

# Parents as Partners in the IEP Process

A PARENT RESOURCE BOOK



**Utah  
Parent  
Center**

Special needs,  
extraordinary potential

[www.utahparentcenter.org](http://www.utahparentcenter.org)

## **Parents as Partners in the IEP Process – A Parent Resource Book**

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- Free individual consultations and advocacy support
- Free Utah Parent Center workshops
- Additional information on topics covered in this book

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# HOW TO USE THIS GUIDEBOOK

*Dear Reader,*

*The purpose of the IEP process is to design an individualized education program that meets your child's needs . This guidebook gives suggestions about what you can do to prepare for your important role as an equal member of the IEP team. It has been designed to equip you to be an active participant in developing your student's IEP.*

*As you review the following information, you may find that you have questions or need further explanation. Please call the Utah Parent Center for further assistance. We would be happy to support you during this process.*

*The Utah Parent Center Staff*



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# INTRODUCTION: BUILDING A PARTNERSHIP

## What are the benefits of parent, student and school collaboration?

Special education is a vehicle for parents and students to work together with schools toward attaining a common goal and achieve meaningful student progress.

### Topics in this Section Include:

- Working Together
- Communication
- Effective Communication Skills for Parents

## WORKING TOGETHER

Providing individualized services and supports in special education to a student in order to meet his or her unique needs is a process. This process has been designed to include different players: professionals at school, parents, young students, when appropriate, and adult students. Always lend a listening ear and thoughtfully consider the information and options shared by these individuals. You are each equal partners in the education of your child.

The team's focus should always be on the needs of the child. At the beginning of a meeting with your child's school, each person should assume the good faith of the other and the joint commitment to meeting the needs of the student. Teamwork helps to strengthen relationships and to set a positive foundation for future relationships. When everyone is working together to develop an Individualized Educational Program for a student, exciting things can happen. All of the contributors to the plan can then stand together in their support of the decisions made.

## COMMUNICATION

Ongoing communication will be important as you journey through your child's years of education. Being open and clear with the professionals that work with your child will help bring solutions to each unique situation. This becomes more apparent through time as your child grows and changes.

Challenges will present themselves at various moments, so establishing good communication channels with school personnel early on will prove to be beneficial. In addition to traditional face-to-face communication, today's technology makes it easier to keep in touch with each other via phone call, text, email or other online software. Be judicious in your use of these tools and remember to expect and keep a positive and respectful tone.



### Tip:

Think about the attitudes and preconceptions you are bringing with you to your interactions with school personnel. Think about using a "clean slate" mental strategy when approaching new challenges and situations and always begin by assuming the best intentions from everyone involved.

# EFFECTIVE COMMUNICATION SKILLS FOR PARENTS

## Share Relevant Information

You are your child's best advocate. You have unique expertise about your child. Don't assume that the school has all of the relevant information. Keeping an organizational system will be helpful to you. Remember to keep an organization system and keep copies of any document that you believe has value in understanding your child.

Sharing information helps you and your school team understand your child and come up with possible solutions. Talk to your child and explore what his or her experience at school looks and feels like.

### Tip:

There are other factors besides words that affect how others perceive our communication. These include body language, tone of voice, volume, eye contact, facial expressions, gestures and delivery of the message. Be mindful of these when you are with others.

## Become a Skilled Listener

A skilled listener is someone who...

- is willing to work at listening.
- listens to the complete message before reacting.
- listens for content, not the way the message is delivered.
- screens out distractions and maintains focus.
- listens for the main ideas and interests.
- listens to understand the other person's perspective, instead of worrying about formulating a response.

## Validate Feelings

Validating other's stated feelings allows the other person to know that you hear him/her and that you also hear their emotions. This helps diffuse intense emotions that block communication.

Here are some ideas on possible information you could share:

- You child's strengths and motivations
- Your child's concerns and struggles with school
- Tips about what works for your child at home
- Past helpful accommodations at school
- Health, behavioral or psychological needs
- Private evaluation summaries and reports
- Current family situations or struggles



Try using the following lead-in phrases:

*It seems you feel that...*  
*I sense you are feeling...*  
*Is it your feeling that...?*

## Use "I" Statements

"I" statements focus on your concerns, how you are feeling, and what you are thinking. They keep others from feeling like they are being judged, blamed or threatened.

When used, other are still willing to listen to you, hear your concerns and work together to come up with solutions for your child.

Try using the following lead-in phrases:

*I am concerned about ...*  
*I am worried that...*  
*I am frustrated that...*  
*I am feeling that...*  
*I am hearing that...*

## Ask Questions

Getting clarification...

- helps you understand what is being said.
- helps you gain more information.
- allows you to check out the other person's expectations, concerns or perceptions.
- outlines what is being done to help.
- can help you to direct the conversation to an area you feel needs attention.
- helps you gain information before you give your opinion or draw conclusions.
- can be used to slow down the conversation and give you time to process the information.

The following are some helpful lead-in phrases:

*Can you describe for me what...?*  
*Can you tell me...?*  
*Can you clarify for me...?*  
*Can you explain...?*  
*Can I have more details about...?*  
*Can you elaborate on....?*  
*Can you help me understand....?*  
*Can you give more examples about...?*  
*Can you rephrase....?*

## Written Communication

Organizing your thoughts in writing can help you clearly define your specific needs and concerns and help you articulate more precisely.

In your effort, please remember that people add personality and voice to written messages.

Here are some tips so you can get your message across effectively:

- Open with something positive about your child's program and then move on to your concern.
- Keep your message short and to the point. When content is too lengthy, the message may be lost.
- Discuss one issue at a time.
- Avoid writing sentences in capital letters and using exclamation points since some people will interpret this as yelling or extreme frustration.
- Send the message to all parties involved (general education teacher, special education teacher, principal, therapist, etc.).
- Be reasonable in the response time that a professional might take to reply.
- Don't overwhelm the team with numerous emails.
- Avoid exchanging negative emails back and forth with school personnel. If a conversation is needed, set up a meeting.
- Make sure you provide your contact information and times when you can be reached.
- Remember that information that is in writing becomes part of the permanent record.



# SECTION 1: INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA 2004)

## What is IDEA 2004?

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) is a law that ensures services to children with disabilities throughout the nation.

### Topics in this Section Include:

- General Overview
- Early Intervention
- Special Education
- Termination of FAPE

## GENERAL OVERVIEW

### IDEA (2004)

IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

It contains four parts:

**Part A:** Creates a foundation for the remaining parts of the law by covering general provisions and definitions.

**Part B:** Includes provisions for a Free Appropriate Public Education in the Least Restrictive Environment for children with disabilities 3-21.

**Part C:** Includes provisions for providing Early Intervention Services for infants and toddlers 0-2 and their families.

**Part D:** Includes provisions for support for state personnel development, technical assistance and dissemination, technology and parent training and information centers.

### PARENTS

Every child who receives special education services needs to have a parent to participate as a member of the IEP team and advocate for the child. The law provides direction in case a child does not have parents available.

Under the law a “parent” is defined as a “biological, adoptive or foster parent, guardian or an individual acting in the place of a biological or adoptive parent (including a relative) of a child, but not the state if the student is a ward of the state.” Anyone acting in the parent role, as defined above, has all the rights given to parents under the law.

Children who are wards of the state or unaccompanied homeless children who do not have a foster parent to represent them must have a surrogate parent appointed by the Local Education Agency (LEA). In Utah, individuals who act as volunteer surrogate parents in the IEP process are trained by the Utah Parent Center about their responsibilities.

## EARLY INTERVENTION

Utah has designated Baby Watch under the Utah Department of Health as the Lead Agency to provide services for the birth to 2 year age group of children with special needs and their families. Services for this age group are called Early Intervention. Early Intervention services are family-centered, multidisciplinary, comprehensive and community-based and honor the values and beliefs of the family. The specific early intervention services for a child are written in an Individualized Family Service Plan (IFSP) which is based on the concerns and priorities of the family.

Skills that typically develop during their first three years of life, include:

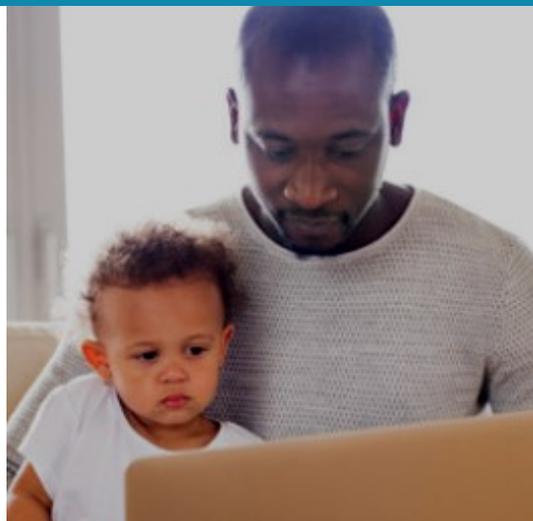
- Physical (reaching, rolling, and walking)
- Cognitive (thinking and learning)
- Communication (talking and listening)
- Social/Emotional (playing and feeling secure)
- Self-help (eating and dressing)

The Early Intervention program must conduct transition planning to move eligible children from early intervention to preschool programs. If eligible, transition planning to preschool should be implemented at least 90 calendar days before the child turns 3 and is eligible for the preschool program. An IEP should be implemented by the child's 3rd birthday. Parents are to be involved in these team planning processes.

## SPECIAL EDUCATION

Part B of IDEA 2004 outlines the special education process which is available for eligible students with disabilities from age 3 through graduation or to age 22, including special education preschool which serves children ages 3 to 5.

The Utah State Board of Education is the Lead Agency responsible for overseeing special education. A specific child's educational needs and services are written in an Individualized Education Program or IEP.



Each school district within the state must develop procedures which ensure that all students who reside within the district who have a disability and are in need of special education and related services are identified, located and evaluated. These activities are referred to as "Child Find". Child Find requirements include locating:

- Highly mobile students with disabilities (such as migrant and homeless students)
- Students who have been suspended or expelled from school
- Students who have not graduated from high school with a regular high school diploma
- Students who are suspected of being a student with a disability and who are in need of special education and related services, even though they are advancing from grade to grade
- Home school students within the LEA's boundaries

Parents can also refer their student if they suspect a disability is hindering progress at school. For more information on this, see **Section 3: Initiating the Process**.

When a child is found eligible for special education services, they will be listed under one of 13 categories of disability. The IEP team can work together to determine the area that best describes your child. For a detailed description of each category, see **Section 4: Qualifying for Services**.

### What are the 6 principles covered in IDEA 2004?

1. **Free appropriate public education (FAPE):** The right to FAPE means special education and related services are available to eligible children with disabilities age 3 to 22 and are to be provided at no cost to the parents. The specially designed educational programs and services reflect the child's individual educational needs, and are to be provided in conformity with the Individualized Educational Program (IEP). The provision of FAPE differs for each child, but the principle is the same.
2. **Appropriate evaluation:** An appropriate evaluation gathers accurate information to determine eligibility or continued eligibility; it also identifies the student's strengths and educational needs. An individualized education program is then designed to respond to the student's needs.
3. **Individualized Education Program (IEP):** The IEP is a legally binding, written document that outlines the special education program, services and related services based on the child's educational needs.
4. **Least restrictive environment (LRE):** The LRE is the environment where the student can receive an appropriate education designed to meet his or her special education needs, while still being educated with nondisabled peers to the maximum extent appropriate.
5. **Parent and student participation in decision making:** IDEA requires that parents must be given the opportunity to play a central role in the planning and decision making regarding their child's education. Parents must have the opportunity to participate in the meetings regarding identification, evaluation, educational placement and the provision of FAPE to the student. Student rights and participation are strongly encouraged, particularly when addressing transition planning.
6. **Procedural due process:** The guarantee of procedural due process means that there are safeguards designed to protect the rights of the parents and their children with disabilities, as well as to give families and schools a mechanism for resolving disputes.

### SCHOOL DISTRICTS

Are public schools that are publicly funded and accountable to the public. They operate under a district in a certain geographic area.

They are led by their school district personnel that provide resources and supports needed for students within the district.

They are responsible for the implementation of IDEA and other disability laws within their boundaries, including child find for homeless students and students that homeschool. They conduct child find and provide special education and related services to students with disabilities.

### CHARTER SCHOOLS

Are tuition-free public schools open to any Utah student. They are open to the public, publicly funded and accountable to the public.

Charter schools are governed by boards and held accountable by legally binding agreement with their authorizer. This charter agreement allows them to operate as a school.

Charter schools are responsible for the implementation of IDEA and other disability laws for students that attend their school. They conduct child find and provide special education and related services to students with disabilities.

## PRIVATE SCHOOLS

Children who are placed in private schools by their parents do not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. There are, however, requirements for the school district where the private school is situated to locate, identify and evaluate students with disabilities enrolled in the private school (Child Find).

The LEA must develop and implement a services plan and provide some funding for each student that has been designated to receive services. For more information on special education in private schools, please see the Utah Special Education Rules. Some private schools are eligible for the Carson Smith Scholarship (see **Resources**).



## ENDING FAPE

### GRADUATION

Students with disabilities who graduate from high school with a regular high school diploma or a Utah Adult Secondary Diploma from the Adult High School Completion Program are no longer eligible for public education services.

The term *regular high school diploma* does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate of attendance/completion or a General Educational Development credential (GED). These options will not end eligibility for special education services.

### AGING OUT

Reaching maximum age (age 22) ends eligibility for a free appropriate public education (FAPE). Exiting at maximum age is not a change of placement and prior written notice is not required.

### Graduation Paths

The IEP team, with the student's input, can choose the path that best meets the student's needs.

**High School Diploma:** If your student has met all the high school graduation criteria, the LEA will award a high school diploma. At this time eligibility for special education services will terminate. The IEP team may amend graduation requirements by documenting them in the IEP.

**Certificate of Completion:** May be awarded to students that meet the school district criteria who have completed their senior year, are exiting the school system, but have not met all state or district requirements for a diploma. This does not end FAPE.

**Alternate High School Diploma:** Designed for students with significant cognitive disability who meet the requirements for participation in Utah's Alternate Assessment (Dynamic Learning Maps). It allows students the opportunity to learn rigorous standards-based content through the Essential Elements and Extended Core curriculum. This does not end FAPE.

### Tip:

To learn more about Graduation options and the transition to adult life for students with disabilities, please refer to *Transition from School to Adult Life: A Parent Resource Book* (Web link included in Resources).

# RESOURCES

## INDIVIDUALS WITH DISABILITIES EDUCATION ACT

### Center for Parent Information and Resources

<https://www.parentcenterhub.org/>

#### Q & A on IDEA 2004: Purposes and Key Definitions

<https://www.parentcenterhub.org/qa1/>

#### Categories of Disability Under IDEA

<https://www.parentcenterhub.org/categories/>

#### Overview of Early Intervention

<https://www.parentcenterhub.org/ei-overview/>

### National Parent Center on Transition and Employment

<https://www.pacer.org/transition/learning-center/laws/idea.asp>

### Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

#### Transition Handbook

<https://utahparentcenter.org/wp-content/uploads/2018/08/Transition-Handbook-Final-07.19.2018.pdf>

#### Webinar: Utah High School Graduation and Completion Options

<https://www.youtube.com/watch?v=E4aYOlusUAs&feature=youtu.be>

### Utah State Board of Education (USBE)

<https://schools.utah.gov/>

#### Special Education Carson Smith Scholarship (CSS)

<https://www.schools.utah.gov/specialeducation/resources/scholarships>

#### Special Education: School to Post-School Transition

<https://www.schools.utah.gov/specialeducation/programs/schooltransition?mid=1880&tid=1>

### Utah Department of Health, Children with Special Health Care Needs, Baby watch

<https://health.utah.gov/cshcn/programs/babywatch.html>

### U.S. Department of Education

<https://www.ed.gov/>

#### IDEA

<https://sites.ed.gov/idea/>

#### Office of Special Education and Rehabilitative Services (OSERS)

<https://www2.ed.gov/about/offices/list/osers/index.html>

#### Office of Special Education Programs (OSEP)

<https://www2.ed.gov/about/offices/list/osers/osep/about.html>



## SECTION 2:

# PARENTAL AND STUDENT RIGHTS

### What are the Procedural Safeguards?

At least **one time** a year, the parents of a child with a disability must receive from the school system a complete explanation of all the procedural safeguards. These include the rights afforded to parents and students as they go through the special education process.

#### Topics in this Section Include:

- Procedural Safeguards
- Student Participation

## PROCEDURAL SAFEGUARDS

Procedural Safeguards, sometimes referred to “parent rights” are protections in the law designed to protect the rights of both the parent and the child with a disability. It is important to be familiar with these safeguards so you can serve the best interests of your child. Procedural Safeguards give parents the ability to access information, participate fully in the IEP process, and expect confidentiality of their child’s educational records. The safeguards also require school personnel to notify parents and explain their actions in writing when they propose or refuse to initiate specific actions in the child’s educational plan and provide dispute resolution options for parents when they disagree.

### When should parents be given the Procedural Safeguards notice?

- At least once per school year (usually at the annual IEP review meeting)
- Upon initial referral, or when a parent, adult student or the school requests an evaluation
- Upon receipt of the first state complaint or due process complaint in that school year
- Upon request by a parent or adult student

## CONTENT

The procedural safeguards notice must include a complete explanation of all the safeguards available under IDEA related to:

- **Parental consent:** The granting of consent is voluntary on the part of the parent or adult student and may be revoked at any time. If consent is revoked, it is not retroactive. Parent or adult student consent must be given prior to the LEA conducting an initial evaluation or reevaluation or before the initial provision of special education or related services.
- **Access to student educational records:** The information in your child’s file should be kept confidential. Only people who need to see your child’s file, like your child’s teacher, should have access to it. Third parties must have parents permission before info can be released. Teachers and other service providers should also maintain your child’s confidentiality in their conversations with others. IDEA and other federal laws protect the confidentiality of your child’s education records. These safeguards address the following three aspects:
  - The use of personally identifiable information.
  - Who may have access to your child’s records.
  - The rights of parents to inspect their child’s education records and request that these be amended to correct information that is misleading or inaccurate, or that violates the child’s privacy or other rights.

- **Prior written notice:** There may be times when the school may propose a change to your child's educational plan. Or perhaps, as a parent, you ask to have something done differently or changed. If the school proposes or refuses to initiate a change in the following, protected areas, they must let the parent know in writing. Some examples of this may be:

- **Identification:** School refuses to identify your child as having a disability or changes are made to identification.
- **Evaluation:** School refuses to evaluate
- **Educational placement:** School proposes a more restrictive environment.
- **Provision of FAPE:** Decrease in related service level



### What is contained in the Prior Written Notice?

- A description of the action proposed or refused by the LEA
- An explanation of why the LEA proposes or refuses to take the action
- A description of each evaluation procedure, assessment record or report the LEA used as a basis for the proposed or refused action
- A statement that the parents or adult student have protection under the procedural safeguards, and if this notice is not an initial referral for evaluation how they can get a description of the procedural safeguards
- Sources to contact in obtaining assistance in understanding the IDEA law
- A description of other options that the IEP team considered and the reasons why those options were rejected
- A description of other factors that are relevant to the LEA's proposal or refusal

Although it is important to understand what is required under Prior Written Notice, it is just as crucial to know that this is something parents can request at an IEP meeting when the IEP team is clearly facing a disagreement with the student's Individualized Education Program. This gives everyone involved a clear understanding of what is requested or proposed and the reasoning used for declining to implement a requested change.

- **The opportunity to present and resolve complaints through procedures for due process and State Complaints** including: the timeline for filing a complaint, and opportunity for the school system to resolve the complaint.
  - The availability of mediation;
  - The child’s placement during the pendency of any due process complaint;
  - Due process hearings, including requirements for disclosure of evaluation results and recommendations; and
  - Civil actions, including the period of time in which to file such actions.

**Tip:**

To learn more about each kind of dispute resolution option available to parents and students under the IDEA, please read **Section 10: Problem Solving**.

**ADDITIONAL CONSIDERATIONS**

**Language:** Under IDEA, the procedural safeguards notice (and, for that matter, the prior written notice) must be “written in a language that the general public understands or in the native language of the parent or in another mode of communication used by the parent, unless it is clearly not feasible to do so [§300.503(c)] . With the technology available, finding interpreters of a large variety of language has become ever more possible.

**Rights to Evaluate at Public Expense:** If a parent disagrees with the school’s evaluation or data or if the school has refused to evaluate in all areas of suspected disability, the parent has a right to ask for an Independent Educational Evaluation. When the request is made, the school can either agree or disagree in writing and if they disagree this triggers a due process complaint. The school must show data as to why they feel the results of their evaluation would stand up in court.

If the school agrees to pay for the IEE, parents should follow the procedures in the State Rules and Regulations with the school, so all are on the same page of requirements and who is paying.



**Tip:**

You can find a sample letter for requesting an IEE on pg. 22. See **Section 3: Initiating the Process** to understand IEEs further.

## STUDENT PARTICIPATION

Research shows that when a student participates in the IEP, he/she is more committed to working on the IEP goals, self esteem is increased and the student feels more like a partner in the process. Students who have not participated in their IEP meetings often view the IEP process with fear or mistrust. They may not see how the goals relate to their needs. Follow these steps for assisting your child in appropriately participating in the IEP process:

1. Explain what the process is and obtain a commitment from the student to participate.
2. Describe an IEP meeting; demonstrate how to participate; and role play with the student.
3. Have your student do a self-inventory of their learning strengths, weaknesses, goals, interests and learning instruction preferences.



### Suggestions for Encouraging Student Participation

- Establish the purpose and goals of the meeting.
- Ask the student relevant questions, such as:
  - What would you identify as your strengths and weaknesses?*
  - What skills do you want to improve?*
  - What are your goals for school?*
  - What are your career or vocational interests?*
  - What ways do you learn best?*
  - What types of tests are best for you?*
- Give the student plenty of time to think and respond. This is crucial.
- Encourage questions and discussion.
- Keep eye contact with the student. (Teachers usually tend to look at and talk to the parent which can be discouraging for the student.)
- Follow up with the student after the IEP. Help the student evaluate his/her participation.

#### TIP:

Consider when and how to appropriately involve your child in the IEP process. Help the child develop confidence and become comfortable talking about his/her disability and needs. Provide written information to team members for non-verbal students. Teach your child to identify what is helpful, including accommodations. Involving the student at a **young** age can help the student learn self-advocacy as well as goal setting and planning skills.

# RESOURCES

## PARENTAL AND STUDENT RIGHTS IN SPECIAL EDUCATION

### Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

#### **Federal Laws Impacting Your Child's Education**

<https://utahparentcenter.org/publications/infosheets/federal-laws-impacting-your-childs-education/>

#### **IEP Team Building**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/iep-team-building/>

#### **Parent Rights Summary**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/parents-rights-summary/>

#### **Self Advocacy: Tips for Teens**

<https://utahparentcenter.org/publications/infosheets/transadultinfosheets/tips-for-teens/>

#### **Student Participation in the IEP**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/student-participation-in-the-iep/>

### Utah State Board of Education (USBE)

<https://schools.utah.gov/>

#### **IDEA Procedural Safeguards Notice**

<https://www.schools.utah.gov/specialeducation/resources/lawsrulesregulations?mid=942&tid=3>

#### **FERPA 101**

<https://schools.utah.gov/File/34dea0c3-b130-4d47-a0b4-5755d83ea936>

### Center for Parent Information & Resources

<https://www.parentcenterhub.org/>

#### **Parent Participation Q & A**

<https://www.parentcenterhub.org/qa2/>

#### **Requesting Prior Written Notice**

<https://www.parentcenterhub.org/notice/>

#### **Right to Receive a Complete Explanation of IDEA's Procedural Safeguards**

<https://www.parentcenterhub.org/notice-safeguards/#what>

#### **Right to Receive Prior Written Notice**

<https://www.parentcenterhub.org/notice-prior/>



# SECTION 3: INITIATING THE PROCESS

## How can I help my child if they are struggling in school?

If your child is struggling in school, they may be referred for a special education evaluation. This referral can come from you as the parent, the school or your student. This will help determine if their education is being negatively impacted by a disability through a formal evaluation and review of data.

### Topics in this Section Include:

- Evaluation Request
- Initial Evaluation
- Independent Educational Evaluation (IEE)

### Requesting an Evaluation

- Make your request in writing.
- Outline your concerns.
- Consider sharing any information you have including any diagnosed disabilities, private evaluations and struggles at home.
- Hand deliver or email your request to the principal.
- Keep a copy of everything you send in and sign.
- Ask in your letter to come in and sign for permission to evaluate.
- Request that all areas of concern be addressed in the evaluation.
- The school will not start the evaluation until they have your signature.



## EVALUATION REQUEST

Once the school receives your permission to evaluate in writing, the school will do a review of existing data to determine the need for testing. If the data does not support the need for an evaluation, the school can refuse to test. The school must provide you with Prior Written Notice that they do not intend to evaluate your child. To learn more about Prior Written Notice, see Pg. 12 on **Section 2: Parental and Student Rights**.

If the school decides not to evaluate, and you disagree with that decision, talk to your principal about your concerns. You can also contact your school district's special education team. If you and the school are still not in agreement you can use dispute resolution options available to parents. (See **Section 10: Problem Solving**).

### Interventions

General education classrooms have built in interventions when students need a little more review and practice. These are called Multi-Tiered Systems of Support (MTSS) or Response to Intervention (RTI). The school measures a student's Response to Intervention (RTI). Ask the school to share this data with you. This data can be used along with a formal evaluation to find a child eligible for special education and determine if there is a learning disability present. It should not be the sole reason to delay or deny an evaluation, as interventions can continue to take place during the evaluation process.

## SAMPLE LETTER– REQUEST FOR EVALUATION

Today's Date (include month, day, and year)

Your Name

Daytime telephone number

Name of Principal or Special Education Administrator

Name of School

Dear (person's name),

I am writing to request that my son/daughter, (child's name), be evaluated for special education services. I am worried that (child's name) is not doing well in school and believe he/she may need special services in order to learn. (Child's name) is in the ( \_ ) grade at (name of school). (Teacher's name) is his/her teacher.

Specifically, I am worried, because (child's name) does/does not (give a few direct examples of your child's problems at school).

We have tried the following to help (child's name): (If you or the school have done anything extra to help your child, briefly state it here).

I understand that I have to give written permission in order for (child's name) to be evaluated. When can I come to the school to sign for permission to evaluate and ask any additional questions I may have? I would be happy to talk with you about (child's name). Please feel free to call me at (daytime telephone number). Thank you for your prompt attention to my request.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator)  
your child's teacher(s)

**Note:** Though not required, it is helpful to disclose any known disabilities and share any existing reports. If your child has been identified as having a disability by professionals outside the school system, add the following sentence to the end of the first paragraph: "(Child's name) has been identified as having (name of disability) by (name of professional). Enclosed is a copy of the report(s) I have received that explains (child's name) condition."

# INITIAL EVALUATION

## Initial Evaluations should...

- be free of charge to the family.
- include all areas of concern to address all areas of need, not just the area of disability.
- use a variety of tests and measures.
- consider the whole student and all areas of concern.
- identify academic levels, functional skills and developmental levels.
- not discriminate based on race, culture or language.
- include input from parents.
- show strengths as well as weaknesses.
- use valid and reliable tests.
- be conducted by trained and qualified people.
- address specific educational needs.

### Tip:

If your child is struggling, you can talk to the school about implementing a Section 504 Plan for supports during the evaluation period. Going through the evaluation process does not limit the parent's ability to meet or speak with relevant school personnel, such as a vice principal, principal, or district representative to discuss any concerns that are relevant for the student. All involved will be glad to address and prevent any safety issues.



## What areas can be evaluated?

There are several areas that the IEP team can choose to evaluate. Here are some areas with examples of tests used by schools in each area. Your school will select the test, ensure that it meets your child's age and ability level and that the person administering the test has the correct qualifications. This is not a complete listing of tests, the school may choose one not shown here as long as it is evidence-based and well researched.

- **Health** (Denver Developmental Screenings, O.T. and P.T. Evaluations, Reports from health care providers including pediatricians)
- **Vision and Hearing** (Pure Tone Audiometry, Test of Auditory Discrimination)
- **Social and Emotional Behavioral** (Autism Behavior Checklist, Autism Diagnostic Interview, Social Responsiveness Scale, Attention Deficit Disorder Scales)
- **General Intelligence/Cognitive** (Batelle Developmental Inventory, Wechsler Scales of Intelligence for Children, Stanford-Binet V)
- **Academic Performance** (Woodcock Johnson, Kaufman)
- **Communication/Speech and Language** (Bankston Language Test, Comprehensive Test of Phonological Processing, Test for Auditory Comprehension of Language, Test of Pragmatic Language)
- **Motor Abilities** (Test of Visual-Motor Integration, Muscle strength and Joint Mobility evaluation, School Function Assessment)
- **Adaptive Self Help** (Adaptive Behavior Scales, Vineland, Adaptive Behavior Inventory)
- **Autism** (Autism Behavior Checklist, Autism Diagnostic Interview, Social Responsiveness Scale)

The evaluation results can lead to goals and services on your child's IEP if they are found eligible. They can also identify strengths that your child can use in the educational setting. The evaluations can lead to services and supports that meet your child's specific educational needs. Make sure your child gets plenty of rest for evaluation days.

Initial evaluations can include:

- Interviews of parents, teachers and the student
- Classroom work samples
- Academic Testing
- Physiological Testing



If your student was evaluated and qualified for special education, they will be reevaluated at least every three years. The team will review existing data and determine what types of evaluations are necessary. Parents and teachers can also request additional testing anytime they feel it is needed. Any single test should not be done more than once a year because it would affect the validity of the results. What kind of evaluations are used is based on the student's needs and the data the team feels is relevant. Parents need to sign for permission prior to all evaluations.

Once evaluations are complete, the IEP team should use the data to determine what modifications and additions are needed on the Individual Education Plan. The team can also determine that no additional information is

needed and move forward with an updated IEP based on data that they already have regarding the students present levels. If the team decides not to evaluate, they must notify the student's parents or the adult student in writing and the reasons not providing an evaluation. The student and parents have the right to request an evaluation.



## INDEPENDENT EDUCATIONAL EVALUATION (IEE)

### **I disagree with the evaluation or part of the evaluation, now what?**

One of the protections built into IDEA for students and parents is called an "Independent Educational Evaluation" (IEE). If the school agrees to do an IEE, it will be paid for by the charter school or school district. It must be conducted by a qualified examiner who is not employed by the school district or charter school your child attends. The school district must provide you with information regarding where you can obtain the evaluation.

If the school does not agree to do an independent evaluation, they must begin a due process hearing to demonstrate that the existing evaluation provided sufficient data for the student's educational program. If the final decision shows that the evaluation was appropriate, the parent or adult student still has the right to obtain an independent educational evaluation but not at public expense.

### **Requesting an Independent Educational Evaluation (IEE)**

- Make your request in writing via email or a letter to the school.
- Keep your letter brief and to the point.
- Be sure to keep a copy of your request for your records.
- Make sure the evaluation meets the school's requirements for that type of evaluation.
- Wait to get the evaluation until the school agrees to pay for it in writing, including the approval of the individual conducting the evaluation.
- Ensure that the evaluation follows all of your school's requirements.

## SAMPLE LETTER– IEE REQUEST

Today's Date (include month, day, and year)

Your Name

Daytime telephone number

Name of the person to whom you're writing

Title

Dear (person's name),

My son/daughter, (child's name), is in the ( \_ ) grade at (name of school), in (teacher's name) class. He/She was evaluated for special education services in (month/year). I am writing to request an Independent Educational Evaluation at public expense, for the following reasons:

(BRIEFLY list your reason(s). Be very specific. For example,)

"I disagree with the evaluation results because . . ."

"The evaluation should have included . . ."

"Evaluation should have been done in the area of . . ."

I would like this Independent Educational Evaluation to be done as quickly as possible so that we can fully address (child's name) needs. Please respond as soon as possible and send me copies of the school's guidelines for this. My daytime telephone number is (give your phone number). Thank you.

Sincerely,

Your name

cc: your child's principal and your child's teacher(s)

**Note:** The "cc:" at the bottom of the letter means you are sending a copy of your letter to the people listed after the cc.

# RESOURCES

## EVALUATIONS FOR SPECIAL EDUCATION

### Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

#### **In depth information about Referrals and Evaluation**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/referral-and-evaluation/>

#### **Special Education Reevaluation**

<https://utahparentcenter.org/publications/infosheets/special-education-reevaluation/>

### Center for Parent Information and Resources

<https://www.parentcenterhub.org/>

#### **Requesting an Initial Evaluation for Special Education Services**

<https://www.parentcenterhub.org/evaluation-2/>

#### **Requesting an Independent Educational Evaluation**

<https://www.parentcenterhub.org/iee->

#### **Evaluating Children for Disability**

<https://www.parentcenterhub.org/evaluation/>

#### **Parent Participation**

<https://www.parentcenterhub.org/qa2/>



# SECTION 4: QUALIFYING FOR SERVICES

## Who is Eligible for Special Education?

Upon completion of the review of existing data and the initial evaluation, a group of qualified professionals and the parent or adult student, determine the need for special education and related services. A student, age 3 through 21, may be eligible.

### Topics Included in this Section:

- Eligibility
- Categories of Eligibility
- Special Education

## ELIGIBILITY

To qualify for special education services, a student must meet three criteria:

1. The student has one of the identified disability categories as outlined in the Utah Special Education Rules. (The requirements and methods for determination under each category are extensively defined in the Rules and vary from category to category.)
2. The disability must adversely affect the student's educational performance. (Remember that educational performance includes all of the school program and not just academics.)
3. The student requires special education and related services.

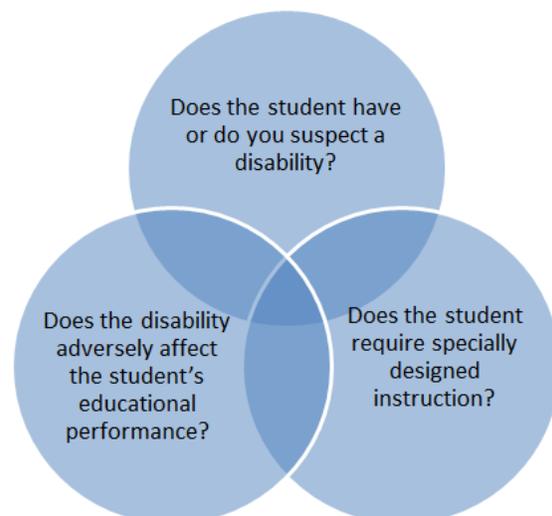
If the student doesn't meet the criteria, then the student is not eligible for **special education**.



### Tip:

If the student requires only accommodations, and not special education (specially designed instruction), that student is not a student with a disability under IDEA. Such a student may be eligible for an accommodation plan under Section 504 of the Vocational Rehabilitation Act. Contact your school or the Utah Parent Center for more information. Additional information is also available on the website of the Utah State Board of Education.

### What are the three prongs of special education?



## CATEGORIES OF ELIGIBILITY

When a child is found eligible for special education services, they will be listed under one of 13 categories of disability. The IEP team can work together to determine the area that best describes your child. The team must also find that the child needs specialized instruction in order to be found eligible.

### CATEGORIES

**Autism:** a neurological variation considered a developmental disability that negatively impacts education. Characteristics of autism include, struggles with communications, social interaction, repetitive activities and movements, changes in routine and sensory processing differences.

**Deaf-Blindness:** having both hearing and visual impairments where the combination of both causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs designed for students with solely deafness or blindness.

**Deafness:** means a severe hearing impairment that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely effects a child's educational performance.

**Emotional Disturbance:** a condition exhibiting one or more of the following, inability to learn that cannot be explained by intellectual, sensory or health factors; unable to build or maintain interpersonal relationships with peers and or teachers; inappropriate types of behavior or feelings when faced with normal circumstances; pervasive mood of unhappiness or depression; a tendency to develop physical symptoms or fears associated with school or personal problems.

**Hearing Impairment:** an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance that is not included in the definition of deafness.

**Intellectual Disability:** means subaverage general intellectual functioning with deficits in adaptive behavior and manifested during the developmental period, that adversely affects the student's educational performance.

**Multiple Disabilities:** means the presence of multiple impairments (such as intellectual disability, blindness, orthopedic impairment etc.) that combined causes educational needs that they cannot be accommodated in a special education program designed for just one impairment.

**Orthopedic Impairment:** an orthopedic impairment that adversely affects a student's educational performance. Impairments in the category can be caused by congenital anomaly, disease and other causes such as amputations, fractures or burns etc.

**Other Health Impairment:** having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning or other condition that adversely affects a student's educational performance.

## CATEGORIES CONTINUED

**Specific Learning Disability:** a disorder in one or more psychological processes involved in understanding or in using language, spoken or written, that may mean an inability to listen, think, speak, read, write, spell, or to do mathematical calculations.

**Speech or Language Impairment:** a communication disorder such as stuttering, impaired articulation, a language impairment or voice impairment.

**Traumatic Brain Injury:** an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment or both that adversely affects a child's educational performance.

**Visual Impairment:** an impairment in vision that even with correction adversely affects a child's educational performance.

### Other Points to Remember when Considering Eligibility

A child cannot be determined to have a disability based on lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency), lack of instruction in math, or limited English proficiency, if the child does not otherwise meet eligibility requirements.

- The school district or charter school must give parents a copy of the evaluation report and documentation of the eligibility determination.
- Parents are sometimes concerned about which disability category their child is served under, especially when the child may have several areas of disability. If this is a concern, keep in mind that the child's services will be individualized to meet the child's needs and that all of the child's needs should be addressed. **The services are not determined based upon the disability category.**

### Tip:

Decisions about eligibility are made by a team that includes the parents. Parental input must be considered. If the child is determined not eligible, parents have the right to disagree and use any of the dispute resolution remedies as outlined in the law.

### What about parent counseling and training?

Parent counseling and training is defined in the *Utah Special Education Rules* as assisting parents in understanding the special needs of their student by:

1. Providing parents with information about child development, and
2. Helping parents acquire the necessary skills that will allow them to support the implementation of their student's IEP

For more information on parent counseling and training, please visit our website at [www.utahparentcenter.org](http://www.utahparentcenter.org) or call us at (801) 272-1051 .

# SPECIAL EDUCATION

## DEFINING SPECIAL EDUCATION

Special education means specially designed instruction at no cost to parents or the adult student, to meet the unique needs of the child with a disability including:

- Instruction in the classroom, home, hospital or institution, and in other settings;
- Instruction in physical education.

## RELATED SERVICES

Related services mean “Transportation and such developmental, corrective, or other supportive services as are required to assist a child with a disability to benefit from special education.”

The term related services includes, but is not limited to:

- speech-language pathology and audiology
- transportation
- interpreting services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in students
- counseling services including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes
- health services and school nurse services
- social work services in schools
- parent counseling and training

The term special education includes the following, if they meet the definition of special education:

- Speech/language pathology services and may include other related services
- Travel/training
- Applied technology/Vocational education

Special education services are provided to the student and do not include consultation between teachers or monitoring student’s grades or work completion.



## Specially designed instruction

Specially designed instruction means adapting as appropriate to the needs of an eligible student, the content, methodology or delivery of grade-level core instruction in order to:

1. Address the unique needs of the student that result from the student’s disability
2. Ensure the student’s access to the grade level curriculum, so that he/she can meet the educational standards within the jurisdiction of the LEA that applies to all students
3. Provide access to the alternate core standards for qualifying students based on IEP team decisions

### Tip:

For more information on the rules regarding cochlear implants, please refer to the Utah Special Education Rules , see *Resources* in this section.

## ASSISTIVE TECHNOLOGY

### Device

Assistive technology device means any item, piece of equipment or product system, whether acquired commercially off the shelf, 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 medical device that is surgically implanted or the replacement of such a device.

### Service

An assistive technology service is any service that directly assists the student with a disability in selecting, acquiring or using an assistive technology device. The term includes:

- Evaluating the needs of the student including a functional evaluation of the student in the student's customary environment
- Purchasing, leasing, or otherwise providing assistive technology devices
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices
- Coordination and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs
- Training or technical assistance for a student with a disability or, if appropriate, that student's family
- 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 students with disabilities

## SUPPLEMENTARY AIDS & SERVICES

*Supplementary aids and services* means aids, services and other supports provided in regular education classes or other education related settings to enable students with disabilities to be educated with children who do not have disabilities to the maximum extent appropriate, including participation in extracurricular and nonacademic activities.

These are determined individually for each child, and they are able to include direct services and supports to the student, as well as support and training for the professionals that work with the student.

### Tip:

While special education is free to the student, the student is still required to also pay for the same school fees and expenses that typical students pay.



# RESOURCES

## ELIGIBILITY

### **Center for Parent Information and Resources**

<https://www.parentcenterhub.org/categories/>

#### **Related Services**

<https://www.parentcenterhub.org/iep-relatedservices/>

#### **Special Education**

<https://www.parentcenterhub.org/iep-specialeducation/>

#### **Supplementary Aids and Services**

<https://www.parentcenterhub.org/iep-supplementary/>

### **Utah Center for Assistive Technology (UCAT)**

<https://jobs.utah.gov/usor/vr/services/ucat.html>

### **Utah Parent Center (UPC)**

<http://www.utahparentcenter.org/>

### **Utah State Board of Education (USBE)**

<https://schools.utah.gov/>

#### **USBE Rules and Regulations in Special Education**

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>

## SECTION 5: DEVELOPING THE PLAN

### What is an IEP?

The IEP is your child's written individualized educational program that is developed, reviewed and revised in a meeting.

#### Topics Included in this Section:

- The IEP
- Notice of Meeting
- IEP Team Members
- IEP Components
- Supplementary Aids and Services
- Assessments and Accommodations

## THE IEP

The IEP is your child's written Individualized Educational Program that is developed, reviewed and revised in a meeting. The IEP also:

- Guides the education of your child or adult student.
- Provides the basis on which the IEP team will determine your child's educational placement
- Must be written **within 30 calendar days** of the time your child has been declared eligible for special education services.
- Must be in effect at the beginning of each school year.
- Teachers and related service professionals are accountable for delivering the *services* as indicated on the IEP (see tip below).
- Must be written in a team meeting which includes the parents. Some team members will have participated in the evaluation and classification process.
- Must be written prior to your child's placement and the initiation of service.
- Is developed, reviewed and revised in accordance with IDEA and the Utah State



### TIP:

Teachers and other school personnel are not held accountable if a student with a disability does not achieve the goals and objectives set forth in the IEP, but they are held accountable for providing the services outlined in the IEP.

## Purpose of the IEP

1. Serves as a communication vehicle between parents or adult student and school personnel, and enables them, as equal participants, to jointly decide; first, what the student's needs are; second, what goals the student will work to meet, and third, what services will be provided to help the student reach the goals.
2. Provides an opportunity for resolving any differences between parents and school personnel concerning the special education needs of a student with a disability; first, through the IEP meeting, and second, if necessary, through the procedural protections that are available to the parents and the school.
3. In writing, gives a commitment of resources necessary to enable a student with a disability to receive needed special education and related services.
4. Is a management tool to help ensure that each student with a disability is provided special education and related services appropriate to special learning needs.
5. Is a compliance and monitoring document which may be used by authorized personnel from each governmental level to determine whether a student with a disability is actually receiving the free, appropriate public education (FAPE) agreed to by the parents or adult student and the school.

### How Frequently Should the IEP be Updated and Reviewed?

The law requires *at least one* team meeting *annually* resulting in a written IEP document. In the IEP meeting, parents and school personnel jointly make decisions about the educational program of a child with a disability based on the student's needs as determined by the evaluation. The IEP document is a written record of the decisions reached at the meeting.



# NOTICE OF MEETING

The parent or adult student must receive a notice of meeting which indicates the purpose (s), time and location of the meeting and who will be in attendance. It must also inform them of their right to bring other individuals who have knowledge or special expertise.

The notice of meeting required to be provided to parents or adult student (age 18 +) must:

- Indicate the purpose, time and location of the meeting and who will be in attendance.
- Inform them of the provision for participation of other individuals who have knowledge or special expertise about the student on the IEP team.
- For children entering pre-school, inform the parents that at their request the Part C service coordinator or other representatives of the Part C system may be invited to participate at the initial IEP team meeting for a student previously served under part C (Early Intervention, ages 0-3).

## Notice of Meeting for Transition IEP's:

The notice of the first IEP meeting conducted when the student is 14 years old, or younger if determined appropriate by the IEP team, must also:

- Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student.
- Indicate that the agency will invite the student.
- Identify any other agency representative that has been invited with the consent of the parents or adult student.

### Who receives the Notice of Meeting when the student turns 18?

If the student is an adult student, 18 or older, the Notice of Meeting must be addressed to the student, not the parents, unless the parent has obtained legal guardianship, power of attorney or conservatorship.



# IEP TEAM MEMBERS

IDEA is very specific about the required members of the IEP team, and who should be in attendance for the entire meeting. The IEP team membership shall include:

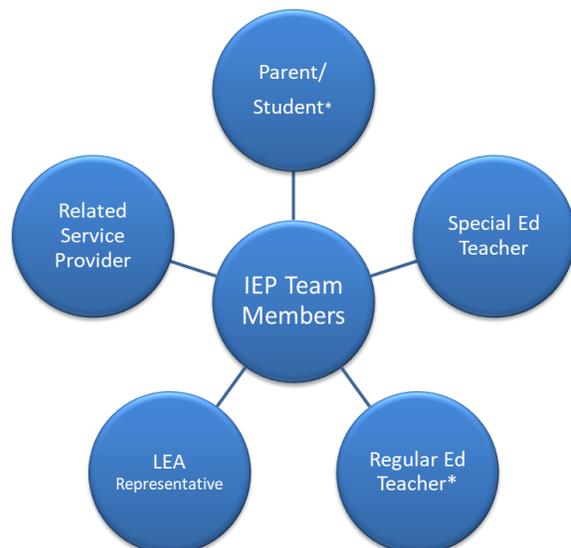
- One or both parents or a guardian or surrogate parent and adult student during transition planning (\*starting the year they turn 14) or younger students, when appropriate.
- Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student.
- At least one regular education teacher of the child, if the child is or may be participating in the general curriculum.
- A representative of the Local Education Agency (LEA) who is usually the school administrator or a representative. This person is qualified to provide or to supervise the provision of special education and is knowledgeable about the general education curriculum. The LEA representative is also knowledgeable about the availability of resources of the LEA and

is authorized to commit the necessary resources, including funding, to provide educational services for your child.

- An individual who can interpret the instructional implications of the evaluation results Sometimes this is someone who is already on the team, such as a teacher.
- At the discretion of the parent or adult student or the school, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate (The person who does the inviting decides who has expertise .)
- To the extent appropriate, with the consent of the parents or an adult student, the LEA must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. More information on this topic is included in the section of this booklet that covers transition.

## Can I involve my young child in the IEP meeting?

Parents have the ultimate say in young child involvement at an IEP meeting. Taking into consideration the student's temperament and tolerance for the meeting is important. The student is also able to join a team for portions of a meeting, if that is desired.



## EXCUSAL FROM THE IEP MEETING

### IEP Team Attendance

A member of the IEP team is not required to attend a particular IEP meeting, in whole or in part, if the parent of a student or adult student with a disability and the LEA agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services only if:

- The parent or adult student and the LEA both consent to the excusal in writing, and;
- The member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

Determination of the need for a member of the IEP team to attend must be made on a meeting by meeting basis.

## Parent Participation & Attendance

The LEA must take steps to ensure that one or both of the parents of a student with a disability or adult student are present at each IEP meeting or are given the opportunity to participate, including:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.
- Scheduling the meeting at a mutually agreed on time and place.

If neither parent can attend, the LEA must use other methods to ensure parent participation, including alternative means of meeting participation such as video conferences and conference calls. The parent of a student with a disability and an LEA may agree to use alternative means of meeting participation, such as video conferences and conference calls.

A meeting may be conducted without a parent or adult student in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA must keep a record of its attempts to arrange a mutually

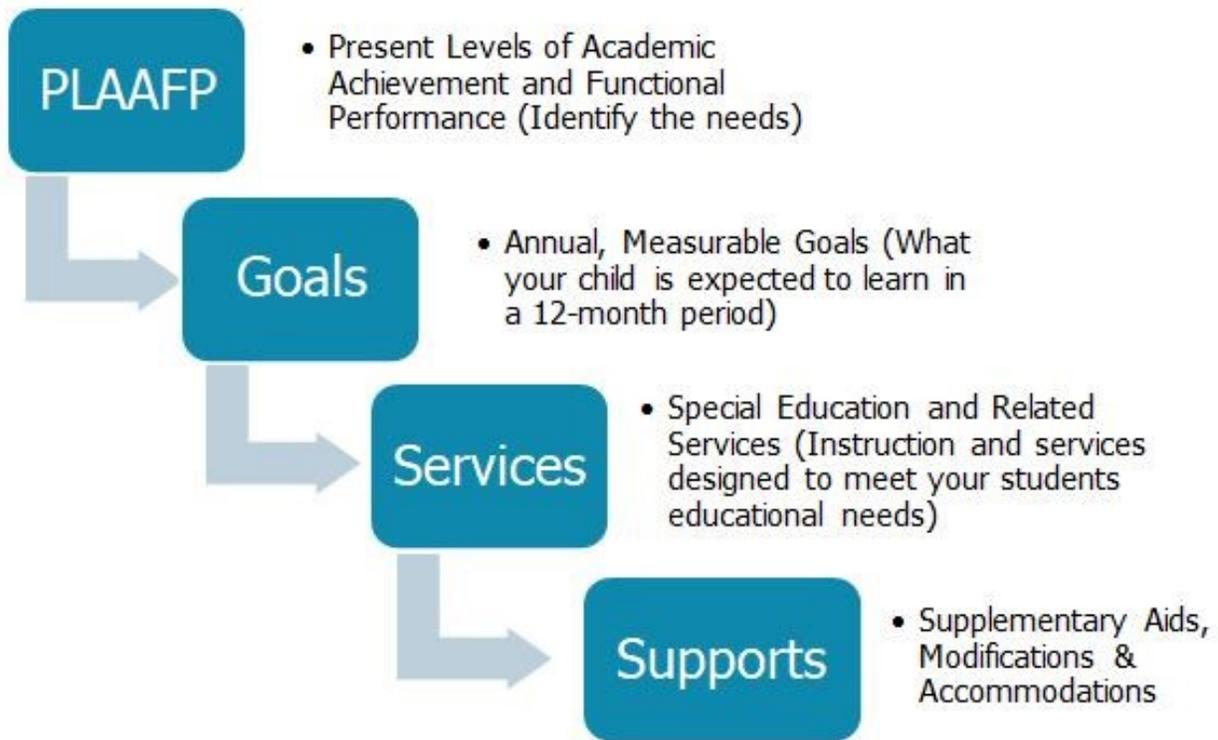
### Tip:

If team members are asking to be excused in the middle of an IEP meeting due to other commitments, it may be a good idea to ask the team to reschedule a time when the team can come together again to complete the discussion and finalize any plan adjustments.

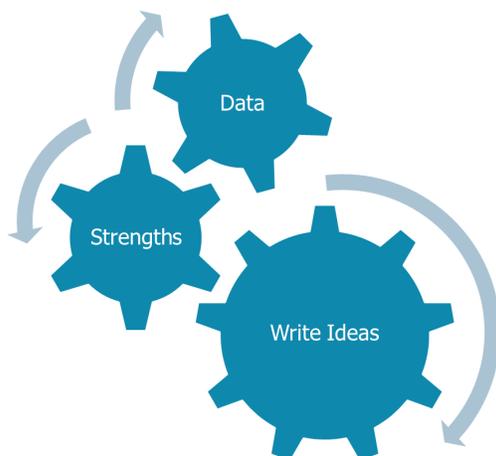


# IEP COMPONENTS

IDEA requires a number of items that must be included in every IEP. In addition, there are a number of items that must be considered, and if they are needed, they must also be included in the IEP. The diagram below gives a summary of what is contained on each section of the IEP. In the follow pages, these sections will be broken down for further understanding.



## What about input from parents during the development of the plan?



Parents have information that is crucial to the development of the IEP. Not only do they bring special expertise surrounding their child’s disability, parents can help generate ideas that they believe will be helpful for their child. Intimate knowledge of the student’s strengths and practical knowledge about the student’s areas of weakness will help the team arrive at a plan that the student can benefit from.

## PLAAFP

### (Present Levels of Academic Achievement and Functional Performance)

**This section of the IEP describes how your child is doing in school, based on current information.**

“Current” information usually means information no more than a year old. The present levels of academic achievement and functional performance statement (commonly called “present levels”) should cover all areas of development where your child may need support. Some examples are:

- How the student’s disability affects the student’s involvement and progress in the general education curriculum (the same curriculum as for same aged non-disabled students)
- The statement should clearly describe performance in academic areas (reading, math, communication, etc.) as well as nonacademic areas (social/emotional needs, activities of daily living, mobility, etc.).—or in other words, “What can the child do? What are their strengths, weaknesses or what helps your child learn? What does objective data from current evaluations tell about your child?”
- For preschool age children, how the disability affects participation in appropriate activities. “Appropriate activities” refers to what typically developing children of the same age would be performing or would have achieved.

**A clearly written and thorough PLAAFP is important, because it is the foundation for all of the IEP.** Goals are written based upon your child’s present levels. Special education and related services are provided based upon your child’s present levels and the goals that result from those present levels. So take your time in writing the present levels statement. Be thorough. The information you include will be the stepping stone to writing the rest of the IEP.

#### Tip:

If your child is new to special education, this information will come from the tests and observations done during your child’s evaluation for eligibility. If your child’s IEP is being revised, the information may come from evaluations done during the year (by the school or from an Independent Educational Evaluation or IEE). See **Section 3: Initiating the Process** for more information on IEEs.



## ANNUAL GOALS

Once your child's needs are identified, the IEP team works to develop appropriate goals to address those needs. An annual goal describes what your child can be expected to do or learn within a 12-month period. The annual goals (and, if appropriate for your child, short-term objectives) section of the IEP builds upon your child's present levels of academic achievement and functional performance. The present levels statement identifies what your child needs and the goals (and, for some, accompanying objectives) are written to address those needs.

### **A statement of measurable annual goals, including academic and functional goals are designed to:**

- Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum.
- Meet each of the student's other educational needs that result from the student's disability.
- Align with the student's enrolled grade –level academic content standards or alternate academic achievement standards. If alternate assessments are used for your student, then the goal **must include** benchmarks or short term objectives, which are smaller steps to help the student reach the goal.
- Transition IEPs are also required to have measurable postsecondary goals.

Effective goals are critical parts of your child's IEP. Keeping track of your child's progress is just as important. How will you and the school know if your child is making enough progress to reach a goal by the end of the year?

The IEP team must decide:

- How your child's progress will be measured; and
- When periodic reports on your child's progress will be provided to you.

Aligning IEP goals with state standards is a helpful practice. The collaboration between general education and special education teachers can help remove obstacles for students and provide access to rigorous learning content.

**Students with special needs are capable of rigorous work. They can live up to high expectations and demonstrate learning at high levels, as long as the instruction is accompanied by appropriate support strategies.**



S.M.A.R.T  
Goals

## SERVICES

Under IDEA, there are a variety of services and supports available that your child may need as part of his or her free appropriate public education. These services and supports are to enable your student in attaining their annual goals, to be involved in and make progress in the general curriculum, participate in extracurricular and other non-academic activities and to be educated and participate with other students with disabilities and non-disabled students.

### **These services and supports include:**

- **Special Education Services:** Special education is the instruction and education that is designed to meet your child's individual educational needs. These services are not a place, but a set of services that can be provided in many different places. Such services can consist of:
  - An individualized curriculum that is different from that of same-age peers who do not have disabilities
  - The same (general education) curriculum that's used for peers without disabilities, with adaptations or modifications made for your student
  - A combination of these examples
- **Related Services:** It is the IEP team's responsibility to review all of the evaluation information and identify any related services your child needs to include in the IEP. Your school district is responsible for making sure all services listed in your child's IEP are provided, even if the district does not directly provide these services. The term **related services** includes, but is not limited to:
  - Speech-language pathology and audiology
  - Transportation
  - Interpreting services
  - Psychological services
  - Physical and occupational therapy
  - Early identification and assessment of disabilities in students
  - Health services and school nurse services

### **The *location and duration* of the service(s) for your child are to be written down in the IEP and should include:**

- How often your child will receive the service(s) (number of times per day, week, month etc.);
- How long each session will last (number of minutes);
- Where services will be provided (in the general education classroom or another setting such as a resource room); and
- When services will begin and end (starting and ending dates).

### **Tip:**

Your school district is responsible for making sure all services listed in your child's IEP are provided, even if the district does not directly provide these services.

## SUPPLEMENTARY AIDS AND SERVICES

The IEP team must work together to make sure that your child gets the supplementary aids and services he or she needs to be successful. Your team should talk about your child's needs, the curriculum, and school routine, and openly explore all options to make sure the appropriate supports for your child are included.

**Supplementary Aids and Services:** Means aids, services and other supports provided in regular education classes or other education related settings to enable students with disabilities to be educated with children who do not have disabilities to the maximum extent appropriate. Some examples of these additional services and supports are:

- Adapted equipment—such as a pencil grip, special seat, etc.
- Assistive technology—such as a computer, special software, or a communication system
- training for staff, the student, and/or parents

**Modifications:** Modifications fundamentally or substantially alter or lower the standards or requirements. They change what the child is learning. Modifications could include adapted programming, content or instruction. Some examples may include:

- Reduction and simplification of materials, assignments, homework, school projects or tests.
- Grade Modification toward a Pass/Fail option if grade falls below a "C" grade or grading against completed work only.
- Assign no homework or reduced homework requirement for a subject.
- Change the class behavior expectations for the student (based on the disability and Behavioral Intervention Plan.)

**Accommodations:** are the changes in the how—the way things are usually done in school/class/assessment, in order to provide the student an equal opportunity to participate. The changes do not fundamentally or substantially alter or lower the school, district or state standards. The student is learning the same material (general curriculum) as other same aged students. Below are some examples:

- Break assignments into segments of shorter tasks
- Give frequent reminders
- Increase amount of time to complete assignments or tests
- Give tests orally

### Tip:

The Core Curriculum represents those standards of learning that are essential for all students. They are ideas, concepts and skills that provide a foundation on which subsequent learning may be built. The Utah State Board of Education sets the standards which must be completed by all students K-12 as a requisite to graduate from Utah's secondary schools.

## ASSESSMENTS AND ACCOMMODATIONS

Students in special education should receive appropriate accommodations on assessments. These accommodations should be written into the IEP.

In order to use these accommodations successfully, the student should be using the accommodations on a daily basis in the classroom in order to use such accommodations on state and district assessments.

The team must revisit this at least annually and take into account any assessments that the student will be taking at either the district, state or national level and discuss the needed accommodation. New technology has allowed for many features to be embedded into new and computerized assessments. The IEP team will be able to consider those and discuss if any additional supports will be needed.

### Tip:

For more information on assessment of students with disabilities, see the Utah Performance Assessment System for Students, Assessment Participation and Accommodations Policy. This is a guide that is provided by the Utah State Board of Education to help school personnel make decisions about using accommodations on various assessments, and it outlines the state policies regarding assessment of students with disabilities. Links to this policy are in our resource section listed under the Utah State Board of Education.



# RESOURCES

## DEVELOPING THE PLAN

### Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

#### **Basic Special Education Information for Parents**

<https://utahparentcenter.org/wp-content/uploads/2015/10/Basic-Special-Education-Information-for-Parents.pdf>

#### **Checklist for evaluating the IEP**

#### **Deciding What to Include in the Goals**

#### **Developing the IEP**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/developing-the-iep/>

#### **Educational Goal Setting**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/educational-goal-setting/>

#### **IEP Parent Tips**

<https://utahparentcenter.org/individualized-education-program-iep-tips-for-parents/>

#### **Overview of the Special Education Process**

<https://utahparentcenter.org/wp-content/uploads/2015/10/An-Overview-of-the-Special-Education-Process.pdf>

#### **Student Participation in the IEP**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/student-participation-in-the-iep/>

### Utah State Board of Education (USBE)

<https://schools.utah.gov/>

#### **Alternate Assessments**

<https://www.schools.utah.gov/specialeducation/resources/assessment?mid=3780&tid=1>

#### **Core Curriculum Academic Areas**

<https://www.schools.utah.gov/curr/areasprograms>

#### **Special Education: Assessment**

<https://www.schools.utah.gov/specialeducation/resources/assessment>

#### **Testing Accommodations**

<https://www.schools.utah.gov/specialeducation/resources/assessment?mid=3780&tid=2>

# SECTION 6: ADDITIONAL CONSIDERATIONS

## Are there any other important issues to consider?

All IEP teams have to consider special factors or topics when developing an appropriate plan for the student. These might include specific communication needs, behavioral needs or transition planning for young adults, among other considerations.

### Topics are In This Section include:

- Special Factors
  - Behavior*
  - Limited English Proficiency*
  - Blindness & Visual Impairment*
  - Communication Needs & Deaf/Hard of Hearing*
  - Assistive Technology*
- Transition IEPs
  - Student Involvement*

## SPECIAL FACTORS

### BEHAVIOR

Behavioral needs for students with disabilities can be complex. In the case of a student whose behavior gets in the way of his own learning or that of other students, IEP teams need to address that behavior using positive behavioral interventions. Those needs are required to be addressed on the student's IEP. This can be done by adding specific goals and services, specific modifications or providing relevant accommodations for the student.

All IEP team members can provide input as to appropriate ways to address the behaviors, and input from the student's general education teacher is crucial. A Functional Behavioral Assessment (FBA) can help provide data to inform teams as they make decisions. To learn more about behavior and the IDEA, please see **Section 8: Discipline and Behavior**.

#### Tip:

Although Behavior Intervention Plans (BIPs) are practical tools for supporting student behavior, these are not required. It is, however, required to address behavioral needs on a student's Individualized Education Program (IEP).

### LIMITED ENGLISH PROFICIENCY

Students that have limited proficiency in the English language, for a variety of reasons, who also have a disability, have needs that need to be considered and addressed by IEP teams.

Once students have been identified as meeting eligibility requirements under IDEA, specific services, modifications and accommodations might be warranted to allow the student the ability to make progress on his or her IEP goals and receive a Free Appropriate Public Education. IEP teams will benefit from thinking about all components of the student's day when consider what is needed.



### **Who is considered someone with Limited English Proficiency (LEP)?**

- Students ages 3-21
- Enrolled or enrolling in an elementary or secondary school
- Fits one of the following: (1) Who was not born in the United States or whose native language is a language other than English; (2) Is a Native American or Alaska Native, or a native resident of the outlying areas; and (3) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual: (1) The ability to meet the State's proficient level of achievement on State assessments; (2) The ability to successfully achieve in classrooms where the language of instruction is English; or (3) The opportunity to participate fully in society

### **BLINDNESS AND VISUAL IMPAIRMENT**

For students who are blind or visually impaired, IEP teams must provide instruction in Braille, unless determined inappropriate for the student after evaluating in reading and writing skills, needs, and appropriate reading and writing media. IEP teams must also consider the future need for instruction in Braille or the use of Braille when determining it's appropriateness for the student.

Accessing instructional materials is essential for students, and thanks to the National Instructional Materials Accessibility Standard (NIMAS), students are able to have access to their instructional material in alternate formats. In Utah, the Utah State Instructional Materials Access Center (USIMAC) is a key resource to IEP teams.

Any other needs that arise from the impairment have to be addressed on the IEP. In addition to academic needs, IEP teams cannot forget to consider the non-academic areas throughout the educational day and the impact the impairment will have on those activities.

### **What about the Utah Schools for the Deaf and the Blind (USDB)?**

For students 3-21, the student's school district or charter school is typically the point of entry for services through the Utah Schools for the Deaf and the Blind (USDB).

For students who may be deaf, hard of hearing, blind or have a visual impairment, USDB will be invited to attend IEP meetings for qualifying students, including meetings for

- students transitioning from Early Intervention to Preschool
- students moving from out of state
- students transferring between school districts
- any meeting discussing evaluation and eligibility

Depending on the student's needs, USDB can be considered a placement option for the student.

## COMMUNICATION NEEDS

Regardless of the child's specific disability, IEP teams must consider the communication needs of the student. Understanding how the student does or does not communicate is essential for constructing an appropriate plan. The plan may contain goals, special education and related services, modifications and accommodations (including assistive technology) in order to provide the necessary services and supports. IEP teams must also consider the communication needs and demands of the student that will take place in both nonacademic and extracurricular activities.

### Alternate Communication Modes

- Eye gaze/eye pointing
- Facial expression/body language/gestures
- Head nod yes/no
- Vocalizations/word approximations
- Object/picture/photo symbols
- Communication symbols
- Sign language
- Facilitated Communication via Assistive Technology

For students who are deaf or hard of hearing, IEP teams must consider:

- The child's language and communication needs
- Opportunities for direct communications with peers and professional personnel in the child's language and communication mode
- Academic level
- Full range of needs, including opportunities for direct instruction in the child's language and communication mode

### What about interpreters?

For students who are deaf or hard of hearing, IEP teams can consider interpreting services as a related service, if they determine that the student would need it in order to benefit from special education.

Some of those services include:

- oral transliteration services
- cued language transliteration services
- sign language transliteration and interpreting services,
- transcription services, such as communication access real-time translation (CART)
- C-Print, and TypeWell
- special interpreting services for children who are deaf-blind

### Tip:

In order to meet the communication needs of students with hearing, vision or speech disabilities, three Federal laws have to be considered:

1. The Individuals with Disabilities Education Act (IDEA)
2. Section 504 of the Rehabilitation Act of 1973
3. Title II of the American with Disabilities Act (ADA)

There is an interplay between them, and there are instances where schools have to consider the Title II requirement that the communication received by students with disabilities be as effective as communication with others that are not necessarily always met just through IDEA.

## ASSISTIVE TECHNOLOGY

IEP teams have to consider if a student would benefit from Assistive Technology (AT) regardless of the student's specific disability. Assistive technology services include:

- Evaluating whether or not the student would benefit from AT
- Providing the assistive technology device
- Training the student in using the device
- Training the parents and professionals who work with the child, if needed

There are five main areas to consider when thinking about assistive technology needs:

1. Academics: Reading, Written Expression, Math, Executive Functions, Learning/Study
2. Sensory: Hearing, Vision, Tactile/Movement
3. Communication: Expressive, Receptive, Functional
4. Physical Access: Environmental Control, Positioning, Mobility, Seating
5. Computer Access

IEP teams can think about low-technology (simple) and high-technology (complex) options for each of those areas when a student has an identified area of need or concern. When in doubt about whether or not a student needs AT, it is recommended that an evaluation be completed to have data to inform IEP team decisions.

### Tip:

An IEP team may need to consider if a student needs an AT device in settings other than school, such as the home or the community, in order for the student to receive a Free and Appropriate Public Education. As is the case with IEPs, this needs to be considered on a case-by-case basis.



### Tip:

Utah Assistive Technology Teams (UATT), support school districts and charter school Section 504 and IEP teams to evaluate, acquire and manage assistive technology for students with disabilities.

### What is an Assistive Technology Device?

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

# THE TRANSITION PLAN

Utah law requires that transition planning be included on each student's IEP in the year the student is age 14, or younger if determined appropriate by the IEP team, and must be updated each year. The Individuals with Disabilities Education Act (IDEA) requires that transition services be included in every transition-aged student's IEP .

The focus is on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities (activities happening after the student leaves the school system).

Some of these activities include:

1. Training and education, such as on-the-job training, vocational education, continuing education and post-secondary education
2. Employment in an integrated setting, which can include supported employment, job carving, and part-time or full-time employment
3. Independent living
4. Community participation

## What must be included in a Transition IEP?

- Present levels of academic achievement and functional performance, based on an annual, age-appropriate transition evaluation
- Realistic and reasonable measurable postsecondary goals, related to training, education, employment, and, where appropriate, independent living skills
- Transition services, including multi-year courses of study that will enable the student to reach the post-secondary goals identified on the IEP (multi-year means more than just classes the student has taken and is currently taking, and also includes future classes)
- Evidence that the student was invited to the IEP meeting where transition services are to be discussed. If the student does not attend the IEP meeting, the IEP team must take other steps to ensure the student's preferences and interests are considered
- If appropriate, evidence that a representative of any participating agency that might be providing or paying for any transition services was invited to the IEP team meeting, with written consent of the parent or adult student prior to the meeting. Such agencies might include the Utah State Office of Rehabilitation (USOR) or the Division for Services for People with Disabilities (DSPD)
- If the agency representative attends the meeting, evidence that they were present
- Any modifications to graduation requirements

### Tip:

To learn more about Transition to Adulthood, please see *Transition from School to Adult Life: A Parent Resource Book* (Web link included in **Resources**).

## STUDENT INVOLVEMENT



It is of particular importance that the student be given opportunities to take an active role in the development of the IEP and the transition plan in particular. Studies have shown that student-directed IEPs are associated with higher academic achievement, better communication and self-advocacy skills and stronger motivation for students with disabilities to achieve.

The focus should always be the young adult's vision of the future. The coordinated set of activities needs to be based on the individual student's needs, taking into account the student's strengths, preferences and interests

IEP teams have to walk a fine line and strike a balance between high expectations and reasonable goals that are written with the belief that a student will be able to meet them.

### How do I encourage my youth to participate in his/her IEP?

#### Before the IEP Meeting:

- Work with your IEP team members to brainstorm ways to prepare for the upcoming meeting
- Explain the general process to the student and assure him or her that there will be support along the way
- Set some time aside to review the existing IEP and gather your youth's opinion on what he or she feels is or isn't working well
- Gather ideas and suggestions

#### Some suggestions for encouraging student participation are:

- Establish the purpose and goals of the meeting
- Have the student direct part of or the entire IEP meeting
- Ask the student relevant questions to discuss: career goals, training and education goals, independent living goals, strengths and weaknesses, learning styles, classroom accommodations, skills to improve
- Listen attentively and take notes
- Give the student plenty of time to think and respond

# RESOURCES

## ADDITIONAL CONSIDERATIONS

**Center on Technology and Disability**

<https://www.ctdinstitute.org/>

**Center for Parent Information and Resources**

<https://www.parentcenterhub.org/>

**Special Factors in IEP Development**

<https://www.parentcenterhub.org/special-factors/#lep>

**National Center on Accessible Educational Materials**

<http://aem.cast.org/>

**Positive Behavioral Interventions & Supports Technical Assistance Center**

<https://www.pbis.org/>

**Utah Assistive Technology Teams (UATT)**

<https://jobs.utah.gov/usor/vr/services/uatt.html>

**Utah Center for Assistive Technology (UCAT)**

<https://jobs.utah.gov/usor/vr/services/ucat.html>

**Utah Parent Center (UPC)**

<http://www.utahparentcenter.org/>

**Least Restrictive Behavior Interventions (LRBI)**

<https://utahparentcenter.org/behavior-lrbi/>

**Transition to Adult Life/Adult Services**

**Transition from School to Adult Life: A Parent Resource Book**

<https://utahparentcenter.org/transition-to-adult-life/>

**Utah State Board of Education (USBE)**

<https://schools.utah.gov/>

**Least Restrictive Behavioral Interventions (LRBI) Technical Assistance Manual**

**USBE Rules and Regulations in Special Education**

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>

**Utah Schools for the Deaf and the Blind (USDB)**

<https://www.usdb.org>

**U.S. Department of Education**

<https://www.ed.gov/>

**Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs**

<https://sites.ed.gov/idea/>

**FAQs on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools**

<https://www2.ed.gov/about/offices/list/ocr/faqs.html>

**Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents**

<https://www2.ed.gov/about/offices/list/ocr/ellresources.html>

# SECTION 7: PLACEMENT

## What is an educational placement?

All IEP teams have to decide the setting where the student's IEP will be carried out. There are various considerations when making that choice, including the services and supports needed, as well as the Least Restrictive Environment.

### Topics are In This Section include:

- Placement Process
- Least Restrictive Environment
- Rights Regarding Placement
- Revocation of Consent

## PLACEMENT PROCESS

Placement decisions are made by the IEP team, including the parents or adult student, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options.

Remember that the team first discusses the needs of the child. The next step is to agree on the services that are needed. Now it is time to decide where the services should be provided.

A major emphasis of IDEA is ensuring that a student with a disability is educated with students without disabilities as much as possible, in the **Least Restrictive Environment. (LRE).**

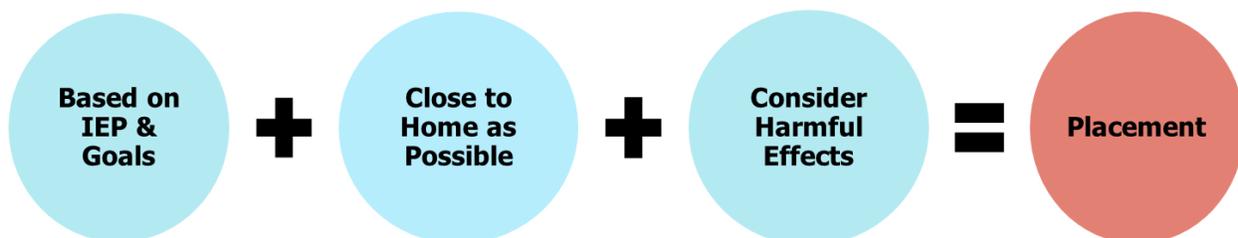
A child should not be removed from general education based solely on modifications needed.



### How is placement determined?

Placement is determined annually based on the student's IEP, in the same educational environment as nondisabled peers (unless the IEP says otherwise based on student need), as close to home as possible, and considering possible harmful effects.

### Educational Placement



# LEAST RESTRICTIVE ENVIRONMENT

In basic terms, LRE refers to the setting where a child with a disability can receive an appropriate education designed to meet his or her educational needs, alongside peers without disabilities to the maximum extent appropriate.

LRE has been a part of federal special education law from its inception in 1975. LRE's basic statutory provision has remained intact for the past 30 years.

Since its earliest days, the law has displayed a strong preference for children with disabilities to be educated alongside their peers without disabilities, to the maximum extent appropriate. It recognizes that, in many cases, supplementary aids and services must be provided to a child with a disability to enable him or her to be educated in the general education classroom.

Supplementary aids and services can play a pivotal role in supporting the education of individual children with disabilities in the regular educational environment. Simply put, removal of a child with disabilities from the regular education class may occur only if the child cannot be satisfactorily educated in the regular educational environment with the use of supplementary aids and services.

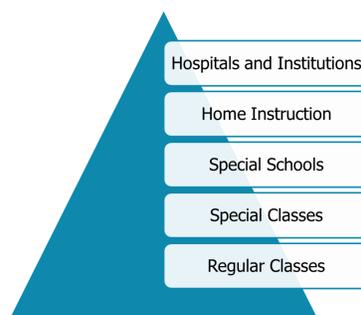


## What is the difference between a change of placement and change of location?

A change in location is not always a change in placement. Placement is not a place, but a program of educational services offered to a student who qualifies for Special Education.

Location is the physical location where the child receives special education or related services, such as a classroom. If the student is moving from one location to another, and the level of services and the access to nondisabled peers remains the same, this is not considered a change in placement.

The continuum of alternative placements must include:



# RIGHTS REGARDING PLACEMENT

In deciding the child's placement in the LRE, the LEA must ensure that:

1. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities (e.g., nursing homes), are educated with similar-aged students who are nondisabled.
2. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. In the case of a child who is deaf or hearing impaired, consideration of a special class or school may be the least restrictive environment in that it provides opportunities for direct communication and instruction in the student's language and communication mode with professional personnel and peers.
3. LRE provisions apply to transition programs and placement.
4. Each LEA must ensure that a continuum of alternative placements is available. The continuum must include regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The LEA must also make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.
5. The placement must ensure appropriate access to the general curriculum.
6. The student must be provided the supplementary aids and services determined appropriate and necessary by the IEP team to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities including meals and recess periods. Nonacademic and extracurricular services and activities may include: 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.
7. The placement is determined at least annually, is based on the student's IEP and is as close as possible to the student's home
8. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled. Other placement must be as close as possible to the student's home.
9. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services needed.
10. A student is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
11. Parents or adult student must be part of any group that makes placement decisions. The LEA must use procedures for parent involvement consistent with those used for parent participation in the IEP. If neither parent or adult student can participate in a meeting where a placement decision is to be made, the LEA must use other methods to ensure participation including individual or conference telephone calls or video conferencing.

12. Placement for services may not begin until informed parental or young adult consent for initial placement is obtained. The granting of consent is voluntary and may be revoked at any time.
13. If a parent or adult student fails to respond to a request for consent or refuses consent for the initial provision of special education and related services, the LEA may not use mediation procedures or due process procedures so that services may be provided. The LEA is not to provide services or to be held liable for not providing them.
14. The LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA, or to fail to provide a student with a free appropriate public education to pay for it.



## REVOCATION OF CONSENT

If at any time after the initial provision of special education and related services, the parent or adult student revokes consent in writing for the continued provision of special education and related services, the LEA:

May not continue to provide special education and related services but must provide prior written notice before ceasing services

May not use mediation or due process procedures to obtain agreement or a ruling that services must be provided

Will not be in violation of the requirement to provide FAPE

Is not required to convene an IEP meeting.

Note: After consent is revoked, the school can still conduct child find activities and let the parents know that a child is having difficulty in school. The parents can also refer a child to be evaluated and considered for special education services.

**Prior written notice must be given to the parents a reasonable time before the LEA proposes to change the placement or refuses to make a change in the placement.**

Parents must notify the school or school district, if they intend to remove their child from the public school and place the child in a private school at public expense when the provision of FAPE is in question.

If parents (or their attorneys) do not provide this notice in writing, reimbursement for the private school placement may be reduced or denied. There are certain exceptions to this provision.

Parents must tell the school or district: (1) That they are rejecting the placement that the school district is proposing for the child, (2) What their concerns are; and (3) That they intend to enroll their child in a private school and expect public education to pay for it.

# RESOURCES

## PLACEMENT

### **Center for Parent Information and Resources**

<https://www.parentcenterhub.org/>

#### **Considering LRE in Placement Decisions**

<https://www.parentcenterhub.org/placement-lre/>

#### **Placement, Short-and-Sweet**

<https://www.parentcenterhub.org/placement-overview/>

### **Utah Parent Center (UPC)**

<http://www.utahparentcenter.org/>

#### **Placement**

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/placement/>

### **Utah State Board of Education (USBE)**

<https://www.schools.utah.gov/>

#### **USBE Rules and Regulations in Special Education**

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>



## SECTION 8: DISCIPLINE AND BEHAVIOR

### Are there supports when a student's behavior is impeding his or her own learning or that of others?

When a student is having behavioral needs that go beyond what can be supported through solid classroom management strategies, it is possible for the school to support students on an individual basis and make adjustments.

#### Topics are In This Section include:

- Behavioral Supports for all Students
- Discipline and IDEA Student
- Manifestation Determination
- IEP Team Process for Behavior Support
- Emergency Safety Interventions

## BEHAVIOR SUPPORT FOR ALL STUDENTS

All school districts and charter schools in Utah have developed and are required to use plans and policies for general student conduct. All students benefit from learning in an environment that is safe and free from disruptions. Each learner can also be motivated and provided incentives to continue appropriate behavior expected in an educational setting.

School administrators have a lot of discretion in the application of consequences for students who violate the school's code of conduct. This is especially true for students receiving special education services.



When your child is experiencing high levels of behavioral needs, remaining calm and using effective communication skills can help you work with school professionals to address problems and find solutions.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the other requirements of the law is appropriate for a student with a disability who violates a code of student conduct. This means that schools do not have to automatically apply all the school or district discipline procedures in cases where it does not make sense based on the student's understanding or other factors.

#### Tip:

Behavior policies and procedures have to be consistent with Utah State Board of Education's (USBE) Rules, Utah Code Annotated, and the Individuals with Disabilities Education Act (IDEA).

### How do I work with my school when addressing problem behaviors?

- Keep your cool. People naturally become defensive when a situation becomes adversarial.
- Focus on the positives. Acknowledge what has been done well.
- Plan ahead: be clear about what you'd like to see happen.
- Listen carefully.
- Ask questions until you fully understand.
- Clarify what you've heard and what you've said.
- Keep the focus on meeting your child's needs. Don't try to place blame.
- If you've lost your cool, be prepared to apologize and move forward.
- Come prepared with ideas. Present options in a collaborative way; for example, say, "we can" instead of "you should." Say, "yes, and..." instead of "yes, but..."
- Work to come to a solution that is agreeable for both parties.
- Follow up with any commitments you make.

## DISCIPLINE AND THE IDEA STUDENT

IDEA outlines discipline provisions for students served in special education. If behavior challenges have been addressed through the IEP, things may be easier to resolve in the event the student breaks school rules or doesn't follow the school code of conduct. IDEA protects the student from losing the right to FAPE because of behavior. If a student has behavior needs, IDEA outlines procedures that can be used to address the student's needs through special education services.

The purpose of addressing behavior in the IEP and providing positive behavioral supports is to teach the student skills for appropriate behavior and to prevent problems from occurring. If behavior challenges have been addressed through the IEP, some of the structure necessary to address violations of school rules is already in place.



#### Tip:

Removals beyond 10 cumulative days in school constitute a "change in placement" and trigger specific procedures required by IDEA 2004, such as a Manifestation Determination Hearing (pg. 63). The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

## DISCIPLINE: PROTECTIONS UNDER IDEA

A student who qualifies for special education has protection under the discipline provisions of IDEA.

- A student who faces suspension or expulsion from school, even long-term, must receive a free, appropriate, public education (FAPE) for removals longer than 10 school days in a school year. This means a student with disabilities may be suspended or expelled.
- Appropriate educational services must still be provided. The IEP team (which includes the parent) determines the extent of the services.
- These services must allow for a child to appropriately progress in the general curriculum and progress toward achieving IEP goals. The student must receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

## CHANGE IN PLACEMENT

A change in placement occurs if:

- the removal is for more than 10 consecutive school days, or
- the student is subjected to a series of removals that constitute a pattern because the series of removals total more than 10 school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

## What about "Zero Tolerance Policies"?

"Zero Tolerance Policies" have been established by many school districts to develop consequences for behaviors that will not be tolerated under any circumstance. Certainly most people would agree that behaviors such as sexual misconduct or physical assault should not be tolerated. However if a child with a disability violates such a policy, schools cannot simply apply a universal consequence if the consequence violates IDEA, or if it is not appropriate to the needs of the child. If the standard consequence is not appropriate to the needs of a child, or if it is a violation of IDEA, the IEP team should meet to determine an appropriate response, which might include increased special education instruction, interventions targeted to increasing skills or additional evaluation. Parents of children with disabilities must be diligent in any behavioral needs their child may have, so that the IEP team can plan proactively to address those needs.

Positive Interventions: Parents  
Need to Know. (May 1999)  
Reprinted with permission from  
PACER Center

## Tip:

Suspension, as a practice typically used in the hopes of reducing future problems at school, is ineffective and may even be inappropriate for students with disabilities that have behavioral needs. The impact may be counterproductive.

## SPECIAL CIRCUMSTANCES

School personnel may remove a student to an Interim Alternative Educational Setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student at school or on school premises at a school function:

- Carries a weapon to school or possesses a weapon
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance
- Has inflicted serious bodily injury upon another person



### Tip:

Please see the Utah Special Education Rules from the Utah State Board of Education for definitions of the above terms (i.e., weapon, illegal drugs, controlled substance and serious bodily injury).

## RIGHT TO A HEARING

An expedited due process hearing may be requested when:

- A parent or adult student disagrees with either placement or the manifestation determination, or
- The LEA believes that maintaining the current placement is substantially likely to result in injury to the student or others.

The expedited due process hearing must be held within 20 school days of the request and the hearing officer must make a determination within 10 school days.

Unless the parents or adult student and LEA agree in writing to waive the resolution meeting or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the request.

The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the due process complaint request .

Expedited due process hearing decisions can be appealed. During the appeal, the student must remain in the interim alternative educational setting (IAES) unless the parent or adult student and the LEA agree otherwise. The hearing officer may, depending on the circumstances:

1. Return the student with a disability to the placement from which the student was removed.
2. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days.

## FUNCTIONAL BEHAVIORAL ASSESSMENT

A Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP) are required when a child is suspended or expelled for more than 10 cumulative days in a school year or there is a “change in placement” to an Interim Alternative Educational Setting (IAES).

An FBA should also be considered when the student’s behavior disrupts their own learning or that of others.

A Functional Behavior Assessment looks at why a child behaves as he/she does, by:

- Gathering information through interviews, checklists, questionnaires, etc.
- Observing the behavior where it naturally occurs and identifying the circumstances and context around it.

### Why is an FBA important?

A Functional Behavioral Assessment should be considered in any evaluation when behavioral concerns for the student have not responded to standard interventions. An FBA:

- Guides decision-making about needs
- Leads to strategies to help meet the need
- Provides the necessary, objective, information for developing a Behavioral Intervention Plan (BIP)
- Is required when a child is to be removed from his/ her educational program beyond 10 days

## BEHAVIORAL INTERVENTION PLAN

Remember that for students whose behavior impedes the student’s learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies to address that behavior.

A Behavioral Intervention Plan (BIP) is an individualized plan developed in the IEP process that outlines strategies to address problem behaviors. An effective BIP will focus on providing positive behavioral supports to teach or reinforce appropriate behavior skills. A Behavior Intervention Plan is NOT the same thing as a school discipline plan that speaks to what happens if a student violates a rule or code of conduct. It is a tool for developing more in-depth support and skill development for a student in order to achieve positive changes in the student’s behavior.

### Key Points about the BIP

A Behavior Intervention Plans

- Is formally done in writing
- Is developed collaboratively with parents through the IEP team
- Is based on data gathered through a Functional Behavioral Assessment (FBA)
- Includes strategies to develop and strengthen skills and appropriate behaviors
- Includes a crisis intervention plan, if necessary
- Includes changes to environment triggers, modifications in the curriculum and/or classroom expectations.

# MANIFESTATION DETERMINATION

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA, the parent or adult student and relevant members of the IEP team (as determined by the parent and the LEA) must review :

1. All relevant information in the student's file
2. The student's IEP
3. Any teacher observations
4. Any existing disciplinary reports
5. Any relevant information provided by the parents

With this information, the team must then determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
- If the conduct in question was the direct result of the LEA's failure to implement the IEP.

## Tip:

The conduct must be determined to be a manifestation of the student's disability if the LEA, the parent and the relevant members of the student's IEP team determine that the misconduct was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP.

If the team determines that the student's behavior is NOT a manifestation of the disability, school personnel is able to apply disciplinary procedures, in the same manner and duration, as they would be applied to a student without disabilities. After the discipline procedures have been applied, the student is then returned to his/her current placement.

If a student has been expelled, the LEA is still responsible for providing FAPE.

## What if it IS a manifestation of the disability?

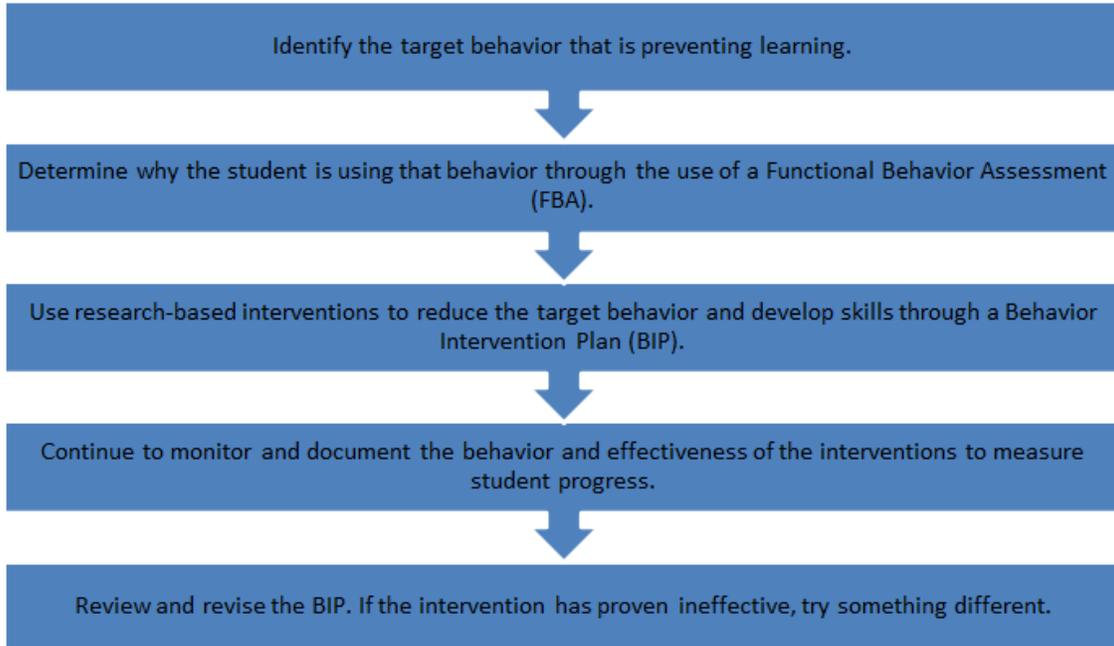
If the LEA, the parent or adult student and relevant members of the IEP team determine that the misconduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies and return the student to his or her current placement.

If the LEA, the parent or adult student and relevant members of the IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP team must:

- Conduct a Functional Behavioral Assessment (FBA) unless the LEA had conducted a FBA before the behavior that resulted in the change in placement occurred, and
- Implement a Behavioral Intervention Plan (BIP) or

If a BIP already has been developed, review the BIP and modify it as necessary to address the behavior, and unless the misconduct falls under the definition of "Special Circumstances," return the student to the placement from which the student was removed, unless the parent or adult student and the LEA agree to a change of

# IEP TEAM PROCESS FOR BEHAVIOR SUPPORT



## LEAST RESTRICTIVE BEHAVIORAL INTERVENTIONS (LRBI)

When making decisions about behavioral interventions, the IEP team must refer to the USBE Least Restrictive Behavior Intervention (LRBI) Technical Assistance Manual. This manual provides information on research-based behavior intervention and procedures applicable to ALL Utah students, including students who have an IEP.

The manual provides specific information, guidance and examples on how to provide positive behavior interventions. The focus of the manual is to ensure that students are receiving positive, less restrictive and research-based behavior interventions before moving to more intrusive procedures. The manual also includes sample forms for tracking behaviors, as well as sample behavior intervention plans. The LRBI manual is available on the Utah State Board of Education website (See *Resources*).



### Tip:

IEP teams work together in collaboration. From identifying the target behaviors to determining what interventions are the most likely to yield positive results, parents are part of the process. Achieving results with behavioral needs takes time and patience and creative thinking.

# EMERGENCY SAFETY INTERVENTIONS (ESI)

When a student's behavior has escalated to a point that the behavior poses an immediate danger to him/herself or to others, and that behavior is likely to cause serious physical harm, schools are able to utilize emergency safety interventions.

## SECLUSIONARY TIME OUT

- The following conditions must be met:
  1. The student is placed in a safe enclosed area by school personnel
  2. The student is purposefully isolated from adults and peers
  3. The student is prevented from leaving (or the student believes that he or she is prevented from leaving) the enclosed space
- A student must be continuously monitored visually and audibly by a school employee
- A student may not be placed in seclusionary time out for more than 30 minutes.
- A student must be released as soon as he or she no longer poses an immediate danger to self or others
- A record of the details of usage

### Tip:

Seclusionary time out and physical restraint are NOT considered teaching strategies or behavioral interventions. No evidence exists that these are effective in reducing the problem behavior and they can have negative consequences for students.

## What is required when using an Emergency Safety Intervention?

A record of:

1. Date and time the intervention was used
2. Type of intervention used (physical restraint or seclusionary time out)
3. Length of time that the intervention was in place
4. Description of the student's behavior described in measurable and observable terms
5. Names of school personnel using the intervention or supervising it
6. Notification to the student's parents
7. Any injury that resulted from use of the intervention

*When using an ESI, a school shall notify the LEA and the student's parent or guardian as soon as possible and no later than the end of the school day.*

## PHYSICAL RESTRAINT

- Immobilizing the student's torso, arms, legs, or head.
- Used for the shortest amount of time possible and least amount necessary
- Only used to diffuse the emergency situation

Prevention strategies, positive behavioral supports, de-escalation strategies and crisis reduction are always the preferred method of support. Although school personnel can train and have knowledge in using Emergency Safety Interventions, these are not to be anticipated, planned or counted on to help resolve behavioral needs.

# RESOURCES

## DISCIPLINE AND BEHAVIOR

### **Positive Behavioral Interventions & Supports Technical Assistance Center**

<https://www.pbis.org/>

### **Utah Parent Center (UPC)**

<http://www.utahparentcenter.org/>

**Least Restrictive Behavior Interventions (LRBI)**

**Behavior Intervention Plan**

**Seclusion and Restraint**

**Working with Professionals**

**Positive Behavior Interventions**

**Manifestation Determination**

**Functional Behavior Assessment**

<https://utahparentcenter.org/behavior-lrbi/>

### **Utah State Board of Education (USBE)**

<https://schools.utah.gov/>

**Least Restrictive Behavioral Interventions (LRBI) Technical Assistance Manual**

<https://www.schools.utah.gov/file/156f0eca-0b4f-434a-a780-8335eea603f7>

**USBE Rules and Regulations in Special Education**

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>



# SECTION 9: BEYOND THE IEP MEETING

## What happens after the IEP is written?

Once the meeting has concluded, there are other preparation aspects that families can think about in order to stay abreast their child's progress at school.

### Topics are In This Section include:

- Progress Monitoring
- Parent Training and Information
- Amending the IEP

## PROGRESS MONITORING

### Organization

As you go beyond the meeting, an organization tool, such as a file folder or a binder, will prove immensely useful for keeping track of your child's educational records and history of needs and services.

These are some helpful items to keep organized as your student moves from grade to grade:

- Privately obtained evaluations and reports, including any documentation for any diagnoses
- Formal school plans, such as IEPs, BIPs, Health Plans, Safety Plans, etc.
- Other formal school documents, such as meeting notes, school incident reports, IEP Progress Reports, report cards, transcripts, etc.
- Work samples, including completed and incomplete work (both yield information regarding student performance)
- Meaningful emails exchanged between the parent and school personnel as they relate to the student's education

### IEP Progress Reports

Keeping track of your child's progress toward his or her goals on the IEP periodically will help guide the IEP team in any IEP adjustments that may be needed. Progress Reports on all student IEP goals are required to be provided at least as often as typical students receive feedback on their performance at school through report cards, which is usually on a quarterly basis (and twice a year for preschoolers). These reports are given in addition to any report card provided to all students. IEP teams are also free to decide if they would like to receive more frequent feedback on the student's performance and growth.

### Grades

Although grades are a kind of measure of student achievement, IEP teams need to be careful when determining what an earned grade means. For example, a student's work or grade may be modified to such a degree that it is no longer equivalent to the same grade earned by a different student in the same class. Grades may not be an objective measures of how well or how poorly a student is understanding concepts. However, failing grades are always an indication that additional support may be needed by the student.

## Parent/Teacher Conferences

These are great opportunities built into the planned communication between parents and schools. Take the opportunity to listen to how your teacher describes your child's performance and try to listen for any tips that they teacher may have for you. Although this is not an in-depth meeting, the material covered is useful and can help generate questions and bring up concerns that you may want to follow up on as the year progresses.

## AMENDING THE IEP

Monitoring the student's progress will lead to one of the following conclusions:

- A. The student is performing as expected by the IEP team when the IEP was drafted.
- B. The student is excelling and performing beyond what was expected by the team when the IEP was drafted.
- C. The student is not performing to the level that was expected by the team when the IEP was drafted.

When the student is performing as expected (A), IEP teams can feel like they have achieved a good balance of challenging the student at the right level while supporting him or her. At that time, no changes to the IEP would be needed.

When the student is excelling and performing beyond expectations (B), IEP teams can celebrate and rejoice in the student's achievements. An adjustment in

### Tip:

Using email is a very efficient way to keep IEP team members simultaneously aware of any needs the student may be experiencing. It offers an additional way to collaborate.

### What about Amending the IEP?

IEP teams can make changes to the student's IEP

- During the time the IEP is in effect
- Without holding a meeting if all IEP team members are notified and agree to those changes in writing

If substantial changes are needed, IEP teams are able to meet together in person and develop a new IEP.

the level of challenge experienced by the student could be useful. The student can move on to a new task or develop new skills to continue and build upon his or her progress. IEP teams can amend the IEP document to reflect the needed changes.

Likewise, when a student is not performing to expectations (C), it is possible for the team to reconvene a meeting and discuss changes or adjustments to the plan. These can be reviewing/revising the goals to match the student's performance or it could mean that adjustments to the services may be warranted. In the end, it is all about achieving significant and meaningful progress in light of the student's individual circumstances.



# PARENT TRAINING AND INFORMATION

One of the best ways to prepare for IEP meetings and understand the special education process is to learn more via specialized trainings. The Utah Parent Center provides information sheets, videos, workshops, presentations and trainings to families of individuals with disabilities and special needs throughout the state of Utah. The range of the topics covered are broad and run the gamut when it comes to special education and supports available through schools.

There are other learning opportunities throughout the state, and families are encouraged to learn as much as possible to become informed, effective, parents in the IEP process.

## What is a Parent Training and Information Center (PTI)?

The Utah Parent Center (UPC) is Utah's Parent Training and Information Center, funded by the U.S. Department of Education's Office of Special Education Programs. Each state contains at least one Parent Training and Information Center that provides information and trainings designed for parents of individuals with disabilities and youth with disabilities. Some of the main workshops taught at the UPC include, but are not limited to:

- Parents as Partners in the IEP Process
- Transition from School to Adult Life
- Tools for Constructive Communication
- Section 504: What Parents Need to Know
- Positive Behavior Interventions and Supports
- Bullying Prevention– Everyone's Responsibility

Additionally, the UPC frequently hosts guest speakers around a plethora of relevant topics. Check out our training schedule on our website.

### Tip:

Learn more about and register for the trainings held by the Utah Parent Center by

Calling our main number:  
(801-2752-1051/1-800-468-1160)

Visiting our website:  
([www.utahparentcenter.org](http://www.utahparentcenter.org))

Visiting in person:  
230 W 200 S, Suite 1101  
Salt Lake City, UT 84101



# RESOURCES

## ADDITIONAL CONSIDERATIONS

**Center for Parent Information and Resources**

<https://www.parentcenterhub.org/>

**Utah Parent Center (UPC)**

<http://www.utahparentcenter.org/>

**Utah State Board of Education (USBE)**

<https://schools.utah.gov/specialeducation>

**Utah State Board of Education Special Education Rules**

<https://schools.utah.gov/specialeducation>

# SECTION 10: PROBLEM SOLVING

## What options are there if the process breaks down?

It is best to seek to resolve difficulties at the lowest possible level. Most resolution options have a process or chain of command to follow. The state of Utah has different kinds of supports available to you and the IEP team.

### Topics are In This Section include:

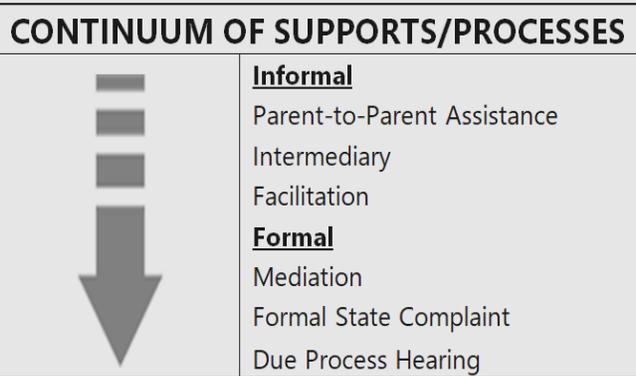
- Continuum of Supports
- Chain of Command
- Informal Dispute Resolution
- Formal Dispute Resolution

## CONTINUUM OF SUPPORTS

As you work with your child’s IEP team, you might find yourself in disagreement with some of the other team members’ opinions and suggestions on how to proceed with the modifications, services and/or supports for your child. You should feel comfortable and confident in disagreeing with the IEP team and with expressing their reasons for doing so.

Disagreement, in and of itself, is not detrimental to the team, since it provides teams the opportunity to dig deeper to find underlying concerns and to be creative in finding solutions for them. Teams can make progress when the focus is placed on the student and meeting his or her needs. Having an open mind to consider multiple solutions to a problem will also be beneficial.

In addition to the chain of command, informal supports exist to help resolve issues early on, and they help minimize the level of difficulty experienced between the parents and the school district or charter school. They allow families to better preserve relationships. IDEA also provides guidance for formal processes and mechanisms designed to resolve disputes.



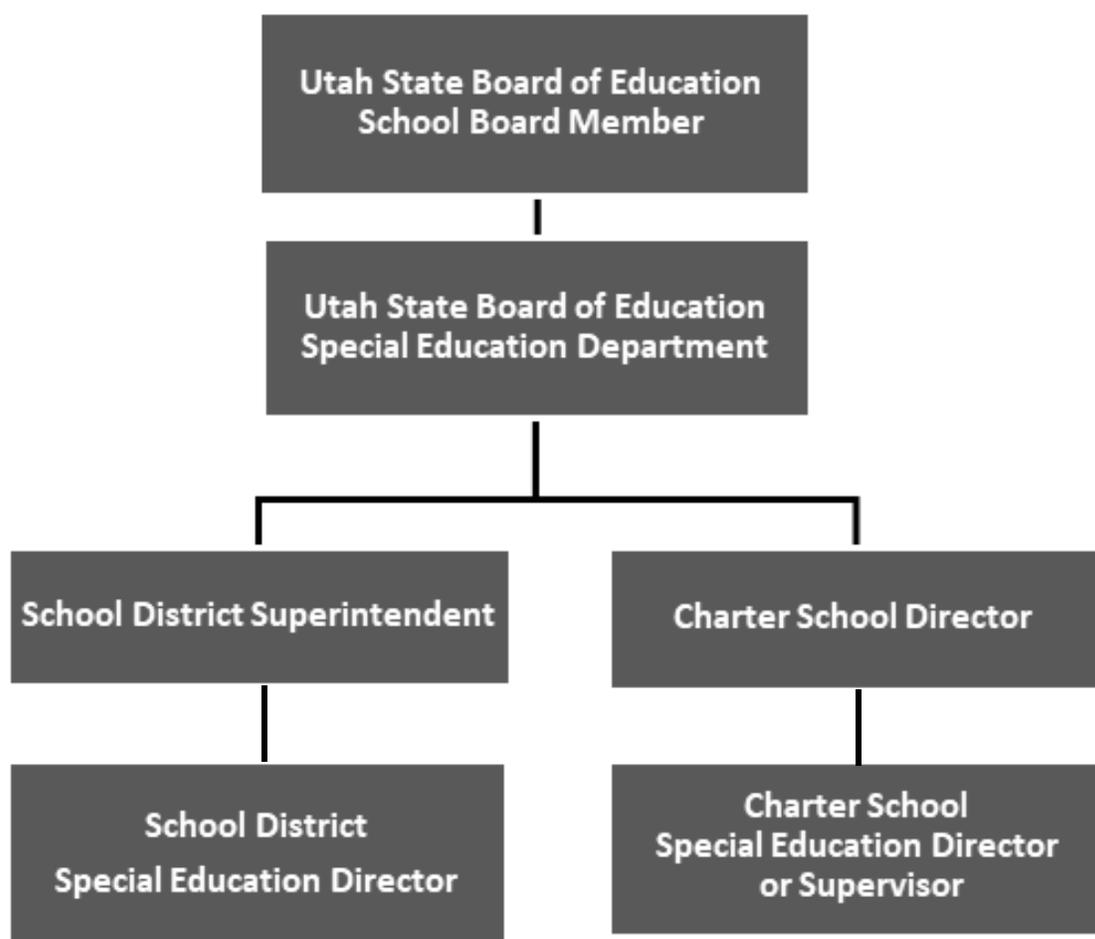
**Tip:** At this point, it is critical to remember good communication skills. Keeping respectful communication will go a long way in helping meetings be productive. Be prepared to negotiate and keep an open mind. It is always helpful to remember that you are likely to work with the same professionals for many years into your child’s future as he or she goes through the public school system.



# CHAIN OF COMMAND

When seeking help within the education system, make sure to follow the chain of command. First, try to resolve issues with the teacher. If this is not sufficient, request that the teacher go with you to the next level, usually the principal. Most problems are solved at this level. If you cannot work things out at the building level, always follow your school district or charter school's chain of command.

## CHAIN OF COMMAND FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS



### How do I communicate my concerns as I go up the chain of command?

See **Introduction: Building a Partnership** (pg. 1) to learn more about ways to effectively communicate your concerns for your student with school personnel. This will include valuable tips on both verbal and written communication.

# INFORMAL DISPUTE RESOLUTION

When families are in dispute with the school district or charter school providing services for the student, the Individuals with Disabilities Education Act (IDEA) provides for certain supports to help resolve them. These are known as “formal” options. However, each state is unique in the kinds of supports available to families beyond the formal options. Utah has three distinct “informal” options that families can utilize, including parent-to-parent assistance, an intermediary, and IEP meeting facilitation.

## PARENT-TO-PARENT ASSISTANCE

The Utah Parent Center (UPC) has varying levels of support for families with varying levels of need. These services are provided at no cost to parents.

### Parent Consultants

UPC Parent Consultants are available for consultation, problem-solving and support in the IEP process for parents throughout the state. These knowledgeable individuals provide training and resources on a variety of disability-related topics. In addition to the Parent Consultants available in our main office, several districts in Utah have a designated Parent Consultant assigned to serve families within their respective boundaries.

Visit the UPC website ([www.utahparentcenter.org](http://www.utahparentcenter.org)) to learn if your district has a dedicated Parent Consultant and to find specific contact information. Families can call the UPC's main phone line to access all other Parent Consultants or to inquire about a district consultant.

As parent advocates, we encourage and assist parents in navigating and resolving disputes with ongoing communication and collaboration with school districts or charter schools throughout the state.

This level of support is characterized by:

1. More intensive communication, including frequent check-ins with parents;
2. Document review and discussions with the purpose of gaining an in-depth understanding of the information and helping frame questions, and;
3. Meeting attendance, including eligibility meetings, IEP meetings, transition meetings and other meetings along the special education continuum of formal and informal dispute resolution, as needed.

This in-depth support is provided to parents through the resolution of the concern.



### Tip:

Parent-to-parent assistance will be delivered by experienced and knowledgeable parents of individuals with disabilities who provide problem solving ideas and options to support you in making sure that the needs of your child are met.

## INTERMEDIARY

### Telephone and Electronic

An intermediary from the Utah State Board of Education (USBE) can be requested by the parent. The intermediary can help clarify issues via telephone call or may use other electronic means to provide knowledge and state regulation information to:

- Parents
- School district personnel
- Charter school personnel

The intermediary might refer the family to other informal ways of resolving issues and, if appropriate, may also proceed with resolving the situation.



## FACILITATORS

### Sponsored by the LEA

Some of the LEAs throughout the state offer this option, and they are able to bring in a facilitator that is not part of the IEP team to assist with the team dynamics and to help the team move forward. Facilitators have expertise in effective listening and speaking skills, and their participations can be a positive experience for the entire team.

### Sponsored by the USBE

In Utah there is a group of trained, impartial, problem-solving, facilitators who are available to give support in the IEP process. These facilitators help IEP teams communicate effectively. Their purpose is to help parties work through problems before they escalate and become more difficult, expensive and time consuming.

The help of an IEP Facilitator can be requested by either the parent or the school. Since this is a voluntary option for IEP teams, both the parent and the LEA must agree to facilitator participation. The facilitator can be requested through the Utah Parent Center (UPC) or the Utah State Board of Education (USBE) and will be paid for at public expense, without any direct cost to parents or LEAs.

### How do I know which of these informal supports is right for me?

When in doubt about what support is most appropriate for your particular situation, please don't forget to call the Utah Parent Center (UPC) for an individualized consultation provided at no cost to you. Our Parent Consultants, who are themselves parents of individuals with disabilities, await your call to help guide you. They can provide more in-depth information about each of these supports and other information that may be relevant to you.

To access any of these resources, please contact the Utah Parent Center at 801-272-1051, Toll Free at 1-800-468-1160, or visit our website at [www.utahparentcenter.org](http://www.utahparentcenter.org).

# FORMAL DISPUTE RESOLUTION

## MEDIATION

The USBE maintains a list of qualified and impartial mediators that are trained in effective mediation techniques and special education law. Mediation is voluntary, so both the parent and the LEA must agree to participate in the process. The process is at no cost to the parents nor the school district or charter school. All discussions that take place during mediation remain confidential.

The result of a successful mediation is a legally binding agreement. A written and signed mediation agreement is enforceable in any state court or district court of the United States. Mediation may not deny or delay the parent's or adult student's right to a due process hearing or deny any other rights.



## FORMAL STATE COMPLAINT

A complaint is an allegation that the law is not being followed. If negotiation doesn't resolve the conflict, you can file a complaint in writing to the USBE Director of Special Education. A complaint must be filed no more than one (1) year from the violation.

A copy of the complaint must be sent to the school district's Special Education Director or the charter school administrator. If parents or adult students are unable to file in writing, they can contact the local school district or charter school or the USBE for assistance. Allegations may be made by public agencies, private individuals or organizations.

### Timeline Information

Unless there are exceptional circumstances, as a general rule, the Utah State Director of Special Education shall resolve the complaint within 60 calendar days and issue a written decision of findings and remedies to both parent and school district or charter school.

The complaint decision issued by the USBE is the final action and is not subject to appeal. If either party disagrees, a Due Process complaint can be filed.

### What must be included in a state complaint?

- A statement that the LEA or public agency has violated a requirement of Part B of IDEA or the Utah State Board of Education Special Education Rules
- The facts on which the statement is based
- The contact information and signature of the person making the complaint

### When regarding a specific student:

- Student's name, address, and school attending
- The contact information and signature of the person making the complaint
- A description and nature of the problem
- A proposed resolution to the problem

If you decide to proceed with a due process hearing, it is recommended you have some legal help. A due process hearing is a very formal (and costly for the district or charter school and often for the parent or adult student) legal proceeding where an attorney is usually used. Try all forms of mediation before considering a due process hearing, but do not be afraid to advocate for your own and your child's rights.

## DUE PROCESS HEARING

Parents may file a due process complaint (different from a formal state complaint) requesting an impartial due process hearing on any of the matters relating to the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student.

A copy of the due process complaint must be sent to the USBE. Under some circumstances a school district or charter school may also request a hearing. Persons with special expertise, including attorneys and advocates, may assist or accompany either party to a due process hearing.

### Additional Considerations

- You can expect to be able to have the student present for the hearing, to have the hearing open to the public, and to receive findings and decisions at no cost to you.
- The decision at the hearing is final unless appealed in civil action.
- Under certain circumstances, an expedited hearing can be requested and granted.
- There are special considerations regarding attorney's fees for both parties.
- The student will remain in the last agreed-upon educational placement, unless both parties agree otherwise.

### What is a resolution meeting?

**Within 15 calendar days** of receiving notice of the parents' or adult student's due process complaint and prior to initiating a hearing, the school district or charter school must convene a meeting with them and other relevant members of the IEP team who have specific knowledge of the facts (not including an attorney of the district or charter unless the parent is accompanied by an attorney).

The purpose of the meeting is for the parents or adult student to discuss their complaint and the facts of the complaint so that the district or charter has the opportunity to resolve the dispute. The resolution meeting does not need to be held if the parents or adult student and the district or charter agree in writing to waive the meeting or to use the mediation process. **If the issue is not resolved within 30 days, the due process hearing would take place.**

### Tip:

For a comprehensive overview and understanding of Due Process, please refer to the USBE Rules and Regulations in Special Education, the Procedural Safeguards (parental and adult student rights in special education) found at the end of the section, or contact the Utah Parent Center for a free consultation at 801-272-1051 or Toll Free at 1-800-468-1160.

# RESOURCES

## DISPUTE RESOLUTION IN SPECIAL EDUCATION

### **Center for Appropriate Dispute Resolution in Special Education (CADRE)**

<http://www.cadeworks.org/>

**CADRE Dispute Resolution Parent Guides**

**CADRE Dispute Resolution Comparison Guide**

<http://www.cadeworks.org/for-families>

### **Disability Law Center (DLC)**

<http://disabilitylawcenter.org/>

### **Utah Parent Center (UPC)**

<http://www.utahparentcenter.org/>

**Everything You've Always Wanted to Ask about the IEP and the Special Education**

**Process and Early Dispute Resolutions: Questions and Answers**

<http://www.utahparentcenter.org/training/webinars/>

**Understanding your Parents' Rights and Procedural Safeguards**

**Using Negotiation and Advocacy Skills to Works with your Student's School Team**

<http://www.utahparentcenter.org/training/videos/iep-videos/>

### **Utah State Board of Education (USBE)**

<https://schools.utah.gov/>

**Dispute Resolution**

**Procedural Safeguards (Parent and Adult Student Rights in Education)**

**USBE Model Forms and Policies**

**USBE Parent Advocates**

**USBE Resources and Technical Assistance Documents**

**USBE Rules and Regulations in Special Education**

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>



# SECTION 11:

## LAWS THAT IMPACT PEOPLE WITH DISABILITIES

### Are there any protections that apply specifically to individuals with disabilities?

Yes! The laws that are currently in place vary in the areas of life they impact for people with disabilities. Some are specific to education, whereas others are anti-discrimination civil rights laws.

#### Topics Included in this Section:

- Laws Impacting Education
- Laws Impacting Broad Civil Rights



## LAWS IMPACTING EDUCATION

### CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT

Most recently reauthorized in 2006, the Carl D. Perkins Act aims to increase the quality of technical education within the United States by providing students with the academic and technical skills necessary to be successful in a knowledge and skill-based economy. It seeks to strengthen the connection between secondary and postsecondary education. This law also requires that a career and technical education be provided for students with

### FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA is a privacy law, last amended in 2001, that protects access to information on the student's educational record and restricts access by others. It allows the parents to review and amend information in the file they feel is inaccurate or misleading. If you disagree with information in the file, there are procedures to request that the information be removed.

FERPA continues to apply as students move on to postsecondary education. There are additional guidelines to keep in mind for access to records or challenging what is contained in the student's educational file contents under IDEA.

#### Tip:

If your child will be graduating with a high school diploma or aging out at age 22, get a copy of your child's most recent IEP and other school records. Schools are only required to keep the file for 3 years after the student has exited.

## HIGHER EDUCATION OPPORTUNITY ACT (HEOA)

HEOA, reauthorized in 2008, contains a number of important new provisions that improve access to postsecondary education for students with intellectual disabilities. It emphasizes preparing general education teachers, as well as, postsecondary staff, faculty and administrators in educating students with disabilities. HEOA also allows for students with intellectual disabilities to be eligible for Pell Grants, Supplemental Educational Opportunity Grants and the Federal Work Study Program.

Students with intellectual disabilities are eligible to apply for federal financial aid to help cover the cost of attending college under these circumstances:

- Students must meet the definition of intellectual disability as outlined in the Act.
- Students must be attending an approved comprehensive transition program: a list of these programs is maintained on the federal financial aid website.
- Students who meet these two criteria ARE NOT required to have a standard high school diploma or be pursuing a degree or certificate.
- Students with intellectual disabilities DO still have to meet the financial need criteria for eligibility.



### Tip:

Eligibility is for federal grants and work study funds, but NOT student loans.



## INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Commonly referred to as IDEA 2004 and most recently reauthorized in 2004, The Individuals with Disabilities Education Act (IDEA) is a law that ensures services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under Part C of IDEA. Children and youth (ages 3-21) receive special education and related services under Part B of IDEA.

Once a student graduates with a high school diploma, he or she is no longer eligible for an IEP. A student may also “age out” of this law by turning 22 and earning a Certificate of Completion.

### What are the 6 principles covered in IDEA 2004?

1. **Free appropriate public education (FAPE):** The right to FAPE means special education and related services are available to eligible children with disabilities age 3 to 22 and are to be provided at no cost to the parents. The specially designed educational programs and services reflect the child’s individual educational needs, and are to be provided in conformity with the Individualized Educational Program (IEP). The provision of FAPE differs for each child, but the principle is the same.
2. **Appropriate evaluation:** An appropriate evaluation gathers accurate information to determine eligibility or continued eligibility; it also identifies the student’s strengths and educational needs. An individualized education program is then designed to respond to the student’s needs.
3. **Individualized Education Program (IEP):** The IEP is a legally binding, written document that outlines the special education program, services and related services based on the child’s educational needs.
4. **Least restrictive environment (LRE):** The LRE is the environment where the student can receive an appropriate education designed to meet his or her special education needs, while still being educated with nondisabled peers to the maximum extent appropriate.
5. **Parent and student participation in decision making:** IDEA requires that parents must be given the opportunity to play a central role in the planning and decision making regarding their child’s education. Parents must have the opportunity to participate in the meetings regarding identification, evaluation, educational placement and the provision of FAPE to the student. Student rights and participation are strongly encouraged, particularly when addressing transition planning.
6. **Procedural due process:** The guarantee of procedural due process means that there are safeguards designed to protect the rights of the parents and their children with disabilities, as well as to give families and schools a mechanism for resolving disputes.

## MCKINNEY-VENTO ACT

The McKinney-Vento Act, which recently was amended under the Every Student Succeeds Act (ESSA) of 2015, mandates protections and services for children and youth who are homeless including those with disabilities. The 2004 reauthorization of IDEA also includes amendments that reinforce timely assessment, inclusion and continuity of services for homeless children and youth who have disabilities.



### The Educational Rights for Children and Youth Experiencing Homelessness

- A homeless education liaison in every public school district
- Right to immediate enrollment in school where seeking enrollment without proof of residency, immunizations, school records or other documents
- Right to choose between the local school where they are living, the school they attended before they lost their housing or the school where they were last enrolled
- Right to transportation to their school of origin
- Right to be free from harassment and exclusion. Segregation based on a student's status and homelessness is strictly prohibited
- Right to access to educational services for which they are eligible including IDEA services, ESL, gifted and talented programs, vocational/technical education and school nutrition programs
- Right to be notified of their options and rights under McKinney-Vento. Liaisons must post rights of students experiencing homelessness in schools and other places in the community.
- Right to have disagreements with the school settled quickly

### Who is Considered Homeless?

Anyone who lacks a fixed, regular and adequate nighttime residence including:

1. Sharing the housing of others due to lack of housing, economic hardship or similar reason
2. Living in motels, hotels, trailer parks, camping grounds, due to lack of adequate alternative accommodations
3. Living in emergency or transitional shelters
4. Abandoned in hospitals
5. Living in a public or private place not designed for humans to live
6. Living in cars, parks, abandoned buildings, public train stations, etc.

# LAWS IMPACTING BROAD CIVIL RIGHTS

## SECTION 504 OF THE REHABILITATION ACT OF 1973

With the passage of the Rehabilitation Act of 1973, Congress required that federal fund recipients make their programs and activities accessible to all individuals with disabilities. The law states that, 'No qualified individual with disabilities, shall, solely by reason of her or his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.' Section 504 protects persons from discrimination based upon their disability status.

A person has a disability within the definition for Section 504 if he or she: Has a mental or physical impairment which substantially limits one or more of such person's major life activities; Has a record of such impairments; or Is regarded as having such an impairment.

Section 504 has three major areas of emphasis:

- Employment
- Program accessibility
- Requirements for preschool, elementary and secondary education.

### Tip:

Section 504 regulations cover a larger group of students with disabilities than does special education and all students in special education are protected under Section 504. Once students enter postsecondary education, the need for accommodations in the new setting will be reevaluated and additional documentation may be required. Remember that, although institutions of higher learning have to provide reasonable accommodations, they are not required to modify the curriculum.

## AMERICANS WITH DISABILITIES ACT (ADA)

Enacted in 1990, the ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. You can expect reasonable changes to policies, practices, and procedures to prevent discrimination.

Similar to the definition of disability under Section 504 of the Rehabilitation Act, an individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history of such an impairment, or a person who is perceived by others as having such an impairment.

### What do the ADA and Section 504 have in common?

Both the ADA and Section 504 are Federal civil rights laws. Both prohibit discrimination based on an individual's disability. Equal access and opportunity is the focus. Both must also take into account whether any needed accommodations result in undue hardship.

Neither Section 504 nor the ADA specifically name all of the impairments that are covered.

### **What is considered a major life activity?**

Major life activities include functions such as:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working
- Non-volitional bodily functions



### **Accessing Protections- ADA and Section 504 of the Rehabilitation Act**

Young adults age 18 and over can only claim protection under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) if they choose to self-disclose they have a disability.

Self-disclosure is required in order to:

- Receive services through state and federal agencies, such as Vocational Rehabilitation, community mental health centers, the Social Security Administration, etc.
- Receive accommodations in the workplace
- Access supports at institutions of higher learning, such as applied technology centers, colleges or universities

#### **Tip:**

Do not assume that an employer, an applied technology center, college or university will automatically know what accommodations a young adult needs. The student needs to know what accommodations he or she needs and be able to request them when necessary.

## WORKFORCE INNOVATIONS AND OPPORTUNITY ACT (WIOA)

WIOA, enacted in 2014, is designed to help people with significant barriers to employment, including people with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the high quality jobs and careers of the future. It is also designed to help employers hire and retain skilled workers.

WIOA defines competitive integrated employment as fully integrated full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work. The act also provides for supported employment services for adults and youth with significant disabilities.

Sheltered workshops are not prohibited under WIOA. Nevertheless, a series of steps must be taken before an individual under the age of 24 can be placed in a job paying less than minimum wage.

### The Workforce Innovation and Opportunity Act Requires:

- Each state to arrange for pre-employment transition services for all eligible students with disabilities
- Local VR offices to coordinate pre-employment transition which includes attendance at a student's Individualized Education Program (IEP) meeting when invited, and working with schools to coordinate and ensure the provision of pre-employment transition services
- Each state to dedicate 15% of its federal grant funds to Pre-Employment Transition Services (Pre-ETS) for students with disabilities.

### Technical Assistance for Post-Secondary Education:

The Workforce Innovation and Opportunity Act allows the Rehabilitation Services Administration commissioner to fund technical assistance to "better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment."



### Are there any other ways that employment is supported for individuals with disabilities?

Work incentives help people with disabilities who are on Supplemental Security Income (SSI/SSDI) to achieve independence by helping them take advantage of employment opportunities. Some incentives allow individuals to discount some of their income or resources. Other incentives allow the individual to continue to receive Medicaid coverage even if not receiving the SSI benefit amount. See *Work Incentives* under Section 8 Basics of Social Security.



# APPENDIX

## Additional Resources

### Included in this Section:

- Services - Agencies and Departments
- Services - Nonprofit Organizations
- List of Acronyms

# RESOURCES

## LAWS THAT IMPACT PEOPLE WITH DISABILITIES

**Achieving a Better Life Experience Act (ABLE) National Resource Center**

<http://www.ablenrc.org/about/history-able-act>

**Disability Law Center (DLC)**

<http://disabilitylawcenter.org>

**Civil Rights**

**Education**

**Employment and Vocational Rehabilitation**

<http://disabilitylawcenter.org/resourcestopic/>

**U.S. Department of Education**

<https://www.ed.gov/>

**Carl D. Perkins Career and Technical Education Act of 2006**

<https://www2.ed.gov/policy/sectech/leg/perkins/index.html>

**Family Educational Rights and Privacy Act (FERPA)**

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**Higher Education Opportunity Act (HEOA)**

<https://www2.ed.gov/policy/highered/leg/hea08/index.html>

**Individuals with Disabilities Education Act (IDEA)**

<https://sites.ed.gov/idea/>

**Laws and Guidance**

<https://www2.ed.gov/policy/landing.jhtml>

**McKinney-Vento Homeless Education Assistance Improvements Act of 2001**

<https://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>

**Parent' Guide to the Family Educational Rights and Privacy Act: Rights Regarding Children's Education Records**

<https://www2.ed.gov/policy/gen/guid/fpco/brochures/parents.html>

**U.S. Department of Health and Human Services**

<https://www.hhs.gov/>

**Office of Civil Rights**

<https://www.hhs.gov/ocr/>

**Rights and Responsibilities under Section 504 and the ADA**

<https://www.hhs.gov/civil-rights/for-individuals/disability/index.html>

## **U.S. Department of Justice**

<https://www.justice.gov/>

### **Information and Technical Assistance on the American with Disabilities Act**

<https://www.ada.gov/>

## **U.S. Department of Labor**

<https://www.doleta.gov/>

### **Disability Related Laws and Regulations**

<https://www.doleta.gov/disability/rlar.cfm>

### **The Workforce Innovation and Opportunity Act (WIOA)**

<https://www.doleta.gov/wioa/>

## **Utah Department of Workforce Services (DWS)**

<https://jobs.utah.gov/>

### **Utah State Office of Rehabilitation (USOR)**

<https://www.usor.utah.gov/>

## **Utah Parent Center (UPC)**

[www.utahparentcenter.org](http://www.utahparentcenter.org)

### **Laws**

<http://www.utahparentcenter.org/resources/laws/>

### **Section 504**

<http://www.utahparentcenter.org/resources/section-504/>

### **School Services: Individualized Education Program (IEP) and Section 504**

<http://www.utahparentcenter.org/resources/school-services/>

### **IEP vs. Section 504 Plans: Which Is Right for My Child?**

<http://www.utahparentcenter.org/training/webinars/>

## **Utah State Board of Education (USBE)**

<https://schools.utah.gov/>

### **Procedural Safeguards (Parent and Adult Student Rights in Education)**

### **USBE Resources and Technical Assistance Documents**

### **USBE Rules and Regulations in Special Education**

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>

### **Dear Colleague Letters**

### **Educational Equity**

### **Section 504**

<https://schools.utah.gov/sas/scep/equity>

# SERVICES - AGENCIES AND DEPARTMENTS

## **Division of Services for People with Disabilities (DSPD)**

<https://dspd.utah.gov/>

DSPD is part of the Utah Department of Human Services. It offers services that assist people to live, learn and work as part of their communities. The services that the DSPD provides are based on eligibility. Services include supported employment, day or partial day supports, respite care, family assistance and support, family training and preparation, residential supports, host home, supported living and the Utah State Developmental Center.

## **Division of Substance Abuse and Mental Health**

<https://dsamh.utah.gov/>

The Utah Division of Substance Abuse and Mental Health is the State agency responsible for ensuring that prevention and treatment services are available for those struggling with a mental or behavioral health problem or a problem with alcohol, tobacco or other drugs.

## **Medicaid Program**

<https://medicaid.utah.gov/>

Medicaid is a source of health insurance coverage for Utah's vulnerable populations. It is a state/federal program that pays for medical services for individuals with limited income and resources. To qualify, these individuals must meet income and other eligibility requirements. Medicaid is run through the Utah Department of Health.

## **Social Security Administration (SSA)**

<https://www.ssa.gov/>

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability programs are the federal programs that provide assistance to people with disabilities. These two programs are different in many ways. Both are administered by the Social Security Administration. Only individuals who have a disability and meet medical criteria may qualify for benefits under either program.

## **Utah Center for Assistive Technology (UCAT)**

<https://jobs.utah.gov/usor/vr/services/ucat.html>

Workforce Services Rehabilitation houses UCAT. UCAT offers free evaluation services within Utah to help connect children and adults with disabilities with technology that can help in managing functional limitations due to disability. UCAT also houses the Utah Assistive Technology Teams (UATT), which support school districts and charter school Section 504 and IEP teams to evaluate, acquire and manage assistive technology for students with disabilities. The Utah Center for Assistive Technology (UCAT) is also part of Workforce Services Rehabilitation.

# SERVICES - AGENCIES AND DEPARTMENTS

## **Utah Department of Health**

<https://health.utah.gov/>

The Utah Department of Health has multiple divisions, offices and bureaus that run an abundance of programs for the state of Utah in order to promote healthy and safe communities. Both the Medicaid Program and the Children's Health Insurance Program (CHIP) are run under this department.

## **Utah Department of Human Services**

<https://hs.utah.gov/>

The Utah Department of Human Services provides children, youth, families and adults with services and treatments that are needed for these individuals to thrive in their homes and communities. DSPD and the Division of Substance Abuse and Mental Health are both housed under the Department of Human Services.

## **Utah Department of Workforce Services (DWS)**

<https://jobs.utah.gov/>

DWS provides employment and support services to individuals to improve their economic opportunities. It provides information on career guidance, employment and youth job training programs as well as unemployment insurance. Other services include food stamps, financial assistance, Medicaid, health services, training, and child care information. Vocational Rehabilitation and the Utah Center for Assistive Technology are also housed under DWS.

## **Utah State Board of Education (USBE)**

<http://www.schools.utah.gov/main/>

The USBE is Utah's main body responsible for providing information, resources, and technical assistance concerning educational issues. As such, this agency, through various departments, provides services in multiple areas, including special education, education equity, career and technical education, assessments and adult education.

## **Workforce Services Rehabilitation (Vocational Rehabilitation)**

<https://jobs.utah.gov/usor/vr/index.html>

Workforce Services Rehabilitation assists individuals with disabilities to prepare for and obtain employment and increase their independence. The agency includes vocational rehabilitation services, services for the blind and visually impaired, the deaf and hard-of-hearing, independent living and Utah Work Incentive Planning Services (UWIPS). Vocational Rehabilitation is housed within the Utah Department of Workforce Services (DWS). The Utah Center for Assistive Technology (UCAT) and Utah Assistive Technology Teams (UATT) are also part of Vocational Rehabilitation.

# SERVICES - NONPROFIT ORGANIZATIONS

## **Allies with Families**

<http://allieswithfamilies.org/>

Allies with Families offers practical support and resources for parents and their children and youth who face serious emotional, behavioral, and mental health challenges. Allies with Families offers a variety of programs, including Family Resource Facilitators who provide coordination services to families who have children and youth with complex needs.

## **Center for Persons with Disabilities (CPD)**

<http://www.cpdusu.org>

The CPD is Utah's Center for excellence in developmental at Utah State University. It is a dynamic collection of projects, guided by a goal to improve the lives of people with disabilities and their families. This is done through research, education, demonstration services and technical assistance.

## **Disability Law Center (DLC)**

<http://disabilitylawcenter.org/>

A private nonprofit organization that is designated as the Protection and Advocacy agency for Utah to protect the opportunities, choices and legal rights of Utahns with disabilities. This includes access to: needed special education supports and services in the least restrictive setting, needed vocational rehabilitation services, needed job accommodations and decreased employment discrimination, needed accommodations in housing, etc.

## **Family to Family Network**

<http://www.utahparentcenter.org/projects/family-to-family/>

The Family to Family Network is supported by the Utah Parent Center and funded by the Division of Services for People with Disabilities (DSPD) to provide support to families of individuals on the DSPD waiting list in communities across the state .

## **Guardianship Associates of Utah (GAU)**

<http://www.guardianshiputah.org/>

GAU assists families who are seeking guardianship of incapacitated family members. Their services include trainings for families in the process of obtaining guardianship, as well as additional supports in the area of guardianship, conservatorship and trusts. The organization also provides guardianship services to many individuals who are wards of the state.

# SERVICES - NONPROFIT ORGANIZATIONS

## **National Alliance on Mental Illness (NAMI) Utah**

[www.namiut.org](http://www.namiut.org)

NAMI is a grassroots, self-help, support and advocacy organization of consumers, families, and friends of people with severe mental illnesses, such as schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, obsessive-compulsive disorder, panic and other severe anxiety disorders, attention deficit/hyperactivity disorder, and other severe and persistent mental illnesses that affect the brain.

## **New Frontiers for Families**

[www.nffutah.org](http://www.nffutah.org)

New Frontiers for Families provides education, advocacy, peer and community support to individuals with disabilities and their families. They also operate various community youth support programs and also provide Family Resource Facilitators.

## **Utah Parent Center (UPC)**

[www.utahparentcenter.org](http://www.utahparentcenter.org)

The UPC is private, nonprofit organization, that serves parents of children and youth with disabilities throughout the state of Utah. The mission of the UPC is to help parents help their children, youth and young adults with all disabilities to live included, productive lives as members of the community. We accomplish our mission by providing accurate information, empathetic peer support, valuable training and effective advocacy based on the concept of parents helping parents. Various projects are housed within the parent center, including Utah Family Voices (UFV) and the Family to Family Network.

## **Utah Family Voices (UFV)**

[www.utahfamilyvoices.org](http://www.utahfamilyvoices.org)

A program of the Utah Parent Center (UPC), UFV is a statewide health information and education resource and support center for families who have children with special health care needs, disabilities, chronic illnesses and/or physical or mental conditions. UFV provides information, referrals and connections for parents, professionals and educators regarding health care services to individuals caring for children and youth with special health care needs. UFV also provides one-on-one consultations, training, information and resources.

## **Utah Statewide Independent Living Council (USILC)**

<http://usilc.org/>

USILC's aim is to develop and expand independent living programs and philosophy on a statewide basis. This is done through Independent Living Centers (ILCs), non-residential facilities that provide services which enhance the independence of people with disabilities. Staff members, some of whom have a disability, play an important role in the delivery of independent living services which include four core services: peer support, information and referral, independent living skills training and advocacy. ILCs are located state-wide.

# LIST OF ACRONYMS

AT	Assistive Technology
BIP	Behavioral Intervention Plan
CP	Cerebral Palsy
DD	Developmentally Delayed
DSPD	Division of Services for People with Disabilities
ED	Emotional Disturbance
ELL	English Language Learner
ESY	Extended School Year
FAPE	Free, Appropriate, Public Education
FBA	Functional Behavioral Assessment
FERPA	Family Education Rights and Privacy Act
HI	Hearing Impairment
HO	Hearing Officer
IAES	Interim Alternative Education Setting
ID	Intellectual Disability
IDEA 2004	Individuals with Disabilities Education Act
IEP	Individualized Educational Program
IFSP	Individualized Family Service Plan
LD	Learning Disability (sometimes called SLD - see below)
LEA	Local Education Agency (School District or a Charter School)
LEP	Limited English Proficiency
LRBI	Least Restrictive Behavioral Intervention

# LIST OF ACRONYMS

LRE	Least Restrictive Environment
MD	Manifestation Determination or Multiple Disabilities
MTSS	Multi-Tiered System of Supports
OHI	Other Health Impairment
O&M	Orientation and Mobility
OT	Occupational Therapy
PBIS	Positive Behavioral Interventions and Supports
PLAAFP	Present Level of Academic Achievement and Functional Performance
Pre-ETS	Pre-Employment Transition Services
PT	Physical Therapy
RTI	Response to Intervention
SEA	State Education Agency (The Utah State Board of Education)
SLD	Specific Learning Disability
SLP	Speech Language Pathologist
SPED	Special Education
TBI	Traumatic Brain Injury
USDB	Utah Schools for the Deaf and Blind
USEAP	Utah State Board of Education Special Education Advisory Panel
VI	Visual Impairment
VR	Vocational Rehabilitation
WIOA	Workforce Innovation and Opportunity Act