

*Compliance Monitoring Update
& Regulation Review:
IEP Meeting Participants
Transfer IEPs*

**Special Education Leadership Meeting
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Compliance Monitoring Update...

- DOE in the process of completing Year 3 of the 3 year monitoring cycle
- 2010-2011: 12 LEAs received on-site monitoring visits
- 2011–2012: 13 LEAs received on-site monitoring visits
- 2012-2013: 17: LEAs received on-site monitoring visits

On-Site Monitoring Activities Have Focused On...

- (1) IEP Development
- (1) Secondary Transition Components
- (2) IEP Meeting Participants

Plans Are Being Developed for Compliance Monitoring in 2013-2014 and forward

Please provide feedback and suggestions!

Remember...the focus is on improving educational results and functional outcomes for students

Regulation Review

***(1) Participation of General and
Special Education Teacher***

Teacher Participation

The IEP team for each child with a disability must include:

Not less than one regular education teacher ***of the child*** (if the child is, or may be participating in the regular education environment); and

Not less than one special education teacher ***of the child***, or where appropriate, not less than one special education provider of the child.

General Education Teacher

Is a general education teacher required to be at every IEP team meeting?

Yes, if the child is, or may be, participating in the regular education environment. A general education teacher would be expected to attend the IEP meeting, unless the teacher has been properly excused from attending under 34 C.F.R. § 321(e)

OSEP, 71 Fed. Reg. 46669 (August 14, 2006)

General Education Teacher

Who can serve as the general education teacher at a child's IEP meeting?

The general education teacher participating in a child's IEP meeting should be the teacher who is, or may be, responsible for implementing the IEP, so the teacher can participate in discussions about how to best teach the child.

OSEP, 64 Fed. Reg. 12583 (March 12, 1999)

General Education Teacher

So, what if the child has more than one general education teacher?

The school may designate which teacher or teachers participate on the child's IEP team. However, each school must ensure:

- (1) the child's IEP is accessible to each regular education and special education teacher and provider of the child who is responsible for implementation; and
- (2) each of the child's teachers is informed of his or her specific responsibilities related to implementing the IEP, the accommodations, modifications, and supports.

General Education Teacher

So, are there instances when a regular education teacher would not be required to attend a child's IEP meeting?

Only on rare occasions!

Example: If the child is placed in a separate school or program, and only participates in lunch, recess periods, transportation, and extracurricular activities, and the child is not otherwise participating in the regular education environment and no change in that degree of participation is anticipated during the next 12 months. Since there would be no current or anticipated regular education teacher of the child during the period of the IEP, it would not be necessary for a regular education teacher to be a member of the child's IEP team.

Special Education Teacher v. Special Education Provider

The IEP team must include not less than one special education teacher *of the child*, or where appropriate, not less than one special education provider **of the child**.

Note, the special education teacher or provider who is a member of the child's IEP team should be the person who is, or will be responsible for, implementing the IEP.

So, if the child's disability is a speech impairment, the person could be the special education teacher, or the speech language pathologist, as the special education provider.

OSEP, 71 Fed. Reg. 46670 (August 14, 2006)

Regulation Review

(2) Participation of CTE Teacher

CTE Teacher

Whenever the child is, or may be participating in a career and technical education program, the IEP team must include a career technical education teacher of the child, or career technical teacher coordinator.

14 DE Admin Code § 925.21.1.8

Regulation Review

(3) Parent Participation at IEP Meetings

Parent Participation

Each LEA must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:

Notifying parents of the meeting, in writing, no less than 10 school days prior to the meeting (unless mutually agreed otherwise), or no less than 5 school days prior to a meeting to conduct a manifestation determination; and

The notice of meeting must be in writing and contain specific provisions (i.e. participants, location, purpose, etc.)

34 C.F.R. § 300.322; 14 DE Admin Code § 925.22.0

Parent Participation

A meeting can be conducted without a parent in attendance if the LEA is unable to convince the parents to the should attend. The LEA must keep a record of attempts to arrange a mutually agreed on time and place, such as:

- (1) Detailed records of phone calls made or attempted and the results;
- (2) Copies of correspondence sent to the parents and any responses;
- (3) Detailed records of visits made to the parents' home or place of employment and the results.

The Comments We Heard...

- Not clear on how many attempts are enough! What is the rule!
- Parents' work schedules
- Scheduling timelines are close and teachers have only one planning period
- File doesn't contain the full record of attempts, or documented inconsistently
- The annual review date was coming up
- Need other ways to handle meeting participation
- As students get older, a perception parents are less interested
- Lack of support or understanding from building administrators
- Or:
 - “I called the parent after the meeting and we went through the IEP over the phone. I sent the IEP home to the parent after the meeting, and the parent signed in agreement with the IEP.”

Record of Parent Contacts to Ensure Parent Attendance at IEP Meeting

No.	Type of Contact	Results of Contact	Staff Initials
1	<input type="checkbox"/> Notice of Meeting Sent <input type="checkbox"/> Phone Call <input type="checkbox"/> Note home with Student <input type="checkbox"/> Note in Agenda Book <input type="checkbox"/> E-mail <input type="checkbox"/> Home visit <input type="checkbox"/> Place of employment visit <input type="checkbox"/> Other _____		
2	<input type="checkbox"/> Notice of Meeting Sent <input type="checkbox"/> Phone Call <input type="checkbox"/> Note home with Student <input type="checkbox"/> Note in Agenda Book <input type="checkbox"/> E-mail <input type="checkbox"/> Home visit <input type="checkbox"/> Place of employment visit <input type="checkbox"/> Other		

Regulation Review

***(4) When IEPs Must be In Effect
and
Transfer Students***

When IEPs Shall Be in Effect...

If a child with a disability (who had an IEP in effect in a previous LEA in Delaware) transfers to a new LEA in Delaware, the new LEA (in consultation with the parents) shall provide FAPE to the child (including services comparable to those in the IEP from the previous LEA).

The child shall be temporarily placed in a setting which appears to be most suited to the child's needs based on a mutual agreement of the parents and receiving LEA.

The agreement must be documented on the cover page of the IEP or temporary placement form, and contain the signatures of the parents and receiving LEA.

Within 60 days of the child's initial attendance in the receiving LEA, the receiving LEA must either adopt the previous IEP, or develop, adopt, and implement a new IEP.