

Individualized Education Program (IEP) Procedures

Determination of eligibility

Upon completion of the education evaluation, the case conference committee (CCC) must be convened to determine the following:

1. Whether the student is eligible for special education and related services.
2. If eligible, the special education and related services necessary to meet the educational needs of the student.

When determining eligibility for special education and related services, the CCC must:

1. Consider all of the information contained in the educational evaluation report; and
2. Not rely on any single measure or assessment as the sole criterion for determining eligibility or appropriate educational services.

If a determination is made that a student is eligible for special education and related services, an IEP that meets the special education and related service needs of the student must be developed.

Developing an Individualized Education Program: Components and Parent Copy

An IEP is a written document for a student who is eligible for special education and related services that is developed by a CCC in accordance with Article 7. Transition IEPs are written documents developed that are in effect for students:

1. Entering into grade nine (9); or
2. Becoming fourteen (14) years of age within the IEP year; whichever occurs first, or earlier if determined appropriate by the CCC.

When developing a student’s IEP, a CCC must consider the following general factors:

1. The strengths of the student.
2. The concerns of the parent for enhancing the education of the student.
3. The results and instructional implications of the initial or more recent educational evaluation and other assessments of the student.
4. Academic needs of the student.
5. Developmental needs of the student.
6. Communication needs of the student.
7. Functional needs of the student.

The CCC must also consider the following special factors when applicable:

1. Positive behavioral interventions and supports, and other strategies, to address any of the student’s behaviors that impede the student’s learning or the learning of others.
2. Any supports necessary to provide public agency personnel with the knowledge and skills necessary to implement the student’s IEP.
3. The language needs of a student with limited English proficiency as those needs relate to the student’s IEP.
4. In the case of a student who is deaf or hard of hearing or a student who is deaf-blind, the student’s:
5. Language and communication needs;
6. Opportunities for direct communications with peers and professional personnel in the student’s language and communication mode;
7. Academic level; and
8. Full range of needs, including opportunities for direct instruction in the student’s language and communication mode.
9. Instruction in Braille and the use of Braille for a student who is blind or has low vision or a student who is deaf-blind, unless the CCC determines, after a functional literacy assessment (sometimes referred to as a learning media assessment) of the student’s reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student’s future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student.
10. The student’s need for assistive technology devices and services.
11. The individualized family service plan (IFSP) for students who are transition from early intervention programs under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et. Seq.

When developing an IEP, a CCC must determine the special education and related services that will meet the unique needs of the student, regardless of the student’s identified disability.

The general education teacher who is a member of the student’s CCC must, to the extent appropriate, participate in the development of a student’s IEP, including the determination of the following:

1. Appropriate positive behavioral interventions and supports and other strategies for the student.
2. Supplementary aids and services, program modifications, and support for school personnel.

An IEP must contain the following:

1. A statement of the student’s present levels of academic achievement and functional performance, including:
2. How the student’s disability affects the student’s involvement and progress in the general education curriculum; or
3. For early childhood education students, as appropriate how the disability affects the student’s participation in appropriate activities.
4. A statement of the following:
5. Measurable annual goals, including academic and functional goals designed to meet the student’s needs that result from the student’s disability to enable the student to be involved in and make progress in the general education curriculum (or for early childhood education students, as appropriate to participate in appropriate activities), and each of the student’s other educational needs that result from the student’s disability.
6. For students who participate in alternate assessments aligned to alternative academic achievement standards, a description of benchmarks or short-term objectives.
7. A description of the following:
8. How the student’s progress toward meeting the annual goals will be measured.
9. When periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
10. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to do the following:
11. Advance appropriately toward attaining the annual goals.
12. Be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.
13. Be educated and participate with other students with disabilities and nondisabled students in the activities described in Article 7.
14. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education environment and in extracurricular and other nonacademic activities.
15. A statement regarding the student’s participation in statewide or local assessments of student achievement, including the following:
16. Appropriate accommodations that is necessary to measure the academic achievement and functional performance of the student.
17. If the CCC determines that the student must take an alternate assessment of student achievement, instead of a particular statewide or local assessment a statement
18. Of why the student cannot participate in the general assessment;
19. Of why the particular alternate assessment selected is appropriate for the student; and
20. Documenting that the public agency informed the parent that the student’s performance will not be measured against grade-level academic achievement standards.
21. The projected date for initiation of services and modifications; and
22. The anticipated length and frequency, location, and duration of services and modifications.
23. A statement of the student’s need for extended school year services.
24. Identification of the placement in the least restrictive environment.
25. Beginning not later than one year before the student becomes eighteen (18) years of age, a statement that the student and the parent have been informed that parent’s rights under Article 7 will transfer to the student at eighteen (18) years of age.
26. Written notes documenting the meeting of the CCC, including the following:
27. The date and purpose of the meeting.
28. The names and titles of the participants.
29. The issues discussed during the meeting.

For a student convicted as an adult under state law and incarcerated in an adult prison, the:

1. Requirement relating to participation of students with disabilities in state and local assessments does not apply; and
2. CCC may modify the student’s IEP or educational placement without regard to the requirements in this section if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

Nothing in this section must be construed to require:

1. That additional information be included in the student’s IEP beyond what is explicitly required in this article; or
2. The CCC to include information under one component of the student’s IEP that is already contained under another component of the student’s IEP.

The school must give the parent a copy, at no cost, of the student’s IEP. The copy may be:

1. Provided to the parent at the conclusion of the CCC meeting; or
2. Mailed to the parent at a later date.

If mailed, the copy must be received by the parent no later than ten (10) business days after the date of the CCC meeting. Any member of the CCC may submit a written opinion regarding the IEP. The written opinion must:

1. Be submitted to the public agency not later than ten business days after the date of the CCC meeting; and
2. Remain with the student’s educational records.

Individualized Education Programs; Implementation

The services identified in an IEP must be provided:

1. No later than ten (10) instructional days after parental consent to the student’s initial IEP is received.
2. On the eleventh (11th) instructional day after a public agency provides written notice regarding a student’s proposed IEP that is subsequent to the initial IEP, unless the parent consents in writing to an earlier implementation date. The public agency must continue to implement the current IEP if the parent challenges the proposed IEP prior to its implementation by:
3. Requesting and participating in a meeting with an official of the public agency who has the authority to facilitate the disagreement between the parent and the public agency.
4. Initiating mediation
5. Requesting a due process hearing
6. For students transitioning from early intervention services to early childhood special education, on the student’s third (3rd) birthday.
7. The initiation date stated in the student’s IEP in all other circumstances.
8. An IEP must be implemented as it is written.

The student’s teacher of record must do the following:

1. Monitor the implementation of the student’s IEP.
2. Ensure that each of the student’s teachers, related service providers, paraprofessionals, and any other service providers, who are responsible for implementing the student’s IEP.
3. Have access to a copy of the IEP.
4. Are informed of their specific responsibilities related to implementing the IEP; and
5. Are informed of the specific accommodations, modifications, and supports that must be provided for the student in accordance with the student’s IEP.
6. Ensure that the CCC is informed of any modifications made to the student’s IEP.
7. Be responsible for all other activities identified in 511 IAC 7-32-97 Article 7.

At the beginning of each school year, a public agency must have in effect, for each student with a disability within its district:

1. An IEP.
2. A service plan if the student is parentally-placed in a nonpublic school within the jurisdiction of the public agency.

If a newly enrolled student received special education services from another public agency within the state, and enrolls in a new public agency within the same school year, the new public agency, in consultation with the student’s parent, must immediately provide the student with a free appropriate public education (FAPE), including services comparable to those described in the student’s IEP from the previous public agency, until the new public agency either:

1. Adopts the student’s IEP from the previous public agency; or
2. Develops, adopts, and implements a new IEP that meets the applicable requirements of Article 7.

If a newly enrolled student received special education services in another state, and enrolls within the same school year, the new public agency, in consultation with the student’s parent, must immediately provide the student with FAPE, including services comparable to the described in the student’s IEP from the previous public agency, until the new public agency:

1. Conducts an educational evaluation if the new public agency determines that this is necessary; and
2. Develops, adopts, and implements a new IEP, if appropriate.

To facilitate the transition of students, the:

1. New public agency in which the student enrolls must take reasonable steps to promptly obtain the student’s records, including the IEP, supporting documents, and any other records relating to the provision of special education or related services to the student, from the previous public agency in which the student was enrolled; and
2. Previous public agency in which the student was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

Review and Revision of the Individualized Education Program

A student’s CCC must meet periodically, but not less than annually, to do the following:

1. Review the students IEP and determine if the annual goals are being achieved.
2. Revise the IEP, as appropriate, to address.
3. Any lack of expected progress, based on progress monitoring data, toward the annual goals and in the general curriculum, if appropriate.
4. The results of any reevaluation conducted, including any additional data about the student.
5. The student’s anticipated needs; or
6. Other matters.

When conducting a review of the student’s IEP, the CCC must consider the general and special factors.

A general education teacher of the student, as a member of the CCC must participate in the review and revision of the student’s IEP. The review and revision of an IEP that will be in effect when the student:

1. Enters into grade nine (9); or
2. Becomes fourteen (14) years of age within the IEP year, whichever occurs first, or earlier if determined appropriate by the CCC, must be conducted as a transition IEP.

After the annual CCC meeting, changes to the IEP may be made:

1. By the CCC at a CCC meeting; or
2. Without a CCC meeting if the parent and public agency agree:
3. Not to convene a CCC meeting; and
4. To collaboratively develop a written document to amend or modify the student’s current IEP.

Upon request, a parent must be provided, at no cost, a revised copy of the IEP with the modifications. If changes are made to the student’s IEP, the teacher of record must ensure that the student’s CCC is informed of those changes.