

Release Notes

AEA Special Education Procedures (August 1, 2016)



Topics

Child Find. Several changes to Procedures text and to the Disability Suspected form are made to correspond with the *Special Education Eligibility and Evaluation Standards*.

Open enrollment. *Iowa Administrative Rules* require that when application is made for the open enrollment of an eligible individual who is receiving district-provided specially designed instruction the potential receiving district must determine whether it can provide a free appropriate public education (FAPE) for the child. This determination must be made in consultation with the resident district and the appropriate area education agency(ies) before approval of the application. Procedures have been revised to reflect this requirement.

Assistive technology (AT)/Accessible instructional materials (AIM). Several revisions to Procedures have been made upon the recommendations of statewide AT/AIM leadership.

Assessment Accommodations. Guidance for assessment accommodations has been modified to add general guidance and specific guidance related to ELL students with significant cognitive disabilities.

Move-in IEP.

Surrogate Parent Recommendation Form. A fillable pdf is available on the Iowa IDEA website.

Progress monitoring. 2015 Procedures state that “progress will be measured and graphed (every two weeks at a minimum),” but also state that “data entry at least every two weeks is required, unless 1) the IEP specifies a longer period of time between data points (this should be rare) or 2) the IEP specifies a service frequency less than bi-monthly.” Language has been modified to reflect the preference for every two weeks at a minimum but allow for other possibilities as determined by the IEP team (i.e., “**unless 1) the IEP specifies a longer period of time between data points (this should be rare) or 2) the IEP specifies a service frequency less than bi-monthly**”).

IEP meeting following trial out. **Added text highlighted:** Because this is an IEP meeting at which continuing eligibility is considered, it is a reevaluation IEP. The reevaluation process includes the Consent for/Notice of Evaluation form and process and requires the completion of page R of the IEP **regardless of the eligibility determination, Page A if the individual is exited, and all pages of the IEP if eligibility and services will continue.** Answers to the Page R questions will necessitate a review of the monitoring data and the results of new assessments, if any.

Miscellaneous edits.

- The chart on Page 56 that illustrates the relationship between federal disability categories and Iowa's eligible individual designation has been replaced. The old chart identified MR (mental retardation) as one of the federal disability categories – this has been replaced with intellectual disability.
- Removed Iowa Braille and Sight Saving School and Toledo Juvenile Home from the list of institutions where special education services may be provided. Removed the Iowa Braille and Sight Saving School (now the Iowa Educational Services for the Blind and Visually Impaired) from the examples of “special schools.” Iowa Educational Services for the Blind and Visually Impaired no longer educates students on-campus; the Iowa Juvenile Home has been closed.
- GED is changed to the HSED (High School Equivalency Diploma)
- Flow chart on Page 254 corrected to show missing text.
- The inverted pyramid graphic on Page 273 is amended to:
 - 1) replace “AEA Resolution Facilitator Process” with “Direct Negotiation Among the Persons with the Disagreement with AEA Facilitation” in order to avoid confusion with “Resolution Meeting,” and
 - 2) replace the outdated term, “Pre-appeal Conference,” with “Mediation Conference” as an option.
- Directions for registering for and accessing TransACT (the source for form translations) are updated.
- “Implement the IEP on the web” is replaced with “Validate the IEP on the web” to correspond with a past terminology change. This terminology change was made because “Implement the IEP on the web” could be read to mean that the IEP was not in force until action was taken in the electronic system.
- For AYP evaluation, the term “Iowa's Alternate Assessment” is replaced by “Iowa's Alternate Assessment (Dynamic Learning Maps)” in the Procedures and the Web IEP. For K-3 Early Literacy, “The Dynamic Learning Maps Aligned Early Literacy Alternate Assessment-Iowa” is the 2016 terminology.

Current (July 1, 2015) Language

General Team Membership for Completion of the *Disability Suspected Form*

The team membership for completing the Disability Suspected Form includes, at a minimum, a representative from the local education agency (LEA) and the Area Education Agency (AEA) who have direct knowledge of the child or the interpretation of performance data.

July 15, 2016 Language

Team Membership for Determining Suspicion of Disability (for a child not receiving Early ACCESS Services)

The team that determines if a disability is suspected includes, at a minimum, the Area Education Agency (AEA) or AEA in collaboration with the Local Education Agency (LEA). The team must include personnel who understand the rules for eligibility under the IDEA, Iowa law and the Special Education Eligibility and Evaluation Standards and personnel who have direct knowledge of the child and the ability to interpret performance data. If a child is in a preschool, Head Start, or other similar setting for children of preschool age, a representative from the agency who has knowledge of the child will be considered “a representative from the LEA.” In the case where a young child is served at home, an “LEA” may not apply.

Please note: For concerns at this level, it is assumed that the AEA and/or LEA are engaged in ongoing communication with the parents, including sharing information and actively seeking relevant information from the parents. Parent participation is strongly encouraged in the specific action of determining whether a disability is suspected, but is not required.

A meeting is one means of sharing information and determining if a disability is suspected, but a meeting is not required for this process.

Rationale

The April 2015 *Special Education Eligibility and Evaluation Standards* state “Public agency personnel who understand the rules for eligibility under the IDEA, Iowa law, and these Standards will determine whether a public agency suspects that a child might be eligible for special education.”

IAC 281—41.407(1)“e” outline the requirements of AEAs to include “child find policy that ensures that individuals with disabilities who are in need of special education and related services are identified, located and evaluated.”

LEA are needed as they are the source of much of the data and The Standards require eligibility decisions be based on multiple sources of information.

The April 2015 *Special Education Eligibility and Evaluation Standards* identify these as the most common ways in which a public agency's suspicion is triggered:

1. A Child Has A Diagnosis of an IDEA-Listed Condition, Which Has a Discernible Effect on any of the Seven Performance Domains.
2. A Child Is Not Meeting Standards And Is Unique When Compared To Peers.
3. A Child Is Not Meeting Standards And Has Received High-Quality Supplemental Instruction.

In addition, the *Iowa Administrative Rules of Special Education* (2010) state that "if interventions are demonstrated to be effective but require continued and substantial effort that may include the provision of special education and related services, the agency shall then conduct a full and individual initial evaluation."

July 15, 2016 Language

1. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there is data to suggest that:
 - the child has a diagnosis of a condition that is specifically listed in IDEA's disability categories (autism; deaf-blindness; deafness; emotional disturbance; hearing impairment; intellectual disability; orthopedic impairment; other health impairment; specific learning disability; speech or language impairment; traumatic brain injury; visual impairment; including blindness) or is clearly included within one of IDEA's disability categories, and
 - the condition has a discernible **adverse** effect on educational performance (i.e., a child's progress and relative status in relationship to: access to general education settings and opportunities, developmental progress, involvement and progress in the general curriculum, or interpersonal relationships or personal adjustment).

Rationale

The April 2015 *Special Education Eligibility and Evaluation Standards* state "While the particular characteristics of each of the IDEA's disability categories vary, all categories have the following core concepts: (1) a physical or mental condition that (2) ***adversely affects educational performance.***"

"Adverse effect" is an eligibility conclusion, not a conclusion that is necessary when considering suspicion and the word "adverse" has been removed from manual and form text.

Current (July 1, 2015) Language

2. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that the child has received high quality instruction (including universal instruction and, when appropriate, targeted or intensive interventions), and the child’s performance:
- is not meeting standards and is not progressing towards meeting standards; **and**
 - is unique when compared to peers; and
 - cannot be explained by other, more plausible factors than a suspected disability.

July 1, 2016 Language

2. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, whenever a child’s performance:
- is not meeting standards; and
 - is unique when compared to peers.

All relevant information is to be taken into account when considering a child’s performance and “uniqueness.” That is, it is inappropriate to make a decision about suspecting a disability based on a single score or cut-point. Facts and circumstances must be considered as a whole.

Rationale

The April 2015 *Special Education Eligibility and Evaluation Standards* include language that is changed from the July 2011 Interim Standard on Suspicion.

A Child Is Not Meeting Standards And Is Unique When Compared To Peers. A public agency suspects a child might have a disability whenever the child’s performance is below the level needed to access and make progress in the general curriculum and the child is unique in the setting in their performance level. Universal screening data would provide one source of information to meet this standard. The public agency must define minimal acceptable performance.

Removed is reference to high-quality instruction. Procedures had taken that concept and elaborated that it included “universal instruction and, when appropriate, targeted or intensive interventions.” This language could lead one to believe that a certain level of intervention was necessary before suspicion was reasonable. This is not the case.

Neither the Interim Standards nor the 2015 Eligibility Standards incorporated the concept incorporated in “cannot be explained by other, more plausible factors than a suspected disability.”

Referencing The 2015 Eligibility Standards, this pathway to suspecting a disability does not talk about progress toward the standard. If a learner must be discrepant from standards, not progressing toward standards and be unique, the bar to suspecting a disability is too high. Progress was intentionally omitted for this reason. For example, consider a learner who has been home schooled. Once the learner begins attending school he begins making some progress, but remains discrepant from standards and unique from peers. Given the previous requirement for this pathway, we may error in not suspecting a disability while the deficit could be partially due to lack of appropriate instruction and partially due to disability (because he is making some but not sufficient progress). Factors including the consideration that the deficit is due to “lack of appropriate instruction” are required to be evaluated during a full and individual evaluation, post-consent.

Current (July 1, 2015) Language

N/A

July 15, 2016 Language

3. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that:
- the child has received high quality instruction (general instruction plus evidence-based supplemental instruction), and
 - the child's performance is not meeting standards and is not progressing towards meeting standards.

Rationale

The April 2015 *Special Education Eligibility and Evaluation Standards* include the following language:

“A public agency suspects a child might have a disability if, as part of the school’s general program, it has provided the child with general instruction plus evidence-based supplemental instruction with sufficient frequency and duration and has an agency-determined number of consecutive data points below a goal line that represents the performance needed to improve to the level that would allow the child to successfully access and perform in the general curriculum. Sufficient frequency and duration is individually determined based upon the intervention provided and the needs of the child. Interventions should be designed so that a reasonable professional would expect that a child without a disability would make progress with the supplemental instruction.”

[Topics](#)

Current (July 1, 2015) Language

3. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that the child has received high quality instruction, and:
- is meeting standards or is progressing towards meeting standards with the provision of targeted or intensive interventions that are matched to the area(s) of concern and implemented with integrity; and
 - may require ongoing and substantial resources

July 15, 2016 Language

4. A disability is suspected, triggering the need for a Full and Individual Initial Evaluation, when there are data to suggest that;
- the child has received high quality instruction (general instruction plus evidence-based supplemental instruction), and:
 - is meeting standards or is progressing towards meeting standards, but
 - requires continued and substantial effort that may include the provision of special education and related services.

Rationale

Closer parallel to *Rules* language than the current Procedures.

The Disability Suspected form is being updated to present this series of items:

Disability is suspected if “yes” is checked for any of the following:

Are there data to suggest that:

- the child has a diagnosis of a condition that is specifically listed in IDEA’s disability categories or is clearly included within one of IDEA’s disability categories, and
- the condition has a discernible effect on educational performance?

Yes No

(If yes, summarize the data used to conclude that the child meets these criteria)

Are there data to suggest that:

- the child is not meeting standards, and
- is unique when compared to peers?

Yes No

(If yes, summarize the data used to conclude that the child meets these criteria)

Are there data to suggest that:

- the child has received high quality instruction (general instruction plus evidence-based supplemental instruction), and
- the child’s performance is not meeting standards and is not progressing towards meeting standards

Yes No

(If yes, summarize the data used to conclude that the child meets these criteria)

Are there data to suggest that:

- the child has received high quality instruction (general instruction plus evidence-based supplemental instruction), and
- is meeting standards or is progressing towards meeting standards, but
- requires continued and substantial effort that may include the provision of special education and related services?

Yes No

(If yes, summarize the data used to conclude that the child meets these criteria)

Current (July 1, 2015) Language

A team including staff from the LEA and AEA, along with the parents, considers and analyzes available information about the child. The team **may consider** the following data sources, as well as others:

- formative assessment or other screening information;
- performance monitoring from supplementary instruction;
- educational, health and family history;
- **reports from outside providers;**
- ...
- ...

July 15, 2016 Language

The team **shall consider** all relevant, available information which may include:

- formative assessment or other screening information;
- performance monitoring ...
- educational, health and ...
- **reports from outside providers;**
- ...
- ...

Rationale

The April 2015 *Special Education Eligibility and Evaluation Standards* state “The public agency **shall review** the outside provider’s report to see if it creates, standing alone or with other evidence, a suspicion that the child might need special education because of disability.”

Anytime a report from an outside provider is available, it must be reviewed as a part of the disability suspect process.

**Open
Enrollment
Approval or
Denial**

When an open enrollment application is made, the potential receiving district considers whether it has adequate classroom space and, for eligible individuals who require district-provided, specially-designed instruction, determines whether it can provide a free appropriate public education (FAPE) for the child. This determination must be made in consultation with the resident district and the appropriate area education agency(ies) before approval of the application. [281—17.11]

The AEA Director of Special Education will designate the AEA professionals who will participate in the consultation process.

A potential receiving district may deny an open enrollment application if it does not have space or cannot provide an appropriate program. If an open enrollment application is denied on the basis of inability to provide a FAPE, the potential receiving district must provide the parents with a Prior Written Notice (PWN) documenting the denial. PWN is not required if the denial is due to insufficient classroom space.

If the appropriateness of the special education program in the receiving district is at issue, the final determination of the appropriateness of a special education instructional program shall be the responsibility of the AEA Director of Special Education in which the potential receiving district is located.

The Director's determination shall be based upon all relevant information and the recommendation of a diagnostic-education team from the potential receiving district. The team shall include a representative from the resident district who has the authority to commit district resources, a representative of the AEA that serves the potential receiving district and other professionals, as needed, to evaluate student assessment information and student needs in light of the potential receiving district's ability to provide a FAPE.

Assistive Technology/AIM

Identify Special Considerations

When developing an IEP, the team considers many variables in order to develop an appropriate educational program. The IEP Team must give specific consideration to certain potential student needs [41.324(1)(b)].

These specific considerations include:

- Behavior concerns
- Limited English proficiency
- Braille needs (AIM should also be checked)
- Communication and language concerns
- Assistive technology needs
- Health needs
- Accessible Instructional Materials (AIM)

In the educational planning process, these variables are not mutually exclusive. Relationships exist among an array of consideration variables (e.g., braille and AIM; AIM and AT, AT and Communication/language concerns). When a variable is indicated as required for a learner, it is appropriate for the IEP team to consider how that variable could influence a need for additional variables to be considered for need.

To the extent possible, the IEP team identifies all areas of special consideration appropriate to the individual prior to the discussion of goals and objectives. This is done to ensure that the educational program that is developed thoroughly addresses the student's needs. However, these considerations may be influenced as the IEP team discusses the educational plan in the entirety of the planning process. The IEP team should gather consensus regarding these considerations at the end of the educational planning process to ensure authenticity to the plan, as a whole.

Assistive Technology

The IEP team must decide if the student requires assistive technology.

This is done by determining if assistive technology is required in order for the student to access the general education curriculum.

When assistive technology will be provided for the student this must be documented in the IEP.

A child's IEP team must determine if the child needs access to a school purchased assistive technology device in the child's home or other settings in order to receive FAPE.

Assistive technology are tools to support learner engagement, allowing the student to do something he could not do without the technology. Assistive technology supports and devices can be simple, no-cost tools or adaptations (i.e. an easel that brings a book or paper into a position the student can access), an adaptation to technology already available in the school (e.g., changing the keyboard settings on a computer so that keys can be tapped sequentially to capitalize a letter rather than simultaneously), or high-tech equipment (e.g., a dynamic display voice output communication device or a gait trainer to support independent movement at school).

The IEP team must decide if the student requires assistive technology. This decision is made through selection of appropriate AT device(s) and trial use in authentic environments. Data-based decision-making is required to

determine if the AT supports increased student access and engage with curricular materials. If it is determined that AT is required, the information must be documented in the IEP.

Accessible Instructional Materials

PLAAFP development includes indicating whether a student requires accessible instructional materials (AIM). The IEP team should utilize the questions below to determine if a student requires Accessible Instructional Materials to access print-based and digitally-based text.

- Can the student visually “see” the material well enough to read it?
- Can the student physically manipulate the material without excessive effort?
- Does the student have the needed stamina to read for extended periods of time?
- Can the student decode words at or near grade level?

When considering a student’s need for accessible instructional materials, there are four general types of conclusions that can be reached:

1. The student can use standard print-based instructional materials used across the curriculum by other students and **does not** require specialized formats
2. The student **requires** exactly the same content in **specialized formats**
3. The student requires modified content or alternative materials and **does not** require specialized formats
4. The student **requires** modified content or alternative materials in **specialized formats**

[Topics](#)

DOCUMENTATION GUIDE: AT Considerations

If a team identifies an option for a student that requires specialized formats, then the team would mark “yes” for AIM on the PLAAFP and provide language summarizing the decision-making process on the “Other Information essential for the development of this IEP” textbox on Tab B.

The AT consideration checkbox will generally be checked along with AT Device and AT Support on Tab F/Activities. Accessible Instructional Materials must be selected in the pull-down on Tab F/Activities. This will create a text box description area and information related to the AIM requirements should be listed here. List materials and media and the support needed for AIM. Include information related to required AIM and activities related to participation in nonacademic or extracurricular activities.

If the team identifies the student does not require specialized formats, then the team would mark “no” for AIM on the PLAAFP.

Additions to the Accommodations guidance in the Documentation Guide (Appendix A)

Accommodations. Describe accommodations if “With accommodations” was chosen.

Examples: “All items except reading test items will be read to Jorge”

“Joshua may read items aloud”

“Mara will state her selection (a, b, c, or d) and it will be recorded by an adult”

“Petra will be allowed 10 extra minutes for the math calculation test”

NOTES: **General.** Accommodations may not change what’s being assessed, and must follow the directions of the specific assessment tool regarding allowable accommodations.

Correspondence to classroom accommodations. Accommodations for assessments generally correspond to accommodations given for classroom tests. For example, if extended testing time is not given for classroom tests, the IEP team would need a sound reason to provide this accommodation on district-wide assessments.

Eligible individuals who are English language learners (ELLs). An eligible individual who is also an ELL may be eligible for assessment accommodations due to his or her ELL status (e.g., provision of an English/native language word-to-word dictionary). *ELL personnel* typically make these determinations. However, if the same accommodation has conflicting guidance for ELLs and students with disabilities, the guidance for students with disabilities takes precedence. Document any language-support accommodations will be provided on districtwide assessments that are *different from* accommodations that will be provided due to disability in the “Other information” section of the PLAAFP.

ELL students with significant cognitive disabilities.

- ELL students with significant cognitive disabilities are required by law to participate in the ELPA21 assessment. The IEP team may exempt the reading domain, if it is not accessible to the student.
- If any of the accessibility features of the ELPA21 assessment are required for the student to access and participate in the assessment, then these accessibility features must be documented as accommodations on the IEP.
- The IEP team, with the participation of (preferred) or input from, the ELL teacher, determines testing accommodations.

Move-in IEP. The Web IEP allows “Move-in” as an IEP meeting type. Text has been added to describe the limited circumstances when this might occur (i.e., out-of-state move-in in close proximity to count date to allow entry into count data pending the development of a complete Iowa IEP).

Move-in IEP: The Move-in IEP option is intended to be used when an eligible individual moves to an Iowa school district from another state shortly before the fall count date. A move-in IEP provides the data necessary to include the child in the weighted count and allows the district and AEA to provide “services comparable to those described in the child’s IEP from the previous public agency” until a complete Iowa IEP is developed [281—41.323(6)].

At all other times, select another IEP meeting type:



The image shows a screenshot of a web form. On the left, there are three labels: 'Type:', 'Meeting Date:', and 'Duration:'. To the right of these labels is a dropdown menu. The dropdown menu is currently open, showing four options: 'Review', 'Reevaluation', 'Interim', and 'Move-In'. The 'Review' option is highlighted in blue. Below the dropdown menu, there is a date field containing '03/10/2017'.

A complete Iowa IEP must be developed as soon as practicable. A move-in IEP requires completion of:

- Family Tab (student/adult information)
- A Tab
- F Tab – if transportation services are included on Tab F, Tab G would require completion of the transportation question
- RSD Tab