



IEP: A Living Plan

2023 WAVE Conference
Wyoming Department of Education



1



2

Pingora Consulting Team

Life Long Learning

Continuous Improvement



3

Constructing the IEP



Teamwork

IEP decisions are made by teams.



Communication

Effective communication leads to better outcomes.



Language

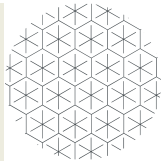
Create a common understanding of IDEA terminology.

4

The Pygmalion Effect

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1. Expectations have a huge impact on the performance and development of the people around us. (Rosenthal)
2. Leaders can set high, but accurate, expectations to improve the learning environment.
3. Teacher expectations play a role in student development. (Rubie-Davies)

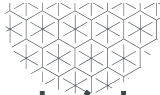


More about it...

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"We know individual mindsets (growth vs fixed) can impact our capacity to grow. But how do our mindsets impact others?"



Trevor Ragan, Learner Lab



7



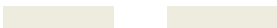
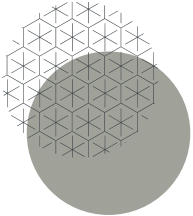
FAPE
Plan, Propose & Provide



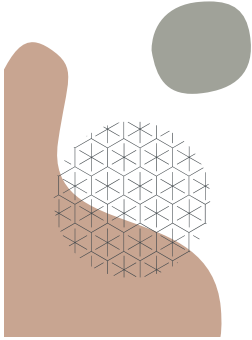
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OI
Teamwork



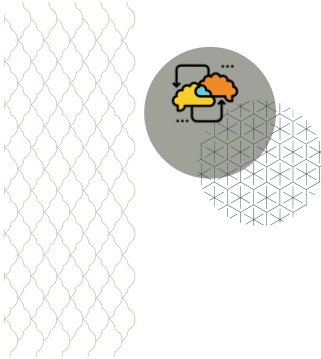
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01
Teamwork

What is the function of the IEP team?

10



Teamwork

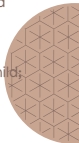
- Decisions are made by teams.
- Teams share input.
- Teams share responsibility.

11

IEP teams include

1. The parents of the child;
2. Not less than one regular education teacher of the child (if the child is, or may be participating in the regular education environment);
3. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
4. A representative of the public agency; AND
5. An individual who can interpret the instruction implications of evaluation results.

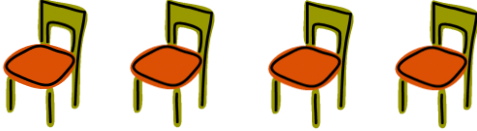
34 C.F.R. §300.321



12

Mandatory IEP Team Members

All Chairs must be full for the entire meeting!
One person may fill more than one chair.



34 C.F.R. §300.321(e)

13

Simple Truth

The annual IEP must be developed by a properly constituted IEP team.

14

It is the law!



THE RESPONSIBILITY TO PROPOSE
School districts have the legal responsibility to propose FAPE, which means an IEP reasonably calculated to provide educational benefit in light of a student's unique circumstance.






THE RIGHT TO RECEIVE
Students have the right to receive FAPE, which translates to educational benefit. Parents have the right to litigate a denial of FAPE.

STILL NO GUARANTEE OF SUCCESS
Despite the reciprocal responsibility and right, there is not guarantee of success. Lack of educational benefit means the IEP team has more work to do.

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15

Parent Participation

-  34 C.F.R. §300.501(b)
-  34 C.F.R. §300.116(a)
-  34 C.F.R. §300.306(a)(1)
-  34 C.F.R. §300.321(a)(1)
-  34 C.F.R. §§300.327 and 300.501(c)

16



IF YOU HAVEN'T INCLUDED THE PARENTS IN THE DECISION-MAKING PROCESS,

the more likely they are to dispute your decision.

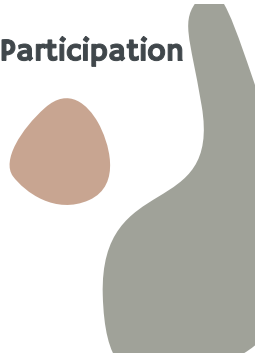


17

The Power of Parent Participation

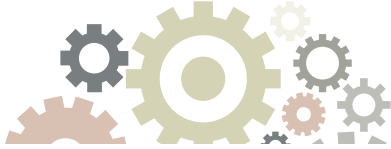
According to the National Dissemination Center for Children with Disabilities (NICHCY), (May 2013), the evidence is clear and consistent: When schools and families work together, student learning and outcomes improve. So do:

- children's attitudes toward school,
- their social skills and behavior, and
- the likelihood that they will take more challenging classes and pass them.



18

Roles and Responsibilities



19

The General Educator Contribution

- A general education teacher *of the child* is a required member of the IEP team and must be present at IEP team meetings.
- Why is it important for a general educator of the child to be present at IEP team meetings?

20

The General Educator Contribution

- IEPs link directly to the general curriculum and must provide a special education student the opportunity to progress in the general curriculum.
- The GENERAL EDUCATION TEACHER is the best expert at the IEP team's table to help the team translate skill gaps into rigorous but reasonable goals.
- The GENERAL EDUCATION TEACHER is the best bridge to helping students with disabilities improve scores on state and districtwide assessments.

21

Ways to encourage involvement.

Aligning IEP goals with grade-level content standards reflects the IDEA's emphasis on having high expectations for students with disabilities and meets the instructional standards set forth in NCLB (and now ESSA).






That said, OSERS/OSEP cautioned districts not to abandon the individualized decision-making process that is the hallmark of IEP development.

Rather, the IEP team must consider how the student's disability affects his progress toward annual goals that are aligned with state grade-level standards.

Dear Colleague Letter, 66 IDELR 227 (OSERS/OSEP 2015).

22

Empower General Education Teachers

-  Invite their input. Seek it out.
-  Discuss LRE principles.
-  Problem solve how to improve state and district-wide assessment results.
-  Explore the effect on graduation rates.
-  Jointly own students with disabilities in order to improve outcomes.

23



Other IEP Team Members

Teacher
Special Education Teacher

Supervise
Public Agency Representative

Explain
Individual to interpret evaluation results

Discretion
Other individuals with knowledge/child whenever appropriate

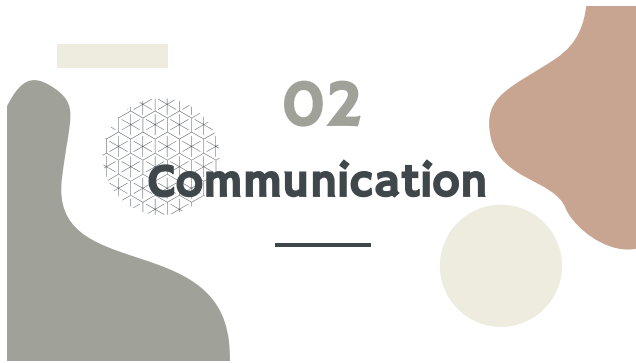


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Why is it a team process?

- Because the law requires a team! *See 34 C.F.R. §300.321.*
- Collective knowledge and wisdom about the student is **powerful**.
- Team decision making ensures the opportunity for parental participation. *See 34 C.F.R. §§300.322, 300.327, and 300.501.*

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Communication

PROCESS is a dynamic activity.

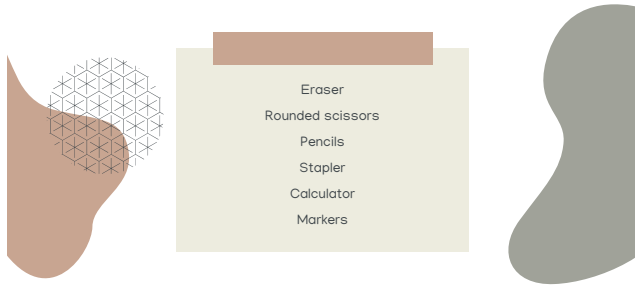
UNDERSTANDING: is to perceive, to interpret, and to relate our perception and interpretation to what we already know.

SHARING means doing something together with one or more people.

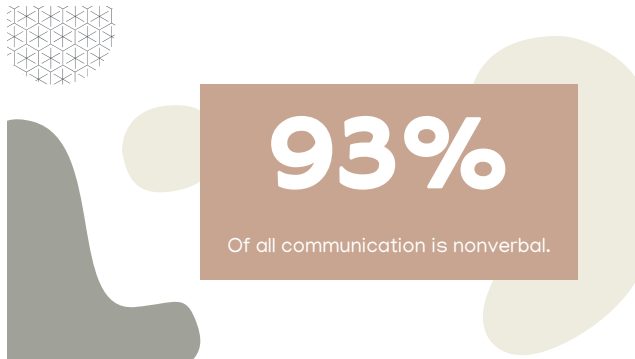
MEANING is what we share through communication.

28

Communication in the IEP Process



29



30

Opportunity to Participate

- Parents are equal participants in team processes.
- Parents are team members.
- Parents are the protector of the student's IDEA rights.
- However, the school has the legal obligation to propose an IEP that provides FAPE.
- Parents have the right to object to the school's proposal.

31

Predetermination

- When a parent is denied an opportunity to participate, or the school makes unilateral decisions, predetermination occurs.

The right to meaningful input is simply not the right to dictate an outcome.

"White v. Ascension Parish School Board, 39 IDELR 182 (5th Cir. 2003)."

32

Communication = Collaboration

- IDEA jargon can be a barrier to participation, especially for parents.
- Schools must be aware of the power that their words have on parents.
- The subtle difference between talking at parents instead of with parents, can create a culture where IEP meetings become unproductive, leaving parents to feel potentially weekend and angered.

33

Formal Communication

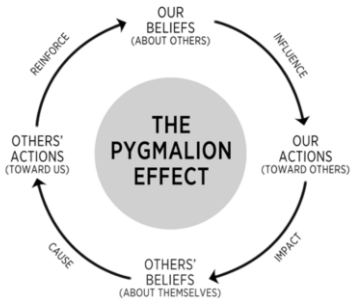
34 C.F.R. §300.322 Meeting Notice	34 C.F.R. §300.503 Prior Written Notice	34 C.F.R. §300.320 Progress Reports
34 C.F.R. §300.320 Individual Education Plan	34 C.F.R. §300.324 School Staff	34 C.F.R. §300.504 Procedural Safeguards

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Informal Communication



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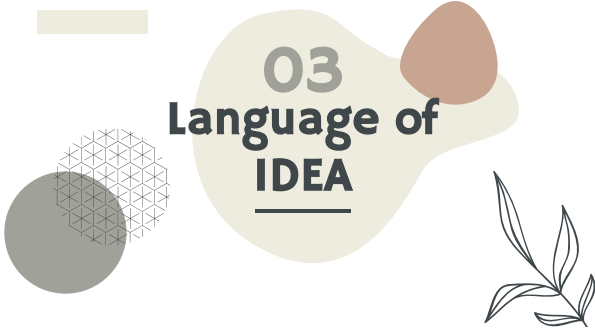
SIMPLE TRUTH



Successful communication helps us better understand people and situations. It helps use overcome diversities, build trust and respect, and create conditions for sharing creative ideas and solving problems.

37

03
Language of
IDEA



38

Be Intentional!

Be Accurate!

 Free Appropriate Public Education	 Least Restrictive Environment	 Special Education & Related Services
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39

Free Appropriate Public Education

THE OBLIGATION
THE RIGHT

40

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FAPE 34 C.F.R. §300.17

Special education

and related services that:

- Are provided at public expense and without charge;
- Meet the standards of the SEA;
- Include an appropriate preschool, elementary school, or secondary school; and
- Are provided in conformity with an IEP.

41

Rowley, the Supreme Court established the following two-part test that courts should use to decide the appropriateness of a student's education:

- Has the state complied with the procedures set forth in the IDEA?
- Is the IEP, developed through the IDEA's procedures, reasonably calculated to enable the child to receive educational benefits?

Board of Educ. of the Hendrick Hudson Cent. Sch. Dist. v. Rowley, 553 IDELR 656 (1982).

TIME TESTED, BUT STILL TRUE. . .

42

FAPE according to *Andrew F.*

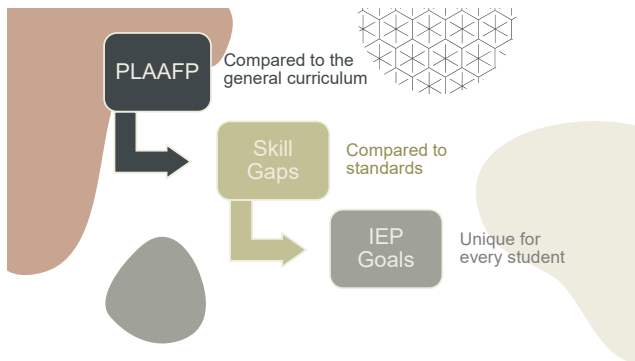
69 IDELR 174 (2017).

- Every child should have the chance to meet challenging objectives.
- The IDEA demands an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.
- An educational program must be appropriately ambitious in light of his circumstances.

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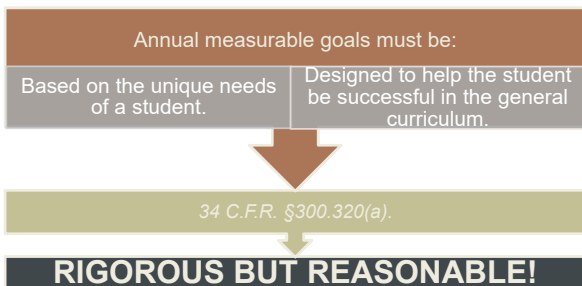
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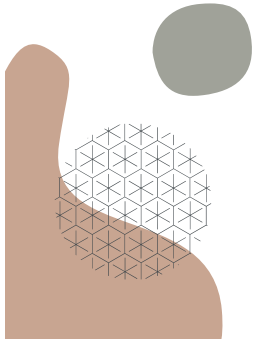


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Goals are linked to skill gaps.



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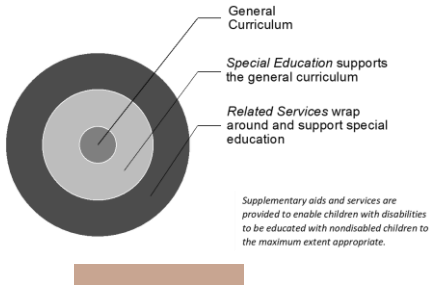


Design and provide services

TO HELP STUDENTS MEET IEP GOALS!

46

SERVICES



47

Once determined by the team,

SERVICES MUST BE PROVIDED IN ACCORDANCE WITH THE IEP!

48

Least Restrictive Environment

UNIQUE NEEDS
MAXIMIZE

49

The Maxims

01

EDUCATED WITH NONDISABLED

To the maximum extent appropriate, students with disabilities are educated with nondisabled children. *34 C.F.R. §300.114.*

02

EXTRACURRICULARS

To the maximum extent appropriate to the needs of that student, ensure the student participates with nondisabled children in extracurricular activities. *34 C.F.R. §300.117.*

03

SUPPLEMENTARY AIDS & SERVICES

To the maximum extent appropriate, supplementary aids and services are provided to educate students with nondisabled peers. *34 C.F.R. §300.42.*

50

34 C.F.R. §300.42

Supplementary aids and services means aids, services, and other supports that are provided in regular education, other education related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.

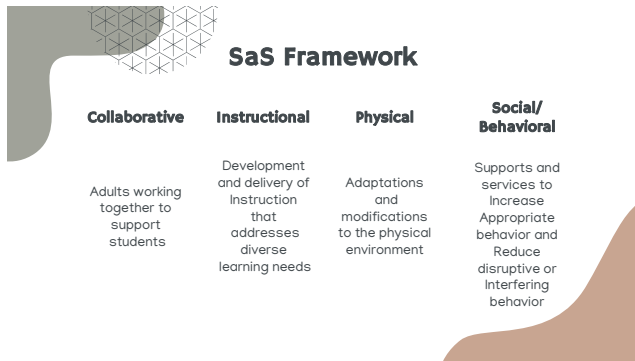
51

SUPPLEMENTARY AIDS AND SERVICES

A student with disabilities may be removed from the general education environment only when education there with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. §300.114(a)(2)(ii).

GOAL: Use supplementary aids and services to create a system of support that enables students with disabilities to learn and participate alongside typical peers, regardless of their unique instruction needs and abilities.

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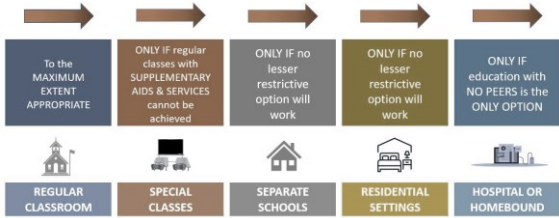
Consideration of the full continuum

Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment is permitted only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. §300.114

See, e.g., *A.B. v. Clear Creek Indep. Sch. Dist.*, 75 IDELR 90 (5th Cir. 2019, unpublished) (ruling that although a grade schooler with autism needed a modified curriculum and paraprofessional support to receive instruction in the general education setting, the student's academic, behavioral, and social progress indicated that the general education classroom was his least restrictive environment).

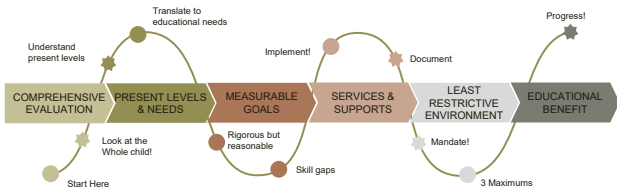
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LEAST RESTRICTIVE ENVIRONMENT



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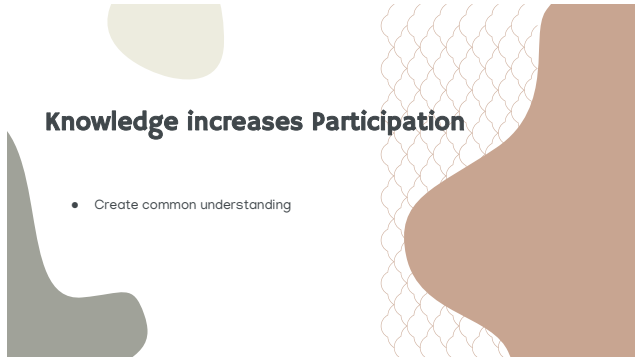
The FAPE Continuum



56

Knowledge increases Participation

- Create common understanding



57



IS THERE BENEFIT?

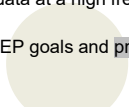
Did the team hit the target?

58



Progress Monitoring

- **Data.** Collect and share data at a high frequency.
- Monitor **progress** toward IEP goals and **progress** in the general curriculum.
- Stay vigilant and communicate with parents.



59



What is a reasonable amount of progress?

The team already determined a reasonable progress amount. Link to the measurable goals.

- **Rigorous.** Challenging. Targeted. Unique.
- **Reasonable.** *How much of the skill gap can we expect to close?*

60

What happens if no progress occurs?

The 4 Rs

- Who? THE TEAM.
- When? A REASONABLE AMOUNT OF TIME.
- Why? IF THE IEP IS NOT RECALIBRATED, A DENIAL OF FAPE WILL RESULT.



61

What happens if more than expected progress occurs?

The 4 Rs

- Who? THE TEAM.
- When? A REASONABLE AMOUNT OF TIME.
- Why? IF THE IEP IS NOT RECALIBRATED, A DENIAL OF FAPE WILL RESULT.



62

If educational needs change, it is time to realign the IEP to address new educational needs in order to provide access and an opportunity to progress in the general curriculum.



63

Guarantee?

The IDEA does not guarantee any particular level of education and “cannot and does not” promise any particular education outcome.

Andrew F. v. Douglas County Sch. Distr. RE-1, 69 IDELR 174 (2017)



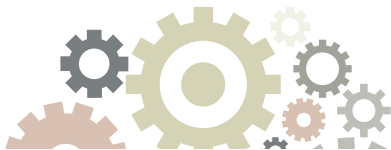
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Use the IEP Process



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**RECONVENE
REVIEW
RESTRATEGIZE
REVISE**



66

RECONVENE

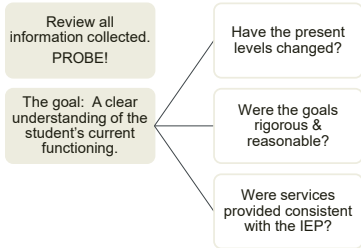
Get the IEP team together!

- Virtually, telephonically, or at the same table.
- Elicit and gather information regarding the student.
- Ask what additional information is needed to fully understand the student's current educational needs.
- Develop a plan to gather information or conduct assessments.
- Set a time to review the new information.

67

67

Review



68

68

RESTRATEGIZE

• What services and supports does the student need to meet the goals?

- 34 C.F.R. §300.320(a)(4)
- A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

69

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RESTRATEGIZE

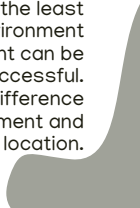
- 34 C.F.R. §300.320(a)(4)
 - To advance appropriately toward attaining the annual goals;
 - To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; AND
 - To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.

70



Restategize

- Ask what is the least restrictive environment where the student can be successful.
- Understand the difference between placement and location.

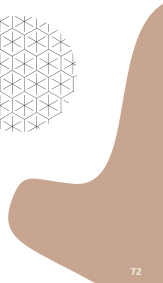
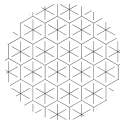


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REVISE

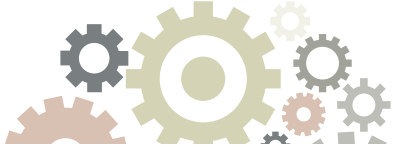
Now, revise the IEP to meet the student's current needs.

- Annual IEP or an amendment.
- Provide services and supports in conformity with the IEP.
- Keep and report frequent progress data.
- If the student is NOT receiving the anticipated educational benefit, or if the student makes UNANTICIPATED progress, GO BACK TO THE 4 Rs.



72

WHY ARE THESE STEPS IMPORTANT?



73

Examine your process

Improved Outcomes



Teamwork

IEP decisions are made by teams.



Communication

Effective communication leads to better outcomes.



Language

Create a common understanding of IDEA terminology.

74

Thanks!
Do you have any questions?



StephanieW@PingoraConsulting.com

75

Access Session Evaluation