



Department of
Education

Special Education Framework

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Table of Contents

Section I: General Information	6
Component 1: Overview of Special Education.....	6
Component 1.1: The IEP Meeting.....	7
Component 1.2: IEP Team Representatives.....	8
Component 1.3: Student and Parental Involvement	11
Component 1.4: Parent Procedural Safeguards.....	15
Component 2: Evaluations and Eligibility	17
Component 2.1: Child Find Responsibilities	17
Component 2.2: Prevention and Early Intervention	19
Component 2.3: Referral.....	20
Component 2.4: Evaluation	21
Component 2.5: Eligibility	23
Component 2.6: Timeline Extension Requests.....	24
Component 2.7: Re-Evaluations	24
Component 2.8: Transfer Students.....	26
Component 2.9: Unilaterally Placed Children.....	28
Component 2.10: Assessment Specialists.....	28
Section II: The IEP Writing Process.....	31
Component 3: Narratives.....	31
Component 3.1: Student Strengths	32
Component 3.2: Parent Concerns.....	32
Component 3.3 Adverse Impact on Educational Performance	32
Component 3.4: Medical Information and Concerns.....	32
Component 3.5: Consideration of Special Factors	33
Component 4: Present Levels of Educational Performance	36
Component 4.1: Development of Present Levels of Educational Performance	37
Component 5: Measurable Annual Goals	38

Component 5.1: Development of Measurable Annual Goals	38
Component 5.2: Short-term Objectives.....	40
Component 6: Accommodations and Modifications	41
Component 6.1: Accommodations for Core Instruction, Intervention, and Assessment	41
Component 6.2: Selecting Accommodations Based on Individual Student Need	43
Component 6.3: Unique Accommodations.....	45
Component 6.4: Modifications to Core Instruction, Intervention, and Assessment	46
Component 6.5: Determining Participation in State Assessments	46
Component 6.6: Assistive Technology Devices and Services	47
Component 6.7: Accommodations for Career & Technical Education (CTE) Safety Examinations	48
Component 7: Special Education Service Delivery	49
Component 7.1 Least Restrictive Environment	49
Component 7.2: Access to Career and Technical Education (CTE)	53
Component 7.3: Direct Services	53
Component 7.4: Related Services	54
Component 7.5: Consultation	54
Component 7.6: Collaboration with General Education.....	55
Component 7.7: Extended School Year	55
Component 7.8: Transportation.....	56
Component 8: High-Quality Transition Planning.....	57
Component 8.1: Guiding Principles	58
Component 8.2: Student Involvement and Partnerships.....	60
Component 8.3: Age-Appropriate Transition Assessment.....	63
Component 8.4: Measurable Postsecondary Goals.....	66
Component 8.5: Course of Study	67
Component 8.6: Transition Services	68
Section III: Implementing the IEP	71

Component 9: Access to High-Quality Core Instruction	71
Component 9.1: Universal Design for Learning	72
Component 9.2: Differentiated Instruction.....	73
Component 9.3: Implementing Accommodations and/or Modifications	76
Component 10: Special Education Interventions and Service Delivery	77
Component 10.1: Collaboration	77
Component 10.2: Scheduling	80
Component 10.3: Service Delivery	83
Component 10.4: Documentation of Services.....	88
Component 11: Progress Monitoring and Data to Support Student Progress	89
Component 11.1: Data-Based Decision Making	89
Component 11.2: Types of Progress Monitoring	91
Component 11.3: IEP Goal Measurement Considerations.....	94
Component 11.4: IEP Effectiveness	95
Component 12: Supporting Student Behavior	95
Component 12.1: Tiered Behavior Supports	96
Component 12.2: Functional Behavior Assessment	97
Component 12.3: Behavior Intervention Plan	100
Component 12.4: Manifestation Determination	101
Component 12.5: Isolation, Seclusion, and Restraint	104
Glossary	107
References.....	120
Appendix A: Prior Written Notice Memo.....	124
Appendix B: Timeline Extension	126
Appendix C: Transfer Students	127
Appendix D: Unique Adaptive Accommodations Request.....	130
Appendix E: Special Education Aides.....	131

Dear educators,

In 2015, the Tennessee Department of Education outlined its vision, goals, priorities, and strategies in the *Tennessee Succeeds* strategic plan ([here](#)). This plan is anchored in the foundational belief that all students can achieve and all students deserve access to postsecondary and career opportunities after graduation. Within the special populations division, it is our mission to support districts and schools in graduating students who are equipped with the knowledge and skills necessary to successfully embark on their chosen path in life. The beliefs at the forefront of our work are as follows:

- Special education is not a place; it is the most intensive intervention along the continuum of service, defined by individual need, services, and placement.
- Strong leadership at every level is the foundation of a collaborative and inclusive environment that supports all students.
- All students are general education students first, and every student can learn and demonstrate growth. Thus, all students must have access to high-quality, evidence-based instruction that maximizes his/her potential in the Least Restrictive Environment (LRE).
- Educators are the key to student success and should be supported instructionally and professionally.
- All students can achieve postsecondary success.

A significant part of ensuring a student's needs are met is the Individualized Education Plan (IEP), a document that identifies a student's disability, outlines clear goals and objectives, and explains how the student will be supported. The IEP guides how a school configures its special education resources in order to provide opportunities for a student with disabilities to achieve desired outcomes.

The purpose of the Special Education Framework is to support educators in writing instructionally appropriate IEPs. Several years ago, the department developed the first Special Education Framework and has continuously garnered feedback from educators on how to improve the framework in order to be most useful to teachers as they support students with disabilities.

The framework is now organized into three sections: (I) general information about special education; (II) writing IEPs. Other significant improvements include a component on the development of writing short-term objectives, additional clarification around service delivery, and links to resources for the IEP team; and (III) implementing the IEP. Looking ahead, the next revision of the framework will include a third section on the implementation of IEPs—with a clear delineation between best practices and legal requirements.

We thank you for your dedication to serving students with disabilities in Tennessee. We look forward to providing our continued work together to improve outcomes for all students.

Theresa Nicholls
Assistant Commissioner, Special Populations & Student Support

Section I: General Information

Component 1: Overview of Special Education

Tip!
Terms highlighted in yellow are defined in the glossary.

Introduction

Research and practice have demonstrated that several factors are necessary to significantly improve outcomes for students with disabilities. In order for all students to receive meaningful instruction and services, schools must provide:

- high expectations for students with disabilities;
- appropriate differentiation and scaffolding to support students with disabilities in participation and progress towards the general education curriculum;
- meaningful opportunities for parent(s)/legal guardian(s) to participate in the development, review, and revision of the individualized education program (IEP) and participate in the education of their children at school and home;
- appropriate supplementary supports and services in the general education classroom whenever appropriate;
- effective systems of behavior support at the school, class, and individual level;
- appropriate skills and knowledge for those who work with students with disabilities to help such students meet academic and functional goals;
- preparation for students to transition to adult living and learning to lead productive, independent adult lives to the maximum extent practicable; and
- high-quality resources and instructional supports focused on teaching and learning.

Additionally, to foster a respectful and inclusive environment, teachers and leaders should recognize special education as part of the continuum of services and supports, rather than as a location where struggling students are sent. Special education should be considered the most intensive intervention in relation to the tiered interventions outlined in the [RTI² framework](#).

It is important to note that students with disabilities may also belong to other subgroups (e.g., English learner (EL), migrant, immigrant, homeless, neglected and delinquent, economically disadvantaged, etc.). These students may require additional accommodations, modifications, and supports so that they can access the special education services.

IEP: The Cornerstone of the Special Education Framework

An IEP is a written document for a student with one or more disabilities, which is developed, reviewed, and revised annually by the IEP team. Federal and state laws and regulations specify the information that must be documented in each student's IEP and require that an IEP be in place by the beginning of the school year.

Generally, the document identifies the student's individual needs based on his/her specific area(s) of exceptionality (deficit) *and* how the school will strategically address those needs. It also identifies

how teachers and interventionists will provide specifically designed instruction, support students in the general education curriculum, and provide access to the same grade-level learning standards as the student's non-disabled peers.

This guidance document provides important information for IEP teams on developing IEPs that will set up students for success in their K-12 academic careers and open pathways for postsecondary and career options.

Component 1.1: The IEP Meeting

An IEP meeting must be held to review a student's evaluation results and determine his/her eligibility for special education services (see component 2). Once a child has been found eligible for special education and related services, an IEP must be developed within 30 calendar days.

During the IEP meeting, team members (including the parent/legal guardian) will discuss and decide on the statements associated with each IEP component, especially the following:

- strengths and concerns related to the student's progress;
- the present levels of educational performance (PLEP) statement;
- the Measurable Annual Goals (MAG) that are appropriate for the student;
- accommodations and access to general education, including LRE;
- the type of special education services the student needs;
- the related services necessary to help the student benefit from his or her specialized instruction and interventions; and
- eligibility for an extended school year and/or special transportation.

IEP meetings can be held for various purposes. The following is a list of possible purposes of an IEP meeting:

- To review educational status and determine what data, if any, are needed to complete evaluation/re-evaluation
- To review the results of the initial evaluation/re-evaluation and determine eligibility for special education and related services
- To review and/or develop an IEP
- To consider educational placement (includes a change in educational placement, graduation and termination of eligibility)
- To consider a manifestation determination based upon a disability prior to a disciplinary action/hearing
- To consider the need for a functional behavior assessment (FBA)
- To consider the need to create or revise a behavior intervention plan (BIP)
- To consider the need to develop or revise a transition plan
- To review anticipated date of graduation or exit from special education
- Other appropriate purposes as determined by the IEP team

These purposes are quite different from one another, and would lead to varied discussions and decisions that would be made during the meeting.

Component 1.2: IEP Team Representatives

The IEP team must initially develop, and annually review and revise, the IEP. The IEP team is required to include individuals who know the student and his or her unique needs and who can commit the resources of the school to address the student's needs.

To develop an appropriate IEP for the student, a group of individuals with knowledge and expertise about the student's strengths and individual needs—as well as knowledge about the curriculum and resources of the school—must consider the student's evaluation information to make decisions in an effective and efficient manner. Information about the student's strengths, interests, and unique needs are gathered from multi-disciplinary team members (see below). This information, along with evaluations and observations, creates the foundation to build a program that will include appropriate interventions based on specific areas of deficit. Each member of the multidisciplinary team brings information and a unique perspective to the discussion of the student's needs and has an important role and responsibility to make recommendations for the student's educational program.

The composition of the IEP team is prescribed by the federal **Individuals with Disabilities Education Act (IDEA)**. The **school district** is responsible for ensuring that the IEP team for each child with a disability includes the following:

1. The parents and/or guardian of the child
 - a. For guidance on how to proceed if parent/legal guardian cannot attend, see below.
2. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
3. Not less than one special educator of the child, or when appropriate, not less than one special education provider of the child
4. A representative of the public agency (school district) who:
 - a. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - b. is knowledgeable about the general education curriculum; and
 - c. is knowledgeable about the availability of resources of the public agency (school district).
5. An individual who can interpret the instructional implications of evaluation results, for example:

BEST PRACTICE

Provide parents with all documents such as assessment data, progress monitoring, checklists, and all other relevant data prior to attending the IEP meeting. If the parent requests an interpreter, a meeting with the interpreter may take place with all relevant data prior to the IEP meeting so the parent/legal guardian is adequately prepared for the meeting with concerns, comments, and questions.

- a. A school psychologist will be able to interpret the results of an intelligence test such as the *Wechsler Intelligence Scale for Children-5th Edition* and the implications of the student's low working memory has in regards to his/her ability to remember complex or multiple step directions, the content of long text passages when answering reading comprehension questions, or recalling information that was presented in only one format.
 - b. A school's reading specialists can interpret the results of a set of universal screeners and reading assessments in order to inform the IEP team of the student's specific reading needs to determine how to design specialized reading instruction that addresses his/her skill deficit.
 - c. A speech-language pathologist will be able to interpret the results of a language evaluation, such as the *Comprehensive Evaluation of Language Fundamentals-5th Edition*, and implications of how language deficits impact educational performance in reading, writing, responding, and understanding instruction.
 - d. A student's general education teacher or a teacher qualified to teach the student, (i.e., English as a second language (ESL) teacher, special educator) will be able to provide data on academic progress through a variety of classroom assessments and daily observations, as well as provide information shared by parents. This team member can also provide knowledge of the student's language needs and understand cultural differences and how they impact language development.
6. At the discretion of the parent and/or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
- a. For example, depending on student needs, professionals may include one or more of the following: school psychologist, speech-language pathologist, Response to Instruction and Intervention (RTI²) professional, literacy coach, instructional coach, school counselor, ESL instruction professional if the student is an EL, audiologist, occupational therapist, physical therapist, behavior specialist, or other professional such as a translator or physician, who has knowledge of the student useful for planning and developing an IEP. If the school district does invite such an individual to join the IEP team, it is the district who determines whether the individual has the requisite "knowledge or special expertise" about the child.
 - b. The parent/legal guardian of the student has the right to invite individuals to participate in their child's IEP meeting. If the parent(s) choose to exercise this right and invite another member to participate on the IEP team, he or she must have knowledge or special expertise about the child's strengths and individual needs, and the party inviting the person—in this case, the parents—decides whether the individual meets that criterion.
7. When appropriate, a school counselor participates on the IEP team.
- a. School counselors may be providing direct or support counseling services to the student. Student support services can include consulting with school personnel or

outside agencies to coordinate appropriate services for the student and their families.

- b. School counselors may also provide academic advising and programming assistance for students with special education needs. Students receiving the most intensive interventions outside of the regular education class require special consideration in regard to their class schedule, especially in high school, to ensure that they will earn all required credits to graduate on time.
8. Whenever appropriate, the child with a disability attends and participates in their own meeting.
- a. If a student is under 14 years old, he or she is not legally required to attend the IEP meeting, but his or her participation is encouraged as appropriate (see page 10 for additional information on student participation).
 - b. If a student is 14 years old or older, he or she is legally required to be invited the IEP.

Excusing a Member from an IEP Meeting

Certain members of the IEP team may be excused from an IEP meeting under specific conditions. These conditions will vary depending on whether the team member's area of expertise is going to be discussed or modified in the meeting. The parent and the school system must both agree in writing that the member's attendance is not necessary. Outlined below are the federal regulations in existence followed by most effective practices for ensuring full participation by all IEP team members.

IDEA 2004 Guidelines for Excusing an IEP Team Member

- (i) ATTENDANCE NOT NECESSARY - A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the local educational agency agree that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- (ii) EXCUSAL - A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—
 - (I) the parent and the local educational agency consent to the excusal; and
 - (II) the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.
- (iii) WRITTEN AGREEMENT AND CONSENT REQUIRED - A parent's agreement under clause (i) and consent under clause (ii) shall be in writing.

If Parent Cannot Attend

There are instances when parent(s)/legal guardian(s) are unable to attend the IEP meeting. When this arises, it is required, and imperative, to ensure parent/legal guardian participation by using other methods of communication that are agreed upon by the school district and the parent(s)/legal guardian(s).¹ As an example, this can be accomplished by having individual or conference telephone call, or video conference calls.

IDEA does include provisions that permit a public agency to hold an IEP meeting without the parent(s)/legal guardian(s) in attendance (either in attendance or via alternative methods), but this may only occur if the public agency has been unable to confirm parent/legal guardian attendance and has documented all such attempts to do so.² If the public agency has not been able to assure parent/legal guardian attendance, then the agency must keep a record of attempts to arrange a mutually agreed-on time and place, such as the following:

- detailed records of telephone calls made or attempted and the results of those calls;
- copies of correspondence sent to the parent(s)/legal guardian(s) and any responses received;
- detailed records of interpreters/translators offered to provide service during the meeting; and
- detailed records of visits made to the parent's/legal guardian's home or place of employment and the results of those visits.

Component 1.3: Student and Parental Involvement

Student Involvement

Promoting self-determination of children and youth with (and without) disabilities is a critical instructional focus across the lifespan.³ Student involvement and leadership in the development of their IEP, as well as participation in the meeting, is widely accepted as an evidence-based practice and can be an opportunity to teach self-advocacy skills. While IDEA requires that the “public agency must invite a child with a disability to attend the child's IEP team meeting if a purpose of the meeting

BEST PRACTICE

A strong effort to encourage parent/legal guardian involvement in the IEP meeting would be to make three attempts for parent/legal guardian attendance. In order to keep record of the attempted contacts, one could use a collection of phone logs if contact was made by phone, U.S. mail, and emails. If there is no parent/legal guardian signature, log the date the IEP was given to parent/legal guardian and personnel responsible.

¹ Individuals with Disabilities Education Act, 34 C.F.R. §300.322(c) - 300.328, (2004)

² Individuals with Disabilities Education Act, 34 C.F.R. §300.322, (2004)

³ Michael L. Wehmeyer and Sharon L. Fields, “Self-determination: Instructional and Assessment Strategies,” (Corwin Press, 2007.)

will be the consideration of the postsecondary goals for the child and the **transition services** needed to assist the child in reaching those goals,"⁴ student participation prior to the age of 14 better prepares them for the transition process.

Meaningful student involvement in their IEP team meeting requires purposeful advanced planning and should be customized for the individual student based on their strengths and needs. To promote student involvement, teach students to be prepared to discuss the following components by practicing the following tips:

- Review the IEP with the student in advance.
- Inform the student of the format and length of the IEP meeting.
- Discuss specific ways the student can contribute to the conversation.
 - Welcome everyone to the meeting and lead introductions.
 - Share their strengths, interests, preferences, and needs.
 - Help to craft **measurable postsecondary goals** (MPGs).
 - Discuss what supports and services are most helpful.
 - Share ideas and reacting to the ideas of others.
 - Identify tasks and next steps to meet their goals.
 - Customize with templates, slide shows, and alternative communication.
- Practice student responses to common IEP team questions.
 - "What are my postsecondary goals?"
 - "What are my strengths?"
- Teach the purpose of the IEP and the common educational jargon.

TIPS

What if my student is nervous and has communication challenges?

- Develop a script for student to use during the meeting.
- Use pictures cards to help the student introduce the section of the IEP.
- Develop an agenda with the student.
- Use technology to support participation.
- Create a slideshow that allows the student to click through the agenda and important talking points.
- Record the student's sections ahead of time and play them at the meeting.
- Utilize assistive/augmentative communication and meaningful participation.

⁴ Individuals with Disabilities Education Act, 34 C.F.R. §300.320(b) (2004)

Parent Involvement

Parent/legal guardian involvement is not only a requirement of the law but is considered **best practice**. Schools must give parent(s)/legal guardian(s) the opportunity to participate in meetings with respect to identification, evaluation, educational placement, and the provision of a **Free Appropriate Public Education (FAPE)** to their child. Parent(s)/legal guardian(s) will offer valuable input about their child's needs and **learning styles** that can greatly assist in the development of a meaningful IEP. Further, a strong, positive relationship between parent/legal guardian involvement and improved academic achievement has been found across families of all economic, racial/ethnic, and educational backgrounds and for students at all ages.⁵

In order to foster a collaborative relationship between the child's home and school, information must be readily shared and opportunities must be created to encourage participation. Schools must provide parent(s)/legal guardian(s) of students with disabilities regular progress reports so that parent(s)/legal guardian(s) can be as up to date on their child's performance. By staying informed on their child's progress on IEP goals and objectives, parent(s)/legal guardian(s) are better equipped to intervene and/or support that progress. Schools should give parent(s)/legal guardian(s) the opportunity and encouragement to share information concerning **activities** at home that could significantly affect the student's progress at school.

The parent(s)/legal guardian(s) of a child with a disability has the right to fully participate in the educational decisions concerning their child. If a language barrier is present, then the parent(s)/legal guardian(s) are not fully participating. If the parent/legal guardian requires an interpreter at the meeting to ensure full involvement and understanding, the district has a duty to coordinate the necessary support ahead of time, so that arrangements can be made to have an interpreter present. This includes sign language interpreters. Whenever possible, the interpreter should be an individual familiar with the school district and/or familiar with special education policies and procedures.

Parent(s)/legal guardian(s) of homeless, migrant, and/or immigrant students are entitled to the same meaningful participation in their child's education as every parent/legal guardian. Meaningful opportunities for parent(s)/legal guardian(s) participation would include the parent's/legal guardian's access to be involved in parent meetings and IEP meetings. This may mean that supports may need

BEST PRACTICE

Invite homeless shelter staff/liaison and other caseworkers to attend special education training designed for parent(s)/legal guardian(s), in order to provide them with a clear understanding of the special education process so that they can help support and assist parent(s)/legal guardian(s).

⁵ Anne T. Henderson, Karen L. Mapp, and Amy Averett, "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement," (Austin, TX: National Center for Family & Community Connections with Schools, 2002).

to be provided for the parent(s)/legal guardian(s) of homeless, migrant, and/or immigrant students. Students and their parent(s)/legal guardian(s) that fall into any combination of these categories are protected under the following federal laws.

Homeless Parent Involvement

According to McKinney-Vento.722 (g) (6)(A)(iv) parent(s)/legal guardian(s), the parents/guardians of homeless children and youths are to be informed of the educational and related opportunities available to their children and be provided with meaningful opportunities to participate in the education of their children. The team should work with the district homeless liaison to secure such transportation.

Migrant Parent Involvement

The Migrant Education Program, authorized under Title I, Part C, of the Elementary and Secondary Education Act (ESEA), states that there are no funds available to provide transportation to migrant families although they often face a transportation barrier.

Migrant, English learner, and Immigrant Parent Involvement

The Migrant Education Program, originally authorized under Title I, Part C, of the Elementary and Secondary Education Act (ESEA), protects migrant children and youth as does Title III. The Every Student Succeed Act (ESSA) reauthorized ESEA and Migrant Education Program is found under section 1303 of ESSA. Title III of ESSA ensures that EL students, including immigrant children and youth, attain English proficiency and meet the same challenging academic content and achievement standards that other students are expected to meet. School districts must inform such parent(s)/legal guardian(s) about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging state academic content and student achievement standards that all children are expected to meet (Title III, Section 3101 (5)).⁶

Providing Parents & Students with Notice of Meeting

IDEA requires that a school district, when convening an IEP meeting, sends the parent(s)/legal guardian(s) a notice of meeting that informs the parent(s)/legal guardian(s) who will be attending the meeting. The district must provide written notice to the child's parents/guardians at least ten calendar days prior to a meeting, including when and where the meeting will take place, so that they have the opportunity to attend and participate.

⁶ ESSA (2015). Every Student Succeeds Act of 2015, Pub. L. No. 114-95 § 114 Stat. 1177 (2015-2016).

The student should be provided with a notice of meeting if the purpose of the meeting will be the consideration of the child's postsecondary goals and the transition services needed to assist him/her in reaching those goals. Furthermore, once the student has reached the age of majority (i.e., when a student reaches the age of 18), he or she will be provided with a notice of any IEP meeting.

IDEA's provisions regarding parent participation state the following:

Each public agency must take steps to ensure that one or both parent(s)/legal guardian(s) of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate (34 C.F.R. §300.322). This includes the following:

- notifying parent(s)/legal guardian(s) of the meeting early enough to ensure that they will have an opportunity to attend;
- scheduling the meeting at a mutually agreed upon time and place 34 C.F.R. §300.322); and
- coordinating appropriate supports for full participation of non-English-speaking parent(s)/legal guardian(s) in their native language.

The public agency's notification to parent(s)/legal guardian(s) must include the following:

- purpose, time, and location of the meeting;
- participants;
- notice that parent(s)/legal guardian(s) and public agencies have the right to invite other people with knowledge or special expertise about the child, including related services personnel as appropriate, and that the party inviting the individual makes the determination that the invitee possesses the requisite knowledge or special expertise regarding the child;
- notice that parent(s)/legal guardian(s) may request that the Part C service coordinator or other representatives of the Part C system be invited to attend the initial IEP meeting for a child previously served under Part C of the IDEA in accordance with 34 C.F.R. §300.321; and
- notice of the participation of a translator/interpreter, if needed.

Component 1.4: Parent Procedural Safeguards

Procedural safeguards are in place to ensure that the rights of children with disabilities and their parent(s)/legal guardian(s) are protected. Although the goal should always be to resolve disputes at the local level, sometimes situations require the assistance of persons not directly involved with the issues at hand. Parent(s)/legal guardian(s) who file an administrative complaint, request mediation, or request a due process hearing must submit their requests to the department's division of special populations.

IDEA requires schools to provide parent(s)/legal guardian(s) of a child with a disability a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education and Tennessee laws and regulations.

A copy of the safeguards notice must be given to parent(s)/legal guardian(s) annually or when one of the following events takes place:

1. upon initial referral or parent(s)/legal guardian(s) request for evaluation;
2. upon receipt of the first state complaint under and upon receipt of the first due process complaint under in a school year;
3. when a decision is made to take a disciplinary action that constitutes a change of placement; and
4. upon parent request.⁷

This procedural safeguards notice includes a full explanation of all of the procedural safeguards available under IDEA⁸, including, but not limited to:

- Unilaterally placed children at private school and public expense
- State complaint procedures
- Consent for evaluation
- Procedural safeguards in Subpart E of the Part B regulations
- Confidentiality of information provisions in Subpart F

Native Language

Per 34 CFR §300.29, native language—when used with an individual who has limited English proficiency (LEP)—means the following:

1. the language normally used by that person, or, in the case of a child, the language normally used by the child's parent(s)/legal guardian(s);
2. in all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (i.e., sign language, Braille, or oral communication).

Prior Written Notice

Prior written notice is an important parental right that is also included in the IDEA. It is designed to give parent(s)/legal guardian(s) time to determine whether they are satisfied with the action(s) and or change(s) recommended by the IEP team. If the parent(s)/legal guardian(s) are not satisfied, they have the right to request a due process hearing. Prior written notice is given to the parent(s)/legal guardian(s) *after* the IEP meeting has occurred, but before the implementation of the change(s) that was/were recommended by the IEP team.

IDEA requires the IEP team to formally and logically accept or reject any suggestions or requests that an IEP team member makes. Under 34 C.F.R. § 300.503(a), the parent/legal guardian must be provided with a written notice whenever the school district:

⁷ Individuals with Disabilities Education Act, 34 C.F.R. §300.151(c) - 300.507, (2004)

⁸ Individuals with Disabilities Education Act, 34 C.F.R. §300.148 - 300.625, (2004)

1. Proposes to begin or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education (FAPE) to a child; or
2. Refuses to begin or change the identification, evaluation, or educational placement of a child or the provision of FAPE to a child.

The parent/legal guardian must be provided with a description of the action(s) that the school district proposes or refuses to take, as well as an explanation of why the school district is proposing or refusing to take said action(s). For additional clarification, please see [Memorandum in Appendix A](#).

The notice must be:

1. written in language understandable to the general public; and
2. Provided in the parent/guardians' native language or other mode of communication the parent/guardian uses, unless it is clearly not feasible to do so.

If parent/guardians' native language or other mode of communication is not a written language, the administrative unit must ensure that:

1. the notice is translated for the parent/guardian orally by other means in the parent/guardian's native language or other mode of communication;
2. the parent/guardian understands the content of the notice; and
3. there is written evidence that 1 and 2 have been met.

Component 2: Evaluations and Eligibility

In order to provide appropriate services and supports to students suspected of having an educational disability, the team must first appropriately evaluate and determine the presence of an educational disability and the way in which the disability adversely affects educational performance. This begins within the pre-referral process and extends through evaluation and eligibility determination.

All procedures and requirements governing the referral, initial evaluation, and re-evaluation of students with disabilities may be found on the [Special Education website](#).

Component 2.1: Child Find Responsibilities

The Child Find mandate, included in the IDEA, requires schools to seek out, identify, and evaluate all youth (ages 3–22) with disabilities, whether or not they are homeless or enrolled in public or private school, regardless of the severity of their disability. In addition, Child Find responsibilities apply to students who are migrants, ELs, and those in correctional facilities (see 34 CFR § 300.111 for General Child Find regulations; 34 CFR §. 300.131 for child find regulations regarding parentally placed private school children with disabilities).

Due to the impact of an educational disability, it is important that effective, ongoing efforts are made to inform the general public of the Child Find responsibilities placed upon school districts to locate all children who may need special services. In order to achieve the overall goal of locating and effectively serving all children in the state of Tennessee with potential disabilities that could impact learning, each school district is encouraged to develop a comprehensive approach that encompasses the following three components:

1. *Child Find*: Each district is encouraged to designate a Child Find coordinator whose duties include the development and implementation of effective, ongoing child find efforts within all of the schools operated by the district.
2. *Interagency Cooperation*: Staff in other agencies which serve children often have opportunities to interact with children and their families and gain insights that may not occur within the local school setting. Districts are encouraged to develop partnerships with all agencies in their geographic region which serve children.
 - Interagency cooperation should include:
 - homeless shelters
 - migrant tutor or recruiters
 - refugee resettlement agencies
 - preschools
 - private schools and homeschool collaboratives
 - residential settings
 - Title X, McKinney-Vento Homeless Act states, "The IDEA requires that homeless preschoolers and all homeless children be included in the 'Child Find' process for early identification of special education needs. It is recommended that, when possible, the eligibility process for identifying special needs be expedited to avoid delays in services provided to eligible children caused by frequent mobility."
3. *Public Awareness*: Effective school screening programs and collaborative working relationships with other agencies serving children will result in many children who have special needs being identified; however, these efforts may still miss some children who are in need of services.

Public Awareness Tools and Strategies

Types of media that may be effectively utilized in an awareness campaign:	Activities that may be helpful in implementing an awareness campaign:
<ul style="list-style-type: none"> • letters to parent(s)/legal guardian(s) <ul style="list-style-type: none"> ◦ translated/interpreted if needed • radio and television—public service announcements <ul style="list-style-type: none"> ◦ English and Spanish radio stations • newspaper (human interest stories) • posters • brochures or flyers • internet web sites <ul style="list-style-type: none"> ◦ approved forms of social media • newsletters to school personnel and other agencies 	<ul style="list-style-type: none"> • presentations at parent teacher association (PTA)/parent teacher organization (PTO) meetings, cultural centers, and other group meetings • migrant education family awareness in areas of higher migrant family residence • presentations at professional, civic, and community organizations • contacts with churches and other religious centers • contacts with physicians/health care providers • contacts with child care providers

Component 2.2: Prevention and Early Intervention

It is the responsibility of school districts to seek ways to meet the unique educational needs of all children within the general education program prior to referring a child to special education. Tennessee’s approach to teaching and learning is called RTI². The purpose of RTI² is to tailor instruction to meet the needs of all students and to provide additional supports when they are needed. By implementing RTI² with fidelity, school districts can provide differentiated instruction to students who are having trouble reaching benchmarks. Special education is the most intensive intervention that should be considered after schools implement Tiers II and III interventions and still see the need for specialized services.

Pre-Referral Interventions

Students who have been identified as “at risk” will receive appropriate interventions in their identified area(s) of deficit. These interventions are determined by school-based teams by considering multiple sources of academic and behavioral data.

One way the department supports prevention and early intervention is through multi-tiered systems of supports (MTSS). The MTSS framework is a problem-solving system for providing students with the instruction, intervention, and supports they need with the understanding there are complex links between students’ academic and behavioral, social, and personal needs. The framework

provides multiple tiers of interventions with increasing intensity along a continuum. Interventions should be based on the identified needs of the student using evidenced-based practices. Examples of tiered intervention models include Response to Instruction and Intervention (RTI²), which focuses on academic instruction and support, and Response to Instruction and Intervention for Behavior (RTI²-B), which focuses on behavioral supports. Within the RTI² and RTI²-B Frameworks, academic and behavioral interventions are provided through Tier II and/or Tier III interventions (see [Student Supports in TN MTSS Framework](#), [RTI² Manual](#), & [RTI²-B Manual](#)).

These interventions are *in addition to*, and not in place of, on-grade-level instruction (i.e., Tier I). It is important to recognize that ALL students should be receiving appropriate standards-based differentiation, remediation, and reteaching, as needed in Tier I, and that Tiers II and III are specifically skills-based interventions.

It is important to document data related to the intervention selection, interventions (including the intensity, frequency, and duration of the intervention), progress monitoring, intervention integrity and attendance information, and intervention changes to help teams determine the need for more intensive supports. This also provides teams with information when determining the least restrictive environment needed to meet a student's needs.

Component 2.3: Referral

Pursuant to IDEA Regulations at 34 C.F.R. §300.301(b), a parent or the school district may refer a child for an evaluation to determine if the child is a child with disability. If a student is suspected of an educational disability at any time, he or she may be referred by the student's teacher, parent, or outside sources for an initial comprehensive evaluation based on referral concerns. **Pursuant to 34 CFR §§300.304-300.311, the use of RTI² strategies may not be used to delay or deny the provision of a full and individual evaluation to a child suspected of having a disability under 34 CFR §300.8.** For more information on the rights to an initial evaluation, refer to [Memorandum 11-07](#) from the U.S. Department of Education Office of Special Education and Rehabilitative Services.

School districts should establish and communicate clear written referral procedures to ensure consistency throughout the district. Upon referral, all available information relative to the suspected disability, including background information, parent and/or student input, summary of interventions, current academic performance, vision and hearing screenings, relevant medical information, and any other pertinent information should be collected and must be considered by the referral team. The team, not an individual, then determines whether it is an appropriate referral (i.e., the team has reason to suspect a disability) for an initial comprehensive evaluation. The school team must obtain informed parental consent and provide written notice of the evaluation.

Once written parental consent is obtained, the district must conduct all agreed upon components of the evaluation and determine eligibility within 60 calendar days of the district's receipt of parental consent.

Parent Request for Referral and Evaluation

If a parent/legal guardian refers/requests their child for an evaluation, the school district must meet within a reasonable time to consider the request following the above procedures for referral.

- If the district agrees that an initial evaluation is needed, it must evaluate the child. The school team must then obtain informed parental consent of the assessment plan in a timely manner and provide written notice of the evaluation.
- If the district does not agree that the student is suspected of a disability, it must provide prior written notice to the parent/legal guardian of the refusal to evaluate. The notice must include the basis for the determination and an explanation of the process followed to reach that decision. If the district refuses to evaluate or if the parent/legal guardian refuses to give consent to evaluate, the opposing party may request a due process hearing.

Component 2.4: Evaluation

Referral information and input from the child's team lead to the identification of specific areas to be included in the evaluation. All areas of suspected disability must be evaluated. In addition to determining the existence of a disability, the evaluation should also focus on the educational needs of the student as they relate to a continuum of services. Comprehensive evaluations shall be performed by a multidisciplinary team using a variety of sources of information that are sensitive to cultural, linguistic, and environmental factors or sensory impairments. The required evaluation participants for evaluations related to suspected disabilities are outlined in the eligibility standards. Refer to [department's Special Education Evaluation and Eligibility website](#) for more information related to eligibility standards and processes.

Important Cultural Considerations for English Learners

To determine whether a student who is an EL has a disability, **it is crucial to differentiate a disability from a cultural or language difference.** In order to conclude that an EL has a specific disability, the assessor must rule out the effects of different factors that may simulate language disabilities. The combination of data obtained from a case history and interview information regarding the student's primary or home language (L1), the development of English language (L2) and ESL instruction, support at home for the development of the first language, language sampling and informal assessment, as well as standardized language proficiency measures should enable the IEP team to make accurate diagnostic judgments. One reason ELs are sometimes referred for special education is a deficit in their primary or home language. No matter how proficient a student is in his or her primary or home language, if cognitively challenging native language instruction has not been continued, he or she is likely to demonstrate a regression in primary or home language abilities. According to Rice and Ortiz (1994)⁹, students may exhibit a decrease in primary language proficiency through:

⁹ L.S. Rice and Alba A. Ortiz, "Second Language Difference or Learning Disability?," *LD Forum* 19, no. 2 (1994): 11-13.

- inability to understand and express academic concepts due to the lack of academic instruction in the primary language;
- simplification of complex grammatical constructions;
- replacement of grammatical forms and word meanings in the primary language by those in English; and
- the convergence of separate forms or meanings in the primary language and English.

These language differences may result in a referral to special education because they do not fit the standard for either language, even though they are not the result of a disability. The assessor must keep in mind that the loss of primary or home language competency negatively affects the student's communicative development in English. Consideration should be given to the use of an interpreter, nonverbal assessments, and/or assessment in the student's primary language.

In addition to understanding the second language learning process and the impact that first language competence and proficiency has on the second language, the assessor must be aware of the type of alternative language program that the student is receiving.

The assessor should consider questions, such as:

- In what ways has the effectiveness of the English as a second language (ESL) instruction been documented?
- Was instruction delivered by the ESL teacher?
- Did core instruction take place in the general education classroom?
- Is the program meeting the student's language development needs?
- Is there meaningful access to core subject areas in the general education classroom? What are the documented results of the instruction?
- Were the instructional methods and curriculum implemented within a sufficient amount of time to allow changes to occur in the student's skill acquisition or level?

The answers to these questions will help the assessor determine if the language difficulty is due to inadequate language instruction or the presence of a disability. Only after documenting problematic behaviors in the primary or home language and in English, and eliminating extrinsic variables as causes of these problems, should the possibility of the presence of a disability be considered.

It is particularly important for a general education teacher and an ESL teacher/specialist to work together in order to meet the linguistic needs of EL students. To ensure ELs are receiving appropriate accommodations in the classroom and for assessment, school personnel should consider the following when making decisions:

- Student characteristics such as:
 - Oral English language proficiency level
 - English language proficiency literacy level
 - Formal education experiences

- Native language literacy skills
- Current language of instruction
- Instructional tasks expected of students to demonstrate proficiency in grade-level content in state standards
- Appropriateness of accommodations for particular content areas

**For more specific guidance on ELs, click [here](#).*

Component 2.5: Eligibility

After completion of the evaluation, the IEP team must meet to review results and determine if the student is eligible for special education services. Eligibility decisions for special education services is two-pronged:

1. The team decides whether the evaluation results indicate the presence of a disability.
and
2. The team decides whether the identified disability adversely impacts the student's educational performance such that he or she requires the most intensive intervention (i.e., special education and related services).

The parent/legal guardian is provided a copy of the written **evaluation report** completed by assessment specialists (e.g., psychoeducational evaluation, speech and language evaluation report, occupational and/or physical therapist report, **vision specialist** report, etc.). After the team determines eligibility, the parent/legal guardian is provided a copy of the eligibility report and a prior written notice documenting the team's decision(s). If the student has been found eligible as a student with an educational disability, an IEP is developed within 30 calendar days.

Evaluation results enable the team to answer the following questions for eligibility:

- Are both prongs of eligibility met?
 - Prong 1: Do the evaluation results support the presence of an educational disability?
 - The team should consider educational disability definitions and criteria referenced in the disability standards (i.e., evaluation procedures).
 - Are there any other factors that may have influenced the student's performance in the evaluation? A student is not eligible for special education services if it is found that the determinant factor for eligibility is either lack of instruction in reading or math, or LEP.
 - Prong 2: Is there documentation of how the disability adversely affects the student's educational performance in his/her learning environment?
 - Does the student demonstrate a need for specialized instruction and related services?
- Was the eligibility determination made by an IEP team upon a review of all components of the assessment?

- If there is more than one disability present, what is the most impacting disability that should be listed as the primary disability?

Component 2.6: Timeline Extension Requests

According to 34 C.F.R. §300.301(d) and (e) and 34 C.F.R. §300.309(c), an extension of the evaluation timeline may only be requested in the following instances:

- a review of the existing data, including input from the child's parent(s)/legal guardian(s), indicates that more time is needed to adequately determine the student's response to intervention and the presence of a **specific learning disability**;
- the parent/legal guardian of a child repeatedly fails or refuses to produce the child for the evaluation; or
- the child enrolls in another school district after the timeframe has begun and a determination of eligibility was not completed by the school district that commenced the initial evaluation process, the succeeding district is making sufficient progress to ensure completion of the evaluation, and the parent/legal guardian and the succeeding district agree on a specific timeframe within which the evaluation will be completed.

Timeline extensions cannot be granted due to scheduling issues. For additional clarification, see [Memorandum in Appendix B](#)

Component 2.7: Re-Evaluations

A re-evaluation must be conducted **at least every three years** or earlier if conditions warrant. Re-evaluations may be requested by any member of the IEP team prior to the triennial due date (e.g., when teams suspect a new disability or when considering a change in eligibility for services). This process involves a review of previous assessments, current academic performance, and input from a student's parents, teachers, and related service providers, which is to be documented on the

Re-evaluation Summary Report (RSR). The documented previous assessments should include any assessment results obtained as part of a comprehensive evaluation for eligibility or any other partial evaluation. Teams will review the RSR during an IEP meeting before deciding on and obtaining consent for re-evaluation needs. Therefore, it is advisable for the IEP team to meet at least 60 calendar days prior to the re-evaluation due date. Depending on the child's needs and progress, re-evaluation may not require the administration of tests or other formal measures; however, the IEP team must thoroughly review all relevant data when determining each child's evaluation need.

When a student's eligibility is changed following an evaluation; the student's IEP should be reviewed and updated appropriately.

Some of the reasons for requesting early re-evaluations may include:

- concerns, such as lack of progress in the special education program;
- acquisition by an IEP team member of new information or data;

- review and discussion of the student’s continuing need for special education (i.e., goals and objectives have been met and the IEP team is considering the student’s exit from his/her special education program); or
- new or additional suspected disabilities (i.e., significant health changes, outside evaluation data, changes in performance leading to additional concerns).

The IEP team may decide an evaluation is needed or not needed in order to determine continued eligibility. All components of The RSR must be reviewed prior to determining the most appropriate decision for re-evaluation. Reasons related to evaluating or not evaluating are listed below.

Evaluation is NOT needed:

- The team determines no additional data and/or assessment is needed. The IEP team decides that the student will continue to be eligible for special education services with his/her currently identified disability/disabilities.
- The team determines no additional data and/or assessment is needed. The IEP team decides that the student will continue to be eligible for special education services in his/her **primary** disability; however, the IEP team determines that the student is no longer identified with his/her secondary disability.
- The team determines no additional data and/or assessment is needed. The student is no longer eligible for special education services.
- For out-of-state transfers: The team determines additional data and/or assessment is needed when a student transferred from out of state, because all eligibility requirements did NOT meet current Tennessee eligibility standards. Therefore, the IEP team decides that the student would be eligible for special education services in Tennessee with their previously out-of-state identified disability/disabilities while a comprehensive evaluation to determine eligibility for Tennessee services is conducted.

Evaluation is needed:

- The team determines no additional data and/or assessment is needed for the student’s **primary** disability. The IEP team decides that the student will continue to be eligible for special education services in his/her **primary** disability; however, the IEP team determines that the student may have an additional disability; therefore, an evaluation needs to be completed in the suspected disability classification area to determine if the student has a secondary and/or additional disability classification. In this case, the student continues to be eligible for special education services with the currently identified primary disability based on the date of the decision. The eligibility should be updated after the completion of the secondary disability evaluation if the team agrees a secondary disability is present (this should not change the primary disability eligibility date).
- The team determines additional data and/or assessment is needed for program planning purposes only. This is a limited evaluation that is specific to address and gather information for goals or services. This evaluation does not include all assessment components utilized

when determining an eligibility NOR can an eligibility be determined from information gathered during program planning. If a change in primary eligibility needs to be considered, a comprehensive evaluation should be conducted.

- The team determines an additional evaluation is needed to determine if this student continues to be eligible for special education services with the currently identified disabilities. A comprehensive evaluation is necessary anytime a team is considering a change in the primary disability. Eligibility is not determined until the completion of the evaluation; this would be considered a comprehensive evaluation and all assessment requirements for the eligibility classification in consideration must be assessed.

Component 2.8: Transfer Students

In-State Transfers

When a student transfers between districts within Tennessee (i.e., an in-state transfer), the team will need to review transferring records in a timely manner (e.g., meet within 10 school days of enrollment, create a new IEP within 30 calendar days) and provide comparable services from the date of enrollment until which time an IEP is finalized. If all components (e.g., evaluation criteria supporting eligibility, signed eligibility report, signed IEP, etc.) are provided to the new school district, the IEP team does not need to complete a new eligibility report, and the student's eligibility date remains the same.

The IEP team should meet to:

- discuss the current IEP,
- determine if any changes need to be made based on current present levels of performance, and
- create a new IEP (i.e., an addendum or annual) to either:
 - adopt the current IEP,
 - revise the IEP, or
 - develop/implement a new IEP.

A prior written notice must be written documenting the team decisions.

If components are missing from an in-state **transfer student's** records, the IEP team will complete the RSR to review existing evaluation data to determine what assessments are needed in order to make a decision concerning the student's continued eligibility and need for special education services. Once assessments are complete, the IEP team will reconvene to determine the student's eligibility for services and complete a new eligibility report.

Out-of-State Transfers

When a student transfers to a district in Tennessee from another state, the team will need to review transferring records in a timely manner, (e.g., meet within 10 school days of enrollment, create a new IEP within 30 calendar days) and provide comparable services of the current IEP from the date

of enrollment until which time an IEP is finalized. The IEP team will complete the RSR to review existing evaluation data and determine whether these assessments are sufficient for determining the student's eligibility according to Tennessee state standards.

If an out-of-state transfer student's records are complete and sufficient for determining eligibility, the IEP team will complete an eligibility report. The referral date will be entered as the date the school district was made aware that the student previously received special education services, and the consent date will be entered as the date the **parent(s)/legal guardian(s) consented** to the file review for eligibility purposes (i.e., the date they signed the RSR). The IEP team should discuss the current IEP, determine if any changes need to be made based on current present levels of performance, and create a new IEP either adopting the current IEP or developing/implementing a new IEP. A prior written notice must be written documenting the team decisions.

If an out-of-state transfer student's records are not complete or sufficient for determining eligibility, the IEP team will indicate the assessment decision on the RSR. On the eligibility tab, the referral date will be entered as the date the school district was made aware that the student previously received special education services, and the consent date will be entered as the date the parent/legal guardian signed consent for additional assessments. The IEP team will generate and sign an "out-of-state transfer" eligibility report which provides eligibility during the initial evaluation timeline.

The IEP team should meet to:

- discuss the current IEP,
- determine if any changes need to be made based on current present levels of performance, and
- create a new IEP (i.e., an addendum or annual) to either:
 - adopt the current IEP,
 - revise the IEP, or
 - develop/implement a new IEP.

A prior written notice must be written documenting the team decisions.

When assessments are complete, the IEP team will reconvene to review evaluation results and determine eligibility according to Tennessee state disability definitions and standards. At this time, an eligibility report will be completed and signed to reflect the current eligibility date and disability or non-eligibility. If the student is found eligible, an amended IEP will also be created to reflect the eligibility date and data collected from the re-evaluation/assessment.

For additional clarification on IEP development, please refer to the Transfer Student Memorandum and Flowchart ([Appendix C](#)).

Student Records for Homeless and Migrant Students

Student records from other states and districts are to be available, according to the Every Student Succeeds Act (ESSA), for all migrant students on the Migrant Student Information Exchange (MSIX), the national migrant data. This database includes space for schools and districts to indicate whether or not the student has an IEP. Tennessee is obligated to provide this information when a student leaves a district in Tennessee, even if moving within the state. This information is shared with the state and then moved onto the national database via the Individual Student Record, which the district migrant contact is to complete. Each district in Tennessee is required to have an assigned migrant liaison who is trained on and has access to the MSIX, the national migrant database.

Component 2.9: Unilaterally Placed Children

Pursuant to IDEA Regulations at 34 C.F.R. §300.131, school districts must identify, locate, and evaluate all unilaterally placed private school children, including children who are unilaterally placed in a home-school program in the geographic area served by the district. If a unilaterally placed child is determined eligible as a child with a disability, the district is responsible for providing equitable services. This can be accomplished through one of the following:

- The student is enrolled in a district in order to receive special education and related services.
- The student remains in the unilateral placement and receives equitable services determined by a proportionate share through a “services plan” which may provide a limited amount of special education and related services as determined by the district.

The district has an obligation under 34 C.F.R. §300.131 and 300.303 (b), to conduct a re-evaluation while the student is attending a private or homeschool.

If a student with a disability who previously attended a private/home school returns to the school district, the district is obligated to convene an IEP meeting and develop an appropriate IEP for that child. If a re-evaluation was not conducted while the child attended a private or home school, the district must conduct a re-evaluation upon re-enrollment in public school. As with any re-evaluation, depending on the child’s functioning, this may not require the administration of tests or other formal measures. However, the IEP team must thoroughly review all relevant data when determining each child’s evaluation needs (OSEP Letter to Goldman, 2009).

Component 2.10: Assessment Specialists

Specific eligibility standards have been established for determining disability eligibility, evaluation procedures, and evaluation participants. The following is a list of assessment specialists who may be included in the assessment of children who are suspected of having a disability (per Tennessee’s Rules and Regulations). A brief description of these specialists is also included.

Audiologist: Person holding a master’s degree or doctoral degree in audiology and having American Speech-Language and Hearing Association certification (CCC-A) or Fellow of American Academy of

Audiology who is responsible for identification, audiological evaluation, and management of hearing impaired persons.

Speech-Language Pathologist: Specialist who diagnoses and facilitates the educational process by providing specific services to students with oral/facial anomalies, voice disorders, neurogenic disorders, neuromuscular disorders, phonological/articulation disorders, language disorders, and fluency disorders.

Low Vision Specialist: State-credentialed teacher with an endorsement in the instruction of students with visual impairments. This person is certified to conduct and/or interpret functional vision assessments.

Orientation and Mobility Specialist: Person qualified to provide evaluation and teaching services to blind or visually impaired students to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and instruction to students in the following: (a) to use spatial and environmental concepts of information received by the senses (i.e., sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); (b) to use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (c) to understand and use remaining vision and distance low vision aids; and (d) other concepts, techniques, and tools.

Ophthalmologist: Medical doctor who specializes in the branch of medicine dealing with the structure, functions, and diseases of the eye and their correction.

Optometrist: In Tennessee, this licensed specialist can determine the degree of visual impairment, if any, and perform many of the same practices as an ophthalmologist, excluding surgery.

Occupational Therapist: Tennessee Health Related Boards practitioner licensed to screen, evaluate, plan and provide occupational therapy. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life (AOTA Model Practice Act, April 2011).

Physical Therapist: Tennessee Health Related Boards practitioner licensed to examine, evaluate, and provide interventions to students with mechanical physiological and developmental impairments, functional limitations, and disability or other health and movement related conditions in order to alleviate impairments and functional limitations by designing, implementing and modifying therapeutic interventions.

Psychologist: The licensed psychologist must hold a license issued by the appropriate licensing board in the state in which the child was determined disabled. In Tennessee, the licensing agency is The Tennessee Health Related Boards in Psychology. The licensed psychologist will hold the Psy.D, Ed.D, or Ph.D. degree. He or she must be competent to evaluate students for special education eligibility. The ability to administer tests does not solely establish competence in evaluating exceptionalities or the potentially extensive needs of students.

Psychological Examiner: Licensed psychological examiner and licensed senior psychological examiner must also hold a license issued by the Tennessee Health Related Boards in Psychology. He or she will hold the M.A., M.S., M.Ed., Ed.S, Psy.D, Ed.D, or Ph.D. degree. The licensed senior psychological examiner must be competent to evaluate students in the suspected disability area. Prior to utilizing licensed personnel, it is important to consider the types of services to be delivered in relation to the person's training and experience.

School Psychologist: The school psychologist must be certified by the appropriate state agency in the state where a child was determined disabled. In Tennessee, the appropriate state agency for licensure and endorsement of the school psychologist is the State Department of Education. The licensed school psychologist must hold the M.A., M.S., M.Ed., Ed.S, Psy.D, Ed.D, or Ph.D. degree. He or she must be competent to evaluate students in the suspected disability area.

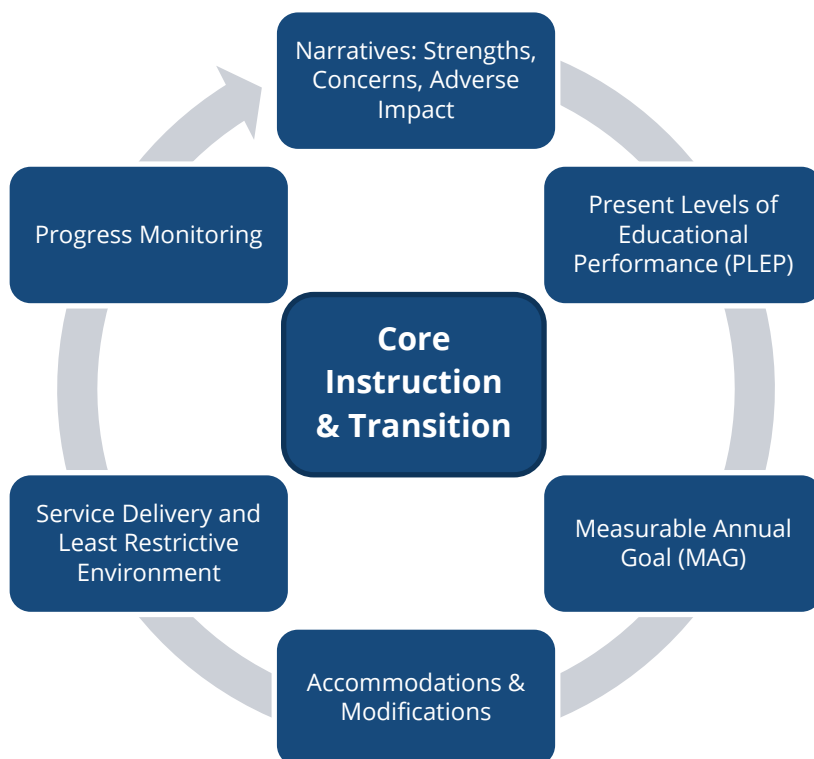
Graduate Student in Psychology: An exception to the three specialists identified above (psychologist, psychological examiner, and school psychologist) is services provided by a graduate student under the immediate supervision of one of these three specialists. This student must meet the following requirements:

1. The student must be working toward licensure with the State Department of Education in school psychology or enrolled in an internship leading toward licensure as a psychologist or psychological examiner.
2. The student must have completed all course work necessary to participate in an internship from his or her university's program.
3. Services provided must be part of a recognized field experience supervised by the psychology training program in which the student is enrolled.
4. The student must be under the immediate supervision of a State Department of Education licensed school psychologist, a licensed psychologist, or a licensed psychological examiner. This supervision must have the approval of the psychology program of the university in which the student is enrolled.

In addition to the student requirements listed above, the psychology training program in which the student is enrolled must provide the department with a list of its graduate students who are providing psychological services to an education agency. They must also provide documentation that the student meets the above requirements.

Psychiatrist: Holds a license issued by the appropriate licensing board in the state in which the certification was approved. In Tennessee, the licensing agency is the Tennessee Board of Health Related Boards. The licensed psychiatrist holds a M.D. degree and has the ethical responsibility for determining if his/her areas of expertise include the diagnosis and certification of the given exceptionality

Section II: The IEP Writing Process



Component 3: Narratives

Writing robust and descriptive IEPs sets the standard for a meaningful education for students with disabilities. **Narrative** summaries introduce the student and must be written in a way that provides a strong foundation for educational planning and instructional decision making. The practice of following a “stranger test” will assist another district/teacher in beginning instruction immediately given the details in the IEP. The stranger test refers to narratives, present level of educational performance, and goals for a student that are written in such detail that a person unfamiliar with the student could read the description, understand it, and feel prepared to implement the IEP without further resources being required.

Component 3.1: Student Strengths

Students bring many strengths to the classroom. When writing an IEP, the student's strengths should be relevant to supporting them as a learner and active participant in the school environment. It is important when describing the child's current strengths, abilities, and how he or she learns best, that it be written and delivered in positive terms. This information may come from a variety of sources including, but not limited to, student work samples, general education teacher input, special educator input, parent/legal guardian input, classroom observation data, behavior logs, and if appropriate, ESL teacher input.

Component 3.2: Parent Concerns

To ensure meaningful participation in the development of the IEP, parent/legal guardian concerns must be considered and reflected in the IEP. Input provided by the parent(s)/guardian(s) or any concerns they have for their child's current performance should be provided in a thorough narrative that is written using the parent's/legal guardian's words whenever possible. Information to be addressed in this section can include, but is not limited to, academic concerns, social and personal concerns, interactions with peers and educators, any relevant family information that may be affecting the child's performance at school, or concerns about an upcoming transition.

If the parent/guardian did not attend the meeting, attempts should still be made to include his/her input through questionnaires or discussions. If attempts to gain parent/legal guardian contact and input are unsuccessful, note the dates and ways attempts have been made. **Do not leave this section of the IEP blank.**

Component 3.3: Adverse Impact on Educational Performance

Describe *how* the child's disability affects his/her involvement and progress in the general curriculum. For preschool children, describe how the child's disability affects his/her participation in age-appropriate activities. This statement should describe the second prong of eligibility. It explains how the student's disability impacts them to a degree that it warrants the most intensive intervention (i.e., special education), as opposed to the myriad of other interventions offered in general education.

Component 3.4: Medical Information and Concerns

In this section, the IEP team documents any medical conditions that have been reported and/or that impact the student's education. All information included in a student's IEP, including noted medical conditions, are to be considered in the case of a manifestation determination.

Based on this medical information, if the team suspects the presence of another primary or secondary disability, the IEP team should initiate an evaluation for the suspected disability.

The medical information field must include a statement. If the student does not have any medical concerns at the present time, then a statement explaining this should be included.

Component 3.5: Consideration of Special Factors

The consideration of special factors is an opportunity for the IEP team to ensure that they have considered the whole child prior to designing the services to meet the student's needs.

The IEP team must also consider the peripheral skills or needs that are related to the student's disability or their access to instruction. Some of these may be a direct relationship, such as a student needing an **augmentative alternative communication system** (i.e., a touch screen computer). Others, not related to the disability, must be considered in the design of the instruction, such as a student whose first language was not English.

1. Does the student have limited English proficiency (LEP)? If yes, what is his/her primary mode of language?
 - If a student has exited EL status, the student is no longer identified as LEP. Instructional concerns that may arise as rigor intensifies through the grade levels will need to be addressed through accessibility of content in the general education setting.
 - The IEP team can help plan and decide the accommodations necessary for classroom instruction and assessment, as well as the training that will be required to use the accommodations effectively in the general curriculum.
 - If the student is identified as LEP, the IEP team determines language needs as related to the IEP (e.g., **collaboration**, teacher training, and materials). The LEP identification and eligibility for testing accommodations are noted in both the IEP and LEP plan/documentation.

2. Is the student blind or visually impaired? If yes, does the student need instruction in Braille?
 - Is the student currently using Braille to access print?
 - Does the student need instruction in Braille?
 - Is the student reading print or Braille, or are they relying on technology? If yes, then a plan for learning how to read print or Braille should be considered to develop literacy skills including reading and writing.

3. Does the student have communication needs? If yes, what are they?
 - In determining the child's communication needs, the IEP team should ask:
 - What communicative demands and opportunities does the child have?
 - Does the child have the skills and strategies necessary to meet those communicative demands and take advantage of the communicative opportunities?
 - Can the child fulfill his or her need, and desire, to communicate in a variety of educational settings?
 - Does the child communicate appropriately and effectively, and if not, why?

- How would the deficit in communication be defined?

Considering Students' Communication Needs

Communication can be a special factor for children with a variety of disabilities. The ability to communicate one's wants and needs and interact with others are critically important skills in school and in life. For students whose disability has impacted their communication skills, individuals need to understand the causes of the communication needs, the impact of communication breakdowns, and what interventions will help the child learn the necessary skills.

For example, does a child with an emotional disability hesitate to speak due to anxiety? Does a child with autism not understand nonverbal communication cues? Does a child with a speech impairment need to improve articulation in order to be understood by others? If the answer to any of these questions is "yes," it points to the need for specialized instruction or accommodation to be written in the child's IEP.

4. Is the student deaf or hard of hearing? If yes, did the IEP team consider: (a) the student's language and communication needs, (b) opportunities for direct communications with peers and professional personnel in the student's language and communication mode, and (c) necessary opportunities for direct instruction in the student's language and communication mode?
 - The student's language and communication needs will include consideration of the following:
 - Does the student use sign language and what language (i.e., ASL, SEE)?
 - Does the student have access to academic instruction?
 - Does the student need communication supports to actively participate in the classroom discussions and learning?
 - Opportunities for direct communication with peers and professional personnel in the student's language may include consideration of the following:
 - Is there a plan that provides opportunities independently or through the use of an educational interpreter to facilitate communication?
 - Are there opportunities for a student who uses sign language to communicate with other individuals who sign?
 - Are there opportunities for engagement with peers independently?
 - Are there any considerations in planning the classroom structure and seating to facilitate access and participation based on the communication needs?
 - Necessary opportunities for direct instruction in the student's language and communication mode should include consideration of the following:
 - How will the student learn new vocabulary?
 - What does the student need to learn to actively participate in instruction?
 - What skills does the student need to learn to participate in social opportunities?
 - What skills does the student need to learn to increase independence?

5. Is **assistive technology** necessary in order to implement the student's IEP?
 - The team should ask:
 - What, if any, assistive technology devices or services does the student need to achieve her or his annual goals?
 - Does the student require special assistive technology to participate in the general education curriculum or environment?
 - Does the student need to learn new skill or improve skills to use assistive technology devices and/or services?
 - If special education services are needed to address the student's behavior needs, are the needs addressed in the IEP (e.g., in PLEPs, goals and services as appropriate)?

6. Does the student's behavior impede his/her learning or that of others?
 - If behavior is impeding a student's learning, it should be addressed regardless of the primary disability category.
 - Does the student have a FBA and/or a BIP?
 - What are the student's behavior goals (and objectives if applicable)?
 - Does the student have accommodations and/or modifications with regard to behavior?

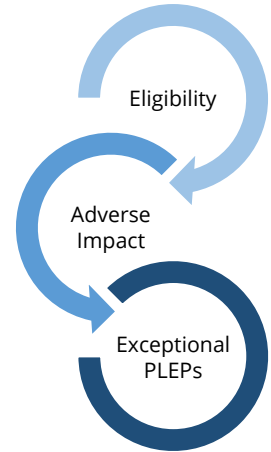
7. Does the student demonstrate cognitive processing deficits that impact his/her classroom performance and warrant consideration in the development of the IEP?
 - Refer to the student's psychological evaluation and/or consult with a school psychologist to determine the presence of a cognitive processing deficit.
 - Cognitive processing deficit refers to deficits of mental processes, such as **perception**, memory, language, **problem solving**, and abstract thinking.
 - Examples of cognitive processing areas include: working memory, fluid reasoning, verbal comprehension, processing speed, auditory processing, long-term retrieval, etc.
 - Provide evidence of cognitive processing deficits.
 - Does the student demonstrate overall cognitive impairment based on his/her full scale IQ score or best estimate of cognitive ability?
 - Does the student demonstrate deficits in specific area(s) of cognitive processing within his/her cognitive profile?
 - Describe how the deficit impacts performance and demonstrate a need for accommodations.
 - Examples:
 - Working memory deficits may result in difficulties processing complex information in a typical amount of time compared to peers. Efforts to process information may feel draining and increase the likelihood of mistakes, even on simple tasks. Students may benefit from visually

presented in addition to verbally presented information, additional time to complete tasks, or chunking of work.

- Processing speed deficits can impair the ability to complete tests and assignments within usual time frames. Additional time may be needed on such tasks.

Component 4: Present Levels of Educational Performance

Present Levels of Educational Performance (PLEP) should clearly describe the student's current skills for each area identified and/or considered as exceptional in the evaluation, prior IEP, and team concerns. The PLEP should provide the foundation for the data-based decisions the IEP team is required to make with regard to a student's goals, supports, accommodations, modifications, and services for the next year. The PLEP provides the data and information necessary to link the identified areas of exceptionality to the skills deficits that will need to be addressed in the measurable annual goals. The PLEP also provides information for selecting appropriate interventions and supports and services, including LRE.



Student performance is a reflection of both the academic skills and non-academic skills that a student has mastered or needs to master in order to become increasingly independent, and, ultimately successful in attaining his/her postsecondary and/or career goals.

In developing the IEP immediately following an evaluation, it is best practice to reflect all assessment data within the PLEPs in order to accurately express the areas determined exceptional, and as a result, the required MAG(s).

Additionally, the PLEPs provide information to all members of the team so everyone is informed and shares a common understanding. Ensuring all team members understand the student's current skill level in relationship to the expected level based on age and grade will equalize participation and create opportunities for rich, student-centered discussions.

EXAMPLES OF DATA SOURCES

- classroom or intervention observations
- evaluation data
- recent student performance on state and district wide assessment
- universal screening data
- relative English language proficiency data
- progress monitoring data (e.g., academics, behavior logs, checklists)
- progress monitoring data toward previous IEP goals

Component 4.1: Development of Present Levels of Educational Performance

The PLEP, written in positive terms without judgment, should:

- Identify the student's level of performance using current data
 - Include data from a variety of sources
 - Describe the student's current level of performance
 - Use the data to define skills mastered, in progress, and of concern
 - Reflect and describe any accommodations and/or modifications that were effective in supporting the student's access and participation in instruction
 - Identify instructional supports and services that were previously supportive and used by the student
 - Address why this current level is of concern

- Specifically describe the impact of each exceptional area on mastery of core content standards. (i.e., If the student has a specific learning disability in the area of math calculation, the statement should reflect how the student's progress toward grade-level standards in math is impacted.)
 - Explains why the student's current skill level is of concern in relation to their success in school both in accessing instruction and mastery of standards. In the case of giftedness, this includes an explanation of identified needs for learning beyond current grade-level standards.
 - Identify the impact the non-academic skill level has on the student's access and participation in general education classroom instruction.

Please Note

PLEPs describe previous and current student performance; however, they do not state what the accommodations, modifications, or services will be for the coming year. The determination of services occurs after the team has determined the MAGs, accommodations, and modifications.

SIX STEPS TO WRITING A SOUND PLEP

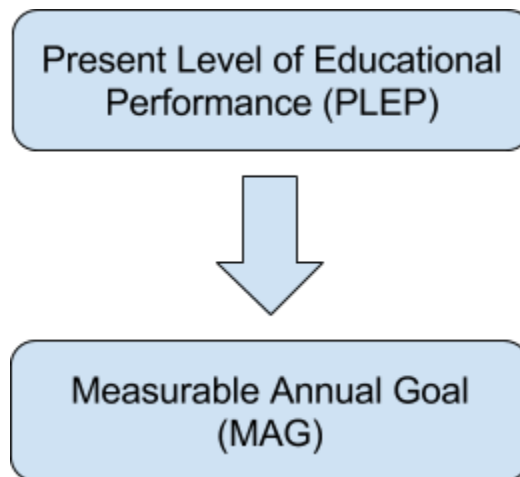
1. Bring current data (academic and non academic) to the IEP meeting
2. Be very specific and make sure it is an accurate reflection on how a student functions consistently, not on a particular day (show a pattern)
3. Review current test scores, progress monitoring, and evaluation results prior to the meeting
4. Ensure understanding of the student's specific needs and current functioning levels
5. Write in positive terms
6. Use the "stranger test" to assess PLEP

Component 5: Measurable Annual Goals

Component 5.1: Development of Measurable Annual Goals

MAGs address a student's specific area of deficit and will align to PLEPs. Interventions aligned to the goal will build/enhance foundation or prerequisite skills and strategies needed to access the general education curriculum.

MAGs focus on the knowledge, skills, behaviors, and strategies to address the student's needs. A student's individual needs relate to skill domains such as, but not limited to, reading, writing, mathematics, listening comprehension, oral expression, organization, physical development, motor skill, social skills, visual perception, auditory perception, inattention, and behavior. The goals in a student's IEP relate to the student's individual need for specially designed instruction to address the student's disability needs and those needs that interfere with the student's ability to participate and progress in the general curriculum.



Measurable Annual Goals are:

- the pathway to address skills acquisition—not the curriculum standard—that will enable the student to be involved and make progress in the general curriculum
- based on the individual needs of a student that result from the associated deficits of the identified disability
- directly linked to the exceptional area(s) of the PLEP
- very specific and detailed include criteria for mastery
- written using language that can be understood by parent(s)/legal guardian(s), educators, and/or related service providers (e.g., no acronyms)
- descriptions of what the student can reasonably be expected to accomplish in each area during the life of the IEP as a result of the provision of special education intervention and related services
- guides for instruction and intervention

- guidance for monitoring student progress on specific skills to determine if the interventions and services are effective

Measurable Annual Goals are not:

- a restatement of the student's grade-level academic standard(s)
- a list of everything the student is expected to learn in every curricular content area during the course of the school year
- reflective of areas not affected by the student's disability
- general concepts or ideas
- developed based solely on the student's disability label

The IEP team should develop Measurable Annual Goals that answer these questions:¹⁰

1. What specific skill(s), academic and non-academic, does the student need in order to master the content of the curriculum and close the gap identified in the deficit area?
2. What skills are required to demonstrate proficiency on assessed state standards?
3. For a student eligible as gifted, what is required to build on his/her strengths?

QUESTIONS TO CONSIDER

Ask yourself, "What skills does the student require to access the curriculum?"

RATHER THAN

"What curriculum content does the student need to master?"

¹⁰ "Measurable Annual Goals," *Pennsylvania Training and Technical Assistance Network*, accessed July 13, 2017, www.patten.net.

Measurable Annual Goals at a Glance					
Condition	Name	Clearly Defined Behavior	Performance Criteria		
Describe the situation in with which the student will perform the behavior (e.g., materials, settings, accommodations)	Student's Name	Describe behavior in <u>measurable</u> , <u>observable</u> terms using stems from standards (i.e., what will he or she actually DO)	The <u>level</u> (how well?) the student must demonstrate for mastery:	Number of times needed to demonstrate mastery (how consistently?)	<u>Evaluation Schedule</u> (how often?) and method, (how measured?)
Given...,	he she	will do this,	this well,	this many days/times,	as measured this often, using this.

Example Template:

Given (condition/materials/setting/accommodation) , (student name) will (do what / observable skill/behavior in functional terms) , (to what extent/how well to determine mastery) , (# of times/frequency/how consistently) , by (how often) , evaluated/determined by (measure) .

Component 5.2: Short-term Objectives

Short term objectives are required for students who are assessed on an [alternate assessment](#). The short-term objectives are required for each MAG and follow the same format: condition, behavior/skill, criteria, and measurement tool and schedule.

Measurable annual goals are larger skills that require the integration and synthesis of many smaller, more discrete skills. For students assessed on the alternate assessment, identifying these smaller skills within the short-term objectives assist the team in planning and delivering meaningful instruction, intervention, accommodations, and/or modifications in order to meet the larger goal. For example, a student who has deficits in expressive language, receptive language, and motor skills may have a measurable annual goal for adaptive behavior such as:

Short-term objectives assist in isolating the myriad of skills the student is required to synthesize in order to meet the larger goal.

When given a field of three picture symbols for preferred activities, Alison will select a symbol and then engage in the activity within five minutes with no more than one verbal prompt on 8 of 10 consecutive days.

Given the student's complex needs, the mastery of this goal is impacted not only by her adaptive behavior skills of engaging with an activity but also her understanding on the picture symbols and ability to select the symbol. Therefore, the short-term objectives may be:

When given picture symbols of preferred activities, Alison will match the symbol to the correct activity with 90 percent accuracy on 8 of 10 consecutive days.

When given a field of out to three choices, Alison will make a selection using gestures, pointing, or picture exchange no more than one verbal prompt for 90 percent of the opportunities on five consecutive days.

As with MAGs, the focus of short-term objectives is on increasing access and participation and the skills within the objectives and may support multiple skills the student is working on beyond the goal to which they are aligned. Interlacing these skills in as many natural ways as possible within daily instruction and intervention will support the student's mastery and generalization.

In summary,

Short-term objectives <u>are</u>:	Short-term objectives <u>are not</u>:
<ul style="list-style-type: none">• Skills that need to be directly taught• Student behaviors that demonstrate understanding and application of skills• Separate skills required to meet the goal• Skills and behaviors that a student must master to achieve independence that are generalizable beyond the school setting	<ul style="list-style-type: none">• Accommodations• Interventions or programs of curriculum• Projected timelines of mastery aligned to progress reporting• Skills specific to the classroom or school setting only

Component 6: Accommodations and Modifications

Component 6.1: Accommodations for Core Instruction, Intervention, and Assessment

Accommodations provide equitable access during instruction and assessments and do not change the construct being assessed nor compromise the integrity or validity of the assessment or content. An accommodation is defined as a change in the routine conditions under which students access and participate in instruction and assessment. Accommodations change how the student is taught

or expected to learn. Accommodations are intended to reduce or mitigate the effects of a student's disability; however, accommodations do not reduce learning expectations. Although accommodations do not change the construct intended to be measured by the assessment or the meaning of the resulting scores, they do provide equity and serve to level the playing field for students with disabilities.

The accommodations provided to a student on accountability assessments must be *generally consistent* with those provided for classroom instruction and classroom assessments. It is critical to note that although some accommodations may be appropriate for instructional use, they may not be appropriate for use on a standardized assessment. There may be consequences (e.g., not counting a student's test score) for the use of some accommodations during state assessments. It is very important for educators to become familiar with policies regarding accommodations during assessments.

Accommodations <u>should</u>:	Accommodations <u>should not</u>:
<ul style="list-style-type: none"> • enable students to participate more fully in instruction and assessments and better demonstrate their knowledge and skills • be based upon individual student need, and not upon the category of disability, level of instruction, or program setting • be aligned with and part of daily instruction • be provided on a regular basis during instruction • foster and facilitate independence for students, not dependence • provide access not advantage 	<ul style="list-style-type: none"> • remove instructional content or standards • eliminate participation or opportunities within general education • be introduced only for high-stakes testing • be provided solely as a way to help ensure proficiency

It is important to ensure that performance in the classroom and on assessment is influenced as little as possible by a student's disability. Providing effective accommodations during instruction and assessment is critical to achieving this important goal.

When determining appropriate accommodation use, IEP teams should consider the four areas below:

- **How the materials are presented?** For example, provide large-print or Braille, pre-teach vocabulary, or use media/technology
- **How the student responds?** For example, allow student to dictate to a scribe, use word processing for writing, or respond orally for formative tests

- **What is the environmental setting?** For example, allow student to work at a table instead of desk or in a group of two rather than four; dim lights in the classroom; test in a small group or a separate setting
- **What are potential changes for timing or scheduling?** For example, allow student to complete small portions of an assignment at a time, have extra time to complete a large project, have choice of activity or work from two, or take the test in short intervals or at a specific time of day

Component 6.2: Selecting Accommodations Based on Individual Student Need

As part of each annual IEP meeting, accommodations will be considered and discussed individually for each content area, course, setting, and assessment. Any accommodation selected by the IEP team must directly relate to the impact of the student's deficit(s) and increase their access to core instruction and assessment. The IEP team should select the appropriate accommodations for each subject and/or course for the individual student as needs vary by content area. An accommodation does not eliminate the need for the student to continue to learn new skills in the identified deficit(s), but rather minimizes the impact of the deficit while learning the skills. For example, a student may require read aloud to access grade-level texts; however, this does not negate the need for the IEP team to consider additional interventions and supports. Each member of the IEP team must be informed of responsibilities related to implementing the student's IEP. Those responsibilities include selecting, administering, and evaluating accommodations during instruction and assessment. The team must select accommodations on the basis of the individual student need(s), and educators must use those accommodations consistently for instruction and assessment.

- **IEP teams should consider the following questions when determining instructional accommodations:**
 - Are the recommended accommodations related to the student's PLEPs?
 - Are the recommended accommodations necessary for access to the core instruction or assessment process?
 - Has the student previously been provided the recommended accommodations, and have they proven to be effective?
 - Will the recommended accommodations lessen the integrity of the core instruction or assessment?
 - How do the student's specific areas of deficit affect the achievement of grade-level content standards?
 - What specialized instruction and intervention (e.g., learning strategies, organizational skills, reading skills) does the student need to achieve grade-level content standards?
 - What accommodations will increase the student's access to core instruction by addressing the student's specific learning needs and reducing/mitigating the effect of the student's disability? These may be new accommodations or accommodations the student is currently using.
 - What accommodations are regularly used by the student during core instruction?

- How does the use or elimination of accommodations affect the student's performance?
- Did the student report that the accommodation was helpful in accessing and participating in class?
- Did the parent(s)/legal guardian(s) and/or school personnel report that the accommodation was helpful in accessing and participating in class?
- What difficulties did the student experience previously when using accommodations?
- Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?
- How do multiple accommodations support or work against one another?

Please Note

If no accommodations are being considered for the student, the informational fields must be completed with a statement explaining that the IEP team has considered the accommodations but none are required at the present time.

In some cases, the accommodations used in instruction may not be allowed on a test because they would invalidate the results of the test (i.e., when the performance no longer reflects what the test was designed to measure). In these instances, teachers should be sure to adequately inform the parent(s)/legal guardian(s) and student of the assessment guidelines and accommodation limits.

- **Additionally, IEP teams should consider the following specifically for large-scale assessments:**
 - IEP teams must consider and discuss accommodations individually for each state assessment mandated for the student's grade level and should not broadly assign accommodations across all assessments.
 - Students should receive the accommodation they need in order to participate in the assessment but should not be given more accommodations than are necessary to participate meaningfully.
 - Accommodations are not to be used to compensate for a student's lack of knowledge and skills.
 - Students need opportunities to learn what accommodations are most helpful for them in day-to-day classroom instruction and assessment, as well as on large scale assessments.
 - The more input students have in selecting an accommodation, the more likely they are to use that accommodation.
 - The use of any accommodation must be considered in light of the student's disability and must be necessary for the student to access the assessment due to his/her disability.

- Schools must not provide accommodations solely as a way to help ensure proficiency on the assessment. The team must be sure that the accommodation(s) recommended for each student are providing access, not advantage.
- If no accommodations are being considered for the student, the informational fields must be completed with a statement explaining the IEP team has considered the accommodations but none are required at the present time.

Not all accommodations available within the classroom for a student are allowed on large scale assessment. For guidance on allowable and special accommodations, visit the Tennessee Department of Education's [accommodations webpage](#) and review the [Accessibility Guide](#).

Component 6.3: Unique Accommodations

If the instructional accommodation is more permanent in nature and is not permitted on a state assessment, decision makers should consider whether the accommodation alters what the test measures. If, after considering these steps, the appropriateness of using an accommodation is not clear, contact district or state personnel about its use, or apply for a Unique Adaptive Accommodation.

Requests regarding accommodations not listed in [accommodations for students with disabilities](#) will be reviewed on a case-by-case basis using the [Unique Adaptive Accommodations Request Form \(UAARF\)](#). All Unique Adaptive Accommodations Request Forms should be received by the department no later than one month prior to the assessment(s) to which they apply.

- **IEP teams should consider the following guidelines when determining the need for a Unique Adaptive Accommodations Request:**
 - The unique accommodation must be currently documented in the student's IEP.
 - The unique accommodation does not have to be documented on the current Allowable/Special Accommodations section, but a copy of the approved UAARF should be attached to the IEP.
 - The accommodation must be used for the purpose of student access to the general education curriculum.
 - The accommodation shall be age appropriate, related to the student's disability, and must meet the individual instructional needs of the student.
 - The accommodation must be part of the student's regular instructional program and used consistently throughout the school year for all related classroom assignments and tests. The accommodation may not be introduced for the first time on an assessment.
 - The student must be proficient in the use of the accommodation.
 - Any accommodations that change the standards measured by altering the number of items/choices on the test or simplifies the language used on the assessment will not be considered.

- *In rare cases, accommodations may be needed for students who are not receiving services under special education or Section 504 (e.g., a short-term medical problem). For these students, UAARFs should be submitted to the department for review and approval as soon as need is indicated.*

Component 6.4: Modifications to Core Instruction, Intervention, and Assessment

A modification is a change to the content of the standard, which will mean identifying standards that are fundamentally related but also **developmentally appropriate**. Modifications change what the student is taught or expected to learn. The **least dangerous assumption** would be that students are able to participate within the core curriculum without modifications unless student performance data indicates otherwise.

For many students with disabilities, making modifications to the content of the standard is an appropriate support. Understanding the difference between the two types of instructional supports for students with disabilities is crucial for all educators. Further, it is imperative that educators and administrators are informed about the types of information to consider when making decisions concerning accommodations and/or modifications. The IEP team should also consider the long-term ramifications of modifications to content. For example, modifications can impact grades, diploma options, course work, and/or LRE.

Students must meet the eligibility requirements to be assessed using the alternate. *For further information on eligibility, please refer to the [alternate assessment webpage](#).*

Component 6.5: Determining Participation in State Assessments

The IDEA and Title I of the Every Student Succeeds Act (ESSA) require that all students with disabilities be included in state assessment programs. The prohibition against exclusion from participation or denial of benefits to, or discrimination against, individuals with disabilities contained in section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act applies to state assessment and accountability systems. In addition to state assessments, IDEA requires that all students with disabilities participate in district-wide assessment programs and that alternate assessments be provided for students with disabilities who cannot participate in grade-level assessments, even with accommodations.

Students with disabilities enrolled in Tennessee public schools must participate in the assessment system in one of the following ways:

1. General grade-level assessment ([TNReady](#)), with or without accommodations
2. Alternate assessment based on alternate academic achievement standards

IEP teams must first consider student participation in the general grade-level assessment, with or without accommodations, before considering student participation in an alternate assessment.

Students with disabilities who are not able to show what they know and can do on the general grade-level assessment, even with appropriate accommodations, must be assessed with an alternate assessment.

Non-Participation of Students with Disabilities in the Tennessee Assessment Program

Neither the IEP team nor the 504 committee can make decisions for non-participation in state assessments. If the parent/legal guardian requests non-participation in a particular assessment, an IEP team must convene to explain the consequences associated with non-participation.

- **The potential consequences of non-participation are as follows:**
 - Teachers, parent(s)/legal guardian(s), and the student will not receive information on student progress contained in the assessment score reports.
 - If the parent/legal guardian decides on non-participation in the Tennessee assessment program, the decision will be considered a refusal to participate, and the student, school, and school district will receive a score of 0 for that test.
 - Student would be subject to school's attendance policy for a student's failure to participate in a mandatory activity at school.

Please review the opt-out memo from March 2016 ([here](#)).

Component 6.6: Assistive Technology Devices and Services

The IEP must describe any assistive technology devices and/or services needed for the student to benefit from education, including whether the use of a school-purchased assistive technology device is required to be used in the student's home or in other settings in order for the student to receive a **free and appropriate public education (FAPE)**.

- An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Assistive technology devices can range from "low technology" items like pencil grips, markers, or paper stabilizers to "high technology" items such as voice synthesizers, Braille readers, or voice-activated computers.
- Assistive technology service is any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device (e.g., communication switches, eye gaze, adaptive seat or desk, positioning device).

When a student needs an assistive technology device or service, the IEP team should consider what instruction the student might require for use of the assistive technology device, as well as any supports and services the student and/or the student's teachers may need related to the use of the device including training, programming, and device maintenance.

Section 504 of the Rehabilitation Act of 1973 and Title II of the American Disabilities Act of 1990 provide that: "No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be

subjected to discrimination under any program or activity receiving federal financial assistance.” The IDEA states that all students with disabilities must be included in state, regional, and district large-scale assessments, with results from assessments reported and findings aggregated with the total school population. As a reminder, students with disabilities enrolled in Tennessee public schools must participate in the assessment system in one of the following ways:

1. General grade-level assessment (TNReady), with or without accommodations
2. Alternate assessment based on alternate academic achievement standards

This means there can be no exemptions from state assessments.

Component 6.7: Accommodations for Career & Technical Education (CTE) Safety Examinations

Several CTE courses require students to complete a safety examination with 100 percent proficiency in order to participate in the course. This is most relevant in hands-on, laboratory-based courses that are focused on development of technical skills related to particular machinery, equipment, procedures, and Occupational Safety & Health Administration (OSHA)-related health and safety practices.

It is important for these courses, just as it is with all CTE courses, that students are not denied access, nor discouraged from enrolling in these courses, based on a specific disability alone. Safety examinations must not be used as a barrier for entry for students with disabilities; however, it is important to consider the best fit for the student and the course.

If a student with disabilities is interested in a CTE course with a safety examination requirement, consider the following:

- As with all courses, CTE instructors and special educators should both be involved in assisting students with appropriate course selection and the development of the IEP course of study, based on course standards, students’ interests, and abilities.
- All students have access to CTE and are not prevented from participating based on the safety test.
- CTE instructors should be aware of, and trained in the use of, the accommodations for a specific student outlined in their IEP. Accommodations can and should be employed during the safety content instruction and examination of students.
 - CTE instructors should differentiate appropriately for students with disabilities when presenting safety instruction and new material.
 - CTE instructors should employ appropriate accommodations listed in a student’s IEP when testing students on safety material.
 - CTE instructors should understand all appropriate ways students with disabilities can demonstrate knowledge of safety material other than a written examination. This demonstration should be in accordance with accommodations outlined in the IEP

and should be reflective of all of the content covered on a written exam. If a CTE instructor is unfamiliar with alternate testing methods, they should coordinate with the special educator of record to determine the best approach.

- CTE instructors should not modify content of safety examinations or change expectations of proficiency for students with disabilities.

Please Note

It is imperative that all students engaged in a CTE course are properly instructed with the knowledge and skills needed to be able to safely and effectively operate equipment, control machinery, and practice procedures without putting themselves and/or others at risk.

Component 7: Special Education Service Delivery

Component 7.1 Least Restrictive Environment

All students are general education students first and must be provided access to core instruction. General education teachers are experts in core instruction and are essential members of a student's instructional team. The general education curriculum is the full range of courses, activities, lessons, and materials routinely used by the general population of a school. Access to the core curriculum is defined by active engagement in learning the content and skills being taught to all students.¹¹ To participate with success in the general curriculum, a student with a disability may need additional supports and services, such as instructional supports for learning, accommodations, and/or modifications, scaffolding, or assistive technology and services.

The LRE for students is the setting in which special education services and supports will be provided to the student.

"Least restrictive in legal terms, is that environment with the most access to nondisabled peers; not as some educators believe, the environment in which it would be the easiest to teach the desired curriculum or behaviors. IDEA 34 CFR 300.114, 20 USC 1412(a)(5), since its inception, has been based in RTI logic. That is, data that demonstrates non-responsiveness to a lower tier of intervention is required prior to consideration of changing environments or adding interventions."¹²

¹¹ Martin Argan, Michael Cavin, Michael Wehmeyer, and Susan Palmer, "Promoting Active Engagement in the General Education Classroom and Access to the General Education Curriculum for Students with Cognitive Disabilities," *Education & Training in Autism & Developmental Disabilities* 5, no. 2 (June 2010): 163-174, accessed July 13, 2017, <http://www.dddcec.org/>.

¹² Jeffery Sprague, Clayton R. Cook, Diana Browning Wright, and Carol Sadler, "RTI and Behavior: A Guide to Integrating Behavioral and Academic Supports," *LRP Publications* (2008): 126.

IEP teams should begin the LRE discussion by considering the general education classroom setting. If the evidence and data supports the need to select a more restrictive setting for that student (e.g., a student receives social skills and emotional regulation intervention for an hour a day within a special education setting), efforts should be made to consider skills necessary for the student to move toward a less restrictive setting following the IEP.

Please Note

It is necessary for the school district to make data-based decisions when determining a student's LRE and should not assume a student requires a more restrictive environment, such as another setting or classroom assistance, without the data to support that decision.

The "least dangerous assumption" states that in the absence of absolute evidence, it is essential to make the assumption that, if proven to be false, would be least dangerous to the individual. Considering general education first for all students, regardless of disability, is a critical component of the least dangerous assumption. Evidence and data collected should be discussed at each IEP meeting before making the determination that a student requires a more restrictive setting."¹³

An LRE decision is about *where* a student will receive core instruction, *not what* the student is being taught. All students, regardless of disability, should be provided core instruction in English language arts and math.

LRE refers to a related set of requirements aimed at providing individuals with disabilities:

- the greatest interaction with children, youth, and adults without disabilities
- the appropriate education
- the special assistance needed for success in the general education setting
- LRE is not contingent on funding issues

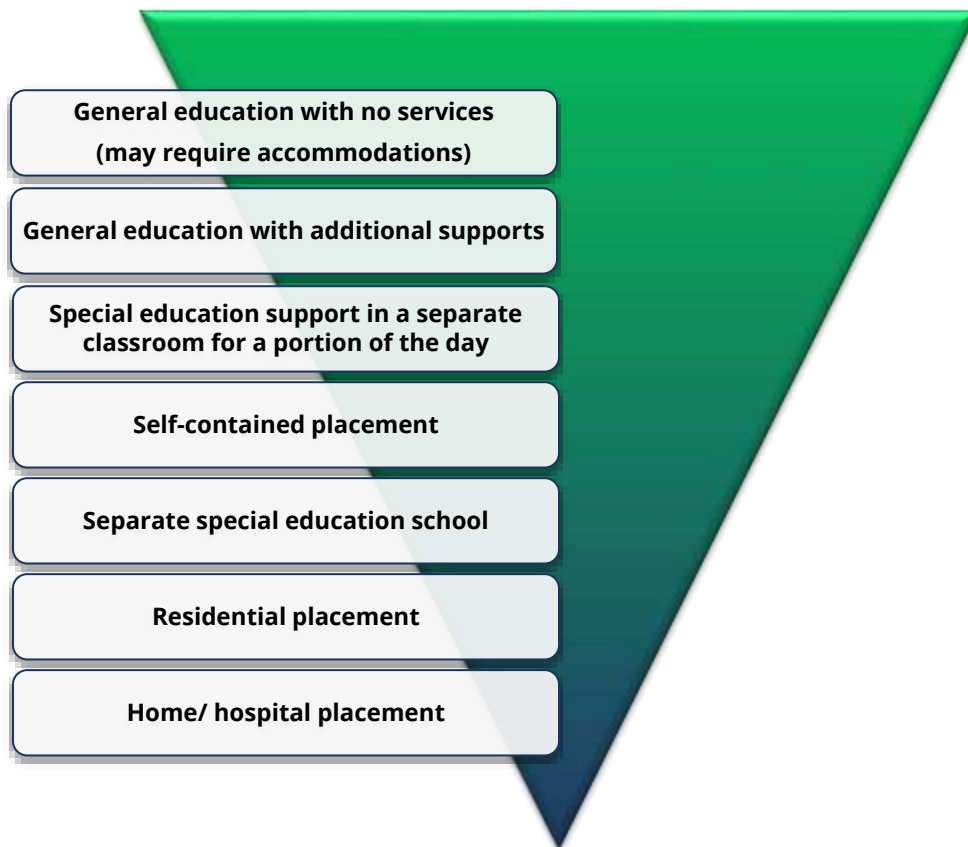
This means that districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services" to the extent appropriate. Not all students require a special educator within the general education setting during core instruction. Many students can access core instruction without a special education teacher or a paraprofessional. Less restrictive options should be considered when determining a student's needs in core instruction and intervention related to a student's area of deficit.

¹³ Cheryl Jorgensen, "The Least Dangerous Assumption: A Challenge to Create a New Paradigm," *Disability Solutions* 3, no. 3 (Fall 2005): 4-15, accessed July 13, 2017, <http://archive.brookespublishing.com/documents/Jorgensen.Least%20Dangerous%20Assumption.pdf>.

The “continuum of services” refers to the scope of services, ranging from the least intensive to the most intensive services and supports, which must be made available to students with disabilities within a school district so that they may be served in the LRE.

A continuum of services (Figure 1.1) is available at all levels from general education to special education with special education interventions being the most intensive. There are a range of interventions, specialized instruction, and related services that are determined by individual needs and are not defined by specific locations or programs. The desired outcome of the IEP is for students to progress to their highest possible level of independence and participation in general education instruction. Instructionally appropriate IEP goals will direct the student’s success toward independence.

Figure 1.1: Continuum of Services



LRE Considerations

All students receive core instruction. Intervention is provided in addition to, not instead of, core instruction. There are many factors for the IEP team to consider regarding the student’s LRE for each portion of the school day.

IEP teams should consider the following questions when determining a student's LRE:

1. How much of the core instruction (i.e., English language arts and math) is the student receiving in general education?
2. What accommodations and/or modifications does the student require to be successful in the general education setting?
3. Is it possible for these accommodations and/or modifications to be provided within the general education setting?
4. What supports are needed to assist the teacher and other personnel in providing these accommodations and/or modifications?
5. How will receipt of special education services and activities in the general education setting benefit this individual?
6. How much of the core instruction will the student miss when leaving the general education setting? How will this instruction be delivered so that the student with a disability is receiving comparable core instruction to his/her peers?
7. Why does the student need to receive instruction outside of the general education setting? (i.e., intervention toward IEP goals, present levels compared to grade level expectations, meeting student need)
8. Can the student be served in the school that he or she would attend if nondisabled? If not, can the student be served as close to his/her home as possible?

IEP teams should make LRE decisions based on the following:

- characteristics and needs of the individual student
- goals, objectives, and services required to address the student needs
- supplementary aids and supports needed by the student
- general education curriculum
- intervention implementation
- educational benefit of each service and setting being considered for the individual
- academic opportunities and settings that nondisabled individuals experience
- non-academic and extracurricular activities in which nondisabled individuals participate

IEP teams may decide one of the following outcomes for a student's LRE:

- A special education teacher or paraprofessional is needed to support the student within the general education curriculum to provide:
 - instruction,
 - scaffolds, and/or
 - accommodation, instruction and implementation.
- A special education teacher is needed to consult with the student's general education teacher(s) to provide planning assistance, answer student-specific questions, and problem-solve difficulties within the classroom. However, if a student receives consultation services only, the IEP team may need to conduct a re-evaluation to determine if special education services are still appropriate.

- A special education teacher is needed to provide the most intensive intervention to address specific IEP deficits. Students may receive this level of intervention in one or more settings through one or more sessions a day
- Service delivery may be a combination of special education supports within the general education setting and specialized instruction within academic and non-academic portions of the school day. The location, frequency, and duration of each special education service is decided by the IEP team on an individual basis. Specific services may be for a portion of, or all of, the IEP year; however, the student should have at least one special education service throughout the annual IEP.

Component 7.2: Access to Career and Technical Education (CTE)

All students in high school should have the option to participate in CTE. CTE is a program of study in a career field that is a clearly defined, progressive sequence of courses grouped by knowledge and skills, including a rigorous set of standards. CTE courses are aligned with postsecondary and industry opportunities, and programs of study are grouped into nationally recognized career clusters and typically contain 3–5 courses.

The students may require accommodations, modifications, or direct support within the CTE setting from a special education teacher. The IEP team should address these needs in the IEP services and accommodations. The safety test must be provided according to the student’s IEP and should not be used to prevent course participation ([see component 6.7](#)).

Component 7.3: Direct Services

Direct special education services can be provided in the general education or special education setting by certified or non-certified staff. Teachers/staff provide the services directly to students. These services include, but are not limited to:

- Speech and language therapy in the general education or special education setting
- Co-teaching, which is a delivery model which includes a certified general education teacher and a certified special education teacher delivering coordinated instruction in the general education classroom
- Paraprofessional support in the general education setting
- Pull-out services in the special education setting
- Deficit-based intervention services ([see component 7.4](#))

Interventions are provided as a direct service to address students’ deficits as decided by the IEP team through the student’s PLEPs and MAGs. A student may also need support with general education curriculum, perhaps homework assistance or additional practice; this would be considered a direct service, but not an intervention, because the content being taught is grade-level curriculum rather than skill-deficit gap closure. The frequency and duration of an intervention is an IEP team decision based on the needs of the individual at that time, including their current PLEPs

and goals. However, since special education is the most intensive intervention, it must be more intensive than the intervention that a student would receive in Tier II or III of general education.

Intervention effectiveness should be monitored through progress monitoring assessments. As students begin to close the gap, attempts should be made to reduce the intensity or the restriction of the environment in an effort to move the student toward more successful participation in the general education classroom within core instruction. The goal for all special education services is to provide the instruction, supports, and accommodations needed for a student to grow and to attain desired postsecondary outcomes.

Component 7.4: Related Services

IEP teams may determine that related services are necessary for students to benefit from special education. These services typically include developmental, corrective, and other supportive services. Related services should support the special education program outlined in the IEP with a clear correlation between the related services and the IEP goals. Related services examples include, but are not limited to, the following:

- Behavioral health services
- Counseling services
- Hearing/auditory services
- Nursing services
- Occupational therapy
- Physical therapy
- Psychological services
- Recreation services
- School health services
- Work-based learning
- Aides in general education setting
- Sign-language interpreter
- Speech therapy
- Language therapy
- Vision services
- Orientation and mobility services

Component 7.5: Consultation

Consultation may be provided by a special education teacher, speech-language pathologist, and/or related service provider. It is considered to be a service that is delivered by certified staff to certified staff, with minimal services (if any) provided directly to the student.

Consultation may include, but is not limited to:

- Discussion on the implementation of the current IEP
- Review of current accommodations and progress on goals

- Implementation of behavior plan and/or behavior data
- Collaboration to revise/develop future IEPs

Component 7.6: Collaboration with General Education

General educators are expected to provide instruction to students with a broad range of learning, behavioral, and developmental differences. For this, schools rely on support services, such as special education teachers and other professionals of varied backgrounds¹⁴ to work closely with one another, making collaboration a “crucial dimension to the planning, delivery, and evaluation of special education and related services... and a means to achieving inclusion.”¹⁵

Carrea, Jones, Thomas, and Morsink define collaboration as “a mutual effort to plan, implement, and evaluate the educational program for a given student.”¹⁶ This collaboration, may occur throughout the school day during grade-level professional learning community (PLCs), weekly team planning meetings, monthly planning meetings, or during planning time.

Collaboration may include, but is not limited to:

- training teachers on accommodations and helping plan for use
- discussing progress and data
- assessing and adjusting instruction

Component 7.7: Extended School Year

Extended school year (ESY) is:

- a service provided to students, at no cost to the parent(s)/legal guardian(s), for whom extended school breaks are determined to be detrimental to a student’s progress;
- intended to maintain skills and/or behaviors so the student will not be spending additional weeks during the school year to return to the former level;
- data-driven, using multiple sources of student data;
- an IEP team decision about whether the services are necessary for the provision of FAPE;
- addressing MAGs, as designated for ESY on the IEP;

EXTENDED SCHOOL YEAR

Extended school year is determined annually by the IEP team, according to IDEA 34 C.F.R. §300.106, and should be made in a timely manner so the parent(s)/legal guardian(s) can make adequate plans for the student’s participation as well as consider their rights in relation to the decision. Progress monitoring data regarding the student’s performance prior to and immediately following school breaks must be considered in determining an individual’s need for ESY.

¹⁴ William L. Heward, *Exceptional Children: An Introduction to Special Education, (10th ed.)* (New Jersey: Pearson, 2013).

¹⁵ Marilyn Friend, *Special Education: Contemporary Perspectives for School Professionals (3rd ed.)* (New Jersey: Pearson, 2011).

¹⁶ Vivian I. Correa, Hazel A. Jones, Carol Chase Thomas, and Catherine Voelker Morsink, *Interactive Teaming: Enhancing Programs for Students with Special Needs (4th ed.)* (New Jersey: Pearson Merrill-Prentice Hall, 2005).

BEST PRACTICE

Teachers should share interventions and strategies for which the student is successful through collaboration prior to ESY and then following ESY to articulate the student's progress. This can assist in effective transition between the two teachers and ensure the intensity and fidelity of the intervention.

- provided by an educator that may or may not be the same special education teacher that works with the student during regular school days;
- provided outside the school days scheduled for all students, so it does not occur within the general education setting; and
- individualized according to student need.

Extended school year (ESY) is not:

- a compensatory program;
- determined by a specific disability;
- intended to assist students in making additional progress;
- guaranteed or denied for specific disability categories;
- decided unilaterally, in terms of necessity, duration, frequency, etc.; or
- automatically "renewed" at each annual IEP.

ESY may be determined necessary in situations such as the following:

- A student's level of performance on a skill or set of skills regressed to the degree that it takes an extended length of time to recoup the skills to the former level.
- A student was recently determined eligible for special education (or is new to the school or district) and is now showing growth in a skill but has not had sufficient time to show mastery (or progress monitoring from the prior placement is unavailable).
- A student's behavior is such that a break from routine or school support leads to behavior that is harmful to self or others or can cause regression in behavior to the degree that upon returning from the break; the student requires a more restrictive LRE than required before the school scheduled break.
- A student's physical health or needs are such that continuous intervention is required.

Component 7.8: Transportation

Transportation is also a related service and must be considered annually for a student. As with academic instruction, the goal is for students to participate with their peers to the maximum extent appropriate. If, however, the student is not successful within the general education setting (i.e., the bus offered to all who live on that route), an alternate, more restrictive setting (i.e., special education bus or transportation) may be selected by the IEP team. The amount of time that a student spends on the bus during the route should be as closely aligned to the time their peers spend on a bus to the maximum extent appropriate. This transportation is provided to families at no cost and is considered a portion of the student's school day and services. Therefore, if a student is suspended from the bus, it is considered a day of suspension and counts towards the 10 days allotted per student per school year before a manifestation determination is required.

The special education bus may also contain additional adult support from a paraprofessional or non-certified assistant hired by the district. The driver and paraprofessional should be trained in

behavior modification strategies, health, and safety. The school system may contract transportation services from a private vendor if the necessary adapted transportation is not otherwise available.

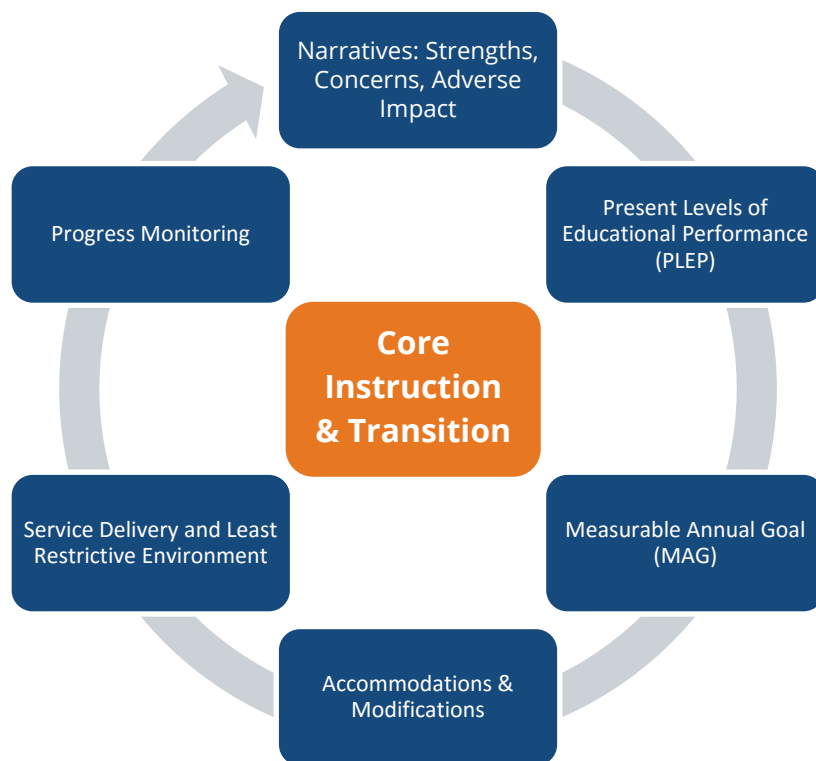
Please Note

The bus drivers and paraprofessionals should be familiar with the student’s medical and behavior needs, including strategies or tools that work within the school setting to keep the student safe.

Specialized transportation may be required because an individual uses a wheelchair or walker and is not able to access the general education bus. However, transportation may also be a needed as a related service for reasons related to behavior, health, visual impairments, hearing impairments, or cognitive understanding of safety on the bus.

If a student requires specialized transportation, this must be provided for school related trips such as but not limited to field trips, school overnights, marching band competitions, school club related competition, etc. A school district must not require a parent/legal guardian to transport to any event or location that it provides transportation to for the student’s non-disabled peers. It is solely the responsibility of the district.

Component 8: High-Quality Transition Planning



The transition plan is the road map that facilitates the movement from high school to postsecondary. Through a high-quality transition plan, IEP teams develop actionable steps to make the student's postsecondary goals attainable. The educational school setting prepares students for career and college readiness as soon as they enter the school system.

In Tennessee, career-ready students are those who:

"...graduate K-12 education with the knowledge, abilities, and habits to enter and complete postsecondary education without remediation and to seamlessly move into a career that affords them the opportunity to live, work, and sustain a living wage.

*To achieve these outcomes, students should have a clear understanding of their learning pathways from as early as middle school and possess academic and technical knowledge that can be exhibited successfully and consistently across settings and experiences. They must also possess employability skills exhibited through **critical thinking**, written and oral communications, collaboration, problem solving, work ethic, and persistence. With such knowledge and skills, students can pursue their career opportunities with confidence and be engaged citizens, positively contributing to their communities."¹⁷*

The IDEA 2004 defines transition planning as a "**coordinated set of activities** for a child with a disability that is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities..."

Component 8.1: Guiding Principles

Strong Predictors of Postsecondary Success¹⁸

- Move beyond compliance
 - View legal compliance as only the baseline for evaluating the services and supports you deliver.
 - Strive to go above and beyond the minimum requirements if it puts students with disabilities in a better position to achieve their goals.
 - Judge the quality of transition services against a student's needs rather than against current regulations.
- Focus on student outcomes
 - The student's attainment of the goals determines the effectiveness of the transition plan.

¹⁷ "Ready Graduate," *Career Forward Task Force*, accessed April 16, 2017,

https://www.tn.gov/content/dam/tn/education/ccte/career_forward_task_force_report.pdf.

¹⁸ "Guiding Principles," *Transition Tennessee*, accessed July 13, 2017, <https://transitiontn.org/>.

- Frequently reflect on the postsecondary outcomes of your former students in order to refine the transition services being delivered.
 - The transition plans of students lay out a direct and reasonable path to their desired postsecondary outcomes.
- Use person-centered planning
 - Transition programming should be designed to meet students' needs.
 - Students who are served under the same special education category should not be automatically presumed to have the same transition-related needs (e.g., All students eligible under gifted do not necessarily want to attend a four-year college or require dual enrollment).
 - Decisions about diploma options, postsecondary pathways, or other transition experiences should not be based on a disability label but instead decided student-by-student.
 - Transition plans are unique to each individual student.
 - Transition services at a school should be responsive to the diversity of students who attend that school.
- Focus on students' strengths
 - Transition assessments should provide a clear picture of each student's strengths in various domains of transition.
 - Educators should emphasize the development of strengths in those areas related to a student's future goals.
 - An accent on strengths (i.e., rather than deficits) should dominate how we talk about students with disabilities to employers and other community members.
- Foster self-determination
 - The transition goals of students with disabilities should truly reflect their own desires for their future.
 - Students should have an active and meaningful role in the transition planning process.
 - Skills that contribute to self-determination are actively taught throughout the curriculum rather than addressed incidentally.
 - Students should leave high school with the skills they need to make and act on important decisions in their lives.
- Hold high expectations
 - Transition planning should be marked by a spirit of optimism and an accent on possibilities.
 - Educators help students and families catch a big vision for their future early on in their schooling and share with them examples of what is possible with the right opportunities and supports.
 - Educators see every student as deserving of having a rich and fulfilling life in community.
- Promote inclusive practices

- Become familiar with the full range of offerings your school and community have to support transition-age youth.
- Build capacity among staff in your school to support students with disabilities in the breadth of available courses and programs.
- Prioritize inclusive transition experiences over those that only include other students with similar disabilities.
- Make sure individualized supports are in place so students benefit fully from involvement in inclusive experiences.
- Develop strong partnerships
 - Become familiar with local agencies, organizations, and programs available to the students whom you serve.
 - Develop local partnerships that bring together all of the relevant stakeholders.
 - Work with others in collaborative ways that reflect a shared commitment to students.
- Adopt data-driven approaches
 - Make sure relevant data are regularly collected in order to determine whether students are making adequate progress toward their goals.
 - Involve other school staff in assisting with data collection and providing feedback on the findings.
 - Frequently reflect on the outcomes of the students you serve and making adjustments to your program in response.
- Start transition early
 - Transition begins in kindergarten. Each year of the student’s education should be preparing them for their postsecondary success.
 - Conversations take place across school levels focused on sequencing and aligning efforts to ensure seamless transitions across schools and into adulthood.

BEST PRACTICE

While invitation is the letter of the law, active involvement is the spirit of the law.

Component 8.2: Student Involvement and Partnerships

Student Invitation to IEP Team Meeting

A student must be invited to his or her IEP team meetings beginning with the IEP during which the student will turn 14 years of age. A student invitation should be created separate from the parent/legal guardian invitation. The student should be notified as soon as the meeting date is set; he or she should be afforded the same time consideration as a parent/legal guardian. A copy of the student’s invitation should be placed in his or her permanent file for documentation.

How teachers can adequately prepare the student to participate in the IEP team meeting:

- Inform parent(s)/legal guardian(s) of this requirement prior to the meeting and articulate the integral role it plays in preparing the student and family for a successful transition.
- Promote student engagement—explain the purpose of the IEP team meeting to the student.

- Utilize self-advocacy and self-determination assessments/materials to secure student input
- Role play IEP team meeting events so that students can become at ease being present in the meeting.
 - Select tasks for student to complete at the meeting so that they feel comfortable.
 - Hearing from a student directly carries much more weight than a faculty member reading assessment results.
- Allow the student to communicate through a variety of means—visual, textual or auditory.
- Secure information from students who choose not to participate at the meeting; however, teams should make every effort to encourage and support the student attending.

Additionally, parent(s)/legal guardian(s) and educators can familiarize the student with vocabulary and concepts that he or she will encounter. With the parent's/legal guardian's and the student's permission, pictorial/video examples of student work should be introduced and will likely generate conversation and participation. While this step is not a requirement, it lays the foundation for including the very person who is most affected by an IEP team decision: the student.

Age of Majority

When a student reaches the age of 18 (age of majority), the rights of the parent(s)/legal guardian(s) transfer to the student with a disability. Notification of the age of majority rule must be explained to parent(s)/legal guardian(s) and documented in the IEP. This information must be provided at least one year prior to the student's eighteenth birthday. Young adults and their parent(s)/legal guardian(s) may have different ideas about the best steps to take to reach their postsecondary goals. There are multiple ways in which families approach the decision making process. These may include:

- Student led
- Supported decision making
- Conservatorship

Where there are concerns about the student's ability to participate in the process of educational decision making, school district personnel should continue to work closely with the parent(s)/legal guardian(s) to ensure that appropriate decisions are made and that the student has maximum opportunity to participate and lead their IEP team.

Outside Agency Participation

The IEP team should create connections for the student and their family with outside agencies that can provide service for the young person after they leave school. School staff should be knowledgeable about the services and policies of community agencies in order to invite the appropriate people.

Outside agency representatives invited to the IEP meeting may include*:

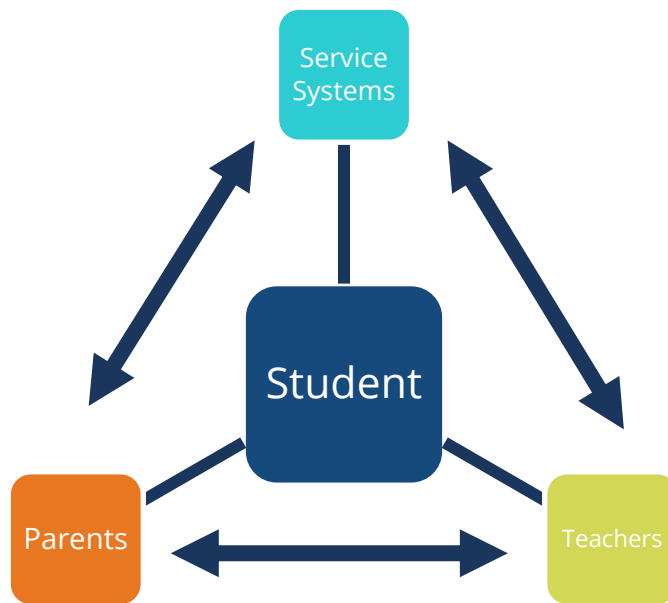
- Tennessee Division of Rehabilitative Services (Vocational Rehabilitation)

- Career Center–Workforce Investment and Opportunities Act (WIOA)
- independent living center staff
- disability support staff from a postsecondary educational or technical school
- person knowledgeable about assistive technology
- person knowledgeable about financial benefits such as supplemental security income (SSI) and Medicaid or Medical assistance (MA)
- personal care or health care providers, including mental health care providers
- probation officer or teacher from a juvenile justice center
- leisure and recreation service providers
- transportation agency staff
- Child Advocacy Centers (CASA)
- The financial responsibility for meeting a student’s transition goals are not meant to apply solely to the education system, but also to the agencies that the IEP team involves in meeting the transition objectives set out in the IEP

*Not an exhaustive list. Visit www.transitiontn.org for a more comprehensive list of supports and partnerships.

Each agency or service provider generally has a different set of criteria for eligibility and may have a waiting list for services. Part of transition planning can address the logistical issues and identify who families can call on for support and coordination. Best practice would be to identify a case manager for the family and other team members, in regard to the transition services, and to begin inviting outside agencies early in the transition process.

Agencies can only be invited with the consent of the parent/legal guardian or student who has reached the age of majority. Consent must be obtained each time a school district wishes to invite an outside agency representative to a meeting that will address postsecondary transition services. The parent/legal guardian or adult student must understand that the granting of consent is voluntary and maybe be revoked at any time.



Component 8.3: Age-Appropriate Transition Assessment

Transition Assessment

The purpose of transition assessment is to identify student preferences, interests, needs, and strengths (PINS). These assessments are a portion of the PLEP and inform transition planning, including MAGs. Transition assessment is an individualized, ongoing process that includes meaningful participation by the student and family. Age-appropriate transition assessments must include information about the academic achievement and functional performance of the student. Previous, pre-vocational assessment data can also be reviewed as a part of this assessment process to inform current assessment.

Transition assessment instruments and methods must be selected to help the student determine career interests, strengths, and aptitude for tasks related to student preferred employment, education, training, and independent living. Assessment must be individualized and can be both formal and informal.

Assessments should be based on the skills the students will need to be successful in all life roles, and the supports they will need before, during, and after the transition to adult life, and include these areas¹⁹:

- Functional academics: reading, math, grammar, spelling, communication skills, etc.
- Learning styles: best methods of instruction, decision-making skills, etc.
- Vocational aptitudes: mechanical/clerical/organizational/spatial skills and the ability to work with large tools and small tools

¹⁹ "Age-Appropriate Transition Assessment," *Transition Tennessee*, accessed July 13, 2017, <http://transitiontn.org/age-appropriate-transition-assessment/>.

- Manual dexterity: gross/fine motor skills, manual/finger dexterity, eye-hand coordination, etc.
- Vocational interests: likes and dislikes for jobs, work site preferences, working conditions, etc.
- Daily living skills: budgeting, money management, transportation, shopping, etc.

* Visit <http://www.transitiontn.org> for examples of age-appropriate transition assessments.

Transition assessments that take on a holistic approach have the following characteristics²⁰:

- Begin early
- Occur ongoing
- Address all domains
 - education/training
 - employment
 - independent living skills
 - community living
- Incorporate multiple approaches
- Include multiple perspectives
- Involve the student
- Respect culture and linguistic differences
- Reflect real-life demand
- Focus on inclusion
- Inform annual and postsecondary goal development
- Readily understandable
- Designed age-appropriate
- Highlight strength
- Incorporate hands-on experiences
- Incorporate modifications and accommodations so that an accurate assessment is obtained

Formal Assessments

Formal transition assessment instruments must be valid and reliable. The transition assessment instruments chosen must be based upon the characteristics of the target population and the types of questions to be answered. Assessment questions, in turn, must be based on the needs, preferences, and interests of the students. A list of pertinent questions that should be answered before choosing a transition assessment instrument is as follows:

- Will the results be helpful to the teachers, student, parent(s)/legal guardian(s) and others in developing instruction programs?

²⁰ Erik Carter, Lauren Bethune, and Casey O'Quinn, "Transition Assessment Feedback Tool," *Transition Tennessee*, last modified 2016, <http://transitiontn.org/age-appropriate-transition-assessment/>.

- Are the tests reliable and valid?
- Do the tests compare the student's performance to an appropriate norm group or criteria?
- Do the testing procedures require the student to perform in ways that accentuate their abilities as well as their needs?
- Are the tests written and administered in a language understandable by the student?
- Does the student have enough experience to relate to the situations presented in the test?

Informal Transition Assessments

Informal assessment tools are used to verify and supplement formal assessment data. As with formal transition assessment instruments, various types of formal and informal assessments are available to guide transition planning. The type of informal assessment instrument chosen will depend on the type of information that is being sought. Because informal assessments are more subjective, they may be given more than once and by more than one person to strengthen their validity. For example:

- interviews
- questionnaires
- observations
- interest inventories
- situational assessments
- curriculum based assessments

Ongoing Assessment

A student's preferred activities and interests typically change as he or she matures. Similarly, the student's desired postsecondary goals may change as the student and parent/legal guardian are informed of results of transition assessments, academic achievement, and functional performance. Additionally, a student's desired postsecondary goals may change as he or she develops career awareness and more varied life experiences. Work based learning (WBL) experiences—including community-based instruction and paid and unpaid employment—may further change postsecondary goals.

Students with Significant Disabilities

All students with an IEP receive transition services, including students with significant disabilities. Both formal and informal assessments should be administered in order to develop a comprehensive transition plan. Transition assessments should focus on identifying what skills are currently mastered and what skills are needed to be successful in these future environments. For example, if a student aspires to work within veterinary care and reside in a supported living home, the transition assessments should focus on identifying what skills are currently mastered (e.g., punctuality, computer skills) and what skills are needed to be successful in these future environments (e.g., transportation, budgeting, customer service). In addition to assessing the student appropriately, direct instruction should be provided to develop the student's skills to

function as independently as possible in regard to employment, daily living, and community participation.

In order for students to adequately communicate their needs, preferences, and interests, IEP teams should consider input from the individuals they interact with them the most (e.g., parent(s)/legal guardian(s), siblings, teachers etc.).

Component 8.4: Measurable Postsecondary Goals

Measurable Postsecondary Goals (MPSGs)

The transition plan, beginning with the IEP during which the student will turn 14, must include MPGs in the two required areas of education and/or training and employment.

The student's postsecondary goals must be a reflection of their strengths, interests, and preferences that are derived from the age-appropriate transition assessments. In other words, these are the goals the student hopes to achieve after leaving high school. Some students may have MPSGs in the optional areas of independent living skills and/or community involvement depending on their needs and the preference of the IEP team. Transition services are designed to support the student in achieving these goals.

Characteristics of Measurable Postsecondary Goals (MPSGs)²¹:

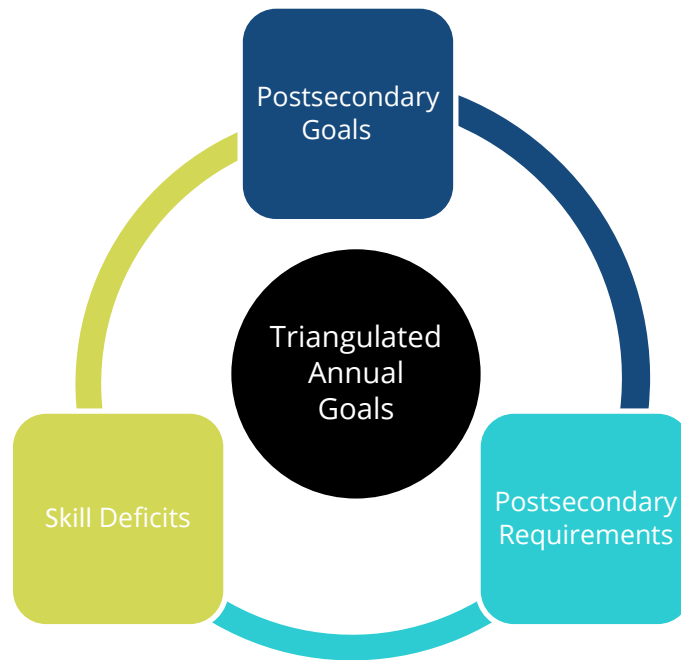
- Goal can be measured or observed
- Reflects the preferences, interests, strengths, and needs of the student
- Based on the results of the PLEP
- Identifies the goal, not the steps toward the goal
- Indicates the outcome is postsecondary
- Includes "will" statements; not "want" statements
- Achievement will not be attained until after the completion of secondary school
- Updated annually

Measurable Annual Goals (MAGs)

For the IEP in which the student will be turning 14, measurable annual goal(s) that address transition and are directly related to the student's **MPSGs** must be developed. An effective practice is to write **triangulated annual goals**²² that incorporate the student's postsecondary goal(s), skill deficit(s), and industry standards.

²¹ "Developing a High-Quality Transition Plan," *Transition Tennessee*, accessed July 13, 2017, <http://transitiontn.org/developing-a-high-quality-transition-plan/>.

²² Lori Y. Peterson, Jon P. Burden, Jennifer M. Sedaghat, June E. Gothberg, Paula D. Kohler, and Jennifer L. Coyle, "Triangulated transition goals: Developing relevant and genuine annual goals," *Teaching Exceptional Children* 45, no. 6 (2008): 46-57.



For example, a student's postsecondary goal is to work in pet grooming and she has an intellectual disability with deficits in, but not limited to, independent task initiation and persistence. A triangulated annual goal might look like this:

Given that Taylor wants to work in the pet grooming industry, when given a picture schedule with at least five steps, Taylor will complete the task with 90 percent accuracy and no more than one prompt as measured every other week by teacher data collection.

Another example, a student who is identified as intellectually gifted has a postsecondary goal of owning their own web design business. A triangulated annual goal might look like this:

Given that Jenise wants to own a web design business, when given a business plan Jenise will evaluate the plan to determine profitability and viability correctly (100 percent) using industry reporting standards and accounting tools for five different business plans.

These examples shows direct correlation to their postsecondary goal, while working on skills needed to prepare them for postsecondary expectations.

Component 8.5: Course of Study

For students with an IEP, the focused plan of study will become the course of study on the IEP. It is a multi-year description of coursework to achieve the student's desired MPSGs, from the student's current year to the anticipated exit year. At a minimum, the course of study should identify the courses and functional skills that the student will need that relates directly to helping the student meet their postsecondary goals, as well as graduation diploma requirements. This description gives

the student the opportunity to see the relationship between high school courses and achieving their MPSGs.

As students approach the end of middle school, preparations begin for movement to high school. Each student, including students with disabilities with the assistance of their family and school personnel, will develop a focused plan of study.

Prior to ninth grade, or age 14, all students will develop an initial four-year plan of focused and purposeful high school study. For students with disabilities, the plan of study must be developed within the IEP to be in effect when the student turns 14 (or younger, if determined appropriate by the IEP team). The plan will be reviewed annually and will connect the student's academic and career goals to school.

State Board of Education Policy:

0520-01-09-.12 DEFINITION OF INDIVIDUALIZED EDUCATION PROGRAM (IEP). Prior to the ninth grade or age fourteen (14) (or younger, if determined appropriate by the IEP team), all students will develop an initial four (4)-year plan of focused and purposeful high school study.

Policy Implications:

- A. The student, parent/guardian(s), and faculty advisor or counselor will jointly prepare an initial four-year plan of focused, purposeful high school study.
- B. An integral aspect of the planning process is the assumption that the student will be involved in some form of postsecondary education/training. The plan should contain information about career options and long-term goals supported by the plan through the courses to be taken in the eleventh and twelfth grades as well as courses to be taken at the postsecondary level.
- C. The plan of study will be reviewed annually by the student and faculty advisor or counselor, and revised based on changes in the student's interests and career goals. Results of various types of assessments will also be used in adjusting the plan of study.
- D. High school and middle grades faculty will collaborate in planning curriculum and the transition between middle grades and high school (Tennessee State Board of Education, 2013).

Component 8.6: Transition Services

Transition services are a part of the coordinated set of activities, designed within an outcome-oriented process that promotes movement from school to achievement of MPSGs.

Coordinated Set of Activities

The IEP team will want to discuss and annually address the types of instructional activities, environments, and services the student will need in each area to meet the postsecondary outcomes. The statements of needed transition services and activities will need to be developed annually to

enable the student to make progress towards their measurable postsecondary goals. While the services that are the responsibility of special education will be outlined in the student's annual goals and/or short-term objectives, the student's coordinated set of activities may include other persons and agencies—not just special education. Partners/programs that can assist with transition services within the school (not exhaustive):

- School counselors
- General education teachers
- Career and technical teachers
- Special education teachers
- Related service providers
- Extracurricular activities

It is also important to involve partners outside the school. These partners may include other agencies that are likely to provide or pay for the services. IEP teams should include the parent/legal guardian and the student as active participants in this process. While the school cannot require parent(s)/legal guardian(s) to accept responsibility for providing a transition service, many parent(s)/legal guardian(s) want to be an active team member. The needed transition services will vary based on the individual characteristics and needs of each student; however, there are some critical issues surrounding transition for exiting high school students. For example, transportation, medical care and insurance, conservatorship/estate planning, interpersonal and social adjustment require consideration when addressing the primary transition service areas.

Transition Service Examples²³

The areas to be considered for transition services are as follows:

- Instruction
- Related services
- Community experience
- Employment and postsecondary living objectives
- Daily living skills
- Functional/Vocational evaluation

Instruction refers to formal instruction that takes place in the school, home, or community, including community-based instruction, academic and career/technical education courses, self-determination and self-advocacy training, and extracurricular activities.

- Personal finance
- Budgeting
- Food preparation

²³ "Developing a High-Quality Transition Plan," *Transition Tennessee*, accessed July 13, 2017, <http://transitiontn.org/developing-a-high-quality-transition-plan/>.

- CTE courses
- WBL
- Self-determination or self-advocacy courses

Related services are supportive services assisting with transition services in special education and beyond.

- Developmental, corrective, or other supportive service as required to assist a child with a disability to benefit from special education
- Assistive technology
- Occupational therapy assessment in the workplace
- Physical therapy assessment in the workplace (for ergonomic work station, safe mobility, access to facility, and emergency egress planning)
- Behavioral counseling

Community experience are transition services occurring in the community, delivered by the school or other agencies, that provide students with the opportunity to practice skills in the actual settings in which they will be used.

- Participate in local recreation events
- Join the YMCA
- Shop for food or clothing at local retailers
- Observe a courtroom
- Visit the library
- Open a bank account at the local bank
- Obtain a driver's license or state ID

Employment and postsecondary living objectives are experiences provided by the school or other agencies that provide the education and training needed for a future career and important adult activities.

- Attend a career fair
- Meet with a military recruiter
- Practice filling out job applications and interviews
- File application for admittance to Vocational Rehabilitation and meet with counselor
- Memorize Social Security number
- Explore conservatorship procedures
- Develop a budget and practice various methods of bill payment
- Collect information about housing options
- Meet with social security benefits planner
- Visit adult service providers

Daily living skills are those required for day-to-day functioning.

- Prepare meals

- Keep body in optimal state of cleanliness
- Learn to use an alarm clock
- Learn to wear clothing appropriate for the season and for the occasion
- Communicate needs in an acceptable manner
- Laundry
- Ride a bus; follow a bus schedule
- Obtain a driver's license

Functional/Vocational evaluation is an assessment process focused specifically on providing information about job or career interests, aptitudes, and skills.

- Produce observable work samples
- Demonstrate safety skills in various home, school, and community settings
- Complete a picture career interest inventory

Section III: Implementing the IEP

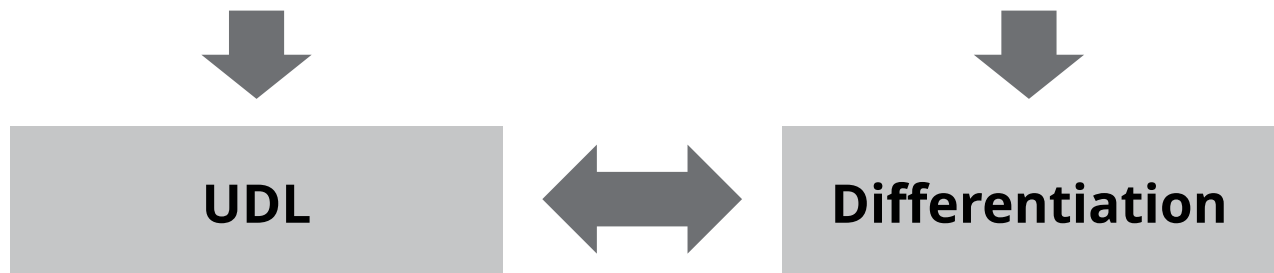
Component 9: Access to High-Quality Core Instruction

In order to ensure that **all** students attending public school in Tennessee receive the instructional and behavioral support that they need, **all** educators should be skilled in instructing diverse students, including students with disabilities. According to the most recent 2017-18 local determinations [annual performance report \(APR\)](#), about 70 percent of students with disabilities are educated in the general education environment 80 percent or more of the day. Because general education teachers are considered content experts, it is crucial that they are prepared to implement instructional strategies for students with disabilities in their classrooms.

Tier I instruction, also known as core instruction, provides rich learning opportunities for all students that are aligned to the Tennessee Academic Standards and are responsive to student strengths and needs through differentiation. The entire range of learners, including students identified with disabilities, students who are identified as gifted, and ELs, are included and actively participate in Tier I instruction. Differentiation, based on multiple sources of data and implemented within a universally designed classroom, is a hallmark of effective Tier I instruction.

Universal design for learning (UDL) and differentiated instruction are foundational to the All Children Challenged and Equipped for Success in School (ACCESS) [training and resources](#), which were developed in winter 2018. A classroom that is responsive to student need (i.e., differentiated) and is designed for every student to learn (i.e., UDL) provides an avenue to meet student need by creating, clearing, and unlocking pathways for all students to learn.

ACCESS: All Children Challenged and Equipped for Success in School

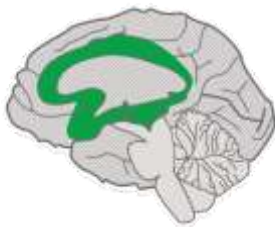


There are various approaches to creating access for all students in their educational environment. The focus is less about finding who needs a different path and more about ensuring paths that work for all.

Component 9.1: Universal Design for Learning

UDL is a framework for teaching and learning that includes proactive planning of curricula (i.e., goals, assessments, methods, and materials). Planning with UDL does not assume a one-size-fits-all approach; instead, it takes into account the variability of all learners. UDL is based on research from a variety of fields (e.g., education, psychology, and neuroscience) and is organized around three learning networks of the brain: recognition network, strategic network, and affective network.²⁴ More information and practical UDL strategies can be found at www.cast.org.

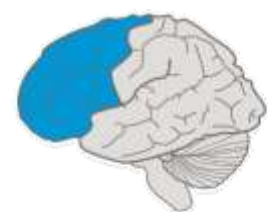
AFFECTIVE NETWORKS:
THE **WHY** OF LEARNING



RECOGNITION NETWORKS:
THE **WHAT** OF LEARNING



STRATEGIC NETWORKS:
THE **HOW** OF LEARNING



²⁴ "Background Information about UDL," *National Center on Universal Design for Learning*, accessed June 29, 2018, http://www.udlcenter.org/aboutudl/take_a_tour_udl.

Engagement The Why of Learning	Representation The What of Learning	Action and Expression The How of Learning
Learners are engaged and motivated with: <ul style="list-style-type: none"> • Interest, passion, and purpose • Voice and choice • Learning goals • Collaboration and communication • Becoming independent and self-directed 	Accessing content and processing information involves: <ul style="list-style-type: none"> • A variety of multiple media and formats • Prior knowledge • Text-to-speech tools • Translators • Print and digital graphic organizers 	Planning and organizing tasks and demonstrating: <ul style="list-style-type: none"> • Practicing scaffolds and supports • Options for creating projects, reports, etc. • Monitoring and tracking progress • Co-designing assessment strategies

Component 9.2: Differentiated Instruction

Many teachers recognize the need for differentiation within all classrooms; fewer teachers feel equipped with a clear understanding of what it means and how to do it effectively.

Misconceptions and Truths²⁵

There is a wide range of definitions of and beliefs about differentiation, including misconceptions about what it is and is not. Table 3.1 below pairs some of these misconceptions with the corrective truths.

²⁵ Carol Ann Tomlinson, Kay Brimijoin, and Lane Narvaez, *The Differentiated School: Making Revolutionary Changes in Teaching and Learning* (2nd Ed) (ASCD 2008).

Table 3.1: Differentiation Misconception and Truths

Misconception	Truth
Differentiation is new, the latest educational fad.	Differentiation is as old as the craft of teaching and will never go out of style.
Differentiation is a set of strategies, tools, or teaching tricks.	Differentiation is a philosophy of and model for effective teaching and learning that goes beyond strategies.
Differentiation should happen every day, or differentiation should only happen once in a while.	Differentiation is a potential response to regular and ongoing analysis of students' characteristics and students' learning.
Differentiation requires writing individualized lesson plans for every student.	Differentiation calls for instructional adjustments that respond to patterns in student needs.
Differentiation does not allow for whole-class instruction.	Differentiation incorporates a range of instructional strategies, including whole-class instruction.
Differentiation relies on leveling students through ability grouping.	Differentiation relies on flexible grouping for a variety of community-building and instructional purposes.

The Philosophy, Practices, and Principles of Differentiation

Differentiation is both a philosophy and a principle- and practice-driven model for effective teaching and learning. Understanding the big picture of differentiation as well as the key components is critical to implementing it in today's classrooms.²⁶

Most of what teachers do in their classrooms is guided by their own philosophy of teaching and learning. Differentiation works best in classrooms where certain beliefs motivate why, what, and how teachers approach planning for and responding to student differences.²³ Four tenets about the capabilities and potential of all students, and about the role and responsibility of all teachers, represent assumptions of the teacher of a differentiated classroom:

1. Diversity is normal and valuable. Differences are something to celebrate, rather than something to ignore or to fix; they are assets, not liabilities, to the classroom community. The teacher honors who students are as individuals and as a group, based on shared and unique traits.
2. Every child has hidden and extensive capacity to learn. The teacher of a differentiated classroom knows that traditional measures of ability such as standardized test scores and grades do not tell the whole story of who a student is or what a student can do. The teacher

²⁶ Carol Ann Tomlinson, *The Differentiated Classroom: Responding to the Needs of All Learners* (ASCD, 2014)

assumes that every student can learn and that a student's greatest strengths may be under the surface.

3. It is the teacher's responsibility to be the engineer of student success. The teacher of a differentiated classroom defines student success as growth toward and beyond goals, as well as growth relative to oneself (e.g., where you started compared to where you ended up). This growth does not happen by accident; it's the result of the teacher taking ownership of and intentionally planning for all students' learning.
4. Educators should be the champions of every student who enters the schoolhouse doors. This includes children who are easy to miss and those who are hard to ignore; children who are academically far behind and those far ahead; and children who have many advantages and those who have very few advantages.²⁷

It is easy to picture differentiation being implemented in the classroom of a teacher who holds these convictions. It is hard, by contrast, to picture differentiation being implemented in the classroom of a teacher who believes that diversity is undesirable or a nuisance; that some children can learn but others cannot; that student success is determined by factors beyond the teacher's control; or that some children are not reachable or teachable.

Teachers of differentiated classrooms understand that their role has limits, but they are convinced that they have the power and responsibility to effect growth of all children in diverse classrooms. Differentiating instruction involves making proactive adjustments to what students learn (i.e., content), how they learn it (i.e., process), and how they show what they learn (i.e., product), according to students' individual and shared characteristics. Differentiation provides a framework for teaching the standards. This frame is called a KUD or what your students need to **k**now, **u**nderstand, and be able to **d**o. Table 3.2 below shows the model for differentiation of instruction.²³ "There is no single process or recipe for planning and implementing differentiated lessons. In reality, a differentiated lesson involves the same elements of any quality lesson: clear learning goals, well-designed instruction, high-level questions, rich tasks, opportunities for formative assessment, strong management, etc. When a lesson is differentiated, this means that, at some point, students will be working toward the same learning goals (KUDs), but in different ways."²⁸ Visit the department's [ACCESS webpage](#) to access Tennessee-specific, grade-banded differentiation handbooks for more information, specific strategies, and Tennessee standard-specific examples and exemplars.

²⁷ Jessica Hockett, *Differentiation Handbook: Strategies and Examples Grades K-2*, Tennessee Department of Education (2017)

²⁸ Jessica Hockett, *Differentiation Handbook: Strategies and Examples Grades K-2*, Tennessee Department of Education (2017) 8. Accessed July 29, 2018
https://www.tn.gov/content/dam/tn/education/training/access_differentiation_handbook_k-2.pdf

Table 3.2: Model for Differentiation of Instruction

When teachers differentiate, they make proactive adjustments to:		
Content	Process	Product
The information, ideas, and skills that students will take in or grapple with in order to reach the learning goals	The activities through which students take in and make sense of key ideas in the content using essential knowledge and skills	How students demonstrate and extend what they know, understand, and can do as a result of a unit or series of lessons
according to patterns in student:		
Readiness	Interests	Learning Profile
The student’s proximity to specified learning goals	The student’s personal and situational passions, affinities, and kinships that motivate learning	The student’s preferred approaches to learning, as influenced by thinking style, intelligence preference, cultural background, or gender
using instructional strategies such as:		
Graphic Organizers Tiered Tasks ThinkDots Learning Stations Contracts and Agendas Role Cards Small-Group Instruction	Jigsaw RAFTs Choice Grids Learning Menus Interest Centers	Entry Points Tri-Mind Thinking Caps VAK Tasks (Expression Options) MI (Multiple Intelligences)
informed by:		
Standards-aligned learning goals (KUDs) Pre-assessment and formative assessment Interest and preference surveys and inventories		
and implemented through:		
Varied instructional groupings Flexible classroom routines Efficient management techniques and tools		
in the context of:		
Supportive, growth-oriented, community-centered classroom environments.		

Component 9.3: Implementing Accommodations and/or Modifications

General education teachers are an integral member of the IEP team; therefore, the responsibility and legal obligation are shared for understanding and implementing the IEP during core instruction.

For students with a disability who are participating in the general education curriculum, the general education teacher must know and understand the accommodations and/or modifications in a student's IEP.

When discussing accommodations and modifications, it is important to understand the distinct difference between the two. As stated in [Component 6.1](#), accommodations provide equitable access during core instruction and assessments and do not change the construct being assessed nor the content. Simply stated, accommodations change how the student is taught or expected to learn. In contrast, a modification is a change to the content of the standards, which will mean identifying standards that are fundamentally related but also developmentally appropriate. As such, modifications change what a student is taught or expected to learn.

Modifications are the most intensive options of support because they modify the grade-level standards and change the curriculum. The first option of support should be accessibility through UDL and differentiation, then tiered support, then the IEP.

With a common understanding of the terminology and purpose of accommodations and modifications, all teachers will be better equipped to determine the appropriate supports needed and implement them.

Component 10: Special Education Interventions and Service Delivery

Introduction

Once an IEP is agreed upon, signed, and in effect, it is the responsibility of the school team to implement the components of the IEP and monitor the ongoing appropriateness of the plan. IEPs are student-specific; however, the school must also consider several logistical and procedural requirements to ensure that all members of the student's IEP team are informed and working collaboratively to implement the plan and honor the individual needs of the student throughout the IEP period.

Component 10.1: Collaboration

An IEP is written for a student who has an identified disability, but "special education student" should not be his/her defining status. This labeling implies that the general education and special education teachers and staff are not equally invested. IEPs cannot successfully be carried out by a single individual, even in cases when a student may have only one special education service. Regular collaboration must occur throughout the IEP period to ensure all IEP team members continue to share the common goal of student success.

“Collaboration is a style of interaction between professionals with equal decision-making power in which people share resources and responsibilities in working toward a common goal.”²⁹ Successful implementation of an IEP requires that team members have a mutual respect for one another’s individual roles and responsibilities as specialists, but they ultimately share the responsibility for the student’s educational outcomes, and therefore must view their work as a collaborative effort. It is important to also remember that while the IEP is written for implementation at school, the parents remain an integral member of the IEP team and an invaluable resource for the school.

Among the many considerations for collaboration, the IEP team must coordinate schedules that best protect the student’s access to core instruction and required interventions. Additionally, collaborators should:

- routinely apply and monitor the effectiveness of accommodations;
- exchange lesson plans/targeted goals so curricular content can be incorporated across settings and services;
- inform necessary staff of any dietary/health restrictions or emergency care plans that are a part of the student’s IEP;
- review any behavior plans or strategies;
- discuss upcoming classwork and tests to make necessary modifications; and
- continuously monitor student progress on IEP goals and grade-level curriculum.

Team Communication and Collaboration

The IEP outlines the details of the student’s individual goals, service times, and any classroom and/or testing accommodations, as well as other pertinent information related to the student’s educational needs. Since implementation of a student’s IEP is a shared responsibility, all relevant team members must be informed and provided access to the information in the IEP. Because IEPs often begin and end in different academic years, it is important to remember to review and inform any new IEP team members when staffing changes occur. It is the responsibility of the case manager to provide an existing IEP to new team members and provide them the opportunity to review the IEP and sign the last page of the IEP in the section, “Documentation of IEP Review by Other Teachers not in Attendance.”

Team members are not only the direct and related service providers, since a student’s IEP may have implications across their day and settings. A student may have accommodations to assist with sensory needs in a related arts class, or health restrictions that prohibit participation in strenuous physical exercise, or a speech-generating device that is used as the primary communication mode across their school day. In cases such as these, all non-academic teachers and support staff will also need to be informed of the student’s IEP.

²⁹ Marilyn Friend and Lynn Cook, “Interactions: Collaboration for School Professionals (3rd Ed),” (Pearson, 2000).

In order for the IEP to be successfully implemented, there should be frequent coordination and communication between parents and the school team as well as among service providers. These relationships require commitment and intentionality, and they are crucial in moving students toward better outcomes.

Table 3.3: Elements of Successful Service Coordination³⁰

<i>Goal setting</i>	Share and align goals for student(s) so that service providers can work together and build on each other's momentum.
<i>Clear roles</i>	Establish clarity around provider roles to avoid confusion and ensure efficiency.
<i>Anticipate and prevent possible disagreements</i>	Discuss possible conflicts early and often to ensure a positive partnership.
<i>Common language</i>	Develop a shared understanding of instructional terms and student expectations. Behavioral and academic expectations should be consistent across settings and with different providers.
<i>Celebrate successes</i>	Reflect on and celebrate successes, even small wins; this reinforces hard work and helps build momentum.

Ideally, collaboration occurs regularly and in person; however, one of the greatest barriers to professional collaboration is finding a dedicated, shared time within the school day. When face-to-face collaboration cannot happen as frequently as a team would like, there needs to be intentional, alternate options for communication and information exchange. Teams may consider these options:

- a shared online private drive or electronic file (always consider confidentiality and the need to restrict access if sharing information electronically)
 - upload lesson plans
 - coordinate the targeting of IEP goals
 - share schedules
 - provide student-specific updates, such as the implementation of new visuals and work-reward systems
 - share data collection forms
 - collect information from the team about observations and data for present levels to prepare for upcoming IEP meetings
- a specialist newsletter for educators and parents which offers non-student-specific information

³⁰ Cara Nissman Kraft, "Fortify Service Provider 'marriage' through Communication, Compromise," (*LRP Special Ed Connection*, 2008). Retrieved from www.specialedconnection.com.

- social skills strategies
- classroom behavior supports
- sensory and emotional regulation strategies
- using visual schedules in the classroom
- adapting language for ELL students and students with language impairments or processing issues
- professional development for teachers and support staff
 - speech-language pathologists can inform teachers about typical speech and language development, and differences between speech and language
 - speech-language pathologists can train on the importance and use of speech-generating devices or other communication systems
 - occupational therapists can educate staff about fine motor development, sensory integration, etc.
 - service providers can share general interventions strategies that can be implemented in general education classes
 - school psychologists and speech-language pathologists can review the referral process with teachers and inform staff about difference versus disability to reduce unnecessary referrals
 - physical therapists can offer training on adaptive equipment and/or motor challenges that students may face, etc.
- consultation services written into the IEP. This ensures that collaboration occurs during a scheduled time and allows for ongoing observations of the student across environments
- data team meetings
 - teams should review progress of students receiving special education interventions during data team meetings just as they discuss the progress of students receiving general education interventions. Every effort should be made to include all school stakeholders in the meetings; however, if this is not possible, the team should gain input from absent team members
 - please note that, although data teams use data to problem solve and inform instructional adjustments, any changes to the student's programming that impact the IEP must be made by the IEP team

Component 10.2: Scheduling

Scheduling is central to successful service delivery and reflects the priorities and beliefs of an organization. The schedule should be student-centered, reflecting the needs of the students. This includes building schedules that provide all students with the opportunity to access general education and interventions to the extent designated by the IEP.

Direct Services

Scheduling student services can be challenging, particularly for students who have deficits in multiple areas. The LRE should always be considered when scheduling student services; the fact that the student has an IEP does not automatically mean that the student requires services across the entire school day. Instead, services should be tailored to individual student need and could take place during core instruction, during special education intervention, or both. For example, a student with a reading deficit might require services during Tier I reading and reading intervention, but may not need services during their Tier I math class.

Students who have deficits in reading, writing, or math should receive intervention in addition to core instruction in those areas in order to close their skill gap. If deficits exist in multiple areas, every effort should be made to provide intervention services in these areas, and the team should consider how to support the student during core instruction. Prioritizing academic services should be data-driven and is ultimately an IEP team decision. When considering the student's LRE, data may indicate that the student needs special education intervention in one area but Tier II or III intervention in another area. Additional guidance on determining student placement in tiered intervention can be found [here](#).

In addition to the direct services for academics, it is important to be cognizant and intentional when scheduling other direct services for areas such as behavior, social/emotional, and/or pre-vocational.

Related Services

Related services providers (i.e., occupational therapists, speech-language pathologists, physical therapists, psychologists, etc.) often serve students across multiple grades and sites and must coordinate their IEP service times around instructional time and other service providers. Effective scheduling will depend on communication, professional respect among providers, and a willingness to expand services to opportunities outside of therapy rooms. Considerations for overcoming scheduling challenges include:

- Seek support of building administrators to include special educators and related service providers in the development of master school scheduling. This will allow for communication about student support needs and input about school-wide blocks, such as RTI, lunch, related arts, etc.

GIFTED CONSIDERATION

When scheduling or determining services, remember, a student who is gifted grows the most with intellectual peers. This could be peers their age or it could be students who are older but on a similar intellectual level. Students who are receiving gifted services and are participating in the regular classroom will need support from the regular classroom teacher through strategies designed to support their growth.

For more information on gifted services, [click here](#).

- Attempt to schedule student services with other providers to avoid scheduling conflicts, and to establish relationships for collaborating or co-serving.
- Consider scheduling students with similar IEP goals together, rather than only by grade levels. Older students can be given leadership opportunities in groups which can allow for oral language and social skills to be targeted (e.g., explaining directions, asking for clarification, social exchanges, etc.).
- Examine the effectiveness of traditional pull-out therapy times (i.e., twice weekly for 30 minutes). Could students' needs be better met in different settings, with an alternative service model, or frequency of service times? Scheduling options may include:
 - Traditional weekly sessions
 - Receding schedules - begin IEP services with greater frequency to teach the skills, but plan for a shift to inclusive support or consultative services to work on generalizing the skills. Such a schedule can be reflected in the IEP (e.g., weeks 1–15 can be served in a special education setting with the goal of teaching the specific skills; weeks 16–30 can be applying and practicing the skills in general education settings; and weeks 31–40 can be a consultative approach where the service provider collaborates with the student and other staff to support the continued growth of the goals). If the IEP is not written to reflect these changes in placement or service times throughout the IEP period, an IEP meeting must be scheduled to discuss such proposals.
 - Cyclical schedules - periods of direct service followed by consultative services. The 3:1 model is an example of cyclical scheduling, where direct services are provided for three weeks of the month, followed by a week of indirect/consultative services, and then the cycle repeats each month. The indirect week allows for providers to monitor the application of skills, conduct observations across settings, consult with teachers and share strategies for achieving goals in the classroom.
 - Block scheduling - sessions are longer, but less frequent, allowing related service providers to work within an academic block, such as language arts. This allows providers to serve multiple students across general education classrooms, or work with small groups within the classroom during the academic block.
 - Short blasts of high repetitions of a skill (i.e., articulation drills) - often served in the hall or near the classroom to eliminate time lost during transition to a speech room.

Scheduling IEP/Re-evaluation Meetings

Advanced planning for annual IEP meetings and triennial re-evaluation meetings can help prevent potential legal pitfalls that often arise from last-minute or poorly planned IEP meetings. If the majority of annual and re-evaluation meetings are planned early and scheduled throughout the school year, it reduces conflicts of schedules across providers, ensures that a meeting place is reserved, and allows parents more time to make arrangements to be able to attend the meeting. Teams can also be deliberate with advanced scheduling to avoid multiple IEP meetings occurring in a given week, and conflicts with staff availability during periods such as state testing windows, grade-level field trips, or school-based holiday events. Advanced meeting scheduling also allows service

providers to have more time to prepare IEPs and to proactively make arrangements to reschedule student services if needed.

Triennial re-evaluation meetings should be scheduled with the consideration that any team member may request additional testing, for either program planning of an upcoming eligibility meeting, or for the purpose of guiding eligibility decisions. It is imperative that teams schedule the re-evaluation planning meetings with sufficient time for any assessment specialists to be able to complete testing, perform observations, collect data, and write assessment reports *prior* to the student's eligibility expiring. A good practice is to schedule re-evaluation meetings at least 60 days in advance of the student's eligibility expiring to allow adequate time for school psychologists and related service providers to complete their respective testing. Additional guidance on the re-evaluation process can be found on the department's [special education evaluation and eligibility web page](#).

Component 10.3: Service Delivery

Services within Core Instruction

Students should have access to and participate in the general education setting to the greatest extent possible ([see Component 9](#)). Support within general education may include differentiated instruction, appropriate selection and use of co-teaching, paraprofessional or special education adult support, accommodations, and/or modifications.

*Co-Teaching Models*³¹

Researchers have identified at least five types of co-teaching structures, which may be implemented exclusively or in combination:

- **One teach, one supports:** One teacher presents material to the class, while another circulates and provides unobtrusive assistance.
- **Parallel teaching:** Teachers present material simultaneously, dividing the class into two groups.
- **Station teaching:** Teachers divide content and split the class into two groups. Each teacher instructs one group and then the other.
- **Alternative teaching:** One teacher instructs a large group, while another works with a smaller group needing specialized attention.
- **Team teaching:** Both teachers work together to deliver content to the entire class at the same time.

In a co-teaching model, all students receive instruction from both teachers, and both teachers are responsible for all students, including grading, parent communication, and implementation of accommodations and/or modifications. Successful co-teaching can be challenging, so intentional time for teachers to plan together is essential.³²

³¹ Marilyn Friend and Lynn Cook, "Interactions: Collaboration for School Professionals (3rd Ed)," (Pearson, 2000).

³² Hanover Research, "The Effectiveness of the Co-Teaching Model: Literature Review," (2012), Retrieved June 8, 2018.

Paraprofessional or Special Education Adult Support

For students whose LRE requires adult support, this adult facilitates instruction, accommodations, and/or modifications for those students. Based on the student's LRE, the adult may be assigned to work with them for any length of time as indicated on the IEP. For example, they may be assigned to work with a student for five minutes per class to review behavioral expectations, or they may be assigned to work with a student for 30 minutes per class to support vocabulary or assist during independent work time. For more information on aides in the classroom, see [Appendix E](#).

For a student who is not able to make appropriate progress toward core curriculum and/or his/her MAGs with inclusive support alone, a setting outside the general education room may be appropriate for a portion or all of their school day. In this case, the services would be direct in a special education setting.

The location and length of services per day are decided by the IEP team on an individualized basis. Specific services may be for a portion to all of the IEP year; however, the student should have at least one special education service throughout the whole IEP year. For example, a student may participate in an intensive direct speech intervention for 12 weeks, but the remainder of the IEP services are within the general education classroom in the area of speech.

Implementing Accommodations and Modifications

Accommodations and/or modifications should be carefully considered and determined necessary for the student to access his/her education. Staff working with a student must be informed of the student's accommodations and/or modifications and trained on their effective implementation.

General and special education staff should partner to provide and monitor the use of accommodations and modifications, communicating regularly to ensure that they are implemented by all stakeholders with fidelity. Just as data collection on goal performance and service delivery is critical, so is the monitoring and documentation of the student's use of any IEP accommodation and the teacher's provisions of curricular modifications. Regular data informs the team on the appropriateness of the accommodations and the need to eliminate unnecessary accommodations or add new ones.

Direct Services: Academic Intervention

Academic, skills-based interventions are provided as a direct service to address students' deficits as determined by the IEP team. The student will remain in Tier I and will have access to Tiers II and III interventions to the greatest extent possible. For example, when considering the student's LRE, data may indicate that the student needs special education intervention in one area but Tier II or III intervention in another area. Additional guidance on determining student placement in tiered intervention can be found in the [Tiered Intervention Guidance for Students with IEPs](#).

Special education interventions should be based on the student's PLEPs and MAGs and be more intensive than general education intervention. The intensity of interventions may be increased by:

- more time allotted for intervention;
- longer intervention duration;
- decrease group size;
- higher level of diagnostic assessment;
- more tailored instructional focus;
- more opportunities for student response; and
- increased and more specific teacher feedback.³³

The effectiveness of the interventions should be monitored using multiple sources of information, and adjustments should be made as needed. The LRE must always be considered and the team will determine whether a student's need can be met through general education interventions or if they require special education services.

It is recommended for the special education teacher to consult with intervention providers regularly to review progress monitoring data that informs instructional needs. Should the team consider a change in eligibility, the team would need to meet to discuss any re-evaluation needs before exiting a student from services.

IDEA: RELATED SERVICES

"Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

³³ Jason E. Harlacher, Amanda Sanford, Nancy Nelson Walker, "Distinguishing Between Tier 2 and Tier 3 Instruction in Order to Support Implementation of RTI," (*RTI Action Network*) Retrieved from www.rtinetwork.org.

Related Services

While the supports may be specifically designed to be addressed by a specialist, the ultimate goal is for the student to access his/her education in the least restrictive environment. The IEP team should discuss if the related services can be effectively supported in the general education setting, where the student has more opportunity to engage with non-disabled peers across naturally occurring academic and social situations. Regular educational environment encompasses regular classrooms and other settings in schools such as lunchrooms and playgrounds in which children without disabilities participate.³⁴

When teachers and related service providers engage in regular communication, it establishes trust and collaboration and encourages opportunities to jointly support students. Alternative methods to serving students outside of the traditional pull-out approach include:

- Providing indirect services for a student through consultative services.
- Co-teaching with other professionals for which services and goals complement each other.
 - For instance, speech-language pathologists and special education teachers can simultaneously teach and address reading comprehension goals, and occupational therapists and physical therapists can provide collaborative therapy sessions addressing fine and gross motor skills.
 - Co-teaching can effectively and mutually support students with and without special education needs by allowing educators to share their specialized teaching techniques. One example of a natural co-teaching collaboration is between a speech-language pathologist and language arts teacher; the teacher has a knowledge of the content standards, and the speech-language pathologist has training on how to elicit oral language or simplify language to aid comprehension.
- Attempting to integrate services into non-academic times, which may allow for natural peer supports and authentic social situations.
 - Speech-language pathologists can target social and communication goals during non-academic times, such as recess and lunch, or support transition students during work-based learning times.
 - Occupational therapists can support fine motor goals during handwriting blocks, or address self-regulation and sensory needs within a general education class during whole-group times, or in small-group rotations.
 - Physical therapists can support students in physical education class, recess, or transition times, which are natural settings.
- Incorporating telepractice can be an alternative to delivering services to students when there are staffing issues that are preventing the school from providing FAPE to students with special education needs.

³⁴ Federal Register, Vol 71., No 156, (2006), 46,585 Retrieved from <https://sites.ed.gov/idea/files/finalregulations.pdf>

Consultation Services

Consultation is a service option for students when direct services are not deemed necessary or as an additional service to supplement direct services. Consultation is considered an indirect service, meaning the service does not require face-to-face time with the student. Rather, the objective of a consultation service is to allow service providers a time to collaborate with parents and other staff members, monitor generalization of goals, and observe the student across multiple settings engaged in a variety of academic, vocational, or social situations. Consultation is a useful and meaningful way to indirectly support students, but providers must ensure that services are delivered and documented according to the IEP.

Assistive Technology

IDEA defines an assistive technology device as "...any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability."³⁵

If the IEP team has determined that the child requires assistive technology devices or services, the school must provide them. Compliance of provisions for assistive technology extends beyond acquisition of the equipment; for assistive technology to benefit the student, the school and parents must also be trained on the purpose and use of the assistive technology and its importance related to meeting the student's educational needs. The assistive technology should be accessible to the student in all instances that he or she may need it.

Fidelity of Implementation

The fidelity of intervention implementation should be assessed by qualified personnel, with special education interventions following the same fidelity monitoring guidelines as Tier III interventions. Documentation of fidelity should include whether the intervention is being implemented as designed, progress monitoring data, attendance, and any other anecdotal information that may account for a student's progress or lack thereof. If a student is not making expected growth and fidelity of implementation is a concern, the team should engage in problem solving and take necessary steps to ensure that the intervention is implemented with fidelity. This may include additional teacher training and/or supports for the student.

Missed Services/Compensatory Services

If services in an IEP have not been delivered, either due to staffing shortages, procedural violations, or other reasons that may have resulted in a child's denial of FAPE, the school should make every attempt to provide the owed services as soon as practicable. If a student is owed services beyond what can be made up within a reasonable time without overburdening the student, the school should inform the parent and develop a plan to offer compensatory services. If a plan is offered, it is

³⁵ Individual with Disabilities Education Act, 34 C.F.R §20-300.5 (2004).

best practice for the school to document the offering of compensatory education and the subsequent response of the parent to accept or decline the services.

Since all students with a disability participate in statewide and districtwide assessments, the district is not required to make up services missed during these testing times ([OSERS 4/18/18, Letter to Kane](#)).³⁶

Component 10.4: Documentation of Services

Documentation of Services

Once the team has agreed upon an IEP, documentation will not only assist teachers and service providers with the monitoring of progress and effectiveness of the goals and accommodations, but it also serves as a record that services have been delivered. Parents have the legal right to request their child's educational records.

Integration of Data Collection in Service Delivery

Teachers and service providers can develop various methods of monitoring the implementation of the IEP services and annual goal progress. Some providers choose paper methods to monitor goals, while others find electronic data collection to be more effective. Regardless of the format, data needs to be taken on a regular basis to inform the team of the student's progress, or lack thereof. Goals can, and should, be monitored by any team member across environments, unless the goal is designed for a specific activity or time of day. Data collected by multiple providers/teachers can provide useful information about the student's performance across his or her day and identify trends in positive or negative performance.

Data collection tools can take on many forms to reflect a student's progress, and there are several resources available to assist in generating teacher-created data collection tools. Some examples are [Tennessee Behavior Supports Project](#), [Intervention Central](#), and [PBISWorld](#).

Progress Reports

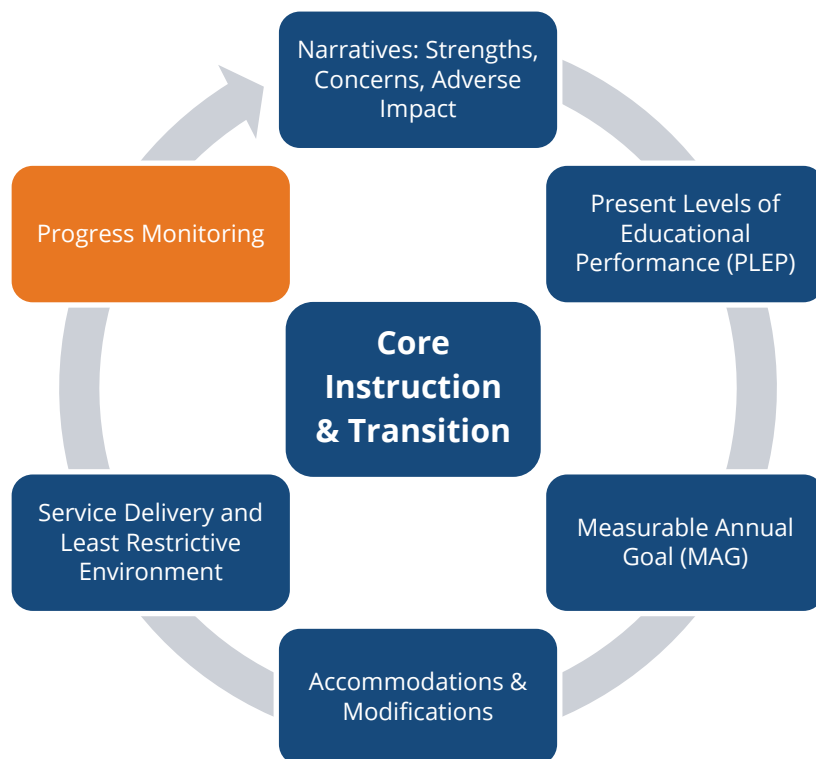
If goals are written to be measurable, and data is collected regularly, progress reports should then be less challenging to complete. Progress reports are sometimes the only communication that a parent may receive regarding their child's performance. It is important that the progress reports are completed in a timely manner, based on the window established by the school, and are accurately reflective of the student's performance based on data. Subjective statements of a child's performance are allowable and can be helpful, but objective data must be present in the progress report to inform the team on the appropriateness of the IEP goals, based on whether or not the student made adequate progress.

³⁶ Office of Special Education and Rehabilitation Services, *Letter to Kane*, (2018), Retrieved May 29, 2018 from <https://sites.ed.gov/idea/files/letter-to-letter-to-kane-4-18-18.pdf>.

Component 11: Progress Monitoring and Data to Support Student Progress

Component 11.1: Data-Based Decision Making

Ongoing assessment of student learning provides continuous feedback on the effectiveness of instruction and intervention and is essential in determining areas where a change in instruction and intervention may be required. Ongoing assessment is a method for tracking and comparing an individual's or a group's performance and progress through data collection. Through this process, data can be used to make decisions regarding instruction and intervention. Once several data points are collected, a pattern of response can be investigated.



Assessment is a major component of data-based decision making when reporting the PLEPs and developing MAGs on a student's IEP. The IEP must indicate the evaluative criteria, evaluation procedures, and schedules to be used to measure progress toward meeting the annual goal.

Instructionally relevant data can include but are not limited to:

- structured observations of targeted behavior in class
- student self-monitoring checklist
- written assessments
- behavior charting
- work samples
- summative assessments
- formative assessments

A single data source should not determine a student's experience!

- classroom assessments

Throughout the decision making process, IEP teams should consider qualitative data, as well as specific types of quantitative data, including screening, diagnostic, and progress monitoring (grade level and/or survey level).

Table 3.4: Sources of Data

Type of Assessment	Description	Examples May Include
Screening data	Brief, informative tools used to measure academic skills (i.e., basic reading skills, reading fluency, reading comprehension, math calculation, math problem solving, and written expression)	<ul style="list-style-type: none"> • AIMSweb • DIBELs • EasyCBM
Diagnostics	A process of determining the most basic skill deficit and which skills a student has mastered	<ul style="list-style-type: none"> • Phonological Awareness Skills Screener (PASS) • Phonics and Word Reading Survey (PWRs) • Qualitative Reading Inventory
Progress Monitoring	See component 11.2	See component 11.2
Other Qualitative and Quantitative Data	Teacher observations and notes can provide contextual information useful for making decisions about students. Student records reviews can include grades, attendance, and behavioral patterns.	<ul style="list-style-type: none"> • Teacher observations • Classroom grades • Common formative assessments • State-level assessments • Attendance • Behavioral patterns • Anecdotal notes • Intervention records

Questions for IEP Teams to Consider Regarding Intervention

Assessment data from multiple sources should be collected and analyzed to inform intervention decisions, intervention fidelity, and intervention changes. In this analysis, IEP teams should consider the context of assessments, the type of assessments, and the combination of assessments in order to synthesis the data to inform decisions. For example, since a screening assessment and a

diagnostic assessment have differing purposes, each should be considered in context and in comparison to one other. Teams can discuss guiding questions to consider if additional data is needed and/or what intervention adjustments may be needed.

1. Further assessment to refine the focus:
 - Have we used a diagnostic assessment to determine the student's most basic skill deficit or strength?
 - Have we applied the results of the diagnostic assessment to the intervention plan for the student?
 - Have we set a realistic, student-specific, measurable goal for the student?
2. Intervention adjustments:
 - Does the progress monitoring adequately address the skill that is being intervened on?
 - Does the student need to receive the intervention at a different interval, at a different time of day, or in different (least-restrictive) setting?
 - Is the provider trained to teach the intervention?
 - Is the intervention being implemented as designed?

Component 11.2: Types of Progress Monitoring

Overview

Progress monitoring is an essential component in determining student response to intervention. It is a process, thus data should include multiple sources of evidence with a focus on individual students.

Progress monitoring is used to:

- assess a student's academic performance,
- quantify a student's rate of improvement or responsiveness to instruction, and
- gauge the effectiveness of teaching.³⁷

Progress monitoring is relevant for classroom teachers, special educators, and school psychologists alike because the interpretation of this assessment data is vital when making decisions about the adequacy of student progress and formulating effective instructional programs.³⁸ When educators monitor student progress, teacher decision making improves and students become more aware of their own performance, thus raising achievement.³⁹

³⁷ Essential Components to RTI: Progress Monitoring, Retrieved from <https://www.rti4success.org/essential-components-rti/progress-monitoring>

³⁸ Fuchs, D., Compton, D. L., Fuchs, L. S., & Bryant, J. (2008). Making "secondary intervention" work in a three-tier responsiveness-to-intervention model: Findings from the first-grade longitudinal reading study at the National Research Center on Learning Disabilities. *Reading and Writing: An Interdisciplinary Journal*, 21, 413–436.

³⁹ Fuchs, L. S., & Fuchs, D. (2002). What is scientifically-based research on progress monitoring? (Technical report). Nashville, TN: Vanderbilt University.

Types: Complementary, not Equal

Within the science of progress monitoring, there are two major approaches or families: general outcome measurement and mastery measurement.⁴⁰ The information they provide serves different purposes (see Table 3.5). It is important to recognize that it is not an either/or question with respect to general outcome and mastery measurements. The two are complementary and are used together to build a more complete picture of student progress.

Table 3.5: Comparing General Outcome Measures and Mastery Measures

Progress Monitoring (adapted from M. Shinn and National Center on RTI)	
General Outcome Measure (Broad/Universal) <ul style="list-style-type: none">• Is the student becoming a better reader?• Testing something small to make statements about something big (i.e., testing WPM to make statements about the student as a reader)• Less frequent (unless the team determines a longer interval)• Assess on a standardized, equivalent measure• Comparison to other students, typically nationally normed• Rate of improvement specified• Does not provide a full pictures of student strengths and needs for instruction	Mastery Measure (Narrow/Needs-based) <ul style="list-style-type: none">• Did the student learn what I taught today/this week?• Testing something small to make statements about something big (i.e., assessing two digit addition to tell how the student adds two digit numbers)• More frequent (often daily)• Assessments can change with the student• Comparison to a clear criteria for mastery• The label mastery may be misleading assess for maintenance/generalization• Provide student strengths and needs to inform instructional decisions
GOM	MM

General Outcome Measurement

General outcome measures contribute to programmatic decisions, informed by broad questions as mentioned in Table 3.5. General outcomes measures may be administered at the student’s grade level or off level (above or below) to be more sensitive to growth. If measuring progress off level, students should be administered the grade-level assessment at given intervals in order to compare to grade-level peers. General outcomes measure probes typically:

- Are standardized

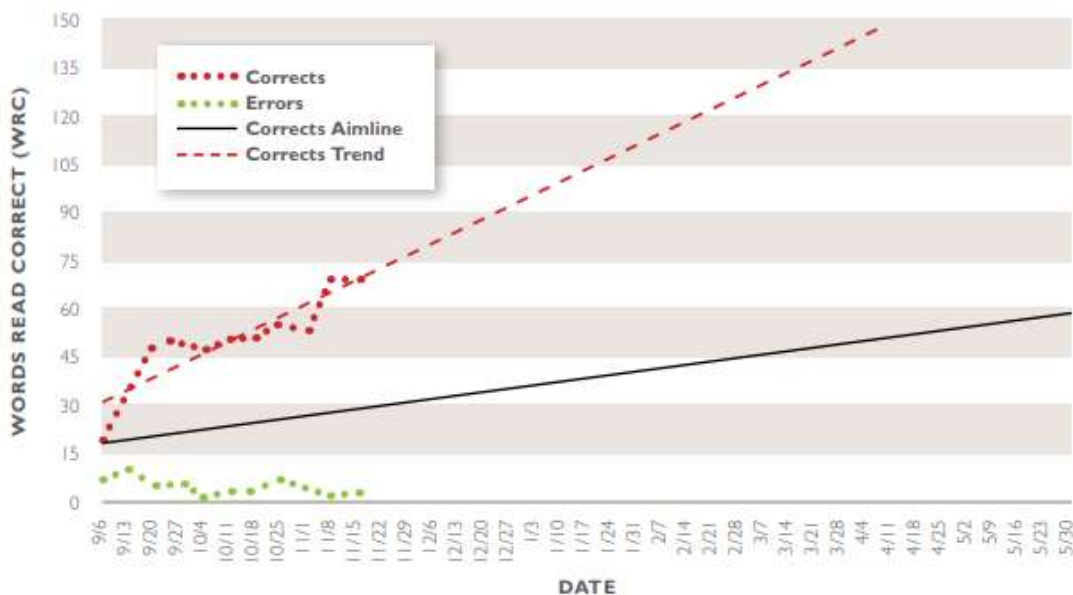
⁴⁰ Mark Shinn, *The Relation of AIMSweb Curriculum-based Measurement, and the Common Core Standards* [White Paper], Pearson Education, Inc., (2012).

- Include national percentiles
- Allow for repeated measures
- Report results so that rate of improvement can be calculated and transferred to graph form
- Are less sensitive to change
- Are aligned to broad areas of deficit
- Measure a broad outcome and the name of the probe does not define the area of need
 - Example: A student is progress monitored with an oral reading fluency measure, once every two weeks. If the student is showing less than adequate progress on the oral reading fluency probe, it does not mean that the student has a deficit in reading fluency. There is a high probability that the reason for the difficulty on the oral reading fluency probe is being caused by a deficit in basic reading or reading comprehension.

SAMPLE GOM GOAL

Given a grade level passage to read aloud in one minute, Johnny will read at least 75 words per minute in 4 of 5 opportunities per quarter as measured by an oral reading fluency probe.

Figure 3.1: GOM Graph Example



Mastery Measurement

Mastery measures contribute to understanding the more immediate instructional decisions regarding progress with specific skills being taught. It provides information about whether or not a student is gaining the skills specifically taught during intervention. (See Figure 3.2 for an example mastery measure graph.)

- Mastery measure probes are:
 - Often teacher-created or may be included within intervention resources

- More sensitive to change than general outcome measures
- Specific to areas of deficit, including basic reading skill(s), reading fluency, reading comprehension, mathematics calculation, mathematics problem solving, and written expression

SAMPLE MM GOAL

Given 10 two syllable pseudo with vowel teams, Johnny will read with 90% mastery on 4 of 5 opportunities per quarter as measured by weekly data collection.

Figure 3.2: MM Graph Example

FIGURE 3: A prototypical Mastery Monitoring progress monitoring graph showing repeated assessments within a skill area until mastery, then moving to the next skill taught.

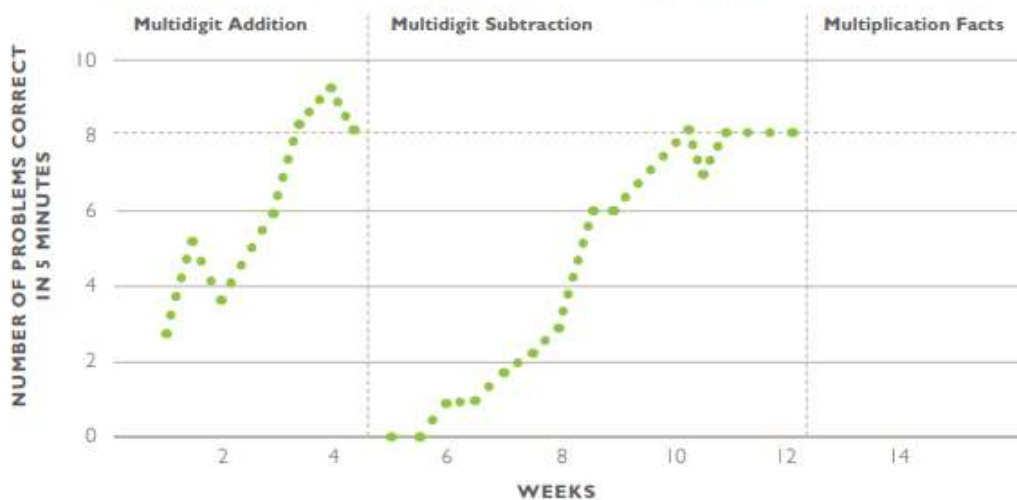


Figure adapted from Whitney Donaldson <http://www.studentprogress.org/library/presentations.asp>

Component 11.3: IEP Goal Measurement Considerations

Based on high-quality present levels, the IEP team writes annual goals which are specific to the student and related to the specific area of need in order to accurately reflect student performance and growth. The goals must indicate the evaluative criteria, evaluation procedures, and schedules to be used to measure progress toward meeting the annual goal. Goals should address what the student needs to close the gap in the identified deficit area and include the:

- Condition (e.g., materials, settings, etc.) with which the student will perform the task
- Clearly defined behavior, or what the student will do
- Criteria for mastery and schedule for evaluating mastery

If the goal is designed to be measured by a general outcome measure, then it is designed to answer a broader question, such as “Is the student becoming a better reader?” If the goal is designed to be measured by a mastery measure, then it is designed to answer a more specific question, such as “Has the student mastered reading two-syllable words with vowel teams?” **Since general outcome measures are broad and less individualized, IEP teams should consider writing mastery measure goals to more effectively guide instruction and measure incremental progress.**

Component 11.4: IEP Effectiveness

Intervention effectiveness should be monitored through multiple data sources, including mastery measures, general outcome measures, and mastery of grade-level standards as appropriate (see component 11). In *Endrew F. vs. Douglas County School District*, the U.S. Supreme Court determined that FAPE requires more than minimum progress; the school “must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”⁴¹ Therefore, student progress must be monitored closely and instructional adjustments should be made as needed. For example, if a student masters an IEP goal quickly within the timeframe designated by the IEP, the IEP team should reconvene to adjust the student’s goals. Conversely, if a student is not on track to master an IEP goal within the identified time frame, the team should meet to determine what is inhibiting the student’s progress, problem solve, and make necessary adjustments to the IEP. Goals should be based on current, detailed PLEPs and should not roll over from year to year.

The goal for all special education services is to assist the students in learning the skills necessary to no longer require any special education services and to no longer require an IEP. As students begin to close the gap, attempts should be made to reduce the intensity of interventions and/or amount of time in more restrictive environments in an effort to move the student toward successful full participation in the general education classroom and core instruction. These decisions should be based on the needs of the child and informed by multiple data sources, and that information must be shared with the student’s parents. The IEP team should include parents in the discussion to reduce services and communicate with them prior to removing or reducing services, making sure to appropriately document their actions. Additionally, it may be helpful to reduce services slowly to determine how it will impact the child and readjust as needed.

Component 12: Supporting Student Behavior

Although academic learning is the primary focus of schools, a student uses many non-academic skills while engaged in instruction and learning including:

⁴¹ Office of Special Education and Rehabilitative Services, Questions and Answers (Q&A) on U. S. Supreme Court Case Decision *Endrew F. v. Douglas County School District Re-1*, (2017), Retrieved May 16, 2018 from <https://sites.ed.gov/idea/files/qa-endrewcase-12-07-2017.pdf>.

- problem solving,
- organization,
- social skills,
- risk taking or learning something unknown,
- emotional regulation, and
- asking for support.

Student behavior can be supported through a [multi-tiered system of support \(MTSS\) framework](#). Through MTSS, all students receive instruction on appropriate grade-level expectations, for academic and social, personal, and behavior skills. For most students, this instruction is sufficient to meet grade-level expectations. At Tier II, some students receive strategic support in addition to Tier I. With that support, they are able to learn the needed skills and content for long-term success. At Tier III, a few students require intensive support in addition to Tier I in relation to academic, social, personal, and/or behavioral skills. A small number of students will need special education intervention, services, and support in academic, social, personal, and/or behavioral as determined by the IEP team. One way to address behavior within the MTSS framework is through the [Response to Intervention and Instruction for Behavior \(RTI²-B\) Framework](#).

The goals, intervention, accommodations, supports, and/or services identified by the IEP team should be designed to positively support a student and build self-regulation and self-monitoring skills for independence. A positive behavior system will focus on preferred behavior and will reinforce the student for progress toward this goal. As with academics, it is important to review the student's progress annually and determine the present level of performance using data.

Component 12.1: Tiered Behavior Supports

Behavior is communication. A student's behavior could be conveying a variety of messages such as: "I'm confused," "I'm afraid to fail," "I'm proud of me," or "I feel invisible." Most students will learn to use appropriate behavior through the teaching of expectations and slight redirections. However, for some students, additional supports are needed. Eligibility for special education, and consequently, an IEP, does not automatically imply that any need of the student must be addressed in the IEP or with special education services. As with academics, a student exhibiting a need for behavior support may be eligible for special education services in one area but may also benefit from supports through Tier II or Tier III intervention in another area. For example, a student may be eligible for special education due to their reading disability. As a result of struggling in reading, the student tends to act out in class in order to avoid the stress of reading instruction. The student may benefit from a Tier II intervention, perhaps a weekly lunch with a small group in the school counselor's office to work on ways to request help, support a friend, and deal with frustration while also using a daily check-in/check-out form. The Tier II support would not be a part of the student's IEP services; however, it is important for the IEP team to consider the student's needs and progress within the intervention to determine if more intensive support is necessary. When developing a behavior intervention plan, the team may want to consider the following:

- What is the student’s behavior communicating?
- What are they gaining from the behavior?
- What are they avoiding when engaged in the behavior or the consequence of the behavior?
- Does the student know how/when to use the preferred behavior or strategy?
- What would encourage or be reinforcing for the student?
- Is Tier II or Tier III support intensive enough to meet the student’s needs?
 - How do we know?

Special Education Support for Behavior

As stated in the [OSEP *Endrew F. vs. Douglas County Questions and Answers* document](#), schools must consider positive behavior intervention and supports when necessary to provide FAPE. A student’s behavior may be impeding his/her learning or the learning of others to such a degree that they may require more intensive behavior support through special education. If a student’s PLEPs indicate a deficit in behavior, he/she must have MAGs specific to the student’s behavior deficit and needs. To the greatest extent possible, the goals should describe the preferred behavior or skill the student will learn and use, rather than the behavior they will avoid. While the ultimate goal is to replace any behavior that is impeding the student’s learning or the learning of others, this may take more than one year, and so the goal should reflect a reasonable expectation at the end of the IEP year given the intervention, supports, accommodations, etc.

Also, the expectation for behavior should be age appropriate. For example, a student that has many off-task or avoidance behaviors may have a goal to stay on task for a certain number of minutes. A replacement behavior should be age-appropriate and the amount of time expected should be reflective of the student’s age. Likewise, any replacement behavior or strategy should be age appropriate.

For more information related to MTSS and behavior, please refer to the department’s [student support overview](#) webpage and [behavior resources](#) webpage.

Component 12.2: Functional Behavior Assessment

A formal assessment process for understanding a student’s behavior is an FBA. An FBA involves data gathering from various sources (e.g., direct observations, teacher and parent input, developmental history, behavior tracking systems) to help determine reasons why an individual is displaying behaviors (i.e., the function of the behavior) in order to for teams to create an effective behavior plan. An FBA can be completed for students with and without disabilities. However, an FBA, or if one already exists, an FBA review, is legally required when a student with an IEP engages in behavior that results in a change of placement for the student of more than 10 days. However, if a student’s behavior continues to significantly impede their learning, the learning of others, or is unsafe, an IEP team may choose to conduct an FBA at any time.

An FBA is an individualized evaluation and therefore, in accordance with IDEA, written, informed parental consent is required. Pursuant to recent clarification from the United States Department of Education's office of special education programs, citing [Letter to Christiansen, 48 IDELR 161, \(February 9, 2007\)](#),⁴² written parental consent is required whenever a functional behavioral assessment is intended to evaluate the educational and behavioral needs of a single, specific child.

If a parent refuses to provide written consent, or fails to respond to a request for written consent, a school district may exercise its rights pursuant to 34 C.F.R. §300.507⁴³ by requesting a due process hearing and seeking a judicial order for an FBA. ([Memo March 18, 2010](#))

If a parent disagrees with an FBA, the parent is entitled to request an independent educational evaluation at the district's expense, subject to the conditions in 34 C.F.R. §300.502.⁴⁴

The FBA Process

An FBA is a problem solving process for gathering information which describes and seeks to understand the student problem behavior(s). This is a critical step for supporting students with complex or unsafe behavior and should be thoughtfully completed with all vested stakeholders who have firsthand knowledge about the student, including his/her family. A variety of data should be collected for the team to review including teacher and parent interviews, observations, behavior and data collection, discipline records, IEP goal progress monitoring, prior BIPs, and any additional data available.

Teams can collect data on the problem behaviors as part of direct observations as well as other behavior data methods such as documenting the rate/frequency, duration, and intensity of behaviors. Part of the data collection methods should include antecedent information (e.g., settings, environment, people, and/or event that occurred just prior to the problem behavior) and consequences (i.e., what happened as a result of the presented behavior).

Resources:

- The Tennessee Behavior Supports Project has provides sample forms that can be used as part of the data collection process.
 - Middle TN: <http://tennesseebssp.org/resources/tier-iii/>
 - West TN: <http://www.tbspmempis.com/h>
- The IRIS Center provides a training module ([here](#)) on FBAs that teams may use as a resource.

⁴² Office of Special Education and Rehabilitative Services, *Letter to Christiansen, (2007)*, Retrieved on May 29, 2019, <https://www2.ed.gov/policy/speced/guid/idea/letters/2007-1/christiansen020907discipline1q2007.pdf>.

⁴³ Individual with Disabilities Education Act, 34 C.F.R §20-300.507 (b)(2), (2004).

⁴⁴ Individual with Disabilities Education Act, 34 C.F.R §20-300.502 (2004).

The completed FBA will help the team determine at a minimum:

- Student strengths and weaknesses
- Operationally defined target or undesirable behaviors (i.e., description of the behaviors in terms that are observable and measurable by any one)
- Antecedents present when the student is engaging in the undesirable behavior (i.e., setting, course/content, task, peer/adult interaction, etc.)
- Antecedents present when the student is engaging in a preferred behavior
- A baseline of the frequency, duration, and intensity of the undesired behavior prior to interventions
- Consequence of the target behavior(s) (e.g., response of others, changes to environment or setting, etc.) and how that impacted the frequency (i.e., increase or decrease of undesirable behavior) or intensity of the behavior (i.e., escalation or escalation of undesirable behaviors)
- Hypothesized (reason) function of the behavior (i.e., escape, affiliation or attention, tangible, sensory)
- Replacement (preferred) behavior or coping strategies

An FBA may be conducted by school personnel and does not require a specific licensure or degree. However, school teams may seek to include a behavior specialist or school psychologist to guide the discussions, conclusions, and intervention or BIP development.

When conducting an FBA, a team should collect data from a variety of sources and base any conclusions on the holistic data rather than a single piece of information or assumptions based on prior student evaluations. For example, an FBA is being completed on a student who runs from the classroom and has run out of the building. There are many possible reasons for this behavior, but it is the analysis of the antecedent that will lead the team to a conclusion. In the absence of antecedent data, it could be hypothesized that the student wants to escape and the behavior plan would be written in an effort to make the classroom safe and welcoming. However, if the data collected indicated the student ran each time the class:

1. Worked independently for long periods of time in a fairly quiet setting
 - a. Then, it could be hypothesized that the student needs sensory input and the behavior plan would be written to provide additional sensory input, particularly when the learning is independent for lengthy amounts of time and the room is quieter.
2. Transitioned to a new activity
 - a. Then, it could be hypothesized that the student is unaware of the schedule and believes it is time to leave the room so the behavior plan may include visual scheduling and supports around determining cues.
3. The assistant principal, a favorite person of the student, was the one to get them
 - a. Then, it could be hypothesized that the student is seeking affiliation with that person so the behavior plan would focus on building in time with the assistant principal in a way that supports safe and preferred behavioral choices.

In each of the above scenarios, the behavior was the same; running out of the classroom. However, the data provided different information about the antecedents and hypothesized function of the behavior which led to different strategies and techniques. Correctly identifying the function can minimize the time guessing and trying new behavior plans by the team and instead focus on refining the plan to both meet the needs or function of the behavior, while simultaneously teaching the student alternative behaviors or coping strategies that are safer than the target behavior and allow the student fuller access to instruction.

This is not a simple, one-time process and may need to be revisited several times throughout the year. A full IEP meeting is not necessary each time the team reviews a student's FBA; however, if the results of the FBA (or FBA review) may impact a student's provisions of services and supports through the IEP, an IEP team meeting must be held to make any changes to the IEP. In addition, if a student's unsafe or highly impacting behaviors are increasing, the IEP team may need to reconvene to determine if the student's current service delivery model is meeting his/her needs or if a new, more intensive, LRE needs to be considered. For more information on FBAs, please visit the department's [behavior resources](#) web page.

Component 12.3: Behavior Intervention Plan

A BIP is a plan that includes positive strategies, program modifications, and supplementary aids and supports aimed to decrease problem behaviors and reinforce replacement behaviors that allow the child to be educated in the LRE. The BIP should be developed using the data and recommendation from the FBA. A BIP should, at a minimum, outline the following:

1. A clear description of the target behavior(s). This is the one that the team is attempting to extinguish or reduce.
 - a. A current baseline for the target behavior
 - b. Function (i.e., reason) of the behavior
2. Clearly defined replacement behavior
 - a. How the replacement behavior will be taught or the intervention
 - b. When and where the intervention will take place
 - c. How the intervention will be progress monitored
3. A positive reinforcement plan for the use of the replacement behavior and/or decrease of the target behavior
4. Environmental or other strategies/accommodations to reduce the antecedent(s) to the target behavior(s)
5. Consequence plan for when the target behavior occurs
6. For unsafe behavior, a crisis plan or safety plan the student
7. Staff members required for BIP implementation and team member responsibility(ies)
8. Identify any training or additional information needed by any staff members
9. Date and time to reconvene and review student progress on the BIP goals

The BIP should be perceived as a playbook that outlines the actions of the adults to create a single coherent and consistent plan for the student. Using clear, observable descriptors will help ensure the same understanding of all staff supporting and interacting with the student on a regular basis. The team should also consider informing, and when needed, training the support staff that engages daily with the student such as the cafeteria staff, office staff, and bus driver(s). Working together as a team will help the student to understand both the expectations and the rewards of the replacement behavior(s).

A student's behavior will not change simply because a BIP was created. It is the thoughtful and consistent implementation of the plan that supports the student in learning and achieving his/her goals. As with academic interventions, if the intervention is not working or the progress the student is making is very slow, change the intervention. Additionally, as the student grows and develops, the strategies and behavior intervention(s) need to grow and develop as well. Most importantly, the strategy(s) selected need to be ones that the whole team feels they can implement with fidelity to increase the likelihood of a successful BIP.

An example of a BIP can be found at the [Tennessee Behavioral Support Project](#) of Middle Tennessee.

Component 12.4: Manifestation Determination

Manifestation determinations are a part of federal regulations related to the Procedural Safeguards for Parents and Children. Per 34 C.F.R. §300.530(e), IEP teams must meet within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct. The school district, the parent, and relevant members of the child's IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (ii) If the conduct in question was the direct result of the school district's failure to implement the IEP.

In general, suspension or expulsion should be used as a last resort. However, there are times when a student's behavior is such that it warrants the disciplinary action of suspension or expulsion. A student may be suspended or expelled for up to 10 cumulative, total school days a year without requiring a manifestation determination review. During the 10 "FAPE Free" days there is no duty to provide alternative services, IEP meeting, manifestation review,

If a student has transportation services as a requirement of the IEP, a bus suspension does count in the 10 cumulative days.

BIPs, or FBA.⁴⁵ In-school suspensions will not count toward the 10 days if the school and staff ensure that the student “is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the child’s IEP, and continue to participate with nondisabled children to the extent they would have in their current placement.”⁴⁶ A manifestation determination review is required when:

- The student has been suspended or expelled for more than 10 total, cumulative days, regardless of the infraction(s)
- The student has a pattern of behavior that is resulting in removal from FAPE
- The student has a zero-tolerance infraction(s) and will be remanded

The manifestation review team will schedule a meeting. This review must occur within 10 school days and may be conducted on as little as 24 hours’ notice to the parent.⁴⁷ The meeting occurs even if the parent is not able to attend. However, it is best practice to include the parent whenever the team is able to reasonably accommodate. Ideally, the manifestation review would include a representative from the school district, the parent, and relevant members of the IEP team as determined by the district and parent. The team must review all relevant information in the student’s file, including the student’s IEP, teacher observations, and any relevant information provided by the parent. The manifestation determination review must address the following questions:

1. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the student’s disability;
- OR**
2. Was the conduct in question the direct result of the LEAS’s failure to implement the IEP?

Behavior is Determined not to be a Manifestation of the Student’s Disability

If the student’s behavior is determined by the manifestation determination review to not be a manifestation of the student’s disability, the student is subject to the same disciplinary actions as their non-disabled peers. However, special education services must continue to be provided during any period of removal. The IEP team determines the interim alternative educational setting for services.⁴⁸

The IEP team has the duty to provide, as appropriate, an FBA and behavior intervention services and modifications that are designed to address the behavioral violation so that it does not recur.⁴⁹ If a student’s behavior is escalating or not improving, the current BIP is not effective for that student and needs to be revised with new or additional intervention strategies. This process may also require a team to re-evaluate the FBA, but not always.

⁴⁵ Individual with Disabilities Education Act, 34 C.F.R §300.530 (2004).

⁴⁶ Federal Register, Vol 71., No 156, (2006), 46,715 Retrieved from <https://sites.ed.gov/idea/files/finalregulations.pdf>

⁴⁷ Individual with Disabilities Education Act, 34 C.F.R §20-300.5(e) (2004).

⁴⁸ Individual with Disabilities Education Act, 34 C.F.R §300.531 (2004).

⁴⁹ Individual with Disabilities Education Act, 34 C.F.R §300.530(d) (1) (ii) (2004).

In the case of a **zero-tolerance offence** (i.e., drugs, alcohol, weapon, or excessive physical harm) the rules regarding the result of the manifestation determination vary slightly. If the manifestation determination review determines the zero-tolerance offense was not a manifestation, the student will be disciplined and/or remanded in accordance with the district zero-tolerance policy.

Behavior is Determined to be a Manifestation of the Student's Disability

If the student's behavior (not zero-tolerance) is a manifestation of the student's disability, an FBA must be completed if the student does not already have one available. If the student has a current FBA and BIP, the manifestation determination team must review them and make any needed modifications. If a student does not have a current behavior plan, one must be developed to address the current behavior concern(s).⁵⁰

The student is then returned to the placement from which they were removed unless the parent and school agree to a change of placement as a part of the modification of the behavior Intervention plan.

In relation to a **zero-tolerance offence**, if the manifestation determination review determines that the zero-tolerance offence was a manifestation of the student's disability, or due to the failure of the school district to implement the IEP with fidelity, then the student may be remanded for 45 days to an alternative school. The student shall continue to receive special education services within the alternative school/setting. However, the IEP team may meet to update the services based on the student needs within the new setting. At the end of the 45 days, the student will return to the school setting in which the infraction occurred unless the IEP team meets and determines that this is no longer the student's LRE.

Parent Rights

The parents have a right to appeal the decision of the manifestation determination team. They may request an expedited due process hearing. The hearing must be conducted within 20 school days of the school district's receipt of the request and a decision rendered within 10 school days of the hearing.⁵¹ The student remains in the disciplinary setting pending the outcome of the expedited hearing. Stay put, in disciplinary matters, is the interim alternative setting determined by the school, not the setting from which the student was removed.⁵² The school district must show that continuing a student in the current, non-disciplinary setting is likely to result in injury to the student or others. If the school district prevails in an expedited hearing, the judge may order the student to remain in the interim alternative setting for not more than 45 school days.⁵³

⁵⁰ Individuals with Disabilities Education Act, 20 U.S.C. 1415 (k)(1)(F), (2004).

⁵¹ Individuals with Disabilities Education Act, 20 U.S.C. 1415 (4)(B), (2004).

⁵² Individuals with Disabilities Education Act, 34 C.F.R. §300.533, (2004).

⁵³ Individuals with Disabilities Education Act, 34 C.F.R. §300.532 (b)(2)(ii), (2004).

Component 12.5: Isolation, Seclusion, and Restraint

In an ideal situation, a comprehensive FBA leads to a fully developed BIP that ensures a student's behavior remains safe, targeted behaviors are extinguished, and the student uses the replacements behavior(s) consistently. However, this is not always the case. There are a few students for whom their behavior or disability impacts them to such a degree that they are unsafe to themselves or others. In these emergency situations isolation (seclusion), and/or restraint may be necessary for the student's safety and/or the safety of those around them.

The Tennessee Special Education Behavioral Supports Act⁵⁴ provides the following definitions:

(4) "Isolation" or "seclusion":

(A) Means the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to § 49-10-1305(g) where the student is physically prevented from leaving; and

(B) Does not include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, that time-out may involve the voluntary separation of an individual student from others;

(8) "Physical holding restraint" means the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body;

§ 49-10-1305. Restrictions on administration of, or use of, isolation or restraint.

(a) Administering a chemical restraint to a student receiving special education services, as defined by § 49-10-102, is prohibited; provided, that nothing in this subsection (a) shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

(b) Administering a noxious substance to a student receiving special education services, as defined by § 49-10-102, is prohibited.

(c) The use of any mechanical restraint on any student receiving special education services, as defined by § 49-10-102, is prohibited.

Both isolation and restraint minimize or prevent freedom of movement. This is an important part of the definition to understand in order to prevent restraint or isolation when it is not an emergency situation.

Some students require equipment for positioning, maintaining physical health, communication, etc. The equipment may limit movement, such as a chair for positioning that includes a seat belt. This equipment is important for the student's health and success. *However, staff should ensure that it is not used to force compliance, obedience, or prevent a student from leaving the area.* Disabling or removing

⁵⁴ Special Education Behavioral Supports Act, Tenn. Code Ann. § 49-10-1301-1307) (2011).

any equipment or device required by the student, such as a wheelchair or augmentative communication device, as a means or coercion, punishment, convenience, or retaliation is prohibited.

Restraint, either by physically minimizing a student's movement or physically directing the movements made by the student, or an isolation within a room in which the student's exit is restricted shall only be imposed by school personnel who have been certified for completing behavior intervention training. Only if no trained personnel are available, is it permissible for other school personnel to restrain/isolate the student. A student may not be locked in a room or physical space that is structurally built to prevent the student's ability to leave once calm. Any exit plan needs to be developed with the intention of the isolation or restraint ending as soon as the student is safe. Procedures or protocols for the student to demonstrate that they are calm and ready to exit should be designed with the expectation of a rapid exit and based on the knowledge the team has of the individual student.

Pre-Planning for Restraint/Isolation

In order to ensure that school personnel are prepared for an emergency, a school should develop a plan for restraint and/or isolation. Just as with other emergency plans such as a fire evacuation plan (fire drill) or tornado drill, the plan is developed with the hope that it is never needed or used.

One strategy to prepare for a crisis situation is to create a "hallways clear" code or drill. This drill, when used would signal to students that they are to remain in their current classroom, engaged in instruction until notified the drill is complete. Keeping the hallways clear then provides an opportunity for a student who is unsafe to be calmed, or restrained without an audience or peers being placed at risk. This same drill may be found useful for other situations such as a student who is injured and will need treated by paramedics or ambulance, parents loudly arguing or confronting one another, or to prevent injury while a student who has eloped from class and is actively running in the hall. School personnel may wish to identify a space that can be used for isolation. This space must:

- be unlocked
- be free of any condition that could be dangerous to the student
- be well-ventilated
- be temperature controlled
- be well lighted
- allow continuous visual contact from school personnel
- be at least 40 foot square
- be in compliance with all state and local fire, health, and safety codes.

Reporting the Restraint and/or Isolation

In accordance with [Tenn. Code Ann. § 49-10-1304](#)⁵⁵, the Special Education Behavioral Supports Act, administrators must be notified when a student has been restrained/isolated. In addition, parents must be notified, orally or in writing, on *the same day* their student has been restrained/isolated, including the length of time the restraint/isolation was imposed and to what degree (physical hold or held within an area and blocked for leaving). If the student has been restrained/isolated and has no prior FBA or BIP completed, the school should request permission to begin an FBA in order to prevent further escalation to the degree that requires restraint/isolation.

Additionally, any restraint must be noted in a report to the district and compiled by the district to send to the department at least annually. However, school districts and schools may wish to collect and compile data in regard to restraint and isolation more often, including students without disabilities.

In situation where the student's behavior required both, a restraint and an isolation, the team should report both situations into EasyIEP. For example, a student becomes upset and begins running around the classroom trying to stab the adults and peers with their pencil. Two trained staff members restrain the student and use a restraint transport to safely move the student to the isolation room. The staff is able to let go and exit the isolation room and the student remains isolated until they have sufficiently calmed down to remain safe upon leaving. In this scenario the team would first complete a restraint report and then complete the isolation report. This dual reporting provides more accurate information both to the parents and to the student's IEP team on their behavior needs and crisis, or unsafe behavior pattern.

Training in Restraint and Isolation

The Special Education Behavioral Supports Act, T.C.A. § 49-10-1303, defines the legal requirements for training, use, and reporting of isolation and restraint. School personnel who may be involved in isolation and/or restraint should be knowledgeable of these requirements. For additional information related to T.C.A. § 49-10-1303, please refer to the [Frequently Asked Questions](#) created by the department restraint task force. For more information on restraint and isolation, please visit the department's [behavior resources](#) web page.

BEST PRACTICE

If the team is unclear whether the actions of a staff member/team was an isolation or restraint, it is better to err on the side of caution and report it to the parents, administrator, and document appropriately. This choice provides the opportunity for open, honest, and transparent data of the student's behavior and the staff response.

⁵⁵ Special Education Behavioral Supports Act, Tenn. Code Ann. § 49-10-1304 (2011).

Glossary

Accommodations: A change in how a student with a disability participates in the educational program. The key distinction between an accommodation and modification is that an accommodation does not alter what a student is expected to learn, only how the student participates in the learning activity. IDEA specifically references accommodations made to support participation in state- and district wide assessments (20 U.S.C. 1414 & 615(d)(1)(a) (VI)), but in practice, accommodations necessary to participate in assessments usually are needed for student to participate in the educational program as well. For example, a student may have an accommodation to have tests read aloud to him/her. This accommodation would be used not only during state- and district wide assessments but also in all classroom testing situations (daily quizzes, content-specific tests). Providing preferential seating in the classroom, repeating directions given to the class individually for a student, and allowing extra time to complete assignments, are all accommodations commonly provided students with disabilities.

Accuracy: A correct identification or answer. The number of correct divided by overall questions multiplied by 100 is the accuracy percentage for a specifically measured skill.

Activities: Academic and physical tasks that a student participates in.

Adaptive behavior: Includes the age-appropriate behaviors necessary for people to live independently and to function safely and appropriately in daily life. Adaptive behaviors include real life skills such as toileting, grooming, dressing, safety, safe food handling, school rules, mobility within the classroom, ability to work, money management, cleaning, making friends, social skills, and personal responsibility.

Age of majority: When a student reaches the age of 18 (age of majority), the rights of the parent(s)/legal guardian(s) transfer to the student with a disability. Notification of the age of majority rule must be explained to parent(s)/legal guardian(s) and documented in the IEP. This information must be provided at least one year prior to the student's eighteenth birthday.

Alternate assessment: IDEA requires that all students with disabilities participate in district-wide assessment programs and that alternate assessments be provided for students with disabilities who cannot participate in grade-level assessments, even with accommodations

Articulation: Movement of articulators (including lips/tongue/teeth) to produce speech sounds. Articulation is judged through correct placement, manner, and voicing.

Assessment or evaluation: The testing and diagnostic processes leading up to the development of an appropriate IEP for a student with special education needs.

Assistive technology (AT) device: A device that includes any item, piece of equipment, or product system that is used to increase, maintain, or improve the functioning of individuals with disabilities. It may be purchased commercially off the shelf, modified, or customized. The term does not include a medical device that is surgically implanted, or the replacement of such a device. AT devices range from low tech, such as a magnifying glass to high tech, such as a computer that responds to touch and allows a child to communicate more effectively.

Assistive technology service: A service that directly assists in the selection, buying, designing, fitting, customizing, maintaining, repairing, replacing, and coordinating of AT devices. It also includes the training of students, teachers, therapists, and family members on the use and maintenance of the device.

Audiologist: A person holding a master's degree or doctoral degree in audiology and having American Speech-Language and Hearing Association certification (CCC-A) or Fellow of American Academy of Audiology who is responsible for identification, audiological evaluation, and management of hearing impaired persons.

Augmentative alternative communication system (AAC): A system that increases or improves the communication abilities of individuals with receptive or expressive communication impairments. The system can include sign language, graphical symbol systems, synthesized speech, dedicated communication devices, and computer applications. AAC technology spans a wide range of products, from low-tech picture boards to high-tech speech recognition programs.

Autism: A developmental disability, which significantly affects verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experience. The term of Autism also includes students who have been diagnosed with an Autism Spectrum Disorder such as Autism, Pervasive Developmental Disorder—Not Otherwise Specified (PDD-NOS) or Asperger's Syndrome when the child's educational performance is adversely affected. Additionally, it may also include a diagnosis of a Pervasive Developmental Disorder such as Rett's or Childhood Disintegrative Disorder. Autism may exist concurrently with other areas of disability. After age three, a child could be diagnosed as having autism if the child manifests the above characteristics. Children with Autism demonstrate the following characteristics prior to age three:(1) difficulty relating to others or interacting in a socially appropriate manner;(2) absence, disorder, or delay in verbal and/or nonverbal communication; and (3) one or more of the following:(a) insistence on sameness as evidenced by restricted play patterns, repetitive body movements, persistent or unusual preoccupations, and/or resistance to change; (b) unusual or inconsistent responses to sensory stimuli.

Behavior intervention plan (BIP): A plan that includes positive strategies, program modifications, and supplementary aids and supports that address a student's problem behaviors and allows the child to be educated in the Least Restrictive Environment (LRE).

Best practice: A method or technique that has been generally accepted as superior to any alternatives because it produces results that are superior to those achieved by other means or because it has become a standard way of doing things (i.e., a standard way of complying with legal or ethical requirements).

Blindness: Condition defined by lacking visual perception due to physiological or neurological factors.

Career and technical education (CTE): A program of study in a career field that is a clearly defined, progressive sequence of courses grouped by knowledge and skills, including a rigorous set of standards. CTE courses are aligned with postsecondary and industry opportunities, and programs of study are group into nationally recognized career clusters and typically contain 3–5 courses.

Collaboration: A purposeful educational relationship in which all parties strategically choose to cooperate in order to achieve shared or overlapping objectives

Communication: The act or process of using words, sounds, signs, or behaviors to express or exchange information or to express your ideas, thoughts, feelings, etc. to someone else.

Community experience: Transition services occurring in the community, delivered by the school or other agencies that provide students with the opportunity to practice skills in the actual settings in which they will be used.

Coordinated set of activities: A set of activities/strategies that lead toward the achievement of the student's measurable post-secondary goals and successful adult living.

Course of study: A multi-year listing of courses that the student will take in order to enable him/her to reach their postsecondary goals. When preparing the course of study/plan of study, graduation requirements should be taken into consideration.

Critical thinking: The process we use to reflect on, assess and judge the assumptions underlying our own and others ideas and actions. Sometimes referred to as convergent thinking.

Cultural considerations: Refers to everything that defines and distinguishes a person including ethnicity, gender, age, sexual orientation, language, values, goals, and life experiences.

Daily living skills: Skills required for day-to-day functioning.

Deafness: A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification.

Developmentally appropriate: Teaching young children in ways that meet children where they are, as individuals and as a group support each child in attaining challenging and achievable goals that contribute to his or her ongoing development and learning.

Due process: A requirement under the Individuals with Disabilities Education Act (IDEA) that sets forth regulatory basis for a formal set of policies and procedures to be implemented by schools and districts for children in special education programs. Due process is intended to ensure that children with learning disabilities and other types of disabilities receive a free appropriate public education. The notice must be given in writing within 30 days. IDEA provides two methods for resolving disputes, mediation or fair hearing.

Emotional regulation: A child's ability to notice and respond to internal and external sensory input, and then adjust his emotions and behavior to the demands of his surroundings.

Environmental setting: Setting up accommodations in the educational environment.

English as a second language (ESL): An academic discipline/program that is designed to teach ELs social and academic language skills as well as the cultural aspects of the English language necessary to succeed in an academic environment; it involves teaching listening, speaking, reading and writing at appropriate developmental and proficiency levels with little or no use of the native language.

English learner (EL): A person who is in the process of acquiring English as an additional language and has a primary language other than English. Same as an English language learner (ELL) and federally the term is LEP for limited English proficient.

Eligibility: Eligibility decisions for special education services is two-pronged: (1) the team decides whether the evaluation results indicate the presence of a disability **and** (2) the team decides whether the identified disability adversely impacts the student's educational performance such that he or she requires the most intensive intervention (i.e., special education and related services).

Evaluation: The procedure used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term refers to procedures used selectively with an individual child and does not include basic tests administered to, or procedures used with, all children in a school, grade, or class.

Evaluation/re-evaluation report: A summary of evaluation/re-evaluation results obtained in the process of collecting information to determine if the child is a child with a disability or continues to be a child with a disability. The report(s) will vary from student to student, depending upon the type

of evaluation completed (i.e., psycho-educational evaluation, occupational or physical therapy evaluation, or speech-language evaluation, etc.). The evaluation/re-evaluation report includes a summary of assessments and interpretation of those assessments.

Expressive language: Ability to communicate one's thoughts, verbally or non-verbally. It includes: morphology (word markers), syntax (word order), semantics (meaning), and pragmatics (social language).

Fine motor: The skilled use of one's hands. It is the ability to move the hands and fingers in a smooth, precise and controlled manner. Fine motor control is essential for efficient handling of classroom tools and materials. It may also be referred to as dexterity.

Focused plan of study: An initial four-year plan of focused and purposeful high school study.

Formal assessments: A formal assessment is any kind of test that is administered to gauge the proficiency level of the student taking the test

Fluency: (Automaticity) is reading words with no noticeable cognitive or mental effort. It is having mastered word recognition skills to the point of overlearning. Fundamental skills are so "automatic" that they do not require conscious attention. http://reading.uoregon.edu/big_ideas/flu/flu_what.php

Free Appropriate Public Education (FAPE): Special education and related services that (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the state education agency, including the requirements of this part; (c) include an appropriate preschool, elementary school, or secondary school education in the state involved; and (d) are provided in conformity with an IEP that meets the requirements of Sec. Sec. 300.320 through 300.324.

Functional behavior assessment (FBA): A problem solving process for gathering information which describes student problem behaviors, looks for the reasons (function) behind the behaviors, and offers interventions that teach new behaviors to replace the undesired ones.

Functional/vocational evaluation: An assessment process focused specifically on providing information about job or career interests, aptitudes, and skills.

General education teacher: A teacher qualified to teach the student, who will be able to provide data on academic progress through a variety of classroom assessments and daily observations, as well as provide information shared by parent(s)/legal guardian(s).

Gestures: A movement of part of the body, especially a hand or the head, to express an idea or meaning without the use of words.

Health and safety: Skills needed for protect and respond to health, illness, and injury, including following safety rules, using medicines, showing caution, etc.

Hearing impairment: Full or partial decrease in the ability to detect or understand sounds.

Home language, first language, or primary language: These terms have several possible meanings for ELs: the first language learned, the dominant language, the native language, and/or the language most frequently used.

Homeless: Individuals who lack a fixed, regular, and adequate nighttime residence.

Immigrant: A person who comes to live permanently in a foreign country.

Individualized Education Plan (IEP): A written statement for a child with a disability that is developed, reviewed, and revised in accordance with Sec. Sec. 300.320 through 300.324.

Individualized Education Plan meeting: Required by federal statute, is convened at least once a school year to plan an educational program that is tailored to the needs of each disabled child.

Individuals with Disabilities Education Act (IDEA): A federal law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.

Instruction: Refers to formal instruction that takes place in the school, home, or community, including community-based instruction, academic and career/technical education courses, self-determination and self-advocacy training, and extracurricular activities.

Intellectual disability: Characterized by significantly impaired intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affect a child's educational performance.

Intervention: A combination of program elements or strategies designed to produce educational and/or behavior changes for a student.

Large scale assessment: Traditionally defined as the measuring of student progress at the local, state, or national level.

Learning styles: Preferred way(s) in which individuals interact or process new information across the three domains of learning identified in the taxonomy of educational objectives: cognitive (i.e.,

knowledge), psychomotor (i.e., skills), and affective (i.e., attitude). An individual's preferred learning style is how he or she learns best.

Least dangerous assumption: Considering general education first for all students, regardless of disability, is a critical component of the least dangerous assumption.

Least Restrictive Environment (LRE): The setting in which special education services and supports will be provided to the student. LRE is based on the presumption that the general education setting is the first choice for educating all individuals. LRE refers to a related set of requirements aimed at providing individuals with disabilities: the greatest interaction with children, youth and adults without disabilities; the appropriate education; and the special assistance needed for success in the general education setting. LRE **is not** contingent on funding issues.

Limited English proficient (LEP): A student who is not fully English proficient, speaks a language other than English at home, and does not demonstrate English language skills of comprehension, speaking, reading, and writing at a level of proficiency.

Low vision specialist: A state-credentialed teacher with an endorsement in the instruction of students with visual impairments. This person is certified to conduct and/or interpret functional vision assessments.

Manifestation determination: The IEP team review of all relevant information in the student's file to determine if misconduct in question was caused by the child's disability or if the misconduct was a direct result of the school district's failure to implement the child's IEP; must occur within 10 school days of any decision to change the placement of a child with a disability because of violation of school code.

Math calculation: Computing numbers using a designated process.

Measurable Annual Goal (MAG): Addresses a student's specific area of deficit and will align to present levels of educational performance (PLEPs).

Measurable postsecondary goals (MPGs): Goals for the student after they leave high school. These are goals the student is expected to meet within five years of graduation or exit from the high school.

Media: Tools utilized for communicating with parent(s)/legal guardian(s).

Migrant student: A child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker or migratory fisher, and who, in the preceding 36 months, has moved from one school

district to another, to obtain or accompany such parent, spouse, or guardian, in order to obtain temporary or seasonal employment in agricultural or fishing work as a principal means of livelihood.

Modifications: Changes made in the educational program that allow a student with a disability to attain MAGs, be involved in and make progress in the general education curriculum, and be educated with other children with disability and without disability (20 U.S.C. 1414 & 614 (d)(1)(a)(i) (IV)). These changes modify what the student is learning compared with his or her general education peers. For example, a student might receive a modified instructional setting (i.e., a reduced student-to-adult ration), a modified instructional objective (i.e., learning to write his or her name rather than learning to write sentences), or modified instructional materials (i.e., a summarized version highlighting key words of a text as opposed to the entire text).

Multi-Tiered System of Supports Framework: The MTSS Framework is a problem-solving system for providing students with the instruction, intervention, and supports they need with the understanding there are complex links between students' academic and behavioral, social, and personal needs. The framework provides multiple tiers of interventions with increasing intensity along a continuum.

Narratives: Narratives include statements on student strengths, parent/legal guardian concerns, adverse impact on educational performance, and consideration of special factors.

Native language: A first language, also father tongue/mother tongue, arterial language, or L1, is the language or languages a person has been exposed to from birth or within the critical period, or that a person speaks the best and so is often the basis for sociolinguistic identity.

Occupational therapists: Provide consultation and support to staff to improve a student's educational performance related to fine motor, gross motor, and sensory integration development.

Ophthalmologist: A medical doctor who specializes in the branch of medicine dealing with the structure, functions, and diseases of the eye and their correction.

Optometrist: In Tennessee, this licensed specialist can determine the degree of visual impairment, if any, and perform many of the same practices as an ophthalmologist, excluding surgery.

Orientation and mobility specialist: A person qualified to provide evaluation and teaching services to blind or visually impaired students to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and instruction to students in the following: (a) to use spatial and environmental concepts of information received by the senses (i.e., sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); (b) to use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for

students with no available travel vision; and (c) to understand and use remaining vision and distance low vision aids; and other concepts, techniques, and tools.

Oral expression: The ability to express what one wants to say in an oral manner.

Organization: The ability to create and maintain systems to keep track of information and materials.

Outside agency: Community connections for the student and their family.

Parental consent: Parent(s)/legal guardian(s) have been fully informed in native language or other mode of communication of all the information about the action for which they are giving consent and that they understand and agree in writing to that action.

Perception: The ability to make sense of what one sees, hears, feels, tastes, or smells.

Physical therapists: Provide consultation and support to staff to improve a student's educational performance related to functional gross motor development.

Postsecondary: Education, employment, and activities after high school.

Pre-referral interventions: Pre-referral interventions are structured, organized methods that involve critical staff. These staff members review existing student records and make recommendations regarding academic and/or behavioral interventions and strategies that will support increased student functioning.

Present level of educational performance (PLEP): The foundation of the IEP. They state how student's current functioning **impacts** them on grade level standards. PLEPs provide the informational basis for generating goals, supports, accommodations, and services that are specifically designed to meet the student's individual needs.

Primary language, first language, or home language: These terms have several possible meanings for **ELs**: the first language learned, the dominant language, the native language, and/or the language most frequently used.

Prior written notice: A legal right guaranteed to every parent/legal guardian. Prior written notice requires the school to send written explanations of any proposed changes in your child's educational plan. Prior written notice also requires the school to send a written notice if the school denies a parent/legal guardian request.

Private school: There are new laws regulating the rights of students with disabilities whose parent(s)/legal guardian(s) place them in private schools. When a student is enrolled in private

school and has academic difficulties, the school where the student attends needs to inform the parent/legal guardian and the local public school district of the student's difficulties. The district of residence may assess the student to determine if the student qualifies for special education. If they do qualify, the district of residence is responsible for writing an IEP.

Problem solving: Ability to consider the probable factors that can influence the outcome of each of various solutions to a problem, and to select the most advantageous solution. Individuals with deficits in this skill may become "immobilized" when faced with a problem. By being unable to think of possible solutions, they may respond by doing nothing.

Procedural safeguards: Explains parents/legal guardians' specific rights and responsibilities under the IDEA. The procedural safeguards fulfill the current legal requirements for the federally prescribed content of this notice. When districts distribute this guide, other than adding local contact information in the designated space, they must not change the wording and format of the document.

Psychiatrist: Holds a license issued by the appropriate licensing board in the state in which the certification was approved. In Tennessee, the licensing agency is the Tennessee Board of Health Related Boards. The licensed psychiatrist holds a M.D. degree and has the ethical responsibility for determining if his/her areas of expertise include the diagnosis and certification of the given exceptionality.

Psychologist: Holds a license issued by the appropriate licensing board in the state in which the child was determined disabled. In Tennessee, the licensing agency is The Tennessee Health Related Boards in Psychology. The licensed psychologist will hold the Psy.D, Ed.D, or Ph.D. degree. He or she must be competent to evaluate students for special education eligibility. The ability to administer tests does not solely establish competence in evaluating exceptionalities or the potentially extensive needs of students.

Psychological examiner: Must also hold a license issued by the Tennessee Health Related Boards in Psychology. He or she will hold the M.A., M.S., M.Ed., Ed.S, Psy.D, Ed.D, or Ph.D. degree. The licensed senior psychological examiner must be competent to evaluate students in the suspected disability area. Prior to utilizing licensed personnel, it is important to consider the types of services to be delivered in relation to the person's training and experience.

Reading comprehension: The process of simultaneously extracting and constructing meaning through interaction and involvement with written language. It consists of three elements: the reader, the text, and the activity or purpose for reading.

Reading specialist: Supports, supplements, and extends classroom teaching, and works collaboratively to implement a quality reading program that is research-based and meets the needs of students. The reading specialist has specialized knowledge of assessment and diagnosis that is

vital for developing, implementing, and evaluating the literacy program in general, and in designing instruction for individual students.

Receptive language: The comprehension of language; the ability to understand what is communicated.

Re-evaluation: A re-determination of a child's eligibility for special education and related services by an IEP team. Re-evaluations occur at least once every three years, or more frequently if conditions warrant or if requested by the child's parent/legal guardian or teacher.

Related services: Students who need special education and specially designed instruction are eligible for related services under IDEA. During the evaluation process the student is evaluated to first find out if the student has a disability, and secondly to determine what types of related services the student requires. Within IDEA there are many related services.

Response to Instruction and Intervention (RTI²): A three tier integrated, seamless problem solving model that addresses individual student needs. Tier I (general education of all students), Tier II (strategic intervention), and Tier III (intensive remediation).

School district: A public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary, or secondary schools in a city, county, township, or other political subdivision of a state, or for a combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary schools or secondary schools.

School psychologist: Assists in the identification of intellectual, social and emotional needs of students. They provide consultation and support to families and staff regarding behavior and conditions related to learning. They plan programs to meet the special needs of children and often serve as a facilitator during an IEP meeting.

Self-advocacy: Learning how to speak up for yourself, making your own decisions about your own life, learning how to get information so that you can understand things that are of interest to you, finding out who will support you in your journey, knowing your rights and responsibilities, problem solving, listening and learning, reaching out to others when you need help and friendship, and learning about self-determination.

Self-determination: A combination of skills, knowledge, and beliefs that enable a person to engage in goal-directed, **self-regulated**, autonomous behavior. An understanding of one's strengths and limitations, together with a belief of oneself as capable and effective are essential to self-determination. When acting on the basis of these skills and attitudes, individuals have greater ability to take control of their lives and assume the role of successful adults in our society.

Short-term objectives: Short-term objectives, or benchmarks, are milestone achievements required for meeting larger goals. For students assessed on the state alternate assessments, short-term objectives are required for the Measurable Annual Goals. They should follow the same guidelines as Measurable Annual Goals.

Social skills: Refers to the set of skills people use to interact and communicate with one another.

Special education teacher-Special education teachers work with students who have a wide range of learning, mental, emotional, and physical disabilities. They adapt general education lessons and teach various subjects, such as reading, writing, and math, to students.

Specific learning disability: "In one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, and that adversely affects a child's educational performance. Such term includes conditions such as perceptual disabilities (e.g., visual processing), brain injury that is not caused by an external physical force, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include a learning problem that is primarily the result of visual impairment, hearing impairment, orthopedic impairment; intellectual disability; emotional disturbance; LEP; environmental or cultural disadvantage.

Supplemental security income (SSI): Benefits are provided to qualified individuals who cannot engage in substantial gainful work activity because of a disability and who fall below certain assets and income levels.

Supplementary aids and services: Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

Task initiation: The ability to recognize when it is time to get started on something and begin.

Timeline extension: A formal request if more time is needed to adequately determine the student's response to intervention and the presence of a disability.

Transfer student: When a student transfers between districts within a state, or from out of state.

Transition assessment: The purpose of transition assessment is to identify student preferences, interests, needs, and strengths (PINS). These assessments are a portion of the PLEP and inform transition planning, including Measurable Annual Goals. Transition assessment is an individualized, ongoing process that includes meaningful participation by the student and family. Age-appropriate

transition assessments must include information about the academic achievement and functional performance of the student. Previous pre-vocational assessment data can also be reviewed as a part of this assessment process to inform current assessment.

Transition plan: A transition plan is the section of the IEP that outlines transition goals and services for the student. The transition plan is based on a high school student's individual needs, strengths, skills, and interests. Transition planning is used to identify and develop goals which need to be accomplished during the current school year to assist the student in meeting his post-high school goals.

Transition services: The purpose of transition services is to reasonably enable the student to meet the postsecondary goals (MPSGs). It is a coordinated set of activities, designed within an outcome-oriented process that promotes movement from school to post school activities.

Transportation: A related service that must be considered annually for a student.

Unilaterally: performed by or affecting only one person, group in a particular situation, without the agreement of another or the others.

Unilaterally placed children: Parent removal of a child from public school to private school, including home school.

Vision specialists: Provide consultation and support to staff and direct instructional support to students with visual impairments. They provide functional vision assessments and curriculum modifications including Braille, large type and aural media.

Visual impairment: Including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Work based learning (WBL): Opportunities for all students and can be found in a variety of courses, including academic, career and technical education, and special education. In order to offer WBL opportunities, local boards of education must adopt policy establishing a system that provides structured WBL experiences for students.

Working memory: A system for temporarily storing and managing the information required to carry out complex cognitive tasks such as learning, reasoning, and comprehension. Working memory is involved in the selection, initiation, and termination of information-processing functions such as encoding, storing, and retrieving data.

References

- "Age-Appropriate Transition Assessment." *Transition Tennessee*. Accessed July 13, 2017. <http://transitiontn.org>.
- "Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities." *Federal Register*, Vol 71., No 156, (2006), 46,585 Retrieved from <https://sites.ed.gov/idea/files/finalregulations.pdf>
- Agran, Martin, Michael Cavin, Michael Wehmeyer, and Susan Palmer. "Promoting Active Engagement in the General Education Classroom and Access to the General Education Curriculum for Students with Cognitive Disabilities." *Education & Training in Autism & Developmental Disabilities* 5, no. 2 (June 2010): 163-174. Accessed July 13, 2017. <http://www.dddcec.org/>.
- Carter, Erik, Lauren Bethune, and Casey O'Quinn. "Transition Assessment Feedback Tool." *Transition Tennessee*. Last modified 2016, <http://transitiontn.org/age-appropriate-transition-assessment/>.
- Correa, Vivian Ivonne, Hazel A. Jones, Carol Chase Thomas, and Catherine Voelker Morsink. *Interactive Teaming: Enhancing Programs for Students with Special Needs (4th ed.)*. New Jersey: Pearson Merrill-Prentice Hall, 2005.
- "Developing a High-Quality Transition Plan." *Transition Tennessee*. Accessed July 13, 2017. <http://transitiontn.org/developing-a-high-quality-transition-plan/>.
- ESSA (2015). Every Student Succeeds Act of 2015, Pub. L. No. 114-95 § 114 Stat. 1177 (2015-2016).
- "Essential Components of RTI: Progress Monitoring." Progress Monitoring | Center on Response to Intervention. Accessed May 29, 2018. <https://www.rti4success.org/essential-components-rti/progress-monitoring>.
- Friend, Marilyn. *Special Education: Contemporary Perspectives for School Professionals (3rd ed.)* New Jersey: Pearson, 2011.
- Friend, Marilyn Penovich, and Lynne Cook. *Interactions: Collaboration Skills for School Professionals*. Boston: Pearson, 2017.
- Fuchs, Douglas, Donald L. Compton, Lynn S. Fuchs, Joan Bryant, and G. Nicole Davis. "Making "secondary Intervention" Work in a Three-tier Responsiveness-to-intervention Model: Findings from the First-grade Longitudinal Reading Study of the National Research Center on

- Learning Disabilities." *Reading and Writing* 21, no. 4 (2007): 413-36. doi:10.1007/s11145-007-9083-9.
- Fuchs, Lynn S., and Douglas Fuchs. *What Is Scientifically-based Research on Progress Monitoring*. Technical paper. Education, Vanderbilt University. Nashville, TN, 2002.
- "Guiding Principles." *Transition Tennessee*. Accessed July 13, 2017. <http://transitiontn.org/guiding-principles/>.
- Hanover Research. *The Effectiveness of the Co-Teaching Model: Literature Review*, March 2012. Accessed June 8, 2018. hanoverresearch.com.
- Harlacher, Jason E., Amanda Sanford, and Nancy Nelson Walker. "Distinguishing Between Tier 2 and Tier 3 Instruction in Order to Support Implementation of RTI." Response to Intervention Tiers for Instruction | RTI Action Network. Accessed August 10, 2018. <http://www.rtinetwork.org/essential/tieredinstruction/tier3/distinguishing-between-tier-2-and-tier-3-instruction-in-order-to-support-implementation-of-rti>.
- Henderson, Anne T. and Karen L. Mapp, and Amy Averett. "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement." Austin, TX: National Center for Family & Community Connections with Schools, 2002.
- Heward, William L. *Exceptional Children: An Introduction to Special Education (10th ed.)*. New Jersey: Pearson, 2013.
- Hockett, Jessica, *Differentiation Handbook: Strategies and Examples Grades K-2*, Tennessee Department of Education (2017). Accessed July 29, 2018 https://www.tn.gov/content/dam/tn/education/training/access_differentiation_handbook_k-2.pdf
- Individuals with Disabilities Education Act, 2004
- Jorgensen, Cheryl. "The Least Dangerous Assumption: A Challenge to Create a New Paradigm." *Disability Solutions* 3, no. 3 (Fall 2005): 4-15. Accessed July 13, 2017. [http://archive.brookespublishing.com/documents/Jorgensen.Least Dangerous Assumption.pdf](http://archive.brookespublishing.com/documents/Jorgensen.Least%20Dangerous%20Assumption.pdf).
- Kraft, Cara Nissman. "Fortify Service Provider 'marriage' through Communication, Compromise." *LRP*, 2008. Accessed May 7, 2018. www.specialedconnection.com.
- "Measurable Annual Goals," *Pennsylvania Training and Technical Assistance Network*, Accessed July 13, 2017. Accessed July 13, 2017. <http://www.pattan.net>.

- Office of Special Education and Rehabilitative Services, *Letter to Christiansen*, (2007), Accessed May 29, 2019, <https://www2.ed.gov/policy/speced/guid/idea/letters/2007-1/christiansen020907discipline1q2007.pdf>.
- Office of Special Education and Rehabilitation Services, *Letter to Kane*, (2018), Accessed May 29, 2018 from <https://sites.ed.gov/idea/files/letter-to-letter-to-kane-4-18-18.pdf>.
- Office of Special Education and Rehabilitative Services, *Questions and Answers (Q&A) on U. S. Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1*, (2017), Accessed May 16, 2018 from <https://sites.ed.gov/idea/files/qa-endrewcase-12-07-2017.pdf>.
- Peterson, Lori Y., Jon P. Burden, Jennifer M. Sedaghat, June E. Gothberg, Paula D. Kohler, and Jennifer L. Coyle. "Triangulated transition goals: Developing relevant and genuine annual goals." *Teaching Exceptional Children*, 45, no. 6 (2008) 46-57.
- "Ready Graduate," *Career Forward Task Force*. Accessed April 16, 2017. https://www.tn.gov/content/dam/tn/education/ccte/career_forward_task_force_report.pdf.
- Rice, L.S. and Alba A. Ortiz. "Second Language Difference or Learning Disability?" *LD Forum* 19, no. 2 (1994): 11-13.
- Shinn, Mark. The Relation of AIMSweb Curriculum-based Measurement, and the Common Core Standards [White Paper], *Pearson Education, Inc.*, (2012).
- Sprague, Jeffery, Clayton R. Cook, Diana Browning Wright, and Carol Sadler. "RTI and Behavior: A Guide to Integrating Behavioral and Academic Supports." *LRP Publications* (2008): 126.
- Special Education Behavioral Supports Act, Tenn. Code Ann. § 49-10-1301-1307) (2011).
- "Take A Tour: Learn About Universal Design for Learning." National Center on Universal Design for Learning. Accessed June 29, 2018. http://www.udlcenter.org/aboutudl/take_a_tour_udl.
- Tomlinson, Carol A. *The Differentiated Classroom Responding to the Needs of All Learners*. Boston: Pearson, 2016.
- Tomlinson, Carol A., Kay Brimijoin, and Lane Narvaez. *The Differentiated School: Making Revolutionary Changes in Teaching and Learning*. Alexandria, VA: Association for Supervision and Curriculum Development, 2008.

Wehmeyer, Michael L., and Sharon L. Field. *Self-determination: Instructional and Assessment Strategies*.
Thousand Oaks: Corwin Press, 2007.

Appendix A: Prior Written Notice Memo

TO: Directors of Special Education
FROM: Theresa Nicholls
Assistant Commissioner for Special Populations
DATE: June 8, 2017
RE: Prior Written Notice

The division of special populations issues this guidance to clarify the use of prior written notice. This memorandum supersedes all previous guidance from the department on this topic.

Tennessee Special Education Regulation 0520-01-09-.16 regarding prior written notice by the LEA provides that prior written notice must be given to the parent of a child suspected to have a disability or a child with a disability at least ten (10) school days prior to the LEA either proposing or refusing to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. The state regulation supplements the IDEA regulation at 34 C.F.R. 300.503 by providing a time frame within which prior written notice must be given to the parent of a child with a disability. Legally, the proposal or refusal is an act taken subsequent to the meeting and not to be proposed or refused prior to a meeting. The term “prior written notice” refers to written notice that is required after a change has been proposed or refused but before (i.e., prior to) implementing that change. The following are instances requiring prior written notice:

IEP Team Proposal

When the IEP team proposes to alter the educational placement or provision of FAPE of the child, the LEA must give the parent prior written notice 10 school days before (i.e., prior to) implementing the change in the IEP. The prior written notice must include a description of the action proposed, an explanation of why the LEA proposed the action and a description of other actions considered. The prior written notice may be given to the parent at the conclusion of the IEP meeting. If the parent is in agreement with the alteration of the educational placement or provision of FAPE of the child, the alterations may be implemented sooner than 10 school days. If the parent does not agree with the proposal, the parent must be allowed 14 calendar days within which to request a due process hearing. If the parent does not request a hearing within 14 calendar days, the alteration may be added to the child’s IEP and implemented as soon as reasonably possible thereafter.

IEP Team Refusal

When the IEP team refuses a parent’s request to change the educational placement or the provision of FAPE to the child, the LEA must give the parent prior written notice within 10 school days of the IEP meeting at which the parent’s request was refused by the LEA. The prior written notice must include a description of the change refused by the LEA and an explanation of why the LEA refused the request. The prior written notice may be given to the parent at the conclusion of

the IEP meeting. Thereafter, the parent may, at any time within the two-year statute of limitations, request a due process hearing proposing the change that was refused by the IEP team.

Initial Evaluation

When a parent requests an initial evaluation in writing, or the LEA refers a child for an initial evaluation, the LEA must obtain informed written consent from the parent before the evaluation can begin, and must give the parent prior written notice 10 school days before the evaluation is to begin. The prior written notice must include a description of the actions proposed or refused by the LEA and the reasons for the proposal or refusal. If the parent is in agreement with the actions proposed, the evaluation may begin sooner than 10 school days. The prior written notice may be given to the parent at the conclusion of an evaluation team meeting or, if a meeting is unnecessary because the LEA agrees with the initial evaluation request, it may be given directly to the parent. If the LEA refuses a parent's request for an initial evaluation, it must provide the parent a prior written notice which must include an explanation of why the LEA refused the request. Thereafter, the parent may request a due process hearing proposing that the child be evaluated.

Re-evaluation

When the LEA proposes to conduct additional evaluations of a child, or a re-evaluation is required for a child, the LEA must give the parent a prior written notice 10 school days before the evaluation is to begin. If additional assessments or testing are necessary for re-evaluation, informed written consent must be obtained from the parent. The prior written notice must include a description of the actions proposed or refused by the LEA and the reasons for the proposal or refusal. The prior written notice may be given to the parent at the conclusion of the IEP team meeting.

Appendix B: Timeline Extension

TO: Directors of Special
Education LEA Assessment
Personnel

FROM: Joey Hassell, Assistant Commissioner of Special Populations

DATE: March 31, 2014

RE: 60 Calendar Day Initial Evaluation Timeline Rule Change and Timeline Extension Requests

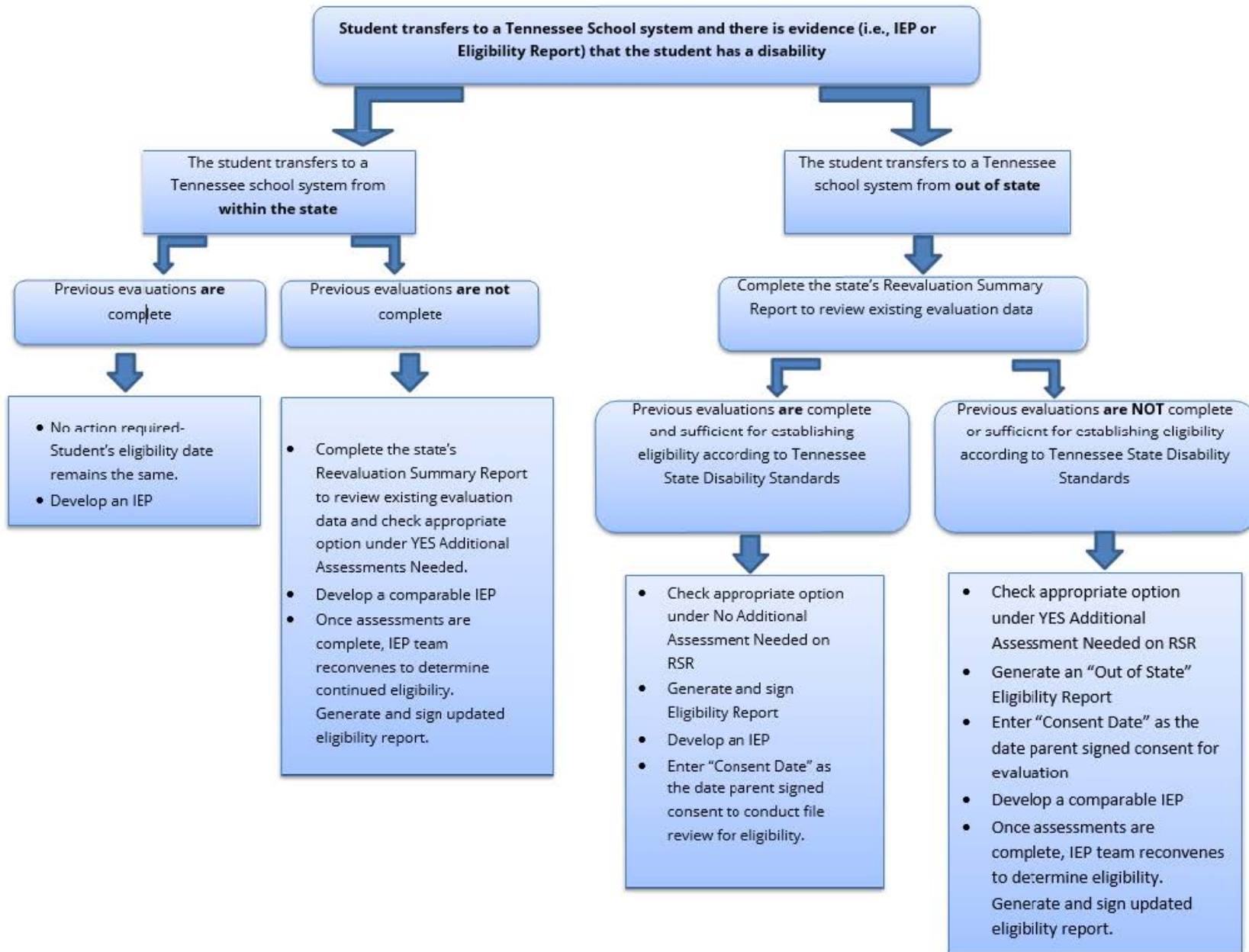
In order to align with the federal guidelines regarding the sixty (60) calendar day evaluation timeline, initial consents signed after Jan. 29, 2014 will follow the requirements of 34 C.F.R. §300.301(d) and (e) and 34 C.F.R. §300.309(c). According to these regulations, an extension of the evaluation timeline may only be requested in the following instances:

- The parent and local education agency agree in writing to extend the time line pursuant to 34 CFR 300.309(c) pending determination of the existence of a specific learning disability via the responsiveness to intervention process;
- the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or,
- the child enrolls in another local education agency after the timeframe has begun and a determination of eligibility was not completed by the local education agency that commenced the initial evaluation process, the succeeding local educational agency is making sufficient progress to ensure completion of the evaluation, and the parent and the succeeding local education agency agree on a specific timeframe within which the evaluation will be completed.

Any other reason for delay will be captured on the IEP creation page of EasyIEP as a rule of completion when an initial evaluation exceeds 60 calendar days.

cc: Theresa Nicholls, Evaluation Services Coordinator
Bill Wilson, Assistant General Counsel for Special Education
Nathan Travis, Director of Data Services

Appendix C: Transfer Students



MEMORANDUM

TO: Directors of Special Education
Special Education Assessment Personnel

FROM: Joey Hassell, Assistant Commissioner of Special Populations

DATE: September 12, 2013

RE: Transfer Process for Students with Individualized Education Plans (IEPs)

This memorandum provides guidance to local education agencies (LEAs) regarding the eligibility determination and development of Individualized Education Programs (IEPs) within the EasyIEP system for students with disabilities who transfer to a public school in Tennessee.

The IDEA Regulations at 34 C.F.R. provide: IEPs for children who transfer from another State. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency—(1) Conducts an evaluation pursuant to Sec. Sec. 300.304 through 300.306 (if determined to be necessary by the new public agency); and (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in Sec. Sec. 300.320 through 300.324.

In the case of transfer students, there are two possible scenarios:

1. The student transfers to a Tennessee school system from within the state
2. The student transfers to a Tennessee school system from out of state

For in-state transfer students: If an in-state transfer student's records are complete, the IEP team does not need to complete a new Eligibility Report and the student's eligibility date remains the same. If components are missing from an in-state transfer student's records, the IEP team will complete the Re-evaluation Summary Report (RSR) to review existing evaluation data and determine what assessments are needed in order to establish the student's continued eligibility and need for special education services. Once assessments are complete, the IEP team will reconvene to determine the student's eligibility for services and complete a new Eligibility Report. For out of state transfer students: The IEP team will complete the Re-evaluation Summary Report to review existing evaluation data and determine whether these assessments are sufficient for determining the student's eligibility according to Tennessee State standards.

If an out of state transfer student's records **are** complete and sufficient for determining eligibility, the IEP team will complete an Eligibility Report. On the eligibility tab, the referral date will be entered as the date the LEA was made aware that the student previously received special education services, and the consent date will be entered as the date the parent consented to the file review for eligibility purposes (i.e., the date the RSR was signed).

If an out of state transfer student's records **are not** complete or sufficient for determining eligibility, the IEP team will indicate the assessment decision on Section V of the Re-evaluation Summary Report. On the eligibility tab, the referral date will be entered as the date the LEA was made aware that the student previously received special education services, and the consent date will be entered as the date the parent signed consent for additional assessments. The IEP team will generate and sign an Eligibility Report—Out of State Transfer which provides eligibility during the initial evaluation timeline. When assessments are complete, the IEP team will reconvene to review evaluation results and determine eligibility according to Tennessee State Disability standards. At this time, an Eligibility Report will be generated and signed to reflect the current eligibility date and disability. If the student is found eligible, a new IEP will also be created to reflect the current date and data collected from the re-evaluation/assessment.

Please refer to the following documents for further clarification: flowchart for transfer students.

Appendix D: Unique Adaptive Accommodations Request

Directions: If an English learner or a student with a disability requires an accommodation that is not listed in the Accessibility and Accommodation guidance document and that does not change the construct being measured by the test, the school may request approval for use of the accommodation using this request form. If approved, the accommodation must be listed in the Individualized Education Plan (IEP) or 504 plan for a student with a disability or the English learner plan, if applicable.

To request approval for a unique accommodation, this form must be completed and uploaded to EdTools by the principal or district primary testing coordinator, or designee, at least six weeks prior to testing to ensure a timely state response is received. Do not email this form. Once the form is uploaded, email tned.assessment@tn.gov. A copy of this form must be kept in the student's file and, if appropriate, retained at the district office.

Contact Information	
District/School Name:	District/School Number:
Name of Principal/Designee or District Assessment Coordinator:	Date:
Email:	Contact Number:
Student Information	
Student Name:	State ID Number:
Grade:	DOB:
Indicate Type of Plan: IEP 504 Plan English Learner	
TNReady Test Administration	
For which TNReady Assessment are you seeking approval to use the unique accommodation?	
Provide a brief description of the accommodation for which you are requesting approval:	
Describe evidence that supports the need for this accommodation, including how it is used by the student in the classroom and on other assessments:	

Appendix E: Special Education Aides

TO: Special Education Directors
FROM: Theresa Nicholls
Rachel Wilkinson
DATE: November 9, 2017
SUBJECT: Writing IEP Services to Reflect the Use of Special Education Aides

Context

The statewide special education data management system, EasyIEP, is revised each summer based on feedback from the EasyIEP task force and policy changes. In the summer of 2017, related services listed in the system dropdown menu were revised. Prior to the system updates, there were four different options for aide services under the related services section of EasyIEP: *ancillary attendant*, *ancillary other*, *ancillary interpreter*, and *aide in the regular education setting*. The array of options led to confusion about when to select which option and often caused incorrectly reflected services.

All four of these aide services were intended as **one-on-one or one-on-two support** to specified students with disabilities, **provided in the general education setting**. In practice, however, these services were often selected in EasyIEP when a classroom aide was supporting more than two students, and in some cases, in the special education setting. As a reminder, decisions about related services, including one-on-one or one-on-two aides in the general education setting, should be determined by the IEP team and be based on what services are necessary for a student to benefit from education.

Please note that unless a student requires one-on-one or one-on-two aides for more than 20 hours per week, **this service is not funded**. As a result, students who do not require the intensive support of a one-on-one or one-on-two aide but instead need classroom support for a handful of classes each week do not receive funding when aide-related services are written for less than 20 hours per week.

Revisions to EasyIEP

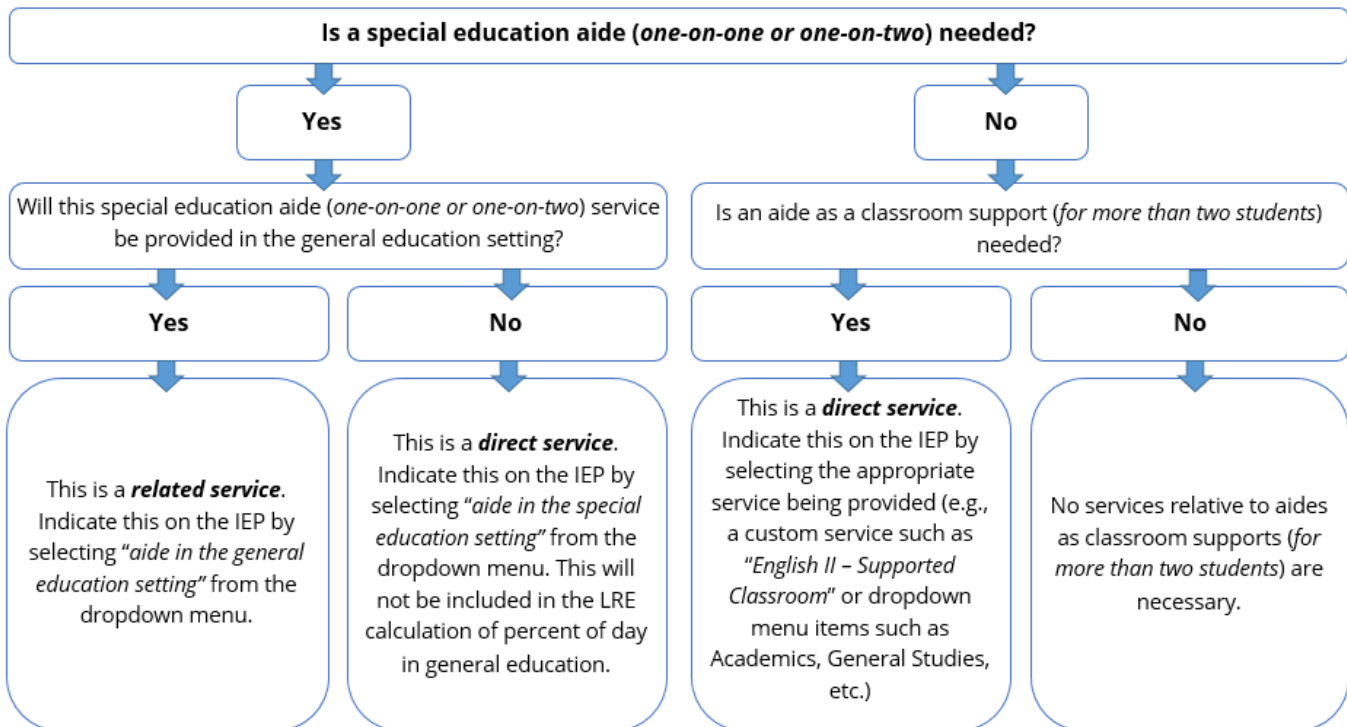
The department condensed the four aide services into two categories in the related services dropdown menu to minimize confusion and misreporting in EasyIEP. The two categories are *aide in the general education setting* and *sign language interpreter*. **The former should only be selected when an aide is providing one-on-one or one-on-two support in the general education setting**. If special education setting is selected for this service, it will result in an error that must be corrected to finalize the IEP.

In addition, the department developed a new service under the direct special education services dropdown menu: *aide in the special education setting*. Much like the new related service of *aide in the general education setting*, this new direct service should be reserved for students who are receiving one-on-one or one-on-two support from an aide in the special education setting. If general education setting is selected for this service, it will result in an error that must be corrected to finalize the IEP. Information about these new features can be found in the EasyIEP summer 2017 manual.

Other Types of Aide Services

The department has received questions about how to denote services provided by an aide to more than two students. For example, a group of five students with disabilities may go to Geometry I for core instruction but require support from an educational assistant/aide to effectively access this curriculum. In this instance, this student does not need the direct one-on-one or one-on-two support of a related service like *aide in the general education setting*. Instead, this would be a direct service in which the aide is simply a classroom support. Further information about this can be found in the [EasyIEP guidance document](#) on the services page of EasyIEP. Figure 1.1 below provides a flow chart on how to designate such services in the IEP.

Figure 1.1



District Impact

In summary, districts will now be able to appropriately code in EasyIEP the students requiring the most intensive supports to help them access content. With the addition of error checks based on the where services are offered, miscoding will be reduced. The addition of the *aide in the special education setting* service in the dropdown menu for direct special education services will now ensure that one-on-one or one-on-two aides in the special education setting are reflected in the IEP, and funding can be generated for these services. Note that this particular service will be excluded from the least restrictive environment calculation that assesses percentage of time in the general education setting, as this service runs concurrently with another service in the special education setting.

For questions about entering services in the EasyIEP system, please contact Rachel.Wilkinson@tn.gov or post a message to the EasyIEP message board. For specific instructional questions about the use of these services, please contact Blake.Shearer@tn.gov.