Chapter 13 - Annual Review and Revision of the IEP

Each student with a disability must have his/her IEP reviewed at least annually. It can be reviewed sooner if a parent or teacher feels that the program and services defined on the student’s IEP are not meeting the student’s needs. The participants at the meeting should review the student’s current IEP to determine whether or not the goals and objectives have been met (i.e., whether the criteria specified for the individual objectives have been achieved).

In order to make this determination each service provider should have gathered specific information through observation, teacher made or commercial tests, work samples, etc. If the goals and objectives have not been met, the service provider should be able to offer specific reasons based on the information s/he has gathered. Based on a determination of this year’s present level of performance, related goals and objectives should be specified. Finally, the services the student needs to meet future goals and objectives should also be noted.

Parents, teachers or others can request that an IEP meeting be held for purposes of review or revision. The decision regarding if, when, and where the meeting will be held rests with the District, although collaboration with parents is expected. The District should grant any reasonable request for an IEP meeting. Any changes in an IEP, including changes in the short-term objectives or benchmarks, and changes in the amount of services listed in the IEP, require an IEP meeting.

The IEP must be reviewed at least annually. To the extent possible, the local educational agency shall encourage the consolidation of reevaluation meetings for the child and other IEP team meetings for the child (20 USC 1414 d 3 E).

A public agency must initiate and conduct meetings periodically, but at least once every twelve months, to review each child’s IEP, in order to determine whether the annual goals for the child are being achieved, and to revise the IEP, as appropriate, to address: (a) Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate; (b) the results of any reevaluation; (c) information about the child provided to, or by, the parents; (d) the child’s anticipated needs; or (e) other matters.

A public agency also must ensure that an IEP is in effect for each child at the beginning of each school year...It must ensure that the IEP contains the necessary special education and related services and supplementary aids and services to ensure that the student’s IEP can be appropriately implemented during the next school year.
Otherwise, it would be necessary for the public agency to conduct another IEP meeting. Although the public agency is responsible for determining when it is necessary to conduct an IEP meeting, the parents of a child with a disability have the right to request an IEP meeting at any time. For example, if the parents believe that the child is not progressing satisfactorily or that there is a problem with the child’s current IEP, it would be appropriate for the parents to request an IEP meeting.

If a child’s teacher feels that the child’s IEP or placement is not appropriate for the child, the teacher should follow agency procedures with respect to: (1) calling or meeting with the parents or (2) requesting the agency to hold another IEP meeting to review the child’s IEP.

The legislative history of Public Law 94-142 makes it clear that there should be as many meetings a year as any one child may need (121 Cong. Rec. S20428-29 (Nov. 19, 1975)(remarks of Senator Stafford)). Public agencies should grant any reasonable parent request for an IEP meeting. For example, if the parents question the adequacy of services that are provided while their child is suspended for short periods of time, it would be appropriate to convene an IEP meeting.

Who Must Participate in the Meeting to Review the IEP?

The IEP team needs to conduct the review of the IEP. Team members include:

- The student’s parents
- At least one general education teacher of the student
- At least one special education teacher of the student
- A representative of the LEA
- An individual who can interpret the implications of evaluation results
- Other individuals who have knowledge or special expertise regarding the student (at the discretion of the parent or agency). This includes related service providers as appropriate
- The student when it is deemed appropriate - (If the student is 14 years of age, or younger if appropriate, transition services participants need to attend the meeting.

Who can initiate the IEP review/revision meetings and when shall they take place?

The regulations state that a child’s IEP must be in effect at the beginning of each school year. Meetings must be conducted periodically, but not less than every twelve months. These meetings are initiated and conducted at the discretion of the public agency.

Professionals who work with the child and parents may determine that an IEP meeting is warranted to provide FAPE to the child at any time during the twelve months.
Although the public agency is responsible for determining when it is necessary to conduct an IEP meeting, the parents of a child with a disability have the right to request an IEP meeting at any time. For example, if the parents believe that the child is not progressing satisfactorily or that there is a problem with the child’s current IEP, it would be appropriate for the parents to request an IEP meeting. If a child’s teacher feels that the child’s IEP or placement is not appropriate for the child, the teacher should follow agency procedures with respect to: (1) calling or meeting with the parents or (2) requesting the agency to hold another IEP meeting to review the child’s IEP.

Purpose of an IEP Review

The IEP review is conducted to accomplish the following purposes:

- To determine whether the child’s annual goals are being achieved.
- To revise the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, when appropriate.
- To determine if an additional assessment is necessary and address the results of those conducted.
- To address information about the child provided to, or by, the parents.
- To monitor the continuing eligibility of the child.
- To write a new IEP with revised goals and objectives to meet the child’s anticipated needs for the next year.

IEP Changes at Times Other Than the Annual Review

When changes in the IEP are required at times other than the annual review date, these changes may be discussed and implemented through a scheduled IEP meeting utilizing one of the following options:

1. Review the entire plan and establish a new annual review date.
2. Use an amendment form. When this option is used, the change becomes a part of the IEP and must be reviewed on the IEP’s original annual review date.
3. Changes on the current IEP can be made by agreement between the parent and the District (20 USC 1414 d 3 F).

In making changes to a child’s IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child’s current IEP (20 USC 1414 d 3 D).

Amendments to the IEP can be made either by the entire IEP team (or the parent and the LEA may agree not to convene an IEP meeting) by amending the IEP rather than redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated (20 USC 1414 d 3 F).
Recommendations Upon Declassification

A school district must evaluate a student with a disability prior to determining that the student is no longer a student with a disability. A student with a disability, who has been reevaluated and determined by the Committee to no longer be eligible for special education services, should have declassification recommendations documented on his or her final IEP.

The Committee should determine what IEP recommendations will continue upon the student’s declassification including, as appropriate:

- testing accommodations
- the student’s continued eligibility for the diploma "safety net"
- the student’s continued exemption from the Language Other than English requirement

The Committee must also identify needed declassification support services to be provided to the student and/or the student’s teachers during the first year after the student is declassified.

Testing Accommodations

Upon declassification, the CSE may determine that the effects of a student’s disability may continue to prevent the student from demonstrating the achievement of certain knowledge and skills and, as a result, the student may continue to need the testing accommodations previously documented on the IEP. If such a determination is made, the testing accommodations must be documented in the recommendation for declassification.

How long can testing accommodations be provided following declassification?

The testing accommodations must continue to be consistently provided to the student for the balance of his or her public high school education, unless:

- a building level team determines the test accommodations should be revised or eliminated
- the student achieves a high school diploma
- the student ages out of the school at 21 years old.

Continued Exemption from Language Other than English Requirement

If, prior to declassification, the CSE has determined that a student has a disability which adversely affects the ability to learn a language and has excused the student from the language other than English requirement for graduation, and this has been documented on the IEP, this exemption would continue upon declassification. It is recommended that this continued exemption be documented on the student’s last IEP.
Declassification support services

Declassification support services means services provided to a student or a student’s teacher in the first year that a student moves from a special education program to a full-time general education program to aid the student in moving from special education to full-time general education including:

- for the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate general education support services
- for the student’s teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

Recommendations for declassification support services must include:

- the projected date of initiation of such services
- the frequency of provision of services
- the duration of such services (provided that such services for State aid purposes may be provided for up to one year after the student enters the full-time general education program).

Implementation of Recommendations Upon Declassification

Upon a recommendation of declassification, the Committee is responsible to ensure that the declassification recommendations are implemented. This means that:

- a copy of the student’s last IEP, with the declassification recommendations, must be provided to the student’s general education teachers and providers
- the Committee chairperson must designate an individual knowledgeable about the student’s program to inform the student’s teachers and others (e.g., school principal and/or guidance counselor) of their specific responsibilities to implement the declassification recommendations on the student’s last IEP.

SAMPLE

<table>
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<th>Recommendations Upon Declassification</th>
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IEP recommendations to continue upon declassification:

<table>
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<tr>
<th>Testing Accommodations</th>
<th>Conditions</th>
<th>Specifications</th>
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</thead>
<tbody>
<tr>
<td>Extended time</td>
<td>For tests requiring extended writing (essay) responses</td>
<td>Double Time</td>
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<tr>
<td>Separate setting</td>
<td>All tests</td>
<td>Small group</td>
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<tr>
<td>Breaks</td>
<td>For tests longer than 40 minutes in length</td>
<td>10 minute break every 40 minutes</td>
</tr>
</tbody>
</table>

Continued Eligibility for Local Diploma (“Safety Net”): Yes [X] No [ ]
Continued “Language Other Than English” Exemption: Yes [X] No [ ]

Declassification Support Services to be provided during the first year that a student moves from a special education program to a full-time general education program:

<table>
<thead>
<tr>
<th>Service</th>
<th>Initiation Date</th>
<th>Frequency</th>
<th>Duration</th>
<th>Ending Date</th>
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<tbody>
<tr>
<td>Psychological services</td>
<td>10/1/05</td>
<td>1x Month</td>
<td>1 hour</td>
<td>6/30/06</td>
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