

Avoiding Common Pitfalls When Writing ETRs and IEPs

Presented by Erica L. Richley, Summit Academy Management
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Why I'm Here

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"Of course you're important around here. You make all of our mistakes seem trivial."

Objectives for Today

- Attendees will be able to identify common pitfalls when writing ETRs and best practice strategies to deal with these
- Attendees will be able to identify common pitfalls when writing IEPs and best practice strategies to deal with these
- Attendees will be able to identify common pitfalls when writing EMIS Data Collection Forms and best practice strategies to deal with these
- Attendees will be able to identify a solution to common problems seen when receiving documents from other Districts

Who's Here?



Common Pitfalls When Writing ETRs



Pitfall 1: To Evaluate or Not?

- Parent request for testing in writing
 - What if you are still doing interventions as part of the RTI model?
 - What if your District does not suspect a disability?

Issue a Prior Written Notice regardless of decision within 30 days



Pitfall 1: Prior Written Notice Pitfalls

- Purpose – Describe specifically what the District will/will not do
- Do not leave any items blank
- Do not type in 'not applicable' for any section
- Filling in each section:
 - Explanation
 - Description of other options
 - Description of evaluation procedure
 - Description of other relevant factors



Pitfall 2: Timelines



- If a disability is suspected, consent must be obtained within 30 days of the request
- For initial evaluations, the District has 60 days to complete and review the ETR as a team
- If a student qualifies for services as a student with a disability, the District has 30 days to complete and review the IEP as a team

Pitfall 2: Timelines



- Districts do not need a parent's signature on a reevaluation
- Districts do not need a parent's signature on an RIEP unless it is a change in placement

Pitfall 2: Timelines



- What if the parent will not sign the ETR?
- What if the parent will not sign the IEP?
- Cherry-picking services



Pitfall 3: Consent – When Is It Actually Needed?

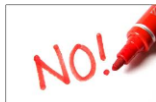
- Informed parental consent **must** be obtained before:
 - conducting an initial or re-evaluation
 - initially providing special education and related services to a student with a disability
 - making a change in placement
- Parental consent is **not needed** before:
 - a change in placement is made due to a disciplinary action
 - data is reviewed that already exists as part of an evaluation
 - a test is administered to all children (unless consent is required of parents for all of the children)



Rule 3301-51-05

Pitfall 3: Consent – When Is It Actually Needed?

- If a child has a disability and the parent refuses to consent to an initial or re-evaluation or change in placement, the school district **is** permitted to perform the evaluation or change in placement by using due process or mediation
- In the case of a reevaluation, parental consent is **not** needed if the school district can show that it has made reasonable efforts to obtain consent to no avail
- Consent is not needed if a Waiver for Reevaluation is being completed



Rule 3301-51-05

Pitfall 3: Failure to Properly Complete the Evaluation Planning Form

- Which assessments need done – this must be individualized!
- List the team members title, not names for who will conduct the assessment
- Who signs the bottom



Pitfall 4: Part A Assessments - Incomplete

- There must be a Part A assessment for all areas listed on the Planning Form your team agreed upon
- Student strengths need to be included
- The needs and implications must be individualized
- Implications must state what the student requires, not just would benefit from
- Documents must be signed – important for School-based Medicaid Audits



Pitfall 5: Interventions Not Documented/Documented Incorrectly

- For initial ETRs, interventions are required
- Must be documented in the ETR
- Make sure that interventions listed are not just accommodations



DOCUMENTATION OF INTERVENTIONS

STUDENT NAME: _____ DATE OF BIRTH: _____
 TEACHERS: _____ SCHOOL: _____ GRADE: _____
 DATE FORM COMPLETED: _____

BEHAVIORAL DESCRIPTION OF PROBLEM	INTERVENTIONS AND/OR ADAPTATIONS	EVALUATION PROCEDURES	PERSON RESPONSIBLE	RESULTS

PARTICIPANTS: _____ DATE OF INITIATION OF INTERVENTIONS: _____
 _____ DATE OF COMPLETION OF INTERVENTIONS: _____
 _____ DATE OF FOLLOW-UP MEETINGS: _____

Pitfall 6: Issues Completing the Team Summary

- Interventions – these are required for Initial Evaluations; for reevaluations, summarize the interventions routinely provided
- Should not complete the Needs and Implications for Instruction Sections before the team meeting
- The team should prioritize how the student’s needs will be addressed within the Needs section of the Team Summary



Pitfall 7: Parent Invitation

- Invite all required team members
- If someone other than the required team member is listed on the invitation, he/she becomes a required team member
- If a required team member cannot attend, he/she must be officially excused in writing



Pitfall 7: Who Signs Special Education Documents?



With regards to a student **under the age of 18** (or students over the age of 18 who are determined by the court to be incompetent under Ohio law), 'parent' means [3301-51-01 (B) (42)]:

- A biological or adoptive parent of a child but not a foster parent of a child;
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not if the child is a ward of the state; 'ward of the state' means a foster child, ward of the state, or in the custody of a public child welfare agency);
- An individual acting in the place of a biological or adoptive parent with whom the child lives, or an individual who is legally responsible for the child's welfare;
- A surrogate parent who has been appointed (a surrogate parent must be assigned no later than 30 days of the date that it is determined that the child is in need of one; or
- If a judicial decree or order identifies a specific person(s).

Pitfall 7: Who Signs Special Education Documents?



With regards to a student **18 or older** (unless determined by the court to be incompetent under Ohio law), the rights of parents regarding education records are transferred to the student at age 18 (3301-51-04). When a child with a disability reaches the age of majority (age 18):

- You must provide the notice required by this rule to both the child and parents (starting during the first IEP when the student will be 17, begin checking the box 'Transfer of Rights' box on the IEP Signature page and have the student/parent sign the document); *Whose IDEA Is This?* must be given to the parent and child.;
- All rights are transferred to the child; and
- All rights accorded to parents transfer to children who are incarcerated in an adult or juvenile, state or local correctional institution.

Pitfall 8: Forgetting to Give the Second PWN

- Once a child is found eligible for services, another PWN must be provided to the parent, regardless of agreement.



Common Pitfalls When Writing IEPs



Pitfall 1: Not Including All Required Information in the Profile

Required components include:

- a summary of the student's strengths
- background information, including concerns of the parents for the education of the student
- the student's interests
- relevant medical and safety information about the child
- how the student's disability affects progress in the general education curriculum
- performance on state and districtwide assessments
- results of most recent ETR
- justification for accommodations
- information related to adult living, working and learning (if applicable)

Pitfall 1: Not Including All Required Information in the Profile

- A note about ETR results –
 - If the IEP is being developed when an ETR was just conducted, it is appropriate to summarize the results of the ETR
 - If the IEP is being developed 1+ years out from the ETR, it is not necessary to summarize all of the results; getting up-to-date data from the teachers is imperative

RESULTS

Pitfall 1: Not Including All Required Information in the Profile

- Remember to link the ETR to the IEP!
 - List the need from the ETR
 - What has been addressed
 - What progress has been made
 - What needs will be prioritized and addressed within this IEP



Pitfall 2: Placement Decisions in the Profile

- Do not make placement decisions in the Profile!
- The team will discuss this throughout and make a decision in Section II
- If the team wants to note it in the Profile, make a note that after reviewing and creating the rest of the IEP, the team agreed that the following placement is appropriate



Pitfall 3: Transition Plan Activities Improperly Worded

- The transition goals should be worded as: "After graduation..."
- The activities need to be what the District will do to prepare the student to meet the goal, not what the student will do
- Activities should not be what is done for all students (ex. driver's license, voter registration)



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Pitfall 4: Present Levels of Academic and Functional Performance Non-Compliant

Must include:

- Baseline data specific to the measurable goal
- Results of the most recent ETR
- Classroom-based assessment results
- Progress towards goals
- Strengths
- Academic, developmental, and functional needs
- Parental concerns
- Current instructional levels
- Interventions that have been applied and their results
- How the student performs in comparison to typical peers or expected level



Pitfall 4: Present Levels of Academic and Functional Performance Non-Compliant

Functional Performance relates to daily living activities (e.g. hygiene, dressing, basic consumer skills, social/emotional learning, and exhibiting socially appropriate behavior). This should be specific and should include performance data and current skill levels (baseline, baseline, baseline!!).



Compliant Sample

Susan does well identifying the emotion she is feeling when frustrated and does so clearly and succinctly. Based on informal teacher observation from the prior school year, Susan has an average of 5 disruptive incidents per day (speaking without permission, making noises, out of seat/area). Susan also has an average of 2 instigating incidents per day (namecalling, teasing, in someone's personal space). As a result, Susan's daily average is 73% on her daily tracking sheet, which tracks behaviors that interfere with her participating in classroom activities. The expectation in the classroom for other peers is an 80% on the daily tracking sheet. Susan needs to learn how to express her emotions in a non-disruptive manner. Susan is provided with preferential seating and 3 time-out passes per day.

Pitfall 5: Goals Do Not Include 6 Required Components

- Who?
- Will do what?
- Under what conditions?
- How will progress be measured?
- To what level or degree?
 - Criteria – Level of Mastery
 - Trials/Number of Times for Mastery
- In what length of time?



Compliant Sample

By the end of this IEP, Susan will independently use a learned coping strategy (e.g., taking a time-out, journaling, deep breathing) when frustrated in the school environment (classroom, hallways, lunchroom, recess) as measured through receipt of an average of 80% on her daily tracking sheet for 80% of the days in one quarter .

Pitfall 6: Specially Designed Instruction Not Individualized

- Make sure specially designed instruction is individualized and understandable to the entire team
- The time listed is the time that particular goal will be worked on
- If the Intervention Specialist and Regular Education Teacher provide SDI, the IEP must specify how much time is provided by each



Pitfall 6: Specially Designed Instruction Not Individualized

- Every student must have some type of specially designed instruction!



Pitfall 7: Related Service Description Not Given

- Related service providers must specify what they are doing and what need they are addressing
- Must identify how much time is a push-in service versus pull-out



**Pitfall 8: Reminder-Field Trips
(Section 9)**

- Guidelines for field trips for special education students



**Pitfall 9: LRE Not Accurately
Defined (Section 11)**

- Teams must state how much time a student will be outside of the general education classroom
- Teams must justify why the student is outside of the general education classroom



Pitfall 10: Improperly Exempting

- OGT exemptions are acceptable if:
 - The student requires accommodations beyond what are allowable on the state-wide assessment, or
 - The student is completing a curriculum that is significantly different from the curriculum completed by other students required to take the tests



Pitfall 11: Required Signatures Not Present

- All required team members must be in attendance and sign unless excused
- Excused team members who contributed should sign the area for those who did not attend but contributed
- For those dependently licensed individuals billing Medicaid (speech, OT, PT, etc.) their clinical supervisor must sign, as well
- The parent/guardian must sign in agreement with a change in placement unless for disciplinary reasons



Pitfall 11: Required Signatures Not Present

- Required signatures:
 - District representative
 - Someone who can interpret results
 - Regular education teacher
 - Special education teacher
 - Parent
 - Student (if required)



Cannot sign multiple roles!!

Prior Written Notice

- Doctor's, counselors and other mental health professionals don't make educational decisions!
- This is an IEP team decision!



Common Pitfalls When Creating EMIS Data Collection Forms

Pitfall 1: Not Using the Proper Date When Adopting an ETR/IEP

- If your team is adopting an ETR/IEP as is from another District, the original date of the ETR/IEP will be reported in SOES



Pitfall 2: Not Properly Reporting the Transition Planning Element

- For those students who will not be 14 during the life of their IEP, 'not applicable' should be selected
- For those students who will be 14 or older during the life of their IEP (most commonly):
 - TFYG – four year graduates
 - TMYG – multi-year graduates
 - TPNP – not in place (this means you are out of compliance if you should have a document in place)



Pitfall 3: Not Reporting All Dates

- If you have an IETR, you must also have RFRL, CNST, and IIEP events.
- If you have an RETR, you must also have CNST (with the exception of an ETR waiver) and RIEP events.



Pitfall 4: Data Doesn't Match the File

- All data reported must match the file
- Run reports on a regular basis to verify



Other Issues

FIEPs

- Done in April – May of a student's senior year that he/she will be graduating

What if a student changes his/her mind and the team agrees to keep the student until the age of 22 after doing a FIEP?

- Document this decision and create an RIEP



Receiving Documents from Other Districts

- If a student comes to your District who reportedly has an ETR/IEP:
 - Request the documents in writing from the prior District
 - Document all attempts to obtain these documents
 - Keep this documentation in the student's special education file



Receiving Documents from Other Districts

- What if you don't receive the ETR after multiple attempts?
 - Obtain consent and retest ASAP
 - Get an IEP in place ASAP
 - Provide commensurate services with the prior IEP until a new one is in place



Receiving Documents from Other Districts

- What if the ETR you receive is unsigned?
 - Ask the prior District if they have a signed copy on file
 - If they do not, review the ETR as a team – review the planning form, assessments and eligibility
 - If your team agrees it is appropriate and complete, your team signs off and adopts the ETR if it was a reevaluation; if it was an initial evaluation, the start date would be the date you sign the document in your District



Receiving Documents from Other Districts

- For IEPs from out of your District:
 - Adopt
 - Amend/Rewrite the IEP – in the meantime, services commensurate with the current IEP must be provided until the new IEP is ready and signed off on



Receiving Documents from Other Districts

- What if the parent says a student has an IEP but can't produce it?
 - If the parent can't provide the documents and the prior district can't, the District is not responsible for providing special education and related services

◦ 34 CFR 300.323(f)



Questions?