You Get the IDEA!:

Basics of the Individuals with Disabilities Education Act and Louisiana IEPs

Presented by: Kimona Hogan of Hogan Law Firm, LLC

DISCLAIMER:

All materials are intended for general information and educational purposes. The information presented is NOT actual legal advice, is not to be acted on as such, may not be current, and is subject to change without notice. Consult with a qualified attorney for such advice.

"The reauthorized Individuals with Disabilities Act of 2004 is confusing to most parents, educators, related service providers, and even to many advocates and attorneys. Ignorance of the law can be as damaging as the child's disability."

- Wrightslaw: Special Education Law 2nd Edition

Become **INFORMED**.

Informed parents are more **EMPOWERED**.

Empowered parents can expect Progression.

Individuals with Disabilities Education Act (IDEA)

1975: The Education for All Handicapped Children Act (EAHCA) is passed

1980: Amended

1990: Renamed IDEA

1997: Amended

2004: Amended

The IDEA offers federal funds to assist states in educating children with disabilities. States must comply with specific laws in order to receive federal funding

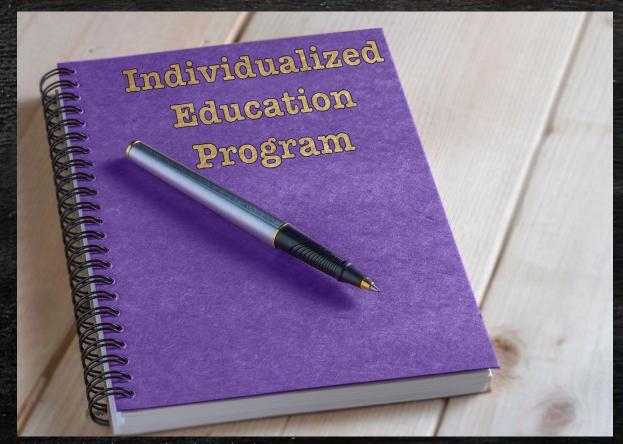
FAPE: Free Appropriate Public Education





FAPE is the cornerstone of IDEA. Special education and related services provided in conformity with an IEP; are without charge and meet certain standards.

Individualized Educational Program (IEP)



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Written statement for each student with a disability that is developed, reviewed, and revised in a meeting in accordance with certain requirements of law and regulations

General Discussion of IDEA

The IDEA provides every disabled child with the right to FAPE³⁰² designed to meet Minor's specialized needs. 303 A school provides FAPE by creating an IEP for each child. 304 Before creating the IEP, the school district must conduct an initial evaluation to determine the student's eligibility and to identify Minor's educational needs. 305 An IEP is created by an "IEP Team" comprised of the child's parents, at least one of Minor's regular teachers, at least one of Minor's special education teachers, a school board representative, an individual who can interpret evaluation results (who may be either one of the teachers or the school board representative) and, if appropriate, the child himself.306 The IEP must outline the student's then-current educational status, establish annual goals, and detail the special educational services and other aids that the child will be provided.307 It also must provide, among other things, "the projected date for the

beginning of the services and modifications . . . and the anticipated frequency, location, and duration of those services and modifications." 308

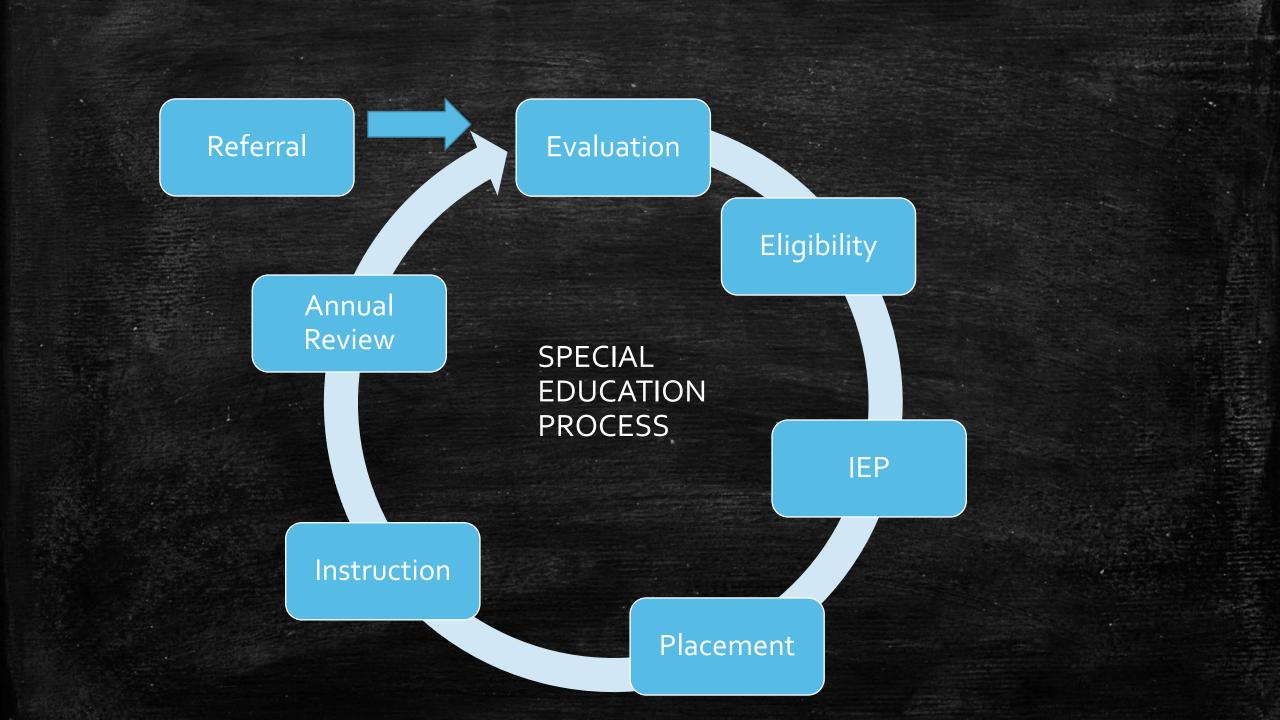
Rowley Standard

In Board of Education of Hendrick Hudson Central School District, Westchester County v.

Rowley, 309 the U.S. Supreme Court defined the contours of FAPE and established a two-pronged test to be used to determine if FAPE is being provided: (1) Has the State complied with the procedures set forth in the Act; and (2) Is the IEP that was developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits? 310 If these requirements are met, compliance with the obligations imposed by Congress have been met. 311

The Supreme Court in Endrew F. ex rel. Joseph F. v. Douglas County School. District, refined the Rowley FAPE standard to "a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The Supreme Court has held that "the essential function of an IEP is to set out a plan for pursuing academic and

functional advancement." An IEP is reasonably calculated to provide meaningful educational benefit if a multi-factor analysis indicates "(1) the program is individualized on the basis of the student's assessment and performance; (2) the program is administered in the least restrictive environment; (3) the services are provided in a coordinated and collaborative manner by the key 'stakeholders'; and (4) positive academic and non-academic benefits are demonstrated."³¹⁴ A FAPE "need not be the best possible one, nor one that will maximize the child's educational potential; rather, it need only be an education that is specifically designed to meet the child's unique needs, supported by services that will permit [the child] to benefit from the instruction."³¹⁵ The IDEA does not require that parental preferences be implemented in an IEP.316 The Rowley two-pronged inquiry is used to determine whether a public agency, such as School Board, has provided FAPE under the IDEA to a particular child with a disability.



VERSUS....

IDEA/IEP	504/IAP
Requires states to comply with certain laws in order to receive federal funding	Prohibits any entity that receives federal funding from disability discrimination
Funding/Services Act	Civil Rights/Accommodations Act
Greater protections than 504	Does not rise to level requiring IEP



RESOURCES

National Resource

• COPAA – Council of Parent Attorneys & Advocates

www.copaa.org

- *Scholarships are available
- *Free parent training
- Wrightslaw

www.wrightslaw.com

Louisiana Resources

Local parent training center
Families Helping Families

www.fhfofgno.org/
www.fhfgbr.org/

or

Pyramid Community Parent Resource Center www.pyramidparentcenter.org

- Advocacy Group/ Advocate
- Attorney



www.theieplawyer.com

Presented by:
Attorney Kimona Hogan

of
Hogan Law Firm, LLC



Using the gift of skilled advocacy to serve our Families, with grace and by Grace

Our home office is located in Denham Springs, La.

INDIVIDUALIZED EDUCATION	N PROGRAM	Student Name:		DO	DB:	Grade: _		CONFII	DENTIAL	DOCUMENT
LOUISIANA DEPARTMENT O	F EDUCATION	System:	N	leeting Date:	Sta	ite ID:	Local ID:	Page	of	Revised 2020
Transition Services										
Date of Student Invitation:			Method of Student Invitation:							
Measurable Postsecondary G	oals (Outcomes	that occur after the student h	as left high school.)							
Training or Education Goal:	caio (Catoonioo	that occur and the stadenth	de loit riigh conceil,							
Employment Goal: Independent Living Goal:										
(if applicable)										
		essments used to address the entation must be included in	ne student's career interests, v IEP folder.	ocational skills, en	nployability, inc	dependent living	skills, self-advoc	cacy and other prefe	rences an	d interests.
TRANSITION SERVICES	SCHO	OL ACTION STEPS	STUDENT ACTIO	N STEPS	FAI	MILY ACTION S	TEPS	AGENCY	ACTION :	STEPS
INSTRUCTION/ RELATED SERVICES										
COMMUNITY EXPERIENCES										
EMPLOYMENT AND										
POSTSCHOOL ADULT LIVING										
FUNCTIONAL VOCATIONAL										
EVALUATION AND DAILY										
LIVING SKILLS										
☐ The Individ	<u>I</u> lual Graduation Pl	lan (IGP)	☐ Individual Graduati	on Plan for I FAP (Connect	П	Educational/Car	Leer Plan for LEAP C	Connect	
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General Student II	nformation							
HOMEBASED SCHOOL	<u>L:</u>			OTHER SCHOOL:				
IEP TYPE:		INDIV	/IDUAL EVALUATION / WAIVER [DATE:				
Primary / Other	Exceptionality		Detail(s)	_				
Primary								
Other								
Other								
Other								
Other								
IEP Participants	Nan	ne		IEP Participants		Name		
and consideration of sp Directions: Check "Ye Does the student have Yes N Does the student have pragmatics, or auditory Yes N In order to efference In the Control A common At lease General Information	es" or "N/A" for both limited or no verbal si N/A other significant impa processing. N/A ctively plan for this st General Student Inforcemunication Needs amunication plan must	or, language needs for E n questions. kills? airment in the areas of re udent's unique commun rmation drop down list, t s of Child" section must t be developed for this s	developmental, and functional needinglish Learner, instruction in and understand and or expressive languages and facilitate the "Communication" item will selfbe completed. Student. "The Tools for Developing uded in the instructional pages of the student and the student and the instructional pages of the student and	ge, including but not limited his/her academic progres populate.	on needs, assistive to impairments in s,	technology devices and servent the areas of apraxia, articula	vices, and health needs	S.
about the Student: Strengths:								
Parent Concerns:								
Evaluation / Reevaluation Results:								

NDIVIDUALIZED EDUCATION PROGRAM	Student Name:		ров: _	Grade:		ONFIDENTIAL	DOCUMENT
OUISIANA DEPARTMENT OF EDUCATION	System:		Meeting Date:	State ID:	Local ID:	Page of	Revised 2020
Academic, Developmental, and Functional Needs:							
Statewide Assessment Results:							
Progress or lack of expected progress in general education							
curriculum:							
General Student Information (cont	inued)						
Consideration of Special Factors							
Behavior:							
English Learner:							
Communication Needs of Child:							
Instruction in and use of Braille:							
of braille.							
Assistive Technology							
Services / Devices - Please indicate AT							
devices used on the Accommodations							
Page Health needs - IHP							
needs to be attached to IEP							
_	n by the IEP team, there a	e no special factors that	need to be addressed at the	his time			
Fransition Courses of Study - Attach plan to IEP:	Prescription for Instruction	☐ Individual Graduation Plan	☐ Individual Gradual Students	tion Plan for LEAP Connect	☐ Educational/Ca Students	areer Plan for LE	AP Connect
		Dia.					

OUISIANA DEPARTMENT OF EDUCATION	ON System:	Meeting Date:	State ID:	Local ID:	Page of	Revised 2
Instructional Plan #						
EDUCATIONAL NEED AREA:						
CONTENT AREA:						
☐ ESY Instruction ☐ Targeted for Secondary Transition	□ April Dunn Act Applied□ Louisiana Connectors AlignedInstruction					
Present Level of Academic Achievement	and Functional Performance					
Measurable Academic / Functional Goal						
Method of Measurement:						
Additional Methods of Measurement:						
Date Achieved:						
		S PARTICIPATING IN ALTERNA RM OBJECTIVES or BENCHMAI				
# THE STUDENT WILL					Date Achieve	ed
1						
2						
3						
PERSONNEL RESPONSIBLE FOR IMPL	LEMENTING GOAL (Check by position)					
☐ Special EducationTeacher ☐ Educator Other Related Service Prov ☐ Other (List)	Parent Speech/Language Pathologist viders (List)	Regular EducationTeacher	Student	☐ Adapted Physical		
Curior (List)						

Grade:

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INDIVIDUALIZED EDUCATION PROGRAM

DUISIANA DEPARTMENT OF EDUCA	TION System	:			Meetin	g Date:	\$	State ID:		Local ID: _		Page of	Revis
Accommodations listed on the IEP sh nstructional accommodations used r				ction and o	n similar cla	assroom as	sessments.	Select testi	ng accomm	odations th	at correlat	e to	
ESY Instruction			-										
NONE (This student does not requ	ire Accommoda	tions)											
English III Only *Replaced LEAP and EOC	ations on the Fr	III FOC											
**Except Reading Comprehension se Accommodations	ctions on the Ei	ig iii EOC		CHECI	K THE INDIV	IDUAL ACC	OMMODAT	IONS NEED	ED				
Access For All	☐ Accom	nmodation					Statev	ide Assess	ments				
△ Accessibility Feature	Assisti	ve Technology			Pa	per					Online		
	Class	sroom		LEAP	2025**		Grades	Grades	Grades		LEAF	P 2025**	
	Instruction	Testing	ELA	Grad Math	les 3-4 Social	Science	3-12 LAA 1	9-12 LAA 2	3-12 LEAP	ELA	Grad Math	es 3-12 Social	Science
	instruction	resung	ELA	Watti	Studies	Science	Science	LAA Z	Connect	ELA	Watti	Studies	Science
Presentation Accommodations													
Read Aloud													
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Curzweil							٠.	٠.	٠.	٠.	• •	· .	٠.
Recorded voice file								٠.	٠.	٠.	٠.	· .	
Modify Test/Assignments			•	•	•		•					*	
Modified tests				• •		٠.	٠.	• .	• •	• .			٠.
Modify assignments as needed			•	•		· .			٠.		٠.	٠.	٠.
Shorten assignments			•	•		· .			٠.		٠.	٠.	٠.
imit amount of work required or length f tests			٠.	• •	٠.	٠.	٠.	٠.	٠.	• •	• •		
Modify/repeat/model directions			٠.	٠.		• .	· .	٠.	٠.	٠.	٠.	٠.	٠.
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imited multiple choice/Reduce answer hoices			٠,	٠.					٠.		• .		٠.,
Provide Word bank/Word assistance			· .	٠.		٠.	٠.	٠.	٠.	٠.	• .	٠.	٠.
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Grade:

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INDIVIDUALIZED EDUCATION PROGRAM

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 Access For All 	☐ Accom	modation					Statev	vide Assess	ments				_
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	Class	room		LEAP Grade	2025** es 3-4		Grades 3-12	Grades 9-12	Grades 3-12			2025** s 3-12	
	Instruction	Testing	ELA	Math	Social Studies	Science	LAA 1 Science	LAA 2	LEAP Connect	ELA	Math	Social Studies	Science
Presentation Accommodations													
Communication Assistance													
Communication Assistance/Task Description				• .	• .	• .				• .	• .	• •	• .
Fm system													
Adapted toys/games				٠.					٠.	• .	• •	• •	٠.
Computer/Word-Processor							٠.		٠.			. 0	
Touch Screen Monitor			٠.	٠.	٠.	٠.	٠.	• .	• .				
Reading pen			٠.	٠.	٠.	٠.	٠.	• .	٠.		٠.	• .	٠.
Communication assistance - related to nearing loss only													
Hearing Device													
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Audio Amplification System										0			0
Communication Assistance Script (for nterpreters and UEB read aloud)							•						
Other Presentation Accommodations									•				
Answer Masking			. 0	. 0		0	. 0	. •		0			
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Highlight Tool/Highlighter			. 0	. 0	0	0	٠.		. 0	0			0
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Magnification/Enlargement Device									0	0		0	0
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INDIVIDUALIZED EDUCATION PROGRAM

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	Instruction	Testing	ELA	Math	Social Studies	Science	LAA 1 Science	LAA 2	LEAP Connect	ELA	Math	Social Studies	Scienc
resentation Accommodations													
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Other (Classroom only - NOT fo	r												
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Inique (Requires additional ocumentation and LDOE appro	oval												
or use on state assessments)	7741												

Grade:

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INDIVIDUALIZED EDUCATION PROGRAM

IDIVIDUALIZED EDUCATION PROGRA	AM Student	Name:				DO	OB:	Gra	de:		co	ONFIDENT	AL DOCUME
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 Access For All 	☐ Accom	modation					Statev	vide Assess	ments				
△ Accessibility Feature	Assistiv	ve Technology			Pa	per					Online		
	Class	room		LEAP Grade			Grades 3-12	Grades 9-12	Grades 3-12			2025** es 3-12	
	Instruction	Testing	ELA	Math	Social Studies	Science	LAA1 Science	LAA 2	LEAP Connect	ELA	Math	Social Studies	Science
Response Accommodations													
Communication Assistance													
Communication board/system									٠.				
unctional communication book									٠.				
PECS									٠.				
cribing/Utilize oral responses to ssignments/tests (answers recorded)									• .				
Speech-to-Text													
oice output device													
oice recognition software		□□♦							• .		٠.		• .
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leadmouse					٠.	• •	• .	٠.	· .				
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daptive Joystick									٠.				□□◆
computation Devices (Except on specific	c fluency items)												
calculators			• .			• •	• •						• .
Multiplication Chart/Hundreds Chart/Number Line			٠.		٠.	٠.	٠.			• •			• .
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△ Accessibility Feature	♦ Assistiv	ve Technology			Pa	per					Online		
	Class	room		LEAP :			Grades 3-12	Grades 9-12	Grades 3-12			2025** es 3-12	
	Instruction	Testing	ELA	Math	Social Studies	Science	LAA1 Science	LAA 2	LEAP Connect	ELA	Math	Social Studies	Science
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opy of notes (teacher notes, class tes)			٠.	• .	٠.				٠.	٠.	٠.		٠.
ord bank, reduced answer choices on ultiple choice tests				٠.	٠.	٠.		٠.	٠.	٠.	• ,		٠.
ord prediction on the ELA/Literacy									٠.,				
anners/Organizers/Graphic ganizers			٠.	٠.	٠.	٠.			٠.	٠.	٠.		٠.
lapted grips/utensils/pencils/drawing							٠.		٠,				
re gaze communication system													
swers Recorded													
ansferred Answers							· .						
ovide product options for students to tain information and demonstrate owledge through use of: alternative ojects/ interviews/ oral reports												• .	
udent writes on test	٠.		. 0	0	0	0	٠.	. 0	٠.		٠.	٠.	
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DOB: Grade:

CONFIDENTIAL DOCUMENT

INDIVIDUALIZED EDUCATION PROGRAM

DIVIDUALIZED EDUCATION PROGRA	M Student	Name:					OB:	Gra			c	ONFIDENT	
LOUISIANA DEPARTMENT OF EDUCATION System: Meeting Date:								State ID:		Local ID: _		Page of	Revi
Unique (Requires additional documentation and LDOE approfor use on state assessments)	val												
Access For All	☐ Accom	modation					Statev	vide Assess	ments				
▲ Accessibility Feature	Assisti	ve Technology			Pa	per					Online		
	Class	room			2025** les 3-4		Grades 3-12	Grades 9-12	Grades 3-12			2025** es 3-12	
	Instruction	Testing	ELA	Math	Social Studies	Science	LAA1 Science	LAA 2	LEAP Connect	ELA	Math	Social Studies	Science
iming & Scheduling				•	•	•	•					•	
xtended Time/Increase the amount of me allowed to complete assignments and tests													
ace long term projects			• •			٠.	• •	• .		• •	• •		
xtra time-written work			•	• •	٠.	٠.		• .	٠.	٠.	٠.		٠.
rior notice of tests			• .		٠.	٠.	•	• .	٠.	•			٠.
lodify student's schedule		٠.	٠.	٠.	٠.	· .	· .		٠.		٠.	• .	
llow breaks during work periods, etween tasks, during testing rovide assistance/cues for transition													
rovide assistance/cues for transition etween classes, lockers, and home		٠.	•	· .		٠.	٠.	• .		٠.	٠.		٠.
content Mastery Center				• -		٠.	٠.	٠.		• .			٠.
Other (Classroom only - NOT for state assessments)													
Unique (Requires additional documentation and LDOE approor use on state assessments)	val												

NDIVIDUALIZED EDUCATION PROGRA	AM Student	Name:				DO	OB:	Gra	ide:		C	ONFIDENTI	AL DOCUMENT
OUISIANA DEPARTMENT OF EDUCAT	ΓΙΟΝ System:				Meetin	g Date:	\$	State ID:		Local ID: _		Page of	Revised 2020
 Access For All 	☐ Accom	modation					Statew	ide Assess	sments				
△ Accessibility Feature	♦ Assistiv	ve Technology			Pa	per					Online		
	Class	room			2025** es 3-4		Grades 3-12	Grades 9-12	Grades 3-12			2025** es3-12	
	Instruction	Testing	ELA	Math	Social Studies	Science	LAA1 Science	LAA 2	LEAP Connect	ELA	Math	Social Studies	Science
Setting Considerations					•								
Individual testing	• •	□Δ	□Δ	□Δ			• •	□Δ	• .		□Δ		□Δ
Small group testing	٠.	□Δ			□△				• •			□△	□Δ
Provide individualized instruction			٠.		٠.		• .	• •	• .	• •	٠.		• •
Provide small group instruction		٠.			•	٠.			٠.	• •	٠.	٠.	• .
Assign peer tutors/work buddies/note- takers		٠.				٠.		٠.	٠.	٠.			• .
Provide desktop list of tasks		٠.	٠.	· .	• -		•	٠.	• .	٠.	· .		• .
Alter physical room environment							• •		• .				
Separate or Alternate Location	□△	□Δ	□△		□△		• .		٠			□Δ	□Δ
Specified Area or Seating				□Δ			• •				□Δ	□Δ	□Δ
Other (Classroom only - NOT fo state assessments)	r												
Unique (Requires additional documentation and LDOE approfor use on state assessments)	oval												

NDIVIDUALIZED EDUCATION PROGRAM	Student Name:				DOB:	Grade:	CONFIDENTIAL DOCUME		
OUISIANA DEPARTMENT OF EDUCATION	System: Meeting I			Date:	State ID:	Local ID: _	Page_	of Revised 2020	
Services / Placement									
CTUDENTS TOTAL INSTRUCTIONAL DAY /	Minutael		udent attends s	ahaal 🔲 daya r	ar wools				
STUDENTS TOTAL INSTRUCTIONAL DAY (williutes).		Individual /		oer week.	Comi	nunity	Special	Class
Service	Date to Begin	Duration	Group	Minutes	Sessions	Minutes	Sessions	Minutes	Sessions
						Total N	lumber of Minutes i	in Special Setting p	per Week:
					r Class	Community		Special Class	
Service	Date to Begin	Frequency	Group	Minutes	Sessions	Minutes	Sessions	Minutes	Sessions
								†	
						Tota	Number of Minute	s in Special Setting	g per Week:
PLACEMENT/SERVICE DETERMINATION C Attends Regular Early Childhood Program at I		wook			Attends 9	Special Education D	rogram (not in any re	gular early childhoo	d program)
Receives majority of hours of special educ	ation and related	services in the	regular early ch	nildhood program	☐ Sepa	rate Special Educati		sidential Facility	u program)
Receives majority of hours of special educ Attends Regular Early Childhood Program les			ne other locatio	n		rate School neither a regular earl	y childhood program	nor a special educa	ation program
Receives majority of hours of special educed Receives Receives Majority of hours of special educed Receives Rec	ation and related	services in the			☐ Rece	ives majority of spec	cial education and rel	ated services at hor	
The receives majority of flours of special educ	ation and related :	services iii sori	ie otner locatio	11	locati		ciai education and rei	aled services at ser	vice provider of other
COMMENTS									

INDIVIDUALIZED EDUCATION PROGRAM	Student Name:	DOB:	Grade:	CONFI	DENTIAL DOCUMENT
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Placement SITE DETERMINATION NOTE: The local education agency may choose to complete this section at this time. If the following assurances cannot be provided at this time, then a Site Determination Form asset that the site selected is in accordance with least restrictive environment rules must be forwarded to the parent within ten (10) calendar days. ASSURANCES: 1. This school is the one the student would attend if he or she were not identified excepting 2. This school and class are chronologically age appropriate for the student. 3. The school selected is accessible to the student for all school activities. 4. The classroom is comparable to and integrated with regular classes. Site: PROGRESS REPORT The LEA assures that the program and services described in the IEP will be provided.		Beginning at least that my (his or her reaching the age of the least o	cone year before reaching) rights under the act will final majority PARENT/STUDEN opposed the Louisiana Educatunity for an oral explanation etermination of eligibility. The initial provision of special disagree with any service in the state's digital not attend the Review	OF MAJORITY g the age of majority, I (my child) I transfer to me (my child) on m T* CONSENT FOR SERVICES Itional Rights of Exceptional Childre In. I have received a copy of my (childre) I education and related services. I es or the placement described on the written dispute resolution options. IEP Team meeting. NG DOCUMENTATION	have been informed y (his or her) n with disabilities, and hild's) evaluation and
The schedule for describing the progress towa functional annual goals will be every weeks, c ASSESSMENT IMPI I understand my child will participate in LEAT Testing in LEAP Connect means my child may earn requirements for the alternate pathway to a Connect. If my child does not meet those recrificate of Achievement. The implication explained to me and will be reviewed annu. I understand my child (I) will participate in Leap by meeting all graduation requirements, my However, if my child (I am) is not pursuing Louisiana's General Education Developme Certificate, or a State Approved Skills Certic earning a high school diploma, GED, or Stamet, then my child (I) may be eligible to exicunderstand that this certificate limits my chand careers, including military services. The imexplained to me and will be reviewed annual.	LICATIONS (Check one) AP Alternate Assessment, LEAP Connect. In a high school diploma if my child meets the a diploma for students assessed on LEAP equirements, I understand my child should earn a is of participating in LEAP Connect have been ally. LEAP Alternate Assessment, Level 2 (LAA 2), and y child (I) will receive a high school diploma. a high school diploma, my child (I) may pursue nt (GED) diploma with possibly an Industry Based ifficate. If during the exit year all requirements for ate Approved Skills Certificate have not been it high school with a Certificate of Achievement. I ilid's (my) choices of post-secondary education plications of participating in LAA 2 have been ally.	Individual Healthcare Pl Individual Prescription for Individual Graduation Presental Consent form for Summary of Performant Parental Consent form for Individual Graduation Prescription Pr	or Instruction (get copy from Ian (current IGP has been for Connections for 8th grace Criteria Form for Medicaid Billing Ian for LEAP Connect Studies and for LEAP Connect Studies Ian consideration Checklist in Request ISURROGATE PARENT/Coulties for the initial properties of the IEP Partice was amended.	m advisor/school guidance counseld uploaded in the attachments feature ders (get signed copy from SBLC telents ents	e) Yes N/A Pam) Yes N/A The standard an IEP team

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