



What Indiana School Administrators Need to Know about Serving Students with Disabilities

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Special Education Timelines

- Move-in Conferences
- Initial Evaluation
- Reevaluation
- IEP and Annual Case Conferences



Move-In Timelines

- Move-in conference must be held within ten **instructional** days of enrollment
 - Meeting must be held to revise and change the IEP or to accept the IEP as written.



Evaluation Timelines

- Ten **instructional** day timeline to provide written notice in response to a request by parent for initial evaluation
 - Request may be made verbally or in writing.



Evaluation Timelines

- Once parent consent to evaluate is documented:
 - **Annual** timeline (365 days) for a reevaluation to reestablish eligibility
 - **50 instructional** day timeline to evaluate for:
 - Initial Evaluation or
 - Reevaluation,
 - to change or add eligibility areas, or
 - inform CCC of related service needs
 - **20 instructional** day timeline for
 - an Initial Evaluation following Failed Response to Interventions or
 - Expedited Evaluation



IEP and ACR Timelines

- Reevaluation is at least considered (discussed) every three years (IIEP will prompt yearly).
- IEP is generally in effect for one year, but CCC may determine a shorter period.
- IEP must be reviewed at least annually (ACR).
- Progress monitoring should be at minimum every nine weeks and/or follow progress monitoring reports all students receive.



Roles and Responsibilities

- **Public Agency Representative or Designee**
 - A Public Agency Designee can commit personnel, funds and other resources at the case conference meeting. Be prepared to make those decisions.
- **Teacher of Record (TOR)**
 - "Teacher of record" refers to the single special education teacher to whom a student with a disability is assigned. Each student with a disability must have a teacher of record identified.
- **Teacher of Service (TOS)**
 - "Teacher of service" means any teacher providing services to a student with a disability.
- **General Education Teacher**
 - Must know or work with the student currently or in a previous school year.



Roles and Responsibilities

- **Instructional Strategist**
 - Someone able to interpret and/or explain test results/data of any kind (Acuity, NWEA, benchmarks, etc.).
 - Psychological testing and the like need to be interpreted and explained by a school psychologist.
- **Case Conference Note Taker**
 - good practice, but not required
- **Parent (at 18 the Student may be the “Parent”)**
 - Always required to have meaningful participation or role in their child’s educational programming and IEP.
- **What is your policy for parent contact?**
 - how many attempts made, and different types e.g., phone, letter, personal visit, email. Keep a log.



Parent Consent for Excusal

- These individuals must have written consent from parents to be excused for all or part of the case conference.
 - Public Agency Representative
 - Teacher of Record
 - General Education Teacher
 - Instructional Strategist
- If no parent written consent is received then there is no excusal permitted.
- There should be a district policy about when parent consent must be received for an excusal.



Case Conference Etiquette

- Show your interest in the student's well-being:
 - Don't leave meeting early if at all possible.
 - Focus on meeting. Don't do other work.
- Know as much about the child, his or her parent, and the potential eligibility areas involved as possible.
- Notice of Procedural Safeguards (Parent Rights) must be shared and explained annually.
- Remember, the student's needs dictate the Individualized Education Program and nothing else.



WHERE TO START?

- EVERY student has the right to a free and appropriate public education in the general education setting along with their peers.
- The case conference committee must justify any removal from this general education setting.
- If there is any way to meet the student's needs in the general education setting, then it must be considered.



Pre-determination

- Any decision made by school personnel about a child without parent input
- School personnel are required to at least consider any parental input or suggestions.
- Student's placement is determined at the case conference and not before.



Meaningful Parental Participation

- Mutually agreed upon time and place
- Parent and student voice apparent in IEP documentation of decisions.
- Parents are equal participants in the case conference committee discussions and decisions.



Parental Rights and Procedural Safeguards

- IDEA's procedural safeguards require that school personnel
 - (a) provide notice to parents when proposing changes to their child's education program so they can participate in a meaningful way in making decisions,
 - (b) invite parents to participate in meetings to develop their child's educational program,
 - (c) secure parental consent prior to initiating evaluations of their child or placing their child in a special education program,
 - (d) allow parents the opportunity to examine their child's educational records, and
 - (e) permit parents to obtain an independent educational evaluation at public expense if the parents disagreed with the school's evaluation.
- Should be documented in notes that procedural safeguards were offered and explained at least once per year.



Sample Case Conference Agenda

1. Introduction and Purpose of the Meeting
2. Discussion of Present levels
3. Discussion of Testing and Accommodations
4. Discussion of Behavior Needs (if any)
5. Reevaluation Decision
6. Transition Goals (if needed)
7. Goal Development
8. Services and Placement
9. Summary and Conclusion



Components of a Measurable Goal

1. Target behavior

What do we want to change? What is most important for the specific student?

2. Stimulus material or conditions

How will we measure change?

3. Criterion for acceptable performance

How will we know if the goal has been achieved?



Goal Example

- Given a 4th grade reading selection, Gina will read 100 words with fewer than 3 errors.



Least Restrictive Environment

- **511 IAC 7-42-10 Least restrictive environment and delivery of special education and related services**

(5) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the:

(A) student; or

(B) quality of services needed.



Parental Consent

- At the student's first conference (initial) a parental signature is required to implement the IEP.
- For revisions of the IEP or Annual Case Reviews, it is a notice of implementation, not consent.
 - There is no signature required to implement the IEP in these cases, unless the parent wants to consent to allowing the school to implement the IEP sooner than 10 instructional days.



Behavior Timelines

Ten days of suspension
per calendar year



Disciplinary Actions

Short-Term

- A child with a disability who violates a code of student conduct can be removed from their current placement for not more than 10 school days.
- No need for case conference committee meeting or manifestation determination prior to 10 day removal.



Manifestation Determination

- A case conference that must occur within 10 instructional days of the decision to make a removal that constitutes a change of placement.
- Determines if the infraction was either:
 - a manifestation of the student’s disability
 - or a failure to implement the student’s IEP and/or BIP.



MD Outcomes

- If CCC determines the conduct in question was caused by the student's disability, the CCC must either:
 - Conduct a functional behavior assessment (unless an FBA was in place prior to the behavior resulting in the change of placement) and implement a BIP for the student;

OR

- Review an existing BIP and modify it as necessary to address the behavior.



MD Outcomes

- If CCC determines the conduct in question was caused by the student's disability, the CCC must:

Return the student to the placement from which he or she was removed:

- Except when the student has been removed to an Interim Alternative Education Setting (IAES) for conduct involving weapons, drugs or serious bodily injury.
- Unless the parents and public agency agree to a change of placement as part of modifying the student's IEP.



MD Outcomes

- If CCC determines the conduct in question was not a manifestation of the student's disability:
 - school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as those procedures would be applied to students without disabilities.
 - The student must continue to receive appropriate services during any ordered removal.



MD Outcomes

- If CCC determines the conduct in question was not a manifestation of the students disability:
 - The CCC determines services to enable the student to:
 - Continue in the general education curriculum, though in another setting
 - Progress toward IEP goals
 - Receive appropriate FBA and behavioral interventions to address the behavior and prevent recurrence
 - Services may be provided in an interim alternative education setting determined by the CCC.



Disciplinary Actions

Long-Term

Long-Term disciplinary action (disciplinary change of placement) can be imposed on a student if...

- 1) The student's behavior is determined **not** to be a manifestation of the child's disability.
- 2) The student is treated the same as a student without a disability would be treated for the same infraction.
- 3) The school continues to make FAPE available.



Disciplinary Change of Placement

A Disciplinary Change of Placement occurs if...

- 1) The removal is more than 10 consecutive instructional days; or
- 2) The child is subject to a series of removals that constitute a pattern.



Disciplinary Change of Placement

There is **NO** change of placement if any of the following are true:

- The total number of instructional days is 10 or fewer; or
- If more than 10 cumulative days AND the school has determined that a change of placement has not occurred based on a number of factors:
 - Behavior resulting in suspension is not substantially similar to previous
 - Length of the removal
 - Cumulative time the student has been removed
 - Proximity of removals to one another
 - The student's unique circumstances



Who Determines what Constitutes a Change of Placement?

Local Education Agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.



Conflict Resolution

- Requesting and participating in a meeting with an official of the public agency who has the authority to facilitate the disagreement between the parent and the public agency regarding the action proposed or refused by the public agency.
- Securing an agreement for mediation under 511 IAC 7-45-2.
- Requesting a due process hearing under 511 IAC 7-45-3.



Thank You!

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