

# **Question 1: What is a PLAAPF or PLOP?**

## **Answer**

Under IDEA 2004, the IEP must include "a statement of the child's present levels of academic achievement and functional performance ..."

The Present Levels of Academic Achievement and Functional Performance are objective data that describe what your child knows and is able to do. They describe your child's strengths, challenges, and needs. They also describe how your child functions in the classroom setting. The present levels must include baseline data.

Sometimes Present Levels can be referred to as a PLAAFP (**Present Levels of Academic Achievement and Functional Performance) a PLOP (**Present Levels of Performance) or the PLEP (**Present Levels of Educational Performance).******

However, IDEA 2004 requires that the IEP include a statement of present levels of academic achievement and functional performance.

The term "performance" describes what your child can do. The Present Levels describe your child's unique needs that result from his disability. The Present Levels are the foundation for everything else in the IEP.

Present Levels of academic achievement include subjects like reading, math, and spelling.

Present Levels of functional performance include non-academic and functional areas like communication, fine motor skills, behavior and social skills, and daily life activities.

**Question 2: Where does the IEP team get the information for Present Levels?**

**Answer**

Present levels of academic achievement and functional performance are based on data from objective assessments.

The IEP team must collect baseline data that describes your child's present levels of performance and serves as the starting point for developing goals. The team uses this data to write measurable IEP goals that will allow you and the school to monitor your child's progress.

## **Question 3: How can I ensure the IEP will meet my child's needs?**

### **Answer**

Is your child's performance affected by his disability? If his disability affects his performance in academic classes, the IEP goals should address these issues.

If your child's disability causes a weakness in daily living activities, social skills, mobility skills, employment skills or any other functional skills, the IEP goals should address these issues.

If your child's IEP does not include goals that address any academic, developmental, and functional needs, the IEP will obviously not meet all your child's needs.

## Answer

The process is the same for any goal – academic or behavioral. You need to clearly define the target behavior. (Note: the behavior should be described in nonjudgmental terms.) The school needs to gather baseline data on the behavior for the Present Levels before developing specific measurable goals.

You make behavior goals measurable by describing the factors surrounding the behavior. These factors include:

- Precipitating events
- Environmental factors
- Results of the behavior
- Other observable patterns

Many IEP goals that are developed to address behavior are not measurable. For example, "to listen attentively" and "to use time constructively" are not measurable. You cannot observe if a child is "listening attentively" or "using time constructively."

You can revise these goals to make them measurable.

You can observe how often the child is "paying attention" during a specified period of time and develop goals to improve in this area. You can revise the time-management goal to "increase the # of minutes (or other unit of time) that the child is on task." You can get baseline information for the present levels by observing the amount of time the child is on and off task.

The IEP team must specify the criteria that will be used to measure progress on behavior goals. This involves identifying how well and over what period of time your child must perform a behavior before the goal is met.

## **Question 5: Should my child's IEP include all the services he needs?**

### **Answer**

Yes. The IEP must include all special education services, related services, and supplementary aids and services your child needs, and the school will provide. The IEP is a written commitment for the delivery of services to meet a student's educational needs.

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## **Services in the IEP may include:**

Special education services: specially designed instruction designed to meet your child's unique needs.

Related Services: services your child needs to benefit from special education (i.e., speech language therapy, occupation therapy, physical therapy, nursing services).

Supplementary aids and services: services and supports your child receives in general education classes and other settings so your child can be educated with children who are not disabled (i.e., Paraprofessional, technology, standing board etc).

The IEP must include the projected date to begin services, and the frequency, location and duration of services. The model IEP form published by the U.S. Department of Education (2006) provides the format to record required information in the IEP.

## **Question 6: My school says the IEP services are based on what is available. Is this right?**

### **Answer**

No. The IEP team is required to develop an IEP that meets all your child's needs, regardless of "what is available" at the school.

The school must comply with the legal requirements for IEPs. The services "available" or the delivery system is irrelevant.

Your child's IEP must be individualized.

"What we have available" usually refers to one-size-fits-all programs that are not individualized to meet a child's unique needs.

The amount of a special education or related service to be provided to a child may be stated in the IEP as a range (e.g., speech therapy to be provided three times per week for 30-45 minutes per session) only if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the child.

A range may not be used because of personnel shortages or uncertainty regarding the availability of staff.

## Question 7: What are Related Services?

### Answer

Related services are the developmental, corrective, and supportive services your child needs to meet the measurable goals in the IEP and receive a free, appropriate public education (FAPE).

Related services include, but are not limited to:

- Speech-language and audiology services
- Interpreting services
- Psychological services and social work services in schools
- Counseling services and rehabilitation counseling
- Physical therapy, occupational therapy, orientation and mobility services
- Recreation and therapeutic recreation
- Early identification and assessment of disabilities in children
- School health and school nurse services
- Medical services for diagnostic or evaluation purposes
- Parent and teacher training

Your child's IEP should include the frequency, duration, location, and projected dates for each related service.

The model IEP form published by the U.S. Department of Education (2006) provides the format to record required information about related services.

## **Question 8: Do all children with disabilities have a right to transportation as a related service?**

### **Answer**

No. Only children with disabilities who need transportation services and have these services noted in their IEPs receive transportation services.

If your child does not have transportation services in the IEP, your child will not receive transportation services.

If the school provides transportation for non-disabled children, it must provide transportation to children with disabilities.

If the school does not provide transportation to non-disabled children, the team will make decisions about transporting your child on a case-by-case basis.

If your child has transportation needs and the school will transport him on a bus, you may consider asking the bus driver to join the IEP team.

## **Question 9: Can my child's IEP include extracurricular activities and after-school programs?**

### **Answer**

Yes. Extracurricular activities enhance your child's life as a member of the school community. Many children with disabilities need supplementary aids and services so they can participate in academic and extracurricular activities with their classmates.

When IDEA was reauthorized in 2004, Congress amended the law to ensure that children with disabilities could participate in extracurricular activities and other nonacademic activities.

A 2010 court ruling held that IDEA requires school districts to take steps to provide extracurricular and nonacademic activities to afford the student an equal opportunity to participate.

The IEP team must determine which activities are appropriate and include them in the IEP. These activities are not limited to activities that “educate the child.”

The IEP team must also consider what supplementary aides and supports are required to support the disabled student participate appropriately in these activities (i.e.: Paraprofessional etc).

Since IDEA does not define “extracurricular and nonacademic activities” you must look to the federal regulations for specific language.

“Section 300.107(b) provides a non-exhaustive list of examples of extracurricular and nonacademic activities. Section 300.107(b) expressly includes athletics, clubs, plays, performance groups and activities offered by groups sponsored by the school district (i.e., PAL, UAU). But the section does not otherwise limit those extracurricular and nonacademic activities eligible for inclusion in the IEP.”

“Section 300.117 does not limit what qualifies as an extracurricular and nonacademic activity. Instead, the section further defines extracurricular and nonacademic activities to include meals and recess as well as the activities listed in section 300.107(b).”

### Examples of Nonacademic Services and Extracurricular Activities:

- Sports
- Counseling
- Health services
- Recreation
- School newspaper and literary magazines
- Band
- Chorus
- Plays, Performances and School Dances
- Special interest groups and clubs



## **Question 10: How will I know if my child is making progress?**

### **Answer**

Your child's IEP must describe how your child's progress toward the annual goals will be measured and when you will receive progress reports. The school may issue periodic progress reports quarterly (four times a year) or when report cards are issued.

Ask your child's teachers and service providers how and when they will measure your child's progress. You may ask:

- How often will you measure my child's progress?
- What tests or assessments will you use to measure my child's progress?
- How often will you communicate with me about my child's progress or lack of progress?

Be aware of progress being reported by "teacher observation."

When a child's progress is monitored by subjective "teacher observations" and "teacher-made tests," parents do not have objective data about their child's progress toward the goals in the IEP.

You are being asked to rely on subjective beliefs and/or opinions. You should be concerned about this practice.

**Question 11: My child is mainstreamed in regular classes. How can we ensure that the has classroom accommodations to meet his needs?**

**Answer**

Your child needs accommodations that allow him to overcome obstacles caused by his disability

You and other members of the IEP team need to identify your child's strengths and weaknesses. These strengths and weaknesses will help the team decide on accommodations that are appropriate for your child.

If accommodations are individualized and appropriate, he should be able to participate and make progress in the general education curriculum.

Your child's IEP team must include at least one of YOUR child's regular education teacher if your child has one, or one familiar with your child's grade if he doesn't. Regular education teachers are knowledgeable about the general education curriculum. They should know appropriate accommodations that will help your child learn and make progress.

Before you consent to modifications and accommodations, think carefully about the purpose of the modification. Ask how the proposed modification will allow your child to learn essential skills. The purpose of modification is not higher grades, but learning.

Because special educators want to help, they often try to make things easier for the child by lowering the bar with modifications and accommodations. Special educators often erroneously believe that if a child has a disability, the child cannot learn these skills. In most cases, they are wrong.

## **Question 12: Should we include methodology in the IEP?**

### **Answer**

The law does not require your child's IEP to include educational methodology.

The position of the U.S. Department of Education is that including methodology in a child's IEP is an IEP team decision.

If the IEP team decides that your child needs a specific method to receive a free, appropriate public education, the instructional method may be included in the IEP.

In light of the legislative history and case law, it is clear that in developing an individualized education there are circumstances in which the particular teaching methodology that will be used is an integral part of what is 'individualized' about a student's education and, in those circumstances will need to be discussed at the IEP meeting and incorporated into the student's IEP.

Teachers must have the content knowledge and skills to teach children with disabilities. This includes the use of research based instructional practices and programs

If a parent request a specific program, and it is written into the IEP, the school has to provide it.

## **Question 13: Are testing accommodations for tests over 40 minutes or for standardized tests only?**

### **Answer**

No! Testing accommodations are to provide the student with an equitable opportunity to demonstrate subject based knowledge for all performance tests, not just standardized tests.

If testing accommodations are deemed necessary for standardized tests or tests over 40 minutes, then these same accommodations are also appropriate for all classroom tests.

If classroom tests are “adapted” as in a self-contained class or in some ICT programs, than testing accommodations should be listed as “For ALL unadapted tests”.

## **Question 14: Is a Modified Promotional Criteria (MPC), part of the law?**

### **Answer**

The IDEA states that disabled students must be given modifications to the curriculum to ensure their forward progress from grade to grade, but it does not make specific mention of a “Modified Promotional Criteria”.

However, in New York City, as a result of “Jose P.” ( a precedent setting Impartial Hearing settled several decades ago, one of the many lasting rulings was that the Department of Education develop a process to determine and provide disabled students with a Modified Promotional Criteria stated on the IEP.

In accordance with the Jose P. ruling, the Department of Education developed a Standard Operating Procedure Manual (SOPM). This manual is a complete guide for NYC schools, on how the Special Education process is to be conducted and the procedures that must be followed.

On page 77 of the SOPM, it clearly states that Modified Promotional Criteria must be placed on the agenda of any convening of the IEP (including annual reviews). This page provides a sample agenda to be followed.

Page 89 of the SOPM puts the full responsibility of assessing if a student requires an MPC on the Annual Review Team.

The SOPM states that it is the responsibility of the IEP Team to consider if the student can meet the Standard Promotion Criteria. If the IEP Team determines that the student cannot meet the Standard Promotion Criteria, the Team must determine the modified criteria to include on the student's IEP.

To assist IEP Teams, the section on Participation in School Activities, Related Service Recommendations, Participation in Assessments and Promotion Criteria in the Creating a Quality IEP manual has been revised and should be consulted. The Creating a Quality IEP manual may be found on the Department of Education website.

Page 89 also states that to ensure that parents, providers and students have sufficient notification of the promotion criteria to be applied, and to have the benefit of all necessary instructional intervention, the student's IEP must indicate the promotion criteria prior to January 31st of the school year.

However, it is important to note that this is an administrative deadline, and the Principal has the right and authority to over ride this deadline at *any* time in the school year.



It is equally important to note, that if the student's report card does not reflect that their promotion is in doubt on the first report card, the student cannot be held over.

Please remember that *any* student with an IEP can be considered for a MPC, regardless of the educational environment they are recommended to (i.e.' Gen Ed with supports, ICT, self-contained).

You can find the complete SOPM and Creating a Quality IEP at:

<http://schools.nyc.gov/Academics/SpecialEducation/tellmemore/importantDocuments.htm>

## **Question 15: What type of testing accommodations are available and legal to provide?**

### **Answer**

Testing accommodations can only be provided to “accommodate” a student's specific disability. Testing accommodations are not permitted to change the measurement of the test (i.e., a test measuring knowledge of science or social studies can be read aloud but not a test measuring reading comprehension or reading fluency cannot).

A guide on how to determine testing accommodations can be located on the New York State Education Department's website:

<http://www.p12.nysed.gov/specialed/publications/policy/testaccess/policyguide.htm>

**Question 16: What criteria is used to determine which students must receive standardized assessments and which students qualify for New York State Alternate Assessments (NYSAA)**

**Answer**

Standardized Assessments must be the first consideration for any student with a disabilities. Only a very small percent of students meet the criteria for New York State Alternate Assessments (NYSAA).

The IDEA and the New York State Regulations of the Commissioner of Education limits the provision of this modification to very specific circumstances. Recommending a student for NYSA is a life altering decision and it is the responsibility of both the parent and the school to make sure that the student meets the qualifying conditions before recommending it. These conditions are specifically defined in state law (section 100.1). Only students with “severe disabilities” ( severely impaired cognitive abilities, significantly impaired IQ, severe physical limitations, medically fragile), can qualify for NYSA..

In this context, students with severe disabilities means students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for self-fulfillment and meaningful participation in society. Students with severe disabilities may experience significant speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and assistive technology devices.

The determination on whether the student meets the above stated criteria is made by a full CSE review team, utilizing **formal evaluation and data** to support the decision, and the decision should not be made before the third grade.

Switching a student from Standardized Assessments to NYSAA in essence removes them from a “diploma track”.

This decision is a life altering decision and should not be entered into without **serious thought and contemplation.**

**Question16: What exactly are Transition services and how are Transition goals developed?**

**Answer:**

Transition is a component of Federal and State Law. The basic premise of transition is to ensure that the disabled student will be able to move on from secondary education (High School) to their next stage in life (college, trade school, job training programs, Independent living, group homes and/or assisted living).

As Defined by law: "Transition Services" means a coordinated set of activities for a student with a disability, designed within an outcome oriented process, that promotes movement from school to post-school activities, including, but not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's preferences and interests, and shall include needed activities in the following areas:

- Instruction;
- community experiences;
- the development of employment, and other post-school adult living objectives; and
- if appropriate, acquisition of daily living skills and functional vocational evaluation.

(8 NYCRR 200.1(rr); see also 34 CFR 300.18)

NYCRR 200.4(2) (ix) Transition services. For those students beginning not later than the first IEP to be in effect when the student is age 15 (*and at a younger age, if determined appropriate*), and updated annually, the IEP shall, under the applicable components of the student's IEP, include:

- (a) under the student's present levels of performance, a statement of the student's needs, taking into account the student's strengths, preferences and interests, as they relate to transition from school to post-school activities as defined in section 200.1(fff) of this Part;
- (b) appropriate measurable post-secondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;



c) a statement of the transition service needs of the student that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational education program;

(d) needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

(e) a statement of the responsibilities of the school district and, when applicable, participating agencies for the provision of such services and activities that promote movement from school to post-school opportunities, or both, before the student leaves the school setting.

Transition services are a right for all students with disabilities and these services can vary in their type and intensity.

Transition services are not just for district 75 students, they are also for community school district, diploma bound students.

Although there are many special education students in the community school district that do not require an intensive level of transition services, there are many diploma bound special education students who do.

Students who are have social emotional learning disabilities and communication delays and disorders (i.e., Autism, ADD/ADHD, Processing Disorders, language Disorders etc), tend to require a significant level of transition services.

Some students require a significant amount of instruction in the areas of independent travel, such as learning how to navigate and utilize the city bus system.

Some students require instruction on independent living skills (money management, budgeting etc).

Some students might require assistance in determining what career, vocation or college major choices they are interested in, and other students might need instruction on how to fill out an employment/college application or how to search a newspaper for employment adds or apartment listings.

Student might require instruction on how to meal plan and cook, or interview skills for college and employment, or even how to make inquiry phone calls such as making appointments, turning on utilities or to inquire about employment or housing vacancies.

For more information on Transition please ask one of the FHF representatives for the supplementary handouts on Transition located at the back of the room.

For additional resources on Transition go to:

<http://www.p12.nysed.gov/specialed/publications/transitionplanning-2011.htm>

<http://www.p12.nysed.gov/specialed/publications/transition/guide.htm>