet the standard.

Information related to addressing inappropriate behavior, including functional behavioral assessment and behavior intervention plans, is available at the Department’s website at www.dpi.wi.gov/sped/ed.html. Directives for implementing seclusion and restraint can be found at www.dpi.wi.gov/sped/doc/secrestrgd.doc.

Limited English proficiency

Limited English proficiency (LEP) is not a disability, but if a child with a disability also has limited English proficiency, the IEP team must consider the language needs of the child related to the IEP. The IDEA definition of LEP is the same as the definition in the Elementary and Secondary Education Act. It may be found on pages 46564-65 of the *IDEA Final Regulations, Analysis of Comments and Changes, Federal Register*, Vol. 71, No.156 at <http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C>

Braille needs

The IEP team must provide for instruction in Braille or the use of Braille for a child who is visually impaired, unless the IEP team decides after an evaluation that instruction in Braille or the use of Braille is not appropriate. If the most recent form ER-3, *Documentation for Determining Braille Need for A Child with A Visual Impairment*, indicates the child does not have a need for instruction in Braille or the use of Braille, attach it to the IEP.

Communication needs

If the student has communication needs that could impede learning, document the communication needs. If the student has communication needs that could impede learning and is deaf or hard of hearing, identify (a) the child’s language and communication needs, (b) opportunities for direct communication with peers and professional personnel in the child’s language and communication mode, (c) the child’s academic level, and (d) full range of needs including opportunities for direct instruction in the child’s language and communicative mode.

Assistive technology services or devices

The IEP team must consider any particular assistive technology (AT) devices or services the child needs.

Additional information and resources about AT can be obtained at Wisconsin Assistive Technology Initiative website at www.wati.org.

I-6 Annual Goal

Form I-6 is used when the IEP team develops an initial or annual IEP or reviews and revises a child's IEP. Most IEPs have several annual goals. Each annual goal is documented on a separate form I-6.

FORM CONTENT

CLARIFICATION/EXPLANATION

Measurable annual goals

Document the child's measurable annual goals, including academic and functional goals. Measurable annual goals focus on the particular learning needed for a child with a disability to be involved and progress in the general education curriculum (in the case of a preschool child, participate in appropriate activities). Measurable annual goals also focus on the other needs resulting from the child's disability. Annual goals such as "pass all classes" or "take classes to meet graduation requirements" apply to all students and generally do not meet the standards for an annual goal.

Generally, specific methodologies and teaching approaches are not included in an IEP. However, methodology is an appropriate topic for discussion by the IEP team. When a specific methodology or approach is not identified in the IEP, there is flexibility to use different strategies to address the child's needs. If an IEP team determines a specific instructional methodology is necessary for a child to receive FAPE, it must be identified in the child's IEP.

Benchmarks or short-term objectives

If a student is taking an alternate assessment aligned to alternate achievement standards, e.g. *Wisconsin Alternate Assessment for Students with Disabilities*, enter benchmarks or short-term objectives for all annual goals. Benchmarks describe the amount of progress the child is expected to make within specific segments of the year. Short-term objectives break the skills described in the annual goal into discrete measurable intermediate steps. There is no requirement to develop a benchmark or short-term objective for each alternate achievement standard.

While short-term objectives or benchmarks are only required for students who take an alternate assessment aligned to alternate achievement standards, they may be included in the IEPs of children who do not take such alternate assessments.

Procedures for measuring progress

Identify the procedures that will be used to measure a child's progress toward meeting the measurable annual goals. Examples of procedures include work samples, classroom tests, observations, anecdotal logs, attendance records, and point or tally sheets.

Informing parents of their child's progress

Parents of children with disabilities must be informed periodically about their child's progress toward meeting the measurable annual goals. Identify when parents will be informed of their child's progress. Reporting on annual goal progress may be done through quarterly or other periodic reports issued concurrently with report cards. LEAs should maintain documentation of when and how parents were informed about their child's progress.

I-7 Participation in Statewide and District-wide Assessment (Revised 11/07)

Form I-7 is included in the IEP for students participating in statewide or district-wide assessments. When a child will be in a grade when the *Wisconsin Knowledge and Concepts Examination* (WKCE) or a district-wide assessment is given, form I-7 describes the child's participation in the assessment. When the child will be in a grade when the WKCE is given, both sections of the form relating to the WKCE and statewide assessment are completed. When the child will be in a grade when only a district-wide assessment is given, only the section "Participation in District-Wide Assessments" is completed.

Implementation Considerations:

LEAs should monitor appropriate use of accommodations by comparing actual assessment accommodations received with those required by students' IEPs. Students who need accommodations in order to participate in a statewide or district-wide assessment most likely need the same accommodations in the classroom or to complete school work. Accommodations should:

- be consistent with day-to-day instructional methods;
- not be first introduced during testing (Students should be comfortable using accommodations.); and
- enhance access without changing the skill or construct measured.

A list of permitted accommodations for children with disabilities participating in statewide assessments is available at <http://www.dpi.wi.gov/oea/pdf/accom08.pdf>.

Participation in statewide assessment

If the child will be in a grade when the WKCE is given, check the first box at the top of the form and circle the grade the child will be in. If the child will not be in a grade when it is given, do not check the first box. If the first box is checked, check one of the next two boxes to indicate the child will participate in either the WKCE or the Wisconsin Alternate Assessment for Students with Disabilities (WAA-SwD). If an IEP team considers the child's participation in the WAA-SwD instead of the WKCE, form I-7-A, Wisconsin Alternate Assessment Participation Checklist, must be completed. When the IEP team determines a child will participate in the WAA-SwD, the child participates in the WAA-SwD for all content areas.

Accommodations necessary to participate in statewide assessment

Complete this section of form I-7 only if the child is in a grade when the WKCE is given. If the child will participate in the WKCE, identify within the grid whether the child will participate without or with accommodations for each content area. If the child needs accommodations for a content area, list the accommodations. List accommodations necessary for the Writing content area in the Language Arts content area box. If the child will participate in the WAA-SwD, list any needed accommodations for reading, math, or science. Enter “None” if no accommodations are needed in a content area.

NOTE: If the child will be in grades 4 or 8 during the next year, then s/he is eligible to participate in the National Assessment for Educational Progress (NAEP). The LEA may use the accommodations listed for the WKCE as the accommodations when administering NAEP.

Participation in district-wide assessment

In the section “Participation in District-Wide Assessments,” check either “District-wide assessments given” or “District-wide assessments not given” to indicate whether the LEA gives one or more district-wide assessments to children. If the box, “District-wide assessments not given” is checked, it is not necessary to complete the rest of this section.

If “District-wide assessments given” is checked and the student will not be in a grade when such an assessment is given, check the box “Student will not be in the grade when a district-wide assessment is given.”

If “District-wide assessments given” is checked and the student will be in a grade when a district-wide assessment is given, list the assessment(s) the child will take. If the child needs accommodations to participate in an assessment, list the appropriate accommodations. If the child will not participate in the regular district-wide assessment, explain why the child cannot participate in the regular assessment and why the particular alternate assessment selected for the child is appropriate.

I-7-A Wisconsin Alternate Assessment Participation Checklist (Revised 9/07)

Form I-7 is used only when an IEP team considers whether a child should participate in the *Wisconsin Alternate Assessment for Students with Disabilities* (WAA-SwD) instead of the *Wisconsin Knowledge and Concepts Examination* (WKCE). Directions for completing the *Wisconsin Alternate Assessment Participation Checklist* are included on the form. Additional information about the WAA is available at www.dpi.wi.gov/sped/assmt-waa.html.

Participation in Statewide Language Assessment Checklist and Accommodations worksheet

Students identified as limited English proficient or English Learners (LEP/EL) are required to take the state’s annual language assessment in the four

language domains of reading, writing, speaking, and listening regardless of disability status for grades K-12. IEP teams may use the worksheet titled: *Participation in Statewide Language Assessment Checklist and Accommodations* to determine which assessment to use: either the ACCESS for ELLs® or the Alternate ACCESS for ELLs™, and to document accommodations provided. Additional information may be found via the ELL Frequently Asked Questions page at <http://dpi.wi.gov/oea/faqell.html#elp>.

I-7-C Participation in Statewide Language Assessment (New 07/12)

The worksheet *Individualized Education Program: Participation in Statewide Language Assessment Checklist and Accommodations* is only applicable and should only be completed for students who are both limited English proficient/English Learner (LEP/EL) and have a disability. This worksheet has been developed to help Individualized Education Program (IEP) teams determine which language assessment a student should take and describe the language accommodations used, if any. All limited English proficient students English Language Proficiency levels 1-5 are required to take the state’s language assessment regardless of disability status.

IEP teams are responsible for deciding annually whether students who are classified as EL and who have a disability will participate in (1) the ACCESS for ELLs® with or without accommodations, or (2) the Alternate ACCESS for ELLs™ with or without accommodations. The Participation Criteria Checklist on page 1 of the worksheet is intended for use for English learners with significant cognitive disabilities. IEP teams should address each of the four criteria listed in the Participation Criteria Checklist when considering if a student should take the Alternate ACCESS for ELLs™.

FORM CONTENT

CLARIFICATION/EXPLANATION

Participation in Statewide Assessment	Unlike the WKCE and the WAA-SwD, the ACCESS for ELLs® is administered in all grades Kindergarten through 12th grade for all students classified as English learners, ELP levels 1-5.
Participation in the Alternative ACCESS for ELLs	Only if the IEP team can answer yes for a student for all 4 the participation criteria on page 1 of the worksheet should the student be considered an eligible candidate for the Alternate ACCESS for ELLs™. The Alternate ACCESS for ELLs™ is an assessment for students in grades 1-12 with significant cognitive disabilities for whom meaningful results cannot be obtained from the Access for ELLs®, even with accommodations. If the English learner meets the guidelines for participating in the Alternate ACCESS for ELLs™, the student completes this assessment for all 4 language domains: reading, writing, speaking and listening.
Accommodations necessary to participate in the statewide language assessment.	Identify within the grid whether the student will participate with or without accommodations for each language domain. If the English learner needs accommodations for a specific language domain list the accommodation. Acceptable accommodations for each language assessment are described in their

respective test administration manuals. These are also referenced in the accommodations matrices. Enter “None” if no accommodations are needed for a specific domain. To better ascertain the difference between content versus language accommodations, please view the resources made available by DPI. If the IEP team identified an appropriate accommodation that is not listed, a written request for approval must be submitted to the Office of Education Accountability at least two weeks prior to testing. Written consent for any alternate accommodation must be granted prior to its use. The testing window for the ACCESS for ELLs® and the Alternate ACCESS for ELLs™ typically extends from December to the beginning of February.

Additional Considerations

Any additional considerations should be noted.

I-8 Summary of Transition Services (Revised 10/06)

Form I-8 is used beginning with the first IEP that will be in effect when the child is 14 and updated annually. The form may also be used for children younger than age 14, when the IEP team determines it is appropriate.

Transition services means a coordinated set of activities designed to be within a result-oriented process that is focused on improving academic and functional achievement to facilitate a child’s movement from school to post-school life. The activities are based on the child’s needs and must take into account the child’s strengths, preferences, and interests. The activities include instruction, related services, community experiences, development of post-school adult living objectives, acquisition of daily living skills if appropriate, and a functional vocational evaluation if appropriate. Additional information related to transition services may be found at www.dpi.wi.gov/sped/transition.html and at the Wisconsin Statewide Transition Initiative website, www.wsti.org.

Implementation considerations:

While it may be possible to learn about a student’s interests and preferences from the student’s parents, it is preferable this information be obtained directly from the student. It is a good practice to identify the student’s preferences and interests in the IEP.

The IEP must contain a course of study aligned with the student’s postsecondary goals. It is a good practice to include a multi-year description of coursework.

If a participating agency fails to provide the transition services it agreed to provide, the LEA must conduct an IEP team meeting to identify alternative strategies to meet the postsecondary goals for the student.

Date and method of inviting student

If a purpose of the IEP team meeting is to discuss a student’s post-secondary goals and transition

	<p>services needed to reach the goals, the student must be invited. Record the date and method the student was invited to the IEP meeting.</p>
<p>Steps taken to ensure that student's interest and preferences considered</p>	<p>If a student does not attend an IEP meeting to discuss post-secondary goals and transition services, the IEP team must take other steps to ensure the student's preferences and interests are considered. Document how the preferences and interests were determined, e.g., a student interview or completion of an interest inventory.</p>
<p>Measurable postsecondary goals</p>	<p>Record at least one measurable postsecondary goal for the student related to each of the following: (1) education and training, (2) employment and, (3) where appropriate, independent living skills. Education refers to community or technical colleges, college or university programs, and continuing education. Training may include short-term employment training and attending a vocational technical school (less than a two year program). Employment includes competitive, supported, or sheltered employment, and military service. Independent living skills refer to activities of daily living. Postsecondary goals state what a student will achieve after high school and are measurable. For each postsecondary goal, include at least one measurable annual goal or short-term objective (form I-6) in the IEP that will help the student make progress toward achieving the postsecondary goal.</p>
<p>Postsecondary goals based on age-appropriate transition assessments</p>	<p>Postsecondary goals must be based on age-appropriate transition assessments. Maintain documentation of the transition assessments. Check "Yes" or "No" to indicate whether the measurable postsecondary goals are based on age-appropriate transition assessments and are documented. Transition assessments may be formal or informal. They may include paper and pencil tests, structured student and family interviews, observational community or work-based assessments (situational), and curriculum-based assessments. It is a good practice to identify in a student's IEP the transition assessments used in determining the student's postsecondary goals. For more information on transition assessments go to http://www.nsttac.org/?FileName=tag.</p>
<p>Transition services needed</p>	<p>Transition services focus on improving the academic and functional achievement of the child to facilitate movement from school to post-school life. Services may include instruction, related services, community experiences, integrated employment, the development of employment and other post-school adult living skills (including daily living skills), and functional vocational evaluations. State the transition services needed to assist the student in reaching the postsecondary goals.</p>
<p>Involvement of other agencies in providing transition services</p>	<p>To the extent appropriate, and with the consent of the parent or adult student, the LEA must invite to the IEP team meeting a representative of any participating agency likely to be responsible for providing or paying for transition services needed to assist the student in reaching postsecondary goals.</p>
	<p>Check the appropriate box to indicate whether another agency is or will be involved in providing</p>

transition services to meet the student's postsecondary goals. If "Yes" is checked, describe the services that will be provided by the agency. Also check the appropriate box to indicate whether a representative of a participating agency was invited to the IEP team meeting.

Courses of study

Enter a course(s) of study that focus on academic achievement and functional performance to assist the student to reach postsecondary goals.

Transfer of rights, age of majority

Beginning at least one year before a student's 18th birthday, and annually thereafter, the IEP must include a statement that the student has been informed about the rights under state and federal special education law that transfer to the student at age 18. The law also requires an LEA to inform the student's parents about the transfer of rights. The LEA must continue to provide any notice required by special education law to both the student and the parents.

Indicate whether the student will be 17 or older during the timeframe of the IEP by checking the appropriate box. If the student will be 17 or older during the timeframe of the IEP, document how the student and the parents were informed of the rights that transfer, e.g., "On 9-19-2007 via letter." Each IEP developed after the student is first informed of the rights that transfer at age 18 must include a statement that the student was informed about the rights.

I-9 Program Summary (Revised 10/06)

Form I-9 is used whenever the IEP team develops an initial or annual IEP or reviews and revises an IEP.

Implementation consideration:

Services needed to meet the needs relating to the special factors identified on form I-5, *Special Factors*, should be included on form I-9.

Special education services must be provided at not cost to the child or the child's parents. "At no cost" means the specially designed instruction is provided without charge, but incidental fees that are normally charged to nondisabled children or their parents as part of regular education programs are permitted.

IEP beginning and ending dates

Enter the projected beginning and ending dates for the IEP services and modifications to be provided to the child. The dates must include the month, day, and year. These dates only include scheduled school days during the regular school term, unless otherwise specified. The duration of the IEP, the period between the beginning and ending dates, may not exceed one year.

Physical education

Check the appropriate box to indicate whether the child will participate in regular physical education or specially designed physical education. The LEA must ensure physical education (regular or specially designed) is available to every child with a disability receiving FAPE, unless the child is enrolled full time in a separate facility and the public agency does not provide physical education to children without disabilities in the same grade. The LEA also must ensure each child with a disability is afforded the opportunity to participate in the regular physical education program available to nondisabled children, unless the child is enrolled full time in a separate facility or the child needs specially designed physical education as described in the child's IEP.

When physical education is specially designed for a child with a disability, it is special education. Physical education includes the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). It also includes special physical education, adaptive physical education, movement education, and motor development.

Vocational education

Check the appropriate box to indicate whether the child will participate in regular vocational education or specially designed vocational education. LEAs must make available to children with disabilities the variety of educational programs and services available to nondisabled children, including vocational education. Vocational education means organized educational programs that are directly related to the preparation for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree. When vocational education is specially designed for a child with a disability, it is special education.

Statements of special education; related services; supplementary aids and services; and program modifications or supports for school personnel

Identify the special education, related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, and program modifications and supports for school personnel that will allow the child to (a) advance appropriately toward attaining the annual goals; (b) be involved in and make progress in the general education curriculum; (c) participate in extracurricular and other nonacademic activities; and (d) be educated and participate with other children with and without disabilities in the activities described in (a) through (c).

Special education (Section I) is specially designed instruction to meet the unique needs of a child with a disability that is provided at no cost to the child or the child's parents. It is provided in the classroom, in the home, in hospitals and institutions, and in other settings. In Wisconsin, speech and language pathology services may be special education or a related service. Examples of statements of special education are "Instruction in reading provided by a teacher of children with learning disabilities," "Development of skills related to activities of daily living," "Instruction in anger management and social skills," or "Speech and language therapy to improve expressive language skills."

Related services (Section II) are transportation and developmental, corrective and other supportive services required to assist a child with a disability to benefit from special education. The list of related services on form I-9 is not an exhaustive list. The IEP team must consider whether the child needs related services. If the child does not need related services, check “None needed to benefit from special education.” If the child needs one or more related services, check the services needed. If a service the child needs does not appear on the list, check “other” and list the service needed.

Supplementary aids and services (Section III) are aids, services, and other supports provided in regular education classes or other education-related settings to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate. Examples of statements of supplementary aids and services are “Highlighted science texts,” “Audio taped texts,” “Provision of a note taker,” “the use of a spellchecker,” and “Additional time to complete in class assignments and tests.” The IEP team must consider whether the child needs supplementary aids and services. If services are need check “Yes” and describe the services. If the child does not need supplementary aids and services check “No.”

Program modifications or supports for school personnel (Section IV) are services or activities need by school personnel to provide services. Examples of statements are “Consultation between regular and special education teacher,” “Assistance modifying an assignment,” or “Training in nonviolent crisis intervention.” The IEP team must consider whether program modifications or supports for school personnel are needed. If such services are need check “Yes” and describe the services. If they are not needed check “No.”

There is a relationship between supplementary aids and services for children and program modifications or supports for school personnel. For example, if a child needs assistance transferring from one chair to another (supplementary service), a teacher or paraprofessional may need instruction from a physical therapist on how to safely transfer the child (program support for school personnel).

Describe the frequency, amount, location, and duration of each IEP service.

Frequency/amount, location and duration of services

Frequency and Amount:

State the services in the IEP so the level of the LEA’s commitment of resources is clear to the parents and other IEP team members. The amount of time to be committed to each of the various services must be appropriate to the specific service and stated in a manner that can be understood by all involved in developing and implementing the IEP. Whenever possible, the IEP should describe services using daily, or as appropriate, weekly allotments of hours or minutes. “20 minutes three times per week”, “40 minutes per week” or “1 hour daily” are acceptable statements.

The amount of time may be stated in a narrow range, but only if the child’s IEP team determines use of a range is appropriate based on the child’s unique needs, e.g., “Occupational Therapy,

Weekly, 20-30 minutes depending on student's level of fatigue indicated by inability to maintain an upright posture for 5 minutes." A narrow range may not be used for administrative convenience, such as personnel shortages or uncertainty regarding the availability of staff. Stating the amount of service as a minimum is not acceptable because it is not a clear commitment of resources, e.g., "a minimum of 15 minutes three times per week."

If it is not appropriate to state the amount of a service in hours or minutes, then clearly describe the circumstances under which the service will be provided and for how long. Statements such as "as needed," "as deemed necessary," "when appropriate," or "available daily" do not make clear the LEA's level of commitment of resources. Use specific objective criteria to describe when a particular service will be provided. This makes it clear when the service must be provided. For example, "When the student refuses to initiate an assigned activity for more than 5 minutes in the regular classroom, the student will meet with a special education teacher for the rest of the period."

Sometimes the IEP team decides a student's self-advocacy skills need to be developed. They want to encourage the student to realize when s/he needs help and to ask for it. In this case, it is appropriate to include an annual goal to develop the behavior. In such a case, do not state the amount and frequency of the service as "upon student request." Instead, include the amount and frequency of the service or the specific circumstances when the service is needed. Including this information in the IEP will make clear to those implementing the IEP what the student needs, even if the student doesn't recognize the need and ask for the service.

Location: The location refers to the setting in which particular services will be provided. For example, a service may be provided in a regular education classroom, a special education resource room, or in both. The extent of removal from the regular education environment, if any, must be clear. If a service will be provided in two or more locations, either
 (1) for each location, list the amount, frequency, and duration if required; or
 (2) for all locations where the service will be provided, list the total amount of service, frequency, and duration if required, and under section V., "Participation in Regular Education Classes," describe when the child will be removed from the regular education environment to receive special education services.

Duration: If a service will be provided for a period of time different from the beginning date to the ending date of the IEP, enter the beginning date and the ending date of the service.

Participation in regular education classes is addressed in Section V. Each child must be educated to the maximum extent appropriate with nondisabled peers in regular education, or for preschoolers in age-appropriate settings. This requirement addresses where the child will be taught, not what will be taught. Removal from the regular education environment must only occur when the child cannot

Frequency/amount, location and duration of services (cont'd)

be satisfactorily educated in that environment with the use of supplementary aids and services. A child may not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. The IEP team must decide whether the child will be full time in the regular education environment. If not, the team must determine the extent of the removal and document it in the IEP.

If a child will participate full time with nondisabled peers in regular education (or for preschoolers, in age-appropriate settings), check the first box in Section V. No explanation is necessary.

Check the second box if a location other than the regular education classroom (or age-appropriate setting for a preschooler) is listed under “Location” in Sections I, II, or III. If the second box is checked, enter an explanation of why the child will not participate full time in regular education classes, including the extent of removal.

Participation in extracurricular and nonacademic activities

Participation in extracurricular and nonacademic activities is addressed in Section VI. The LEA must take steps, including providing supplementary aids and services, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity to participate. Nonacademic and extracurricular services and activities may include general counseling services available to all children, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA and assistance in making outside employment available.

The LEA must ensure each child participates in the services and activities, including meals and recess periods, to the maximum extent appropriate. If a child with a disability will be able to participate in extracurricular and nonacademic services and activities with nondisabled children, mark the “Yes” box. Include in sections I through IV any services needed to enable the child to participate. Otherwise, mark the “No” box and describe the extent to which the child will not be involved in extracurricular and nonacademic services and activities with nondisabled children.

EE-1 Data Worksheet for Determining Educational Environment Codes (Revised 5/07)

The Department is required to report to the U.S. Department of Education, Office of Special Education Programs (OSEP) the environments in which children with disabilities are educated. OSEP has developed environment codes for this purpose. The LEA must report an environment code for each student to the Department of Public Instruction. Form EE-1 assists LEAs in determining students’ environment codes based upon their IEPs. However, the form is not intended to be part of a child’s IEP. Additional information related to determining student environment codes is available at

Implementation Considerations:

Because the determination of the educational environment is an IEP team decision, the IEP team is best suited to determine a child's environment code. An LEA should develop a mechanism to ensure the timely and accurate reporting of environment codes to the individual within the LEA responsible for reporting this data to the Department.

I-10-A Changes to IEP (Revised 7/06)

Form I-10-A is used when a change is made to an IEP without conducting an IEP team meeting. An LEA may change an IEP without an IEP team meeting after the annual IEP meeting, including a meeting to develop the child's initial IEP, if the parent and LEA agree not to convene an IEP team meeting. Changes to the IEP and an agreement to make the changes without an IEP team meeting are documented on forms I-10-A, *Changes to IEP*, and I-10-B, *Notice of Changes to IEP without an IEP Team Meeting*.

Implementation Considerations:

LEAs should determine the LEA personnel with authority to enter into agreements with parents to change IEPs without IEP team meetings. In addition, when changes are made to an IEP without a meeting, the LEA must have a procedure for informing other IEP participants of the changes made to the IEP. If a child's placement needs to be changed, an IEP team meeting is required under state law.

I-10-B Notice of Changes to IEP without an IEP Meeting (Revised 7/06)

Form I-10-B is used to provide parents notice of changes to an IEP without an IEP team meeting. An LEA must provide a notice of changes to an IEP a reasonable time prior to implementing the changes. The LEA is not required to obtain parental consent prior to implementing the changes.

FORM CONTENT

CLARIFICATION/EXPLANATION

Notice of changes to IEP without an IEP meeting

Form I-10-B provides the parents with notice of the changes to the IEP and documents who was involved in determining the changes and when and how, (face-to-face conference, phone conversation, or exchange of emails) an agreement was reached. The notice specifies the date the changes will begin and informs the parents the changes will be implemented in the child's current placement.

Reason for the changes to the IEP

The LEA must identify the reason(s) for changing the IEP.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter a description of other options considered, if any, the reasons those options were rejected, and a description of any other relevant factors. If no options were considered and rejected, check the "None" box.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested a reevaluation, then the LEA must provide the parents a procedural safeguards notice.

I-11 Extended School Year (Revised 7/99)

Form I-11 is used when an IEP team considers whether extended school year (ESY) services are necessary to provide FAPE to a child. ESY services are provided to a child with a disability beyond the normal school year. ESY services are provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. ESY services must be provided in accordance with the child's IEP and at no cost to the child's parents. The services must meet the standards of the Department, e.g., appropriately licensed staff. An LEA may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

Implementation Considerations:

There are no specific criteria in state or federal special education law for determining when ESY services are required. However, the courts have provided some guidance for making this decision. Information related to ESY is available on the Department's website at www.dpi.wi.gov/sped/bul96-01.html.

FORM CONTENT

CLARIFICATION/EXPLANATION

Need for ESY

If the IEP team considers ESY services and determines they are required, check the "Yes" box and identify the annual goals to be addressed. If the IEP team considers ESY services and determines they are not required, check the "No" box and document the reasons.

Goals to be addressed

If the IEP team determines ESY services are required, the IEP team identifies the IEP annual goals, and short-term objectives if applicable, that will be addressed during the ESY. New goals may be developed, goals from the child's existing IEP may be used, or existing goals may be modified.

Needed services

The IEP team describes the special education, related services, supplementary aids and services, or program modification or other supports for school personnel that will be provided during the ESY. All types of service may not be required. Enter "none" if a particular type of service is not required. List the required ESY services. For each ESY service, describe the frequency and amount, location, and duration of the service.

I-12 Manifestation Determination Review (Revised 10/06)

Form I-12 is used to document a manifestation determination review when a child's placement is changed for disciplinary reasons. Within **ten school days** after the date on which the decision to change the child's placement is made, the public agency, the parent and relevant members of the IEP team must determine whether the conduct in question is a manifestation of the child's disability.

Implementation Considerations:

The law requires a manifestation determination be made by the parent and relevant members of the child's IEP team. While the law does not require a full IEP team make a manifestation determination, it may save time to have a full IEP team meet to conduct the manifestation determination review. If the conduct in question is determined to be a manifestation of the child's disability, an IEP team meeting is required to either complete a functional behavioral assessment (FBA) and develop a behavioral intervention plan (BIP), or review the BIP, if one exists, and modify it as necessary.

A review team must determine the behavior in question was caused by or had a direct and substantial relationship to the child's disability. The association between the disability and the behavior cannot be an attenuated (weak) one, such as low self-esteem. The manifestation determination review should analyze the child's behavior demonstrated across settings and across time when determining whether the conduct in question had a direct and substantial relationship to the child's disability.

If there is a disciplinary change in placement, an IEP team meeting is required to determine the appropriate services for the child during the period of removal and the setting in which the services will be provided. Except where a student is disciplined for behavior involving weapons, drugs or serious bodily harm, if the behavior is determined to be a manifestation, the IEP team must return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement. If the behavior is determined not to be a manifestation of the child's disability, the LEA may remove the child to the same extent it would remove a child who does not have a disability.

Additional information about manifestation determinations and related information, e.g., FBAs, a BIPs, placement in an interim alternative educational setting (IAES), can be found on the Department's website at <http://www.dpi.wi.gov/sped/subjects.html#discipline>.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date decision made to change the child's placement and date manifestation determination made

A manifestation determination must be made within **ten school days** of any decision to change the placement of a child for disciplinary reasons.

Review team participants

IDEA allows the public agency, the parent, and relevant members of the child's IEP team to make the determination. A space is provided on form I-12 to document the individuals who participate in the manifestation determination review. If a full IEP team makes the manifestation determination in an IEP team meeting, the IEP team participants' names are recorded on form I-3, *Evaluation Report and IEP Cover Sheet* and are not recorded here.

FORM CONTENT

CLARIFICATION/EXPLANATION

Description of behavior	In section I.A. include a description of the behavior subject to disciplinary action. The description should be as objective and factual as possible. Additional pages may be attached, including an incident report or other information. The description of the behavior may also include actions taken as a result of the incident, such as a report to a law enforcement agency.
Consideration of all relevant information	In making the determination, all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents, must be reviewed. This list is not exhaustive and may include other relevant information from the child's file. Document consideration of all relevant information in section I.B.
Manifestation determination	When determining a behavior is a manifestation of the disability, the review team must determine the behavior was caused by or had a direct and substantial relationship to the child's disability or was a direct result of the LEA's failure to implement the child's IEP. In sections II.A. and II.B., document the review team's conclusions and the basis for the conclusions. If a child's behavior in question was a direct result of the LEA's failure to implement the child's IEP, the behavior is a manifestation of the child's disability. The LEA must take immediate steps to remedy the failure to implement the IEP. Check the appropriate box in the "Summary" section to indicate whether the behavior in question was a manifestation of the student's disability.

Determining Placements

A child’s placement is determined by an IEP team after developing the child’s IEP. The placement must be in the least restrictive environment (LRE). To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, must be educated with children who are not disabled. Special classes, separate schooling, or other removal of the child from the regular education environment occurs only if the nature or severity of the child’s disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Each public agency must ensure a continuum of placements is available to meet the special education and related service needs of children with disabilities. The continuum must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

P-1 Determination and Notice of Placement: Consent for Initial Placement (Revised 7/06)

Form P-1 is used to provide parents notice the LEA will implement the child’s initial IEP and the school or other facility at which it will be implemented. It is also used to obtain consent from the parent for the initial provision of special education services.

Implementation Considerations:

An LEA must provide parents with notice a reasonable time before the LEA implements their child’s IEP and placement. Generally, an LEA should establish a process to provide such notices at least ten days before implementing IEPs and placements. However, there may be circumstances when less than ten days is reasonable. In implementing this requirement, the LEA should consider the amount of time mail takes to go through the LEAs processing and mailing system.

If an IEP is in effect for a period in which a child will move from one school to another because of a change of level, e.g., from elementary to middle school, the IEP team may determine placement for both levels at the same meeting and include the information in the notice of placement. “ABC Elementary School from January 17, 2008 to June 6, 2008 and XYZ Middle School from September 4, 2008 to January 16, 2009.” If only the current school placement is listed, e.g., “ABC Elementary School,” the IEP team must meet again to determine the child’s next school placement, and the child’s parents must receive a new notice of placement prior to implementation of the IEP in the next school.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of placement determination	A child’s placement must be determined at least annually . No more than twelve months may elapse between IEP team meetings to determine a child’s placement.
Date parent provided with notice of placement	The parents must receive a notice of placement, including a copy of their child’s IEP, a reasonable time before the LEA initiates the child’s placement and begins implementing the IEP.
Date of IEP development	The date of IEP development is the date of the IEP team meeting to develop the child’s IEP. The child’s placement must be based on the IEP.

School or other facility where IEP implemented and services provided

This entry identifies the school or other facility (e.g., home, residential care center, hospital) where the child's IEP will be implemented. If the child's IEP will be implemented in a public school, enter the name of the public school and the school district within which it is located. If the child's IEP will be implemented in another facility, identify the facility and the city in which it is located. A placement must be as close as possible to the child's home. In selecting a placement, consideration must be given to any potential harmful effect on the child or on the quality of services that s/he needs.

Unless the IEP requires another arrangement, the child must be educated in the school that s/he would attend if not disabled. If the child's IEP will be implemented in the school the child would attend if not disabled, mark the "Yes" box. If the child will not attend the school s/he would attend if not disabled, mark the "No" box. Explain why the child cannot attend that school. If the child is three or four years old and the LEA does not provide regular education programs for children of that age, document consideration of the child's current age-appropriate settings for the delivery of special education and related services.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, related to the child's IEP and the placement of the child, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box.

Copies of evaluation report and IEP

The LEA must provide the child's parents with a copy of an evaluation report that includes documentation of determination of eligibility for special education. If the LEA provided the parents with a copy of their child's latest evaluation report, the LEA is not required to provide another copy unless a parent requests a copy. An LEA may provide the report with the placement notice or provide it prior to providing the placement notice. An LEA must provide parents a copy of their child's IEP with the placement notice. Check the appropriate box to indicate whether the LEA previously provided a copy of the child's evaluation report to the parents and is providing a copy of the IEP with form P-1, or the LEA is providing both the evaluation report and the IEP with form P-1.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA, and of sources they may contact to obtain information and assistance in understanding IDEA and state special education law. Because the LEA previously provided a copy of the complete procedural safeguards with the initial notice of evaluation (form IE-1), the LEA is not required to provide the parents with another copy of the procedural safeguards notice unless the parents request it.

Parent permission is needed for services

The LEA must obtain the consent of the child's parent before the initial provision of special education and related services. Page 2 of form P-1 is used to obtain this consent. The parent's consent for evaluation may not be construed to be consent for the initial provision of special education and related services.

Explanation regarding consent is voluntary, the right to revoke that consent, and the possible effects of not granting consent

The LEA must inform parents the granting of consent is voluntary and may be revoked at anytime prior to the initiation of services. If a parent does not grant consent for services, the LEA may not request mediation or initiate a due process hearing regarding whether services should be provided.

P-2 Determination and Notice of Placement (Revised 7/06)

Form P-2 is used after a parent has consented to the initial provision of special education services. It is used to provide notice to the parents that a new annual IEP or a revised IEP will be implemented and to provide notice of the school or other facility where the IEP will be implemented.

Implementation Considerations:

An LEA should schedule an annual IEP team meeting far enough in advance of the one year anniversary of the IEP team meeting to ensure compliance with the requirements to conduct an IEP team meeting at least annually to review the IEP and to determine a child's placement. LEAs sometimes err by arranging the IEP team meeting date based on the date of the last notice of placement, rather than on the date of the last IEP team meeting to determine a placement.

An LEA must provide parents with notice a reasonable time before the LEA implements their child's IEP and placement. Generally, an LEA should establish a process to provide such notices at least ten days before implementing IEPs and placements. However, there may be circumstances when less than ten days is reasonable. In implementing this requirement, the LEA should consider the amount of time mail takes to go through the LEAs processing and mailing system.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of placement determination	A child's placement must be determined at least annually . No more than twelve months may elapse between IEP team meetings to determine a child's placement.
Date parent provided with notice of placement	The parents must receive a notice of placement, including a copy of their child's IEP, a reasonable time before the LEA initiates the child's placement and begins implementing the annual or revised IEP.
Date of IEP development	The date of IEP development is the date of the IEP team meeting to develop or review/revise the child's IEP. The child's placement must be based on the IEP.
School or other facility where IEP implemented and services provided	This entry identifies the school or other facility (e.g., home, residential care center, hospital) where the child's IEP will be implemented. If the child's IEP will be implemented in a public school, enter the name of the public school and the school district within which it is located. If the child's IEP will be implemented in another facility, identify the facility and the city in which it is located. A placement must be as close as possible to the child's home. In selecting a placement, consideration must be given to any potential harmful effect on the child or on the quality of services that s/he needs.
The school the child would attend if not disabled	Unless the IEP requires another arrangement, the child must be educated in the school that s/he would attend if not disabled. If the child's IEP will be implemented in the school the child would attend if not disabled, mark the "Yes" box. If the child will <u>not</u> attend the school s/he would attend if not disabled, mark the "No" box. Explain why the child cannot attend that school. If the child is three or four years old and the LEA does not provide regular education programs for children of that age,

document consideration of the child's current age-appropriate settings for the delivery of special education and related services.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, related to the child's IEP and the placement of the child, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box.

Copies of evaluation report and IEP

The LEA must provide the child's parents with a copy of an evaluation report that includes documentation of determination of eligibility for special education. If the LEA provided the parents with a copy of their child's latest evaluation report, the LEA is not required to provide another copy unless a parent requests a copy. An LEA may provide the report with the placement notice or provide it prior to providing the placement notice. An LEA must provide parents a copy of their child's IEP with the placement notice. Check the appropriate box to indicate whether the LEA previously provided a copy of the child's evaluation report to the parents and is providing a copy of the IEP with form P-2, or the LEA is providing both the evaluation report and the IEP with form P-2.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one.

P-3 Notice of Graduation (Revised 7/06)

Form P-3 is used to provide the parent and adult student with notice of graduation with a regular high school diploma and to provide the student a summary of academic achievement and functional performance. Graduation from high school with a regular diploma ends a child's eligibility for special education and related services and is a change of placement requiring written prior notice. A regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards. Receipt of a high school equivalency diploma (HSED) does not end a student's eligibility for special education services. Children who do not graduate with a regular high school diploma continue to have a right to a free appropriate public education (FAPE) until the end of the school term in which they turn 21. Additional information about graduation is available at <http://www.dpi.wi.gov/sped/subjects.html#graduation>

Implementation Considerations:

An appropriate time before a child is scheduled to receive a high school diploma, an IEP team should meet and determine whether the child will meet the LEA's graduation requirements; if the child's goals will be substantially completed; and new goals are not needed for the coming school year.

When the IEP team meets to consider graduation, it should consider information provided by the parent or adult student, previously completed tests or other evaluations, grades, credits earned, the measurable postsecondary goals stated in the IEP, and other relevant information.

FORM CONTENT

CLARIFICATION/EXPLANATION

Parent or adult student participation

The parent or the adult student is an IEP team participant and must have an opportunity to participate in the decision-making process. When a parent or an adult student participates in the IEP team meeting to consider graduation, the first box is checked. If the parent or adult student does not participate, then the second box is checked, and the LEA's attempts to convince the parent or adult student to participate in the meeting are documented.

Decision the child is eligible to graduate and basis for making decisions about graduation

The parent and the adult student must be provided with a description of any evaluation procedures, tests, and records or reports used as the basis for the IEP team's decisions. Enter this information. The notice informs the parent and adult student the child is expected to graduate. Enter the date the child is expected to graduate.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, related to a student's graduation, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box.

Effect of graduating

The parent and adult student are informed that graduation from high school with a regular diploma permanently ends a student's eligibility for special education and related services.

FORM CONTENT

CLARIFICATION/EXPLANATION

Summary of academic achievement, functional performance, and recommendations to assist in meeting postsecondary goals

An evaluation is not required before the termination of a child's eligibility due to graduation with a regular diploma. However, the LEA must provide the student with a summary of his/her academic achievement and functional performance, including recommendations on how to assist with his/her postsecondary goals. More information is available at www.dpi.wi.gov/sped/transition.html and www.wsti.org. Record a summary of academic achievement, a summary of functional performance, and recommendations to assist in meeting postsecondary goals on page 2 of form P-3.

Parents and adult students have procedural safeguards and can contact other sources for assistance about understanding their rights

A required notice must inform parents and the adult student of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents or adult student with a copy of the complete procedural safeguards notice if the LEA previously provided the parents or adult student with a copy of the procedural safeguards in the current school year. However, if the parents or adult student request another copy of the procedural safeguards, the LEA must provide one.

P-4 Notice of Ending of Services Due to Age (Revised 7/06)

A child with a disability who has not graduated from high school with a regular high school diploma has a right to a free appropriate public education (FAPE) until the end of the school term in which s/he attains the age of 21. Form P-4 is used to inform the parent and adult student the student will exceed the age of eligibility for FAPE and, therefore, will no longer be eligible for special education and related services. The form also is used to provide the student with the required summary of academic achievement and functional performance.

FORM CONTENT

CLARIFICATION/EXPLANATION

Information related to ending special education and related services

Enter the first day the student will no longer be eligible for special education and related services.

Summary of academic achievement, functional performance and recommendations to assist in meeting postsecondary goals

An evaluation is not required before the termination of a child's eligibility due to exceeding the age of eligibility for FAPE. However, the LEA must provide the student with a summary of his/her academic achievement and functional performance, including recommendations on how to assist with his/her postsecondary goals. Record a summary of academic achievement, a summary of functional performance, and recommendations to assist in meeting postsecondary goals on form P-4. More information is available at www.dpi.wi.gov/sped/transition.html and www.wsti.org.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, related to the end of eligibility for FAPE and the summary of performance, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box.

Parents and adult students have procedural safeguards and can contact other sources for assistance about understanding their rights

A required notice must inform parents and the adult student of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents or adult student with a copy of the complete procedural safeguards notice if the LEA previously provided the parents or adult student with a copy of the procedural safeguards in the current school year. However, if parents or adult student request another copy of the procedural safeguards, the LEA must provide one.

P-5 Parent Revocation of Consent for Special Education* (New 12/08)

A parent may revoke consent for special education and related services at any time. The revocation of consent must be in writing. The revocation must be for all special education and related services. A parent cannot decide to revoke consent for some services, but keep others. Form P-5 may be given to and used by a parent to provide written revocation of consent. However, a particular form is not required, and a parent may use other ways to provide written revocation. When the LEA receives written revocation of consent, the LEA must promptly provide prior written notice a reasonable time before stopping special education and related services (see Form P-6). An LEA may not use mediation or due process procedures to challenge revocation of consent.

FORM CONTENT	CLARIFICATION/EXPLANATION
Statement revoking consent and signature.	Revocation of consent must be in writing and this provides the required documentation.
Narrative regarding LEA responsibilities and consequences of revocation.	The form explains the following consequences of revoking consent so the LEA can establish a sufficient record that the parent has been appropriately informed. Once special education and related services stop, the LEA: <ul style="list-style-type: none"><li data-bbox="800 613 1793 643">• Is not required to make a free and appropriate education (FAPE) to the child;<li data-bbox="800 646 1780 675">• Is not required to have an IEP team meeting or develop an IEP for the child;<li data-bbox="800 678 1892 737">• Is not required to follow discipline protections under the Individuals with Disabilities Education Act (IDEA); and<li data-bbox="800 740 1885 799">• Is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services.
Right to future evaluation and services.	The form provides the following information so the LEA can establish a sufficient record that the parent has been appropriately informed. By revoking consent, a parent does not waive the right to a future special education evaluation, and if found eligible, future special education and related services. After revocation of consent, a future evaluation would be treated as an initial evaluation.

*Parent includes an adult student if parental rights have transferred.

P-6 Notice of Cessation of Special Education and Related Services in Response to Parental Revocation of Consent* (New 12/08)

A parent may revoke consent for special education and related services at any time. The revocation of consent must be in writing. When a LEA receives a written revocation of consent, the LEA must promptly respond by providing prior written notice regarding the resulting change in placement and services. The prior written notice must be in accordance with 34 CFR § 300.503 (see page 4 of this Guide to Special Education Forms). The prior written notice must be provided within a reasonable time before stopping special education and related services. Providing this notice a reasonable time before discontinuing services gives a parent the necessary information and time to fully consider the change. This form may be used to provide the required prior written notice.

FORM CONTENT	CLARIFICATION/EXPLANATION
Date of cessation of services.	When a parent revokes consent for special education, the LEA must provide prior written notice informing the parent when the services will end.
Attachment of IEP.	The prior written notice must inform the parent of the educational services and supports declined. Attaching the IEP gives this information.
A parent has unilateral authority to stop special education and related services.	A prior written notice must include several content requirements (see page 4 of this Guide to Special Education Forms) This section contains the following content requirements: <ul style="list-style-type: none">• A description of the action proposed or refused by the LEA;• An explanation why the LEA proposes or refuses to take the action;• A description of each evaluation; procedure, assessment, record or report the LEA used as a basis for the proposed or refused action;• A description of any other options that the LEA considered and the reasons why those options were rejected; and• A description of other factors relevant to an LEA's proposal or refusal. This section documents that a parent has the unilateral authority to stop special education and related services, and that an LEA cannot refuse a parent's request to do so. Consequently, there is no other basis for the LEA's action.
Parents have procedural safeguards and can contact other sources for assistance about understanding their rights.	Any required notice must include a statement that the parents of a child with a disability have protections under the procedural safeguards of IDEA and of sources to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parent with another procedural safeguard notice if, in the current school year, the LEA previously provided the notice. However, if the parent requests another copy, then the LEA must provide the parent one.
Narrative regarding consequences of revocation.	The notice explains the consequences of revoking consent so the LEA can establish a sufficient record that the parent has been appropriately informed. Once special education and related services stop, the LEA: <ul style="list-style-type: none">• Is not required to make a free and appropriate education (FAPE) to the child;

- Is not required to have an IEP team meeting or develop an IEP for the child;
- Is not required to follow discipline protections under the Individuals with Disabilities Education Act (IDEA); and
- Is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services.

Right to future evaluation and services.

The notice provides the following information to ensure an informed decision. By revoking consent, a parent does not waive the right to a future special education evaluation, and if found eligible, future special education and related services. After revocation of consent, a future evaluation would be treated as an initial evaluation.

*Parent includes an adult student if parental rights have transferred.

Miscellaneous

M-1 Notice of Response to an Activity Requested by a Parent (Revised 7/06)

Form M-1 is used when a parent requests the LEA to take an action, and the LEA either proposes an alternate course of action or refuses the parent's request.

Implementation Considerations:

A parent may request an IEP team meeting to address services for his/her child. If the LEA refuses to conduct the meeting because it already conducted several IEP team meetings with the parent to address the same issue, the LEA must provide written notice to the parents of the refusal and reason.

FORM CONTENT

CLARIFICATION/EXPLANATION

Date of request and notice

The LEA must respond within a reasonable amount of time after receiving a parent request to initiate or change the identification, evaluation, educational placement of the child, or the provision of free appropriate public education (FAPE) to the child.

Action requested by parent and LEA response

Enter a description of the action requested by the parent, the date of the request, and the child's name. If the LEA proposes an alternate course of action, check the box "Proposes the following action regarding your request." State the course of action, the reason, and any other options considered and the reasons rejected. If the LEA refuses the action proposed by the parent, check the box "Refuses your request." State the reasons and any other options considered and the reasons rejected.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

A required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one.

M-2 Notice of Agreement to Extend Time Limit to Complete Evaluation for Transfer Student (Revised 7/06)

Within 60 calendar days of receiving parent consent to administer tests or other evaluation materials as a part of an initial evaluation or a reevaluation, or informing parents that no additional assessment or evaluation data are needed, an IEP team must meet and determine whether a child is or continues to be a child with a disability. Form M-2, *Notice of Agreement To Extend Time Limit To Complete Evaluation For Transfer Student*, is used to document an agreement between a parent and an LEA to extend the 60-calendar day timeline. The law permits extension of the 60-day timeline when a student transfers from one LEA to another during the 60-day time period, but only if the parent and receiving LEA agree to a specific time when the evaluation will be completed and the receiving LEA makes sufficient progress to ensure prompt completion of the evaluation. An LEA may neither unilaterally impose an extension nor request an extension from the Department of Public Instruction. The Department has no authority to grant extensions of the 60-day time limit.

Implementation Considerations:

The LEA should establish a process to obtain information to decide whether to propose an extension and designate the personnel with the authority to agree with a parent to extend the time in which to complete the evaluation.

While an agreement between the LEA and the parent is required, there is no requirement the parent sign a written agreement. Form M-2 documents the agreement between the LEA and the parent.

FORM CONTENT

CLARIFICATION/EXPLANATION

Parent agreement to extend the time to complete the evaluation

Document on form M-2 that the parent and LEA agreed to extend the time limit in which to complete the evaluation, including the date of the agreement and how the agreement occurred, e.g., face-to-face conference, phone conversation, or exchange of e-mails. Enter the agreed upon date (month, day, year) for the evaluation to be completed.

Reason for the extension

Identify the reason(s) that an extension of the 60-day timeline is needed.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, when proposing to extend the 60-day timeline and the reasons those options were rejected along with any other factors relevant to the timeline extension. If no other options were considered, check the "None" box.

General information about the right to be provided additional time

If the parents of a child or LEA staff determine that additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing the evaluation and meeting to develop an IEP.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

A required notice must inform parents of the protections they have under the procedural safeguards of IDEA, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the

current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one.

M-3 Agreement to Extend the Time Limit to Complete the Evaluation of a Child Suspected of Having a Specific Learning Disability (Revised 10/06)

Within 60 calendar days of receiving parental consent to administer tests or other evaluation materials as a part of an initial evaluation or a reevaluation, or informing parents that no additional evaluation data are needed, an IEP team must meet and determine whether a child is or continues to be a child with a disability. The law permits extension of the 60-day timeline to complete an evaluation for a specific learning disability (SLD) if the parent and the LEA agree in writing. This exception applies when SLD is being considered for the first time and permits an LEA the necessary time to collect data on a child’s response to required intensive interventions. An LEA may neither unilaterally extend the time limit nor request an extension from the Department of Public Instruction. The Department has no authority to grant extensions.

Implementation Considerations:

The LEA should establish a process to obtain information to decide whether to propose an extension and should designate the personnel with the authority to agree with a parent to extend the time in which to complete the evaluation.

Note the effective date of an agreement to extend the evaluation is the date the parent signs a written agreement, not the date the LEA and the parent discussed the matter and agreed upon an extension.

Agreement to extend the time to complete the evaluation

The notice documents discussions with the parent about an extension and the agreed upon date (month, day, year) for the evaluation to be completed. Enter the date the LEA personnel and the parent spoke or communicated by other means and agreed on a date to complete the evaluation. Enter the agreed upon date to complete the evaluation.

Reason for the extension

The LEA must identify the reason(s) for extending the evaluation.

Other options considered and reasons rejected, and a description of any other relevant factors

Enter other options considered, if any, when proposing an extension of the 60-day timeline and the reasons the other options were rejected along with any other factors relevant to the timeline extension. If no other options were considered, check the “None” box.

Written parent agreement needed

The parent signs form M-3 and enters the date the parent signed.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

A required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one.

M-4 Parent Refusal of Consent for Special Education (Revised 10/06)

An LEA must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services for the child. Following a determination that a child is a child with a disability, an LEA may provide the parent with an explanation of what special education services are and the types of services that might be needed for the child, rather than the exact services that would be included in an IEP. If, following this explanation, the parent refuses to consent for the child to receive special education and related services, the LEA would not develop an IEP. Instead, the LEA documents the parent’s refusal of consent for special education on form M-4. If a parent does not grant consent for services, the LEA may not use mediation or a due process hearing to obtain agreement or a ruling that services may be provided. The LEA will not be considered to be in violation of the requirement to make available free appropriate public education (FAPE) to the child for the failure to provide the services.

Implementation Considerations:
 An LEA may develop an IEP as a means of fully informing parents about the exact services that would be provided with the parent’s consent.

Date of eligibility determination and services that might be needed

Enter the date eligibility was determined.

 Describe the types of services that might be needed for the child.

Explanation regarding the effects of not granting consent

The parent acknowledges the LEA is not required to convene and IEP meeting or develop an IEP for the child. In addition, the parent is informed the LEA will not be considered to be in violation of the requirement to make available free appropriate public education (FAPE) to the child for the failure to provide the services.

Refusal of consent

The parent documents refusal of special education and related services for the child.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights

A required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice, because the LEA previously provided a copy of the complete procedural safeguards during the current school year with the *Notice of Receipt of Referral and Start of Initial Evaluation* (form IE-1). However, if parents request another copy of the procedural safeguards, the LEA must provide one.

M-5 Consent to Bill Wisconsin Medicaid for Medically-Related Special Education and Related Services (New 10/07)

Through the Medicaid school-based services (SBS) benefit, LEAs may submit claims to Wisconsin Medicaid for covered services provided to Medicaid-eligible students. Form M-5 is used to obtain parental consent to release education records to Wisconsin Medicaid and to obtain consent to bill Medicaid for covered services. The services must be listed in a student's IEP.

Implementation Considerations:

The consent may be obtained one time for the specific services and the duration of services identified in a student's IEP. While consent to bill Medicaid may be obtained at the IEP meeting, it could also be obtained at some point after the IEP is developed and before billing occurs. More information is available at <http://dpi.wi.gov/sped/bul07-02.html>.

FORM CONTENT

CLARIFICATION/EXPLANATION

Identification of services that will be claimed under Wisconsin Medicaid

The LEA may submit a claim to Medicaid through the school-based services benefit for nursing services, physical therapy, occupational therapy, speech and language pathology services, specialized medical transportation, psychological services, counseling, social work services, and developmental testing and assessment. Enter the specific school-based services in the student's IEP to be billed to Wisconsin Medicaid.

Consent is needed before releasing education records to the Medicaid agency

Both the Family Educational Rights and Privacy Act (FERPA) and IDEA prohibit an LEA from releasing a student's education records to a State Medicaid agency for insurance billing without parental consent. List education records which the LEA may disclose to Wisconsin Medicaid. The parents must be informed of the reason for the disclosure, and that upon request they may receive copies of the records disclosed.

Consent is needed before billing Wisconsin Medicaid

The LEA may not bill Medicaid for covered services in a student's IEP unless and until it obtains parental consent for billing.

Explanation regarding consent is voluntary, the right to revoke that consent, and the effect of refusing consent

The LEA must inform parents the granting of their consent is voluntary and may be revoked at any time. Parents must be informed they are not required to give their consent. Revocation of consent is not retroactive. Revocation does not negate an action that has occurred after the consent was given and before the consent was revoked. Therefore, it does not negate any billing that occurred after consent was given and before it was revoked. If the parent refuses to consent, the LEA must ensure that all required special education and related services are provided at no cost to the parent.