A Guide to Understanding

Special Education In Indiana

2025

This guide is a legacy product built out of the contributions of department specialists and consultants over many decades. It has been updated to be current based on the reauthorization of Article 7 in 2024. The simplification of language for the purpose of general consumption by parents and others is the sole responsibility of Indiana's Parent Training and Information Center, IN*SOURCE, and does not constitute legal advice. This document and any future revisions to this guide will be made available through a website link.

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INTRODUCTION

Individuals with Disabilities Education Act (IDEA) is a federal law that supports special education and related service programming for children and youth with disabilities. The requirements of this law are incorporated into Indiana's special education rules in a section commonly known as Article 7.

The central purpose of this guide is to explain Article 7 so that it can be more easily understood. This document is not a substitute for Article 7 nor is it meant to provide legal advice. Please refer to Article 7 for the specific language in code. Additionally, this guide offers some general information beyond the scope of Article 7 related to raising a child with a disability.

WOULD YOU LIKE TO CONNECT WITH SOMEONE WHO CAN HELP YOU UNDERSTAND SPECIAL EDUCATION?

IN*SOURCE
Every learner. Every family. Every educator.

The federal and state education departments fund IN*SOURCE, a statewide parent training and information center that is prepared to listen to your concerns, respond to your questions, and connect you to answers free of charge to you.

IN*SOURCE is dedicated to providing high quality information, training and support to families of children and young adults with disabilities and the individuals and organizations who serve them.

IN*SOURCE is not a legal advocacy agency and cannot provide legal advice.

Visit insource.org,
email insource@insource.org
or call (574) 234-7101
to get in touch with a trained specialist.

HOW ARTICLE 7 IS ORGANIZED

Throughout this handbook, you will discover references that tell you where to look to find the exact words in Indiana law. Article 7 is a part of Indiana Administrative Code (IAC). It was adopted and is periodically revised by the State Board of Education under Title 511. Therefore, all references start with 511 IAC 7. Article 7 contains rules 32 through 50. The rules are further subdivided using numbers and letters, much like an outline. To illustrate, 511 IAC 7-40-3 is the third section in rule 40 where you can find the regulations describing educational evaluations. Then 511 IAC 7-40-3(e)(4) more specifically lists all of the areas that might be assessed related to the given disability.

FINDING WHAT YOU NEED

The entire first rule in Article 7, Rule 32, is an alphabetical list defining 106 important words and phrases used in Article 7. This is a great place to start if you want to better understand the words and phrases used in special education.

Article 7 also has an index by topic in the back of the document starting on page 147. The index will reference where in the code the specific term is mentioned. Additionally, when you access Article 7 as a .pdf file, you can use the tools on your keyboard, like control-F or F3, to find the locations of a term that is of particular interest to you.

“Words to Know” and Acronyms used in special education are also available at the end of this guide. For those who are reading this as a hard copy, all of the URLs to the links embedded in the document can be accessed using the QR code on the last page.

RULES in ARTICLE 7

As of the latest authorization in May of 2024, Article 7 is organized into 19 rules. Some of the rules are intended for school administration, not families. The rules below are most frequently referenced by parents and staff looking for common procedures:

Rule 32: Definitions
Rule 34: Non-Public Schools or Facilities (Private Schools)
Rule 37: Procedural Safeguards
Rule 40: Identification and Evaluation
Rule 41: Eligibility Criteria
Rule 42: Determination of Special Education Services
Rule 43: Related Services, Transitions, Transfer of Rights
Rule 44: Discipline Procedures
Rule 45: Complaints, Mediation, and Due Process Procedures
Rule 49: Provision of Special Education and Related Services by Choice Schools
Rule 50: Indiana Education Scholarship Account Education Service Plan

BIG IDEAS

Both IDEA and Article 7 are structured based on these foundational requirements:

- FAPE: Free Appropriate Public Education
- Appropriate Educational Evaluation
- IEP: Individualized Education Program
- LRE: Least Restrictive Environment
- Parental Participation on the Case Conference Committee (CCC)
- NOPS: Notice of Procedural Safeguards

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

FAPE is defined as special education and related services that are provided to students with disabilities at no cost to the parent. In Indiana, public schools must offer FAPE for students age 3 through the school year of their 22nd birthday.

An “appropriate” education differs for each child with a disability based on their needs. When the school conducts a meeting to plan for the student and puts together the proposed program for the student with a disability, this is called the school’s “offer of FAPE”. It will be presented to the parent as a document called the IEP or Individualized Education Program.

In order for a student to receive a FAPE, the parent must give written consent for educational evaluations of the student, and if the student is found eligible, give written consent for the school to implement the student’s initial IEP. Although the special education and related services are provided for free, there may be charges that are a part of the general education program required of all students. See 511 IAC 7-32-40

APPROPRIATE EDUCATIONAL EVALUATION

To decide whether a child has a disability and the nature and extent of the special education and related services the child needs, a comprehensive evaluation must be given. The evaluation must not be racially or culturally discriminatory and must be administered in the child’s native language. The parent must give written consent in order for the initial evaluation to be given to the student See 511 IAC 7-40-4

Once a child has been identified as eligible and the parent has consented to the initial IEP, the need to reevaluate must be discussed by the case conference committee at least every three years and may occur more frequently as needed. If the committee determines that there is enough data to plan for the student, they can agree not to reevaluate at that time. Reevaluations may also occur to consider new or different disabilities, additional services, or ineligibility.

INDIVIDUAL EDUCATION PROGRAM (IEP)

An **IEP** is a document required for every student who is eligible for special education. It is developed by a team and reviewed at least annually. An IEP describes how a student will access the general education curriculum and outlines the special education and related services needed by the student.

Special Education is specially designed instruction based on the needs of the student. Related Services are services that are necessary to allow the student to benefit from their special education. A student must be eligible for special education services in order to receive related services. Examples of related services include occupational therapy (OT), physical therapy (PT), an educational interpreter (EI), transportation, and more. See 511 IAC 7-43-1

When a student enters 9th grade or becomes 14 years of age, the IEP is called a TIEP or Transition IEP. The TIEP must be driven by the goals that the student has for themselves after they leave high school. Those goals are called postsecondary goals and are required in the areas of education/training, employment and, if appropriate, independent living.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Educating students in their **LRE** means that, to the maximum extent appropriate, students with disabilities are to be educated along with students without disabilities. Moving students with disabilities out of the regular educational environment occurs only if education in regular classes with the use of supplementary aids and services does not offer meaningful educational benefit due to the nature and severity of the disability. The determination of the LRE for each student is made individually based on the student's unique needs.

In special education, "restrictive" means preventing a student from being with their classmates of the same age or preventing the student from getting the help they need. "Environment" means the place where the student is located. The "Least Restrictive Environment" is that sweet spot where a student can be placed where they can get the help they need while being with the other students as much as possible.

A student with a disability may do well in the same place as their classmates, possibly with additional adult attention or consultation. This setting is called "general education" and it is the place where most students with IEPs are placed.

However, sometimes a student with a disability needs more help than what they can get when they are with their classmates. They are actually more restricted in general education because they are not free to get what they need. They may need a little help from a specially trained teacher that is in another room. Typically this placement is called "resource". A student might come and go from the resource room throughout the day depending on their program.

Some students are more successful if they can join a group of fewer students who learn subjects that have been broken down into smaller parts or are presented at a different pace to make it easier to understand. If the other students are also students with disabilities, this environment is called a "special education setting". Students may spend part or most of their day there as needed.

Some students have much greater needs and get their best help in a different building where there are very special supports that are not in the building where everyone else goes. Students who have to be in a hospital or have to stay home are the farthest away from being with their classmates, so these are the most restrictive environments.

A team decides where the student will learn best, keeping the student as connected as possible to general education and giving them the greatest access to the help they need. The decision of where that student will learn best is called that student's "Least Restrictive Environment."

See 511 IAC 7-42-10

PARENT PARTICIPATING on the CCC

The law requires schools to involve parents in developing IEPs. Article 7 uses the term **Case Conference Committee (CCC)** to describe the decision making team. The CCC is a group of individuals who meet at least annually to determine eligibility and design the IEP based on the individual needs of the student.

A parent brings important expertise regarding their own child and is to be valued as a critical member of the team. Parents must be invited to attend at a mutually agreeable time. Documentation in the IEP should note how parental input was considered at various points throughout the meeting and how parents were meaningfully included in the decision making process.

The student with disabilities should be included in the discussions as appropriate and must be invited to meetings when a TIEP is developed. In addition, there are a number of school personnel who must attend the meeting, including the Teacher of Record, a General Educator in most cases, and a representative in a leadership role who is able to commit resources to support the student's program. This person is called the Public Agency Representative or PAR . Depending on the purpose of the meeting, other individuals may be required to attend as well.

See 511 IAC 7-42-3

NOTICE OF PROCEDURAL SAFEGUARDS (NOPS)

Procedural safeguards are a set of rules that define and protect the rights of parents and students. The **NOPS** outlined in Article 7 is designed to promote parental participation, ensure that students with disabilities are provided with FAPE. It also outlines the means for resolving disagreements.

Procedural safeguards affirm the rights of parents to be fully informed and to participate in the process, to receive notice and give consent, to keep information confidential, and to examine records. These safeguards also outline the processes to be used for resolving disputes between parents and agency personnel.

The NOPS must be provided to parents in a language that they understand. The school may post the NOPS on its website. However, the school must also offer the parents a written copy of the NOPS. The copy can be sent through the mail or if the school uses email or texts or another electronic means to communicate with parents, a parent may choose to receive notices in a way that other school information is communicated.

The NOPS must be provided when an initial evaluation is requested, when a complaint is first filed, when a due process hearing is first requested, and when the school decides to remove the student from their placement for more than ten days. It also must be provided any time that the parent requests a copy.

The NOPS contains information about:

- The parent's right to written notice before the school can take certain action;
- The situations in which the school must obtain the parent's written consent before taking certain action and the parent's right to revoke an existing consent;
- The parent's right to participate as a member of the conference committee;
- The parent's right to request a CCC meeting;
- The parent's right to request a copy of the initial educational evaluation report or a meeting with an individual who can explain the results of the evaluation;
- The parent's right to request a reevaluation;
- The parent's right to request an independent educational evaluation (IEE) if the parent disagrees with the school's evaluation;
- The parent's right to inspect and review the student's educational record, to provide consent before information from the record is disclosed, and to challenge information in the record;
- The transfer of rights to the student at 18 years of age;
- The availability of mediation to help resolve disputes;
- The right of a parent or other individual to file a complaint;
- The parent's right to request a due process hearing;
- The differences between a complaint and due process hearing;
- The student's placement during the pendency of a due process hearing;
- The requirements for a parent's unilateral placement of a student with a disability in a private school;
- The protections and procedures for students who are subject to certain disciplinary actions, including manifestation determinations and placement in an interim alternative educational setting (IAES);
- The protections for those students who have not yet been determined eligible for special education;
- The school's reporting of crimes allegedly committed by a student with a disability; and
- The contact information for the school and other agencies and organizations that can provide assistance to parents in understanding Article 7.

See 511 IAC 7-37-1

PARENT TO PARENT POINTER

Form 16

In lieu of expulsion, some schools use a Form 16 as a negotiation tool to allow your child a second chance as long as you agree to you give up your rights if it ever happens again. However, your future rights cannot be waived under the IDEA and Article 7. The CCC would still need to determine whether any future behavior was a manifestation of your child's disability and/or a direct result of the school's failure to implement the student's IEP.

Talking with School Professionals

Here are some tips to think about when you are planning to have a conversation about your child. Building effective and respectful relationships with school professionals can help to ensure your child's success. You are your child's best advocate.

1. Prepare Before the Conversation:

- Define the purposes of your encounter clearly in your own mind.
- Prepare a list of questions and bring related documents.
- Be familiar with your child's needs and your role in decision-making.
- Schedule a face-to-face meeting whenever possible to build rapport.

2. Start the Conversation Positively:

- Begin with a topic that you both can agree on.
- Introduce yourself and state your concern clearly, with specific examples.
- Use "and" instead of "but" to keep the conversation constructive.
- Acknowledge good ideas and helpful suggestions from others.

3. Practice Active Listening:

- Ensure the other person has time to speak without interruption.
- Maintain eye contact and positive nonverbal cues like smiles and nods.
- Restate the other person's points to confirm understanding.
- Avoid jumping to conclusions or allowing negative feelings to distort the message.

4. Be Direct, Assertive, and Respectful:

- Direct your comments to the right person, speaking openly and honestly.
- Avoid absolutes and negative language that shuts down communication.
- Use "I" statements to express your feelings and concerns.
- Be confident in making requests.
- Remain willing to compromise for your child's best interests.

5. Stay Calm and Professional:

- Avoid threatening or belittling others, and don't minimize the problem.
- Ask questions as a means to clarify points of agreement and disagreement.
- Admit mistakes and acknowledge when others are helpful.
- Use a warm voice and humor when appropriate to maintain a positive tone.

6. Follow Up and Stay Involved:

- Strive to build a bridge that you can trust for future conversations.
- Communicate after the meeting to confirm the points discussed and express gratitude.
- Be open to assistance and ideas moving forward.
- Continue to ask questions and participate actively in decisions affecting your child's program.

WHAT WE MEAN

About 8% of students in Indiana attend private schools, which are called “nonpublic” schools in Article 7. Students who are homeschooled are also considered to be attending a nonpublic school. There are a number of programs in Indiana that pass public funding to nonpublic settings. Some of the programs are newer and are evolving. However, the foundational requirements of IDEA and Article 7 remain the responsibility of the public agencies. When this guide says “school”, it is not referring to a private school or facility unless specifically mentioned.

The most recent revision of Article 7 clarified that facilities are not considered schools in terms of responsibilities and access to funding. Most facilities get their funding through a contract with a public agency that has fiscal responsibility for government distributions and compliance.

Charters and Nonpublic Schools

In Indiana, Charter Schools are not private schools. They are considered public agencies and are responsible for upholding the requirements in Article 7 for the provision of special education and related services.

If your child is attending a nonpublic school, the special education services are provided by the public school but are not mandated to the full extent as what must exist for students who attend the public school where FAPE is a requirement.

WHAT WE MEAN BY “PARENT”

When you read the word “parent” in Article 7, know that this term is referring to whomever is legally responsible for the child even though there may be a number of different ways this person or these persons became responsible.

In Article 7 “Parent” can mean any one of the following:

(1) Any biological or adoptive parent whose parental rights have not been terminated or restricted in accordance with law.

(2) A guardian generally authorized to act as the student’s parent, or authorized to make educational decisions for the student, including a court-appointed temporary guardian.

(3) A foster parent.

(4) An individual with legal custody or an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, or other adult who accepts full legal responsibility for the student and with whom the student lives.

(5) An educational surrogate parent.

(6) Any student of legal age who:

(A) is eighteen (18) years of age; and
(B) has not had a guardian appointed by a court under.

(7) An educational representative.

See 511 IAC 7-32-70

EDUCATIONAL SURROGATE PARENT

Educational surrogate parent is a person appointed by the school to represent a student with a disability in matters relating to the provision of a free appropriate public education, including identification; evaluation, and placement. The school protects the rights of the student by making this assignment when no parent can be identified or located, when the child is a ward of the state, or when the student is homeless and is not in the custody of a parent. A judge may also appoint the educational surrogate if the child is a ward of the state.

See 511 IAC 7-32-32 and 511 IAC 7-39

EDUCATIONAL REPRESENTATIVE

When a student turns 18 years of age, the special education rights given to the parent under special education laws transfer to the student **unless** a guardian or educational representative has been appointed for the student. Any student with an IEP who has become eighteen years old may request in writing that an educational representative be appointed.

The school may also appoint an educational representative if two qualified individuals examine or interview the student and certify in writing that the student is not able to give informed consent. A qualified individual must be a physician with an unlimited license, a licensed nurse practitioner, clinical psychologist, school psychologist, or clinical social worker. They may not be related to the student and at least one may not be employed by the school. This individual must certify that the student is unable to consistently understand the nature, benefit, and consequences of the services or other program options offered by the school, make rational educational decisions based on the benefits and consequences of one service or program over another, and communicate their understanding of the decision in a meaningful way.

The school must first appoint the student's parents to serve as the education representative. However, if the parent is not available, the school must appoint someone else to the educational surrogate parent role. The student may ask in writing that the educational representative be removed or replaced at any time.

The school is not responsible for the costs of appointing an educational representative. When the school receives the written information from both individuals, the school will appoint an educational representative. An educational representative may be appointed up to 60 calendar days before the student's 18th birthday or any time after that if appropriate.

See 511 IAC 7-43-6

Inform School of Guardianship

If there are custody agreements or court orders that are unique to your family, the school should be properly informed of the legal guardianship arrangement for your child. This way, they can communicate appropriately with the right people and act in good faith when leading decision making processes.

Article 7 often uses the term “parent” in the singular form to represent the collective interest of those in the legal role of the parent even though there may be more than one person who is legally responsible.

Consider these examples.

- In the case where the rights of a biological parent has been terminated or transferred to someone else, the biological parent is no longer considered the “parent” for this purpose.
- If a child stays with their grandparents, but guardianship was not transferred, the biological parents may still maintain the legal rights to serve as the parent for the purpose of educational decisions and access to educational records.
- In the case of a child of divorced and remarried parents, it is possible that all four parents have been designated as legal guardians.

CHILD FIND RESPONSIBILITIES

Child find is the requirement that schools locate, identify, refer as early as possible, and evaluate all students between the ages of 3 to 22 years of age who may be in need of early intervention, special education and related services. The scope of this responsibility includes students who live in or attend an agency in the district, are homeless, wards of the state, or highly mobile. Charter schools must do the same, but only for students attending their schools.

See 511 IAC 7-40-1

If the student attends a nonpublic school, the parent may request that an initial evaluation be conducted by either the public school corporation where the nonpublic school is located, or the school corporation where the student lives. The corporation where the student lives is called the “ school corporation of legal settlement”. See 511 IAC 7-34-3 511 IAC 7-40-1,3

If the parent requests the evaluation from the school corporation where the nonpublic school is located, this school corporation must:

1. Explain to the parent the concept of a FAPE;
2. Advise the parent that the parent has the right to ask the school corporation of legal settlement for an offer of a FAPE (an IEP developed by the CCC); and
3. Ask if the parent wants the evaluation conducted by the school corporation where the nonpublic school is located or the student’s school corporation of legal settlement.

The chosen school corporation in either case must follow the procedures for conducting an initial evaluation, including:

1. providing the parent with written notice,
2. conducting the educational evaluation, and
3. convening the CCC as required and within the appropriate timeline.

When a student with a disability attends a nonpublic school outside the school corporation where the student lives, parental consent must be obtained before personally identifiable information about the student is shared between the school corporation where the student lives and the school corporation where the nonpublic school is located.
511 IAC 7-34-3(c)

Have Concerns? Just Ask

If you are concerned that your child might have a disability, speak with a licensed professional at your child's school. If your child does not attend a public school, either because they are a preschooler or because they are educated in a nonpublic setting, contact your local public school to initiate the conversation. You will want to reach out to First Steps if your child is younger than three years old.

Eligibility for special education is not limited to how a child does with reading and writing. In fact, most of the 13 eligibility areas have no requirement for impaired cognitive functioning. A child may be found eligible for a disability that is only a communication, behavioral, physical, social, or emotional issue. Get connected to a network and learn more about how children develop. Grow your understanding of the systems that are in place to support your child if needed.

EDUCATIONAL RECORDS

A student's **educational record** includes any records directly related to a student and maintained by the school or someone acting on the school's behalf. Among other things, an educational record includes test protocols that contain personally identifiable information regarding the student, the individualized education program (IEP), audio or video clips, scanned images, and other electronically recorded or produced items.

Personally identifiable information about a student means "information by which it is possible to identify a student with reasonable certainty," such as name, address, and social security or student test numbers.

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. IDEA and Article 7 maintain rules aligned with FERPA in Rule 38. Similar to Article 7, The term "parent" here also means a student of legal age.

RIGHT TO INSPECT THE EDUCATIONAL RECORD

Parents have the right to inspect and review the educational record. Schools may charge a fee for copies of student records with the exception of IEPs and educational evaluation reports.

If the school does not know the individual who is requesting access, the school must verify the identity of the individual and confirm they are the parent. If the school received a copy of a court order terminating or restricting a parent's authority to access a student's educational record, the school must not allow non-custodial parents the rights inspect and review the record

When a parent makes a request to inspect and review the record, the school must provide access to the record

- without unnecessary delay;
- before any meeting regarding an IEP, interim alternative educational setting (IAES) or manifestation determination;
- before a resolution session or due process hearing; and
- within 45 calendar days of the request.

The right to inspect and review the student's record includes the right to:

- have information interpreted or explained by school personnel;
- receive copies if the failure to receive copies would prevent the parent from exercising the right to inspect and review the record;
- have a representative inspect and review the record on behalf of the parent; and
- receive a copy of the record for use in a pending due process hearing.

Parents have the right to request in writing that a school correct records which they believe to be inaccurate or misleading. Parents also have a right to a formal hearing if the school refuses to amend the record. Schools must respond to the request within 10 business days. If the school refuses, they must inform the parent how to request and participate in a hearing.

Generally schools must have written permission from the parent or eligible student in order to release any information from a student's education record except for the following:

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information. However, schools must tell parents about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them

MAINTAINING THE EDUCATIONAL RECORD

The school must maintain a student's educational record for at least 3 years after the student exits from the special education program and in accordance with the school's own policy for retaining student records, which may be longer. In addition, the school cannot destroy a student's record if there is a pending request to inspect and review the record or a pending due process hearing.

Record Request When Other Student Is Involved

Sometimes an educational record has more than one student that is identifiable in the record. For example, a photograph or video recording that includes identifiable images or information regarding more than one student becomes tricky in terms of who has a right to see it.

If you request access to a record that features other students, the school may be concerned about the protection of the rights of these other students and explain this reasoning as grounds for not releasing this record to you. In these complex situations, the school may agree to release parts of the record or the parent may seek legal guidance on the option for a court order to remedy the disagreement.

Get Organized with a Home Filing System

As you will quickly learn, being the parent of a child with a disability involves managing many documents and records. Setting up a system that keeps all the information about your child's special education journey organized and in one place will help you become a strong advocate for your child and will lead to maintaining meaningful communication with your child's school.

First, you will want to decide if your organizational style leans toward storing hard copies with binders and folders, or if you want to set up an electronic system. Consider creating folders labeled: **Communication, Evaluations**, **IEPs**, **Reports**, **Sample Work**, and **Behavior**. This **home file checklist** is a good guide for what could be in each section.

Develop the habit of documenting summaries of events and conversations. Note the names, positions, and contact information of the people that play an important role in your child's education. You can make a copy of this **school contacts list** and this **school communication log** to help you keep track of important interactions you have with your child's school.

Make sure to date and keep the copies of things the school gives you for your records. Include a copy of your request for evaluation, your consent to evaluate, the educational evaluation report and any other relevant medical records or independent evaluations that you secured from places outside of the school as well.

If your child qualifies and you have been given an IEP, Service Plan for a nonpublic school, or a 504 plan, recognize this as one of the more important documents to keep. If you have a behavior intervention plan (BIP) not embedded in the IEP, you will want to keep that along with any other disciplinary notices. You should also have a copy of the procedural safeguards which outlines parent and student rights.

Include reports that monitor the progress on goals, report cards, and standardized tests. The school is required to update you on your child's progress toward meeting IEP goals at least as frequently as reports go home to all students. You may want to keep track of your child's progress on their goals with this **IEP goal tracker**. On a regular basis, save and file samples of your child's work that show signs of progress or concerns that you may have.

Track any time that your child is removed from any part of their day. If the total is about to go over 10 days within a school year, a special meeting called a manifestation determination conference must be scheduled by the school. Your child has additional rights and protections if the behavior is an expression of their disability.

Know where you can find the school's code of conduct, class-specific rules, and even school board policies in some cases. Familiarize yourself with the resources organized on the website of **insource.org** and other parents centers. Bookmark the links that you may want to study again at a later time.

ELIGIBILITY

After the comprehensive educational evaluation is completed, the CCC convenes to review the evaluation results and determine if the student is eligible for special education and related services. The student must meet the criteria in one or more of the 13 disability categories in Rule 41 as listed below. The one primary disability that has the greatest impact on the student's performance must be identified. One or more secondary disabilities may also be identified. Here are the categories:

511 IAC 7-41-1 AUTISM SPECTRUM DISORDER (ASD)

511 IAC 7-41-2 BLIND OR LOW VISION (BLV)

511 IAC 7-41-3 INTELLECTUAL DISABILITY (ID) May be Mild, Moderate or Severe

511 IAC 7-41-4 DEAF OR HARD OF HEARING (DHH)

511 IAC 7-41-5 DEAF-BLIND (DB)

511 IAC 7-41-6 DEVELOPMENTAL DELAY (DD) For ages 3 - 8 only

511 IAC 7-41-7 EMOTIONAL DISABILITY Mild, Moderate or Severe, Full or part-time

511 IAC 7-41-8 LANGUAGE OR SPEECH IMPAIRMENT (LSI)

511 IAC 7-41-9 MULTIPLE DISABILITIES (MD)

511 IAC 7-41-10 OTHER HEALTH IMPAIRED (OHI)

511 IAC 7-41-11 ORTHOPEDIC IMPAIRMENT (OI)

511 IAC 7-41-12 SPECIFIC LEARNING DISABILITY (SLD)

511 IAC 7-41-13 TRAUMATIC BRAIN INJURY (TBI)

Medical Diagnosis vs. Educational Eligibility

Your child may be identified by a medical specialist or an independent developmental professional as having a disability. This is useful information for the MultidisciplinaryTeam (M-Team) and the CCC to consider as they develop an understanding of the extent to which the disability impacts academic and/or functional performance in the educational setting. It also helps to understand the full picture of the education needs of your child, if found eligible. However, a medical diagnosis alone will not qualify your child for special education.

The determination of whether or not a child qualifies for special education involves not only acknowledging that a disability exists, but also determining if the nature and extent of the disability aligns with the eligibility qualifications as spelled out in Rule 41 of Article 7. The evidence must support a determination by the CCC that the student will be unable to adequately access and make meaningful progress in the general education program without special education services.

Section 504

If your child is found ineligible for special education under Article 7 because there is not enough evidence to conclude that their disability significantly impacts their educational performance, the existence of an impairment may still qualify your child for protections in school under what is commonly called a 504 Plan, or Section 504 of the Rehabilitation Act of 1973.

The Rehabilitation Act was the first law in the United States to protect the rights of people with disabilities. Many subsequent laws were founded on this historical legislation. This law prevents any entity that receives federal funding from discriminating on the basis of disability. Although many of the laws discussed in this guide are specific to children and students, the Rehabilitation Act is one protection that will continue to protect a person with a disability as an adult.

Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. That would include all public schools and most private schools if they accept government dollars or services funded through public grants. To be protected under Section 504, a person must be determined to have a physical or mental impairment that substantially limits one or more major life activities. The law recognizes “learning” as a major life activity.

Section 504 requires that school corporations provide a free appropriate public education (FAPE) to qualified students who have a physical or mental impairment that substantially limits one or more major life activities. Each school must develop and maintain policies for identifying and serving students who qualify under a 504 provision. This includes such things as the procedure to determine if misconduct is a manifestation of the child’s disability. The state testing protocol also provides options for accommodations to students with 504 plans when they take standardized assessments.

A 504 plan is much simpler than an IEP. It typically identifies the impairment, references the evidence of the impairment, specifies the student's needs because of the impairment, and then lists the accommodations, modifications and possibly services that will be provided. There are no federal procedural requirements, like meetings and signatures, but sometimes schools use procedures like Article 7 for their 504 processes.

When you present evidence to the school that your child has a verified lifelong impairment, the school must follow their procedures to verify the presence of the disability and ensure that your child will not face discrimination because of it. Common examples of diagnoses that may or may not qualify a student for an IEP but may qualify them for a 504 plan include dyslexia, ADD, ADHD, OCD and other behavioral, mental, and medical conditions. You may also ask your school to initiate an evaluation of your child to determine if there is a disability that would qualify for 504 protections. Ask the school for more information if you think this applies to your child.

With the exception of general child find requirements, disputes around Section 504 are not handled by the Indiana Department of Education (IDOE) and are not covered under Article 7. **These federal civil rights protections are administered by the Office of Civil Rights (OCR).** Here is a video from OCR on How to File a Complaint.

IDENTIFICATION AND EVALUATION

EDUCATIONAL EVALUATION

An educational evaluation is a procedure used to determine eligibility for special education and, if found eligible, the nature and extent of special education and related services that the student may need. The process may include tests, observations, and the collection of other information to determine educational needs in both academic and functional areas. The school must ensure that the educational evaluation provides meaningful information that directly helps the CCC make decisions regarding eligibility and educational services. See 511 IAC 7-40-3

REFERRAL

The educational evaluation process begins with a request that the student be evaluated for a suspected disability. This request is known as a **referral**. The school corporation where the student is enrolled is responsible for the educational evaluation. (In the case of a child attending a nonpublic school outside of the corporation where they live, a parent can ask either of the two school corporations for an evaluation.) The parent or school may make the request. A parent's request must be made to a licensed personnel, such as a teacher or administrator. It is a good idea for the parent to put the request in writing and note the date that the request was made. See 511 IAC 7-40-4(a)

WRITTEN NOTICE

Within **10 school days** after the parent makes a request for an educational evaluation, the school must provide the parent with **written notice** responding to the request, as well as a copy of the notice of procedural safeguards (NOPS). If the school makes the referral for the evaluation, the school must provide the parent with written notice. See 511 IAC 7-40-4(e)

The written notice will inform the parent whether the school intends to conduct the evaluation, describe the information the school used to make its decision, explain the reason for the decision, advise the parent of procedural safeguard protections, and provide a list of sources to contact for help in understanding special education rules.

If the school intends to conduct the educational evaluation, the notice must also include the evaluation timeline, a description of the evaluation procedures, and how the parent may obtain a copy of the evaluation report and/or schedule a meeting to discuss the results of the educational evaluation prior to the CCC meeting.

If the school does not intend to conduct the educational evaluation, the notice must also include an explanation of what the parent may do to contest the school's decision not to complete the evaluation. The parent may ask the school to participate in mediation or request a due process hearing if the school does not intend to conduct the requested evaluation. However, the parent may first wish to ask to meet with the school to better understand the school's position before deciding to take such action.

PARENTAL CONSENT

Before the school can proceed with the evaluation, the parent must provide written consent. This is typically done by the parent signing the written notice of initial evaluation and returning it to the school. See 511 IAC 7-40-4(h)

Although parental consent is required for an initial educational evaluation, the school is not required to obtain parental consent to (1) review existing data, (2) administer tests or other evaluations administered to all students unless parental consent is required for all students, (3) screen students in situations where school personnel will use the information to determine appropriate instructional strategies, or (4) collect progress monitoring data.

RIGHT TO REFUSE AN EVALUATION

The parent has the right to refuse an evaluation. If the parent refuses to provide written consent for an educational evaluation or fails to respond to the school's request for consent, the school may, but is not required to, ask the parent to participate in mediation or request a due process hearing. If the parent does not provide written consent and the school does not pursue mediation or a due process hearing, the school is not required to conduct the educational evaluation. See 511 IAC 7-40-4(m)

RIGHT TO REQUEST RESULTS

At the request of the parent, the school must provide a copy of the evaluation report at least **5 school days** before the CCC meeting. If the parent requests to have the results explained prior to the scheduled CCC meeting, the school must arrange a meeting with the parent and an individual who can explain the evaluation results within 5 school days prior to the CCC meeting.

See 511 IAC 7-40-4(h)

Dyslexia

IDEA and Article 7 do not recognize dyslexia as an eligibility category of its own. Eligibility for students who are found to have dyslexia are typically considered under the Article 7 category of Specific Learning Disabilities.

However, Indiana legislators established a special law and set of procedures that exist outside of Article 7. With a focus on improving early identification systems, Indiana enacted IC 20-35.5. This law requires schools to annually administer a universal screener to all kindergarten, first, and second grade students to identify students who may be "at some risk" or "at risk" for learning characteristics of dyslexia. The state believes that this early identification of students who are not on track to be proficient readers allows early implementation of targeted support. The results could suggest initiating a comprehensive educational evaluation under Article 7 if appropriate. More information can be found on the Dyslexia web page provided by the Indiana Department of Education

CONDUCTING THE EDUCATIONAL EVALUATION

A **multidisciplinary team (M-Team)** is a group of qualified professionals who conduct the educational evaluation. The team must include a teacher licensed in, or other specialist with knowledge in the area of suspected disability. The M-team may also include: a general education teacher; a special education teacher; a school psychologist; a speech language pathologist; or other qualified professional based on the student's unique needs or suspected disability. The parent plays an important role with the M-Team as well by providing input and information about their child.

The M-Team reviews existing information related to the student and input from the parent. Through this review process the M-Team identifies the suspected disability or disabilities for which the student should be evaluated and determines what additional information is needed to help the CCC determine whether the student is eligible for special education services. This process may include administering tests, conducting observations, and collecting information from a variety of sources. In most situations, the M-Team must complete its evaluation and the CCC must convene a meeting within 50 school days from the date that the written parental consent is provided to licensed school personnel. See 511 IAC 7-32-65 and 511 IAC 7-40-3(f)

PARENT TO PARENT POINTER

Evaluation Question Ideas

Do you know the answers to these questions? If not, you could ask the teacher of record or the person who is leading the M-Team work, who is often the school psychologist, the diagnostician, or the speech therapist.

- What will the evaluations be like for my child?
- What are the things about my child that you intend to test?
- How can I prepare my child and help make this a positive experience?
- Who will conduct the evaluations?
- Where will the assessments be done?
- Will my child have an opportunity to get acquainted with the people doing the evaluation and the places where the assessments are being done?
- Will the assessments be given in a language that my child can understand?
- How long will the evaluations take?
- What school experiences will my child miss?
- Will it all be done at one time or over several days?
- What information can I share with you to help you understand my child?
- What information does the school need to help decide if my student qualifies for special services? Can I share reports that I already have from doctors, therapists, and specialists?
- How soon can I expect to hear when the evaluations will begin?
- Is there anything I can read now to be better prepared to understand what you will be sharing with me?
- When will I be able to learn about the evaluation results and talk with the evaluators?
- What happens after the evaluations are completed?
- May I please get an advanced copy and meet with the evaluator five days before the CCC meeting to go over the results?

REEVALUATION

Once the student becomes eligible for special education and related services, all subsequent evaluations are considered reevaluations. Reevaluations are done if a new or different eligibility is suspected or if additional information is needed to address the special education or related services needs of the student. The school must consider the potential need for a reevaluation at least once every **3 years**. However, the reevaluation may be waived if the parent and school agree that it is unnecessary.

If the parent requests a reevaluation, the request may be made verbally or in writing to licensed personnel. Similar to initial referrals, it is recommended that the parent record their request in writing with the date that the referral was provided to the school. Written parental consent must be sought before the school can conduct the reevaluation.

However, unlike with the initial evaluation, the school may conduct the reevaluation without parental consent if the parent fails to respond to the school's request for consent. The school must document in detail the attempts made to obtain written consent from the parent. If the parent refuses to consent to a reevaluation, the school has the option, but is not required, to pursue mediation or a due process hearing.

See 511 IAC 7-40-8

WRITTEN NOTICE FOR THE REEVALUATION

Like with the initial evaluation, the school must provide the parent with written notice. The written notice must inform the parent whether the school intends to conduct a reevaluation, describe the information the school used to make its decision, explain the reason for the decision, advise the parent of procedural safeguard protections, and provide a list of sources to contact for help in understanding special education rules.

If the school intends to conduct the reevaluation, the notice must also include the reevaluation timeline, a description of the reevaluation procedures, and how the parent may obtain a copy of the reevaluation report or schedule a meeting to discuss the results of the reevaluation prior to the CCC meeting.

If the school does not intend to conduct the educational evaluation, the notice must also include the reason for the refusal and an explanation of what the parent may do to contest the school's decision not to complete the reevaluation.

The parent may ask the school to participate in mediation or request a due process hearing if the school does not intend to conduct the requested reevaluation. However, in an effort to better understand the school's position and perhaps reach an agreement on the requested reevaluation, the parent may wish to meet with representatives from the school to talk with school personnel before deciding upon further action.

See 511 IAC 7-40-8(g)

TIMELINE for THE REEVALUATION

The timeline for conducting the reevaluation can vary depending on why the reevaluation is needed.

If the purpose of the reevaluation is to reestablish the student's eligibility under the current disability category, the school has **until the next annual CCC meeting** to complete the reevaluation, assuming the request is within the 3 year requirement.

If the purpose of the reevaluation is to determine if the student is eligible under a different or additional disability category, or if the purpose is to provide information to the CCC about the student's needs, the reevaluation must be conducted and the CCC convened within **50 school days** of the date the parent provides written consent to licensed personnel.

If the reevaluation is an expedited evaluation due to the disciplinary action involving a student who has not yet been determined eligible for special education, the reevaluation must be conducted and the CCC convened within **20 school days** of the date the parent provides written consent to licensed personnel.

See 511 IAC 7-44-9(e)

INDEPENDENT EDUCATIONAL EVALUATION (IEE)

If the parent disagrees with the initial educational evaluation or the reevaluation, the parent may request an independent educational evaluation (IEE) to be conducted at public expense. An IEE is an evaluation conducted by a qualified professional who is not an employee of the school.

Within 10 business days of the parent's request for an IEE at the public's expense, the school must either notify the parent in writing that the school will pay for the IEE or initiate a due process hearing in which the school must show that the school's educational evaluation is appropriate

The school may ask the parent why the parent objects to the evaluation that the school completed. However, the parent is not required to provide a reason. The school must not delay providing the independent evaluation or delay initiating a due process hearing because of the response they receive from the parent or the parent's lack of response. A student's parents are entitled to only one independent educational evaluation at public expense each time the school conducts an educational evaluation where the parent disagrees.

Parents can always get an IEE at their own expense and they can choose if they want to share the results with the CCC. If the parent shares the IEE, the CCC must consider that information in making decisions about the student's educational needs.

If an IEE is paid for by the school, a copy of the IEE must be received by the school and considered by the student's CCC.

See 511 IAC 7-40-7

Chart of Evaluation Timelines

Day 1	The school receives a request from the parent requesting an educational evaluation for their child See 511 IAC 7-40-4 (d).
Day 2-10	The school has up to 10 instructional days to provide the parent with written notice regarding the request for their child's educational evaluation. See 511 IAC 7-40-4 (d & e).
Consent	The parent is encouraged to return the signed written notice as soon as possible so that the school has permission to proceed with the evaluation. The school cannot continue on this timeline until this step is completed.
20 days after consent	Only in cases of expedited evaluations due to disciplinary removal, within 20 instructional days of receiving parental consent, the school must evaluate the student and hold a meeting to discuss evaluation results to determine whether the child is eligible for special education & related services. See 511 IAC 7-44-9(e).
45 days after consent	If the parent requests a copy of the educational evaluation prior to the CCC meeting in the initial evaluation request letter, the school must provide a copy of the evaluation to the parent not less than five (5) instructional days prior to the initial CCC meeting. See 511 IAC 7-40-5 (h). The parent can also request that the public agency explain the educational evaluation results to the parent prior to the CCC meeting. See 511 IAC 7-40-5 (i).
50 days after consent	Within 50 instructional days of receiving parental consent, the school must evaluate the student and hold the first CCC meeting to discuss evaluation results to determine whether the child is eligible for special education & related services. or review the results in the case of a reevaluation. See 511 IAC 7-40-5 (d) and 511 IAC 7-40-8(e).
3 years	Reevaluation is considered at least every three years unless both the parent and public agency agree it is not necessary. However, a parent or public agency can request an evaluation any time during the three year period if additional information is needed to address special education and related services. See 511 IAC 7-40-8.
IEE	If the parent disagrees with the evaluation conducted by the public agency, the parent can request the public agency pay for an Independent educational evaluation (IEE). The public agency has the right to approve or deny the request for an IEE within ten business days of a parent's request. See 511 IAC 7-40-7.

When a student moves to another corporation during a reevaluation, the original 50 instructional day timeline may not apply. A different timeline can be agreed upon with the new school.
See 511 IAC 7-40-5(d)(3)

CASE CONFERENCE COMMITTEE

For a student to be eligible for special education and related services, the **case conference committee (CCC)** must consider the evaluation results to determine:

1. if the child has a disability that adversely affects the student's educational performance, which includes academic and/or functional performance, and
2. that the child needs special education or related services.

A CCC must meet for these purposes: See 511 IAC 7-42-3

- After an initial evaluation, as noted above
- After a student has been reevaluated
- Periodically but not less than annually for an eligible student
- Revise the IEP to address any lack of expected progress toward annual goals. the results of a reevaluation, the student's anticipated needs, or any other matters
- If the parent or school believe the IEP should be changed to ensure FAPE
- Within ten (10) instructional days of the enrollment date of a student who has been receiving special education in another state or another district within the state
- Within ten (10) instructional days of a disciplinary change of placement to determine whether the student's behavior is a manifestation of the student's disability
- To determine the interim alternative educational setting when public agency personnel remove a student to an interim alternative educational setting unless the setting has been included in the student's IEP or behavioral intervention plan.
- At least every sixty (60) instructional days when the setting in which the student is receiving educational services in the student's home or an out-of-school location.

CCC PARTICIPANTS

There are regulations around who must and may be a part of that conversation. Here are the key players in a CCC meeting:

THE PARENT

One of the most important members of the CCC is **the parent**. The parent brings a long-range and personal perspective that the rest of the committee might not have. The parent is required to be invited and the school must have evidence of a good faith effort to schedule the CCC meeting at a mutually agreeable time for the parent to attend.

THE STUDENT

It is beneficial to invite **the student** to attend their meetings as soon as it is deemed appropriate by the parent, but no later than the year before the student enters 9th grade or becomes 14, whichever comes first. At that time, the CCC will be writing a Transition IEP which requires input from the student. The student invite is required in those cases.

THE PUBLIC AGENCY REPRESENTATIVE (PAR)

Every CCC meeting must have someone who serves in the role of the PAR**.** The PAR must know about and be able to commit resources. They must be qualified to provide or supervise specially designed instruction for students with disabilities and they must also be knowledgeable about the general education curriculum. This person is often a building or district administrator, but the role can be held by another member of the CCC committee, like the Teacher of Record, as long as the person meets this criteria as well.

THE TEACHER OF RECORD (TOR)

See 511 IAC 7-42-8(c)

Every student with an IEP is assigned to a **Teacher of Record (TOR)** who serves like a case manager. The TOR must be present at the student's IEP meeting, or at minimum a teacher licensed in the area or suspected area of disability must be in attendance. If the primary disability is Language Speech Impairment (LSI), then the TOR is the speech therapist. The TOR may or may not be the Teacher of Service (TOS) as well. The TOR is responsible for many functions including:

- Providing special education services directly or indirectly to the student according to what is written in the student's IEP.
- Participating in the CCC meeting as the student's teacher to assist in developing measurable goals, benchmarks, and objectives to meet the student's needs.
- Monitoring and implementing the IEP and providing progress reports to the parent.
- Making sure that all staff responsible for implementing the student's IEP have access to it and know their responsibilities for ensuring the IEP is implemented as written.
- Making sure that all supplementary aids and services, program modifications, supports for school personnel, and accommodations are provided as in the IEP.
- Serving as a consultant and resource person for personnel who are working with the student.
- Participating in reevaluations of the student.
- Making sure that the relevant personnel are notified of any changes to the student's IEP when the parent and a public agency representative make changes without holding a CCC meeting.

THE GENERAL EDUCATION TEACHER

Unless it is already understood that the student will not have access to general education, a **general education teacher** is a required participant. It is helpful when that teacher has the potential to be meaningfully connected to the programming for that particular student. It is nice when more than one general education teacher can attend, but more than one is not required.

For children in early childhood, this role can be a teacher who provides services to nondisabled students in the preschool program or an individual knowledgeable about early childhood if the public agency does not have a general education preschool program.

INSTRUCTIONAL STRATEGIST

One of the CCC members must be able to interpret the instructional implications of evaluation results. Often this is the school psychologist but it can be a role that is filled by someone else on the CCC if they are able to provide that expertise.

GUESTS and OTHERS

The school and the parent are permitted to invite other individuals who have knowledge or special expertise regarding the student. It is courteous for the parent to inform the school when they intend to bring additional people. The school must notify the parent in the invitation of who they have invited to the meeting, including any additional people. Based on the circumstances, other individuals and representatives may be required or invited to attend if these program options are likely to be discussed.

EXCUSAL FROM THE MEETING

It is assumed that all members will stay with the meeting for its entirety. If a member's particular area of expertise is not being discussed, it must be recorded in writing that this person is not required to be in attendance. Additionally, with school and parental written consent ahead of the meeting, a member with expertise in the curriculum or related service being discussed can be excused from the meeting in whole or part as long as they provide their input prior to the meeting or during the portion of the meeting when they are in attendance.

NOTICE OF CCC MEETING

Once the CCC meeting is scheduled, the school will send the parent a written notice that includes the date, time, location, purpose and the names and titles of participants expected to be in attendance. This notice will advise the parent of the right to also invite anyone with special knowledge or expertise about the student.

If the parent wants to participate but is unable to attend, the school should ensure participation through other means. If the parent chooses not to participate either in person or through other means, the school may conduct the meeting without the parent. However in both cases, the school must document multiple and varied attempts to get parental participation. The school must also record responses received from the parent.

CCC Decisions

The decisions of the CCC should be based upon the best ideas from the input of all members of the CCC, including parental contributions. CCC decisions are not determined by a vote of "majority rule" and ultimate conclusions do not require a consensus. The final agreement is legally between only two parties, the public agency and the parent.

CCC RESPONSIBILITIES:

- Review the educational evaluation report and determine a student's eligibility for special education and related services.
- Review the student's present levels of educational performance and any progress monitoring information that is available;
- Develop, review, and revise a student's IEP;
- Determine appropriate special education and related services;
- Determine where, when, and how long the services will be provided; and addressing other matters that relate to providing the student with a FAPE.

CCC Discussion Questions

Information about the student is shared with and by all CCC members. Each member can offer input into and participate in the discussion. Some discussion points might include:

- What are the student's strengths and how do they learn best?
- What are the student's current present levels of performance?
- Is the student eligible as a student with a disability? If so, under what disability category or categories? What are the student's educational needs?
- What are reasonable goals that could be set for the student?
- What special education and related services are appropriate to meet the needs?
- Does the student need behavioral support? What will that look like?
- Where can the student be placed to best access these services?
- How can we ensure that the student has access to general education?

After the initial evaluation the school must provide the parent with written notice about any action it is proposing or refusing to take with regard to the student's identification, evaluation, eligibility, services, placement, or anything else affecting the provision of a FAPE. Most schools use the IEP to fulfill the written notice requirement. The school must provide this notice regardless of whether there was agreement between the parent and the school. Before the school can implement the services described in the **initial** IEP, the parent must provide written consent. The act of signing the IEP serves as written consent.

With any subsequent CCC meetings, the school must again include the parent and provide the parent with written notice about any action it is proposing or refusing to take. Although written parental consent is not required for a school to implement IEPs after the initial IEP, a parent has the right to challenge the IEP before it is implemented by asking for and participating in a meeting with a school official, initiating mediation, or requesting a due process hearing. If a parent does not challenge the proposed IEP within 10 school days of receipt of the IEP, the school may implement the proposed IEP. Conversely, a parent may sign the IEP soon after it is finalized to allow it to go into effect prior to the 10 day waiting period.

Comfort at CCC Meetings

Being a CCC member may seem intimidating to a parent. The following are some tips that have been offered to help a parent feel more comfortable during CCC meetings:

- Know that you are an expert regarding many things about your child.
- Make a list of questions so you don't forget them during the CCC meeting.
- Talk with someone who can explain things in easy-to-understand terms.
- Confidently ask questions and expect the school staff to answer your questions fully.
- Talk with the student's teacher or other school personnel before the meeting.
- Talk to other parents who have participated in CCC meetings.
- Take this booklet and any other notes with you to the CCC meeting.
- Reach out to your IN*SOURCE liaison to help you prepare ahead of time.

IEP DEVELOPMENT

If the case conference committee (CCC) decides the student is eligible for special education and related services, the next step is for the CCC to develop an **individualized education program (IEP)**. The IEP is a document that describes how the student will participate in the general education curriculum, if appropriate, and identifies the special education and related services that the school will provide to the student. The required components of an IEP are contained in 511 IAC 7-42-6.

GENERAL AND SPECIAL FACTORS

The CCC develops the IEP after considering all of the information about the student and must consider the following **general factors**:

- The student's strengths;
- Parental concerns;
- The results of any recent educational evaluations or assessments; and,
- The student's academic, developmental, communicative, and functional needs.

In addition, the CCC must consider **special factors** (when applicable) such as:

- Positive supports and interventions when a student's behavior affects the student's learning or the learning of others;
- Language needs of a student with limited English proficiency related to the IEP;
- Language and communication needs of a student who is DHH or DB;
- Instruction in Braille for a student who is BLV or DB;
- A student's need for assistive technology devices and services.

PRESENT LEVELS OF PERFORMANCE

An IEP must include the student's **Present Levels of Performance (PLOP)**

- Academic achievement, such as progress in reading, math, language arts, and other subject areas
- Functional performance, such as physical skills, sensory responses, fine and gross motor skills; personal care; behavioral, social, and emotional skills; and independent living skills
- How the student's disability affects the student's involvement and progress in the general education curriculum.

BEHAVIOR NEEDS

In the same spirit as identifying and understanding academic needs, the CCC is charged with considering any behavior needs of the student. When the student's behavior interferes with the student's learning or the learning of other students, then the student's case conference committee (CCC) should consider the results of a **functional behavioral assessment (FBA)**.

An FBA is a process where data is collected and used to identify both a pattern of behavior and the reason or purpose of the behavior for the particular student. It looks beyond the behavior itself as a disciplinary problem to instead identify significant, student-specific social, emotional, intellectual, and environmental factors associated with the specific behaviors. The FBA offers a better understanding of the function or purpose behind student behavior so that the positive interventions, support services and skill development strategies can address the root causes.

A behavioral intervention plan (BIP) is developed and agreed upon by the CCC using the information from the FBA to build on the hypothesis of "why" a student exhibits a behavior. The BIP can be a companion document. However, it is frequently recorded in the relevant sections of the student's IEP, acknowledging the integrated nature of behavior to the other aspects of student performance. At a minimum, the BIP describes:

- The student's behavior that interferes with the student's learning or the learning of others; (in the present levels section)
- The CCC's hypothesis of why the behavior occurs as informed by the **FBA**; (in the assessment results, discussion of rationale)
- The positive interventions, strategies and supports that may be necessary to address the behavior and make sure that interventions are consistently implemented across different settings; (in the services section)
- Any supports or technical assistance for staff that are necessary to ensure the plan is supported and implemented: (in the services section) and
- The new skills that will be taught and how the student's progress will be monitored in order to change the student's behavior, if applicable. (in the annual goals)

MEASURABLE ANNUAL GOALS

An IEP must detail measurable goals that a student is expected to achieve by the next annual case review. These goals should address both academic and functional needs as appropriate so that the student can make progress in the general education curriculum. The goals must address any and all other educational needs that the student has resulting from their disability regardless of the category of eligibility.

For students who participate in alternate assessments aligned to alternative academic achievement standards, there must also be a description of benchmarks or short term objectives to break down each measurable annual goal. See 511 IAC 7-42-6(f)(2)

PROGRESS MONITORING

The IEP must specify how **progress will be measured** toward reaching each goal. This includes recording how often data will be collected as well as the methods and the type of data that will be collected. Beginning with the present level as the starting point, the school personnel are responsible for periodically charting progress toward reaching the goals that have been set for the student by the CCC team. For this reason, it is important that the PLOPs and the goals are written in alignment and in a manner that can be easily measured and reported. The school is required to provide progress reports to the parents as often as progress reports go home for students in the general education settings. There may be a reason for an agreement to report progress more frequently depending on the circumstances.

SERVICES

The IEP must identify the **services** that will be provided to the student. This includes special education services, related services, and supplementary aids/services. If the program will be modified, the IEP must describe the modifications or supports for school personnel.

Special education services, related services, extended school year services, and any other type of service that have been agreed upon must include these details:

- the beginning and ending dates of these services
- how often the services and supports will occur
- how long each service or support will last
- where the student will receive the service or support.

These services must enable the student to

- Advance appropriately toward attaining the annual goals
- Be involved in and make progress in the general education curriculum
- Participate in extracurricular and other nonacademic activities
- Be educated and participate with other students with disabilities and nondisabled students

PARTICIPATION WITH NONDISABLED PEERS

The school must take steps to afford the student with a disability an equal opportunity for participation in a variety of educational programs, extracurricular services and activities that are made available to nondisabled students. This may include providing supplementary aids and services that the CCC determined appropriate and necessary.

To the maximum extent appropriate, based on the student's needs, the school must ensure that the student with a disability participates with nondisabled students in academic classes and other educational programs such as, vocational education, art, music, consumer education, career and technical education, field trips and convocations. Similarly, the student should have access to nonacademic and extracurricular activities such as meals, recess, athletics, recreational activities, school-sponsored groups or clubs, social programming, graduation ceremonies, and student employment.

The services that the student receives during the school day are expected to be available to them when they engage in extracurricular and nonacademic activities that are available to their nondisabled peers. If the CCC decides that a student needs supplementary aids and services in order to participate with nondisabled students in extracurricular or nonacademic activities, the CCC should include these additional services in the IEP.

If the CCC decides that there are times when the student will not participate with nondisabled students, the CCC must identify those situations in the IEP. An explanation of the extent, if any, to which the student will not participate must be provided along with the rationale for this decision. See 511 IAC 7-42-5

Specially Designed Instruction (SDI)

SDI is instruction that is adapted to address the student's unique disability-related needs so that the student can access, engage, and make progress in the general education setting. SDI can be provided in a variety of areas including academic, behavioral, and social situations. It is provided by a professional who has been formally trained in special education, typically recorded under the special education services section of the IEP.

RELATED SERVICES

A student must be eligible for special education services in order to receive related services. A list of related services is provided at 511 IAC 7-43-1(c). This list is not exhaustive and may include other developmental, corrective, or supportive services if the services are required for a student to benefit from special education. As an example, a student who is DHH may need an educational interpreter in order to participate in the school setting. A student who is OI may need physical therapy to help them learn to get around the school with more independence.

The IEP should be specific and detailed enough so that both the parent and school personnel can clearly determine how much of a service the student should be receiving at any one time during and throughout the school year.

EXTENDED SCHOOL YEAR

Extended School Year (ESY) must also be discussed in the CCC meeting. ESY is any service that is provided beyond the normal school year or school day. The CCC must decide if the student needs extra support that cannot be provided during the school day, either because there has been a breakthrough learning opportunity, there is fear of regression, or there are concerns that the student might not recoup progress they have made after taking a break from school. ESY does not include a summer school program that is available to all students.

ACCOMMODATIONS

Students with disabilities may require instructional or testing accommodations. Many different kinds of accommodations to support classroom learning can be provided to the student on a daily basis. On some standardized tests, some accommodations are not allowed because these may affect the validity of the test scores. However, there is no limitation on accommodations that can be provided to the student in other situations to support classroom learning. In order for a student to receive an accommodation on standardized assessments, the accommodation must be needed and used routinely in classroom situations. Here are examples of accommodations:

- headphones /noise buffers
- extra/extended time
- dictionary/calculator
- preferential seating
- read aloud to self
- frequent breaks
- assistive technology, like text size, speech-to-text dictation or text-to-speech readers

Here is a link from the Indiana IDOE to the
Accessibility and Accommodations Information for Statewide Assessments

Accommodations and Modifications

Both accommodations and modifications are ways that students with special needs do something differently than other students their age. However, there are important differences between these two ideas.

A **modification** changes the difficulty of a task to make it less academically challenging. When a student gets a modified assignment, the work may be more like what a student at an earlier grade level might be asked to do. It is simplified to be less complex.

An **accommodation**, on the other hand, keeps the target skill or knowledge at the same level as what is expected of same-age peers, but changes something to make it possible for the student to do it. Accommodations remove barriers caused by the disability to "level the playing field". An accommodation is intended to reduce or eliminate the effects of a student's disability, but does not reduce what the student is expected to learn.

Imagine a class of 5th grade students. Anita is reading the 5th grade text while wearing glasses. Bobby is reading the text out loud to better concentrate on the words. Chris is using highlighter to sort out the main idea and key details. Flora is taking short breaks every ten minutes and then getting back to reading. These are all examples of **accommodations** because all of these students are reading 5th grade text. Donny is reading 2nd grade text on the same topic. Donny's assignment has been **modified** so that he can participate in learning about things that other students are learning but at a level that is reasonable for his abilities.

Let's look at a math example, Gwen is using a calculator to solve algebra problems. Hota is using tiles to represent numbers to solve the same problems. Ivan is picking a formula from a list that he might apply to solve each problem. Jill is using a numberline. Lola is solving just the even numbered problems. These are all **accommodations** for solving problems that are the same level of difficulty. In comparison, Kevin is filling in blanks on a list of additional facts. Since Kevin is solving easier equations, his assignment is a **modification.**

Students with **modified** work will have different goals than same-age peers, while students who are receiving **accommodations** will have goals that are similar in grade level to their peers.

A student can be given any accommodation that the CCC decides is needed for the student to be able to access learning in the day-to-day activities of the classroom. However, there are only certain accommodations that are allowable on standardized tests.

Students who only do modified lessons and only take alternate assessments will not get the same practice with the more difficult grade level work over time. They are likely **not** on a path to learn everything that is expected for a student to earn a regular high school diploma given the same amount of time in school. Although the decision will have immediate impact on the curriculum that your child is provided, the decision can be reviewed each year to consider any new developments.

It is recorded in the IEP when it is decided that accommodations or modifications will be used. With the right accommodations and modifications designed to match the student's needs, the CCC can plan to support the progress and optimal success of each student.

PARTICIPATION IN ASSESSMENTS

The IEP must identify the student's participation in statewide and local assessments, including appropriate accommodations necessary to measure the performance of the student.

If the CCC determines that the student will participate in an alternate assessment, a statement of why the student cannot participate in the general assessment is required. The rationale should include why the alternate assessment is appropriate. The IEP must contain evidence that the school informed the parent that the student's performance will not be measured against grade-level academic achievement standards established to prepare students for graduation.

Article 7 provides criteria to consider when determining if a student with the most significant cognitive disabilities should participate in the alternate assessment. The CCC's determination that a student with the most significant cognitive disability will participate in the alternate statewide assessment program must be based on a comprehensive understanding of the whole student, including a review of relevant educational considerations and data obtained through the IEP process. The decision **may not** be based solely on:

- the student's disability category or label;
- the student's attendance;
- the student's native language;
- social, cultural, or economic differences;
- how the student is expected to perform on statewide assessments;
- the student's special education placement and services;
- the student's emotional, behavioral, or physical challenges;
- the student's English Language Learner status; or
- the accommodations the student requires in order to participate in the assessment.

In making its determination, the CCC may not consider or base its determination on the extent to which the student's participation in a statewide assessment may impact a school's category or designation of school performance.

Diploma Track

The decision to take a child off of a diploma track is not an easy one to make.

On one hand, you want your child to feel successful and not be frustrated with things that are too difficult. On the other hand, you don't want to deny them access to challenge and greater opportunity. This is a personal, case-by-case decision based on what the CCC team believes will give your child the greatest likelihood of experiencing fulfilling their unique potential.

PLACEMENT

To the maximum extent appropriate, a student with a disability, is to be educated with nondisabled peers. Removal from the general education classroom environment occurs only if the nature and severity of the student's disability is such that education in general education classes using supplementary aids and services cannot be satisfactorily achieved. The **student's placement in the least restrictive environment** must be documented in the IEP.

The CCC determines the placement where the student will receive services at least annually. The student's placement is based on the strengths, needs, goals and services as written in the IEP. The placement must be in the school that the student would attend if not disabled, unless the IEP requires some other arrangement, in which case the placement should be as close as possible to the student's home school. The continuum of placement options is as follows:

Preschool, ages 3 - 5	**School-Aged, K - 12+**
In a regular early childhood program at least 10 hours per week and receiving the majority of services there	80% or more instruction in general education
In a regular early childhood program at least 10 hours per week and receiving the majority of services in some other location	40%-79% instruction in general education
In a regular early childhood less than 10 hours per week and receiving the majority of services there	> 40% instruction in general education
In a regular early childhood program less than 10 hours per week and receiving the majority of services in some other location	
Separate class	> 40% instruction in general education
Separate school	< 50% Separate Day School Facility
Residential Facility or Homeschool	Residential Facility or Homeschool

TRANSFER OF RIGHTS

For a student who will turn 17 when the IEP is in effect, it must be acknowledged in the IEP that the parent and the student were notified that the parental rights will transfer to the student when the student turns 18 unless the parent takes legal action to retain guardianship.

TRANSITION IEP (TIEP)

There are added components required in the IEP when a student is about to become 14 years old or enter 9th grade. These include age-appropriate transition assessments, postsecondary goals that drive the planning process. The transition IEP must state if the student is getting a high school diploma, an alternate diploma, or a local certificate to guide their course of study. **Here is a link to a checklist of what should be in a TIEP**.

RATIONALE

For each decision that is made by the CCC and recorded in the IEP, there should also be a sound rationale to support that decision and evidence of opportunities for the parent to engage meaningfully in the considerations. The best place to record that rationale is in the section of the IEP where the decision was made. The rationale may also be recorded in a written notes section of the IEP.

When properly using the electronic IEP system provided by the state, the document that is produced will contain the date and purpose of the meeting, the meeting participants, concerns of the parent, and all of the required components of the written notice that becomes the IEP.

Case Conference Fundamentals

The parent and the school are equal partners of the case conference committee and both share decision-making authority. Your contributions are valued and required. The IEP should show evidence that your contributions were considered.

511 IAC 7-32-12, 7-37-1 (f) (3) (A), 7-42-3 (b) (5) (A)

- The Case Conference Committee is required to consider your concerns. Your input is valuable and you are an important member of the team! 511 IAC 7-42-6 (b) (2)
- Conferences are to be held at a “mutually agreed upon” day & time. If the date suggested by school does not work for you, please contact school immediately and offer alternative dates/times when you will be available. If necessary, you can attend virtually or by phone. 511 IAC 7-42-2 (a)
- Organize important information you have about your child to bring to the meeting. This information should support the concerns and/or services you may be requesting.
- At the beginning of the meeting, clarify who is making decisions for the school.
- Clarify how much time has been set aside and use the time wisely by maintaining focus on your child and the topic at hand.
- Stay focused and positive. You have the right to air your concerns in an appropriate manner. Ask questions about things you don’t understand.
- Keep notes of what transpires at the meeting in order to review them later and to be certain that the discussions were included in the report of the meeting.
- You can stop a case conference at any time and ask to continue the meeting at a later date if you don’t understand something or feel that the meeting is becoming too emotional.
- If this is your child’s first IEP meeting, the school cannot provide any services without your signature on the IEP.
- If this is not your child’s first IEP, it is very important to remember that the IEP can be implemented without your signature. You must submit your disagreement to the IEP in writing to the school within 10 days. Date it and keep a copy. 511 IAC 7-42-8 (a)(2)
- Keep in mind that building a good relationship with school staff is the best way to achieve good results during your student’s school years.
- Remember, if things are not going well, you can request to stop the meeting and reconvene at a later date.
- You can contact IN*SOURCE at insource.org for assistance in understanding special education processes, your responsibilities, your rights, and the responsibilities of the school.

AFTER THE IEP IS DEVELOPED

GETTING A COPY

The school must give the parent a copy of the student's IEP, at no cost, within 10 business days after the date of the CCC meeting. The school may give the parent the IEP at the end of the meeting, or may provide the copy at a later time as long as the parent receives the IEP no later than 10 business days after the CCC meeting. If the school uses electronic communication for other purposes with families, they may send it to the parent that way as well.

The finalized IEP, as presented to the parent, is called the school's "offer of FAPE". Based on all of the information and conversations that were processed through the CCC meeting, this document represents the school's program for the individual student so that the student can access a free and appropriate education (FAPE) in the least restrictive environment (LRE). The components within the IEP typically meet the requirements of the written notice from 511 IAC 7-42-7(b) outlining what the parent must be provided:

- A description of the action proposed or refused by the public agency.
- An explanation of why the public agency proposed or refused to take the action.
- A description of each
    - evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action.
    - Other options that the CCC considered and the reasons why those options were rejected.
    - Other factors relevant to the agency's proposal or refusal.
- A statement that the parent of a student with a disability has protection under the procedural safeguards and the means by which a copy of a description of the procedural safeguards can be obtained, explaining that after the initial IEP, the parent may challenge the action proposed or refused by the public agency by
    - 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.
    - Initiating mediation.
    - Requesting a due process hearing.
- A statement that if a parent challenges a proposed IEP prior to its implementation, the public agency must continue to implement the current IEP, except in cases where the student has moved-in from another agency.
- Sources for the parent to contact to obtain assistance in understanding.

INITIAL IEP

If this is the first time that the student has had an IEP, it is called an "initial IEP". Written parental consent must be obtained for the school to provide special education services for the first time. The initial IEP cannot be implemented until the parent signs the notice and returns it to the school. If the parent fails to provide consent, the student is not considered eligible to receive special education or related services. Once the parent returns the signed written consent, their child is protected as a student with disabilities under IDEA and Article 7.

AFTER THE INITIAL IEP

Once the parent has given initial written consent for the school to provide special education services, the school must continue to provide the special education services as described in the most recently agreed upon IEP unless the parent revokes consent for services, the student is found ineligible through a reevaluation, the student ages out of secondary education, the student officially drops out, or the student graduates with a diploma. If the student graduates with an alternative diploma, they may still attend school until they age out.

REVIEWING THE IEP

At least once a year, the CCC must meet to review and update the IEP. The CCC discusses if the student is achieving the annual goals and revise the IEP to appropriately address the student's current educational needs. The CCC also meets:

- After a reevaluation has been conducted;
- Upon the request of the parent or school staff;
- At least every 60 school days for a student who receives special education services at home or in an alternate setting;
- When the school makes a disciplinary change of placement;
- To determine the interim alternative educational setting if a student is removed for serious offenses (weapons, drugs, or serious bodily injury); and
- Within 10 school days of the enrollment of a student who had an IEP in another state or Indiana school district.

The parent must always be included as a member of the CCC. The school must keep detailed records of attempts to include the parent in all CCC meetings for their child. However, if the parent is unresponsive, written consent from the parent is not required for the school to revise IEPs once the initial IEP is signed. If the school fails to schedule the meeting in a way that includes the parent, and the CCC meets to review and revise the IEP without the parent, the school has to provide the parent with written notice before any proposed changes can be implemented. This written notice must also inform the parent of what steps the parent may take, should the parent disagree with the proposed changes.

The parent and school may agree to modify the completed annual IEP without a CCC meeting. Any changes that are made must be put in writing and provided to the parent.

CHALLENGING THE IEP

If the parent disagrees with the school's proposed action, within 10 school days of receiving notice of the school's proposed action, the parent must take one of the following actions:

- Request and participate in a meeting with someone from the district who has the authority to resolve the disagreement, like the special education director, and incorporate the changes by written agreement;
- Initiate mediation; or
- Request a due process hearing.

See 511 IAC 7-42-7(4)

If the parent does not take any of these actions, on the 11th school day after the parent receives the IEP changes, the school may implement the changes described in the new IEP. If the "effective date" written on the IEP is later than the 11th school day, then the school can implement the IEP on the "effective date".

IMPLEMENTING THE IEP

The school must implement the IEP as it is written and must provide the services described in the student's IEP

- by the student's 3rd birthday if the student is moving from First Steps to public preschool.
- no later than 10 school days after the school receives the written parental consent to implement **the initial IEP.**
- upon receiving written consent to implement the IEP.
- on the 11th school day after the parent receives the written notice of proposed changes to the IEP if the school does not receive a challenge from the parent.
- by the effective or start date indicated in the IEP in all other cases.

When a student moves in from outside of the school corporation, the receiving school must immediately provide services similar to those described in the student's IEP from the previous school, until the CCC meets. The CCC must meet within 10 school days of when the student enrolls and either adopt the student's IEP from the previous agency or develop a new IEP. If the school determines that an evaluation is necessary, it may request written consent from the parent to conduct a reevaluation of the student.

REVOKING CONSENT

Any time after the parent has given the school permission to provide special education services, the parent may take back consent and take their child out of special education. To do this, the parent must state in writing that they are revoking consent for special education services. This written statement from the parent must be given to licensed personnel, such as a teacher, principal, or special education director. Before the school stops providing special education services, the school must provide the parent with written notice explaining the consequences of the request for revocation of services.

All special education instruction, related services, accommodations, and any other services and supports written into the IEP will stop ten school days after the parent receives written notice unless the parent gives consent to stop services sooner. The student will be instructed in the general education classroom and will receive education as a nondisabled student.

After consent is revoked, neither the parent nor the student will be entitled to the protections or the safeguards under Article 7 or the Individuals with Disabilities Education Act (IDEA). If the parent later wants to initiate services again, the parent must request an initial evaluation and go through the educational evaluation process from the beginning to determine if the student is eligible for services. See 511 IAC 7-42-15

THE SPECIAL EDUCATION CYCLE

Definition of "Days"

Once a request for an initial evaluation is received by licensed personnel, a compliance timeline starts. Most timelines in Article 7 are based on the "**instructional day**". An instructional day is understood as a school day or any part of a day when students are expected to be in attendance.

Evaluation timelines are generally based on **instructional days**. Therefore a parent cannot expect evaluation activity to happen when students are on break. Service schedules in IEPs are also understood to only be relevant during instructional days unless there are ESY (extended school year) written into the student's IEP. ESY services are those beyond the school schedule or calendar.

SUPPORTING THE ADULTHOOD TRANSITION

Public school is generally identified as elementary, which is K-6, and secondary, which is 7-12. (Different school corporations may have different building configurations within this state definition.) Students with disabilities can continue with their secondary education until the school year of their 22nd birthday. Their secondary education will end when they age out or when they are ready to move on, hopefully having accomplished a diploma or certificate.

To prepare students for this time, the school must give the student who will be 14 or will be in 9th grade, the opportunity to explore their strengths and interests through age-appropriate transition assessments. They must start the CCC decision process with an understanding of where the student sees themselves after school by setting postsecondary goals. The annual goals, services, and placement decisions should all align with this vision. The course of study should be determined so that the student knows the diploma or certificate they are striving to achieve. The student must be invited to these conferences so that they can gain agency.

As a student receiving special education moves into adulthood (age of majority) at 18, there is a natural and legal transfer of decision-making power. As this transfer occurs, some students may continue to need assistance with making decisions regarding their education, healthcare, financial situation or other aspects of adult life. Informal advice or guidance from family and friends may be all some students need, but for those who would benefit from a more structured approach, there are a number of options.

The most restrictive form of support is full guardianship. Unless limited by the court, a guardian is responsible for providing or supervising the person's care and ensuring their property, finances, and assets are properly preserved and managed. Guardians are also generally required to regularly inform the court on the status of these matters. A court may limit the appointment of a guardian to a particular area or task; for example, a limited guardianship over the person's finances and property where the individual retains all other rights. A little less restrictive is the use of agency agreements which allows a person to appoint another to make decisions or act on their behalf in certain situations. Some examples include power of attorney documents, healthcare representatives, and representative payees.

The least restrictive form of support is **Supported Decision Making (SDM)** In July 2019, Indiana recognized SDM as a less-restrictive alternative to guardianship. With SDM, individuals consult friends and family before making decisions, but the individual makes the final decision. Those who support someone are typically deemed "supporters" in an SDM agreement. A formalized SDM agreement can be completed for any adult. It can be used on its own or combined with other supports to fit an individual's needs. SDM doesn't need to be brought before a judge to be valid, and agreements can easily be modified over time. SDM agreements also serve as a great option for showing third parties like doctors or other individuals' one's decision making capacity. Allowing people with disabilities this dignity of risk, like we do for most young adults, helps them improve their decision-making skills and leads to greater self-determination.

IC § 29-3-14-1

ALTERNATE DIPLOMA and CERTIFICATES

The Alternate Diploma is standards-based and only available to around 1% of all students. The student must have met the criteria for having significant cognitive disabilities, must have participated in the alternate assessments, and must have satisfied graduation requirements. The Class of 2023 was the first class where this provision applied.

Indiana gives each school corporation the authority to award locally developed certificates, such as a certificate of completion, to those students who do not meet the graduation requirements otherwise. Leaving high school with a local certificate or a withdrawal from high school does not end a student's eligibility for special education and related services.

GRADUATING

The regulations around what a student needs to do to graduate are not found in Article 7 but rather in IC 20-32-4 in a chapter that is relevant for all students. Currently two different sets of requirements are active depending on the student's graduation class cohort. For the best and most relevant information, reference the **IDOE website regarding Graduation Pathways.**

SUMMARY OF PERFORMANCE (SOP)

The SOP is a written plan that provides a student with a summary of the student's academic achievement and functional performance with recommendations on how to assist the student in meeting the student's postsecondary goals. The parts of the SOP include but are not limited to:

- Basic demographic information.
- Postsecondary goals that take into account the student's education program interests, preferences, and strengths.
- Summary of academic achievement and functional performance with information from the academic transcript; academic assessments; functional assessments of how the student lives, works and accesses the community; workforce readiness evidence like workready assessments, career exploration internships, cooperative education experiences, or other credentials.
- Recommendations to assist the student in meeting postsecondary goals, including accommodations, modifications, or assistive technology utilized by the student and identified by the student as particularly helpful or necessary to meet academic or functional goals, or both.

See 511 IAC 7-43-7

The public agency must provide this to a student when they:

- graduate with a high school diploma
- graduate with an alternate diploma
- finish the school year when they turned 22 and ages out
- leave high school with a locally developed certificate, such as a certificate of completion.

The public agency may provide a student with a summary of performance when the student withdraws from high school after an exit interview is conducted and the student's parent and principal consent to the withdrawal.

See IAC 7-40-3(h)

NONPUBLIC SCHOOLS

If a student has been determined eligible as a student with a disability through the CCC process, the school must present the parent with an IEP that describes the program that the student would receive if they attended the public school. A parent may decide that their child is attending a private school instead. Even if the parents do not accept the offer of FAPE from the public school, the student is still entitled to some level of special education services. See 511 IAC 7-34-3

A student with a disability in a nonpublic school receives special education and related services from the public school in accordance with a **service plan**. A service plan has some components similar to an IEP. The sections of a service plan include:

1. the student's present levels of educational performance;
2. measurable annual goals related to the services that will be provided;
3. the special education and related services that will be provided;
4. a statement regarding the student's participation in statewide or district testing and any appropriate accommodations the student will use;
5. projected dates of when services will begin and end, as well as the length and frequency of services to be provided; and
6. information on how the student's progress toward the annual goals will be measured and how the school will inform the parent of the progress.

A CCC meeting is required every year by the public school where the nonpublic school is located, but the public school does not have to offer an IEP each year, unless the student is coming back to public school or the parent needs the IEP for an ESA.

Students generally receive a different level of service under a service plan than students receive under an IEP. For example, the length and frequency of services to be provided may be less than the student would receive through an IEP. However, the qualifications of the service providers may not be less than what is provided in the public school. If the public school decides to provide the services at a location other than the nonpublic school, it must provide transportation for the student to and from the location.

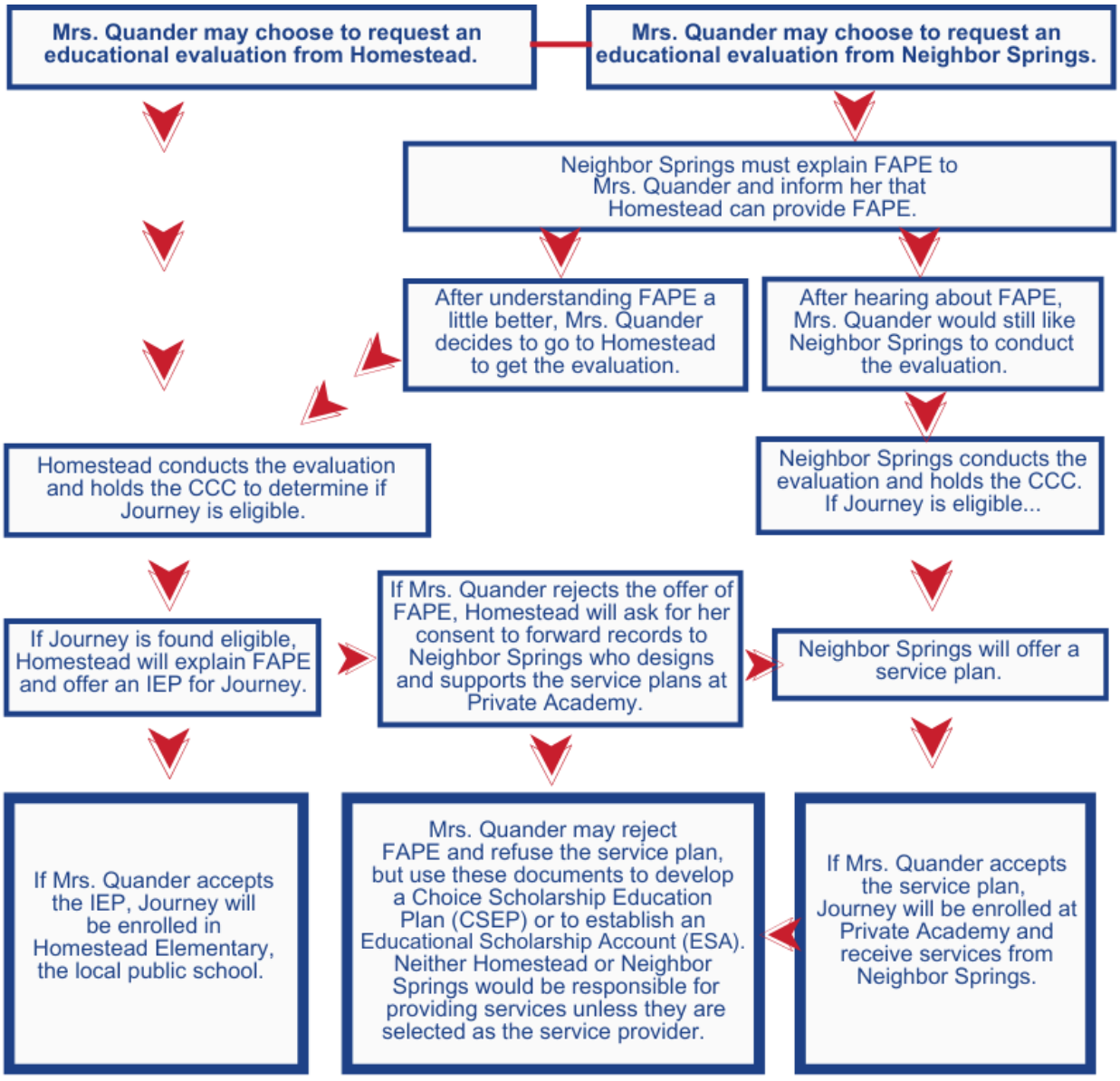
The parent of a student who is enrolled in a nonpublic school may request mediation or a due process hearing only if the parent disagrees with the school's procedures for the initial evaluation and eligibility. Due process hearing and mediation are not available to resolve disagreements about annual goals, the special education and related services offered, or where the services will be provided. If the parent believes the public school has not complied with the requirements of IDEA or Article 7, the parent may file a complaint with the IDOE.

Anticipating Behavior Challenges

If your child has challenging behaviors, be sure that you understand how the school that you choose is likely to respond to circumstances that you anticipate may happen with your child due to their disability.
Protections for disabilities are required in nonpublic schools through Section 504 but comprehensive services and support may not be available outside of the public school setting. Have a plan in place before your child starts.

REQUESTING AN EVALUATION WHEN IN A NONPUBLIC SCHOOL

For the purpose of illustration, let's imagine this scenario:
Mrs. Quander has sent her daughter, Journey, to **Private Academy**, a nonpublic school.
Private Academy is located in **Neighbor Springs** Community Schools, a nearby school corporation.
The Quander family home is located in **Homestead** Schools (School Corporation of Legal Settlement.)
Mrs. Quander decides that she would like Journey evaluated to see if she has a disability.
Private Academy explains that the public school system is responsible for conducting the evaluation.



If the nonpublic school happens to be located within the boundaries of the school corporation where the family lives, that school corporation would be responsible for all of the steps combined. The school corporation of legal settlement would complete the evaluation, determine eligibility, and if eligible, explain FAPE, offer an IEP and then offer a service plan. They would be responsible for providing the services in both cases, unless the parent refused all offers.

CHOICE SCHOLARSHIP (CSP)

Indiana's Choice Scholarship Program, commonly referred to as the voucher program, provides scholarships to eligible Indiana students to offset tuition costs at participating nonpublic schools, known as choice schools. Students must satisfy both household income requirements and student eligibility criteria to qualify for this program. Students with disabilities who receive a choice scholarship are referred to as choice scholarship students. See 511 IAC 7-49

SPECIAL EDUCATION SERVICE PROVIDER FOR CSP

When a student with an IEP or service plan applies for a choice scholarship, the choice school must inform the parent of the special education and related services it makes available. After receiving this information, the parent then selects either the choice school or the school corporation within whose boundaries the choice school is located as the provider of special education and related services. This service provider selection is valid for the entire school year for which the choice scholarship was awarded, unless the parent revokes consent. The school chosen to be the service provider must be reselected every year that the student receives a choice scholarship and remains eligible for special education and related services.

Similar to what is explained in the nonpublic schools section, If the parent of a choice student requests a reevaluation of the student, the school corporation must conduct the reevaluation. In this case though, the choice school must be included in the collaboration and sharing of relevant information related to the reevaluation.

CHOICE SCHOLARSHIP EDUCATION PLAN REQUIREMENTS

If the choice school is chosen as the service provider, the choice school must arrange a meeting with the parent of the choice scholarship student in order to determine the student's special education and related service needs and develop a **Choice Scholarship Education Plan (CSEP)** for the student.

The CESP is a service plan that describes the special education and related services that the choice school is required to provide to the choice scholarship student. A CSEP must be in writing and must contain the following:

- Measurable goals;
- Information on how the student's progress will be monitored and how parents will be informed of this progress;
- The special education and related services that the choice school will provide to the student, including accommodations needed for the student to participate in statewide assessments.
- The length, frequency, and duration of the special education and related services to be provided.

Although the student is no longer in a public school setting as protected through IDEA, there are still some specific protections and procedures written into state law for students with CSEPs:

- Written parental consent is required to implement all CSEPs.
- A parent may request a meeting at any time to review the CSEP. The choice school must convene a meeting to review the CSEP within a reasonable time of receiving the request.
- For returning choice students who already have a CSEP and re-elect the choice school as service provider, the prior year's CSEP must be reviewed at the beginning of the year by the choice planning team in order to develop a new CSEP.
- A parent may revoke consent to the CSEP at any time by providing a signed written statement revoking the CSEP, and this revocation will revoke the entire CSEP. Upon receipt of the written revocation, the choice school MUST stop implementing the CSEP. and must immediately notify the school corporation within whose boundaries the choice school is located that the student is no longer receiving services under the CSEP.
- Upon revocation, the choice school must immediately provide a copy of the CSEP to the school corporation. No later than 10 school days from the date the school corporation receives this written notice, the school corporation must convene a CCC meeting and develop a service plan.

If the Local School Corporation is the Service Provider, the school corporation where the choice school is located must convene a CCC and develop a service plan. The practical effect of this parental selection is that the choice scholarship student receives services in the same manner as other special education students attending nonpublic schools.

FAPE and Nonpublic Schools

Because a choice school is a nonpublic school, the student may but does not necessarily by law have access to the full extent of the provisions and protections offered through IDEA and Article 7.

RESOLVING DISAGREEMENTS WITH THE CHOICE SCHOOL

There may be times when the parent and choice school have a disagreement about the provision of special education and related services that cannot be resolved by working together to reach an agreement. Because the choice school is a nonpublic school, requesting mediation and requesting a due process hearing are NOT available.

However, the parent of a choice student has the right to **file a complaint. The parent must first file the complaint with the choice school.** If the choice school does not resolve the complaint to the parent's satisfaction, the parent may file a complaint with the IDOE. A special education complaint filed with the IDOE will be investigated in the same manner as any other special education complaint. Failure of the choice school to timely comply with any corrective action resulting from the complaint investigation may impact the choice school's continued eligibility as a choice school.

EDUCATION SCHOLARSHIP ACCOUNT (ESA)

An ESA provides parents access to public funds for approved a la carte educational programs, therapies, services, tuition, and other expenses related to an eligible student's education. An ESA is set up by an eligible student's parent with the Indiana Treasurer of the State. As of July 1, 2024, parents of approved INESA students can also apply for ESA funding for the eligible child's siblings who do not require special education services. See IC 20-51.4 and IAC 511 IAC 7-50. For comprehensive current information, visit the **Indiana Education Scholarship Account.**

ELIGIBILITY for an ESA-SP (ESA Service Plan)

In order to be eligible, a student must have legal settlement in Indiana, must be age 5-21 and must be a student who requires special education services as defined in Article 7. Family income cannot exceed 400% of the Federal Free or Reduced School Meals limit. The child must either have an existing IEP, a service plan, or a choice special education plan. They may also be an eligible student who has not yet had a plan drawn up for them. The public school will convene the CCC upon the parent's request and will develop an IEP that becomes the ESA-SP.

QUALIFIED EXPENSES FOR ESA

- Tuition and fees at a qualified school, public school, or other ESA participating entity.
- Fees for:
    - national norm referenced or criterion referenced examinations;
    - advanced placement examinations, Cambridge International courses, International Baccalaureate courses, or College-Level Examination Program (CLEP) examinations; or
    - statewide assessments associated with industry recognized credentials.
- Educational services for an eligible student who is a student with a disability.
- Payments associated with the use of paraprofessional or educational aides.
- Services contracted for and provided by a school corporation, charter school, magnet school, or qualified school. These services include: individual classes; extracurricular activities or programs; additional programs, resources, or staffing defined in the student's education plan.
- Occupational therapy in the student's IEP or service plan.
- Fees for transportation paid to a fee-for-service transportation provider for the eligible student to travel to and from an approved special education service provider.
- Tuition and fees to attend training programs and camps that have a focus on vocational skills; academic skills; life skills; independence; or soft job skills that are character traits and interpersonal skills that characterize a person's relationships with other people.
- Additional services and therapies prescribed by the eligible student's treating physician in accordance with generally accepted standards of care to improve outcomes for the student in addition to any services currently being provided by the school, insurance, or the Medicaid program.
- Fees for the management of the ESA account.
- Expenses to enroll in and attend sequences, courses, apprenticeships, and programs of study designated and approved through the CSA program.

PARTICIPATING ENTITY FOR ESA

A participating entity is an educational provider who has applied and been approved for participation in the ESA Program, and therefore can be paid with ESA funds. The following entities are eligible to become a participating entity:

- Qualified school.
- Individual or tutoring agency providing private tutoring.
- Individual or entity that provides services to a student with a disability in accordance with the student's IEP or SP.
- Individual or entity who offers a course or program to an eligible student.
- Licensed occupational therapist.
- Entities who provide assessments.

ESA SERVICE PLAN REQUIREMENTS

The ESA service plan must contain a statement specifying the following:

- The parent or emancipated eligible student is responsible for arranging for the provision of any of the special education and related services specified in the ESA service plan chosen for the student.
- No public agency is required to provide any of the services identified in the plan unless the parent or emancipated eligible student contracts with the public agency to provide specific services.
- The parent or emancipated eligible student is responsible to arrange for payment for any contracted services.
- The ESA service plan is valid for a period of time not to exceed three (3) years, or the date the student's reevaluation is due, whichever occurs first.

Planning to Manage an ESA

Before starting an Education Savings Account, consider what it will take to manage the fund and your child's education. Think about your time, accounting skills, transportation demands, education know-how, and interest in handling the details of your child's experience. Look into local service providers to make sure you can create a strong program for your child.

If you have extra time, funds, or connections with schools or providers ready to accept ESA funds, this could be a great fit. For parents who already homeschool, an ESA might help cover costs. However, keep in mind that educational services can be expensive, and some families end up spending their own money to ensure their child gets a complete education. Take time to research and compare options to find what works best for your family.

INITIATING AND MAINTAINING THE ESA-SP

In order to have the documentation to establish an ESA, the parent must request a CCC with the School Corporation of Legal Settlement to develop an IEP which the parent formally rejects. The school then presents the ESA-SP Activation document for the parent to sign. The ESA-SP consists of the rejected IEP and the ESA-SP Activation documents.

The ESA-SP is valid for three years. Once an ESA-SP is established, the parent becomes responsible for arranging for special education and related services as written in the ESA-SP. A parent may request a CCC meeting before the ESA-SP expires. However, after the initial determination of eligibility for the ESA, the schools will not continue to develop IEPs, SPs or CSEPs for students who are not receiving services under these plans.

To determine continued eligibility, the student must be reevaluated at least once every three years, unless both the school and parent agree that a reevaluation is unnecessary. The parent must consent to the reevaluation before the school can proceed. If it is determined that a reevaluation is necessary but the parent does not provide consent, the school cannot develop an IEP or renew the ESA-SP.

A parent seeking a reevaluation in order to continue an ESA-SP must provide data on the student's progress toward goals, any assessment scores, and any other information from participating service providers as part of the evaluation process. The school convenes a CCC to consider the results of the reevaluation and the information provided by the parent. During the meeting, the CCC discusses the present levels of performance, measurable goals, special education and related services, and testing accommodations required for the student.

If the parent enrolls the student in public school, the ESA-SP is terminated. The parent and school must notify the Treasurer of State of the enrollment in the school. The school must immediately provide the services comparable to those in the ESA-SP and must adopt or develop a new IEP within ten instructional days.

NONPUBLIC VIRTUAL SCHOOLS

Some virtual schools are programs within a given public school corporation, but for those virtual schools in the state that are nonpublic entities, all of the regulations in 511 IAC 7-34 apply. In the most recent reauthorization of Article 7, the state clarified that for parentally-placed students in nonpublic virtual schools, the school corporation where the students live is the school corporation responsible for providing special education and related services to the students attending virtual nonpublic schools. Public schools will consult with nonpublic virtual schools when notified of a student within their boundaries.

See 511 IAC 7-34-4

These agreed upon services would be described in the student's service plan with the components provided in 511 IAC 7-34-5(e).

INSTRUCTIONAL DAYS

Indiana Code 20-30-2-2(a) specifies that a school must provide at least 180 days of instruction per school year. An instructional day for a student consists of at least five hours of instruction in grades one through six and at least six hours of instruction for grades seven through twelve, with a few exceptions related to delays, dismissals, and flexibility given to the school system.

The length of the instructional day for students with disabilities must be the same as the instructional day for nondisabled students. The only time it is appropriate to shorten the school day for a student with a disability is when the CCC determines a shortened day is required to address a student's unique disability related needs. A student's IEP should include the CCC discussion of the full continuum of services and placement. There must be a clear explanation of the unique need or skill gap that is met by reducing the day. There should also be a clear connection to the progress expected to be achieved by shortening the school day. In most cases, a shortened day should be in place for only a limited time. There should be a plan for the student to return to full day as soon as they are able. The CCC should meet as often as necessary to review the plan to determine when the student is able to return to school full-time.

A school may not reduce a student's instruction time as a form of punishment or in lieu of suspension or expulsion. The CCC must develop an IEP that addresses the student's behavioral needs. If the student's behavior impedes the student's learning or that of others, the IEP must include positive behavioral intervention, support, and strategies reasonably calculated to enable the student to participate in the full school day.

Agreeing to Shortened Days

Before agreeing to put in the IEP a plan that allows your child to be sent home if they exhibit certain behaviors, consider that your child has a right to be educated during the same school hours as the other children.

It is generally not considered best practice to unintentionally teach a child that someone will come take them home if they act out. It is the school's responsibility to educate your child for the entire instructional day unless it is determined that this is not in the best interest of the child. That decision is not to be based on the limitations of the school staff.

REMOVALS

IDEA and Article 7 use the term "removal" to refer to **any** situation in which a student is removed for **any period of time** from the program outlined in the IEP. The features of the IEP that are particularly relevant is the extent to which the student:

- can continue to progress in the general curriculum;
- receives the special education services described in the student's IEP; and
- participates with nondisabled students to the same extent as in the student's current placement.

An **in-school suspension** does not count as a removal if the above criteria are met.

If the student is removed for only part of a day, it counts as a whole day of removal. If the school asks the parent to pick the student up early from school due to behavior, it counts as a whole day of removal unless this process is programmed in the student's IEP.

When a student with a disability breaks school rules, they can receive the same discipline that would apply to a student without a disability who broke the same rule for up to 10 days of removal. The school does not have to provide any special education or related services to the student during the first 10 days during the school year. The days of removal count toward the limit of 10 whether they happen all at once (consecutive) or added up over time (cumulative).

DISCIPLINARY CHANGE OF PLACEMENT

When it is known that a student will be removed for more than **10 cumulative school days** in a school year, the school decides if the series of removals **constitutes a disciplinary change of placement.** A disciplinary change of placement is not the same as a placement change that might happen when an IEP is created or revised. A disciplinary change of placement means that the student's placement is different than the one in their IEP because the student violated the school's code of conduct. This different placement could impact the student's access to their individualized educational program and FAPE, so Article 7 requires the situation be addressed.

A removal or series of removals from a student's current educational placement within the same school year results in a disciplinary change of placement as described above if:

- **The removal is for more than 10 school days consecutively** (all at once), or
- **A series of removals add up to more than 10 days and show a pattern**. Taking into account factors like the length of the removal, the total time that the student has been removed, and how close in time the removals were to one another, the school decides if the incidents are similar enough to demonstrate a pattern.

It differs from school to school who is assigned to make the decision of if the behaviors show a pattern. Typically the school principal, assistant principal, dean, or a special education administrator is charged with looking at the history of behaviors and making this decision. If they decide that there is no pattern, then this means this is not a disciplinary change of placement. There must be input from at least one of the student's teachers to determine what services are needed to enable the student to continue to participate in the general education curriculum and make progress toward their IEP goals, although in a different setting.

These services must begin on the 11th school day of the removal. See 511 IAC 7-44-2

Behavior Patterns

Article 7 designates the school as the authority to determine if a pattern exists without calling a CCC meeting. If you believe that there is an unrecognized pattern to your child's behavior, you may want to ask to visit with the special education director or call a CCC meeting to discuss your child's needs.

REMOVALS THAT ARE A DISCIPLINARY CHANGE OF PLACEMENT

As soon as the school is aware that a student will be removed for more than 10 days, and in the case of cumulative days concludes that the behavior shows a pattern, the school must immediately notify the parent that the student's behavior has resulted in “Disciplinary Change of Placement”. The school must provide the parent with a copy of the Notice of Procedural Safeguards and schedule a CCC meeting with them before the student’s removals total 11 days. This special meeting is called a manifestation determination.

Note: Although schools can consult or share classroom-based observations with a parent , they cannot require medicating a student as a condition of accessing FAPE. See 511 IAC 7-36-9

MANIFESTATION DETERMINATION CONFERENCE (MDC)

After a disciplinary change of placement**,** the CCC must comprehensively review all relevant information in the student’s file including the student’s IEP, teacher observations, and parent input to determine if the conduct was:

- **caused by the student’s disability, or had a direct and substantial relationship to the student’s disability, or**
- **the direct result of the school’s failure to implement the student’s IEP or behavioral intervention plan (BIP).** See 511 IAC 7-44-5

Manifestation Determination (MD) Simplified

The word “determination” indicates that this is a meeting where a decision will be made. The word “manifest” means the way something takes hold or shows itself. In the case of a manifestation determination, the first decision is if the student’s behavior is related to their disability.

For example, a student with a cognitive disability may find it difficult to understand procedures and learn the rules. A student with an emotional disability may be beginning to learn skills related to anger management. There may be a connection between the disability and what happened.

CONDUCT <u>IS NOT</u> A MANIFESTATION OF THE STUDENT’S DISABILITY

If the CCC decides that the answer to both of the questions above is “NO”, that means that the student may be removed or otherwise disciplined in the same way that someone without a disability would be disciplined for the same thing. The school must provide educational services to the student while the student is removed. The CCC decides the services and placement so that the student can:

- continue to participate in the general education curriculum from a different setting;
- progress toward meeting the goals in the IEP; and
- receive an FBA and a BIP designed to address the student’s behavior.

CONDUCT IS A MANIFESTATION OF THE STUDENT'S DISABILITY

If the CCC decides that answer to **either** of the two questions asked at the MDC are "YES", then the CCC must conduct a functional behavioral assessment (FBA) if one has not already been done, and develop and implement a behavior intervention plan (BIP). If a BIP has already been developed, it must be reviewed and revised to address the student's behavior.

Unless the behavior involved possession of weapons or drugs, or involved serious bodily injury, the student is returned to the placement from which the student was removed. Alternatively, the school can propose a change of placement, **but can only implement that change with written agreement from the parent that the student can be served in a different place.**

If the CCC decides that the student's behavior was the direct result of the school's failure to implement the IEP, the school must take immediate steps to fix the problem.

INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES)

The school may place the student in an **IAES** for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if - while the student is at school, on school premises, at a school function, or on the way to a school funtion - they

- Carry or possess a weapon;
- Possess, use, or sell illegal drugs or controlled substances; or
- Inflict serious bodily injury on another person. **"Serious bodily injury"** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

The CCC determines the IAES and appropriate services needed to enable the student to:

- continue to participate in the general education curriculum from a different setting;
- progress toward meeting the goals in the IEP; and
- receive an FBA and a BIP designed to address the student's behavior.

See 511 IAC 7-44-6

Next Time there is a Removal

There is an annual limit of no more than 10 removals before the question of disciplinary change of placement must be considered. The 10 day limit does not reset just because the first manifestation determination process has concluded. The count of removals does not start over until the next school year.

Any subsequent removals within the same year would continue in the condition of being over the limit of 10 days of removals in one school year and would initiate the same series of decision points including additional manifestation determination conferences if necessary.

DISAGREEMENT WITH THE MD or IAES

If the parent disagrees with the MD or the IAES, the parent may request mediation, a due process hearing, or both. If the parent requests a due process hearing, the hearing will be expedited. See 511 IAC 7-44-5(h) and 511 IAC 7-44-6(e)

SUBSTANTIAL LIKELIHOOD OF INJURY TO STUDENT OR OTHERS

If at the end of the period of suspension, expulsion, or placement in an IAES the school believes that returning the student to the placement prior to the removal is substantially likely to result in injury to the student or others, the school may request an expedited due process hearing to determine an appropriate placement for the student. See 511 IAC 7-44-7

PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE

A student who has not been determined eligible for special education and related services and engaged in behavior that violated any rule or code of conduct of the school may assert the protections provided by Article 7 if the school had knowledge that:

- The parent expressed concern in writing to licensed personnel, or a teacher of the student, that the student is in need of special education and related services;
- The parent or school requested an initial evaluation of the student; or
- The student's teacher or other school staff has expressed a specific concern about a pattern of behavior demonstrated by the student directly to a supervisor.

If a parent requests an initial educational evaluation during the time the student is suspended, expelled, or placed in an IAES the evaluation must be conducted in an expedited manner. See 511 IAC 7-44-9

PARENT TO PARENT POINTER

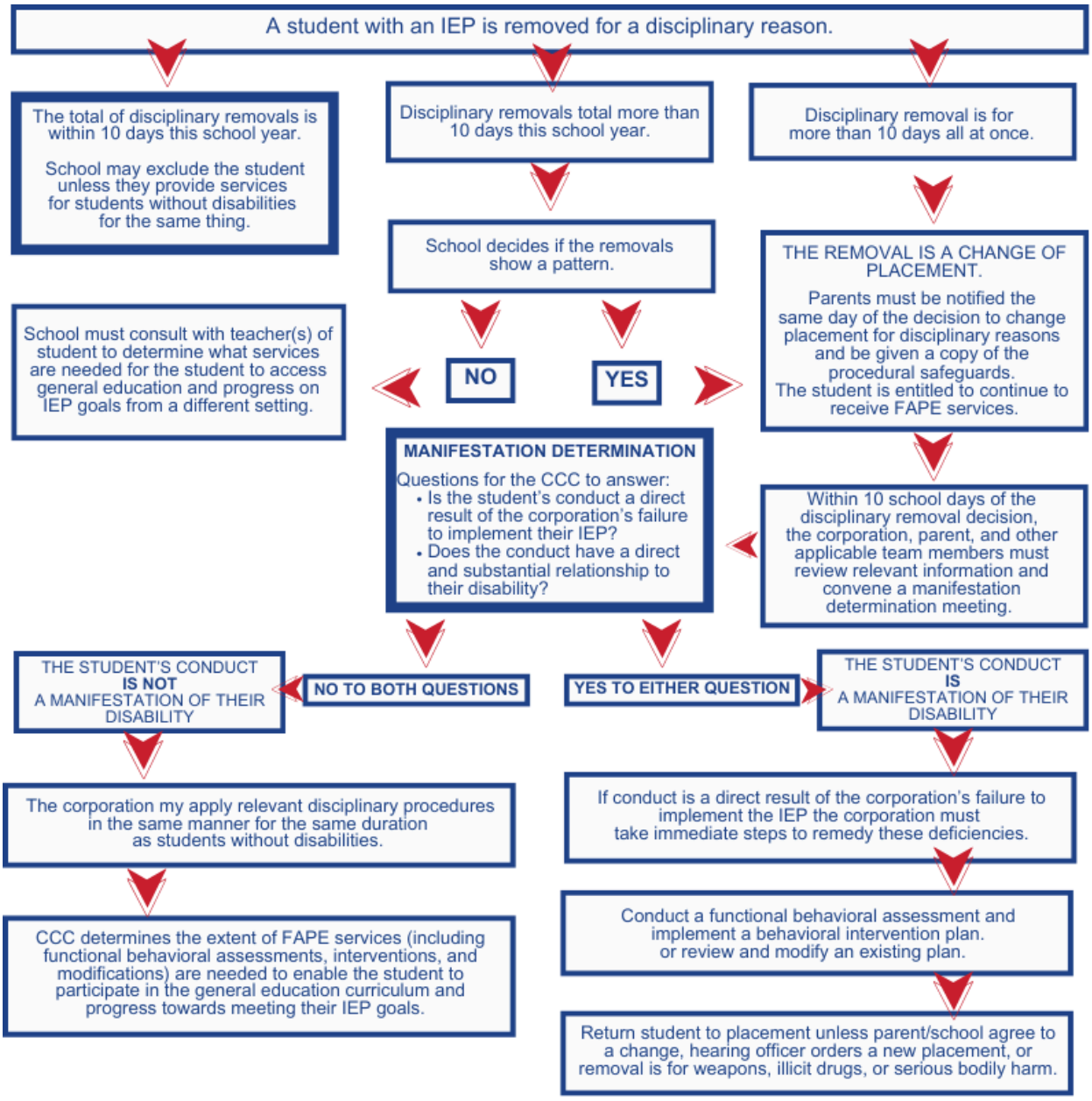
When Behavior is the Issue

If you are concerned that your child's behavior could be a problem for themselves or for other children, here are some questions that you may want to ask to establish an understanding with you and the staff:

1. What specifically is the behavior? What does it look like when it is happening?
2. Under what conditions does this happen? What is going on before it happens?
3. Are there results after the behavior that might be encouraging my child to do it again?
4. What do we believe is the reason that my child is misbehaving? What are the findings of the FBA (Functional Behavioral Analysis) as to the purpose of this behavior for my child?
5. What is being done or could be done to create a setting where this behavior is not likely to happen? Are there circumstances that could be avoided? Supports that could be offered?
6. What skills is my child learning related to managing their behavior? Who is teaching them?
7. Besides punishment, what responses from staff are helping my child?
8. Are there things that could be done at home to contribute to a coordinated plan?
9. How are the intended outcomes and supports represented in the IEP, specifically in the areas of goals and services, including proactive training for staff who work with my child?
10. What can we do to monitor the progress of my child's behavior improvements?

REMOVALS AND MANIFESTATION DETERMINATION FLOWCHART

Schools must track any day that a student with an IEP is removed for any amount of time from their program as defined by the IEP. Based on how many removals have taken place for the student within the year and other factors, the following things must happen.



These processes also apply for a student who is suspected as having a disability but has not yet been identified. Typically, this means the student is somewhere in the process between a parent or staff making a referral for testing and the CCC meeting to determine eligibility.

RESOLVING DISAGREEMENTS

Focus on Solutions

As the parent to your child, you bring a special understanding of your child that may offer practical ideas and solutions to the school setting. You are in the best position to be your child's advocate when decisions are being made. In your role, it is natural that there may be times when you do not agree with the school on what is best for your child.

Rather than taking an adversarial posture, it may serve you and your child best in the immediate situation and in an enduring way for years to come to strive to establish and maintain a respectful and positive relationship with the people who are preparing to support your child. If the parent and school are able to foster open dialogue, a solution to the disagreement can often be achieved in less time with better results than using a more formal dispute resolution process.

INFORMAL DISPUTE RESOLUTION

When the parent and school do not agree about the provision of special education or related services, the first steps should be directed at working together to reach an agreement. Many disagreements or conflicts can be resolved **informally**. This allows those who know the student best, including parents and school representatives, to work together to develop a solution.

The parent should begin by clearly identifying the specific issues where there is a disagreement and sharing their concerns with a school representative such as a teacher, principal, dean, the director of special education or others. For contact information for the **director of special education of your school corporatio**n, click **here** to see the table maintained by the IDOE. A face-to-face conversation will ensure that the school is aware of parental concerns and allow both parties to discuss potential solutions. This may help alleviate misunderstandings or help the school understand the parent's concerns.

If changes to the IEP are needed, the parent and school may agree, in writing, to amend the IEP without convening the CCC meeting. A parent may also make a request to **reconvene the CCC meeting**. At the CCC meeting, parties will be able to have a productive conversation regarding a student's eligibility for special education and related services, IEP revisions, student progress, appropriate special education and related services, and any other matter related to the provision of a free appropriate public education (FAPE).

A **facilitated IEP** **(FIEP)** meeting may also be effective if the disagreement is related specifically to developing or revising the IEP. With a FIEP, a trained, impartial professional facilitator attends a CCC meeting and supports the development of an IEP. The facilitator does not make any decisions regarding the student's IEP, but helps parties resolve their conflicts related to creating the IEP, stay focused, and develop an IEP that best meets the student's needs. This service is provided at no cost to the parents or schools.

When the parent and the school are unable to find a resolution for the disagreement, the parent may:

- File a complaint;
- Request and participate in mediation; or
- Request a due process hearing.

The school may also request mediation or a due process hearing.

COMPLAINTS

The following information is available on the IDOE website **at this link**.

A complaint is based on a claim that the school did not follow proper procedures. It may be filed by any individual, group of individuals, agency, or organization including the parent(s) of a child with a disability. A complaint must be filed within one year of the alleged violation.

The formal investigative process starts with a written claim alleging that the school:

- Has not implemented federal or state special education rules; or
- Has failed to comply with a mediation agreement, an agreement reached during a resolution meeting, or an order issued by an independent hearing officer (IHO).

The assigned complaint investigator will speak to the parties to learn more about the issues in the complaint, and in some instances may visit the school to obtain additional information.

- The parent(s) and the public agency have the opportunity to submit documents to the complaint investigator related to the allegations.
- The complaint investigator reviews all of the information and submitted documentation and issues a complaint investigation report, which may include corrective action if the public agency is found to be noncompliant with state special education rules.

COMPONENTS OF A COMPLAINT

- The student's name and address;
- The name of the school corporation or charter school, and school the student attends;
- A statement that the school is not following one or more requirements of **Article 7** or the **Individuals with Disabilities Education Act** (IDEA);
- Any facts supporting the allegations;
- A proposed resolution (if the person filing the complaint has a recommendation);
- Contact information for the person filing the complaint; and
- A signature of the complainant. See 511 IAC 7-45-1

You can search for prior complaint investigation reports by going to the **I-CHAMP** website.

HOW TO FILE A COMPLAINT

- The Indiana Department of Education (IDOE) and the public agency serving the student must receive a copy of the complaint. The form may be submitted electronically using **I-CHAMP**, in person, by mail, or via fax. **It cannot be filed with IDOE through email**.
    - To file a complaint electronically, you will use the website at **I-CHAMP**.
    - The **special education complaint form** can also be used as a written request. You will have to print it, fill it out completely, add a handwritten signature, and submit it via mail, fax, or in person. Email is not an option. If not using the form, the written request for a complaint should include similar components to the form. Click **here** for a sample complaint request. To translate a page or form to another language, please review translation instructions **here**.

A written complaint report will be issued by IDOE within 40 calendar days of receiving the complaint, unless an extension has been granted. Either the complainant or the public agency can request reconsideration by the Director of the Office of Special Education within 10 days of the report being issued. If reconsideration is requested, the Director's final decision shall be made within 60 days of the date the original complaint request was received by IDOE.

If the IDOE finds a violation, they may order the school to take corrective action and identify steps to be completed by specific dates. The complaint investigator will monitor the public agency's compliance with the ordered corrective action and ensure all corrective action is completed within one year of the issuance of the report.

MEDIATION

The following information is available on the IDOE website **at this link**. See 511 IAC 7-45-2

Mediation is a ***voluntary and confidential process*** that is provided at no cost to the parent or school. A trained and impartial mediator will facilitate a discussion between the parent(s) and school to help the parties resolve their disagreement related to special education. The assigned mediator is trained in effective mediation techniques, and will work as a neutral party to help resolve ongoing issues related to special education rules.

Mediation sessions are scheduled in a timely manner in a location convenient to both parties. All discussions that occur in a mediation session are confidential and cannot be used as evidence in a due process hearing or court proceeding. Mediation may be requested before or at the same time as a request for a due process hearing or a complaint.

Mediation **can** resolve a disagreement from the CCC meeting, a disagreement about the reimbursement for services obtained by parents, or a complaint or a hearing. It **cannot** resolve a parents' failure to respond to a request for, or refusal to consent to, the initial provision of special education programs and services; parental revocation of consent for receipt of special education services; and parents' refusal to consent, or failure to respond to a request to provide consent, to an initial evaluation or reevaluation of a student who is home-schooled or parentally placed in a private school at the parents' expense.

HOW TO REQUEST A MEDIATION

- A request for mediation may be initiated by the parent or the school.
- While either party may initiate the request for a mediation, a mediator will not be assigned until both parties agree in writing to participate.
- A copy may be submitted using **I-CHAMP**, in person, by mail, or via fax.
    - To request a mediation electronically, go to **I-CHAMP**.
    - A printed form with a handwritten signature or a written request for a mediation including the components of the form with a handwritten signature can also be submitted to IDOE. Please go to the mediation request page of I-CHAMP to see the **sample mediation request.** The mediation request may be submitted in person, by mail, or via fax. Email is not accepted. To translate a page or form to another language, please review translation instructions here.

Once assigned to a mediator, IDOE's Office of Special Education expects mediation to occur within 30 calendar days. Each session in the mediation process shall be scheduled in a timely manner and held in a location that is convenient to the parent and the school. If the school and the parent agree to engage in mediation to resolve a complaint, then the mediation must be completed within 20 calendar days of the date the parties agree in writing to engage in mediation.

The parent, staff from the school district, and the mediator must be present for mediation to take place. The parent and school decide together who else may attend the mediation, such as support people. The mediator often helps with this before the mediation session. The parents and school district should inform the mediator of those expected to attend the mediation session. A parent may choose to have his or her child present for all or part of the mediation session, depending upon the child's age and maturity. For some youth with disabilities, participating in mediation may be a positive experience where they learn about advocating for themselves. This is especially true when transition issues will be discussed.

Mediation is a highly effective process to resolve issues relating to special education. In mediation, the focus is on establishing collaboration and communication between the parties. Mediation allows the parties to discuss the issues and work together to develop a mutually agreeable solution. Because the parties have a direct role in resolving their own disputes, there may be greater commitment and ownership of the agreement. It may also result in greater satisfaction and improved relationships between the parties. In addition, mediation is provided at no cost to the parents and school district and can be a less adversarial and time-consuming way of resolving disputes.

WRITTEN MEDIATION AGREEMENT

If the parties resolve a dispute through the mediation process, the parties must execute a written agreement that sets forth the parties' resolution. It describes the parties' agreement and must be signed by both the parent and the school's representative. The written agreement is a legally binding agreement that may be enforced through the Indiana Department of Education (IDOE) state complaint process or in federal or state court.

See 511 IAC 7-45-2(h)

DUE PROCESS HEARING

The following information is available on the IDOE website **at this link.** See 511 IAC 7-45-3

A due process hearing is an administrative law proceeding held before an impartial independent hearing officer (IHO). The parent and the school have the opportunity to testify and present evidence. At the conclusion of the hearing, the IHO considers all of the information and issues a written decision.

A due process hearing can resolve issues related to a student's identification or eligibility as a student with a disability; the appropriateness of the educational evaluation, level of services, or placement; or anything else related to the provision of FAPE. It may be filed by the parents as defined in Article 7, the school, or the Indiana Department of Education (IDOE).

COMPONENTS OF A DUE PROCESS REQUEST

- The student's name and address, or available contact information if the student is homeless.
- The name of the school corporation and school the student attends;
- The reasons for the hearing request, specifically a description of the nature of the problem; and any facts related to the problem; and
- A proposed resolution of the problem to the extent known and available at the time.
- The request must be in writing and signed.

HOW TO FILE A DUE PROCESS REQUEST

- To file a due process hearing request electronically, please use **I-CHAMP**.
- A copy may be submitted electronically using **I-CHAMP**, in person, by mail, or via fax. A hearing request cannot be filed with IDOE through electronic mail.
- A written request for a hearing can also be printed, completed with a handwritten signature, and submitted to IDOE and the student's school via mail, fax, or in person. If not using the **Request for Special Education Due Process Hearing** form, the written request should include similar components. Click **here** for a sample due process hearing request form. To translate a page or form to another language, see instructions **here**.
- Send a copy to: Indiana Secretary of Education
  Indiana Department of Education,Office of Special Education
  IGCN 9th Floor, 100 N Senate Ave
  Indianapolis, IN 46204; and
- If filed by a parent, a copy must be sent to the superintendent of the school corporation or charter school that the student attends. If filed by the school, a copy must be sent to the parent(s).

A due process hearing must be requested within two years of the date that the parent(s) or school knew or should have known about the issue or action that caused the disagreement except if the parent was prevented from filing a due process hearing request either due to specific misrepresentations by the school that it had resolved the problems forming the basis of the due process hearing; or due to the school's withholding of information from the parent that was required under Article 7 to be provided to the parent.

TIMELINES FOR THE DUE PROCESS HEARING

Timelines for various actions may vary from 10 to 45 days depending on the circumstances. (These links are available in the QR code on the last page as well.)

- If the parent requested the hearing, this is the timeline schedule.
- If the school requested the hearing, this is the timeline schedule.
- If the parent requested the hearing and it is expedited, this is the schedule.
- If the school requested the hearing and it is expedited, this is the schedule.

If a due process hearing is expedited, this means that the hearing and the activities leading up to the hearing happen sooner than in a regular hearing, and the IHO cannot grant any extensions of time.The hearing is expedited in disciplinary situations where the parent disagrees with the school's disciplinary change of placement or the determination that the student's behavior was not a manifestation of the student's disability. It is also expedited when the school maintains that it is dangerous for the student to return to the placement prior to the removal to the interim alternative educational setting (IAES) once the IAES placement has expired.

Prior special education hearing decisions are available electronically on **I-CHAMP** and may be searched by school corporation, special education planning district, topic, or year. The Indiana Board of Special Education Appeals (BSEA) is no longer in existence, but the decisions from 2007 and earlier are available **here**.

RESOLUTION MEETING

A resolution meeting is an opportunity for the parent and the school to talk about the issues in the parent's due process hearing request to see if they can resolve them without a due process hearing. The parent and the school must participate in a resolution meeting, unless the school is the requesting party; both parties agree to waive the meeting; or both parties agree to mediation instead of the resolution meeting.

The school must conduct the meeting within 15 calendar days of the date it received the parent's request for a due process hearing. The resolution meeting includes the parent, a representative of the school district who has decision-making authority, and any members of the CCC who may have information that can help resolve the issues. The student's parent may bring an attorney or an advocate to the resolution meeting. The school may not be represented by an attorney at the resolution meeting unless the parent is represented by an attorney. If the parent does not participate in the resolution meeting, the school may ask the IHO to dismiss the parent's due process hearing request.

If an agreement is reached during the resolution meeting, the agreement must be put in writing and signed by the parent and the school's representative. Once the agreement is signed, the parent and the school have 3 business days to change their minds and cancel the agreement. If either one wants to cancel the agreement, it must be done in writing. The agreement is a legally binding document (like a contract), and it can be enforced by a court. The complaint process can also be used to enforce the resolution agreement.

Generally speaking, if the parties are unable to reach an agreement during the 30 day resolution period, the **45 calendar day** period in which to conduct the hearing and issue a written decision begins.

WRITTEN RESPONSE FOR A DUE PROCESS HEARING

Within 10 calendar days of receiving the request for a due process hearing, the party receiving the request must send the other party a written response specifically addressing the issues in the due process hearing request. If the school has not already sent the parent a written notice about the action it wants to take or refuses to take, it must also provide the parent with this written notice. If the party receiving the hearing request believes the request does not contain all the requirements of Article 7, the party must notify the IHO that the request does not meet the requirements. This “notice of insufficiency” must be filed within **15 calendar days** of receipt of the due process request. The IHO has **5 calendar days** after receiving the notice of insufficiency to decide if the request meets all of the requirements.

If the IHO determines the request is not sufficient, the IHO must identify how the request is insufficient and send written notice to the parties. A party may amend the hearing request only if the other party consents or the IHO grants permission. If the hearing request is determined insufficient and is not amended, the request may be dismissed.

THE HEARING PROCESS

The IHO will issue the **preliminary scheduling order** shortly after receiving the hearing assignment. The preliminary scheduling order identifies when key events in the hearing process will occur.

During the 30 day resolution period, the IHO will hold a **prehearing conference**, with both parties participating, to talk about the issues for the due process hearing, as well as when and where the hearing will take place. The prehearing conference may occur in person or by other means such as by phone.

The **hearing** will be held at a time and place that is convenient for the parent and the school. During the due process hearing, the parent and the school have a chance to present their side of the story. Each side can have witnesses testify (answer questions) and can provide documents in support of their position. It is similar to what happens in court, but it is not as formal. The IHO serves as the “judge.” A court reporter will record the hearing and provide a written transcript of the hearing.

When It Gets to This Point

Certainly, there are rare stories of egregious violations of student protections where a parent had no choice but to get a lawyer. This is not a common experience. Most school people are also advocates for children.

If you find yourself in this situation, prepare for a long process that is physically, emotionally, and financially draining. Relationships may become irreparable and the resolutions may not be able to replace what was lost.
If there is anything that can be done proactively to avoid the protracted legal process, it may be worth your effort.

OTHER INDIANA REGULATIONS

Special education does not exist in isolation but rather lives in the context of the whole school system and the general education environment. In the same way, state laws impact all children, including those with disabilities. Here are a few we already mentioned in this guide:.

- Dyslexia: Indiana Code IC 20-35.5 outlines requirements for supporting students with learning characteristics of dyslexia.
- Graduation Pathways are available to all students based on their interests and achievements.
- The Educational Scholarship Account is expanding and is currently available for use with siblings of students with disabilities.

Also important for you to know:

IREAD: The Indiana Reading Evaluation and Determination (IREAD) is a statewide reading assessment measuring foundational reading skills up through grade three. Although it used to be given to 3rd graders, Indiana schools must now give the IREAD assessment to second grade students to inform earlier intervention and support so that all students can pass it in 3rd grade. Students are to be retained if they do not pass IREAD after multiple tries unless the student with an IEP has been granted a Good Cause Exemption (GCE). This can be given if the student has an intellectual disability or the student's IEP specifies that retention is not appropriate. In addition, the student's CCC must determine that promotion to another grade is appropriate. For more information, check out the **IDOE Webpage on IREAD**.

ILEARN 3-8 Assessments Rather than a one-time, end-of-the-school-year state assessment, ILEARN is being redesigned to have three checkpoints and a shortened summative assessment at the end of the school year. The checkpoints allow for targeted interventions for students who are working toward key subject area milestones. More information is on the **ILEARN webpage**.

Chronic Absenteeism:
IC 20-33-2-25 requires the superintendent or attendance officer to report a student who is habitually absent from school to an intake officer of the juvenile court or the Indiana Department of Child Services (DCS). Superintendents/attendance officers must also report a child's habitual truancy to the prosecuting attorney who notifies parents that an affidavit is filed with their office.

IC 20-33-2-14(b) requires each school corporation to have a policy outlining the conditions for excused and unexcused absences. Any absence that results in a student not attending at least 180 days in a school year must be in line with school policy to count as an excused absence.

IC 20-2-6.5 defines habitual truancy to include students absent from school for 10 or more days within a school year without being excused or being absent under a parental request filed with the school. IDOE defines chronic absenteeism as students absent from school for 10 percent or more of a school year for any reason. Here is information on **Indiana Attendance Guidelines**.

For more on the new state laws for 2024, see this **Legislative Overview from the IDOE.**
It is typical to have new educational laws after every legislative session each year, so find updates to this document on the website to stay current in future years.

BECOME A VOLUNTEER

ARE YOU PASSIONATE ABOUT HELPING FAMILIES OF CHILDREN WITH DISABILITIES?

Would you like to network and learn more about special education?

Consider volunteering with Indiana's Parent Training and Information Center!
Here are five reasons why this opportunity might be perfect for you:

- **Flexible Commitment**: Volunteer based on your availability and schedule.
- **Choose Your Focus**: Select from five areas of engagement that resonate with you:
    - Educate your community about IN*SOURCE through outreach.
    - Represent IN*SOURCE at Resource Fairs at schools and community events.
    - Assist a Special Education Liaison with training.
    - Generate enthusiasm in your community and assist with our fundraising efforts.
    - Provide individual assistance to help parents advocate for their children.
- **Grow and Learn**: Benefit from opportunities for personal and professional development, leveraging your strengths and expanding your knowledge.
- **Join a Supportive Team**: Become part of a regional network of staff and volunteers who collaborate and support one another.
- **Make a Real Impact**: Help improve access to resources and contribute to better educational outcomes for students.

Join us and make a meaningful difference in the lives of students and families!

Visit the IN*SOURCE website to learn more!

HELPFUL AGENCIES

There are many programs and services available for children with special needs and their families. Here are a few key agencies that are prepared to support you on this journey.

Indiana Department of Education Working Together for Student Success in.gov/doe/students/specialeducation/ 317-232-0570	The Indiana Department of Education (IDOE) Office of Special Education (OSE) is charged with the administration of special education for the state. They help schools follow through with their responsibilities regarding compliance and best practice. They also respond to parent needs in the special education process, including providing support for the parent training and information center. When you file a complaint using I-CHAMP, the process is managed by the dispute resolution team at the IDOE.
first steps https://indianafirststeps.org/	Based on the age of your child and the circumstances of need, there are other branches of government agencies positioned to provide support. For example, if your child is younger than three years old, you will want to learn more about **FIRST STEPS**, a division of Family and Social Services Administration (FSSA). FSSA also oversees a number of support programs for individuals throughout the stages of life, so you may want to familiarize yourself with the **FSSA webpages** on the website of the Indiana State Government.
IN*SOURCE Every learner. Every family. Every educator. insource.org 574-234-7101 insource@insource.org	Know that you can access the most up-to-date version of this guide at **insource.org**. There you will find links to a web of additional information that you can read or watch as videos. You can also live chat, call to get answers to your individual questions, request support at a school meeting, or sign up for training on topics that interest you. With grant support from state and federal offices along with private grants and charitable donations, IN*SOURCE has regional staff to support you no matter where you live in the state.
INDIANA Family to Family https://www.inf2f.org/ 844-F2F-INFO (844-323-4636)	**Indiana Family to Family** is a statewide organization offering information, training, and peer-to-peer support to families of children and youth with diverse health, mental health or education needs ages 0-22, and the professionals who serve them. INF2F educates families so they can make informed decisions, advocate for improved systems and policies and foster collaborative partnerships between families and professionals. INF2F is the Family-to-Family Health Information Center and offers multilingual **fact sheets** and **training videos** that are available 24/7. For peer or professional support and resources, visit their **website**, also available in **Spanish**.

The Arc Indiana https://www.arcind.org/ 317-977-2375	The Arc of Indiana is committed to all people with intellectual and developmental disabilities realizing their goals of living, learning, working and fully participating in the community. The Arc's team of family advocates provide information, referral and advocacy on issues including guardianship and navigating public and private healthcare coverage. They assist families in understanding and applying for Medicaid, Medicaid Waivers/Home and Community Based Services, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), and Vocational Rehabilitation.The Arc is home to The Arc Master Trust, Indiana's leading special needs trust. The Arc of Indiana Foundation works to create employment opportunities for people with disabilities, like Erskine Green Training Institute. The Arc has a full time presence at the Indiana Statehouse and, as the state chapter of The Arc of the United States, in the halls of Congress.
ABILITYALLIES Advocacy For Students With Disabilities www.abilityallies.org 317-426-7733	Ability Allies is a statewide organization providing free or low-cost legal services to Indiana's children and adults with disabilities, primarily in education matters. Our attorney's review each child's educational needs and assists the families in obtaining an appropriate educational plan. Our attorneys represent parents and students in education matters in both state and federal courts. This is for students with disabilities in elementary, middle school, high school and in college. Additional resources are found on our website 24/7.
INDIANA DISABILITY RIGHTS in.gov/idr 317-722-5555 Toll-free: 1-800-622-4845 (Voice) Toll-free: 1-800-838-1131 (TTY)	Indiana Disability Rights is an agency that advocates for and protects the rights of people with disabilities in Indiana As the service arm of the Indiana Protection and Advocacy Services (IPAS) IDR works to prevent, find and stop abuse and neglect of people with disabilities. This video provides more information on the federal system of Protection & Advocacy efforts. Fact sheets and other resources and a Help Form are available 24/7. Materials on their website are also available in Spanish and accessible formats.
Joseph Maley FOUNDATION https://www.josephmaley.org/ 317-432-6657	Joseph Maley Foundation, strives to cultivate a more accepting, respectful, and inclusive community through education and service programs for youth. The Foundation encompasses five programs (Disability Awareness, HOPE, Friends, Fitness, and Family Support) that service the whole child and those who directly affect the child. The Family Support program serves families and children in multiple ways, in collaboration with educators, schools, community organizations and attorneys.
CADRE https://www.cadreworks.org/ 541-359-4210	CADRE encourages the use of mediation, facilitation, and collaborative processes to resolve disagreements between parents and schools over educational programs and support services. Parents, educators, attorneys and advocates benefit from the continuum of dispute resolution options that can prevent and resolve conflict and lead to informed partnerships that focus on results for children and youth.

WORDS TO KNOW

Academic Achievement: a student's performance in relation to the continuum of the Indiana academic standards, including the foundations to the standards.

Accessible: Modified or designed so that persons with a disability can use it.

Achievement Test: A test that measures progress in school subject areas such as reading, spelling and math.

Adapted: Changed, altered or adjusted to meet a student's unique needs (e.g., curriculum, materials, equipment, toys, activities, classroom environment, etc).

Adapted Physical Education: Physical education designed to be safe and successful for students with disabilities; ideally taught by a certified adapted physical education teacher.

Adaptive Behavior: The actions and behavior that are essential for someone to live independently and function safely in daily life.

Advocacy: Supporting or promoting the interests of a person or group

Age Appropriate: Is typical of a student's chronological age.

Age Appropriate Transition Assessment: Ongoing process of collecting data on the individual's needs, preferences, and interests as related to demands of current and future working, educational, living and personal and social environments.

Aid: An assistive or corrective device, such as a hearing aid.

Aide: See Paraprofessional.

Annual Goals: The educational performance to be achieved by a student by the end of the school year. Annual goals can include skills in both academic and functional performance.

Aptitude Test: A test to measure an individual's ability to learn in a particular area of skill.

Article 7: Rules and regulations in Indiana for special education services for students age 3 to the school year of their 22nd birthday.

Assessment: the process of gathering and analyzing information about student learning and development to improve teaching and learning.

Assistive Technology Device: Any piece of equipment that is used to increase, maintain or improve abilities of individuals with disabilities.

Assistive Technology Service: Any service that helps an individual with a disability choose or learn to use an assistive technology device.

At-risk: Term used to describe children who are considered likely to have difficulties in school who may need intervention services to prevent further difficulties.

Audiologist: A specialist who has studied the science of hearing, to help prevent hearing loss, administer hearing tests to detect possible hearing loss & give information about hearing aids, training programs or medical treatment.

Auditory Association: The ability to relate to concepts presented orally

Auditory Closure: The ability to fill in the missing parts that are left out of an auditory presentation.

Auditory Perception: The ability to receive sounds accurately and to understand what they mean when combined into words.

Auditory Sequential Memory: The ability to remember what is heard in the specific order or sequence it was presented, which may affect a person's ability to follow oral directions.

Augmentative Communication: An additional or alternative means of communication (i.e., verbal communication paired with sign language)

Baseline Data: Written documentation of the rate, duration, latency of a target behavior(s); taken before a goal can be written or a behavior plan can be developed.

Behavior Management Modification: A method for changing specific behaviors that considers the impact of what precedes a behavior and what happens after the behavior. It uses regular rewards and other consequences to change behavior patterns.

Behavior Plan: A written, agreed upon method of addressing behavior. A behavior plan delineates specific strategies, supports, and skill development intended to increase the occurrence of appropriate behavior.

Behavior Specialist: A person trained in behavior management/behavior guidance strategies.

Bilingual Education: An instructional model that involves the use of two languages. The speaker's native language is used to teach concepts, linguistic skills, broaden the individual's abilities, & gradually introduce a second language to prevent academic delay.

Case Conference: The meeting held to discuss evaluation results, determine a need for special services, and develop the IEP.

Case Management: Activities to coordinate and assist families or individuals to gain access to appropriate services.

Cerebral Palsy: A condition involving disabilities in movement, as a result of brain damage before or during birth or infancy.

Change in Placement: Change of program, particularly the location where the program is to be delivered

Children's Health Insurance Program (CHIP): A federal law to use state and federal dollars to provide health insurance for uninsured children.

Chronic: Continuing over a long period of time; recurring frequently.

Chronological Age: A person's actual calendar age, usually given by year and month, such as CA=6.7 (6 years, 7 months).

Cognition: The act or process of knowing; the various thinking skills and processes are considered cognitive skills.

Collaboration: The ability to work together to complete a task and common goal.

Communication: The ability to make understood wants and needs using verbal language, sign language, gestures, facial expression(s), computers or a combination of methods.

Community-Based Programs: Programs for individuals with disabilities located within the individual's community.

Competitive Gainful Employment: having a job where employees with and without disabilities earn the same pay, receive the same benefits, and work alongside each other in a typical work environment.

Complainable Issue: An issue arising from a violation or suspected violation of Article 7.

Complaint: The action taken to notify the state education agency that there is a suspected violation of special education regulations, triggering an investigation of the suspected problem.

Confidentiality: The use of good judgment in reporting only necessary, relevant, and legally allowable information to the appropriate party.

Congenital: A condition existing from birth.

Consent: To be fully informed and agree voluntarily on a proposed plan of educational action.

Continuum: A series of options.

Contracted: Services purchased through an agreement with an agency outside the school, in contrast to the services being provided by a staff of the school.

Cultural Diversity: The existence and value of a variety of groups within one setting.

Curriculum Based Vocational Assessment: Various tests to determine career & vocational instructional needs of students based on preferences in course content, curriculum, and identification of students' career/vocational strengths and weaknesses.

Designee: Someone who has been assigned to act on behalf of someone else for a particular purpose.

Development: Stages of human growth observable in sequential steps.

Developmental Delay: A measurable delay means that a significant difference exists between the child's age-expected level of development and the child's current level of functioning.

Developmental Disability: A chronic disability which appears before a person is twenty-two (22) years of age and is likely to substantially limit their functioning.

Developmental History: Recorded developmental progress of a child, birth to 18 years, in such skills as sitting, walking or talking.

Diagnostic Services: Services to identify presence, cause and complications of a disability and the extent to which the disability is likely to limit the individual's life and work.

Diagnostic Tests: Assessments & evaluations to find strengths and weaknesses in developmental skill or academic subject.

Direct Therapy: Services provided directly to a student by a therapist, typically in an isolated or clinical setting.

Directionality: The relationship of an object or point in space to another object in space. Difficulty in this developmental skill may result in left-right confusion in reading and writing.

Distractibility: Attention that moves rapidly giving little ability to concentrate.

Down Syndrome: A cause of intellectual disability defined by chromosomal abnormalities.

Due Process: A term ensuring persons with disabilities the right to challenge any decision made on their behalf.

Durable Medical Equipment: Equipment such as wheelchairs, braces, which are intended to withstand repeated use.

Dysfunction: Impaired ability to perform or function in a particular way.

Early Intervention: Programs and services provided to infants and toddlers with disabilities during the years of most rapid growth and development, the years from birth through age three.

Early Periodic Screening, Diagnosis and Treatment: Mandatory Medicaid health benefits and services for Medicaid-eligible children and adolescents. Designed to ensure children's access to early and comprehensive preventive care and treatment. The state Medicaid agency is required to pay for and make sure that providers deliver EPSDT services.

Educational Evaluation: The procedures used to determine whether a child has an educational disability and the nature and extent of special education and related services the child needs. "Educational need" includes academic and/or functional performance.

Educational Records: Records associated with a personally identified student maintained by a public agency or a party acting for the public agency.

Educational Surrogate Parent (ESP): A person who has received training, knowledge & skills to substitute for the natural parent. The function of the ESP is to serve as an advocate and represent the student's educational needs and interests in the special education process in place of the natural parent(s) when a student's parent or guardian is not known or when the student is a ward of the Division of Family and Children.

Eligible: Able to qualify; meeting certain requirements.

Epilepsy: Condition characterized by recurrent disturbances in activity of the central nervous system, typically evidenced in seizures.

Educational Scholarship Account Service Plan: An IEP offered and rejected by the parent. An ESA-SP serves as the basis for using scholarship money for educational services.

Evaluation: The process of collecting and interpreting information about a child through a variety of tests, observations and surveys.

Exclusion: Removing a student with disabilities from school activities, denying them access to experiences of other students.

Expressive Language: Skills required to produce language for communication with other individuals. Speaking and writing are expressive language skills. Sign language is also considered an expressive language skill.

Expulsion: Discharge or removal from school due to a violation of the student code of conduct.

Extended School Year: Special education and related services provided to a student for a period of time exceeding the regular school day or calendar. Case conference committee determines necessity when designing FAPE in an IEP meeting.

Family-Centered Programming: Programs that actively implement procedures to involve and include families in all aspects of their child's care/education; programming based on family needs and preferences.

Figure-ground (auditory): The ability to listen to specific sounds with background noise and ignore background noise.

Figure-ground (visual): The ability to see specific forms or figures of a visual field and ignore background forms and figures.

Fine Motor Coordination: Also called eye/hand coordination, purposeful, coordinated movements of hand & eye for specific activities such as writing and other functional skills

Free, Appropriate Public Education (FAPE): An educational program designed to meet the individual needs of a student with a disability at no cost to the parent or child, provided by or through the public schools.

Functional Assessment: Measures ability, competence or preference in areas other than academics.

Functional Performance: a measure of skills, behaviors, and knowledge necessary to achieve self-sufficiency in areas that support those defined by academic achievement. This may include the following: physical, personal care skills, social emotional adjustment, habits of learning, and independent living skills.

Functional Living Skills Assessment: Skills, interests and values related to functioning in the home and community.

Gestational Age: The amount of time the unborn infant has been carried in the mother's womb.

Goal: statement that describes what knowledge, skills and/or behaviors a student is expected to achieve. Annual goals set expectations for attainment within the year the IEP will be in effect. Post secondary goals describe what is anticipated after leaving high school.

Gross Motor Coordination: Movement that involves coordination and large muscle activity needed for walking, running, and other physical activities.

Guardian: One entrusted by law to make decisions for a minor or some other person legally incapable of managing his own affairs.

Habilitation: Services provided to individuals with developmental disabilities to assist them in achieving independence.

Hearable Issue: Issue relating to the initiation change or denial of identification, evaluation, educational placement of a child.

Hyperactivity: Overactive, frequently in a constant state of motion

Hypoactivity: Lethargy or extreme lack of movement the opposite of hyperactivity.

Impairment: Disability (hearing, visual, learning, physical impairment); physical weakness, damage. Section 504 uses the term “impairment” in describing the eligibility requirement of a condition that impacts a life activity.

Impartial Hearing Officer: A fair, unbiased person appointed by the state to preside over a due process hearing.

Impulsive: Acting without thought or consideration of the outcome or consequences of an action.

Inclusion: Strategies and processes that educators, therapists, principals, families and students use to include students/classmates with disabilities in general education environments and activities and in society as a whole.

Independent Evaluation: An evaluation conducted by a qualified agency or individual who is not employed by or under contract with the public school system.

Independent Living: Daily living functions with personal attendant care services or without direct supervision.

Individual Work Related Expense: A Social Security work incentive program that allows an individual receiving SSDI to deduct from earnings the cost of certain impairment-related items and services in figuring substantial gainful activity.

Individualized Education Program (IEP): The written document that describes the unique strengths and needs of a student in special education and outlines the special education services and support that the student will receive in school.

Individualized Family Service Plan (IFSP): A written plan developed jointly by the family and professionals providing early intervention services for children ages birth to 3 years old.

Individualized Plan for Employment (IPE): Action plan developed by an individual with a disability, vocational rehabilitation counselor and others, with long and short-term goals to enable success in preparing for, obtaining and keeping a job.

Individuals with Disabilities Education Act (IDEA), Part B: A federal law governing special education for students with disabilities age three (3) through twenty-one (21). IDEA is enforced by the federal Office of Special Education Programs (OSEP).

Individuals with Disabilities Education Act (IDEA), Part C: Section under IDEA requiring states to develop comprehensive, coordinated, interagency multidisciplinary systems of services to eligible infants and toddlers from birth to age three (3) and their families.

Instructional Day: A school day where students are expected to be in attendance.

Interagency Agreement: A formal agreement between service providers which specifies the roles and responsibilities of all parties to the agreement, describes the special education services to be provided, and outlines procedures for the administration and evaluation of each component included in the agreement.

Job Cluster: Related occupations based on similar job requirements.

Job Coach: Provides individualized one-to-one assistance in job placement, travel training, skill training at the job site, ongoing assessment and long-term assessment.

Job Shadowing: An individual observing a worker doing a job to better understand and gain information about that job.

Kinesthetic Method: A method of teaching reading or remediating disorders by having the student use muscle movement to reinforce and supplement auditory and visual stimuli.

Lead Agency: The agency within the state in charge of overseeing and coordinating educational programs and services. In Indiana, the lead agency for early childhood special education programs is the Department of Education, Division of Special Education; for early intervention services, the lead agency is First Steps.

Learning Style: The way in which a person learns; usually defined in sensory modalities (visual, auditory, tactile, kinesthetic).

Least Restrictive Environment: Requires that people with disabilities receive services and support in environments that do not limit their life activities unnecessarily. In a school setting, it is the legal requirement that students with disabilities spend as much time as possible in the same settings as other children and that any placement outside of that be justified by the child's needs related to their disability.

Life Skills Assessment: A measure of a person's ability to successfully function in a number of real-life situations.

Local Education Agency: The public entity responsible for serving as the fiscal agent for an educational organization and for following local, state and federal laws. In Indiana, LEAs are also called school corporations or public agencies.

Local Lead Agency: A public or private entity within each county with direct or delegated authority to provide early intervention services to eligible infants and toddlers, birth to age three (3) and their families.

Local Planning and Coordinating Council: The group of people in a county or group of counties organized for the purpose of implementing the early intervention system as required by state regulations.

Managed Care: A way to finance and deliver health care for a set fee using a defined network of services and providers. The organizations that deliver managed care are known as MCOs (Managed Care Organizations), HMOs (Health Maintenance Organizations), or PPOs (Preferred Provider Organizations).

Manifestation Determination: A decision made by a case conference committee on whether a student's behavior is caused by or is an expression of the student's disability.

Maternal and Child Health: A program that oversees plans & sometimes delivers health care & other services to women and children.

Measurable Goal/Objective: A statement of what a person will be able to do in terms that can be seen, generally recognized, and documented.

Mediation: A formal intervention process between parents and school systems to resolve special education disputes through the use of a mediator.

Medicaid: A medical insurance program for income qualified, aged, disabled or blind individuals.

Medicaid Waiver: A program that provides funds for home & community-based services for qualified adults with disabilities.

Medicare: A federal health insurance program administered by the Social Security Administration for individuals over 65, regardless of income; persons with disabilities at any age may be eligible in certain circumstances.

Mental Age: The score a student receives on an intelligence test; compares his/her score to those of other children of the same chronological age given the same test.

Modality: The pathways through which an individual receives information and learns; auditory, visual, tactile- kinesthetic (listening, seeing, touching, etc.).

Modification: Changes in the level of curriculum, materials, activities that will allow a student with disability to make progress.

Multi-sensory Approach: The use of many modalities at the same time in teaching.

Multidisciplinary Team (M-team): The people who gather information through the assessment and evaluation process who are trained in a variety of disciplines. Parents are a part of this team. Each team member compiles individual assessments within his/her discipline and shares recommendations to plan a comprehensive program.

Neurologists: Medical doctors who specialize in diseases of the nervous system.

Norm-Referenced Test: A test which compares a learner's performance to the performance of a larger group. In education, the comparison is often to same-age or same-grade peers.

Objectives: Measurable steps of learning which help a student reach a goal.

Occupational Therapy: Services provided by, or under the supervision of, an occupational therapist to evaluate and train a person to use gross and fine motor skills, self-care skills, and use sensory and perceptual motor integration with the intent of strengthening the person's ability to function as independently as possible.

Office for Civil Rights (OCR): OCR is a part of the U.S. Department of Education and enforces civil rights protections including Section 504 of the Rehabilitation Act of 1973.

Paraprofessional: An individual who works under the supervision of licensed teachers or related services personnel to assist in areas which relate to personal, social, and instructional needs. The term includes, but is not limited to, instructional or program assistants, school bus monitors, interpreters, note-takers, and job coaches.

Percentile: A score comparing one student's performance with others taking the same test. (A score in the 80th percentile, means that 80% of all children taking that test scored below that.

Perception: The process of organizing or interpreting information received through the senses, such as auditory or visual thoughts, ideas or impressions.

Perceptual-motor: A term describing the use of the various channels of perception with motor activity or movement. Channels of perception include visual, auditory, tactile and kinesthetic (seeing, hearing, touching).

Personal Assistance Service: A wide range of services provided by one or more persons, to assist an individual with a disability to perform daily activities that the individual would typically perform if the individual did not have a disability.

Personally Identifiable Information: Refers to information by which it is possible to identify a student with reasonable certainty, such as the name of a student, a student's parent or any other family member; the address of a student; a personal identifier such as a student's social security number; and a list of personal characteristics including disability designation.

Physical Therapy: Services provided by, or under the supervision of, a physical therapist to evaluate individual developmental levels, functional abilities, reflex levels, range of motion, muscle strengths, perceptual motor levels, and respiratory function, and provide therapy in identified areas of need.

Placement: The educational setting where the student will receive their education as determined by the case conference committee as providing the most appropriate education for the student.

Positioning: Techniques for aligning parts of the body to promote improved functions for gross and fine motor activities.

Postsecondary Goals: Goals that a student hopes to achieve after leaving high school. The transition IEP must have postsecondary goals in Education/Training and Employment and may have goals in Independent Living if appropriate.

Procedural Safeguards: Provisions ensuring that parents' and students' rights are not denied.

Psychiatrist: Medical doctor who counsels patients and prescribes drugs for mental illness

Psychologist: A person trained in mental processes & human behavior (not a medical doctor).

Reevaluation: An evaluation after the initial evaluation for a student who had already been found eligible for special education for the purpose of considering a new or different eligibility category, the need for a change in special education or related services, or to update the educational evaluation data on a three year schedule unless it is determined unnecessary.

Receptive Language: The ability to understand language spoken or written by others.

Referral: The process of directing a person to another person or service agency that can provide needed services. Referral is also the term used to start the educational evaluation process.

Regulations: Statements that clarify the requirements and procedures that are related to the laws passed by Congress or the state legislature. Regulations are written and issued by departments within the executive branch of government.

Rehabilitation: The process of helping a person who has a disability learn the skills needed for daily life activities.

Rehabilitation Counselor: A person who helps individuals deal with the personal, social and vocational impact of their disabilities.

Rehabilitation Technology: The systematic application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities.

Related Services: Support services required to help a child with a disability to benefit from special education.

School to Work Opportunities Act: A law administered by the Departments of Education & Labor to bring together partnerships of employers and education to build a system that prepares young people for careers in high-skill, high-wage jobs.

Self-Concept: A person's idea of and feelings about himself/herself.

Sensorimotor: Describes the combination of the input of sensations and the output of movement.

Sensory Integration: The neurological principle that sensory input (i.e., taste, touch, smell, etc.) is organized in a meaningful way by the brain. An occupational therapist may be of assistance in identifying sensory integration deficits and providing interventions.

Sequencing: The ability to put things in the correct order.

Service Coordination: Activities carried out by a service coordinator that may include management and assistance to individuals to gain access to appropriate services.

Situational Assessment: An assessment in a controlled or semi-controlled environment to evaluate work-related skills and behaviors.

Social Perception: The ability to understand the meaning of behavior of others in situations and then appropriately relate such understanding to one's own behavior.

Social Worker: A person from a service agency involved with helping an individual and/or family in dealing with specific problems and needs including needs beyond the school setting.

Spatial Orientation: The ability to organize space in terms of the individual relating his physical self to the environment with reference to distance, size, position and direction.

Special Education: Instruction designed to specifically address the needs of an eligible person with a disability.

Speech/Language Therapy: The process of correcting speech and/or language problems; improving ability to use speech or language. The Speech Language Pathologist provides this service and is the teacher of record for students with LSI as their primary eligibility.

Standardized Test: Any one of a variety of tests given under uniform and controlled conditions intended to compare a student's performance to that of other students.

Summary of Performance: School-provided summary, upon exit of high school, of the student's achievements and functional performance, including recommendations on how the student can meet post-secondary goals.

Supplemental Security Income: A disability program directed by the Social Security Administration for individuals who have little or no income or resources and are disability program directed by the Social Security Administration for individuals who have little or no income or resources and are elderly, blind or disabled.

Supported Decision-Making: A process that helps people make decisions for themselves with the support of trusted people. It's an alternative to guardianship, where someone else makes decisions for a person with a disability. SDM is based on the idea that people should have the right to make their own decisions and retain control of their lives.

Supported Employment: Paid employment in community settings for persons with severe disabilities who need ongoing support to perform their work. Support can include on-the-job training, transportation or supervision.

Systems Point of Entry: The central point, location, office or agency responsible for ensuring that all referrals of children under the age of three (3) and their families receive a timely response to their requests and that the various functions are conducted with families in a prompt, professional and family-centered manner.

Tactile Perception: Ability to interpret and give meaning to sensory stimuli that are experienced through the sense of touch.

Task Analysis: The breakdown of a particular job into its component work activities.

Teacher of Record: the single special education teacher to whom a student with a disability is assigned. The teacher of record must be appropriately licensed to work with the student and may also serve as the Teacher of Service.

Teacher of Service: Any licensed teacher who is providing services to a student with a disability.

Test Protocol: Written instructions on how a test must be administered and graded.

Total Communication: The combined use of finger spelling, sign language, speech and lip reading to communicate with persons who have a hearing impairment or other disabilities.

Transition: The period between preschool and school, school and adult services, or any other period where careful planning is needed to ensure the smooth transfer of records and information and the continuity of services from one setting to another.

Visual Discrimination: The ability to recognize small differences between similar and slightly different forms or shapes as in being able to see the alphabet letters "p," "g," "q," "b," and "d" as being different letters.

Visual Motor Coordination: The ability to coordinate vision with the movements of the body or parts of the body.

Visual Perception: The identification, organization, interpretation of stimuli received by the individual through vision/eyesight.

Visual Reception: The ability to gain meaning from visual stimuli.

Vocational Education: An educational program which provides training in daily living skills, occupational skills for paid or unpaid employment, and/or career preparation for students in post-secondary programs.

Vocational Training: Acquisition of job-specific skills in preparation for competitive employment.

Work History: Cumulative employment experiences, including job titles, requirements, duties performed by an individual.

Written Opinion: A brief written statement that may be attached to an IEP explaining an opinion or belief about the nature of services to be provided. A written opinion may express agreement or disagreement with a specific decision of the case conference committee as written into or omitted from the IEP. Any member of a case conference may submit a written opinion.

ACRONYMS

ADA	Americans with Disabilities Act
ASD	Autism Spectrum Disorder
BIP	Behavioral Intervention Plan
BLV	Blind or Low Vision
CCC	Case Conference Committee
CHIP	Children's Health Insurance Program
CLEP	College Level Examination Program
CSEP	Choice Scholarship Education Plan
DB	Deaf-Blind
DCS	Department of Child Services
DD	Developmental Delay
DHH	Deaf or Hard of Hearing
ED	Emotional Disability
EI	Educational Interpreter
ESA	Educational Scholarship Account
ESA-SP	ESA Service Plan
ESP	Educational Surrogate Parent
ESY	Extended School Year
INF2F	Indiana Family to Family
FAPE	Free Appropriate Public Education
FBA	Functional Behavioral Assessment
FERPA	Family Educational Rights and Privacy Act
FIEP	Facilitated IEP
FSSA	Family and Social Services Administration
GCE	Good Cause Exemption
GQE	Graduation Qualifying Exam
HSE	High School Equivalency Exam
IAC	Indiana Administrative Code
IAES	Interim Alternative Educational Setting
ID	Intellectual Disability
IDD	Intellectual and Developmental Disability
IDEA	Individuals with Disabilities Education Act
IDOE	Indiana Department of Education
IPAS	Indiana Protection and Advocacy Services
IREAD	Indiana Reading Evaluation and Determination
IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IFSP	Individualized Family Service Plan
IHO	Independent Hearing Officer
LEA	Local Education Agency
LRE	Least Restrictive Environment
LSI	Language or Speech Impairment
MDC	Manifestation Determination Conference
MD	Multiple Disabilities
M-TEAM	Multidisciplinary Team
NOPS	Notice of Procedural Safeguards
OCR	Office of Civil Rights
OHI	Other Health Impairment
OI	Orthopedic Impairment
OSE	Office of Special Education
OSEP	Office of Special Programs, US DOE
OT	Occupational Therapy
PAR	Public Agency Representative
PLOPs	Present Levels of Performance
PT	Physical Therapy
SBOE	State Board of Education
SCOLS	School Corporation of Legal Settlement
SDI	Specially Designed Instruction
SLD	Specific Learning Disability
SOP	Summary of Performance
SP	Service Plan
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
TBI	Traumatic Brain Injury
TIEP	Transitional IEP
TOR	Teacher of Record
TOS	Teacher of Service

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