



# Idaho Special Education News



**Volume 2. Issue 1  
August 27, 2018**

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*Idaho Special Education News is provided by the Idaho Department of Education for informational purposes only. It is intended to inform the reader about current events in Idaho pertaining to special education. It is not intended to provide legal advice.*

### Welcome Back!

A new school year brings with it a myriad of tasks to prepare for incoming students, especially students with IEPs, both in the classroom and for administration. The tips for the start of a new school year are intended to assist staff with being proactive and identifies certain tasks that may need to be completed prior to, or at the beginning of each school year. Depending on each student's IEP, other necessary actions or requirements may come into play.

Tips for the school year are also included in this newsletter. These tips were compiled from fifteen parent complaints investigated by the Idaho State Department of Education from April through June 2018. While some of the investigation reports found school districts out of compliance on various issues, other reports found districts compliant in meeting their procedural obligations. Following the tips for the school year discussed below will assist all districts in meeting their IDEA mandates.

### [Tips for the Start of a New School Year](#)

- Ensure that each student's IEP is up-to-date and is ready to be implemented on the first day of the new school year.
- For those students who attended extended school year (ESY) services, ensure that the case manager has reviewed the data collected during ESY. Consider what actions are appropriate upon review of the ESY data.
- Ensure that all related services identified on an IEP can be provided beginning on the first day of school. Administrative convenience, or lack of qualified personnel, is not a justification for not providing related services.
- Notify appropriate school personnel, including teachers, paraprofessionals, school nurses, related service providers, bus drivers, and other appropriate individuals of their IEP obligations, including specific accommodations, modifications and supports that must be provided.
- Provide any necessary training, including training on addressing behavioral issues, to appropriate school personnel to ensure each student's IEP is fully implemented.

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- Promptly respond to any questions school personnel may have regarding each student's IEP.
- Make sure any equipment or assistive technology identified on a student's IEP is available on the first day of school and is in good working order.
- Make sure the bus schedule for each student receiving transportation as a related service is complete and ready to occur on the first day of school.
- Ensure all school personnel needing certification for their positions are properly certified.
- When identifying services needed for a student to receive a free appropriate public education (FAPE), remember that the services should not be selected based on whether Medicaid will provide reimbursement. Student services must be based on individual need, not whether the cost for the services will be reimbursed.
- If a student is transferring from another school, make sure the student's education records are immediately requested. The prior school must take reasonable steps to promptly respond to the record request.
- Immediately review the education records of a transfer student and determine whether further assessments may be needed to determine continued eligibility for special education services based on Idaho's criteria. However, do not delay implementing the services set forth on the transfer student's current IEP while seeking parental consent to evaluate.

was placed in a 45-day interim alternative educational setting (IAES) for disciplinary reasons at the end of the 2017-18 school year, the IAES may carry over into the new school year.

- Maintain the confidentiality of all student records as required by the Family Educational Rights and Privacy Act (FERPA). Only those school personnel with a legitimate educational interest have the right to access a student's education record.

### *Tips for the School Year*

- Remember to implement the school district's child find policies and procedures so that students in need of special education and related services are identified, located and evaluated.
- Ensure that parents are valued team members and are given the opportunity to provide meaningful input regarding the identification, evaluation, educational placement, and provision of FAPE to the student. Parental concerns for enhancing the education of a child must be considered by the IEP team.
- Make sure that a student's evaluation addresses all areas of suspected disability and uses a variety of assessment tools and strategies.
- As part of an initial evaluation and reevaluation, any information or evaluations provided by a student's parents must be considered by the evaluation team.
- Upon completion of a student's evaluation, set up a meeting with the parent and qualified professionals to determine whether the student has a disability under the IDEA.
- Document that the parent received a copy of the evaluation report and eligibility determination.
- Schedule IEP meetings at a mutually agreed-upon time and place with parents early enough



- Begin scheduling IEP meetings with parents if eligibility may be in question, if a student's annual IEP review is approaching, if a parent asks for a meeting, or if the need for an IEP meeting has been identified. Use facilitated IEP team meetings as needed.
- In the event a student



to ensure parents have an opportunity to attend.

- Schedule an annual IEP meeting early in case the meeting date must be rescheduled.
- If a parent is unable to attend an IEP meeting in person, reasonable alternatives to in-person attendance can be offered, such as attendance by telephone, Skype, Zoom, or other means.
- Whenever there is a conflict between procedural requirements, such as timelines, and parental participation, make sure parental participation is given priority. Document both the conflict that is present and the consideration given for parental participation. Don't forget to provide Prior Written Notice to the parent outlining the conflict and the actions taken to ensure parental participation.
- When developing or amending a student's IEP, make sure it addresses all the student's needs, including academic, developmental and functional needs, and that the goals are measurable.
- An IEP team must consider the use of positive behavioral interventions and supports, and other strategies to address a student's behavior if it impedes the student's learning or the learning of others.
- When measuring whether a student has made progress on IEP goals, make sure the method used and the reporting of progress match the goal.
- Upon completion of a student's IEP, document that a copy of the IEP was provided to the parent.
- Make sure a student's IEP is fully implemented as written, including specific accommodations and supports in the least restrictive environment.
- If a student is not making expected progress towards annual goals and in the general education curriculum, the IEP team must review and revise the student's IEP; don't wait until the annual meeting to discuss the

student's lack of progress.

- A student's IEP must be fully implemented and must enable the student to be involved in and make progress in the general education curriculum.
- Make sure required members to an IEP meeting are present for the entire meeting. If a required member must leave during the meeting, a written agreement with the parent must be signed to excuse the team member, unless a replacement member is designated.
- Provide the parent with Prior Written Notice whenever decisions are made regarding the identification, evaluation, provision of FAPE or educational placement of a student. Make sure the Prior Written Notice informs the parent of all decisions made and the reasons for those decisions.
- Whenever parents request to review their child's education records, make sure the records are made available without unnecessary delay and before any meeting regarding an IEP or administrative hearing, and in no case more than 45 calendar days from the date of the request.

## SAVE THE DATE



NEW & EXPERIENCED

FEDERAL PROGRAMS DIRECTORS MEETING

September 26 & 27, 2018

Nampa Civic Center

2018 IDAHO  
TRANSITION INSTITUTE

MAKING CONNECTIONS  
November 29 - 30, 2018  
Boise, Idaho

November 29 & 30, 2018

Boise State University, Student Union Building