



# SOUTHGATE ACADEMY

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## The IEP Process

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The IEP Process: Building and Implementing the  
IEP

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# **Southgate Academy**

## **Individualized Education Program (IEP) Policy & Procedure**

### **POLICY**

The public education agency shall ensure that an IEP is developed and implemented for each eligible child served by the public education agency and for each eligible child placed in or referred to a private school or facility by the public education agency in accordance with §§300.320–300.325 of the IDEA regulations.

## **PROCEDURES**

### **§300.320 Contents of the IEP**

The contents of each IEP will include a statement of:

- a) The child's present levels of academic achievement and functional performance, including:
  - i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
  - ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- b) Measurable annual goals, including academic and functional goals designed to:
  - i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
  - ii) Meet each of the child's other educational needs that result from the child's disability;
  - iii) For children with disabilities who take alternate assessments aligned to alternate achievement standards (MSAA and AIMS A), a description of benchmarks or short-term objectives;
- c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
- d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for school personnel that will be provided to enable the child:
  - i) To advance appropriately toward attaining the annual goals; and
  - ii) To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.
- e) The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;

f) Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments;

g) If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why:

i) the child cannot participate in the regular assessment; and

ii) the particular alternate assessment selected is appropriate for the child;

h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

i) Beginning not later than the first IEP to be in effect when the child turns 16 (or younger if determined appropriate by the IEP team) and updated annually, the IEP will also include a statement of:

i) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;

ii) Transition services (including courses of study) needed to assist the child in reaching those goals.

j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.

### **§300.321 The IEP Team**

The IEP team for each child with a disability will include:

a) The parents of the child;

b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

c) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;

d) A representative of the public education agency who:

i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

ii) Is knowledgeable about the general education curriculum; and

iii) Is knowledgeable about the availability of resources of the public education agency;

- iv) May be a public education agency team member described in (b) through (f) if the above criteria are met.
  - e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f).
  - f) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
  - g) Whenever appropriate, the child with a disability.
    - i) A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals.
    - ii) If the student does not attend the IEP meeting, the public education agency will take other steps to ensure that the student's preferences and interests are considered.
  - h) To the extent appropriate and with consent of the parents or the adult child, the public education agency will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
  - i) For a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.
- 2) A member of the IEP team described in (1)(a) through (1)(e) is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
- 3) A member of the IEP team described in (1)(a) through (1)(e) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent and the public education agency consent to the excusal, in writing, and the member submits to the IEP team, in writing, input into the development of the IEP prior to the meeting.
- 4) In the case of a child previously served by AzEIP, an invitation to the initial IEP team meeting must, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services.

### **§300.322 Parent Participation**

- 1) The agency will take steps to ensure the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:
- a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
  - b) Scheduling the meeting at a mutually agreed on time and place.
- 2) The meeting notice will:

- a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).
- 3) Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:
- a) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
  - b) Indicate that the agency will invite the student; and
  - c) Identify any other agency that will be invited to send a representative
- 4) If neither parent can attend, the public education agency will use other methods to ensure parent participation, including individual or conference telephone calls.
- 5) A meeting may be conducted without a parent in attendance if the public education agency is unable to convince the parents that they should attend. In this case, the public education agency will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:
- a) Detailed records of telephone calls made or attempted and the results of those calls;
  - b) Copies of correspondence sent to the parents and any responses received; and
  - c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- 6) The public education agency will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- 7) The public education agency will give the parent a copy of the child's IEP at no cost to the parent.

### **§300.323 When IEPs Must Be in Effect**

- 1) At the beginning of each school year, the public education agency must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.
- 2) The public education agency will ensure that:
- a) A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services.
  - b) As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child.
  - c) An IEP will be in effect at the beginning of each school year.
- 3) For children aged 2 years 9 months through 5 years who were previously served by AzEIP, the IEP team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if:



- a) The agency has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
  - b) The parent and the agency agree in writing to the use of an IFSP;
  - c) The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language, and numeric skills; and
  - d) The IFSP is developed in accordance with IEP procedures.
- 4) The public education agency will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing the IEP.
- a) Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and
  - b) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
- 5) For a child with an IEP who transfers in to the public education agency from another public education agency in Arizona, the public education agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:
- a) Reviews and adopts the child's IEP from the previous public education agency or
  - b) Develops, adopts, and implements a new IEP.
- 6) For a child with an IEP who transfers in to the public education agency from another state, the public education agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:
- a) Conducts an evaluation for eligibility for special education in Arizona or determines that such an evaluation is unnecessary; and
  - b) Develops, adopts, and implements a new IEP, if appropriate.
- 7) To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, the public education agency will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public education agency in which the child was enrolled.
- 8) When a records request is received from another public agency, from either within or outside of Arizona, the agency will promptly respond to the request

### **§300.324 Development, Review, and Revision of an IEP**

- 1) In developing each child's IEP, the IEP team will consider:

- a) The strengths of the child and the concerns of the parents for enhancing the education of their child;
- b) The results of the initial or most recent evaluation of the child; and
- c) The academic, developmental, and functional needs of the child.

2) In consideration of special factors, the IEP team must:

- a) In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;
- b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
- d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic levels and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
- e) Consider whether the child requires assistive technology devices and services.

3) The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:

- a) Appropriate positive behavioral interventions and strategies for the child; and
- b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).

4) In making changes to the IEP after the annual IEP meeting, the parent and the agency may agree to amend the IEP without a meeting to make those changes and instead, develop a written document to amend or modify the child's current IEP. The public education agency must:

- a) Inform all members of the child's IEP team of those changes and
- b) Upon request, provide the parents with the revised copy of the IEP.

5) To the extent possible, the public education agency will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.

6) The public education agency will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved and revises the IEP, when appropriate, to address:

- a) Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- b) The results of any reevaluation;
- c) Information about the child provided to, or by, the parents;
- d) The child's anticipated needs, or other matters.

7) If a participating agency other than the public education agency fails to provide the transition services in an IEP, the public education agency must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

### **§300.325 Private School Placements by the Public Education Agency**

1) Before the public education agency places a child with a disability in a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.

2) Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the public education agency. However, the public education agency must ensure that:

- a) The parents and the public education agency representative are involved in any decisions about the child's IEP; and
- b) They agree to any proposed changes in the IEP before those changes are implemented.

3) The public education agency remains responsible for ensuring FAPE to a child placed by the public education agency in a private school or facility.

### **§300.327 Educational Placements**

The public education agency must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

### **AAC R7-2-401.G Individualized Education Program (IEP)**

- 1) Each public education agency shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
- 2) Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the state statutes, and the State Board of Education rules.
- 3) Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level

expectations and grade-level content instruction.

- 4) Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes, and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring, and when appropriate, the delivery of the specially designed instruction.
- 5) Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessments as determined by the IEP team.
- 6) A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, the public education agency and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
- 7) A parent or public education agency may request in writing a review of the IEP and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.

## **Southgate Academy**

### **Procedural Safeguards**

#### **POLICY**

The public education agency will establish, maintain, and implement procedural safeguards that meet the requirements of §§300.500 through 300.536 of the IDEA regulations.

## **PROCEDURES**

### **§300.501 Opportunity to Examine Records; Parent Participation in Meetings**

- 1) The public education agency will ensure that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
- 2) The public education agency will ensure that the parents of a child with a disability shall:
  - a) Be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
  - b) Be provided notice consistent with §300.322 to ensure they have the opportunity to participate in meetings.
  - c) Be members of any group that makes decisions on the educational placement of their child.
- 3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public education agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
- 4) A placement decision may be made by a group without the involvement of the parent, if the public education agency is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

### **§300.502 Independent Educational Evaluation**

- 1) The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The public education agency must provide to parents, upon request for an independent educational evaluation: a) Information about where an independent educational evaluation may be obtained; and b) The agency criteria applicable for independent educational evaluations. Agency criteria for the independent educational evaluation must be the same as the criteria the agency uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.
- 2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public education agency. If a parent requests an independent educational evaluation at public expense, the public education agency must, without unnecessary delay, either:
  - a) File for a due process hearing to show that its evaluation is appropriate; or
  - b) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.
- 3) If a due process hearing decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
- 4) If a parent requests an independent educational evaluation, the public education agency may ask for the parent's reasons for the objections but may not require the parent to provide an

explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation.

5) A parent is entitled to only one independent educational evaluation at public expense each time the public education agency conducts an evaluation with which the parent disagrees.

6) The results of any independent educational evaluation that is obtained by or provided to the public education agency:

- a) Must be considered by the public education agency if it meets agency criteria in any decision with respect to the provision of FAPE to the child; and
- b) May be presented by any party as evidence in a due process hearing.

7) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

### **§300.503 Prior Notice by the Public Education Agency; Content of Notice**

1) Written notice must be given to the parents of a child with a disability a reasonable time before the public education agency:

- a) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

2) The notice must include:

- a) A description of the action proposed or refused by the agency;
- b) An explanation of why the agency proposes or refuses to take the action;
- c) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- d) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part, and if this notice is not an initial referral for evaluation, how a copy of a description of the procedural safeguards can be obtained;
- e) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- f) A description of other options that the IEP team considered and the reasons why those options were rejected;
- g) A description of other factors that are relevant to the agency's proposal or refusal.

3) The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by the parent.

4) If the native language or other mode of communication used by the parent is not a written language, the agency must ensure:

- a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- b) That the parent understands the content of the notice;

- c) That there is written evidence of these requirements.

### **§300.504 Procedural Safeguards Notice**

1) A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:

- a) Upon initial referral or parent request for evaluation;
- b) Upon receipt of a first complaint to the State or first request for a due process hearing in a school year;
- c) When a disciplinary change of placement/removal has been initiated; or
- d) Upon request by a parent.

2) The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151– 300.153, §300.300, §§300.502–300.503, §§300.505–300.515, §300.520, §§300.530–300.536, and §§300.610–300.625 relating to:

- a) Independent educational evaluations;
- b) Prior written notice;
- c) Parental consent;
- d) Access to education records;
- e) Opportunity to present and resolve complaints through the due process hearing and State complaint procedures, including:
  - i) The time period in which to file a complaint;
  - ii) The opportunity for the agency to resolve the complaint;
  - iii) The difference between due process hearing and State complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
- f) The availability of mediation;
- g) The child's placement during the due process hearing;
- h) Procedures for students subjected to placement in an interim alternative educational setting;
- i) Requirements for unilateral placements by parents of children in private schools at public expense;
- j) Due process hearings including requirements for disclosure of evaluation results and recommendations;
- k) Civil actions, including timelines; and
- l) Attorney fees.

3) This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503.

### **§300.505 Electronic Mail**

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the public education agency makes that option available.

### **§300.506 Mediation**

1) The public education agency will establish procedures to allow parties to dispute (including those matters arising prior to a request for a due process hearing) to resolve disputes through mediation. Procedures will ensure that the mediation process:

- a) Is voluntary on the part of the parties;
- b) Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA; and c) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

2) A public education agency may establish procedures to offer parents and schools that choose not to use mediation an opportunity to meet at a time and location convenient to the parties with a disinterested party:

- a) Who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center, or community parent resource center; and
- b) Who would explain the benefits of and encourage the mediation process to the parents.

### **§300.507 Filing a Due Process Complaint**

1) A parent or public education agency may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.

2) The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or public education agency knew or should have known about the alleged violation.

3) The public education agency must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

### **§300.508 Due Process Complaint (Hearing)**

1) The public education agency will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.

2) The party filing the notice for a hearing must forward a copy of the request to the State. 3) The due process hearing complaint must include the following in order for the complaint to be heard:

- a) The name of the child;
- b) The residential address of the child;
- c) The school of attendance;
- d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- e) A proposed resolution of the problem to the extent known and available to the party at the time.

3) The due process hearing complaint must include the following in order for the complaint to be heard:

- a) The name of the child;



- b) The residential address of the child;
- c) The school of attendance;
- d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- e) A proposed resolution of the problem to the extent known and available to the party at the time.

4) The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.

5) Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.

6) A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
- The hearing officer grants permission, but in no case is it amended later than five days before the due process hearing begins.
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7) If a party files an amended complaint, the relevant timelines begin again.

8) If the public education agency has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.

9) Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.

### **§300.510 Resolution Process**

1) Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, the public education agency must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:

- a) Includes a representative of the public education agency who has agency decision-making authority;
- b) May not include an attorney of the public education agency unless the parent is accompanied by an attorney.

2) The purpose of the meeting is for the parent of the child to discuss the due process complaint and the factual basis of the complaint, so the public education agency has the opportunity to resolve the dispute.

3) The resolution meeting need not be held if:

- a) The parent and public education agency agree in writing to waive the meeting; or

- b) The parent and public education agency agree to use the mediation process.
- 4) The parent and the public education agency determine the relevant IEP team members to attend the meeting.
- 5) If the public education agency has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.
- 6) The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived will delay the timelines for the resolution process and due process hearing until the meeting is held.
- 7) If the public education agency is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the agency may, at the end of the 30-day period, request that the hearing officer dismiss the parent's due process complaint.
- 8) If the public education agency fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.
- 9) The 45-day timeline for the due process hearing starts the day after:
  - a) Both parties agree in writing to waive the resolution meeting; OR
  - b) After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; OR
  - c) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.
- 10) If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:
  - a) Signed by both the parent and public education agency representative who has authority to legally bind the agency; and
  - b) Enforceable in any state court of competent jurisdiction or in a district court of the United States.
- 11) Either party may void the agreement within 3 business days of the agreement's execution.

### **§300.518 Child's Status during Proceedings**

- 1) The child involved in the due process hearing complaint must remain in his or her current educational placement:
  - a) Unless a discipline appeal has been filed as provided in §300.533;
  - b) During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
  - c) Unless the public education agency and parents of the child agree otherwise.

2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

3) If the complaint involves an application for initial services for a child who has turned 3 and is transitioning from Part C to Part B, the public education agency is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services under §300.300(b), then the public education agency must provide those services that are not in dispute.

4) If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.

### **§300.519 Surrogate Parents**

1) The public education agency will ensure that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:

- a) No parent can be identified;
- b) After reasonable efforts are made, no parent can be located;
- c) The child is a ward of the State (with no foster parent); or
- d) The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act;

2) The public education agency will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.

3) The public education agency will ensure that a person selected as a surrogate parent:

- a) Is not an employee of the State, the agency, or any other agency that is involved in the education or care of the child;
- b) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
- c) Has knowledge and skills that ensure adequate representation of the child.

4) In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section.

### **§300.520 Transfer of Parental Rights at Age of Majority**

1) When a child with a disability reaches age 18, unless that child has been determined to be incompetent:

- a) The public education agency will provide any notice required by the IDEA regulations to both the child and the parents; and
- b) All rights accorded to parents under Part B of the Act transfer to the child.

2) When the rights are transferred, the public education agency will provide notice to the child and parent of the transfer of rights.

### **AAC R7-2-401.I Procedural Safeguards**

1) Each public education agency shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination of information to parents about the public education agencies and the state's dispute resolution options.

2) In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or provision of FAPE to the child, but before the decision is implemented.

## What Circumstances Require a Prior Written Notice?

Events Requiring a Prior Written Notice	YES	NO
<b>Identification</b>		
Screening		X
Teacher Assistance Team (TAT)		X
Intervention strategies		X
Referral for initial evaluation	X	
<b>Evaluation</b>		
Collection of new data for initial evaluation and reevaluation	X	
Evaluation of progress on the annual goals		X
Administration of statewide or schoolwide assessments		X
Independent education evaluation		X
Determination of eligibility upon completion of an initial evaluation or reevaluation	X	
Eligibility issues	X	
Refusal to conduct an evaluation	X	
<b>Educational Placement</b>		
Initial educational placement into special education	X	
Relocation of the special education program		X
Any change in educational placement	X	
Termination of special education and related services	X	
Transfer of student to another school or district		X
Graduation with a regular diploma	X	
Disciplinary removal for more than 10 consecutive school days	X	
Disciplinary removal for not more than 10 school days		X
A series of disciplinary removals that constitute a pattern of removals	X	
Disciplinary removal to an IAES for not more than 45 school days	X	
<b>Provision of FAPE</b>		
Deletion or addition of a related service	X	
Change in annual goals on an existing IEP	X	
Increase or decrease in special education services or related services	X	
Change in how a student will participate in statewide and districtwide assessments	X	
Review and revision of the IEP	X	
Increase or decrease to supplementary aids and services or supports to school personnel	X	
Refusal to increase or decrease a related service	X	
Consideration of ESY if done at a separate meeting	X	

## IEP Excusal Form

Student \_\_\_\_\_

Date \_\_\_\_\_

***A required member of a student's IEP team is not required to attend an IEP meeting, in whole or in part, if the parent and the school agree, in writing, that the attendance of the member is not necessary because that person's area of the curriculum or related services is not being modified or discussed in the meeting. [paraphrased from IDEA regulation §300.321 (e) (1)]***

*A required member of a student's IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting **does** involve a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the public agency **consent** to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. [paraphrased from IDEA regulation §300.321 (e) (2)]*

Changes can be made to an IEP **after** the annual IEP meeting, the parent and school may agree not to reconvene the IEP team to make changes, provided the parties develop a written document to amend or modify the current IEP and share the revisions with the IEP team. [paraphrased from IDEA regulation §300.324(a) (4)]

The parent and school agree that the following required IEP team member can be excused from the IEP meeting, in whole or in part, because his/ her area of the curriculum or related services is **not** being modified or discussed at the meeting.

Name of required IEP team member: \_\_\_\_\_

Parent Signature indicates agreement: \_\_\_\_\_

The parent consents to the excusal of a required IEP team member, in whole or in part, because the member, whose area will be discussed or modified at the IEP meeting, provided to the parent in advanced of the meeting a written statement with input for the development of the IEP.

Name of required of the IEP team member: \_\_\_\_\_

Parent signature indicates consent: \_\_\_\_\_ (parent signature indicates consent to the excusal and acknowledgment that the required member provided a written statement before the IEP meeting).

The parent and school agree that no IEP meeting is necessary to make changes to the current IEP. (this option is not available in lieu of the annual IEP meeting and can only be used for an IEP addendum).

**Present Level of Academic Achievement and Functional Performance (PLAAFP)**  
**Information About the Performance of a Student with a Disability**

Student Name: \_\_\_\_\_

Date: \_\_\_\_\_

Teacher Name: \_\_\_\_\_

Subject: \_\_\_\_\_ Grade \_\_\_\_\_

Please return this form to the special education teacher by: \_\_\_\_\_

All students with disabilities who are eligible to receive special education are required to have an annual IEP that details their present levels of academic achievement and functional performance. Your input is important and required.

- Write the facts; no opinions are to be included.
- Support with **specific data** that will be used for baseline performance (AZMERIT scores; Galileo scores and trends; common formative assessments, curriculum-based measurement; unit test grades and percentages; 6-Trait writing scores; areas mastered with proof of mastery, etc.)
- Support observations with **specific** examples.
- For Needs, identify areas of learning that the student needs most to progress and build skills.

Strengths:

Weaknesses:

Educational Needs:

Do you have suggestions for specific goals or specific skills that you think should be included in the proposed?

What accommodations on the student's old IEP are useful and should be continued?

What accommodations on the student's old IEP are no longer needed by the student?

Do you recommend additional new accommodations to help the student gain access to the general education curriculum?

Does the student's behavior impede his / her education or that of other students? If so, provide detailed information and data to support your assertion.

Do you have specific concerns that you think the student's IEP team needs to discuss? If so, explain your concerns and provide specific examples / information.



**Attach student work samples if you think this would be helpful.**

**Strengths:**

- Student averaged 83% on weekly spelling tests composed of words from the 4<sup>th</sup> grade Dolch reading list.
- Student improved reading fluency on a 4<sup>th</sup> grade reading nonfiction passage from 55 wpm to 90 wpm with no errors.
- Student reduced interruptions from 5 incidents in a one-hour period to 2 in a one-hour period with no prompts by the teacher.
- Student can write an expository essay with 5 paragraphs, clear topic sentence, thesis, supporting paragraphs, and a conclusion.
- Student can independently choose an appropriate graphic organizer and use it to guide her as she outlines a personal narrative or expository essay.
- Student can use the on-line card catalog to locate a fiction or nonfiction book
- Student can answer main idea questions after reading a passage at the 4<sup>th</sup> grade reading level.

**Weaknesses:**

- Student averaged 20% on conventions of all writing assignments in the 1<sup>st</sup> quarter.
- Student averaged 25% on math tests involving subtraction of 2-digit numbers with borrowing during the second quarter.
- Student often interrupts and requires teacher prompts 100% of the time.
- Student turned in late homework on 20 of 25 times when it was assigned.
- Student was tardy on 33 of the 40 days in the third quarter.
- Student's grades on fractions and percentages average less than 10%.
- Student needs teacher assistance and prompts when choosing a graphic organizer for any in-class writing assignment.
- Student has given 3 speeches in front of the class, and she gave up in laughter and embarrassment each time.

**Educational Needs:**

- Student needs to learn how to use a graphic organizer as a pre-writing task.
- Student needs to learn to write an expository essay.
- Student needs to improve mental math to calculate 10% of a given number.
- Student needs to utilize inference skills when reading a comic strip or a fiction story.
- Student needs to be able to identify verbs, nouns, adjective, adverbs and prepositions to analyze grammar and understand teacher corrections.
- Student needs to be able to correctly sequence major events from a fiction story written at the 4<sup>th</sup> grade level.
- Student needs to develop enough confidence to be able to speak in front of the class for 1 minute on a topic of her choosing without laughing.
- Student needs to reduce errors in math calculation by checking her work before turning it in.

**Strengths:**

- Student is earning an A in math class.
- Student improved in the last quarter to be in the top 10% of the class.
- Student should be immediately promoted to the next grade level.
- Student can debate well and stand up for herself.
- Student works well with others and is a good team leader.
- Student is an effective and patient peer mentor to other students.
- Student always completes homework.
- Student cooperates well with adults and peers.
- Student is only occasionally tardy.
- Student pays attention most of the time.

**Weaknesses:**

- Student needs to pay attention and turn in homework on time.
- Student talks too much and brings her cell phone to text during class.
- Student does not follow directions.
- Student earned a D average on assignments, tests, quizzes and projects.
- Student is in the wrong class; she needs to move to a less challenging class.
- Student day dreams and is easily distracted.
- Student is rude and disrespectful to the teacher and her classmates.
- Student can't do long division.
- Student can't do mental math.
- Student needs help with math story problems.

**Educational Needs:**

- Student needs to study harder; it's not that she can't do the work, but that she won't.
- Student needs to work to her full potential.
- Student needs to move to a less challenging curriculum.
- Student needs to be in the resource room instead of the general education class.
- Student needs to be retained in the same grade next year.
- Student needs to learn English.
- Student needs a lot of teacher assistance.
- Student needs a patient teacher.
- Student needs to use a calculator because she can't learn the multiplication tables.
- Student needs to improve their grades.

## **Appendix #1 - IEP Excusal Form**

## **Appendix #2 – Present Levels Of Performance**

## **Southgate Academy**

### **Individualized Education Program (IEP) Policy & Procedure**

#### **POLICY**

The public education agency shall ensure that an IEP is developed and implemented for each eligible child served by the public education agency and for each eligible child placed in or referred to a private school or facility by the public education agency in accordance with §§300.320–300.325 of the IDEA regulations.

Revised October 2018 Southgate Academy

## **PROCEDURES**

### **§300.320 Contents of the IEP**

The contents of each IEP will include a statement of:

- a) The child's present levels of academic achievement and functional performance, including:
  - i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
  - ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- b) Measurable annual goals, including academic and functional goals designed to:
  - i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
  - ii) Meet each of the child's other educational needs that result from the child's disability;
  - iii) For children with disabilities who take alternate assessments aligned to alternate achievement standards (MSAA and AIMS A), a description of benchmarks or short-term objectives;
- c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
- d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for school personnel that will be provided to enable the child:
  - i) To advance appropriately toward attaining the annual goals; and
  - ii) To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.
- e) The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;

f) Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments;

g) If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why:

- i) the child cannot participate in the regular assessment; and
- ii) the particular alternate assessment selected is appropriate for the child;

h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

i) Beginning not later than the first IEP to be in effect when the child turns 16 (or younger if determined appropriate by the IEP team) and updated annually, the IEP will also include a statement of:

- i) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
- ii) Transition services (including courses of study) needed to assist the child in reaching those goals.

j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.

### **§300.321 The IEP Team**

The IEP team for each child with a disability will include:

- a) The parents of the child;
- b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- d) A representative of the public education agency who:
  - i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - ii) Is knowledgeable about the general education curriculum; and
  - iii) Is knowledgeable about the availability of resources of the public education agency;

- iv) May be a public education agency team member described in (b) through (f) if the above criteria are met.
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f).
- f) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- g) Whenever appropriate, the child with a disability.
  - i) A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals.
  - ii) If the student does not attend the IEP meeting, the public education agency will take other steps to ensure that the student's preferences and interests are considered.
- h) To the extent appropriate and with consent of the parents or the adult child, the public education agency will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
  - i) For a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.
- 2) A member of the IEP team described in (1)(a) through (1)(e) is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
- 3) A member of the IEP team described in (1)(a) through (1)(e) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent and the public education agency consent to the excusal, in writing, and the member submits to the IEP team, in writing, input into the development of the IEP prior to the meeting.
- 4) In the case of a child previously served by AzEIP, an invitation to the initial IEP team meeting must, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services.

### **§300.322 Parent Participation**

- 1) The agency will take steps to ensure the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:
  - a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
  - b) Scheduling the meeting at a mutually agreed on time and place.
- 2) The meeting notice will:

- a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).
- 3) Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:
- a) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
  - b) Indicate that the agency will invite the student; and
  - c) Identify any other agency that will be invited to send a representative
- 4) If neither parent can attend, the public education agency will use other methods to ensure parent participation, including individual or conference telephone calls.
- 5) A meeting may be conducted without a parent in attendance if the public education agency is unable to convince the parents that they should attend. In this case, the public education agency will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:
- a) Detailed records of telephone calls made or attempted and the results of those calls;
  - b) Copies of correspondence sent to the parents and any responses received; and
  - c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- 6) The public education agency will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- 7) The public education agency will give the parent a copy of the child's IEP at no cost to the parent.

### **§300.323 When IEPs Must Be in Effect**

- 1) At the beginning of each school year, the public education agency must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.
- 2) The public education agency will ensure that:
- a) A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services.
  - b) As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child.
  - c) An IEP will be in effect at the beginning of each school year.
- 3) For children aged 2 years 9 months through 5 years who were previously served by AzEIP, the IEP team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if:



- a) The agency has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
  - b) The parent and the agency agree in writing to the use of an IFSP;
  - c) The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language, and numeric skills; and
  - d) The IFSP is developed in accordance with IEP procedures.
- 4) The public education agency will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing the IEP.
- a) Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and
  - b) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
- 5) For a child with an IEP who transfers in to the public education agency from another public education agency in Arizona, the public education agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:
- a) Reviews and adopts the child's IEP from the previous public education agency or
  - b) Develops, adopts, and implements a new IEP.
- 6) For a child with an IEP who transfers in to the public education agency from another state, the public education agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:
- a) Conducts an evaluation for eligibility for special education in Arizona or determines that such an evaluation is unnecessary; and
  - b) Develops, adopts, and implements a new IEP, if appropriate.
- 7) To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, the public education agency will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public education agency in which the child was enrolled.
- 8) When a records request is received from another public agency, from either within or outside of Arizona, the agency will promptly respond to the request

### **§300.324 Development, Review, and Revision of an IEP**

- 1) In developing each child's IEP, the IEP team will consider:

- a) The strengths of the child and the concerns of the parents for enhancing the education of their child;
- b) The results of the initial or most recent evaluation of the child; and
- c) The academic, developmental, and functional needs of the child.

2) In consideration of special factors, the IEP team must:

- a) In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;
- b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
- d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic levels and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
- e) Consider whether the child requires assistive technology devices and services.

3) The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:

- a) Appropriate positive behavioral interventions and strategies for the child; and
- b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).

4) In making changes to the IEP after the annual IEP meeting, the parent and the agency may agree to amend the IEP without a meeting to make those changes and instead, develop a written document to amend or modify the child's current IEP. The public education agency must:

- a) Inform all members of the child's IEP team of those changes and
- b) Upon request, provide the parents with the revised copy of the IEP.

5) To the extent possible, the public education agency will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.

6) The public education agency will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved and revises the IEP, when appropriate, to address:

- a) Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- b) The results of any reevaluation;
- c) Information about the child provided to, or by, the parents;
- d) The child's anticipated needs, or other matters.

7) If a participating agency other than the public education agency fails to provide the transition services in an IEP, the public education agency must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

### **§300.325 Private School Placements by the Public Education Agency**

1) Before the public education agency places a child with a disability in a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.

2) Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the public education agency. However, the public education agency must ensure that:

- a) The parents and the public education agency representative are involved in any decisions about the child's IEP; and
- b) They agree to any proposed changes in the IEP before those changes are implemented.

3) The public education agency remains responsible for ensuring FAPE to a child placed by the public education agency in a private school or facility.

### **§300.327 Educational Placements**

The public education agency must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

### **AAC R7-2-401.G Individualized Education Program (IEP)**

- 1) Each public education agency shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
- 2) Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the state statutes, and the State Board of Education rules.
- 3) Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level

expectations and grade-level content instruction.

- 4) Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes, and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring, and when appropriate, the delivery of the specially designed instruction.
- 5) Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessments as determined by the IEP team.
- 6) A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, the public education agency and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
- 7) A parent or public education agency may request in writing a review of the IEP and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.

## **Southgate Academy**

### **Procedural Safeguards**

#### **POLICY**

The public education agency will establish, maintain, and implement procedural safeguards that meet the requirements of §§300.500 through 300.536 of the IDEA regulations.

## **PROCEDURES**

### **§300.501 Opportunity to Examine Records; Parent Participation in Meetings**

- 1) The public education agency will ensure that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
- 2) The public education agency will ensure that the parents of a child with a disability shall:
  - a) Be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
  - b) Be provided notice consistent with §300.322 to ensure they have the opportunity to participate in meetings.
  - c) Be members of any group that makes decisions on the educational placement of their child.
- 3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public education agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
- 4) A placement decision may be made by a group without the involvement of the parent, if the public education agency is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

### **§300.502 Independent Educational Evaluation**

- 1) The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The public education agency must provide to parents, upon request for an independent educational evaluation: a) Information about where an independent educational evaluation may be obtained; and b) The agency criteria applicable for independent educational evaluations. Agency criteria for the independent educational evaluation must be the same as the criteria the agency uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.
- 2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public education agency. If a parent requests an independent educational evaluation at public expense, the public education agency must, without unnecessary delay, either:
  - a) File for a due process hearing to show that its evaluation is appropriate; or
  - b) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.
- 3) If a due process hearing decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
- 4) If a parent requests an independent educational evaluation, the public education agency may ask for the parent's reasons for the objections but may not require the parent to provide an

explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation.

5) A parent is entitled to only one independent educational evaluation at public expense each time the public education agency conducts an evaluation with which the parent disagrees.

6) The results of any independent educational evaluation that is obtained by or provided to the public education agency:

- a) Must be considered by the public education agency if it meets agency criteria in any decision with respect to the provision of FAPE to the child; and
- b) May be presented by any party as evidence in a due process hearing.

7) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

### **§300.503 Prior Notice by the Public Education Agency; Content of Notice**

1) Written notice must be given to the parents of a child with a disability a reasonable time before the public education agency:

- a) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

2) The notice must include:

- a) A description of the action proposed or refused by the agency;
- b) An explanation of why the agency proposes or refuses to take the action;
- c) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- d) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part, and if this notice is not an initial referral for evaluation, how a copy of a description of the procedural safeguards can be obtained;
- e) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- f) A description of other options that the IEP team considered and the reasons why those options were rejected;
- g) A description of other factors that are relevant to the agency's proposal or refusal.

3) The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by the parent.

4) If the native language or other mode of communication used by the parent is not a written language, the agency must ensure:

- a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- b) That the parent understands the content of the notice;

- c) That there is written evidence of these requirements.

### **§300.504 Procedural Safeguards Notice**

1) A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:

- a) Upon initial referral or parent request for evaluation;
- b) Upon receipt of a first complaint to the State or first request for a due process hearing in a school year;
- c) When a disciplinary change of placement/removal has been initiated; or
- d) Upon request by a parent.

2) The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151– 300.153, §300.300, §§300.502–300.503, §§300.505–300.515, §300.520, §§300.530–300.536, and §§300.610–300.625 relating to:

- a) Independent educational evaluations;
- b) Prior written notice;
- c) Parental consent;
- d) Access to education records;
- e) Opportunity to present and resolve complaints through the due process hearing and State complaint procedures, including;
  - i) The time period in which to file a complaint;
  - ii) The opportunity for the agency to resolve the complaint;
  - iii) The difference between due process hearing and State complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
- f) The availability of mediation;
- g) The child's placement during the due process hearing;
- h) Procedures for students subjected to placement in an interim alternative educational setting;
- i) Requirements for unilateral placements by parents of children in private schools at public expense;
- j) Due process hearings including requirements for disclosure of evaluation results and recommendations;
- k) Civil actions, including timelines; and
- l) Attorney fees.

3) This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503.

### **§300.505 Electronic Mail**

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the public education agency makes that option available.

### **§300.506 Mediation**

1) The public education agency will establish procedures to allow parties to dispute (including those matters arising prior to a request for a due process hearing) to resolve disputes through mediation. Procedures will ensure that the mediation process:

- a) Is voluntary on the part of the parties;
- b) Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA; and c) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

2) A public education agency may establish procedures to offer parents and schools that choose not to use mediation an opportunity to meet at a time and location convenient to the parties with a disinterested party:

- a) Who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center, or community parent resource center; and
- b) Who would explain the benefits of and encourage the mediation process to the parents.

### **§300.507 Filing a Due Process Complaint**

1) A parent or public education agency may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.

2) The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or public education agency knew or should have known about the alleged violation.

3) The public education agency must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

### **§300.508 Due Process Complaint (Hearing)**

1) The public education agency will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.

2) The party filing the notice for a hearing must forward a copy of the request to the State. 3) The due process hearing complaint must include the following in order for the complaint to be heard:

- a) The name of the child;
- b) The residential address of the child;
- c) The school of attendance;
- d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- e) A proposed resolution of the problem to the extent known and available to the party at the time.

3) The due process hearing complaint must include the following in order for the complaint to be heard:

- a) The name of the child;



- b) The residential address of the child;
- c) The school of attendance;
- d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- e) A proposed resolution of the problem to the extent known and available to the party at the time.

4) The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.

5) Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.

6) A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
- The hearing officer grants permission, but in no case is it amended later than five days before the due process hearing begins.
- 

7) If a party files an amended complaint, the relevant timelines begin again.

8) If the public education agency has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.

9) Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.

### **§300.510 Resolution Process**

1) Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, the public education agency must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:

- a) Includes a representative of the public education agency who has agency decision-making authority;
- b) May not include an attorney of the public education agency unless the parent is accompanied by an attorney.

2) The purpose of the meeting is for the parent of the child to discuss the due process complaint and the factual basis of the complaint, so the public education agency has the opportunity to resolve the dispute.

3) The resolution meeting need not be held if:

- a) The parent and public education agency agree in writing to waive the meeting; or

- b) The parent and public education agency agree to use the mediation process.
- 4) The parent and the public education agency determine the relevant IEP team members to attend the meeting.
- 5) If the public education agency has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.
- 6) The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived will delay the timelines for the resolution process and due process hearing until the meeting is held.
- 7) If the public education agency is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the agency may, at the end of the 30-day period, request that the hearing officer dismiss the parent's due process complaint.
- 8) If the public education agency fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.
- 9) The 45-day timeline for the due process hearing starts the day after:
  - a) Both parties agree in writing to waive the resolution meeting; OR
  - b) After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; OR
  - c) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.
- 10) If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:
  - a) Signed by both the parent and public education agency representative who has authority to legally bind the agency; and
  - b) Enforceable in any state court of competent jurisdiction or in a district court of the United States.
- 11) Either party may void the agreement within 3 business days of the agreement's execution.

### **§300.518 Child's Status during Proceedings**

- 1) The child involved in the due process hearing complaint must remain in his or her current educational placement:
  - a) Unless a discipline appeal has been filed as provided in §300.533;
  - b) During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
  - c) Unless the public education agency and parents of the child agree otherwise.

- 2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.
- 3) If the complaint involves an application for initial services for a child who has turned 3 and is transitioning from Part C to Part B, the public education agency is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services under §300.300(b), then the public education agency must provide those services that are not in dispute.
- 4) If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.

### **§300.519 Surrogate Parents**

- 1) The public education agency will ensure that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:
  - a) No parent can be identified;
  - b) After reasonable efforts are made, no parent can be located;
  - c) The child is a ward of the State (with no foster parent); or
  - d) The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act;
- 2) The public education agency will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.
- 3) The public education agency will ensure that a person selected as a surrogate parent:
  - a) Is not an employee of the State, the agency, or any other agency that is involved in the education or care of the child;
  - b) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
  - c) Has knowledge and skills that ensure adequate representation of the child.
- 4) In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section.

### **§300.520 Transfer of Parental Rights at Age of Majority**

- 1) When a child with a disability reaches age 18, unless that child has been determined to be incompetent:
  - a) The public education agency will provide any notice required by the IDEA regulations to both the child and the parents; and
  - b) All rights accorded to parents under Part B of the Act transfer to the child.
- 2) When the rights are transferred, the public education agency will provide notice to the child and parent of the transfer of rights.

**AAC R7-2-401.I Procedural Safeguards**

1) Each public education agency shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination of information to parents about the public education agencies and the state's dispute resolution options.

2) In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or provision of FAPE to the child, but before the decision is implemented.

### What Circumstances Require a Prior Written Notice?

Events Requiring a Prior Written Notice	YES	NO
<b>Identification</b>		
Screening		X
Teacher Assistance Team (TAT)		X
Intervention strategies		X
Referral for initial evaluation	X	
<b>Evaluation</b>		
Collection of new data for initial evaluation and reevaluation	X	
Evaluation of progress on the annual goals		X
Administration of statewide or schoolwide assessments		X
Independent education evaluation		X
Determination of eligibility upon completion of an initial evaluation or reevaluation	X	
Eligibility issues	X	
Refusal to conduct an evaluation	X	
<b>Educational Placement</b>		
Initial educational placement into special education	X	
Relocation of the special education program		X
Any change in educational placement	X	
Termination of special education and related services	X	
Transfer of student to another school or district		X
Graduation with a regular diploma	X	
Disciplinary removal for more than 10 consecutive school days	X	
Disciplinary removal for not more than 10 school days		X
A series of disciplinary removals that constitute a pattern of removals	X	
Disciplinary removal to an IAES for not more than 45 school days	X	
<b>Provision of FAPE</b>		
Deletion or addition of a related service	X	
Change in annual goals on an existing IEP	X	
Increase or decrease in special education services or related services	X	
Change in how a student will participate in statewide and districtwide assessments	X	
Review and revision of the IEP	X	
Increase or decrease to supplementary aids and services or supports to school personnel	X	
Refusal to increase or decrease a related service	X	
Consideration of ESY if done at a separate meeting	X	



# SOUTHGATE ACADEMY

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## IEP Excusal Form

Student \_\_\_\_\_

Date \_\_\_\_\_

***A required member of a student's IEP team is not required to attend an IEP meeting, in whole or in part, if the parent and the school agree, in writing, that the attendance of the member is not necessary because that person's area of the curriculum or related services is not being modified or discussed in the meeting. [paraphrased from IDEA regulation §300.321 (e) (1)1***

*A required member of a student's IEP team may be excused from attending an IEP meeting, in whole or in part, when the meeting **does** involve a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the public agency **consent** to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. [paraphrased from IDEA regulation §300.321 (e) (2)1*

Changes can be made to an IEP **after** the annual IEP meeting, the parent and school may agree not to reconvene the IEP team to make changes, provided the parties develop a written document to amend or modify the current IEP and share the revisions with the IEP team. [paraphrased from IDEA regulation §300.324(a) (4)]

The parent and school agree that the following required IEP team member can be excused from the IEP meeting, in whole or in part, because his/ her area of the curriculum or related services is **not** being modified or discussed at the meeting.

Name of required IEP team member: \_\_\_\_\_

Parent Signature indicates agreement: \_\_\_\_\_

The parent consents to the excusal of a required IEP team member, in whole or in part, because the member, whose area will be discussed or modified at the IEP meeting, provided to the parent in advanced of the meeting a written statement with input for the development of the IEP.

Name of required of the IEP team member: \_\_\_\_\_

Parent signature indicates consent: \_\_\_\_\_ **(parent signature indicates consent to the excusal and acknowledgment that the required member provided a written statement before the IEP meeting.**

The parent and school agree that no IEP meeting is necessary to make changes to the current IEP. (this option is not available in lieu of the annual IEP meeting and can only be used for an IEP addendum).



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## Present Level of Academic Achievement and Functional Performance (PLAAPF) Information About the Performance of a Student with a Disability

Student Name: \_\_\_\_\_

Date: \_\_\_\_\_

Teacher Name: \_\_\_\_\_

Subject: \_\_\_\_\_ Grade \_\_\_\_\_

Please return this form to the special education teacher by: \_\_\_\_\_

All students with disabilities who are eligible to receive special education are required to have an annual IEP that details their present levels of academic achievement and functional performance. Your input is important and required.

- Write the facts; no opinions are to be included.
- Support with **specific data** that will be used for baseline performance (AZMERIT scores; Galileo scores and trends; common formative assessments, curriculum-based measurement; unit test grades and percentages; 6-Trait writing scores; areas mastered with proof of mastery, etc.)
- Support observations with **specific** examples.
- For Needs, identify areas of learning that the student needs most to progress and build skills.

Strengths:

Weaknesses:

Educational Needs:

Do you have suggestions for specific goals or specific skills that you think should be included in the proposed?

What accommodations on the student's old IEP are useful and should be continued?

What accommodations on the student's old IEP are no longer needed by the student?

Do you recommend additional new accommodations to help the student gain access to the general education curriculum?

Does the student's behavior impede his / her education or that of other students? If so, provide detailed information and data to support your assertion.

Do you have specific concerns that you think the student's IEP team needs to discuss? If so, explain your concerns and provide specific examples / information.



**Attach student work samples if you think this would be helpful.**

**Strengths:**

- Student averaged 83% on weekly spelling tests composed of words from the 4<sup>th</sup> grade Dolch reading list.
- Student improved reading fluency on a 4<sup>th</sup> grade reading nonfiction passage from 55 wpm to 90 wpm with no errors.
- Student reduced interruptions from 5 incidents in a one-hour period to 2 in a one-hour period with no prompts by the teacher.
- Student can write an expository essay with 5 paragraphs, clear topic sentence, thesis, supporting paragraphs, and a conclusion.
- Student can independently choose an appropriate graphic organizer and use it to guide her as she outlines a personal narrative or expository essay.
- Student can use the on-line card catalog to locate a fiction or nonfiction book
- Student can answer main idea questions after reading a passage at the 4<sup>th</sup> grade reading level.

**Weaknesses:**

- Student averaged 20% on conventions of all writing assignments in the 1<sup>st</sup> quarter.
- Student averaged 25% on math tests involving subtraction of 2-digit numbers with borrowing during the second quarter.
- Student often interrupts and requires teacher prompts 100% of the time.
- Student turned in late homework on 20 of 25 times when it was assigned.
- Student was tardy on 33 of the 40 days in the third quarter.
- Student's grades on fractions and percentages average less than 10%.
- Student needs teacher assistance and prompts when choosing a graphic organizer for any in-class writing assignment.
- Student has given 3 speeches in front of the class, and she gave up in laughter and embarrassment each time.

**Educational Needs:**

- Student needs to learn how to use a graphic organizer as a pre-writing task.
- Student needs to learn to write an expository essay.
- Student needs to improve mental math to calculate 10% of a given number.
- Student needs to utilize inference skills when reading a comic strip or a fiction story.
- Student needs to be able to identify verbs, nouns, adjective, adverbs and prepositions to analyze grammar and understand teacher corrections.
- Student needs to be able to correctly sequence major events from a fiction story written at the 4<sup>th</sup> grade level.
- Student needs to develop enough confidence to be able to speak in front of the class for 1 minute on a topic of her choosing without laughing.
- Student needs to reduce errors in math calculation by checking her work before turning it in.

**Strengths:**

- Student is earning an A in math class.
- Student improved in the last quarter to be in the top 10% of the class.
- Student should be immediately promoted to the next grade level.
- Student can debate well and stand up for herself.
- Student works well with others and is a good team leader.
- Student is an effective and patient peer mentor to other students.
- Student always completes homework.
- Student cooperates well with adults and peers.
- Student is only occasionally tardy.
- Student pays attention most of the time.

**Weaknesses:**

- Student needs to pay attention and turn in homework on time.
- Student talks too much and brings her cell phone to text during class.
- Student does not follow directions.
- Student earned a D average on assignments, tests, quizzes and projects.
- Student is in the wrong class; she needs to move to a less challenging class.
- Student day dreams and is easily distracted.
- Student is rude and disrespectful to the teacher and her classmates.
- Student can't do long division.
- Student can't do mental math.
- Student needs help with math story problems.

**Educational Needs:**

- Student needs to study harder; it's not that she can't do the work, but that she won't.
- Student needs to work to her full potential.
- Student needs to move to a less challenging curriculum.
- Student needs to be in the resource room instead of the general education class.
- Student needs to be retained in the same grade next year.
- Student needs to learn English.
- Student needs a lot of teacher assistance.
- Student needs a patient teacher.
- Student needs to use a calculator because she can't learn the multiplication tables.
- Student needs to improve their grades.

**Appendix #1 - IEP Excusal Form**

**Appendix #2 – Present Levels Of Performance**