

## FOCUSED MONITORING IEP REVIEW

### FAQ

#### 1. Are all IEPs required to assess and describe functional performance for each goal?

No. The law makes a distinction between academic and functional goals, so only functional goals have to have a functional performance analysis attached to them.

#### 2. Are all IEPs required to have BOTH academic and functional goals?

##### *Sec. 300.320 Definition of individualized education program.*

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with Sec. Sec. 300.320 through 300.324, and that must include:

(1) A statement of the child's present levels of **academic achievement and functional performance**, including--

(i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2)

(i) A statement of measurable annual goals, including **academic and functional goals**, if appropriate, designed to--

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

##### **34 CFR 300.324(a)**

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP Team must consider--

(i) The strengths of the child;

(ii) The concerns of the parents for enhancing the education of their child;

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(iii) The results of the initial or most recent evaluation of the child; and

(iv) The academic, developmental, and **functional** needs of the child.

### 3. Are "functional skills" narrowly defined as daily living skills or are they broader?

Functional skills is not a term used in the law except once in the context of using communication devices for students with cognitive disabilities in Section 674.

The definition of functional performance and functional goals according to Bureau Memo FY 06 #14 is:

#### *"Functional Performance"*

Functional performance means how the child demonstrates his/her skills and behaviors in cognition, communication, motor, adaptive, social/emotional and sensory areas.

#### *"Functional Goals"*

Functional goal means a measurable outcome that is developed by the IEP Team to address a need detailed in the analysis of the student's functional performance.

### 4. Does the district need to obtain permission from parents to review student IEPs as part of the Focused Monitoring process?

Parents of students whose IEPs have been randomly selected to be reviewed are notified using the sample letter found in the NHDOE Focused Monitoring Application. Districts do not need to get parent permission for the IEP Review since it is a Federal requirement to monitor and approve special education programs, and the IEP Review is a component of NH's special education programs monitoring and approval system. In addition, the purposes of the IEP Reviews are to improve the capacity of the district in the development and implementation of IEPs and to determine the levels of compliance. At no time during the IEP Reviews, since the review group is not the IEP Team, are decisions made to change any part of an individual student's IEP.

### 5. What should be done if a parent requests information about their child's IEP Review?

If a parent requests the results of their child's IEP Review, a representative from the district should meet with them and review the results.

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#### **6. When is it required to include benchmarks or short-term objectives in a student's IEP?**

IDEA 04 requires that IEPs of students taking the Alternate State Assessment have benchmarks or short-term objectives that are based on alternate achievement standards. In addition, the NH Rules state that the IEP must contain "Short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals." Ed 1109.01 (a) (6) and (7).

#### **7. Can an annual goal be considered measurable if there is a general statement and the objectives are written in measurable terms? (Goals #2)**

No. Annual goals must be written in measurable terms. In making this decision, the teams can consider the present level of performance as part of the goal, as it describes the baseline from which the student is expected to progress.

#### **8. Will an IEP meet compliance requirements if some but not all of the goals are written in measurable terms? (Goals # 2)**

The answer should be "No", since IDEA requires all goals to be written in measurable terms.

#### **9. Are students required to attend their IEP meeting? (Goals # 8)**

Ed 1103.1 IEP Team (a) "Whenever appropriate, the child with a disability" is a part of the IEP Team.

In addition, (1) the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b). (2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.

Also in attendance when Transition Services are being considered:

(3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

#### **10. At what age must transition planning begin? (Goals #s 11-15)**

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**IDEA 04** requires that transition planning begin at age 16. **The NH Rules** require transition planning to begin at age 14. Ed 1109.01 (a) (10). The Plan resulting from this must be in the IEP that is in effect when the child turns 14.

### **11. What is the citation in the NH Rules regarding whether a student is not making periodic/yearly progress (e.g. revisions to IEP, changes in services and/or instruction, etc.)? (Measuring Progress #5)**

Ed 1109.01 (a) Elements of an Individualized Education Program

(8) A statement of how the child's progress toward meeting the annual goals shall be provided to the parents,

(9) A statement of how the child's progress toward meeting the annual goals will be measured and whether progress **is sufficient to achieve the annual goals by the end of the school year.**

Also,

Ed. 1109.03(d) The IEP shall be reviewed at least annually and, if necessary, revised.

### **12. What is the requirement for documenting and monitoring the implementation of special education and/or related services?**

Ed 1109.04 Copies of the IEP and Evidence of Implementation

(b) The LEA shall maintain written evidence documenting implementation of the IEP, including, but not limited to, the following:

(1) All special education and related services provided;

(2) Any supplementary aids and services provided;

(3) Programs modifications made; and

(4) Supports provided for school personnel implementing the IEP.

Also,

Ed 1109.06 Monitoring and Annual Review of IEPs.

(a) The LEA shall develop and implement procedures designed to monitor that all IEPs are implemented. The IEP team may be reconvened at any time to review the provisions of the IEP.

### **13. What are some examples of things to look for when answering this question: Longitudinal Review, Summary, page 10, #2- Do the IEPs reflect the grade level changes you would expect from year to year?**

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Examples of IEP changes that reflect grade level changes may include increased curriculum demands, changes in instructional delivery model in the classroom, changes in text series from grade to grade application of learned skills and changes in amount of special education services (decrease, increased, supports added, etc.)

#### 14. What are the SPP and APR?

The New Hampshire Department of Education is required by Federal Law to monitor and report annually, Annual Performance Report (APR), on the 20 Indicators of the State Performance Plan (SPP), as seen below:

**Indicator 1.** Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

**Indicator 2.** Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

**Indicator 3.** Participation and performance of children with disabilities on statewide assessments.

**Indicator 4.** Rates of suspension and expulsion.

**Indicator 5.** Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

**Indicator 6.** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers.

**Indicator 7.** Percent of preschool children with IEPs who demonstrate improved outcomes.

**Indicator 8.** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

**Indicator 9.** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

**Indicator 10.** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

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**Indicator 11.** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

**Indicator 12.** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

**Indicator 13.** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Indicator 14.** Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

**Indicator 15.** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

**Indicator 16.** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

**Indicator 17.** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer.

**Indicator 18.** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

**Indicator 19.** Percent of mediations held that resulted in mediation agreements.

**Indicator 20.** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.