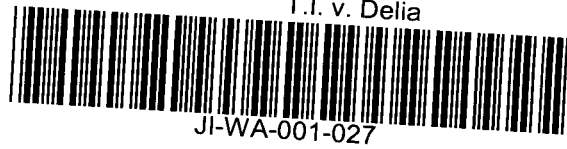


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T.I. v. Delia



JI-WA-001-027

IEP PROCESS FOR SHORT STAY FACILITIES

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**Prepared by Ken Howell in consultation
with Tom Lovitt and Anita Foxworth
pursuant to the Stipulation & Consent
Judgment in T.I. v. Delia**

IEP PROCESS FOR SHORT STAY FACILITIES**STEP 1: Skill screening**

Employ curriculum-based measures for academic skills. Focus on functional literacy and vocational skills. Use a standard form to summarize\code staff comments relative to social and emotional status. Cutting scores will need to be established to define adequate and inadequate performance. These levels of performance cannot be the same for all age levels and must be rationally contrived to recognize students who are "at risk".

Participant(s): Skill screening should be a routine activity beginning at school orientation and extending into classes. In some cases testing may need to be individualized and in all cases the results will need to be summarized and interpreted. This means that someone will need to be responsible for selecting or developing the measures, setting up the actual screening activities, coordinating the activities and monitoring their quality. It should also be remembered that, if a student is 16 or over, transition services will define his or her IEP and, therefore, it should define the skill screening.

STEP 2: History Screening

Interview student, review records, contact parents and contact schools to determine any history of special education placement or evidence of risk (e.g. past F.O.C., parent concern, notes from teachers) for special education.

Participant(s): clerical staff, orientation personnel, case workers and teachers. Training must be provided to orientation staff and general education teachers so that they can accurately explain the purpose of the

review and answer questions students may have about what may have constituted prior placement in special education.

DECISION a: Is the student at risk because of inadequate academic and/or social skills, or is there a history of special education services (or need for such services)?

Results of the skill screening in Step 1 and reviews conducted in Step 2 can be used to trigger F.O.C. (Step 7) (which may lead to provision of 504 services) or proceed with implementation of special education services (Step 3). Evidence of risk which may be found in Step 2 can include notes from teachers, or even evidence that the student was made a F.O.C. in the past.

Participants: Needs to be designated within each facility. Whoever is responsible must be trained for the role. Also, any parent, teacher, or student can still refer a student.

STEP 3: Determine status of IEP

If the student has a history of receiving special education services, that history must be reviewed in order to determine what, if any, services the student will receive next. This review is needed in order to answer the series of questions related to decisions b.1-b.4.

Participant(s): clerical staff, school psychologist, and special education teacher (working under guidelines from director of special education programs). Because some of these decisions involve judgments about the quality of evaluation data, someone knowledgeable in the evaluation procedures must be involved.

DECISION b.1: Is there a current and available IEP?

If "yes" go to step 4.

Participants: [see Step 3]

DECISION b.2: Is the student's eligibility out of date?

This decision pertains to students who were in special education, never determined to be ineligible, but now have out of date annual or tri-annual reviews. Such students should be evaluated through Step 8.

Participants: [see Step 3]

DECISION b.3: Is there good evaluation data but eligibility has never been determined and/or no IEP has ever been developed?

The appropriateness of the evaluation data must be considered on the basis of WAC's, test manuals, and professional judgment. The age of the student, relative to the requirement that vocational data be collected must also be considered. If the data is obsolete, irrelevant, or only partially complete return to decision b.2. If the data is good, go to steps 9a and/or 9b.

Participants: [see Step 3]

DECISION b.4: Is the student currently eligible for services but without an IEP?

In this case there is no need to follow step 9a and the student should be taken immediately to step 9b.

Participants: [see Step 3]

STEP 4: Review IEP

Decide if the IEP should, or can, be implemented as written (if not, it will need to be amended in Step 6). These are the only agreed upon considerations allowed in this process:

1. SETTING CONSIDERATIONS:

- 1.a) IEP requirements which cannot be met as written due to concerns about security and/or safety;
- 1.b) IEP requirements which cannot be met as written due to length of stay;
- 1.c) IEP requirements which cannot be met because they are improper (i.e., at odds with best practice)
- 1.d) IEP requirements which are bound to specific locations and/or instructional formats.

2. STUDENT CONSIDERATIONS:

- 2.a) Student characteristics such as age (and need for transition services), history, personal goals or seriousness of offense;
- 2.b) the domains in which objectives fall (emphasis will be placed on social and transition skills as well as academic and physical skills).
- 2.c) The degree to which the objectives specify learnings which are pivotal to future improvement and/or are functional (i.e., have potential for immediate application).
Participant(s): MDT as defined at facility (the same as that functioning in step 9. b). This must be a team activity.

DECISION c: Can, or should, the IEP be implemented or is an amendment needed?

This decision is made by applying criteria in Step 4. It is not a decision to overturn the existing IEP. The purpose here is to provide a plan which is appropriate and feasible within the constraints of a short stay facility. The availability of services/staff is not allowed to influence this decision. Only those factors in Step 4 are considered.

Participant(s): MDT as defined at facility (the same as that functioning in step 9.b). This must be a team activity.

DECISION d: Is there adequate information to develop an amendment?

This decision point has been included to allow for the collection of additional evaluation data only when needed. Therefore, this decision is best made by the teachers who will need to carry out the IEP.

Participants: Teacher or MDT (including teacher).

STEP 5: Collect needed information

If there is not adequate information to make the decisions called for in Step 5, it may be necessary to collect additional information through testing and/or interviewing. This may be particularly important relative to student characteristics. Testing carried out in this context need only be designed to inform instructional decision making (meaning an automatic shift to step 8 should not be necessary).

Participant(s): specialist in areas targeted for inquiry.

STEP 6: Set priorities and write amendment

The contents of the original IEP will not be deleted or modified in this Process. Instead an amendment will be prepared and attached to the existing IEP. This amendment may include the following (considerations from Step 4 are noted):

- a) A signed statement documenting the reason for the amendment (see the explanation of Step 4).

- b) Objectives in the same domains as the original IEP but which specify knowledge rather than application (this will most often be required in the vocational domain where access to tools or travel is not practicable) [considerations 1.a & 1.b];
 - c) Re-calibration of objectives which specify smaller or larger expectations than those found in the original IEP [considerations 1c & 2c];
 - d) Modifications which shift objectives into alignment with the location (facility) and/or materials available at the facility. In these cases the modifications should specify learnings which are equivalent to those in the original IEP [considerations 1b & 1.d];
 - e) Modifications which improve the original objectives by bringing them into compliance with WACs or into consistency with best practice [considerations 1.c, 2.a, 2.d, 2.c].
- Participant(s): MDT as defined at facility. Must be a team activity.

STEP 7: Focus of Concern (F.O.C. PROCESS)

Participants: those designated at the facility in accordance with WACs.

DECISION e: Should the student be evaluated for eligibility or to write/amend IEP?

Criteria must be applied to determine if a F.O.C. has merit. Performance on the skill screening, student history, and referrals from staff, parents or students may all yield information as to the merit of a F.O.C. If the F.O.C. has merit go to Step 8, if not go to Step 10.

STEP 8: Evaluate or re-evaluate student

Develop an evaluation plan and conduct comprehensive evaluation as specified in WACs. If this is an initial evaluation parent permission (or a substitute process) must be obtained.

Participant(s): as specified in WACs.

STEP 9a: Have an MDT meeting to determine eligibility.

Meet as specified in WACs to determine if student

- a) is disabled and
- b) requires special education services.

Participant(s): as specified in WACs.

DECISION f: Is the student eligible for special education services?

(If "yes" go to Step 9b, if "no" go to Step 10).

STEP 9b: Develop IEP

Step 9b is an IEP meeting and, because the student was found eligible in Step 9a, it is held to develop an IEP in accordance with WACs and best practice. The IEP is to be developed before a placement decision is made. Special Education services are started immediately after IEP development

Participant(s): IEP team as specified in WACs as well as a member of the MDT and also the teacher, parents or surrogates and others (e.g., student parole or public school teachers) who have relevant information (including a person qualified to supervise the provision of services - not the teacher).

STEP 10: Consider the possibility of 504 protection

If there is evidence in the student's files, staff observations, testing or any other source that the student may have a disability as defined under section 504 of the Rehabilitation Act of 1973, the

student may need special accommodations or related services. Therefore, the student must be evaluated as prescribed by 504 guidelines. If the student is determined to be handicapped under 504, an accommodation plan must be developed and implemented. It should be noted that, among other conditions, 504 considers behavioral difficulties and drug/alcohol addiction to be handicaps (if they impair one or more life activities).

Participant(s): Specified by district under 504 plan.

END PRODUCT

Implementation of special education services or general education services and/or 504 accommodations.

IEP PROCESS FOR SHORT STAY FACILITIES

Developed by:
K. W. Howell &
K. L. Nelson, WWU
AND
A. Foxworth & C.
Nash, KCDC

0112104

