

IEP GOALS

We have had many questions from parents on goals on an IEP.

The goals should be what we expect of regular students

The IEP explains how our child gets from "here" to "there"

A goal should have five components

1. The direction we want to go
2. The problem we are addressing
3. The present level
4. The amount of change by the end of this school year
5. The methodology needed

For example:

Johnny will

- (1) increase
- (2) in-seat on-task behavior
- (3) from 0% of the time currently to
- (4) 50% of the time by the end of this year
- (5) by training the teacher in positive behavior interventions that give reinforcement to in-seat, on task behavior and do not unintentionally reinforce Johnny by giving attention to out of seat behavior

Another example:

Susie will

- (1) increase
- (2) self-control
- (3) from overreacting emotionally to stimuli that are normal in the classroom
- (4) to the ability to function with limited supervision in classroom settings
- (5) through individual counseling and reinforcement of positive behaviors in the classroom

The IEP would then specify the short-term objectives in terms of the task or performance expected conditions under which the performance is expected the standard by which it will be measured, how the performance will be documented and how the results will be reported to the parents.

Reed Martin is an attorney with over 35 years experience in special education law and recognized as one of the nation's leading experts. He can be reached through email at connie@reedmartin.com or www.reedmartin.com

<http://www.reedmartin.com/iepgoals.htm>

Who is Eligible for Protections Under Section 504 . . . but Not Under IDEA?

Q: Who may be protected under Section 504, but not under IDEA? A student with AIDS? A student with ADD? A student with chronic asthma?

A: Section 504 is a civil rights law. Section 504 protects individuals with disabilities from discrimination. Section 504 ensures that children with disabilities have equal **access** to an education.

All three students would be protected from discrimination under Section 504. Each of these students **may** also be eligible for special education and related services under IDEA.

Eligibility for special education and related services under IDEA (and eligibility for protection from discrimination under Section 504) is not disability-specific. This means that one child who has ADD or asthma or AIDS is eligible for special education services under IDEA (which always makes a child eligible under 504) while another child who has ADD or asthma or AIDS is not eligible for services under IDEA, but may be protected from discrimination under Section 504.

These decisions are specific to each child.

If the child has a disability **that adversely affects educational performance**, the child is eligible for special education services under IDEA. Children who eligible for special education services under IDEA are protected under Section 504 (but the converse is not true).

If the child has a disability that **does not adversely affect educational performance**, then the child will **not** be eligible for special education services under IDEA but will usually be entitled to protections under Section 504.

You will find more information about Section 504 and the relationship between IDEA and 504 in **Wrightslaw: Special Education Law**. This book includes the full text of both statutes with commentary, and the implementing regulations for both laws.

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<http://www.wrightslaw.com/info/sec504.who.protect.htm>

IEP's vs. 504 Plans

There are two types of written plans, which must be developed and implemented by public schools regarding students with disabilities. Students with disabilities requiring only reasonable accommodation must have a written plan under Section 504; this is commonly referred to as a 504 plan.

504 plans should be developed by a committee, consisting of the student with a disability (if appropriate), the student's parent(s)/guardian(s), the student's teacher(s), the student's counselor, and the 504 coordinator.

Additionally, special educators often serve as advisors to 504 committees. The student's disability and corresponding need for reasonable accommodation are identified and documented in the plan. Likewise, the plan delineates the specific accommodations, which will be implemented by the school. All school staff involved in the provision of accommodations should be contacted by the 504 coordinator and made aware of their duties and responsibilities. The plan itself should be updated at least annually.

For students with disabilities who require specialized instruction, the IDEA controls the procedural requirements. The IDEA process is more involved than that required under Section 504. Instruction and accommodation under the IDEA are provided in accord with a plan called an Individualized Education Program, known as an IEP. A student's IEP is a legal document, which, in part, sets forth the duties and responsibilities of the school district and staff regarding that student. It is the responsibility of special educators, regular education teachers, administrators, counselors, and other professional educators to be thoroughly familiar with the provisions of the IEP for EACH of their students with disabilities.

The remainder of this document sets forth the general procedural information that regular educators should know about the IEP/IDEA process. **REMEMBER:** Be safe. Seek the advice of special educators. Whether you are a teacher, an administrator, or a counselor, you will save yourself considerable time and trouble -- and you will do a much better job for your students with disabilities -- if you learn to appreciate these specialists as a valuable resource.

Step One: Identification

Schools and educators have a legal duty to identify students with disabilities. This can be relatively simple in the case of obvious physical disabilities. However, disabilities are not always obvious. Educators are under a duty to recognize the possible presence of disabilities based on student academic performance as well as student performance in non-academic school activities.

Step Two: Intervention

Once an educator identifies a concern regarding the performance of a particular student, a period of intervention begins. The educator should implement appropriate intervention strategies aimed at alleviating the identified concerns. The educator should document the concerns and subsequent interventions. The key issue is whether the strategies enable the student to benefit from the regular education curriculum.

Step Three: Referral to the 504 Coordinator

The educator must refer the student for further consideration if either of two situations exists:

1. The intervention strategies work, but the educator remains concerned that the student's performance signifies a possible disability and that the interventions represent accommodations for such disability; or
2. The intervention strategies do not work.

In either case, educators should make a written referral to the 504 coordinator (or to the committee established in the school to deal with disability referrals).

Note: An initial referral is usually NOT an IDEA matter. Special Educators may advise or assist the 504 committee or coordinator, but a full 504 consideration should take place before referring the matter for special education. Consideration under Section 504 should remain separate and distinct from the realm of special education. This is because it is inappropriate to implement IDEA procedures until it becomes evident that the student has a need that exceeds reasonable accommodation. Thus, until it is suspected that specialized instruction is required, it is inappropriate to bring students under the auspices of special education.

Step Four: Review by the 504 Committee

When a case is referred, the 504 coordinator should call a meeting of the 504 team. The team should review the documentation provided regarding the concerns about the student and the interventions that have been attempted. The team should decide upon what additional intervention and evaluation is appropriate.

Over a period of several weeks, the team should closely monitor and the information it obtains regarding the student's performance and the effectiveness of the methods implemented to assist the student. It is important to remember that student performance is a function of a variety of factors. Sometimes the particular methods employed by the student's teacher are simply not effective with regard to the student. Other times, poor student performance can be a result of diet, family issues, abuse, or a number of other factors having nothing to do with school or with disability. It is the responsibility of the 504 committee to address these issues and determine the real nature of the problem.

Finally, after a period that should in most cases be not less than six weeks and should involve no less than three meetings of the full committee to evaluate the progress of the matter, the 504 committee will determine three things:

1. Whether the student's performance remains problematic and whether such difficulty is the result of a disability;
2. If the problem is a result of a disability, whether reasonable accommodation is sufficient to enable the student to benefit from the regular education curriculum; and
3. If the student's needs are a result of a disability and cannot be met by reasonable accommodation alone, the 504 team should refer the matter to the special education department in the school.

Step Five: Referral for Special Education Evaluation and Formation of the IEP Team

As soon as a case is referred to special education, the matter comes under the control of the IDEA. At this time, a special educator becomes the "case manager" and an IEP Team is formed. From this time forward, all decisions regarding the student's needs educational program are made by the IEP Team; school personnel is specifically prohibited from making such decisions without the Team. The IDEA provides that the IEP Team consists of:

1. The student (if appropriate);
2. The parent(s) or guardian(s);
3. The special educator (i.e., the case manager);
4. The regular education teacher or teachers;
5. A "district representative" (this can be a special educator or an administrator so long as it is someone familiar with special education services in the district); and
6. Anyone else whose presence is deemed necessary or appropriate by the student, the parent(s), guardian(s), or the district.

Note that as a regular educator you are legally required to attend meetings of the IEP Team. (However, on the middle school and high school level -- where students have several regular education teachers -- it is often the practice to rotate IEP Team duties among the various teachers. The IDEA requirement is seen as being aimed at assuring that the Team have access to a regular education perspective, *not as being aimed at requiring the presence of six or seven regular education teachers at every high school IEP Team meeting.*)

Step Six: Evaluation

The case manager gives the IEP Team members notice and the first meeting is held. The first order of business is deciding whether the matter is properly before the Team. If the Team thinks that the matter should go back to the 504 committee, it can send the case back. Otherwise, the Team decides what type of evaluation is necessary in order to determine the existence of a disability and what, if any, need exists for specialized instruction.

Step Seven: Eligibility

After the evaluation is completed, the Team is reconvened. At this time, the Team reviews the results of the evaluation. The team looks at whether the results meet the state and federal criteria for the existence

of a disability under the IDEA and whether the student requires specialized instruction. If so, the student is considered eligible for special education.

Step Eight: Designing the IEP

If the Team decides that the student is eligible, the Team must then design the student's educational program. The Team determines the student's needs regarding specialized instruction, as well as the need for any related services (such as transportation, speech/language therapy, health services, audiology, occupational or physical therapy, adaptive equipment, interpreters, orientation and/or mobility counseling, etc.) Likewise, the Team identifies any necessary accommodations or modifications that are required in order for the student to be able to participate in and benefit from regular education settings, curricula, or activities. These items, as well a statement of the student's current level of educational performance, are documented in the IEP.

Step Nine: Implementation of the IEP

As stated above, the IEP is an important formal legal document. The professional educators and other service providers who deal with the student must be informed of the contents of the IEP as such contents relate to student performance and needs. The program established by the IEP must be fully and immediately implemented by the district. Regular educators must be sure to remain familiar with the contents of their students' IEP's and must also be sure to implement the required instruction and accommodations/modifications contained therein. *Failure to do so can result in the educator being personally liable.*

Step Ten: Monitoring

IEP implementation and the student progress in accord with the IEP should be monitored continuously throughout the year. Reporting on student progress towards IEP goals and objectives is required to be completed on the same schedule as such reporting for non-disabled students. In other words, if report cards come out four times per year, then reports of student progress towards IEP goals and objectives should be provided at the same times.

Step Eleven: Review (Annual IEP Review and Three-Year Re-Evaluation)

The IEP must be reviewed annually. The IEP Team must meet prior to the expiration date (which is one year from the IEP's implementation) and develop a new IEP in accord with the student's progress and needs as exhibited over the year. Likewise, the formal evaluation process must be reviewed to determine whether the student remains eligible for special education and, if so, to identify the student's educational needs. The review of the evaluation is done every three years. The IEP Team has the option to forgo a new formal evaluation if it feels that there has been no change in the student's eligibility. However, a formal meeting is still required.

Final Considerations - Discipline, Transition, and Self-Advocacy

Discipline

The law recognizes that students with disabilities, whether receiving special education or receiving only reasonable accommodation, should not be removed from school for infractions which are manifestations of their disabilities. Consider two examples:

1. Students with learning disabilities in the area of reading, or with disabilities that result in any number of processing difficulties, may not comprehend written guidelines, or may not pick up on "implied" behavioral expectations. Such students cannot be held accountable for violations of expectations, which have not been explicitly presented to the student in a manner assuring comprehension. Failure to comply with such provisions would be "manifestations of their disabilities."
2. Students with autism, emotional disturbance, or mental retardation may behave in ways that do not conform to our usual notions of appropriate educational decorum. Nevertheless, to the extent that such behavior is a manifestation of the student's disability, the student cannot be disciplined for such behavior.

The IDEA sets forth specific procedural requirements for disciplinary actions involving removal from school. Note that this requirement has the potential to create confusion in that the Team may be inclined to make a judgment regarding the facts (i.e., whether the alleged behavior occurred) instead of limiting its judgment to whether the behavior, if it did occur, is a manifestation of the disability. Also note that even if

the behavior is not a manifestation of the student's disability (and the student is therefore suspended or expelled) the school district must continue to provide services to the student. If the student cannot come to school, then the district must provide a home tutor, or provide services in another setting. As with all other decisions regarding services to students with IEP's, the alternative educational setting must be determined by the IEP Team.

Transition

The IDEA requires that beginning at age 14, IEP's incorporate the various goals and objectives applicable to student needs regarding transition from high school to post-high school life. Regular educators in middle school and high school should therefore be aware that IEP's will contain such goals and that the education of students with IEP's on these grade levels will involve requirements, curricula, and activities which go beyond the regular education curriculum.

Self-Advocacy

Arguably the most important skill for students with disabilities to acquire is that of self-advocacy. This involves knowledge of one's rights and the skills necessary to assure enforcement of those rights. Regular educators should remain aware that self-advocacy training is an important part of specialized instruction. Remember that students are in the process of learning these skills; they are not masters of these skills. As such, be helpful to students with disabilities; encourage their efforts to enforce the modifications/accommodations to which they are entitled. As students learn to use self-advocacy skills, they may initially use these skills in an unrefined or harsh manner. Try not to be insulted or become defensive when students attempt to enforce their rights as persons with disabilities. Remember that these students must learn to identify and enforce their rights and that they had better learn this by the time they graduate.

<http://www.slc.sevier.org/iepv504.htm>