



[LRP Direct STEP: Direct Specialized Training for Educational Professionals](#) **Scope and Sequence**

Background: The Office of the State Superintendent of Education (OSSE) has partnered with LRP Publications to bring you [DirectSTEP eCourses](#) at no charge to LEAs¹. This online format provides engaging content in the area of special education to all LEA and school-based staff. Each course is self-paced in a one-hour format that can be used on most media devices.

Purpose: The LRP DirectSTEP scope and sequence provides a roadmap through the many special education courses made available². The purpose of this tool is to provide ongoing technical assistance and training to all LEA and school-based professionals providing supports and services to students with disabilities in the District.

Core Competency Units: Within the scope and sequence, courses are categorized into three core competency units including: Introduction to Special Education, Individualized Education Program (IEP) Implementation and Supplementary Supports and Services. Participants are encouraged to use this tool by following the courses and units in sequence. At the end of each course, participants will complete an assessment to test their knowledge. Upon successfully passing the assessment, participants will receive a course completion certificate that they should download and save for their records.

IDEA and State Law: The Individuals with Disabilities Education Act is a federal law that requires states to provide all students with disabilities between the ages of 3 and 21 with a free appropriate public education if the states are to receive federal funding for the education of students with disabilities. The IDEA requires every state seeking federal funding to issue regulations that guide the implementation of the federal law within the state.

State regulations can't contradict the IDEA, and they can't provide less than the federal law requires. But they can offer more protections than the IDEA.

All courses within LRP Direct STEP Modules will focus on compliance with the IDEA. However, it is worth pointing out areas in which DC law may go beyond what the IDEA requires. This information can be found in the appendix of this document or by clicking on the "State Specific Language" button within each module found at the bottom of slide #2 entitled "How to Use".

¹ Go to <http://OSSE-ds.lrp.com> and self-register for your DirectSTEP eCourses. If you have already self-registered on the course platform and you need assistance, contact LEP training staff toll-free at 1-800-515-4577, ext. 6515 or via email at: directstep@lrp.com.

² Scope and Sequence does not include all courses available through LRP DirectSTEP. For a full list of courses, please visit <http://OSSE-ds.lrp.com>.

Core Competency Unit I: Introduction to Special Education

Course Name: “Identifying Disabilities to Determine IDEA Eligibility”

Course Number: 330000

Course Description:

This course covers the IDEA’s 13 disability categories of eligibility for special education and related services and examines methods for identifying these disabilities.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Identify the 13 disability categories defined by the Individuals with Disabilities Education Act (IDEA).
- Recognize methods for identifying different disabilities.
- Describe the special evaluation procedures used for evaluating students with specific learning disorders (SLDs).

Course Name: “Child Find: Understanding IDEA Provisions and Responsibilities”

Course Number: 330001

Course Description:

This course explores education law as it relates to teachers’ child find obligations under the IDEA. It will cover the purpose of the child find requirement, teachers’ responsibilities regarding child find, common signs of IDEA-eligible disabilities, pre-referral interventions, the timing of special education referrals, the need for supporting documentation, and the referral process itself.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Explain the district’s³ affirmative duty to identify, locate, and evaluate all students suspected of having IDEA-eligible disabilities and how that duty applies to teachers and other classroom personnel.
- Identify potential signs of a disability and determine whether (and when) to refer a student for a special education evaluation.
- Describe the types of information a district considers when determining whether to conduct an IDEA

³ All language in this scope and sequence comes directly from LRP DirectSTEP and is proprietary. The term “District,” as seen throughout this document refers to Local Education Agency (LEA).

evaluation and provide the documentation needed to support a referral.

Course Name: “Postsecondary Transition: IDEA Requirements for Processes, Procedures and Implementation”

Course Number: 330003

Course Description:

This course examines federal guidelines surrounding the transition of students from high school to life beyond grade 12. This course will explain the procedural and substantive requirements under the Individuals with Disabilities Education Act (IDEA) related to transition planning, including transition assessments and necessary participants for each individualized education plan (IEP) meeting. This course will also cover the implementation requirements related to postsecondary transition services.

Length of Time for Course Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Understand what steps the school district must take to convene an IEP meeting related to postsecondary transition services.
- Explain the procedures and standards necessary to develop an appropriate postsecondary transition plan.
- Identify federal requirements related to the implementation of a student’s transition plan in the classroom.

Course Name: “Evaluations and Reevaluations – Purposes, Standards and Procedures”

Course Number: 330013

Course Description:

This course examines the federal rules for initial evaluations and reevaluations. It will explain the requirements evaluations and reevaluations must meet to appropriately assess students with disabilities. Additionally, this course will provide practical tips school and district staff may use to ensure that their evaluations and reevaluations satisfy the standards established by the Individuals with Disabilities Education Act (IDEA).

Length of Time for Course Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Describe the purpose of initial evaluations and reevaluations and the circumstances in which they are needed.
- Identify appropriate standards, criteria, and timelines for initial evaluations and reevaluations.

- Explain other key procedural components in the evaluation and reevaluation process, including consent and additional assessments.

Course Name: “Required Components for Compliant IEPs”

Course Number: 330005

Course Description:

This course covers the IDEA’s content requirements for IEP).

Length of Time for Course Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Identify the required components of the individualized educational program (IEP).
- Describe steps IEP teams can take to ensure that PLAAFPs and annual goals are appropriate.
- Identify specific items that do not need to be included in the IEP.

Course Name: “Least Restrictive Environment: What Teachers Need to Know”

Course Number: 330006

Course Description:

This course explores education law as it relates to a student's Least Restrictive Environment (LRE). It covers the purpose of the LRE requirement, the types of placements a district must make available for students with disabilities, and the need to consider supplementary aids and services. This course also reviews the processes for determining and documenting a student's placement on the LRE continuum.

Length of Time for Course Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Explain the purpose of the LRE requirement and the continuum of alternative placements and identify the types of placements the district must make available.
- Describe how the IEP team determines a student’s LRE and how the documentation of any supplementary aids and services provided to the student affects that determination.
- State which information should be included in the description of the student’s LRE and identify any ambiguities, gaps, or inconsistencies in this description that might result in an implementation failure.

Course Name: “Legal Requirements and Best Practices for Prior Written Notice”

Course Number: 330018

Course Description:

This course provides an in-depth look at the prior written notice requirement found in the Individuals with Disabilities Education Act (IDEA). It discusses the types of actions that require prior written notice, the timing of notices, and content requirements. It also reviews the district's duty to use language the parents can understand, identifies common drafting errors, and gives an overview of the procedures a district should follow when delivering prior written notice.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Explain the purpose of the IDEA’s prior written notice requirement, identify the types of actions that trigger a district’s duty to provide notice, and determine whether a notice is timely.
- Identify the required components of a prior written notice, describe the types of information the notice should (and should not) include, and evaluate whether the PWN is written in a manner that is understandable to the parent.
- Describe the procedures a district should follow when delivering prior written notice and discuss whether an IEP can serve as a PWN.

Course Name: “Administrators’ Responsibilities for Meeting IDEA Parental Consent Rules”

Course Number: 330071

Course Description:

This course reviews a district’s duty to obtain parental consent before conducting certain IDEA-related activities. It will cover the definition of “consent,” activities that require parental consent, the documentation of consent, the steps a district may take when a parent fails to give consent, and the steps a district must take when a parent revokes consent.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Ensure that the district’s consent forms meet all the requirements set forth in the IDEA.
- Identify the IDEA-related activities that require parental consent.

- Respond appropriately when a parent fails to consent to a proposed activity or revokes consent for the provision of services.

Course Name: “IEP, 504 and MDR Meetings: Guidance for Staff Who Are New to Special Education”

Course Number: 330078

Course Description: This course provides introductory material on meetings that must take place for special education students, whether they are students with individualized education programs (IEPs) or Section 504 plans or who are just being considered for special education eligibility.

Length of Time for Course Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Explain what takes place in Section 504 meetings.
- Describe what occurs in MDR meetings under the IDEA and Section 504.
- Articulate how an IEP team meeting functions.

Core Competency Unit II: Individualized Education Program (IEP) Implementation

Course Name: “Conducting Compliant IEP Meetings”

Course Number: 330012

Course Description:

This course covers the general conduct of an IEP team meeting under the IDEA, including notice of the meeting, the format and agenda for the meeting, alternatives to a face-to-face meeting, documenting, and recording the meeting, tips for handling contentious meetings, and provision of interpreters. The composition of the IEP team, including who is a mandatory team member, is covered in a separate DirectSTEP® course.

Length of Time for Course Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Identify the items an IEP team meeting notice must include and when it should be sent.
- Describe different ways a district can ensure the participation of parents in an IEP meeting.
- Identify practical strategies for handling difficult or confrontational IEP meetings.

Course Name: “IEP Implementation Strategies to Be IDEA Compliant”

Course Number: 330026

Course Description:

This course covers implementation of the individualized education program (IEP) of a student with a disability under the Individuals with Disabilities Education Act (IDEA), including the impact of delays in implementation, the failure to implement minor versus material provisions of an IEP, and implementation of IEPs in non-school settings. Also discussed in this course are practical strategies to address common implementation mistakes, such as using unclear language in the IEP and not providing relevant staff with copies of IEPs.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Describe when an implementation failure could result in a denial of FAPE.
- Explain a District’s responsibilities for implementing IEPs in alternative settings.
- Identify practical strategies school districts can use to improve IEP implementation.

Course Name: “Legal Requirements and Practical Tips to Develop Measurable Annual IEP Goals”

Course Number: 330016

Course Description:

This course covers the statement of measurable annual goals that must be included in every IEP, along with strategies and practical tips for goal writing.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Explain how and why a child’s present levels of academic achievement and functional performance impact the development of annual goals in the IEP.
- Describe what makes an annual goal measurable and differentiate between measurable and unmeasurable goals.
- Identify ways in which districts may use electronic IEPs to create annual goals that are tailored to the child’s individual needs.

Course Name: “Practical Strategies and IDEA Requirements for Developing IEPs”

Course Number: 330020

Course Description:

This course covers individualized education program (IEP) development under the Individuals with Disabilities Education Act (IDEA), including the factors the IEP team must consider when developing a child's program, the timelines associated with convening the team to develop the IEP, and practical strategies for developing legally compliant IEPs.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Identify the various timelines that apply to the IEP development process.
- Describe the factors the IEP team must consider in developing an IEP and the special factors that apply in five distinct circumstances.
- Identify practical strategies that can be implemented to ensure that IEPs are developed properly.

Course Name: “When to Review and How to Revise IEPs to Stay Compliant”

Course Number: 330023

Course Description:

This course addresses a school district's legal obligations under the Individuals with Disabilities Education Act (IDEA) regarding reviewing and revising the individualized education program (IEP) of a student with a disability. Addressed in this course are various issues regarding the timing and frequency of IEP reviews and how the IEP can be modified or amended. Also covered in this course are legal and practical issues surrounding revision of IEPs, including various events that may trigger the need to revise the IEP.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Describe when and under what circumstances a school district must review a student’s IEP.
- Describe the methods that can be used to revise an IEP and factors that should be considered when selecting which method to use.
- Identify different events that may trigger the need to review and potentially revise the IEP.

Core Competency Unit III: Supplementary Supports and Services

Course Name: “Legal Requirements and Practical Considerations for the Use of Restraint and Seclusion”

Course Number: 330027

Course Description:

This course provides administrators, teachers, paraprofessionals, and other staff members who may be involved in restraining or secluding students with disabilities with an understanding of how federal laws, particularly the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), impact their use of those techniques. The course also addresses practical steps administrators and staff members can take to ensure that the use of restraint and seclusion in their schools is legally compliant, consistent with the terms of a student’s IEP or 504 plan and is thoroughly documented.

**Length of Time for Course
Completion: 1 hour**

Essential Standards of Learning

After completing this course, you will be able to:

- Understand when the use of restraint or seclusion may violate the IDEA or Section 504 or deprive a student of their constitutional rights.
- Explain how staff members can properly implement, document, and report the use of restraint or seclusion.
- Describe steps educators should take after an incident of restraint or seclusion to ensure that the student’s needs are being properly addressed.

Course Name: “Using a Trauma-Informed Approach to Develop More Effective IEPs”

Course Number: 330060

Course Description:

This course provides a framework for developing an effective, trauma-informed individualized education program (IEP). This course addresses trauma-informed practices, improving family engagement, and considerations for trauma screening and assessment, report writing, writing trauma-informed IEP goals, and identifying related services and accommodations through a trauma lens.

**Length of Time for Course
Completion: 1 hour**

Essential Standards of Learning

After completing this course, you will be able to:

- Define trauma and its relevance to the special education process.
- Describe the various considerations for trauma screening and assessment and improving family engagement.

- Structure IEP present level statements and goals to focus more on skill-building than simply reduction of behavior.

Course Name: “Collecting and Using Data to Improve IEP’s, BIPs, and Section 504 Plans”

Course Number: 330065

Course Description:

This course covers why teams must collect data, who should collect the information, and how to collect it. It also covers how to use data to make educational decisions. Note that this course does not delve into data collection in the response to intervention (RTI) process. For more information on data collection in the RTI process, please see the DirectSTEP® course, RTI Data Collection, Analysis, and Interpretation.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Identify why educators should collect data, who can collect the information, and methods for collecting data.
- Explain how to use data to make decisions for individualized education programs (IEPs), Section 504 plans, and behavioral intervention plans (BIPs).
- Describe which data collection methods go best with various data collection needs, including situations involving restraint and seclusion and bullying as well as decisions regarding extended school year services.

Course Name: “Positive Behavioral Supports and Interventions: Guidance for Paraprofessionals on Disciplining Students with Disabilities”

Course Number: 350018

Course Description:

This course covers the policies and laws that govern disciplinary actions for students in special education, including the manifestation determination review (MDR) process and change of placement considerations. The second chapter describes the use of positive behavioral interventions and supports (PBIS), functional behavior assessments (FBAs), and the development of a behavioral intervention plan (BIP), including the role of the paraprofessional in implementing a BIP. Basic tenets of behavior management, classroom management, and behavior data collection are also reviewed.

Length of Time for Course

Completion: 1 hour

Essential Standards of Learning

After completing this course, you will be able to:

- Describe the legal guidelines for discipline relating to a student who is eligible for special education.

- Describe the intent, components, and implementation of PBIS as developed for a student receiving special education services.
- Describe the basic tenets of reinforcement theory and data collection as they relate to development and implementation of PBIS.

Appendix

IDEA and State Law

As an educator, you know the Individuals with Disabilities Education Act is a federal law that requires states to provide all students with disabilities between the ages of 3 and 21 with a free appropriate public education if the states are to receive federal funding for the education of students with disabilities. The IDEA requires every state seeking federal funding to issue regulations that guide the implementation of the federal law within the state.

State regulations can't contradict the IDEA, and they can't provide less than the federal law requires. But they can offer more protections than the IDEA.

This course will focus on compliance with the IDEA. However, it is worth pointing out areas in which your state law may go beyond what the IDEA requires. See below:

Age of Eligibility

The IDEA says educational services must be provided to students with disabilities age 3-21. In Alabama, a student who has not earned a regular high school diploma and not reached age 21 by August 1 is entitled to services up until her 21st birthday. A student who turns 21 on or after August 1 is entitled to begin and complete the school year. A few states, including Connecticut, Utah, and Texas, extend services to age 22. Texas uses a September 1 date, so if a student turns 22 on September 2, she can remain eligible that entire school year. Michigan makes students with disabilities eligible for special education services through age 25.

Age of Transition Services

The IDEA says local education agencies must start transition planning for after high school when the student with the disability is age 16. Several states, including Alabama and Missouri, follow that rule. Some states require transition planning to begin at age 14 or before. Kentucky requires that transition services be included in the IEP upon entering eighth grade, when turning 14, or earlier. Utah, Massachusetts, Tennessee, Connecticut, Mississippi, and Texas require transition planning at age 14. Florida requires that the IEP team begin the process of, and develop an IEP for, identifying the need for transition services during the student's seventh-grade year or when the student attains the age of 12, whichever occurs first. The plan must be operational and in place to begin implementation on the first day of the student's first year in high school.

Behavioral Interventions

Under the IDEA, the IEP must, in the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to

address that behavior. Connecticut and Alabama track the IDEA. Some states may impose additional requirements. For example, Utah law states that when making decisions on behavioral interventions, the IEP team must refer to the Utah State Board of Education's technical assistance manual that outlines the Least Restrictive Behavior Interventions for information on research-based intervention procedures. Mississippi regulations define and explain what a functional behavioral assessment is and what it must include.

Burden of Proof

The U.S. Supreme Court has ruled that the burden of proof is upon the party that files for a due process hearing or a suit in court. Alabama, Kentucky, Missouri, Mississippi, Utah, and Florida follow this rule. Some states, such as New York, have passed laws that puts the burden of proof on the LEA to show that they have provided FAPE. In Connecticut, an LEA has the burden of proving the appropriateness of a student's program or placement, or of the program or placement the LEA proposed.

Consent

Some states set a timeline for seeking parent consent for evaluations. For example, Missouri requires an LEA to send a notice of intent to evaluate within 30 calendar days of a referral. In Connecticut, a parent's failure to respond to an LEA's request for consent to conduct an initial evaluation or reevaluation within 10 days from the date of the notice must be construed as parental refusal of consent.

Disability Categories

The IDEA has 13 categories of disability. It allows a state to have a disability category for students aged 3 through 9 experiencing developmental delay. For instance, Texas developed the "Non-Categorical Early Childhood" category for students 3-5 who are "evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability or autism." Rather than looking for a developmental delay, the Texas student must be diagnosed as having one of these labels. Connecticut has a developmental delay category for students ages 3-5 with general delays in their physical, cognitive, communication, social, emotional, or adaptive development and who, because of these delays, need special education and related services. Connecticut also recognizes two sub-categories in addition to the 13 under the IDEA: SLD/dyslexia under specific learning disability and ADD/ADHD under other health impairment. Similarly, the Utah special education code also recognizes developmental delay as a disability category for students ages 3 - 7. In Utah, the definition of developmental delay is a significant delay in one or more of the following areas: physical/motor development, cognitive development, communication development, social/emotional development, or adaptive development. The delay must adversely affect the student's educational performance. Mississippi has determined that developmental delay applies to the age range birth through 9 years. A new eligibility determination must occur before the student's 10th birthday. Mississippi also allows LEAs to use a severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability.

Alabama has a developmental delay category for students ages 3-9 with delays that adversely affect daily and/or educational performance in one or more of five areas: adaptive, cognitive, communication, social or emotional, physical. Alabama also has a category for "emotional disability," which is equivalent to the IDEA's emotional disturbance classification.

There are 14 eligibility categories in Kentucky: Mild Mental Disability, or Functional Mental Disability, Multiple Disabilities, Hearing Impairment, Visual Impairment, Speech/Language Impairment, Emotional Behavioral Disability, Orthopedic Impairment, Autism, Traumatic Brain Injury, Other Health Impairment, Deaf-Blindness, Specific Learning Disability, or Developmental Delay (only for students aged 3 through 8).

Some states, such as Alabama, Florida, and Tennessee, also recognize intellectually gifted.

Evaluations

The IDEA mandates that LEAs complete evaluations within 60 days. Tennessee's timeline aligns with that of the IDEA. So do Alabama's, Mississippi's, Kentucky's, Florida's, and Missouri's. Other states have shorter timelines. For example, schools in Washington have 35 days in which to complete an evaluation after parent consent. In Utah, the evaluation must take place within 45 school days of receiving parent consent or if the evaluation was requested by the Division of Child and Family Services, within 30 calendar days. Connecticut also requires LEAs to complete evaluations in 45 days after parental consent.

Extended School Year

IDEA rules require states to set the standards for determining when a student will need extended school year services. While most states, like Tennessee and Kentucky, use regression as a common standard, IDEA rules do not mention it. The definition of regression varies between states. Alabama identifies "significant regression" as one of the criteria that the IEP team "may consider." In Alabama, the team may consider if significant regression, caused by an interruption in educational services, renders it unlikely that the student will regain critical skills even after an appropriate recoupment period. The Connecticut standard for determining if a student is eligible to receive ESY services includes both regression/recoupment criteria and non-regression criteria. Utah law prohibits LEAs from requiring IEP teams to only consider an analysis of regression and recoupment. However, Utah law specifically requires LEAs to provide parents ESY eligibility decisions and prior written notice of ESY programs in sufficient time to permit them to access dispute resolution options of the procedural safeguards, in the event of a dispute. Florida requires the consideration of factors including significant regression, degrees of progress, emerging skills or breakthrough opportunities, interfering behaviors, the nature or severity of the disability, and extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without ESY services.

Foster Parent

The IDEA defines a foster parent as one acting in the place of a natural or adoptive parent with whom the student lives, or an individual who is legally responsible for the student's welfare. States often add to that definition. Missouri considers a foster parent to be a "parent" for special education purposes if the foster parent is "generally authorized to make educational decisions for the child." Tennessee requires that the individual has an ongoing relationship with the student for more than one year in duration, is willing to make the educational decisions required of parents under the law and has no interest that would conflict with the interest of the student. Utah permits a foster parent to exercise IDEA rights as the student's parent if: 1) the biological or adoptive parent's authority to make educational decisions on the student's behalf is extinguished under state law; 2) the foster parent has an ongoing, long-term parental relationship with the student; 3) the foster parent is willing to make educational decisions; and 4) the foster parent has no interest that would conflict with the interests of the student.

IEP

Within 30 calendar days from eligibility determination the LEA must conduct a meeting to develop an IEP for the student. Tennessee, Alabama, Missouri, Mississippi, Kentucky, Utah, and Florida follow this same timeline. LEAs in Connecticut must implement an IEP within 45 school days from the date of referral, exclusive of the time required to obtain parental consent, so the entire process of eligibility determination and meeting to develop the IEP must take place within 45 school days.

IEP Goals

Under the IDEA, the IEP must include a statement of measurable annual goals that are designed to: 1) enable the student's participation and progress in the general education curriculum; and 2) meet all his disability-related educational needs. Alabama tracks this requirement. Connecticut adds that an IEP must also include a statement of short-term instructional objectives derived from the measurable annual goals. These objectives must include objective criteria, evaluation procedures, and schedules for determining, on a regular basis, whether the short-term instructional objectives are being achieved. Mississippi includes the additional requirement that the goals meet each of the student's other educational needs that result from the student's disability. Kentucky requires academic and functional goals, designed to meet the student's needs that result from the disability to enable the student's involvement and progression in the general curriculum, or for preschool students, as appropriate, to participate in appropriate activities; and meet the student's other educational needs that result from the disability. LEAs can determine benchmarks and short-term goals. Missouri's state education plan emphasizes that goals must be specific to a particular skill or behavior to be achieved, measurable/quantifiable, attainable, results oriented, time-bound, and able to be reasonably accomplished within the duration of the IEP.

IEP Meeting Notice

While the IDEA does not impose specific timelines in connection with the IEP meeting notice, some states do. Alabama, like the IDEA, merely requires written notification of the meeting early enough to ensure that the parents will have an opportunity to attend. Parents in Tennessee must receive written invitation at least 10 calendar days before the IEP team meeting. In Connecticut, parents must receive written notice five school days before the meeting. Kentucky requires notice to the parents at least seven days prior to the meeting. Missouri requires each LEA to have a record of at least two attempts to arrange a mutually agreed-upon time and place -- the second of which must be a direct contact -- before it can hold an IEP meeting in the parents' absence. Utah law also requires LEAs to have a record of their attempts to ensure the parents' involvement in the meeting. In Mississippi, notice for an IEP meeting must include the IDEA-required purpose, time, and location of the meeting and who will be in attendance. Additionally, those in attendance must be identified by name and position.

IEP Team Members

Under the IDEA, the IEP team of a student with a disability includes: 1) the parents of the child; 2) at least one general education teacher of the child (if the student is or may be participating in general education); 3) at least one special education teacher of the child, or where appropriate, not less than one special education provider of the child; 4) an LEA representative; 5) an individual who can interpret instructional implications of the evaluation results; 6) the student, whenever appropriate; and 7) at the discretion of the LEA or parent, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. Missouri follows the federal rule, some states require IEP teams to include additional members. For example, Utah's special education rules state that the IEP team must include a representative of the Utah School for the Deaf and the Blind when the team is considering a placement at USDB or when the student receives 180 minutes or more of special education and/or related services from USDB. Florida and Connecticut require inclusion of at least one teacher of the gifted, if the team is developing an IEP for a student who is also identified as gifted. In New York, the IEP team must include an additional parent member of a student with a disability residing in the LEA or a neighboring LEA. Alabama rules require that the team include a representative of career/technical education as a member of the IEP team for those students who have been referred for, or are currently receiving, career/technical education. Connecticut also requires LEAs to allow parents to invite paraprofessionals to the IEP meeting. Mississippi requires that a special education teacher be a part of a team that determines whether a student suspected of having a specific learning disability is a student with a disability.

IEP Team

Some states have adopted a different name for IEP teams. In Kentucky, for example, the Admissions and Release Committee, or ARC, is the group of individuals that is responsible for developing, reviewing, or revising an IEP for a student with a disability. New York has CSE teams, which refers to the Committee

on Special Education, while IEPs for Texas students are developed by the Admission, Review and Dismissal or ARD team.

Present Levels of Academic Achievement and Functional Performance

An IEP must incorporate a statement of present levels of academic achievement and functional performance, including how the student's disability affects his involvement and progress in general education. Alabama tracks the IDEA's as does Connecticut. Some states mandate that the PLAAFP in the IEP of a blind student also include the results obtained from a braille-related or braille skills assessment. Utah is such a state. Florida law states that, for a student identified as gifted and who is also identified as a student with a disability, the statement of the student's PLAAFP must include the student's strengths, interests, and needs beyond the general curriculum that result from the student's giftedness. In Missouri, the statement of PLAAFPs for students who take alternate assessments aligned to alternate achievement standards must include all the elements required by the IDEA and a description of benchmarks or short-term objectives. Kentucky has the same requirement as the IDEA; however, the PLAAFP must also include how the student's disability affects the student's involvement and progress in the general curriculum.

Prior Written Notice

The IDEA provides that written notice must be sent a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE. Utah, Alabama, Missouri, Kentucky, and Florida follow this rule. However, some states may have specific deadlines. In Tennessee, PWN must be given at least 10 school days prior to either proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or provision of FAPE to the student. In Connecticut, written notice may be provided to the parents at the meeting, or it must be provided to the parents no later than 10 days before the team proposes to, or refuses to, initiate or change the student's identification, evaluation, or educational placement or the provision of FAPE to the student. Mississippi requires that parents receive notice seven days prior to changing the identification, evaluation, or educational placement or the provision of FAPE to the student.

Reevaluations

Under the IDEA, an LEA must conduct a reevaluation not more than once a year unless the LEA and parent agree otherwise, and it must conduct a reevaluation once every three years unless the LEA and parent agree otherwise. Connecticut, Tennessee, and Kentucky track the IDEA. Utah law provides that if the parties agree that a reevaluation is not necessary at the three-year mark, the IEP team must document the data reviewed and used in an evaluation report and complete an eligibility determination. Missouri has adopted the same requirements as the IDEA but states that reevaluations requested by a parent or public agency must follow the same timelines set forth for initial evaluations.

Statute of Limitations for Due Process Complaints

The IDEA contains a two-year statute of limitations which bars claims brought more than two years after parents "knew or should have known" of an alleged IDEA violation. Some states, like Utah, Missouri, Florida, and Connecticut, have adopted this limitations period. Others, like Texas, North Carolina, Kentucky, Mississippi, and Alabama, have adopted a one-year limitations period for IDEA due process complaints.

Transfer of Rights

The IDEA states that beginning not later than one year before the student reaches the age of majority under state law, the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA, if any, that will transfer to the student on reaching the age of majority. Alabama law sets 19 as the age of majority in that state. Utah law tracks the IDEA but also states that the transfer of rights also occurs upon notification to the LEA that a student has married or become emancipated before age 18 (the age of majority in the state). Missouri's state special education plan provides for the transfer of the parent's rights to the student at age 18 and requires the IEP to include a statement notifying the student of this transfer at least one year before the student turns 18. Connecticut, Florida, and Kentucky also identify the age of majority as the age of 18. In Mississippi, the requirement is the same as the IDEA, but the age of majority is 21.

The following is only applicable in the District of Columbia

The Individuals with Disabilities Education Act aims to ensure that a free appropriate public education is made available to all eligible students with disabilities across all states. The IDEA includes requirements for states as a condition for receipt of federal funding and requires every state seeking federal funding to issue state policy (including through state law, regulations, and policy) on the implementation of IDEA within the state. State policy cannot contradict the IDEA, and it cannot provide less than the federal law requires. But state policy may offer more protections than the IDEA.

District of Columbia law governing the education of students with disabilities are principally found at D.C. Official Code §§ 38-2561.01 through 38-2581.07. Regulations governing the education of students with disabilities in the District of Columbia are found in the District of Columbia Municipal Regulations at 5-A DCMR Chapter 30.

A **DirectSTEP**® eLearning courses from LRP focus on compliance with federal law. However, it is necessary to point out areas in which your state law may go beyond what the federal requires. You are encouraged to refer to District of Columbia regulations, policies, and guidance to learn more about how District of Columbia requirements may differ from the content presented. See below for a non-

exhaustive light of specific requirements in the District of Columbia that may go beyond the federal law requirements.

Eligibility for FAPE

A student with a disability is eligible for special education and related services through the end of the school year in which the student turns age 22 unless the individualized education program team determines the student is no longer a student with a disability or the student receives a regular high school diploma. (5-A DCMR § 3001.4)

Obligations for Students with Disabilities Ages 3 through 5

D.L. v. District of Columbia relates to the failure of the District to identify and serve students with disabilities ages 3 through 5, including children transitioning from early intervention services provided in accordance with IDEA Part C to special education and related services in accordance with IDEA Part B. As part of its obligations arising out of this litigation, the District of Columbia has additional obligations for students ages 3 through 5 as it relates to child find, processes for ensuring a smooth and effective transition, and documentation of service provision. For more information on LEA obligations related to *D.L. v. District of Columbia*, please refer to OSSE's website.

Referral Sources

District of Columbia LEAs may accept a referral from any source. For children under the age of 6, LEAs must accept referrals for initial evaluation from the following sources: pediatrician or other medical professional including physicians, hospitals, and other health providers; child development facilities, including day care centers, child care centers, and early childhood programs; District agencies and programs, including IDEA Part C programs; community and civic organizations; and advocacy organizations. (5-A DCMR § 3004.2)

Initial Evaluation Timeline

An LEA must make and document reasonable efforts to obtain parental consent within 30 calendar days of referral for initial evaluation and must complete an eligibility determination within 60 calendar days of parental consent. (DC Code § 38-2561.02(a) and 5-A DCMR § 3005.4.) The LEA must begin reasonable efforts to obtain parental consent no later than 10 business days from the date of referral. (5-A DCMR § 3005.4(a))

Early Childhood (C-to-B) Transition

For children transitioning from early intervention services under IDEA Part C to special education and related services under IDEA Part B, the LEA shall ensure a smooth and effective transition pursuant to 34

CFR 300.124, including ensuring that: 1) the LEA participates in transition planning conferences, as appropriate; 2) the LEA has developed an IEP by the child's third birthday; and 3) the LEA is implementing the IEP by the child's third birthday. (5-A DCMR § 3001.11) For public charter LEAs, the requirement to develop an IEP by the child's third birthday applies to any child who is currently enrolled in the public charter LEA or has completed the registration process for the upcoming school year. (5-A DCMR § 3001.11(b)(1))

For DCPS, the requirement to develop an IEP by the child's third birthday applies to any child who is a resident of the District of Columbia, and who is not enrolled in a public charter LEA. (5-E DCMR § 3001.11(b)(2)) The requirement to implement the IEP by the child's third birthday includes the provision of all special education and related services in the child's IEP. Specialized instruction must be provided by the child's third birthday, or if the child turns 3 on a non-instructional day, must be provided on the first school day after the child's third birthday. (5-A DCMR § 3001.11(c)). All related services must be provided at least once within 14 days of the child's third birthday. If the child turns 3 during the summer and the child does not qualify for related services as part of extended school year services, all related services must be provided at least once within 14 days of the first day of school after the summer.

Disability Categories

The District has established its own criteria for each disability category. Please refer to 5-A DCMR § 3011 Eligibility Categories for more specific information on eligibility criteria for each disability category.

IEP Development

The IEP team must develop an IEP that is reasonably calculated to enable the child to make progress that is appropriate in light of the child's circumstances. (5-A DCMR § 3017.7)

Secondary Transition

The first IEP in effect after a child with a disability reaches 14 years of age must include transition assessments and services, including: appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services needed to assist the child in reaching those goals; at least one goal that addresses readiness for and transition to high school; a statement of inter-agency responsibilities or any needed linkages before the child leaves the school setting; and, if the IEP team determines that transition services are not needed, the IEP must include a statement to that effect and the basis upon which the determination was made. (5-A DCMR § 3026.1)

Student Discipline

The District of Columbia has established requirements related to school discipline policies, including governing the suspension or expulsion of DC students. For more information, please see DC Official Code § 38-236.01-.09

Seclusion and Restraint

The District has additional requirements related to the seclusion and restraint of students with disabilities. The District prohibits the use of seclusion and restraint of students with disabilities except in emergency circumstances, which is defined as a temporary and unusual circumstance in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm. Property destruction, disruption of school order, or failure of a student to follow the directive of a school official shall not alone constitute imminent, serious physical harm. (5-A DCMR § 2099). For more information on requirements related to seclusion and restraint, as well as for LEA reporting requirements, please see 5-A DCMR §§ 3043 — 3045.

Reminder: Check DC Code, DC Municipal Regulations, OSSE policy, and your LEA's policies.

Visit OSSE's Special Education Policy webpage for additional information.

Bottom Line -- CHECK YOUR STATE RULES AND REGULATIONS.