

CHAPTER 5: INDIVIDUALIZED EDUCATION PROGRAMS - TABLE OF CONTENTS

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If a student is eligible for special education services, they have met the requirements of eligibility under the IDEA. Eligibility requires a student to meet the following three prongs: 1) the student has a disability that meets ~~the State eligibility~~ criteria; 2) the disability adversely affects the student's educational performance; and 3) the student ~~requires~~ needs specially designed instruction ~~to progress toward Idaho Content Standards that apply to all students.~~

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability including instruction conducted in the classroom, the home, hospitals, institutions, and other settings. The definition of special education also includes, ~~but is not limited to,~~ the following: instruction in physical education, speech ~~or language pathology~~ therapy services, travel training, and vocational education.

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from ~~his or her~~ the student's disability and to ensure access to the general ~~education~~ curriculum so that the student can meet the Idaho Content Standards that apply to all students.

The Individualized Education Program (IEP) is a written document developed for each eligible student ~~with a disability and which~~ documents ~~the~~ specially designed instruction, ~~including and~~ related services. The IEP is the product of team collaboration among ~~a~~ the parent/adult student, district personnel, and other IEP team members who, through full and equal participation, identify the unique needs of a student with a disability and plan the special education services ~~and educational program~~ to meet those needs.

In developing each student's IEP, the IEP team shall consider:

- 1) the strengths of the student;
- 2) the concerns of the parents for enhancing the education of their child;
- 3) the results of the initial or most recent evaluation of the student;
- 4) the unique circumstances of the student; ~~and~~
- 5) the academic achievement, developmental, and functional needs of the student; ~~and~~
- 6) ~~special factors related to the student.~~

Section 1. IEP Initiation

A. Purpose of IEP Team Meeting

The primary purpose of an IEP team meeting is to design an appropriately ambitious IEP that meets the unique needs of a student with a disability. The IEP team determines the special education and related services reasonably calculated to enable the student to ~~receive educational benefits~~ make progress in light of the student's individual circumstances in the least restrictive environment. The parent/adult student shall be invited to the meeting and participate

meaningfully. (Note: transition age students must be invited to the IEP team meeting). ~~The~~ Each IEP team members ~~should~~ shall come prepared to discuss specific information about the student's ~~unique circumstances~~ and the ~~type of services~~ educational program to be provided to address the student's unique circumstances.

The meeting format ~~should~~ shall invite open discussion that allows participants to identify and consider the unique circumstances of the student related to his or her disability and what is necessary ~~to provide for the student to~~ access ~~to~~, participate in, and make progress toward Idaho Content Standards in the general education curriculum. Placement decisions shall be considered *after* the special education services are determined and shall not be the determining factor in developing the IEP content.

Informal or unscheduled conversations involving district personnel on various issues (e.g., teaching methodology, lesson plans, or coordination of service provisions) are not considered to be an IEP meeting as long as no decisions are made regarding issues addressed on the student's IEP. ~~A meeting does not include~~ preparatory activities in which district personnel engage to develop a proposal or a response to a parent/adult student proposal that will be discussed at a later meeting ~~are not considered to be an IEP meeting~~.

B. IEP Team Decision Making

The IEP team meeting serves as a communication ~~vehicle~~ tool between IEP team members, enabling them to make joint, informed decisions regarding the student's special education services as equal participants. All members of the IEP team are expected to work toward consensus regarding IEP decisions to ensure the student receives a free appropriate public education (FAPE).

Consensus means a ~~consent~~ commitment of all IEP team members to support the decision of the team, which requires that all members of the team have an opportunity for meaningful participation.

1. If ~~there is lack of consensus between~~ the parent/adult student, ~~district school~~ personnel, and other IEP team members ~~are unable to reach consensus~~ regarding an IEP decision, then school personnel on the IEP team should seek consensus within the school team and provide written notice to the parent/adult student.
2. If ~~there is a lack of consensus among~~ school personnel ~~are unable to reach consensus~~, then the district representative on the IEP team shall make the decision and provide written notice to the parent/adult student.
3. The parent/adult student ~~should~~ will be made aware of the procedures in Section 2J of this chapter, "Parent/Adult Student Objection to the IEP," and their procedural safeguards, including due process rights.

C. When IEP Team Meetings Are Held

An IEP team meeting shall be held for one or more of the following reasons:

1. to develop an IEP within thirty (30) calendar days of a determination that the student is

- eligible for special education and related services;
2. to conduct an annual review of the IEP, ~~review the IEP periodically, but no longer more than one year (365 days) from the date of development of the current IEP; with the IEP in effect at the beginning of each school year;~~
 3. when another agency fails to deliver transition or other services outlined in the IEP to consider other options for how the student's needs may be met;
 4. to consider revisions to the IEP if there is any lack of expected progress toward annual goals and/or in the general education curriculum, ~~where appropriate;~~
 5. at the reasonable request (as determined by the district) of any member of the IEP team (Note: Written notice shall be provided to the parent/adult student who requests an IEP team meeting when a district refuses to hold one);
 6. to review behavioral intervention strategies and/or to develop a behavioral intervention plan as part of the IEP; and/or
 7. to address the IDEA discipline requirements (see Chapter 12); ~~and/or~~
 8. ~~to review the results of any reevaluation or independent educational evaluation (IEE).~~

NOTE: An IEP team meeting shall be considered to review the results of any reevaluation, clinical evaluation, or independent educational evaluation (IEE) received by the district.

NOTE: Under the IDEA, amendments to a student's annual IEP may occur without a meeting if the parents and district agree in writing ~~an IEP team meeting may not be required to amend the IEP (see IEP Amendments)~~

See Section 3B of this chapter for more information about IEP Amendments.

D. IEP Team Members and Roles

The IEP team is a group of individuals responsible for developing, reviewing, or revising an IEP for a student with a disability.

Required IEP Team Membership and Roles

1. Parent/Adult Student

In the IDEA, the term "parent" means ~~refers to~~

- a. a biological or adoptive parent;
- b. a foster parent if the parent's authority to make educational decisions on behalf of the student has been terminated by law. The foster parent shall be an individual who has no interest that would conflict with the interests of the student;
- c. a ~~judicially decreed~~ guardian generally authorized to act as the student's parent or authorized to make educational decisions (does not include State agency personnel if the student is a ward of the state);
- d. a person acting in place of a biological or adoptive parent, including a

grandparent, stepparent, or other relative, with whom the student lives or an individual who is legally responsible for the student's welfare; or

- e. a surrogate parent who has been appointed by the district. ~~The term "acting in place of a biological or adoptive parent" includes persons such as a grandparent, stepparent, or other relative with whom the student lives, as well as persons who are legally responsible for a student's welfare. A foster parent may act as a parent if the natural parent's authority to make educational decisions on behalf of his or her child has been terminated by law. A foster parent shall be an individual who is willing to make educational decisions required of a parent, and has no interest that would conflict with the interests of the student.~~

If more than the biological or adoptive parents meet the definition of parent, the biological or adoptive parents serve as the parents in the IEP process, unless a judicial decree or order identifies a specific person or persons to make educational decisions for the student.

An "adult student" is a student with a disability who is eighteen (18) years of age or older to whom special education rights have transferred under the IDEA and Idaho Code. ~~(See Chapter 11, Section 2C, for more information.)~~ In this case, the parent may attend the IEP team meeting as an individual who has knowledge or special expertise regarding the student, at the invitation of the adult student or the district.

See Chapter 11, Section TK, for more information.

2. District Representative

The district representative or designee shall be qualified to provide or supervise the provision of special education to meet the unique needs of students with disabilities. The representative shall be **qualified to provide or supervise the provision of specially designed instruction, shall be** knowledgeable about the general education curriculum, ~~and about the availability of resources in the district. They~~ shall have the authority to allocate resources **and** to ensure that the IEP will be implemented. Examples of the district representative include the building principal, the special education director, the district superintendent, or others who meet the criteria described above. **This person may serve a dual role on the team if all of the criteria are met for both roles. The district representative may be another member of the IEP team if all the criteria above are met**

3. General Education Teacher (not less than one)

A general education teacher of the student is required to participate in developing the IEP if a student is, or may be, participating in the general education environment. The participating general education teacher must be **Regardless, a representative that is** knowledgeable ~~of the~~ **about Idaho Content Standards and the** general education curriculum at the student's grade level **shall be present**

For preschool-age students, the general education teacher may be the kindergarten teacher or an appropriate designee. Designees at the preschool level may include a care provider, Head Start teacher, or community preschool teacher, if that person meets ~~State and/or national~~ Idaho childcare licensing standards. ~~The parent may not serve as the general education teacher.~~

If a student is or may be participating in the general education curriculum or environment, not less than one of the student's general education teachers shall participate in developing the IEP, to the extent appropriate. The general education teacher's role in the development, review, and revision of the IEP includes:

- a. discussion of the student's involvement and progress in the general education curriculum, if known;
- b. discussion of appropriate positive behavioral interventions and other strategies for the student; and
- c. discussion of supplementary aids and services, program accommodations/ or adaptations, ~~to be provided by~~ and supports ~~provided by~~ ~~for~~ school personnel in the general education classroom.

4. Special Education Teacher (not less than one)

This individual ~~generally will be~~ will generally be the student's special education teacher or service provider who is responsible for implementing the student's IEP. For example, in the case of a student receiving ~~primary~~ special education services from a speech-language pathologist, it ~~is may be more~~ appropriate for the speech-language pathologist to fill this role on the IEP team.

5. Other qualified professional(s) including individual(s) who can interpret assessment results and instructional implications

This person may be someone who participated in the evaluation of the student. ~~He or she~~ This person shall be able to explain the results, the instructional implications, and the recommendations of the evaluation. ~~This person may serve a dual role on the team if all of the criteria are met for both roles.~~

~~In the case of a child with limited English proficiency, the IEP team must consider the language acquisition needs of the child as those needs relate to the child's IEP. The IEP team should include one or more participants who have the requisite expertise about the student's language needs. This person may serve a dual role on the team if all of the criteria are met for both roles.~~

6. Individual(s) with Special Expertise

At the discretion of the parent/adult student or the ~~district~~ LEA, other individuals who

have knowledge or special expertise regarding the student, including related service personnel, may be included as IEP team members. The determination of having knowledge and special expertise regarding the student shall be made by the parent/adult student or **school personnel** ~~district person~~ who invited the individual to be a member of the IEP team.

7. Student

Whenever appropriate, the IEP team **should** include the student with a disability. ~~A student shall be invited by the district to attend any IEP team meeting at which~~ When post-secondary goals and transition services ~~needed to assist the student in reaching those goals~~ will be discussed, the student shall be invited by the district to attend the IEP team meeting. In Idaho, this requirement begins with the IEP to be in effect when a student is sixteen (16) years old (or younger if determined appropriate by the IEP team). If the student is a minor, the parent shall make the decision regarding the student's attendance. If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student's preferences and interests are considered.

See Section N of this chapter for more information on transition services and goals.

Other Potential Team Membership and Roles (required when applicable)

1. Private School Representative

If a student is enrolled in or referred to a private school, the district shall ensure that a representative of the private school is invited to the **Services Plan (SP)** ~~IEP~~ team meeting. If a representative cannot attend, the district shall use other methods to ensure participation by the private school, ~~including individual or conference telephone calls~~

See Chapter 9 for more information about Private Schools.

2. Transition Agency Representative

If transition services are being discussed, a representative of any participating agency likely to be responsible for providing or paying for transition services shall be invited (with the ~~prior-written~~ consent of a parent/adult student **obtained prior to inviting the representative**). If a representative does not attend, steps should be taken to obtain participation from the agency in transition planning.

3. Part C Coordinator or Representative

A Part C coordinator or other representative may be invited by the district to participate in the team IEP meeting for a preschooler transitioning to Part B services. Parents shall be informed of their right to request ~~an invitation for that~~ an Infant Toddler Program representative(s) **be invited** to **attend** the initial IEP team meeting.

Role	Description
<p>Parent of the student</p> <p>or</p> <p>Adult Student if rights have transferred</p>	<p>The term “parent” refers to a biological or adoptive parent, foster parent, a judicially decreed guardian (does not include State agency personnel if the student is a ward of the state), a person acting in place of a parent, or a surrogate parent who has been appointed by the district. The term “acting in place of a biological or adoptive parent” includes persons such as a grandparent, stepparent, or other relative with whom the student lives, as well as persons who are legally responsible for a student’s welfare. A foster parent may act as a parent if the natural parent’s authority to make educational decisions on behalf of his or her child has been terminated by law. A foster parent shall be an individual who is willing to make educational decisions required of a parent and has no interest that would conflict with the interests of the student. If more than the biological or adoptive parents meet the definition of parent, the biological or adoptive parents serve as the parents in the IEP process, unless a judicial decree or order identifies a specific person or persons to make educational decisions for the student.</p> <p>An “adult student” is a student with a disability who is eighteen (18) years of age or older to whom special education rights have transferred under the IDEA and Idaho Code. (See Chapter 11, Section 2C, for more information.) In this case, the parent may attend the IEP team meeting as an individual who has knowledge or special expertise regarding the student, at the invitation of the adult student or the district.</p>
<p>District Representative</p>	<p>The district representative or designee shall be qualified to provide or supervise the provision of special education to meet the unique needs of students with disabilities. The representative shall be knowledgeable about the general education curriculum and about the availability of resources in the district. They shall have the authority to allocate resources and to ensure that the IEP will be implemented. Examples of the district representative include the building principal, the special education director, the district superintendent, or others who meet the criteria described above. The district representative may be another member of the IEP team if all the criteria above are met.</p>

Role	Description
<p>Special Education Teacher/Provider—not less than one</p>	<p>This individual generally will be the student’s special education teacher or service provider who is responsible for implementing the student’s IEP. For example, in the case of a student receiving primary services from a speech language pathologist, it is more appropriate for the speech language pathologist to fill this role on the IEP team.</p>
<p>General Education Teacher—not less than one</p>	<p>A general education teacher of the student is required to participate in developing the IEP if a student is, or may be, participating in the general education environment. Regardless, a representative that is knowledgeable of the general education curriculum at the student’s grade level shall be present.</p> <p>For preschool age students, the general education teacher may be the kindergarten teacher or an appropriate designee. Designees at the preschool level may include a care provider, Head Start teacher, or community preschool teacher, if that person meets State and/or national licensing standards.</p>
<p>Individual who can interpret evaluation results and implications</p>	<p>This person may be someone who participated in the evaluation of the student. He or she shall be able to explain the results, the instructional implications, and the recommendations of the evaluation.</p>
<p>Student</p>	<p>Whenever appropriate, the IEP team includes the student with a disability. A student shall be invited by the district to attend any IEP team meeting at which post-secondary goals and transition services needed to assist the student in reaching those goals will be discussed. If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student’s preferences and interests are considered.</p>
<p>Representative of a Private School (if applicable)</p>	<p>If a student is enrolled in or referred to a private school, the district shall ensure that a representative of the private school is invited to the IEP team meeting. If a representative cannot attend, the district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.</p>
<p>Representative of Transition Agency(s) (Parent/Adult student consent shall be obtained prior to inviting the Transition Agency Representative)</p>	<p>If transition services are being discussed, a representative of any participating agency likely to be responsible for providing or paying for transition services shall be invited (with the prior consent of a parent/adult student). If a representative does not attend, steps should be taken to obtain participation from the agency in transition planning.</p>

Role	Description
to participate in the IEP team meeting).	
Part C Coordinator or Representative	A Part C coordinator or other representative may be invited by the district to participate in the team IEP meeting for a preschooler transitioning to Part B services. Parents shall be informed of their right to request an invitation for an Infant Toddler Program representative(s) to the initial IEP team meeting.
Other	At the discretion of the parent/adult student or the district, other individuals who have knowledge or special expertise regarding the student, including related service personnel, may be included as IEP team members. The determination of having knowledge and special expertise regarding the student shall be made by the parent/adult student or district person who invited the individual to be a member of the IEP team.

E. Excusal of Required IEP Team Members

~~NOTE: The general education teacher, special education teacher, district representative, or individual who can interpret implications of evaluation results~~ A required school team member may be excused from an IEP team meeting, in whole or in part, if the parent/adult student and district agree in writing **and the requirements below are met:**

1. the team **does not** intend to modify or discuss that team member's services or area of curriculum; or
2. the team **does** intend to modify or discuss that team member's services or area of curriculum, ~~If the meeting deals with the excused member's areas of the curriculum and/or services, he or she~~ and the team member has ~~shall~~ provided written input to the IEP team prior to the meeting.
 - a. Written input shall include substantive data (e.g., interpreting assessment findings, providing meaningful guidance to the team, regarding the purpose of the meeting, reflecting on general education curriculum).
3. ~~If a district representative is excused, a staff member in attendance shall have the authority to bind the district to the decisions of the team.~~

In the event that the district representative is the individual excused, a school team member in attendance shall be vested with the authority to bind the district to the decisions of the team.

E. The General Educator's Role in IEP Development

~~If a student is or may be participating in the general education curriculum or environment, not less than one of the student's general education teachers shall participate in developing the IEP, to the extent appropriate. The general education teacher's role in the development, review, and revision of the IEP includes:~~

- ~~2. discussion of the student's involvement and progress in the general education curriculum, if known;~~
- ~~3. discussion of appropriate positive behavioral interventions and other strategies for the student; and~~
- ~~4. discussion of supplementary aids and services, program accommodations/adaptations, to be provided by supports for school personnel in the general education classroom.~~

F. Invitation to IEP Team Meetings

The district shall ensure that the parents/guardians of a student with a disability have a meaningful opportunity to participate in each IEP meeting. To the extent possible, the district LEA should encourage the consolidation of all team meetings, including meetings that may involve eligibility, reevaluation, and IEP development.

The district shall meet the requirements outlined below.

1. Notify parents of the meeting with enough notice to ensure that they will have the opportunity to attend.
2. Schedule the meeting at a place and time mutually agreed upon by the parent/adult student and the district. Alternatives to in-person meetings, such as video and telephone conferencing, may take the place of in-person IEP team meetings to meet the parent/adult student's needs.
3. Invite the parent/adult student and the secondary transition age student, if applicable, to the meeting early enough to ensure that he or she can attend. If the student is a minor, the parent shall make the decision regarding the student's attendance. The district shall keep a record of this invitation. The invitation shall include the following:
 - a. the purpose(s), time, and location of the meeting;
 - b. who will attend the meeting, by role;
 - c. information regarding the parent's/adult student's right to bring other people to the meeting and invite a Part C representative, if appropriate; and
 - d. notification that post-secondary goals and transition services will be discussed, as applicable.

4. The invitation should clarify the parent's/adult student's (or secondary transition age student's) role on the team and request that he or she come prepared to discuss the unique needs and characteristics of the student, the goals that would support the success of the student in the general education curriculum aligned with Idaho Content Standards, and the types of services needed to address those goals. ~~and the goals that would indicate the success of the services.~~
5. ~~Invite the student, if appropriate or required, to attend and participate in his or her the IEP team meeting. If the student is a minor, the parent shall make the decision regarding the student's attendance. If a one purpose of the meeting is to consider transition and but the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered.~~
6. ~~The invitation may be written or oral. In either case, the district shall document that all the required components noted in items 3 and 4 2 above were included in the invitation. In addition, the parent/adult student shall be given a physical copy of the Procedural Safeguards Notice at least annually, preferably at the annual review, unless the parent requests additional copies.~~
7. When ~~one purpose of~~ the IEP team ~~meeting is to~~ will consider transition services, the invitation shall:
 - a. indicate this purpose;
 - b. invite the student; and
 - c. identify any other agency that will be invited to send a representative, with parent's/adult student's consent.
8. The invitation may be written or verbal and shall be in the parent/adult student's primary language. In either case, the district shall document that all the required components noted in items 3, 4, and 5 2 above were included in the invitation. ~~In addition, the parent/adult student shall be given a physical copy of the Procedural Safeguards Notice at least annually, preferably at the annual review, unless the parent requests additional copies.~~
9. The district shall take appropriate action to ensure that a parent/adult student understands the proceedings at an IEP team meeting, including arranging for ~~an interpreter~~ interpreting services for a parent/adult student who has hearing loss or whose native language is other than English.
10. The IEP team may meet without the parent/adult student if he or she ~~cannot attend the meeting or~~ cannot be convinced to attend the meeting. ~~However, t~~ If the parent cannot be convinced to attend the meeting, the following criteria shall be met:
 - a. The LEA has documented its attempts to arrange a mutually agreed upon time and place for the meeting.

- b. Alternatives to in-person meetings, such as video and telephone conferencing, have been offered to take the place of in-person IEP team meetings to meet the parent/adult student's needs.
- c. If a meeting is held without the parent/adult student, the district has offered and documented alternative methods, such as video and telephone conferencing, to gain the parent/adult student's participation in the development of the IEP.

Note: Documentation may include records of telephone calls or conversations, copies of correspondence sent to the parent/adult student and any responses received, and/or detailed records of any visits made to the parent's/adult student's residence.

~~Section 2. IEP Development~~

~~The IDEA clearly defines the required components of an IEP and the Idaho IEP form is designed to include only those IDEA required components. Therefore, no additional information may be required in a student's IEP beyond what is explicitly required by IDEA, nor can information be required under one component of a student's IEP that is already contained under another component of the student's IEP.~~

~~NOTE: IEP team meeting minutes are not part of the official IEP document.~~

~~A.—General Demographic Components for All IEPs~~

~~All IEPs shall include, the date of the IEP team meeting and the following general demographic components: the student's name as it appears in school records, native language, birth date, and identification number (for State reporting or Medicaid purposes only), names of parents, address, phone number, school, and grade.~~

~~B.—Documentation of Participants~~

~~The district shall ensure the attendance and participation of the IEP team members at the IEP team meeting. Documentation of attendance can be accomplished by listing team member roles on the IEP and checking their attendance status. Prior to the beginning of the meeting, an excusal form identifying any required district members not present at the IEP team meeting, with the parent/adult student's signature of approval shall be attached.~~

~~The attendance list is not a reflection of agreement or disagreement with the IEP; it is only an indication of attendance. As with any team member, the parent's/adult student's inclusion on the list does not indicate agreement or disagreement with the IEP contents. If the parent/adult student disagrees with all or part of the IEP, the district should remind the parent/adult student that he or she may file a written objection. Any participant at the IEP team meeting may file a minority report if he or she disagrees with a program decision. A minority report shall not prevent the~~

implementation of an IEP team decision.

NOTE: See Section 2J of this chapter for additional information on parent/adult student objections.

C. — Present Levels of Academic Achievement and Functional Performance, Goals, Objectives and Benchmarks

The IEP identifies present levels of academic achievement and functional performance (PLAAFP) and measurable goals that enable the IEP team to track the effectiveness of services and to report progress toward goals.

1. Statements of PLAAFP in an area of need include:
 - a. How a school-age student's disability affects his or her involvement and progress in the general education curriculum (i.e., the same curriculum used by students without disabilities).
 - b. For preschool students, the PLAAFP should describe how the disability affects the student's in-age appropriate activities
2. Although the content of present levels of academic achievement and functional performance statements are different for each student, individual present level of academic and functional performance statements will meet the following requirements:
 - a. The statement shall be written in objective, measurable terms using easy-to-understand, non-technical language;
 - b. The other components of the IEP, including special education services, annual goals, and, objectives and benchmarks for students who participate in alternate assessments (AA), shall show a direct relationship to the content of present levels of academic and functional performance;
 - c. The statement shall provide baseline data for goal development;
 - d. The statement shall reference Idaho Content Standards, Idaho Workplace Skills Career Readiness Standards, Idaho Extended Content Standards Core Content Connectors, or Idaho Early Learning Guidelines (eGuidelines), as applicable;
 - e. The statement shall include the student's strengths and needs; and
 - f. The statement shall include parental concerns for enhancing the student's education; and
 - g. The statement shall address how a student's disability affects his or her involvement and progress in the general education curriculum (i.e., the same curriculum used by students without disabilities).

3. ~~Annual IEP goals shall be appropriately challenging and reflect the needs described in the present levels of academic achievement and functional performance statements. Measurable academic achievement, developmental, and functional annual goals are designed to meet the student's unique needs that result from the student's disability, to enable the student to be involved in and make progress in the general education curriculum, and to meet each of the student's other educational needs that result from the student's disability.~~
 - a. ~~A goal is a written, measurable statements, developed from the baseline data, describing what a student is reasonably expected to accomplish within the time period covered by the IEP, generally one year.~~
 - b. ~~Goals are written to enable the student to be involved in and make progress in the general education curriculum and to meet other educational needs that result from the disability.~~
 - c. ~~A goal shall be appropriately challenging given the circumstances of the student and include the behavior, the performance criteria, and the evaluation procedure.~~
4. ~~Objectives and benchmarks are required for students taking the AAs. Objectives and benchmarks shall align with the PLAAFP and the annual goal, as a progression toward meeting the annual goal.~~

D.—Progress Toward Goals

The IEP shall include a statement describing:

1. ~~How the student's progress toward IEP goals will be measured and the progress monitoring schedule;~~
2. ~~How and when the parent/adult student will be informed of the student's progress toward the annual goals, including the extent to which progress is sufficient to enable the student to achieve the goals by the end of the IEP time period.~~

~~At minimum, periodic written progress statements related to progress toward annual goals will be reported concurrent with the issuance of report cards.~~

E.—Statements of Special Education and Related Services

~~Each student's IEP shall describe the specific special education and related services that will be provided to or on behalf of the student, based on peer-reviewed research to the extent practicable. Special education includes specially designed instruction to meet the unique needs of the student.~~

~~The term "related services" refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education~~

as described in the IEP. These services include, but are not limited to:

- ~~Audiology~~
- ~~early identification and assessment of student's disabilities~~
- ~~interpreter services~~
- ~~language therapy~~
- ~~medical services for diagnostic or evaluative purposes~~
- ~~occupational therapy~~
- ~~orientation and mobility services~~
- ~~parent counseling and training~~ Parent counseling and training includes helping a parent understand child development and the special needs of his or her child and acquire skills to support the implementation of his or her child's IEP.
- ~~physical therapy~~
- ~~psychological services~~
- ~~rehabilitation counseling services~~
- ~~school nurse services~~
- ~~social work services in school~~
- ~~speech therapy~~
- ~~supports for school staff~~
- ~~therapeutic recreation~~

~~The above list of related services is not exhaustive and may include other developmental, corrective, or supportive services, transition services or assistive technology.~~

~~Although services may be of benefit to a student with a disability, all of the services listed above may not be required for each individual student. Related services are the responsibility of the district only if the IEP team determines they are required to assist the student to benefit from special education. Further, the student is not entitled to related services if he or she is not eligible for special education or the parent/adult student does not consent to initial provision of special education services.~~

~~EXCEPTION: "Related Services" does not include a medical device that is surgically implanted or the replacement of such device (e.g., cochlear implant), the optimization of that~~

device's functioning (e.g., mapping), or maintenance of that device., or the replacement of that device. The district is responsible to appropriately monitor and maintain devices to make sure the devices are functioning properly. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school.

THIRD PARTY PAYERS: Consent from the parents/adult student is required when the district bills Medicaid or the parent's insurance for services provided. See Chapter 11 for details.

F. Supplementary Aids, Services, and Other IEP Considerations

Supplementary aids, and services may include general education curriculum accommodations and/or adaptations, support for school staff, positive behavioral intervention plans, extended school year services, transportation, transition services, assistive technology services, and travel training services deemed appropriate by the IEP team and shall be provided whether or not the district currently has these services in place.

The description of services in the IEP shall:

1. Identify the program accommodations and supplementary aids to be provided to the student in the areas of need.
2. List the specific services that will meet the unique needs of the student, allowing him or her to advance appropriately toward attaining the annual goals, and:
 - a. be involved in and make progress in the general education curriculum;
 - b. participate in extracurricular and other nonacademic activities; and
 - c. be educated and participate with other students with disabilities and with students without disabilities to the maximum extent appropriate.

NOTE: The public agency shall ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

3. State the projected starting date and expected duration of the services, accommodations, and/or adaptations.
4. List the anticipated time and frequency of sessions per week or month. The amount of service may not be stated as a range.
5. State the location where services and accommodations/adaptations will be provided (such as a general education classroom, resource room, etc.) Note: Location does not mean specific site.

Based on the unique needs of each student, the IEP team shall consider any services listed below

that may be appropriate for the student and shall document such services on the IEP accordingly.

1. ~~Supplementary Aids and Services~~

~~“Supplementary aids and services” are aids, services, and other supports that are provided in general education classes, other education-related settings and extracurricular and nonacademic settings to enable students with disabilities to be educated with students without disabilities to the maximum extent appropriate in accordance with LRE requirements.~~

~~The determination of which supplementary aids and services are appropriate for a particular student shall be made on an individual basis. Supplementary aids and services may include the following: assistance of an itinerant special education teacher, related service provider, or paraprofessional; support or training for the general educator; use of resource services; provision of note takers; supports for extracurricular or other nonacademic activities; and supports for participation in state or district-wide assessments.~~

2. ~~Accommodations and Adaptations~~

~~NOTE: “Modifications” include accommodations and adaptations. Idaho uses the terms accommodations and adaptations to describe two separate instructional and assessment practices.~~

~~Accommodations and adaptations include any changes that allow students with disabilities the same opportunity as students without disabilities to participate in and benefit from the educational program, activities, and services of the district.~~

~~Accommodations are intended to make educational opportunities more accessible. This may involve the setting, communication modality, equipment, and/or supplemental aids and services. Examples include Braille editions, large print, pencil grips, audio recording, note takers, and computers with spell check.~~

~~Accommodations are changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology, as well as changes in presentation, response, timing, scheduling, and settings that do not fundamentally alter the requirements. Accommodations do not invalidate assessment results and do not fundamentally alter the or course expectations.~~

~~Adaptations are changes in educational expectations for the student with a disability compared to peers without disabilities. These adaptations include actual changes in the general education curriculum and instruction or the use of an alternative or supplemental curriculum. Adaptations include strategies such as reading aloud the reading portion of a test, using spell/grammar check for language arts assessments, and substituting out-of-level testing. examples include fewer concepts to be mastered, different test questions, and material at a different reading level.~~

~~Whenever the IEP team determines that accommodations and/or adaptations are needed to ensure academic progress, these shall be indicated in the IEP. Any accommodations and/or adaptations~~

required in physical education, vocational education, and state or district wide assessments shall be documented in the IEP.

3. ~~Assistive Technology Devices and/or Services~~

The district shall ensure that assistive technology devices and/or services are made available to a student, if required, as special education, related services, or supplementary aids and services. The following points are definitions and clarifications of terms:

- a. ~~“Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a device that is surgically implanted or the replacement of such device.~~

~~The district shall permit the student to use school-purchased assistive technology devices at home and in other settings if the IEP team determines that the student needs access to these devices in non-school settings to receive FAPE. An example of this would be to complete homework. The district may hold a parent/adult student liable for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the district if it is lost, stolen, or damaged because of negligence or misuse at home or in another setting outside of school.~~

~~Assistive technology devices should be designed using “universal design” principles. The term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities. This includes products and services that are directly (without requiring assistive technologies) and products and services that are compatible with assistive technologies.~~

- b. ~~“Assistive technology service” means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes the following:~~
 - 1) ~~an evaluation of the student’s assistive technology needs, including a functional assessment in the student’s customary environment;~~
 - 2) ~~purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;~~
 - 3) ~~selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;~~
 - 4) ~~coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;~~
 - 5) ~~training or technical assistance for a student with a disability or, if~~

appropriate, that student's family; and

- 6) ~~training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals who provide services.~~
- e. ~~The district shall ensure that the hearing technology worn by students who are deaf or hard of hearing in school are functioning properly. CFR 300.113~~
- d. ~~The district is responsible for appropriately monitoring and maintaining medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is at school or being transported to and from school. The district will ensure that the external components of surgically implanted medical devices are functioning properly, but is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implemented, or of an external component of the surgically implanted medical device.~~

4. ~~Extended School Year Services~~

~~The district shall provide extended school year (ESY) services for students with disabilities who qualify for such services. The ESY programs for eligible students shall meet the requirements of FAPE. The student's educational program is based on individual needs and is not determined by what programs are readily available within the district. The student cannot be required to fail or to go for an entire school year without ESY services, simply to prove a need. The IEP team shall consider the following in the development and provision of an ESY program:~~

- a. ~~The term "extended school year services" means special education and/or related services that are provided beyond the regular school year:~~
 - 1) ~~to a student with a disability;~~
 - 2) ~~in accordance with the student's IEP; and~~
 - 3) ~~at no cost to the parent/adult student.~~

~~The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year preceding the ESY. These may include goals related to independence, behavior, socialization, communication, and academics. The ESY services for special education students provide a different focus from general summer school programs.~~

- b. ~~The ESY services shall be considered in light of the totality of the circumstances, including the following:~~
 - 1) ~~Emerging skill: Few, if any, gains are made during the regular school year. A skill is in the process of emerging, and the IEP team believes~~

that with ESY services the student would make reasonable gains; or

- 2) ~~Regression recoupment: The student, will experience significant regression, and the amount of time required to relearn a skill or behavior becomes so significant that the student would be unable to benefit from his or her special education; or~~
- 3) ~~Self-sufficiency: An interruption in services would threaten the acquisition of critical life skills that aid in the student's ability to function as independently as possible, thereby continuing the student's reliance on caretakers, including institutionalized care. Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced future dependency on caretakers and enhance the student's integration with individuals without disabilities. Skills may include toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.~~

e. ~~Decisions concerning ESY services shall be based on student performance data and written documentation. Types of data and information may include, but are not limited to, those listed below.~~

- 1) ~~Criterion-referenced test data: Consider daily/weekly probes or pre-test/post test data.~~
- 2) ~~Norm-referenced test data: Consider pre-test/post test data.~~
- 3) ~~Anecdotal records: Consider information collected throughout the school year.~~
- 4) ~~Physical, mental, or emotional health factors: Consider the educational, medical, and psychological records of the student as well as the prognosis or judgments of educators, medical personnel, parents, and others who work with the student. Consider degenerative types of difficulties that may become intensified during breaks in educational programming.~~
- 5) ~~History: Consider evidence of past regression or past ESY services. The IEP team should not automatically assume that a student who has received ESY services in the past will be eligible for ESY services in the future, but it is a factor to consider.~~
- 6) ~~Data on observed performance: Consider data maintained on the student concerning performance observed in the classroom, during community-based activities, and as part of IEP progress monitoring.~~
- 7) ~~Teacher interviews and recommendations: Consider progress reports by teachers, therapists, and others who have direct contact with the student before and after breaks in educational programming.~~

- 8) ~~Parent/Adult student input: Consider parent observations of the student, as well as parent/adult student requests for ESY services.~~
- d. ~~The ESY services shall be clearly described in an IEP. The district can meet this requirement by amending the current IEP using an amendment form or by developing a complete ESY IEP. See Section 1C of this chapter for more information.~~
- e. ~~The district may not limit ESY services to particular categories of disability or unilaterally limit the amount or duration of these services.~~

5. ~~Transportation~~

~~Transportation is a related service intended for a student whose disability requires special arrangements benefit from special education. The student's individual needs concerning his or her education are the main considerations in determining services — this includes transportation services.~~

~~The IEP team shall consider how the student's disability affects his or her need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as students without disabilities. This includes transporting a preschool-age student to the site at which the district provides special education and related services to the student, if that site is different from the site at which the student receives other preschool or day-care services.~~

~~When the IEP team determines that special transportation is required and documents it on the IEP, all procedural safeguards under the IDEA shall be afforded to the student in matters concerning transportation.~~

~~Transportation needs may include, but are not limited to, the following:~~

- a. ~~travel to and from school and between schools to access special education;~~
- b. ~~travel in and around school buildings;~~
- c. ~~specialized equipment including lifts and ramps, if required to provide special transportation; or~~
- d. ~~other services that support the student's use of transportation, such as:~~
 - 1) ~~special assistance (e.g., an aide on the bus and/or assistance getting on and off the bus);~~
 - 2) ~~safety restraints, wheelchair restraints, and/or child safety seats;~~
 - 3) ~~accommodations (e.g., preferential seating, a positive behavioral support plan for the student on the bus, and/or altering the bus route);~~

- 4) ~~training for the bus driver regarding the student's disability or special health-related needs; or~~
- 5) ~~attending non-academic and extracurricular activities, if required by the IEP.~~

6. Special Considerations

~~As appropriate, the IEP team shall also consider and include the issues listed below in the IEP.~~

- a. ~~If the student's behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral interventions, supports and other strategies to address that behavior.~~
- b. ~~If the student has limited English proficiency, the IEP team shall consider the language needs of the student. A student's cognitive academic language proficiency (CALP) shall be determined using the State adopted English language proficiency assessment.~~
- c. ~~If the student is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines that Braille is not appropriate for the student. This determination can only be made after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille).~~
- d. ~~The communication needs of the student. In the case of the student who is deaf or hard of hearing, the IEP team shall consider the language needs of the student, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, the student's academic level, and his or her full range of needs including opportunities for direct instruction in the student's language and communication mode.~~

Section 2. IEP Development

The IDEA clearly defines the required components of an IEP and the Idaho IEP form is designed to include only those IDEA required components. Therefore, no additional information may be required in a student's IEP beyond what is explicitly required by the IDEA, nor can information be required under one component of a student's IEP that is already contained under another component of the student's IEP.

NOTE: IEP team meeting **minutes notes** are not part of the official IEP document **and are not required**. However, teams are strongly encouraged to take meeting notes.

A. General Demographic Information ~~Components~~ for All IEPs

All IEPs shall include, at minimum, the date of the IEP team meeting and the following general demographic components: the student's name as it appears in school records, native language, student ethnicity, student sex, birth date, and State identification number (~~for State reporting or Medicaid purposes only~~), names of parents, address, phone number, school, and grade.

B. Documentation of Participants

The district shall ensure the attendance and participation of the IEP team members at the IEP team meeting. Documentation of attendance can be accomplished by listing team member roles on the IEP and checking their attendance status. Prior to the beginning of the meeting, an excusal form identifying any required district members not present at the IEP team meeting, with the parent/adult student's ~~signature of approval~~ written consent, shall be obtained ~~attached~~. In the event the parent does not agree to excuse the required team member, the meeting shall be rescheduled at a time when the district member(s) can be present.

The attendance list on the IEP Team Information page indicates attendance at the meeting and is not a reflection of agreement or disagreement with the IEP; ~~it is only an indication of attendance~~. As with any team member, the parent's/adult student's inclusion on the list does not indicate agreement or disagreement with the IEP contents. If the parent/adult student disagrees with all or part of the IEP, the district should remind the parent/adult student that he or she may file a written objection. Any participant at the IEP team meeting may file a minority report if he or she disagrees with a program decision. A minority report shall not prevent the implementation of an IEP team decision.

NOTE: See ~~Section 2J~~-TK of this chapter for additional information on parent/adult student objections.

C. Present Levels of Academic Achievement and Functional Performance (PLAAFP)

The IEP identifies present levels of academic achievement and functional performance (PLAAFP) and measurable goals that enable the IEP team to report on the student's progress towards goals and the effectiveness of the services being provided for each skill area identified as an area of need by the IEP team. ~~track the effectiveness of services and to report progress toward goals~~.—A PLAAFP statement must be included addressing each skill area identified by the IEP team and shall be written in objective, measurable terms using easy-to-understand, non-technical language.

Each PLAAFP shall include:

- a. a description of the student's strengths in the skill area;

- b. parent concerns for enhancing student performance in the skill area;
- c. a disability impact statement indicating how the student's disability impacts involvement in and ability to make progress toward grade-level, [Idaho Content Standards](#) in the general education curriculum (i.e., the same curriculum used by students without disabilities);
- d. a student need statement identifying the skill(s) the student needs to learn that will guide the develop of the annual goal; and
- e. baseline data indicating the student's current performance on the skill that will be targeted in the annual goal referencing the same condition, target skill, and evaluation procedure that will be described in the annual goal.

The PLAAFP statements guide the development of the other components of the IEP, including special education services, annual goals, and objectives and benchmarks for students who participate in the Idaho Alternative Assessment (IDAA). These components shall show a direct relationship to the content of present levels of academic achievement and functional performance;

Note: For preschool students, the PLAAFP should describe how the disability affects the student's [performance and/or participation](#) in age-appropriate activities [according to the Idaho Early Learning Guidelines \(eGuidelines\)](#).

[See Section M of this chapter for more information about Early Childhood IEPs.](#)

D. Annual Goals, Objectives, and Benchmarks

Annual IEP goals shall be appropriately challenging and reflect the needs described in the PLAAFP statement. Measurable academic achievement, developmental, behavioral, and functional annual goals are designed to meet the student's unique needs that result from the student's disability, to enable the student to be involved in and make progress [toward grade-level, Idaho Content Standards in the general education curriculum](#), and to meet each of the student's educational needs that result from the student's disability.

The statements below shall be true of each annual goal included in the student's IEP.

- a. Goals are written, measurable statements, aligned with baseline data, describing what a student is reasonably expected to accomplish within the time period covered by the IEP, generally one year.
- b. Goals are written to enable the student to be involved in and make progress in the general education curriculum and to meet other educational needs that result from the disability.

- c. Goals shall be appropriately challenging given the circumstances of the student.
- d. Each goal shall reference and be aligned to the Idaho Content Standards, Workplace Skills for Career Readiness Standards, or ~~Early Learning Guidelines (eGuidelines)~~, as applicable.
- e. Each goal shall include:
 - i. Condition—the conditions under which the student will be expected to demonstrate the target skill;
 - ii. Target skill—the specific skill or behavior that will be targeted for instruction;
 - iii. Performance criteria—the measurable frequency, rate, or accuracy of the occurrence or demonstration of the target skill;
 - iv. Evaluation procedure—the procedure that will be used to measure the progress of the student toward achieving the goal, including how progress will be monitored; and
 - v. Schedule—the description of how and when data outlined in the evaluation procedure will be gathered.
- f. Goals should include the consideration of any Assistive Technology (AT) or Accessible Educational Materials (AEM) needs for the student;
- g. Goals with objectives and benchmarks are required for students taking the Idaho Alternative Assessment (IDAA). Objectives and benchmarks shall align with the PLAAFP and the annual goals, as a progression toward meeting the annual goals.

E. Monitoring and Reporting Progress Toward Goals

The IEP shall include information describing:

1. How the student's progress toward IEP goals will be measured and the progress monitoring schedule, to be described in the evaluation procedure and schedule connected to each IEP goal; and
2. How and when the parent/adult student will be informed of the student's progress toward the annual goals.

At minimum, periodic written progress statements related to progress toward annual goals shall be reported concurrent with the issuance of report cards.

F. Special Education and Related Services

Once the IEP team has reviewed the student's PLAAFP and established goals in each skill area of need, the team shall determine which special education and related services are needed to ensure the student's progress toward meeting goals.

1. **Special Education Services** include specially designed instruction the team has identified to meet the student's unique needs. These are the services that will support the student's growth on annual goals and help them move closer to grade level.
2. **Related Services** include any additional services that help the student with a disability to benefit from special education. Examples of related services include (but aren't limited to) Occupational Therapy, Special Transportation, Orientation and Mobility Services, Nursing Services, Counseling Services, and more.

Related Services

Related services²² ~~refers to means~~ transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education as described in the IEP. These services include, but are not limited to, ~~those listed and defined below~~.

a. **Audiology**

Audiology services include identification of students with hearing loss, determination of the range, nature, and degree of hearing loss, provision of habilitative activities, creation and administration of programs for prevention of hearing loss, counseling and guidance to students, parents and teachers regarding hearing loss, and the determination of student need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating effectiveness of amplification.

b. **Counseling services**

Counseling services include services provided by qualified social workers, psychologists, guidance counselors, and other qualified personnel, including personnel qualified to provide services exclusively in a school setting.

~~c. **early identification and assessment of student's disabilities**~~

d. **Interpreter services**

Interpreter services for students who are deaf or hard of hearing include oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services. Students who are deaf-blind may require special interpreting services.

e. **Language therapy**

- Language therapy services include identification of students with language impairments, diagnosis and appraisal of specific language impairments, referral for professional habilitation of language impairments when necessary, and provision of language services for the habilitation or prevention of communicative impairments.
- f. ~~medical services for diagnostic or evaluative purposes~~
- g. **Occupational therapy**
Occupational therapy services mean services provided by a qualified occupational therapist for improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation, improving ability to perform tasks for independent functioning if functions are impaired or lost, and/or preventing, through early intervention, initial or further impairment or loss of function.
- h. **Orientation and mobility services**
Orientation and mobility services include services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. These services may also include teaching spatial and environmental concepts and use of information received by the senses to establish, maintain, or regain orientation and line of travel, teaching the use of the long cane or a service animal, and teaching the use of remaining vision and distance low vision aids, and other concepts, techniques, and tools.
- i. **Parent counseling and training**
Parent counseling and training includes helping a parent understand child development and the special needs of ~~his or her child~~ the student and acquire skills to support the implementation of ~~his or her child's~~ the student's IEP.
- j. **Physical therapy**
Physical therapy services mean services provided by a qualified physical therapist.
- k. **Psychological services**
Psychological services include administering and interpreting assessments related to the student's educational performance and conditions related to learning, consulting with other staff members in planning school programs to meet the student's special educational needs, planning and managing a program of psychological services, including psychological counseling for students and parents, and assisting in developing positive behavioral intervention strategies.
- l. **Recreation, including therapeutic recreation**
s Assessment of leisure function, therapeutic recreation services, recreation programs in schools and community agencies, and leisure education.
- m. **Rehabilitation counseling services**
Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment, preparation, achieving independence, and integration in the workplace and community of a student with a disability. This also includes vocational rehabilitation services provided through vocational rehabilitation programs.
- n. **School health and school nurse services**
School health services are services that may be provided by either a qualified school nurse or other qualified person. School nurse services are services provided by a qualified school nurse.

o. **sSocial work services in school**

Social work services in school include preparing a social or developmental history on a student with a disability, group and individual counseling with the student and family, working in partnership with parents and others on those problems in the student's living situation that affect the student's adjustment in school, mobilizing school and community resources to enable the student to learn as effectively as possible in his or her educational program, and assisting in developing positive behavioral intervention strategies.

p. **sSpeech therapy**

Speech therapy services include identification of students with speech impairments, diagnosis and appraisal of specific speech impairments, referral for professional habilitation of speech impairments when necessary, and provision of speech services for the habilitation or prevention of communicative impairments.

q. **sSupports for school staff**

Supports for school staff include training, equipment, assistive technology, or other supports required to ensure staff have the skills and tools needed to address the needs of a student with a disability.

The above list of related services is not exhaustive and may include other developmental, corrective, or supportive services, transition services or assistive technology.

Related services are the responsibility of the district only if the IEP team determines they are required to assist the student to benefit from special education. Although related services may be of benefit to any student, not all related services may be required for each individual student. Determinations as to the provision of related services must be based on student need. Further, the A student is not entitled to related services if he or she is not eligible for special education or the parent/adult student does not consent to initial provision of special education services.

EXCEPTION: The IDEA lists some exceptions to related services as they relate to surgically implanted medical devices. See CFR 300.34. ~~“Related Services” does not include a medical device that is surgically implanted or the replacement of such device (e.g., cochlear implant), the optimization of that device’s functioning (e.g., mapping), or maintenance of that device., or the replacement of that device. The district is responsible to appropriately monitor and check devices to make sure the devices are functioning properly. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school.~~

~~THIRD PARTY PAYERS: Consent from the parents/adult student is required when the district bills Medicaid or the parent’s insurance for services provided. See Chapter 11 for details.~~

Documentation of Special Education and Related Services in the IEP

Each student's IEP shall describe the specific special education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable that will be provided to or on behalf of the student; ~~based on peer-reviewed research to the extent practicable. Special education includes specially designed instruction~~ to meet their unique needs ~~of the student~~. The description of special education and related services in the IEP shall include:

1. the specific special education or related service to be provided to meet the unique needs of the student, allowing the student to:
 - a. advance appropriately toward attaining the annual goal(s);
 - b. be involved and make progress toward the Idaho Content Standards in the general education curriculum;
 - c. participate in extracurricular and other nonacademic activities; and
 - d. be educated and participate with students without disabilities to the maximum extent appropriate.
2. title of the professional staff responsible for ensuring the provision of the service (“professional staff” means the individual who holds certification from the Idaho Department of Education and/or professional licensure);
3. the frequency and duration of the provision of the special education or related service (i.e., minutes per week, per day, or per month);
4. the location of the services (i.e., special education environment ~~vs.~~ or general education environment); and
5. the start and end date of the special education or related service.

The description of services in the IEP shall:

1. Identify the program accommodations and supplementary aids and services to be provided to the student in the areas of need.
2. List the specific services that will meet the unique needs of the student, allowing ~~him or her~~ the student to advance appropriately toward attaining the annual goals, and:
 - a. be involved in and make progress in the general education curriculum;

- b. participate in extracurricular and other nonacademic activities; and
- c. be educated and participate with other students with disabilities and with students without disabilities to the maximum extent appropriate.

Based on the unique needs of each student, the IEP team shall consider any services that may be appropriate for the student and shall document such services on the IEP accordingly. The student's annual goals and the services needed to address those goals will guide the team in the discussion about Least Restrictive Environment (LRE) for the student.

See Section H of this Chapter and Chapter 6 for more information about LRE.

Note: The IEP should show a clear connection between the student's goals, the services provided, and all other IEP components.

Note: Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, , referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA and assistance in making outside employment available.

G. Supplementary Aids and Services

Supplementary aids and services are aids, services, and other supports that are provided in general education classes, other education-related settings and extracurricular and nonacademic settings to enable students with disabilities to be educated with students without disabilities to the maximum extent appropriate in accordance with LRE requirements.

The determination of which supplementary aids and services are appropriate for a particular student shall be made on an individual basis. Supplementary aids and services may include the following: assistance of an itinerant special education teacher, related service provider, or paraprofessional; support or training for the general educator; use of resource services; provision of note takers; supports for extracurricular or other nonacademic activities; and supports for participation in state- or district-wide assessments.

The LEA shall ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings. Supplementary aids and services deemed appropriate by the IEP team shall be provided whether or not the district currently has these services in place.

H. Least Restrictive Environment (LRE) and Placement Decisions

Each student with a disability shall be educated with [age-appropriate](#) students without disabilities in the general education classroom to the maximum extent appropriate.

The IEP shall explain the extent, if any, to which the student will *not* participate in the general education classroom, the general education curriculum, and/or extracurricular or other nonacademic activities.

In recommending the appropriate placement in the least restrictive environment (LRE) for the student with a disability, the IEP team shall consider the student's annual goals, the services needed to meet those goals, the unique circumstances of the student, and the continuum of services available to meet the student's needs. The parent/adult student shall be involved in the placement decision as an active IEP team member.

Removal from the general education environment shall occur only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. A student with a disability is not to be removed from age-appropriate general education classrooms solely because of needed accommodations and adaptations in the general education curriculum. **Participation in general education curriculum and instruction assumes that the student is participating with same-aged peers.**

NOTE: The district's reassignment of students (with or without disabilities) to another classroom or building in the district is *not* a change of placement for a student with a disability, as long as the IEP goals remain unchanged and the degree of interaction with peers without disabilities remains the same. Examples include, but are not limited to, dividing a class because of overcrowding; moving an entire grade level to a different building; or going to a different school as a result of moving from one grade level to another grade level.

See Chapter 6 for more information on placement decisions in the LRE.

I. Special Considerations

In considering the unique circumstances of the student, the IEP team shall determine whether the student requires other services or supports to make progress toward IEP goals and the Idaho Content Standards in the general education curriculum.

1. Transportation

Transportation is a related service ~~intended for a~~ **provided to a** student whose disability requires special arrangements **to assist the student in** benefiting from special education. The student's individual needs concerning his or her education are the main considerations in determining services—this includes transportation services.

The IEP team shall consider how the student's disability affects his or her need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as students without disabilities. This includes transporting a preschool-age student to the site at which the district provides special education and related services to the student, if that site is different from the site at which the student receives other preschool or day-care services.

When the IEP team determines that special transportation is required and documents it on the IEP, all procedural safeguards under the IDEA shall be afforded to the student in matters concerning transportation.

Transportation needs may include, but are not limited to, the following:

- a. travel to and from school and between schools to access special education;
- b. travel in and around school buildings;
- c. equipment including lifts and ramps, if required to provide special transportation; or
- d. other services that support the student's use of transportation, such as:
 - i. special assistance (e.g., an aide on the bus and/or assistance getting on and off the bus);
 - ii. safety restraints, wheelchair restraints, and/or child safety seats;
 - iii. accommodations (e.g., preferential seating, a positive behavioral support plan for the student on the bus, and/or altering the bus route);
 - iv. training for the bus driver regarding the student's disability or special health-related needs; or
 - v. attending non-academic and extracurricular activities, if required by the IEP.

When considering transportation as a related service, the IEP team should document whether:

- a. The student has no need for transportation as a related service; they may use regular busing WITHOUT individualized supports;
- b. The student will ride the regular bus WITH supports (describe specific supports);
- c. The student will ride the special education bus (describe specific supports); or
- d. The student requires another type of transportation as a related service (describe special transportation).

When a student requires special transportation, the LEA must provide an appropriate transportation option and make it available to the parent. If, despite the availability of LEA-provided transportation, the parent/adult student opts to provide transportation, the IEP team must document this in the IEP, indicating the student's need for special transportation and the continued availability of the service in the event that the parent/adult student no longer opts to transport the student. If it is determined that the student requires transportation as a related service and the parent/adult student provides transportation because LEA is unable to meet this obligation, the LEA may be responsible for reimbursing the parent/adult student for mileage.

2. Extended School Year (ESY) Services

The district shall provide extended school year (ESY) services for students with disabilities who qualify for such services, **as determined by each student's IEP team**. The ESY programs for eligible students shall meet the requirements of FAPE. The student's educational program is based on individual needs and is not determined by what programs are readily available within the district. The student cannot be required to fail or to go for an entire school year without ESY services, simply to prove a need. The IEP team shall consider the following in the development and provision of an ESY program:

- a. The term "extended school year services" means special education and/or related services that are provided beyond the regular school year:
 - i. to a student with a disability;
 - ii. in accordance with the student's IEP; and
 - iii. at no cost to the parent/adult student.
- b. The ESY services shall be considered in light of the totality of the circumstances, including the following:
 - i. **Emerging skill:** Few, if any, gains are made during the regular school year. A skill is in the process of emerging, and the IEP team believes that with ESY services the student would make reasonable gains;
 - ii. **Regression-recoupment:** The student, **in the absence of an educational program**, will experience significant regression, and the amount of time required to relearn a skill or behavior becomes so significant that the student would be unable to benefit from his or her special education; or
 - iii. **Self-sufficiency:** An interruption in services would threaten the acquisition of critical life skills that aid in the student's ability to function as independently as possible, thereby continuing the student's reliance on caretakers, including institutionalized care. Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced future dependency on caretakers and enhance the student's integration with individuals without disabilities. Skills may include toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.
- c. Decisions concerning ESY services shall be based on student performance data and written documentation. Types of data and information may include, but are not limited to, those listed below:

- i. Criterion-referenced test data: Consider daily/weekly probes or pre-test/post-test data.
- ii. Norm-referenced test data: Consider pre-test/post-test data.
- iii. Anecdotal records: Consider information collected throughout the school year.
- iv. Physical, mental, or emotional health factors: Consider the student's educational, medical, and psychological records ~~of the student~~ as well as the prognosis or ~~judgments~~ **judgements** of educators, medical personnel, parents, and others who work with the student. Consider degenerative types of difficulties that may become intensified during breaks in educational programming.
- v. History: Consider evidence of past regression or past ESY services. The IEP team should not automatically assume that a student who has received ESY services in the past will be eligible for ESY services in the future, but it is a factor to consider.
- vi. Data on observed performance: Consider data **collected regarding the student's** ~~maintained on the student concerning~~ performance observed in the classroom, during community-based activities, and as part of IEP progress monitoring.
- vii. Teacher interviews and recommendations: Consider progress reports by teachers, therapists, and others who have direct contact with the student before and after breaks in educational programming.
- viii. Parent/Adult student input: Consider parent observations of the student, as well as parent/adult student requests for ESY services.

d. The ESY services shall be clearly described in the IEP

The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year preceding the ESY. These may include goals related to independence, behavior, socialization, communication, and academics. The ESY services for special education students provide a different focus from general summer school programs.

As appropriate, ~~the IEP team shall also consider and include the issues listed below in the IEP.~~ **the IEP team shall consider the following in the development of the IEP:**

3. **Behavior:** If the student's behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral interventions, ~~and~~ **and** supports and

other strategies to address that behavior, including a formal Behavior Intervention Plan (BIP), if needed.

4. **Limited English Proficiency:** If the student has limited English proficiency, the IEP team shall consider the language needs of the student. ~~A student's cognitive academic language proficiency (CALP) shall be determined using the State adopted English language proficiency assessment.~~

5. **Blind or Low Vision:** If the student is blind or low vision, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines that Braille is not appropriate for the student. This determination can only be made after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille).

6. **Communication Needs:** The IEP team shall consider the communication needs of the student, including students with communication disorders, students requiring augmentative and alternative communication (AAC), and students requiring interpretation services. ~~In the case of the student who is deaf or hard of hearing,~~ The IEP team shall consider the language and communication needs of the student, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, the student's academic level, and his or her full range of needs including opportunities for direct instruction in the student's language and communication mode.

7. **Health Care Needs:** The IEP team shall consider the student's health care needs. When applicable, these needs should be documented and addressed in the IEP. This may mean inclusion in goals, services, accommodations, or other components of the IEP, or the inclusion of a formal Health Care Plan.

J. Special Considerations for Students Who are Deaf or Hard of Hearing

The IEP team must consider the specific type and degree of hearing loss, as well as the technology a student uses, to support their communication and learning needs effectively.

To ensure access to education and therapies, daily listening checks will be conducted before instructional sessions, therapies, and assessments. These checks will confirm that the student's hearing assistive technology (HAT)—such as hearing aids, cochlear implants, or bone-anchored hearing aids—is functioning properly. Schools are required to perform routine checks of hearing aids and external components of surgically implanted medical devices, such as cochlear implants and bone-anchored hearing aids, to ensure these HAT devices are functioning properly.

Accommodations and Supports for Students Who are Deaf or Hard of Hearing

IEP teams must ensure that the IEP includes accommodation and supports necessary for a student who is Deaf or Hard of Hearing to access the educational environment. These may include:

1. Visual access to the verbal speaker;
2. Pre-teaching of content to build background knowledge;
3. Use of sound field amplification system;
4. Gaining student attention prior to giving directions;
5. Checks for understanding, such as asking student to repeat directions or key topics;
6. Use of auditory strategies, including acoustic highlighting, auditory sandwich techniques, and sufficient wait time;
7. Classroom seating placement to ensure visual access to the teacher and peers;
8. Defer requests and instruction until the student is regulated and engaged;
9. Pre-teaching routines and expectations for safety drills, including what to expect and how to respond; and/or
10. Other supports required to ensure that the student's unique learning needs are addressed.

K. Accommodations, Adaptations, and Assistive Technology

Accommodations and adaptations include any changes that allow students with disabilities the same opportunity as students without disabilities to participate in and benefit from the educational program, activities, and services of the district. Modifications include accommodations and adaptations. Idaho uses the terms accommodations and adaptations to describe two separate instructional and assessment practices.

1. **Accommodations:** Accommodations are changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology, as well as changes in presentation, response, timing, scheduling, and settings that do not fundamentally alter the grade-level standard requirements.

Examples include Braille editions, large print, pencil grips, audio recording, note takers, and computers with spell check. Accommodations do not include changes that invalidate assessment results and must not fundamentally alter the grade level requirements of the Idaho ~~Core~~ Content Standards.

2. **Adaptations:** Adaptations are changes to curriculum, instruction, or assessments that fundamentally alter the grade level requirements of the Idaho Content Standards but enable a student with a disability that significantly impacts performance an opportunity to participate. Adaptations include strategies such as reading the reading portion of a test, using spelling/grammar check for language arts assessments, and substituting out-of-level

testing. Other examples include fewer concepts to be mastered, different test questions, and material at a different reading level. Adaptations invalidate assessment results and provide non-comparable results.

3. Assistive Technology: The LEA shall ensure that assistive technology devices and/or services are made available to a student, if required, as special education, related services, or supplementary aids and services.

- a. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a device that is surgically implanted or the replacement of such a device.

The district shall permit the student to use school-purchased assistive technology devices at home and in other settings if the IEP team determines that the student needs access to these devices in non-school settings to receive FAPE. An example of this would be to complete homework. The district may hold a parent/adult student responsible for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the district if it is lost, stolen, or damaged because of negligence or misuse at home or in another setting outside of school.

- b. Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes the following:
 - i. an evaluation of the student's assistive technology needs, including a functional assessment in the student's customary environment;
 - ii. purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;
 - iii. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
 - iv. coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
 - v. training or technical assistance for a student with a disability or, if appropriate, that student's family; and
 - vi. training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a student with a disability.

c. The district shall ensure that the hearing technology worn by students who are deaf or hard-of-hearing in school are functioning properly. [See CFR 300.113](#)

d. The district is responsible for appropriately monitoring and maintaining medical devices appropriately monitoring and checking surgically implanted devices to make sure the devices are functioning properly, if the team has determined that those services are necessary. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is at school or being transported to and from school. The district will ensure that the external components of surgically implanted medical devices are functioning properly, but is not responsible for the post-surgical maintenance, programming or replacement of the medical device that has been surgically implemented, or of an external component of the surgically implanted medical device.

[IDEA lists some responsibilities related to surgically implanted medical devices. See CFR 300.34 and 300.113.](#)

L. Statewide and Districtwide Achievement Testing

~~Section 1111(b)(2) of the Every Student Succeeds Act (ESSA) requires requirements that all students participate in statewide assessments.~~

Students with disabilities shall participate in all state- and district-wide assessments. Participation rates and performance data, both aggregate and disaggregate, for students with disabilities, are reported to the public annually.

The IEP team shall determine how the student will participate in state- and district- wide assessments: without accommodations, with supports and accommodations, or by means of the IDAA. The IEP team determines the supports and accommodations a student will use based on those that are used regularly by the student during instruction or classroom testing and on what is documented in the accommodations section of the IEP.

The following guidelines shall be used to determine how the student will participate in state- and district-wide assessments:

1. General Assessment without Accommodations

The IEP team determines and documents in the IEP that a student with a disability can adequately demonstrate his or her knowledge, abilities, or skills on state- and district-wide assessments without accommodations.

2. General Assessment with Supports and Accommodations

Appropriate supports and accommodations for students with disabilities shall be based on the individual needs of each student. Supports and accommodations decisions are made by the IEP

team and shall be recorded in the IEP. Accommodations should facilitate an accurate demonstration of academic achievement, developmental, and functional performance on state- and district-wide assessments. They should not provide the student with an unfair advantage or change the underlying skills that are being measured by the test. Supports and accommodations shall be the same or nearly the same as those used by the student in completing classroom assignments and assessment activities. The supports and accommodations shall be necessary for enabling the student to demonstrate knowledge, ability, skill, or mastery of academic content.

Accommodations *must not* invalidate test results. The LEA must follow state-wide guidelines and establish district-wide guidelines. The LEA's guidelines must:

- a. Identify only those accommodations for each assessment that do not invalidate the score; and
- b. Instruct IEP teams to select, for each assessment, only those accommodations that do not invalidate the score.

Students taking state- and district-wide assessments with supports and/or accommodations shall be given opportunities to practice and become familiar with said supports and/or accommodations in the relevant test delivery system before they begin testing.

3. Alternate Assessments based on Alternate Academic Achievement Standards (AAs)

The Idaho Alternate Assessment (IDAA) ~~AAs are~~ is a statewide testing option intended only for those students with the most significant cognitive ~~impairments~~ disabilities, in lieu of the general education assessment, with or without supports and accommodations. Participation in IDAAs reflects the pervasive nature of a significant cognitive ~~impairments~~ disabilities and requires that a student meet all participation eligibility criteria. Students with the most significant cognitive ~~impairments~~ disabilities represent about 1% of the total student population.

The IEP team shall consider a student's participation in IDAAs on an annual basis using the participation criteria listed below. The IEP team shall document the student's testing status in the appropriate sections of the IEP.

- a. A student must meet **all four** of the following participation criteria to qualify for the IDAA.
 - 1) The student has a significant cognitive ~~impairments~~ disability.
 - a) Definition of significant cognitive disability: A designation given to a small number of students with disabilities for the purposes of their participation in alternate assessments. Having a significant cognitive disability is not solely determined by an IQ test score nor based on a specific disability category, but rather a complete understanding of the complex needs of a student. Students with significant cognitive disabilities have a disability or multiple disabilities that significantly impact their adaptive skills and intellectual functioning. These students have global adaptive skills significantly below average and intellectual

functioning well below average (typically associated with an IQ below 55). Severe and global adaptive deficits are at least two (2) standard deviations below the mean as measured by a norm-referenced assessment of adaptive skills using the global adaptive score.

- i. This reference to an IQ typically below 55 is not intended to be a hard cut score, but to provide IEP teams with guidance.
 - ii. In circumstances when an IQ score cannot be obtained, the IEP team may use a preponderance of evidence to determine if a student has a significant cognitive disability. If, due to the severity and complexity of a student's disability, an IQ score cannot be obtained, the school psychologist may determine the presence of a significant cognitive disability using a preponderance of evidence, which must include:
 1. an explanation why an IQ score cannot be obtained;
 2. evidence supporting the presence of a significant cognitive disability; and
 3. scores indicating severe and global adaptive deficits at least two (2) standard deviations below the mean as measured by a norm-referenced assessment of adaptive skills using the global adaptive score.
 - iii. This provision is not to be used for students who are unable or unwilling to participate in an assessment solely due to behavior.
- 2) The student is receiving functional academic instruction at a level that is not typically measured by the Idaho Content Standards. ~~Idaho Extended Content Standards~~.
- a) The student's instruction and IEP goals/objectives/benchmarks address knowledge and skills that are appropriate and challenging for the student.
- 3) The student's course of study is primarily **focused on** adaptive skills **oriented** typically not measured by **grade-level** state or district assessments.
- a) Adaptive skills are essential to living independently and functioning safely in daily life, and include, but are not limited to motor skills, socialization, communication, personal care, self-direction, functional academics, and personal health and safety.

- 4) The student requires extensive, direct, individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.
 - a) The student consistently requires individualized instruction in core academic and adaptive skills at a substantially lower level relative to other peers with disabilities.
 - b) It is extremely difficult for the student to acquire, maintain, generalize, and apply academic and adaptive skills in multiple settings, across all content areas, even with high-quality extensive~~e~~, intensive, pervasive, frequent, and individualized instruction.
 - c) The student requires pervasive supports, substantially adapted materials, and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.
- b. Students shall not qualify to participate in [the IDAA ~~Alternate Assessments based on Alternate Achievement Standards~~](#) solely based on any of the following reasons:
 - 1) Having a disability
 - 2) Poor attendance or extended absences
 - 3) ~~Native~~ Primary language, ~~/~~social, cultural or economic differences
 - 4) Expected poor performance or past basic/below basic performance on the regular education assessment
 - 5) Academic and other services student receives
 - 6) Educational environment or instructional setting
 - 7) Percent of time receiving special education services
 - 8) English ~~Language~~ Learner (ELL) status
 - 9) Low reading level/achievement level
 - 10) Anticipated disruptive behavior
 - 11) Impact of student scores on the accountability system
 - 12) Administrative decision
 - 13) Anticipated emotional distress
 - 14) Need for accommodations (e.g., assistive technology/AAC) to participate in the assessment

M. LRE Explanation and Placement Decisions

~~A student with a disability shall be educated with students without disabilities in the general education classroom to the maximum extent appropriate. The IEP shall explain the extent, if any, to which the student will *not* participate in the general education classroom, the general education curriculum, and/or extracurricular or other nonacademic activities.~~

~~In recommending the appropriate placement in the least restrictive environment (LRE) for the student with a disability, the IEP team shall consider the student's unique circumstances and the continuum of services available to meet those unique circumstances. The parent/adult student shall be involved in the placement decision. Removal from the general education environment occurs only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. A student with a disability is not to be removed from age appropriate general education classrooms solely because of needed accommodations and adaptations in the general education curriculum.~~

~~NOTE: The district's reassignment of students (with or without disabilities) to another classroom or building in the district is *not* a change of placement for a student with a disability, as long as the IEP goals remain unchanged and the degree of interaction with peers without disabilities remains the same. Examples include, but are not limited to, dividing a class because of overcrowding; moving an entire grade level to a different building; or going to a different school as a result of moving from one grade level to another grade level.~~

~~See Chapter 6 for more information on placement in the LRE~~

M. IEPs for Children in Early Childhood Programs

Beginning at age three (3) until eligible to enroll in kindergarten, students with disabilities are served through Early Childhood (EC) programs in schools and within the community. In Idaho, kindergarten eligibility begins when the student turns five (5) years old on or before September 1st of the school year. All requirements of IDEA and this manual apply to EC IEPs; however, EC IEPs have additional requirements outlined in this section.

Early Childhood Outcomes (ECO)

To ensure that students receive high quality education and services in EC Programs, IEP teams assess and report on three Early Childhood Outcomes (ECO) at entry into the EC program and prior to exit from the program. These ECOs include:

- a. ECO 1: Positive Social-Emotional Skills, including Social Relationships;
- b. ECO 2: Acquiring and Using Knowledge/Skills, including Communication and Early Literacy; and
- c. ECO 3: Taking Appropriate Action to Meet Needs.

Each IEP goal and service should relate to one or more of these outcomes, based on the guidelines in this section.

A. Obtaining ECO Ratings

1. Department-Approved Anchor Assessment: The IEP team shall use a Department-approved anchor assessment to establish an ECO rating at entry to and exit from an EC program. The Department has identified and approved anchor assessments that must be used to establish entry and exit ECO ratings for each student.
2. ECO Entry Rating: An ECO entry rating for each outcome area shall be reported on the initial IEP for each student entering an EC program. The IEP team must use a Department-approved anchor assessment to establish the ECO entry rating.
3. ECO Exit Rating: An ECO rating for each outcome area shall be reported prior to exit from the EC program. If the student has been in the program for less than six (6) months, an exit rating is not required. The IEP team must use a Department-approved anchor assessment to establish the ECO exit rating.
4. Early Childhood Outcome (ECO) Ratings: ECO ratings should be reported annually with the annual IEP review. ECO ratings indicate the student's performance in each of the outcome areas and rate skills from 1 to 7 based on skill development as foundational, immediate foundational, or age-appropriate. The student's IEP team shall reference Early Childhood Technical Assistance (ECTA) Center resources to make these determinations.
 - i. Foundational (F): Skills and behaviors that occur earlier in development and serve as the foundation for later skill development.
 - ii. Immediate Foundational (IF): Child shows functioning that might be described as that of a slightly younger child. The child exhibits skills that are conceptually linked to later skills and immediately precede the later skills developmentally.
 - iii. Age-Appropriate (AA): Child shows functioning expected for his or her age in all or almost all the everyday situations that are part of the child's life.

B. Early Childhood IEP Goals

- a. Components of a Goal
 - i. Present Levels of Academic Achievement and Functional Performance (PLAAFPs) are required for EC IEPs and are addressed with ECO ratings. To establish ECO ratings, the IEP team must discuss parent concerns and discuss and analyze current student skills in each outcome area.

- ii. All other components of an IEP goal such as student need, baseline data, annual goals, procedure and schedule for data collection, and reporting on progress shall meet the same requirements as a K-12 IEP.
- b. General Education Standards
 - i. Each annual goal in an EC IEP shall be developed with the purpose of ensuring student progress toward general education standards that apply to all students. For EC programs, general education content standards are outlined in the *Idaho Early Learning eGuidelines*.

See Section 2 of this chapter for more information about IEP Development.

C. Least Restrictive Environment (LRE) Reporting

Each EC IEP requires reporting of an appropriate LRE code based on the type of EC program the student participates in, where special education and related services are received, and the amount of time the student spends in a non-special education environment. EC LRE codes include:

1. **Regular Early Childhood Program (10+ hours per week):** Student attends a regular early childhood program at least 10 hours per week and receives the majority of special education and related services in the regular early childhood program.
2. **Regular Early Childhood Program (10+ hours per week and Other Location):** Student attends a regular early childhood program at least 10 hours per week and receives the majority of special education and related services in some other location.
3. **Regular Early Childhood Program (<10 hours per week):** Student attends a regular early childhood program less than 10 hours per week and receives the majority of special education and related services in the regular early childhood program.
4. **Regular Early Childhood Program (<10 hours per week and Other Location):** Student attends a regular early childhood program less than 10 hours per week and receives the majority of special education and related services in some other location.
5. **Separate Special Education Class:** Student attends a special education program that is not a regular early childhood program.
6. **Separate School:** Student receives special education in a public or private day school designed specifically for children with disabilities.
7. **Residential Facility:** Student receives all special education and related services in a public or private facility.
8. **Service Provider Location (or some other location not in any other category):** Student receives all special education and related services from a service provider and does not attend a special education program in any regular early childhood program.

9. **Home:** Student receives special education and related services in the principal residence of the child's family or caregiver and does not attend a regular early childhood program or a special education program.

N. Additional Transition Components for Secondary-Level IEPs

Secondary transition services are defined as a coordinated set of activities for a student with a disability that are designed within a results-oriented process focused on improving the academic and functional achievement of the student to facilitate movement from school to post school activities including postsecondary education, vocational education, integrated employment (including supported employment), continuing ~~in~~ adult education, adult services, independent living, or community participation. The activities include instruction, **related services**, community experiences, development of employment and other post school adult-living objectives and, if appropriate, acquisition of daily living skills and a functional vocational evaluation. These activities are based on the individual student's needs, taking into account the student's strengths, preferences, and interests. The following are required components for all secondary students receiving special education services.

1. Beginning with the IEP to be in effect when a student is sixteen (16) years old (or younger if determined appropriate by the IEP team), the IEP **team** shall **include**:
 - a. **include present levels of academic and/or functional performance as they relate to the student's postsecondary goals in the IEP;**
 - b. **conduct ~~and~~ an age-appropriate transition assessment or functional vocational evaluation; ~~where appropriate;~~**
 - c. **include** appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills **in the IEP;**
 - d. **include** transition services, including a course of study, that will reasonably enable the student in reaching postsecondary goals identified on the IEP which may include postsecondary education and training, employment and career counseling, community participation, independent living or adult services **in the IEP;**
 - e. **provide** evidence that the student was invited to the IEP team meeting where transition services are to be discussed; if the student does not attend the IEP team meeting, the IEP team must take other steps to ensure the student's preferences and interests are considered;
 - f. **provide** evidence that a representative of any participating agency was invited to the IEP team meeting with **a prior written** consent of the parent/adult student ~~or student who has reached the age of majority; and~~
 - g. **include** the graduation requirements for the student receiving special education

services in the IEP (~~Refer-See to~~ Chapter 7 for more detailed information on documentation of high school graduation in the IEP.); and

- h. ensure ~~T~~the postsecondary goals and transition services shall be updated on the IEP annually.
2. Not later than the student's seventeenth (17th) birthday, the IEP shall include a statement that the student and parent ~~has~~ have been informed ~~whether or not that~~ special education rights will transfer to the student on his or her eighteenth (18th) birthday. Special education rights will transfer from the parent to the student when the student turns eighteen (18) years old unless the IEP team determines that:
 - a. the IEP team determines that there is sufficient basis for denial of transfer of rights to the student, meaning the student is unable to provide informed consent with respect to his or her special education program; or
 - b. the parent has obtained legal guardianship.

The IEP shall contain a statement referring to the transfer or non-transfer of rights:

- a. If the team determines that there is no relevant information about the student to prohibit the transfer of rights at age eighteen (18), the student's IEP shall contain a statement that the student has been informed that special education rights will transfer to him or her. ~~The parent retains the right to receive notices required by the IDEA.~~
- b. If the IEP team determines that the student lacks the ability to provide informed consent with respect to his or her educational program, a statement will be included in the IEP indicating that the parent, or other individual if the parent is not available, will retain all special education rights after the student reaches age eighteen (18).

Basis for Denial of Transfer: During the IEP team meeting to discuss the transfer of rights, the IEP team will use the following as the basis for any denial of the transfer:

- a. Evaluation data, test results, written reports, teacher observation, education records, and parent input, including whether the parent intends to seek guardianship.
- b. Answers to the following questions:
 - i. Is the student capable of understanding his or her rights?
 - ii. Is the student capable of exercising his or her rights?
 - iii. Is the student capable of understanding the consequences and impact of his or her decisions?

Following ~~a Determination Concerning~~ the Transfer of Rights: When the student's special education rights transfer at age eighteen (18), the parent and student will be informed that rights have transferred. The parent may still be invited to participate as an individual who has

knowledge or special expertise regarding the adult student.

~~(For more information on the transfer of rights, see Chapter 11)~~

See Chapter 11 for more information on the transfer of student rights.

3. When a student exits from special education as a result of ~~complying with meeting~~ the Idaho Content Standards and such applicable district graduation requirements or aging out, the district shall provide the student with a summary of his or her academic achievement and **functional** performance along with recommendations concerning how to assist the student in meeting postsecondary goals.

O. Consent for Initial Provision of Special Education and Related Services

The district shall make reasonable efforts to obtain informed **written** consent from the parent/adult student before the initial provision of special education and related services for the student.

If the parent/adult student communicates in writing that he or she refuses special education and related services following the evaluation and eligibility determination, the district shall not provide special education and related services to the student. If the parent/adult student fails to respond to a district's documented efforts to gain consent for initial provision of special education and related services, the district shall not provide special education and related services to the student. In both cases:

1. The district shall not be in violation of the requirement to provide FAPE to the student or the requirement to provide special education and related services;
2. The district shall not be required to convene an IEP team meeting or develop an IEP for the student; and
3. The district shall not use mediation and/or due process in order to obtain consent or a ruling allowing initial placement.

If the parent/adult student wishes to move forward with the provision of services ~~stated proposed~~ on the IEP and placement in special education, consent for initial placement in special education shall be obtained ~~after the development of an IEP~~. Consent ~~occurs when means that~~ the parent/adult student ~~understands and~~ agrees in writing, **as indicated by a signature**, to the carrying out of the activity for which consent is sought.

See Chapter 4 for more information on parent/adult student consent.

P. Parent/Adult Student Objection to the IEP

If the parent/adult student disagrees with an IEP team's proposed IEP for the student, the parent or adult student may file a written objection to all or parts of the proposed IEP. **The LEA shall respond as follows:**

1. If the parent/adult student ~~files provides~~ a written objection that is emailed, postmarked,

or hand delivered within ten (10) **calendar** days of the date he or she receives written notice from the district of the proposed IEP, the changes to which the parent/adult student objects cannot be implemented ~~for fifteen (15) calendar days, or as extended through mutual agreement by the district and the parent or adult student,~~ while parties work to resolve the dispute. If the changes have already been implemented, implementation of those changes shall cease.

2. If the parent/adult student files a written objection to an IEP change or placement change proposed by the district any time *after* ten (10) calendar days of receiving written notice, the student shall remain in the placement described in the disputed IEP, and that IEP is implemented as written until the disagreement is resolved unless the parent/adult student and the district agree otherwise.

Either party retains the right to exercise procedural rights under the IDEA. The district and parent/adult student may use methods such as additional IEP team meetings, IEP facilitation, or **SDE Department** mediation to resolve the disagreement. If these attempts to resolve the dispute fail or are refused, the proposed IEP shall **not** be implemented ~~after fifteen (15) calendar days~~ unless a due process hearing **request** is filed **by either party** to obtain a hearing officer's decision regarding the proposed IEP, unless it is an initial IEP. ~~The~~

A written objection cannot be used to prevent the district from placing a student in an interim alternative educational setting (IAES) in accordance with the IDEA procedures for discipline of a student, or to challenge an eligibility/identification determination.

~~If the parent/adult student files a written objection to an IEP change or placement change proposed by the district any time *after* ten (10) calendar days of receiving written notice, the student shall remain in the placement described in the disputed IEP, and that IEP is implemented as written until the disagreement is resolved unless the parent/adult student and the district agree otherwise.~~

See Chapter 11 for information about the ~~prior~~ written notice requirements regarding the provision of FAPE and educational placement.

See Chapter 13 for more information about the various forms of dispute resolution including facilitation and mediation.

Q. Following the Meeting

Following the IEP team meeting, a copy of the IEP and written notice of proposed or refused actions shall be given to the parent/adult student. IEPs and written notice ~~should~~ **shall** also be given to the parent/adult student whenever a change is made to the IEP. **A parent/adult student may also request a copy of an IEP and written notice at any time.** ~~or upon request~~

Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the IEP shall have access to the IEP and be informed of his or her specific responsibilities. This includes being informed of any specific accommodations, adaptations, or supports that shall be provided to the student to

ensure that the IEP is implemented appropriately.

Section 3. IEP Reviews

A. Annual Reviews

Each student's IEP shall be reviewed ~~at least annually~~ by the IEP team, at least annually, which means once every ~~year~~ (365 days). Meetings may be held any time throughout the school year, as long as the IEP is reviewed annually and is in effect at the beginning of each school year. ~~Either at or~~ After the annual review, written notice that the new IEP changes will be implemented shall be provided to the parent/adult student.

The An IEP review may includes the following purposes:

1. to determine whether the student's annual goals have been achieved;
2. to revise the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, where appropriate;
3. to determine whether any additional assessments are necessary and to address the results of those conducted;
4. to address information regarding the student provided to the team; ~~about the student that has been provided to, or by, the parent/adult student;~~
5. to address the student's anticipated needs;
6. to monitor the continuing eligibility of the student based on an evaluation or review of a variety of data, which may include formal or informal assessment, progress toward IEP goals and, when applicable, objectives and benchmarks;
7. to write a new IEP; and
8. to consider a reevaluation to determine if a student is no longer eligible and special education services should be discontinued.

B. IEP Amendments

~~In making changes to a student's IEP after the annual IEP team meeting for a school year, If~~ changes to a student's IEP are needed after the annual IEP meeting has been held, the parent/adult student and the district may agree in writing not to convene an IEP team meeting for the purposes of making such changes, and instead may develop a written document to amend the student's current IEP. The parent/adult student will be provided with a revised copy of the IEP and written notice documenting the changes made. ~~with the amendments incorporated.~~ The annual review date remains the date of the original IEP.

Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the amended IEP shall have access to the amended IEP and be informed of his or her specific responsibilities.

If the parent/adult student believes that the student is not progressing satisfactorily or ~~that there is a problem with~~ has concerns about the current IEP, ~~he or she may~~ the parent/adult student may request an IEP team meeting. The district shall grant any reasonable request for such a meeting. If the district refuses to convene an IEP team meeting requested by the parent/adult student, the district shall provide written notice to the parent/adult student, including an explanation of why the district has determined the meeting is unnecessary.

If any other member of the IEP team feels that the student's placement or IEP services are not appropriate, that team member may request an IEP team meeting.

~~Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the amended IEP shall have access to the amendment and be informed of his or her specific responsibilities.~~

Section 4. Transfer Process and Timelines ~~IEPs for Transfer Students~~

~~Idaho Administrative Procedures Act [IDAPA 08.02.03.109.04(f)] requires the new (receiving) district to request a copy of the eligibility documentation and most current IEP within two (2) school days. Within five (5) school days of receiving this information, the new district determines if a new assessment is required. If the district disagrees with the existing eligibility documentation or if the documentation is not available within a reasonable time period, e meantime, if the parent agrees, an interim IEP may be developed and implemented, or the existing IEP implemented. If there is no agreement, the student is placed in general education. Within fourteen (14) calendar days the receiving district will request the full educational record of the transferring student from the former school.~~

~~A.—Transfer from an Idaho School District~~

~~When a student with a disability transfers school districts in with a current IEP in Idaho, the district shall provide the student with FAPE. This includes services comparable to those described in the previously held IEP, in consultation with the parent/adult student, until such time as the district adopts implements the previously held IEP or develops, adopts, and implements a new.~~

~~The receiving district shall request, as soon as possible, but no more than two (2) school days, the eligibility documents and the most current IEP from the sending district. Once the district has formally received a request for a student's record from another Idaho district, the district shall forward copies or the original documents as soon as possible, but no more than five (5) school days, of the request. Within fourteen (14) calendar days the receiving district will request the full educational record of the transferring student from the former school. If originals are sent, the sending district shall maintain a copy for audit purposes.~~

~~Note: The current IEP shall be implemented if a new IEP cannot be developed within five (5) school days of the student's enrollment or if a reevaluation will be taking place.~~

~~B. Transfer from an Out-of-State District~~

~~When a student with a disability transfers from out of state to an Idaho school district with a current IEP in that other state, the district shall provide the student with FAPE. This includes services comparable to those described in the previously held IEP, in consultation with the parent/adult student, until such time as the district conducts an evaluation, if determined necessary, and develops, adopts, and implements a new IEP or.~~

~~C. Transfer to an Out-of-State District~~

~~Within ten (10) school days of receiving a request from a school district for copies of eligibility documentation and a transferring student's IEP, a district shall send the requested information to the receiving district.~~

When a student with a disability transfers LEAs within Idaho or outside of Idaho, there are requirements around timely transfer of records, decision-making, and IEP implementation, as outlined below.

A. Timelines for Document Requests and Transfers

1. The receiving district shall request, as soon as possible but within no more than two (2) school days of the student's enrollment in the LEA, the eligibility documents and the most current IEP from the **sending** LEA.
2. Once an LEA has **formally** received a request for a student's record from another Idaho district, the LEA shall **provide the student's special education records forward copies the original documents** as soon as possible, but **within** no more than five (5) school days, of the request. The records must include, at a minimum, the student's most recent IEP and eligibility documentation. **LEAs shall retain originals or copies of the most recent five (5) years of programmatic and fiscal records.**
3. Within fourteen (14) calendar days the receiving LEA will request the full educational record of the transferring student from the former school. ~~If originals are sent, the sending LEA shall maintain a copy for audit purposes.~~ **LEAs shall retain originals or copies of the most recent five (5) years of programmatic and fiscal records.**
4. The current IEP, ~~shall be implemented if~~ a new annual IEP, an amended IEP, or an **interim IEP cannot be developed shall be implemented** within five (5) school days of the student's enrollment. ~~or if a reevaluation will be taking place.~~
5. If eligibility documentation is not received within a reasonable time period, written consent for a reevaluation shall be sought. During the reevaluation process, the district shall implement an interim IEP to provide services comparable to those provided in the student's most recent IEP.

B. Transfer Process for Reviewing and Determining Eligibility

The IEP team, which includes the parent/adult student, shall review eligibility documentation to determine whether the documentation reflects eligibility for special education or whether a reevaluation is required.

1. When a student transfers from another Idaho LEA and eligibility documentation is current, the team shall presume eligibility and proceed to the review of the IEP.

Note: The purpose of the Transfer Process is to make decisions about the student's eligibility status and ensure services begin immediately upon enrollment. If, during this process, the team determines that the documentation does not meet the Department's expectations for General Supervision File Review (GSFR), the team should complete the Transfer Process and proceed to consider whether a reevaluation is needed using the Reevaluation Consideration process and the associated form.

2. When a student transfers from an LEA outside of Idaho and eligibility documentation is current, the team shall determine whether the documentation is sufficient to demonstrate that the student meets Idaho criteria for special education. If documentation is sufficient, the team shall proceed to the review of the IEP.
3. When a student transfers from an LEA outside of Idaho and eligibility documentation is not sufficient to demonstrate that the student meets Idaho criteria for special education, the team shall seek written consent for a reevaluation and immediately develop an interim IEP to be implemented while the reevaluation is completed. Within sixty (60) calendar days the reevaluation shall be completed, and the IEP team shall develop a new IEP based on the reevaluation results.
4. If eligibility documentation is expired, whether from an LEA within or outside of Idaho, the team shall seek written consent for a reevaluation and immediately develop an interim IEP to be implemented while the reevaluation is completed. Within sixty (60) calendar days the reevaluation shall be completed, and the IEP team shall develop a new IEP based on the reevaluation results.

C. Transfer Process for Reviewing and Implementing the IEP

1. If, based on the review of eligibility documentation described above, the student is eligible for special education and related services, the IEP team shall make one of three (3) decisions:
 - a. Implement the student's current IEP as written;
 - b. Implement the student's current IEP with amendment(s); or

- c. Develop and implement a new IEP.
2. If, based on the review of eligibility documentation described above, the IEP team has initiated a reevaluation to determine continued eligibility in Idaho, the team shall develop an interim IEP to address the student's needs while a reevaluation is conducted.
 - a. An interim IEP is a temporary program developed by the IEP team to be implemented for fewer than 365 days. Typically, an interim IEP is implemented while a reevaluation is conducted or additional information is gathered.
 - b. In the case of transfer students, the interim IEP shall not be implemented for more than sixty (60) days while a reevaluation is conducted.

Section 5. ~~IEPs~~ Transition Process for Children from the Infant/Toddler Program

A. Interagency Agreement and Protocols

The school district, as the local lead agency for Part B, shall initiate the development of a signed interagency protocol with the regional Infant/Toddler Program (ITP) of the Department of Health and Welfare (DHW), the lead agency under Part C of the IDEA. The protocol shall be in accordance with the current state Interagency Agreement for Early Childhood Special Education Services and Early Intervention for Children Ages Two through Five.

The protocol will outline the obligations of each agency to ensure:

1. a smooth and effective transition of children served under Part C to early childhood special education ~~services~~ (ECSE) ~~services~~ under Part B;
2. by the child's third birthday, eligibility for Part B services has been determined and an IEP or Individual Family Service Plan (IFSP) has been developed and implemented; and
3. each district and agency shall participate in transition planning conferences.

NOTE: A child, who turns three (3) after May 1, has been determined eligible for Part B services, and for whom written parental consent has been obtained for initial placement for Part B services, can be served as outlined in the IFSP by the ITP until school starts in the fall. This is the case unless specified differently in the local interagency protocol.

B. Part C to Part B Transition Planning

In the case of a child who may be eligible for ECSE services, the district shall participate in a transition planning conference with the family arranged by the ITP. The conference will be conducted at least ninety (90) calendar days (and up to nine (9) months at the discretion of all parties) before the child's third (3rd) birthday to discuss eligibility requirements under Part B of

the IDEA, needs and concerns of the child and family, and any services the child may receive.

The ITP has the responsibility to:

1. notify the school district and ~~SDE~~ the Idaho Department of Education of potentially eligible children;
2. invite and coordinate a transition planning meeting to review the process to determine eligibility and assess service options available;
3. establish a plan for facilitating the transition of the toddler with a disability to early childhood special education services;
4. provide the district with the current IFSP, all addendums/outcomes relevant to the most recent IFSP, other progress reports, and any evaluations and assessments ~~if~~ completed within the last six months; and
5. upon invitation, attend the initial IEP team meeting.

The ~~school district~~ LEA has the responsibility to:

1. ~~make contact with~~ contact the family and provide notice of procedural safeguards and written information about the Part B and early childhood special education services (this information may be ~~provide~~ provided in person, at a transition conference, by electronic means, or by mail);
2. attend and participate in the transition planning meeting;
3. determine eligibility and develop an IEP or IFSP prior to the child's third (3rd) birthday;
4. invite ITP representatives, at the request of the parent, to the initial IEP team meeting; and
5. obtain consent for initial provision of special education and related services under Part B.

C. IEP or IFSP Required

1. By the child's third (3rd) birthday, the district shall have an IEP or IFSP in place for each student three (3) through five (5) years old who is eligible for ECSE services.
2. In developing the IEP, the IEP team shall consider the content of the IFSP including:
 - a. the least restrictive environment statement; and
 - b. the educational component that promotes school readiness, pre-literacy, language, and numeracy skills.
3. The IFSP may serve as the IEP of the child, if:

- a. agreed by the district and the child's parents;
- b. a detailed explanation of the differences between the IFSP and the IEP is provided to the parents);
- c. parental written informed consent is obtained; and
- d. **the IFSP is** developed according to the IEP procedures outlined in Section 2 of this chapter. If the district elects to use an IFSP, the district is required to implement only the educational components of the IFSP.

D. Consent and Notice Requirements

1. Notice Announcing Initial IEP Team Meeting: The district shall inform the parents of their rights to request the participation of ITP representatives at the initial IEP team meeting for children previously served by Part C.
2. Release of Information: The district shall obtain written parental consent for the release of information to obtain pertinent student records from non-educational agencies. ~~such as ITP, developmental disabilities agencies, medical providers, day care centers, and Head Start.~~
3. Assessments: At the transition planning conference, if further assessments are necessary to determine eligibility, the student's present levels of academic **achievement** and functional performance, and goals or services on the IEP, informed consent to evaluate is required. (Parental consent for assessment under Part B is required even though the parent may have given consent earlier under Part C). Otherwise, only written notice to inform the parent of the district's decision to use the current evaluation data, and not to conduct any further assessments, shall be provided to the parent. The parent shall also be informed of his or her right to request additional assessments.
4. Consent for Initial Provision of Special Education and Related Services: **Parental Written parental** consent for the initial provision of special education and related services and written notice for the implementation of the IEP or IFSP under Part B is required. Eligibility, initial provision of services, and LRE placement shall be documented for Part B services.

Section 7 6. Students with Disabilities in Adult Prisons

The following **provisions requirements** apply for students with disabilities ages eighteen (18) to the **day before the student's twenty-second (22nd) birthday semester when they turn twenty-one (21)** who are convicted as adults under Idaho law and incarcerated in adult prisons:

1. A student identified as a student with a disability, who is eligible for special education, and who is convicted as an adult and incarcerated in an adult prison, is not subject to ~~child find,~~ **Child Find.**
2. ~~but~~ If already identified is entitled to FAPE until **the day before the student's twenty-second (22nd) birthday age twenty-one (21).**

3. The student will not participate in statewide assessments.
4. Transition planning and services do not apply if the student will remain in prison beyond the day before the student's twenty-second (22nd) birthday. ~~semester of his or her twenty-first (21st) birthday.~~
5. The IEP team may revise the student's IEP and placement, regardless of the LRE requirements, if the state has demonstrated a bona fide security or other compelling penological interest that cannot otherwise be accommodated.

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