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SUBCHAPTER 6 INDIVIDUALIZED EDUCATION PROGRAM		
<p>§8-60-44 <u>Definition of individualized education program.</u> (a) General. As used in this chapter, the term individualized education program or IEP means a written statement for each student with a disability that is developed, reviewed, and revised in a meeting in accordance with sections 8-60-44 through 8-60-48, and that shall include:</p> <p>(1) A statement of the student's present levels of academic achievement and functional performance, including:</p> <p>(A) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or</p> <p>(B) For preschool students, as appropriate, how the disability affects the student's participation in appropriate activities;</p>	<p><i>The PLEP must include data and information, written in observable and measurable terms, which describe both the student's academic achievement and functional performance. The present levels of educational performance (PLEP) should provide a foundation for designing a student's educational program and a baseline for measuring future progress. Academic achievement refers to a child's performance in academic areas (e.g. reading or language arts, math, science, or history). The information may include:</i></p> <ul style="list-style-type: none"> • <i>Recent evaluation results</i> • <i>Performance on statewide, district and/or school wide assessments</i> • <i>Performance and progress in the general curriculum</i> • <i>Strengths and needs of the student</i> • <i>SDRT/SESAT scaled score and grade level equivalent</i> <p><i>Functional Performance refers to skills or activities that are not considered academic, but are often used in the context of routine</i></p>	<p>The IEP allows teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities.</p> <p>To create an effective IEP, parents, teachers, other school staff – and often the student – must come together to look closely at the student's unique needs. These individuals pool knowledge, experience, and commitment to design an educational program that will help the student be involved in and make progress in the general curriculum. The IEP guides the delivery of special education supports and services for the student with a disability. Developing and implementing an effective IEP requires teamwork.</p> <p>The statement of the student's present levels of academic achievement and functional performance (PLEP) must include data and information, written in observable and measurable terms, which describe both the student's academic achievement and functional performance. The PLEP should reflect both strengths and needs and provide a foundation for designing a student's educational program and a baseline for measuring future progress.</p> <p>Academic achievement refers to a child's performance in academic areas (e.g. reading or language arts, math, science, or history). The information may include:</p> <ul style="list-style-type: none"> • Recent evaluation results • Performance on statewide, district and/or school wide assessments • Performance and progress in the general curriculum • Strengths and needs of the student • Reading assessments that provide comprehensive information about the fundamentals of reading • Classroom observations and descriptions of student work

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	<p><i>activities of everyday living. These may include skills or activities such as:</i></p> <ul style="list-style-type: none"> • <i>Social/emotional/behavior: the ability to express needs appropriately;</i> • <i>Mobility: Ability to sit, stand, walk, or navigate around the school campus;</i> • <i>Communication: Mode and level of communication; and</i> • <i>Self-care: toileting, bathing, dressing, eating</i> <p><i>If a student's functional performance is age appropriate (based on data such as adaptive assessment scores, teacher observations and parent input), then a general statement to that effect is included in the PLEP.</i></p>	<p>Functional Performance refers to skills or activities that are not considered academic, but are often used in the context of routine activities of everyday living. These may include skills or activities such as:</p> <ul style="list-style-type: none"> • Social/emotional/behavior: the ability to express needs appropriately; • Physical and motor skills and fitness: the ability to sit, stand, navigate around the school campus, or participate in individual and group games and sports; • Communication: Mode and level of communication; and • Self-care: toileting, bathing, dressing, eating <p>If a student's functional performance is age appropriate (based on data such as adaptive assessment scores, teacher observations and parent input), then a general statement to that effect is included in the PLEP.</p> <p>The PLEP is an appropriate area to include information and/or concerns about the student provided to or by the parent, to address any lack of progress towards annual goals, behavior, English proficiency, vision or communication needs, or the need for assistive technology.</p> <p>For students aged 16-20 (or younger if appropriate) the PLEP should include age appropriate transition assessments, formal or informal, related to training, education, employment and independent living skills. These assessments may be the same as some of the assessments used to address academic achievement or functional performance.</p> <p>The PLEP must also include an impact statement or a description of the challenges, as a result of the disability, that interfere with the student's education or involvement and progress in the general curriculum. For preschool children, the PLEP must describe how the disability affects the child's participation in appropriate activities. The information about the impact of the disability may be contained within the body of the PLEP or in a separate statement. It is NOT appropriate to include statements about services, supports or placement in the impact statement or PLEP.</p>

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<p>(2) A statement of measurable annual goals, including academic and functional goals and a description of short-term objectives or benchmarks designed to:</p> <p>(A) Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum; and</p> <p>(B) Meet each of the student's other educational needs that result from the student's disability;</p>	<p><i>IEPs must include measurable annual goals, including academic and functional goals.</i></p> <p><i>If a student's functional performance is age appropriate (and described as such in the PLEP), then the annual goals developed to meet that student's needs will not require the inclusion of a goal to address functional performance.</i></p>	<p>The IEP must include measurable annual goals that address both academic and functional needs that result from the disability. [If a student's functional performance is age appropriate (and is described as such in the PLEP) then the annual goals developed to meet that student's needs does not require the inclusion of a goal to address functional performance.]</p> <p>Goals should:</p> <ul style="list-style-type: none"> • Be established for each area identified in the PLEP as an educational need (academic or functional); • Correlate directly with the student's present levels of educational performance; • Address areas of need in order to enable the student to be involved in and progress in the general curriculum <ul style="list-style-type: none"> ○ Relevant content standards and grade level benchmarks ○ Underlying skills needed to reach specific grade level benchmarks • Address other educational needs i.e. use of assistive technology, interpersonal relationships, self-help skills, movement/motor development or adapted physical education. <p>Annual goals must be measurable:</p> <ul style="list-style-type: none"> • Annual goal statements describe what the student can reasonably be expected to accomplish within a 12-month period in his/her special education program. • Annual goals include benchmarks or short-term objectives that describe/address a sub-skill of the annual goal. • Objectives clearly describe the new behavior/skill that the student is to demonstrate. • Objectives/benchmarks are measurable, intermediate steps between the present levels of educational performance and the annual goal. • Objectives provide general benchmarks for determining

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<p>(3) A description of:</p> <p>(A) How the student's progress toward meeting the annual goals described in paragraph (2) will be measured; and</p> <p>(B) When periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:</p> <p>(A) To advance appropriately toward attaining the annual goals;</p>		<p>progress.</p> <ul style="list-style-type: none"> Objectives include conditions, observable behavior, and measurable performance criteria. <p>The methods of measuring progress towards the goals must be described. The methods may include, but are not limited to, observations, records, standardized tests, teacher-made tests, daily work, behavior checklists.</p> <p>Generally, progress on the annual goals is reported at the end of each quarter/trimester. The IEP team may decide, however, that a different schedule/frequency and type of reporting is needed if a student's program requires more frequent monitoring and adjustment.</p> <p>The mandate to base services on peer-reviewed research is a result of Congress' intent to make IDEA consistent with No Child Left Behind. As schools strive to achieve Adequate Yearly Progress (AYP) for all students, including students with disabilities, they must focus on the practices with the greatest likelihood of ensuring success.</p> <p>According to the (U.S.) Education Department (ED), peer-reviewed research refers to "research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published." In other words, there is reliable evidence that the program or service works. The ED clarified that the IEP team has the final say about peer-reviewed research. "This does not mean that the service with the greatest body of research is the service necessarily required for a child to receive FAPE. Likewise, there is nothing in the Act to suggest that the failure of a public</p>

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<p>(B) To be involved in and make progress in the general education curriculum in accordance with paragraph (1), and to participate in extracurricular and other nonacademic activities; and</p> <p>(C) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;</p>		<p>agency to provide services based on peer-reviewed research would automatically result in a denial of FAPE. The final decision about the special education and related services, and supplementary aids and services that are to be provided to a child must be made by the child's IEP Team based on the child's individual needs." <i>Analysis of Comments and Changes to 2006 IDEA Part B Regulations, 71 Fed. Reg. 46665 (August 14, 2006)</i></p> <p>The phrase "to the extent practicable" as used in this context, generally means that services and supports should be based on peer-reviewed research to the extent that it is possible, given the availability of peer-reviewed research." <i>Analysis of Comments and Changes to 2006 IDEA Part B Regulations, 71 Fed. Reg. 46665 (August 14, 2006)</i></p> <p>The requirement to provide services that are "based on peer-reviewed research to the extent practicable" gives the IEP team a framework for considering parent requests for a particular methodology. There is nothing in IDEA that requires an IEP to include instructional methodologies, but it is the IEP team's responsibility to determine, with parental input, the best approach to benefit the child.</p> <p>It is important to remember to discuss and document any program modifications or supports for school personnel that must be provided to enable the student to participate in extracurricular and other nonacademic activities such as school events, clubs or sports.</p> <p>If a student is able to participate in the general/regular physical education program, but requires some accommodations or modifications, those accommodations and/or modifications should be described in the IEP. Examples of modifications include, but are not limited to; changing the rules or expectations of performance, use of modified or special equipment, extending time limits, provision of a sign language interpreter.</p> <p>Generally, this section of the IEP describes the subject areas/classes that</p>

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<p>(5) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in paragraph (4);</p> <p>(6) (A) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments consistent with section 612(a)(16) of the Act; and (B) If the IEP Team determines that the student shall take an alternate assessment instead of a particular regular State assessment of student achievement, a statement of why: (i) The student cannot participate in the regular assessment; and (ii) The particular alternate</p>		<p>the student will be in a special education setting (not in the general education classroom). This statement should be consistent with the statement of special education and related services in the services grid of the IEP.</p> <p>In addition to academic participation, this section must also address participation in physical education (unless the child's program is implemented entirely at a separate facility), extracurricular and nonacademic activities if a student will not be participating in one or more types of activities. If there is no statement about participation in physical education, extracurricular and nonacademic activities the assumption is that the student will participate or is eligible to participate in all activities as appropriate for all students.</p> <p>If the IEP team decides that the student will not participate in the regular Hawaii State Assessment (HSA), then the student must participate in the Hawaii State Alternate Assessment (HSAA). The IEP must describe why the student cannot take the HSA and why the HSAA is appropriate. Participation criteria for the HSAA are as follows:</p> <ol style="list-style-type: none"> 1. The student demonstrates significant cognitive disabilities that may be combined with limited adaptive skills, physical or behavioral limitations and requires a highly specialized educational program with intensive modifications and accommodations for access to the general academic curriculum. 2. The student's daily instruction focuses on the academic content standards through alternate performance indicators that link to the grade-level benchmarks. The alternate performance indicators are at a lower level of complexity designed to serve as

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<p style="text-align: right;">assessment selected is appropriate for the student; and</p> <p>(7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.</p> <p>(b) Transition services. (1) For each student beginning at age 14 (or younger if determined appropriate by the IEP team), and updated annually, the IEP shall include a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational educational program).</p> <p>(2) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP shall include:</p> <p>(A) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where</p>		<p>access or entry points to the grade-level benchmarks.</p> <ol style="list-style-type: none"> 3. The student requires intensive direct instruction in multiple settings to accomplish the acquisition, application, and transfer of knowledge and skills. 4. The student's difficulty with the general academic curriculum demands is due to his/her significant cognitive disabilities, and not to social, cultural, or environmental factors or to excessive absences unrelated to the disability. <p>A number of students reach age 14 before they enter high school. Middle/intermediate schools must remember to address this component by the time the student reaches age 14. They may want to consult with the high school or invite high school personnel to participate in the IEP in which the course of study is addressed.</p> <p>Postsecondary goals must be measurable (countable, observable) and must occur <i>after</i> the student graduates or ages out from school. The IEP should also include:</p> <ul style="list-style-type: none"> • Evidence that the postsecondary goals are based on age-appropriate transition assessments; • Annual IEP goal(s) that reasonably enable the student to meet the postsecondary goal(s); • A course of study that aligns with the postsecondary goal(s);

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<p style="text-align: center;">appropriate, independent living skills; and</p> <p style="text-align: center;">(B) The transition services needed to assist the student in reaching those goals, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.</p> <p>(c) Transfer of rights at age of majority. Beginning not later than one year before the student reaches the age of majority under State law, the IEP shall include a statement that the student has been informed of the student's rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority under section 8-60-74.</p> <p>(d) Construction. Nothing in this section shall be construed to require:</p> <p style="padding-left: 20px;">(1) That additional information be included in a student's IEP beyond what is explicitly required in section 614 of the Act; or</p> <p>(2) The IEP Team to include information under one component of a student's IEP that is already contained under another component of the student's IEP. [Eff _____] (Auth: 20 U.S.C. 1414(d)(1)(A))</p>		<ul style="list-style-type: none"> • Transition services that focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school; and • A statement of any interagency responsibilities or needed linkages, such as the Department of Vocational Rehabilitation, Department of Health Developmental Disabilities Division or Adult Mental Health Division, or a community college. <p>The notification under this section must be completed <u>at least</u> one year before the student turns 18. It may be done more than 1 year prior.</p> <p>If there may be issues regarding a student's competency to make informed decisions or if a student thinks he/she may want to assign educational decision-making to a family member, this would be a good time to review the options available to the student and family.</p>

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and (d)(6), HRS §302A-1112) (Imp: 34 C.F.R. §300.320		
<p>§8-60-45 <u>IEP Team</u>. (a) General. The department shall ensure that the IEP Team for each student with a disability includes:</p> <p>(1) The parents of the student;</p> <p>(2) Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);</p> <p>(3) Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;</p> <p>(4) A representative of the department who:</p>	<ul style="list-style-type: none"> • <i>The child's participation in the regular education environment, not the regular education classroom determines whether a regular education teacher is a required participant at the IEP meeting.</i> • <i>The IEP Team does not need to include more than one regular education teacher. If the child has more than one regular education teacher responsible for carrying out a portion of the IEP, the school may designate which teacher or teachers will serve as the IEP member(s), taking into account the best interest of the child.</i> • <i>Not less than 1 regular education teacher of the child (if the child is, or may be, participating in the regular education environment);</i> • <i>The regular education environment includes nonacademic and extracurricular services and activities such as school assemblies, field trips, clubs, sports, lunch, recess, etc.</i> • <i>If the child's disability is speech impairment, for example, the special education provider could be the speech language pathologist.</i> 	<p>The parent of the student may be the biological parent, guardian, educational representative (for students age 18-20) or surrogate parent. In situations where the biological parents are either not available or have had their parental rights terminated, it is imperative that the school determine who has the legal status to act as the parent.</p> <p>Parents are key members of the IEP team. They know their child very well and can talk about their child's strengths and needs as well as their ideas for enhancing their child's education. They can offer insight into how their child learns, what his or her interests are, and other aspects of the child that only a parent can know. They can listen to what the other team members think their child needs to work on at school and share their suggestions. They can also report on whether the skills the child is learning at school are being used at home.</p> <p>To the extent that preliminary information is available, it is expected that this information would be provided to the parents sufficiently in advance of the meeting so that they can participate meaningfully in those discussions and decisions on an equal footing with other members of the IEP team. For example, if a draft IEP is prepared sufficiently in advance of the meeting, it would be a good practice for all members of the IEP Team, including the parents, to have a copy of the Draft IEP prior to the meeting.</p> <p>The requirement for the inclusion/participation of a general education teacher on the IEP team is applicable if the student is, <u>or may be</u>, participating in the general education <u>environment</u>. The general education environment is understood to include nonacademic and extracurricular services and activities such as school assemblies, field trips, clubs, sports, lunch, recess, etc.</p> <p>The IEP team is not required to include more than one general education</p>

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<p>(A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;</p> <p>(B) Is knowledgeable about the general education curriculum; and</p> <p>(C) Is knowledgeable about the availability of and has the authority to commit the resources of the department.</p> <p>(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (2) through (6);</p> <p>(6) At the discretion of the parent or the department, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and</p> <p>(7) Whenever appropriate, the student with a disability.</p>	<p>• <i>It is not required that the IEP team also includes the individual who conducted a particular assessment.</i></p> <p><i>It is the public agency (school) that determines the specific personnel to fill the roles for the required participants at the IEP Team meeting. A parent does not have a legal right to require other members of the IEP Team to attend an IEP Team meeting.</i></p>	<p>teacher of the student. If the student has more than one general education teacher, the school may designate which teacher or teachers will serve as the IEP member(s), taking into account the best interest of the student. In a situation in which not all of the child's general education teachers are members of the child's IEP team, the school is strongly encouraged to seek input from the teachers who will not be attending the IEP team meeting. In addition, the school must ensure that each general education teacher (as well as each special education teacher, related services provider, and other service providers) of an eligible child has access to the child's IEP and is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications and supports that must be provided to the child in accordance with the IEP.</p> <p>The special education teacher or provider who is a member of the student's IEP Team should be the person who is, or will be, responsible for implementing the IEP. For example, if the student's disability is speech impairment, the special education teacher or special education provider could be the speech language pathologist.</p> <p>The department may determine which specific staff member will serve as the agency representative in a particular IEP meeting as long as the individual meets the requirements. That role is generally a school administrator, but the school administrator may designate another individual to act in that capacity (designee) as long as they are:</p> <ul style="list-style-type: none"> • Qualified to provide, or supervise the provision of, special education; • Knowledgeable about the general education curriculum; and • Knowledgeable about the availability of and have the authority to commit the resources of the department. <p>The provisions of this section ensure that services set out in an IEP may not be vetoed at a higher administrative level, and IEP implementation may not be unnecessarily delayed.</p>

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		<p>While there is no requirement that a member of the eligibility or diagnostic team participate as a member of the IEP team, either for the initial or subsequent meetings, an individual who is knowledgeable about the instructional implications of evaluation results must be a member of the team. This person may be the special or general education teacher, representative of the department, related service provider, or an individual with special expertise. This individual should understand the tests or other materials or strategies utilized, be able to explain the evaluation results to the other team members, and have the skills or knowledge to assist the IEP Team in determining the special education, related services, and other supports that are necessary in order for the child to receive FAPE. It is not required that the IEP team also includes the individual who conducted a particular assessment.</p> <p>The determination of the knowledge or special expertise of any individual must be made by the party (parents or school) who invited the individual to be a member of the IEP Team. Although related services personnel are not required members of the IEP Team, it would be appropriate for the related services personnel to attend the IEP meeting or otherwise be involved in developing the IEP if the child has an identified need for related services.</p> <p>It is the public agency (school) that determines the specific agency personnel to fill the roles for the required participants at the IEP Team meeting. Although a parent does not have a legal right to require other members of the student team to attend an IEP Team meeting, the school should consider the reasons for the parent's request. If, for example, the IEP Team will be discussing the student's performance in math, but the math teacher is not a member of the IEP Team, it is reasonable for the parent to request that the math teacher attend the meeting. If the school then determines that it is not necessary for the math teacher to attend, they should ensure that the IEP team has the necessary information and authority to address any issues or services regarding math.</p>

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		In addition to the required IEP team members, the school should include (through attendance, consultation or submittal of appropriate data/information) the people necessary to develop an appropriate program for the student. While it is essential to have the right people at the IEP Team meeting, it is also important to consider the impact of having a large number of people in attendance. Large numbers of participants may intimidate the parent, minimizing their input, or may reduce team efficiency and flexibility.
<p>(b) Transition services participants. (1) In accordance with subsection(a)(7), the department shall invite a student with a disability to attend the student's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals under section 8-60-44(b).</p> <p>(2) If the student does not attend the IEP Team meeting, the department shall take other steps to ensure that the student's preferences and interests are considered.</p> <p>(3) To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, in implementing the requirements of paragraph (1), the department shall invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.</p> <p>(c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in subsection (a)(6) shall be made by the party (parents or department) who invited the individual to be a member</p>	<p><i>Due to the confidentiality of information that is discussed at any IEP meeting, schools are required to get consent from the parent (or from the student if he/she has reached the age of majority and all educational rights have transferred to the student) before inviting representatives from any public agency (e.g. Developmental Disabilities or Department of Vocational Rehabilitation) to attend the IEP team meeting to discuss transition services. These representatives should not have access to any or all the student's records unless the parent (or student of age) gives consent for such</i></p>	<p>In accordance with §8-60-45(b)(2), if the student will not be a participant when transition needs and/or services are being discussed, steps must be taken to ensure that the student's interests and preferences are considered. This process should not be a one-time activity just prior to the meeting and done merely to fulfill the requirement. Teachers should utilize available on-going opportunities to meet with the student. Conversations with the student should occur during classes such as guidance and vocational education classes to learn student interests and preferences. Surveys, questionnaires or other transition assessments may be used to solicit and document student's input. This information should also be reflected in the PLEP.</p> <p>Due to the confidentiality of information that is discussed at any IEP meeting, schools are required to obtain consent from the parent or from an adult student if he/she has reached the age of majority and all educational rights have transferred to the student, before inviting a</p>

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<p>of the IEP Team.</p> <p>(d) Designating the department representative. The department may designate another department member of the IEP Team to also serve as the department representative, if the criteria in subsection (a)(4) are satisfied.</p>	<p><i>a disclosure.</i></p> <p><i>It is not necessary to get consent from the parent or student before inviting to the IEP meeting a representative from the Department of Health, Family Guidance Center or a contracted agency responsible for special education and/or related services for the child. These agencies are considered an "arm" or extension of the DOE.</i></p>	<p>representative from any public agency (e.g. Developmental Disabilities or Department of Vocational Rehabilitation) to attend the IEP team meeting to discuss transition services. These representatives should not have access to any of the student's records unless the parent or adult student gives consent for such a disclosure.</p> <p>(It is not necessary to get consent from the parent or adult student before inviting to the IEP meeting a representative from the Department of Health, Family Guidance Center or a contracted agency responsible for providing special education and/or related services for the child. These agencies are considered an "arm" or extension of the DOE.)</p>
<p>(e) IEP Team attendance. (1) A member of the IEP Team described in subsections (a)(2) through (a)(5) is not required to attend an IEP Team meeting, in whole or in part, if the parent of a student with a disability and the department agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.</p> <p>(2) A member of the IEP Team described in paragraph (e)(1) may be excused from attending an IEP Team 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:</p> <p>(A) The parent, in writing, and the department consent to the excusal; and</p> <p>(B) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.</p>	<p><i>IEP Team members may be excused from attendance at any IEP Team meeting if the parent and the school administrator agree (in writing) that the attendance of the member is not necessary.</i></p> <p><i>Required members of the IEP team may be excused from attendance for all or part of the IEP meeting.</i></p> <ul style="list-style-type: none"> <i>• If a team member's area of curriculum or related services is not expected to be modified or discussed, the member may be excused if:</i> <ul style="list-style-type: none"> <i>• The parent and school administrator agree, and</i> <i>• The agreement is in writing prior to the IEP meeting.</i> <i>• If a team member's area of curriculum or related services is expected to be modified or discussed, the member may be excused if:</i> <ul style="list-style-type: none"> <i>• The parent and school administrator agree.</i> <i>• The agreement is in writing prior to the IEP meeting.</i> 	<p>IEP Team members may be excused from attendance at any IEP Team meeting if the parent and the school administrator agree (in writing) that the attendance of the member is not necessary. Required members of the IEP team (agency representative, general education teacher, special education teacher and an individual who can interpret the instructional implications of evaluation results) may be excused from attendance for all or part of the IEP meeting. According to the U.S. Education Department, "allowing IEP team members to be excused from attending an IEP team meeting is intended to provide additional flexibility to parents in scheduling IEP team meetings and to avoid delays in holding an IEP team meeting when an IEP team member cannot attend due to a scheduling conflict."</p> <p>If a team member's area of curriculum or related services is not expected to be modified or discussed, the member may be excused if the parent and school administrator agree, and the agreement is in writing prior to the IEP meeting.</p> <p>If a team member's area of curriculum or related services is expected to be modified or discussed, the member may be excused if:</p> <ul style="list-style-type: none"> • The parent and school administrator must consent*; • The parent's consent is in writing prior to the IEP meeting; and • The excused IEP team member submits their written input (for

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	<ul style="list-style-type: none"> • <i>The excused IEP team member submits their written input (for the development of the IEP) to the parent and other members of the IEP team prior to the IEP meeting.</i> • <i>If the student has only one special education and/or regular education teacher responsible for implementing the IEP, it is not appropriate to utilize a substitute for either of those teachers for the purpose of avoiding the requirement to obtain consent for excusal from attendance.</i> • <i>If the child has more than one special education or regular education teacher responsible for implementing portions of the IEP, then as long as one of the teachers in each role group is able to attend, obtaining consent for excusal would not be required.</i> <p><i>[Requirements regarding related service providers to be added.]</i></p> <ul style="list-style-type: none"> • <i>It is critical for school teams to keep the best interests of the child in mind when designating IEP team members to participate in IEP Team meetings. All participants should have the knowledge to assist the IEP Team in determining the special education, related services, and other supports that are necessary in order for</i> 	<p>the development of the IEP) to the parent and other members of the IEP team prior to the IEP meeting.</p> <p>*Consent means that the parent has been fully informed and understands that granting consent is voluntary and may be revoked at any time. The school must be sure the parent understands that they are being asked to consent to excusing an IEP team member whose area of curriculum or related services will be discussed (and possibly changed), and, if the parent does not consent the IEP meeting must be scheduled at a time when the IEP team member will be able to attend.</p> <p>Related service providers, i.e. speech pathologists, physical therapists or occupational therapists, are not required members of an IEP team. As discretionary members, they are not required to follow excusal procedures if they are not going to attend an IEP meeting. It is essential in such a case, however, to obtain the provider's input prior to finalizing the IEP.</p> <p>For a student whose only special education consists of speech services and the speech pathologist is the sole special education provider, the speech pathologist would be a required member of the IEP team and would need to follow excusal procedures if not able to attend the IEP meeting.</p> <p>Although it is advisable to provide the parent as much advance notice as possible, there is no specific requirement regarding how far in advance of an IEP meeting a parent must be notified of a request to excuse an IEP team member's attendance or sign consent for the excusal.</p> <ul style="list-style-type: none"> • The parent can request an additional IEP Team meeting at any time and does not have to agree to excuse an IEP Team member • If a parent does not find out until the IEP Team meeting that a required participant will not be at the meeting, the parent has two options. <ul style="list-style-type: none"> ○ agree to the excusal and proceed with the meeting (then request an additional meeting if more information is needed), or

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	<p><i>the child to receive FAPE IDEA 2004 does not specify how far in advance of an IEP Team meeting a parent must be notified of a school's request to excuse a member from attending an IEP Team meeting or when the parent and administrator must sign a written agreement or provide written consent to excuse an IEP Team member.</i></p> <ul style="list-style-type: none"> <i>• The parent can request an additional IEP Team meeting at any time and does not have to agree to excuse an IEP Team member</i> <i>• If a parent learns at the IEP Team meeting that a required participant will not be at the meeting, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled</i> <i>• If a team member wants to miss part of a meeting (after providing their input into the development of the IEP) the parent and school administrator may exercise the options outlined above. The "IEP Team Member Input" document is a "tool" and is not a required form.</i> <i>• Excused IEP team members whose area is to be discussed may submit their written input in any form as long as any pertinent</i> 	<ul style="list-style-type: none"> ○ not agree to the excusal and request that the meeting be rescheduled. • Excused IEP team members whose area is to be discussed may submit their written input in any form as long as any pertinent areas of IEP development are addressed. • If the excused team member has goals and objectives to propose, they may be drafted as usual, then printed out and included with the rest of the member's written input. • If the school & parent are asked to excuse a team member whose area will be discussed, they must consider whether the remaining team members would be able to develop appropriate services and supports in that area and commit to providing the resources/time necessary to do so without the excused team member. <p>It should NOT be standard practice to excuse members of the IEP team from meetings, nor is it a way to get around the requirement to have certain role groups attend IEP meetings. A school that routinely excuses IEP Team members from attending IEP Team meetings would not be in compliance with the requirements of IDEA, and would be subject to the state's monitoring and enforcement provisions.</p> <p>It is critical for school teams to keep the best interests of the child in mind when designating IEP team members or inviting other persons with special expertise to participate in IEP Team meetings. All participants should have the knowledge to assist the IEP Team in determining the special education, related services, and other supports that are necessary in order for the child to receive FAPE.</p>

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<p>(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and</p> <p>(2) Scheduling the meeting at a mutually agreed on time and place.</p> <p>(b) Information provided to parents. (1) The notice required under subsection (a)(1) shall:</p> <p>(A) Indicate the purpose, time, and location of the meeting and who will be in attendance; and</p> <p>(B) Inform the parents of the provisions in sections 8-60-45(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the student), and section 8-60-45(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a student previously served under Part C of the Act).</p>	<p>attend.</p> <p>The notification of a meeting regarding identification, evaluation and educational placement of a student, and the provision of FAPE, including an IEP meeting, may be verbal or written (using "<i>Meeting Announcement</i>".) The Parent and Student Rights in Special Education brochure must be provided to the parent upon notification of the IEP meeting as well as each time the parent is given a prior written notice. If verbal notice is provided, the parent should be informed of how the brochure will be provided, including the option of sending the brochure home with the student after the verbal notice.</p> <p>Note: Although the notification of a meeting need not be in writing, it must include: The purpose, time and location of the meeting; Those who will be in attendance; The parents' right to invite any person(s) with knowledge or special expertise they feel might be of assistance.</p> <p>Keep a detailed record of:</p> <ul style="list-style-type: none"> - Phone calls made or attempted and the results of those calls; - Copies of correspondence sent and any responses received; and - Any visits made to the parent's home or place of employment and the results of those visits. <ul style="list-style-type: none"> • Make arrangements for an interpreter's services, if needed. If unable to locate an interpreter, contact the district for assistance. <p>Informal discussions among teachers and administrators, which may or may not be pre-arranged, are <u>not</u> meetings for which parents must receive notice</p>	<p>upon time and place for the meeting. By having these conversations in person, it is easier to accommodate parents' and other team members' schedules and work out mutually convenient times for the meeting.</p> <p>When notifying the parent(s) of a meeting regarding evaluation, eligibility, IEP or placement of a student, the notification may be verbal or in writing (using "<i>Conference Announcement</i>"). Although the notification of a meeting need not be in writing, it must include:</p> <ul style="list-style-type: none"> • The time and location of the meeting; • The purpose of the meeting, including (when appropriate) postsecondary goals and transition services; • Who will be in attendance; including students beginning at age 14, or younger if appropriate, and other agencies that will be invited to send a representative (upon consent of the parent or adult student); • The parents' right to invite any person(s) with knowledge or special expertise about the student they feel might be of assistance. <p>In notifying parents about an IEP meeting, the school must let the parents know who from the Department will be in attendance. The school is not required to identify those individuals by name. According to OSEP, a school is in compliance with the law if it identifies attendees by position, i.e. special education teacher or occupational therapist. It is certainly acceptable, however, if a school wishes to include the names as well as the positions of the individuals attending the meeting.</p> <p>While there is no statutory requirement that schools inform parents of the qualifications of members of the IEP team, there is nothing in the IDEA or Chapter 60 that would preclude schools from providing parents with this type of information. Schools are encouraged to grant reasonable requests for information as long as the information is not otherwise protected from disclosure.</p> <p>If the school is unable to get the parent to participate at the meeting or by</p>

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	<p>and the opportunity to attend. Whether or not a meeting is prearranged is not the deciding factor in determining whether parents would have the right to attend; rather, the fact that the meeting is to discuss and potentially resolve one or more of the issues involving the identification, evaluation, program, placement or the provision of FAPE, determines the right for parent participation.</p> <p>Whether or not video-conferencing, as well as other methods for enabling full participation in meetings by those with a right to attend, are used is dependent on the particular circumstances, and no one method is mandated. If one effective option would be more costly in a particular situation than another, there is no requirement that the more costly alternative be chosen.</p>	<p>some other method, the school must keep a detailed record of:</p> <ul style="list-style-type: none"> • Phone calls made or attempted and the results of those calls; • Copies of correspondence sent and any responses received; and • Any visits made to the parent's home or place of employment and the results of those visits. <p>Make arrangements for an interpreter's services, if needed to ensure that parent understands the proceedings. If unable to locate an interpreter, contact the district for assistance.</p> <p>Informal discussions among teachers and administrators, which may or may not be pre-arranged, are <u>not</u> meetings for which parents must receive notice and the opportunity to attend. Whether or not a meeting is prearranged is not the deciding factor in determining whether parents would have the right to attend; rather, the fact that the meeting is to discuss and potentially resolve one or more of the issues involving the identification, evaluation, program, placement or the provision of FAPE, determines the right for parent participation.</p> <p>It is permissible for a member of the IEP team to prepare a draft IEP that represents the preliminary considerations of appropriate services for the student. It is not permissible to present the parents a copy of the completed IEP before the IEP meeting. All of the participants at the IEP must have a bona fide opportunity to discuss all aspects of the IEP and to participate in the final determination of what will be included in the final IEP.</p> <p>Whether or not video-conferencing, as well as other methods for enabling full participation in meetings by those with a right to attend, are used is dependent on the particular circumstances, and no one method is mandated. If one effective option would be more costly in a particular situation than another, there is no requirement that the more costly alternative be chosen.</p> <p>IEP decisions are NOT reached by "majority rules" or voting! Although the process of reaching a consensus may include a "temperature check"</p>

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		<p>of the members, relying on the votes of members and a majority rule to resolve disputes would not meet the intent of Chapter 60 and the IDEA. The IEP team should work toward consensus, but the school has the ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. If the team cannot reach consensus, the school must provide the parents with prior written notice of their proposals and/or refusals regarding the child's educational program, and the parents have the right to seek resolution of any disagreements through mediation or initiating an impartial due process hearing.</p> <p>The IDEA does not require either parent or participant signatures on the IEP. While the parent has the right to participate in the development of the IEP, the department has the responsibility to offer and ensure the provision of an appropriate program for the student. The parent has the option to accept or reject the services being proposed and to initiate mediation or a due process hearing to resolve any disagreement(s) with the school.</p>
<p>(2) For a student with a disability beginning at age 14, or younger if appropriate, the notice shall also; (A) Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student required in section 8-60-44(b)(1) and (B) Indicate that the department will invite the student.</p> <p>(3) For a student with a disability beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP Team, the notice also shall:</p>	<p><i>For each student beginning at age fourteen (or younger, if determined appropriate by the IEP team), the IEP must include a statement of the transition service needs of the student that focuses on the student's courses of study such as participation in advance-placement courses or a vocational education program.</i></p> <p><i>For students 16 years or older, a transition plan as part of the IEP must:</i></p> <ul style="list-style-type: none"> • <i>Identify post-secondary goals in the IEP in the areas of training, education, employment, and where appropriate, independent living skills, based on student interview and age-appropriate transition assessment. For example, student might want to obtain full-time competitive</i> 	

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<p>(A) Indicate:</p> <p>(i) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student, in accordance with section 8-60-44(b); and</p> <p>(ii) That the department will invite the student; and</p> <p>(B) Identify any other agency that will be invited to send a representative.</p> <p>(c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the department shall use other methods to ensure parent participation, including individual or conference telephone calls, consistent with section 8-60-51 (related to alternative means of meeting participation).</p> <p>(d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the department is unable to convince the parents that they should attend. In this case, the department shall keep a record of its attempts to arrange a mutually agreed on time and place, such as:</p> <p>(1) Detailed records of telephone calls made or attempted and the results of those calls;</p> <p>(2) Copies of correspondence sent to the parents and any responses received; and</p> <p>(3) Detailed records of visits made to the parent's home or place of employment</p>	<p><i>employment or attend a community college program upon leaving school.</i></p> <p><i>• Include annual, measurable post-secondary goals in the areas of training, education, employment, and, where appropriate, independent living skills. The achievement of these goals should help the student advance toward meeting the identified outcomes.</i></p> <p><i>Transition services are to be provided to assist the student in reaching those goals. They should be written in the transition plan in the IEP. (These statements can be written as annual goals, as appropriate.)</i></p> <p><i>Parental consent is required prior to inviting outside agency representatives (who are currently or are likely to provide or pay for services) to the IEP meeting.</i></p>	

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<p>and the results of those visits.</p> <p>(e) Use of interpreters or other action, as appropriate. The department shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.</p> <p>(f) Parent copy of student's IEP. The department shall give the parent a copy of the student's IEP at no cost to the parent. [Eff: 10/1/04] (Auth: 20 U.S.C. 1414(d)(1)(B)(i), HRS §302A-1112) (Imp: 34 C.F.R. §300.322)</p>		<p>Parents must be given a copy of the finalized IEP at no cost to the parent.</p>
<p>§8-60-47 <u>When IEPs shall be in effect.</u> (a) General. At the beginning of each school year, the department shall have in effect, for each student with a disability within its jurisdiction, an IEP, as defined in section 8-60-44.</p> <p>(b) IEP for students aged three through five. In the case of a student with a disability aged three through five, in the development of an IEP, the IEP Team shall consider the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for students with IFSPs under this section who are at least three years of age).</p>		<p>Individual school calendars throughout the state may vary somewhat from school to school. The "beginning of each school year" in this section refers to the beginning of the school year for the school the student is or will be attending. The IEP in effect at the beginning of the school year should accurately reflect the program and services being delivered. This becomes particularly important at the beginning of the school year when students move from grade to grade or transition from elementary to middle school or middle to high school.</p> <p>For children with disabilities aged three through five who received services from Part C (Early Intervention) prior to becoming eligible for DOE services, Chapter 60 requires IEP teams to consider the content of the Individualized Family Support Plan (IFSP) when developing the IEP. This is intended to smooth the transition from family-centered Part C services to student-centered Part B services and provide the IEP team with information about the child from the perspective of the Early Intervention team. The school will need to request a copy of the IFSP from the parent or Part C representative (after obtaining parent consent).</p>

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<p>(c) Initial IEPs; provision of services. The department shall ensure that:</p> <p>(1) A meeting to develop an IEP for a student is conducted within 15 days after the receipt of parental consent for the initial provision of special education and related services by the department; and</p>		<p>If the IFSP is not made available to the school, the parent and/or Part C representative at the initial IEP meeting may provide information about the IFSP to the IEP team.</p> <p>The Individualized Family Support Plan (IFSP) includes:</p> <ul style="list-style-type: none"> • child's present levels of development based on objective criteria; • measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child; • services contained in the IFSP be based on peer-reviewed research, to the extent practicable; • a statement of the frequency, intensity, length, duration, and method of delivery of services; • if a particular early intervention service cannot be provided satisfactorily in a natural environment, a justification that describes the setting in which the service will be provided and an explanation that supports the decision as to how the setting will assist the infant or toddler achieve the IFSP outcomes is required on the IFSP; and • For children who are at least three years of age, an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills. <p>Under Chapter 60, the evaluation timeline begins upon receipt of parental consent if an assessment must be conducted or the date of the determination that no additional assessment data is needed, and ends upon determination of eligibility. If a child is eligible, the IEP must be developed within 15 days of the receipt of parental consent for initial provision of services, but no longer than 30 days after the eligibility determination was made. Schools should make every effort to engage parents and facilitate their participation in the development of the IEP, however, if they are not successful in getting the parents to respond after reasonable efforts and documentation of efforts then the school may hold the IEP meeting without the parent(s) in attendance in order to provide</p>

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<p>(2) As soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the student's IEP.</p> <p>(d) Accessibility of student's IEP to teachers and others. The department shall ensure that:</p> <p>(1) The student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and</p> <p>(2) Each teacher and provider described in paragraph (1) is informed of:</p> <p>(A) His or her specific responsibilities related to implementing the student's IEP; and</p> <p>(B) The specific accommodations, modifications, and supports</p>		<p>timely services for the student. A Prior Written Notice describing the program and placement and a copy of the finalized IEP must be given to the parents.</p> <p>There is no specific timeframe for "as soon as possible." If the initial IEP is developed when school is in session, then services should begin without undue delay, based first on the needs of the student and on other factors like the availability/schedule of a related services provider or making transportation arrangements for the child. For example, the student requires speech therapy once a week. The services are available upon completion of the IEP on a Wednesday, but the team determines the services can be appropriately provided during the regular Tuesday schedule for the itinerant speech therapy services at the school. If the initial IEP is developed prior to a school break, however, services may not begin until school is back in session. If an IEP is developed for a preschool child prior to the child's third birthday, then services will not begin until the child turns three and is eligible to enter school.</p> <p>Accessibility to the IEP is especially critical if a teacher/provider is not an IEP team member, if a team member is excused from an IEP meeting, or if an IEP is amended without holding a meeting. The IEP coordinator must ensure that everyone knows his/her specific responsibilities and the specific accommodations, modifications and supports that are to be provided to the student.</p>

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<p>that shall be provided for the student in accordance with the IEP.</p> <p>(e) IEPs for students who transfer from another state. If a student with a disability (who had an IEP that was in effect in a previous public school in another state) transfers and enrolls in a Hawai'i public school, within the same school year, the new public school (in consultation with the parents) shall provide the student with FAPE (including services comparable to those described in the student's IEP from the previous public school), until the new public school:</p> <ol style="list-style-type: none"> (1) Conducts an evaluation pursuant to sections 8-60-36 through 8-60-38 (if determined to be necessary); and (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in sections 8-60-44 through 8-60-48. <p>(f) Transmittal of records. To facilitate the transition for a student described in subsection (e), the new public school in which the student enrolls shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous public school in which the student was enrolled, pursuant to 34 CFR 99.31(a)(2). [Eff] (Auth: 20 U.S.C. 1414(d)(2)(A)-(C), HRS §302A-1112) (Imp: 34 C.F.R. §300.323)</p>		<p>While schools must provide services (in consultation with the parent) upon enrollment to students with IEPs from out of state, they are not required to deliver the exact same services as those described in the student's IEP from the previous state. The services must be comparable to the out-of-state IEP. The school must begin an initial evaluation (if the student was not previously determined to be eligible in the state of Hawaii) immediately to determine if the student meets Hawaii's eligibility criteria. It is not advisable to do an evaluation with no assessments unless the school has adequate current data to establish eligibility and develop the content of the IEP. It is NOT good practice to do an evaluation with no assessments followed immediately by a reevaluation with assessments.</p>
<p>§8-60-48 <u>Development, review, and revision of IEP.</u></p> <p>(a) Development of IEP:(1) General. In developing each student's IEP, the IEP Team shall consider:</p> <ol style="list-style-type: none"> (A) The strengths of the student; (B) The concerns of the parents 		<p>Consideration is based on evidence that the special factor must be addressed in order for the student to make reasonable progress in meeting agreed upon educational goals. Documentation of the consideration of any appropriate areas should be described in the PLEP</p>

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<p>instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;</p> <p>(D) Consider the communication needs of the student including students who are deaf or hearing impaired. This consideration includes a review of the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and</p> <p>(E) Consider whether the student needs assistive technology devices and services.</p> <p>(3) Requirement with respect to regular education teacher. A regular education teacher of a student with a disability, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the student, including the determination of:</p> <p>(A) Appropriate positive</p>	<p><i>When making changes to an IEP after the annual IEP meeting, the parent and the school principal may agree not to convene a meeting and choose to develop a written document to amend or modify the IEP.</i></p> <ul style="list-style-type: none"> <i>• This process may be used only to revise an annual IEP. The IEP Team must convene a meeting to develop the annual IEP.</i> <i>• The agreement to amend an IEP without a meeting must be in writing.</i> <p><i>IDEA 2004 does not place any restrictions on the types of changes that may be made, so long as the parent and the school agree.</i></p> <p><i>However, it is strongly recommended that amending an IEP without a meeting should be utilized only to make minor adjustments to the IEP, such as adding an objective, a</i></p>	

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<p>behavioral interventions and supports and other strategies for the student; and</p> <p>(B) Supplementary aids and services, program modifications, and support for school personnel consistent with section 8-60-44(a)(4).</p> <p>(4) Agreement. (A) In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent of a student with a disability and the department may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP.</p> <p>(B) If changes are made to the student's IEP in accordance with subparagraph (A), the department shall ensure that the student's IEP Team is informed of those changes.</p>	<p><i>supplementary aid or accommodation, or minimally changing the duration and frequency of service</i></p> <p><i>It is recommended that IEP teams not amend the IEP without holding a meeting when making placement decisions or when controversial amendments are proposed, or if there are any concerns from the parent or other IEP team members</i></p> <p><i>The process and documentation for amending an IEP without holding a meeting are as follows:</i></p> <ul style="list-style-type: none"> <i>• All team members, especially the parent, should review/discuss the proposed amendments and provide feedback (orally or in writing) to the IEP Care Coordinator prior to sending any written documentation to the parent.</i> <i>• Proposed amendments must be documented on a Prior Written Notice (PWN). In this situation the PWN serves as the "written document to amend or modify the child's current IEP," and as such, is developed prior to writing any amendment in the IEP document itself. DO NOT make any changes to the current IEP until after the entire amendment process has been completed!</i> <i>• The PWN must be given to the parent along with the form "Consent to Amend the Annual IEP".</i> 	<p>When making changes to an IEP after the annual IEP meeting, the parent and the school principal may agree to amend or modify the IEP without a meeting. The agreement must be in writing. This process may be used only to revise an annual IEP. The IEP Team must convene a meeting to develop the annual IEP.</p> <p>IDEA 2004 does not place any restrictions on the types of changes that may be made, so long as the parent and the school agree. However, it is strongly recommended that amending an IEP without a meeting should be utilized only to make minor adjustments to the IEP, such as adding an objective, a supplementary aid or modification, or minimally changing the duration and frequency of a service. It is recommended that IEP teams not amend the IEP without holding a meeting when making placement decisions or when controversial amendments are proposed, or if there are any concerns from the parent or other IEP team members.</p> <p>The process and documentation for amending an IEP without holding a meeting are as follows:</p> <ul style="list-style-type: none"> • All team members, especially the parent, should review/discuss the proposed amendments and provide feedback (orally or in writing) to the IEP Coordinator prior to sending any written documentation to the parent. • Proposed amendments are documented on a Prior Written Notice (PWN). In this situation the PWN serves as the "written document to amend or modify the child's current IEP," and as such, is developed prior to writing any amendment in the IEP document itself. DO NOT make any changes to the current IEP until after the entire amendment process has been completed!

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	<ul style="list-style-type: none"> • <i>Upon receipt of the parent's signature agreeing to amend the IEP without a meeting, the amendments will be incorporated into the IEP and, the parent must be provided a copy of the revised IEP.</i> • <i>All IEP team members must be informed of the changes to the IEP!</i> <p><i>In the event the parent does not provide their written agreement to amend the IEP, do not proceed to implement the proposed revisions. Convene an IEP meeting. Upon agreement at the IEP meeting, proposed changes must be documented on the IEP and a PWN must be issued.</i></p> <p><i>It is not necessary to follow these procedures simply to correct clerical errors or "typos."</i></p>	<ul style="list-style-type: none"> • The PWN must be given to the parent along with the form "Consent to Amend the Annual IEP". • Upon receipt of the parent's signature agreeing to amend the IEP without a meeting, the amendments will be incorporated into the IEP and, the parent must be provided a copy of the revised IEP. • All IEP team members must be informed of the changes to the IEP! <p>In the event the parent does not provide their written agreement to amend the IEP, do not proceed to implement the proposed revisions. Convene an IEP meeting. Upon agreement at the IEP meeting, proposed changes must be documented on the IEP and a PWN must be issued.</p> <p>It is not necessary to follow these procedures simply to correct clerical errors or "typos."</p>
<p>(5) Consolidation of IEP Team meetings. To the extent possible, the department shall encourage the consolidation of reevaluation meetings for the student and other IEP Team meetings for the student.</p> <p>(6) Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (4), by amending the IEP rather than by redrafting the entire IEP. A parent shall be provided with a revised copy</p>		

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<p>of the IEP with the amendments incorporated.</p> <p>(b) Review and revision of IEPs:(1) General. The department shall ensure that, subject to paragraphs (2) and (3), the IEP Team:</p> <p>(A) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and</p> <p>(B) Revises the IEP, as appropriate, to address:</p> <p>(i) Any lack of expected progress toward the annual goals described in section 8-60-44(a)(2), and in the general education curriculum, if appropriate;</p> <p>(ii) The results of any reevaluation conducted under section 8-60-35;</p> <p>(iii) Information about the student provided to, or by, the parents, as described under section 8-60-37(a)(2);</p>		<p>The IDEA and Chapter 60 require an IEP review at least once a year; however, the team may review and revise the IEP more often. Either the parents or the school can ask to hold an IEP meeting to review and/or revise the child's IEP. For example, the child may not be making progress toward his or her IEP goals, and his or her teacher or parents may become concerned. On the other hand, the child may have met most or all of the goals in the IEP, and new ones need to be written. In either case, the IEP team would meet to revise the IEP.</p> <p>When conducting a review of the student's IEP and, as necessary, revising it, team members must again consider:</p> <ul style="list-style-type: none"> • The student's strengths, • The parents' ideas for enhancing their child's education, • The results of recent evaluations or reevaluations, and • How the child has done on state and district-wide tests.

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<p>(iv) The student's anticipated needs; or</p> <p>(v) Other matters.</p> <p>(2) Consideration of special factors. In conducting a review of the student's IEP, the IEP Team shall consider the special factors described in subsection (a)(2).</p> <p>(3) Requirement with respect to regular education teacher. A regular education teacher of the student, as a member of the IEP Team, shall, consistent with subsection (a)(3), participate in the review and revision of the IEP of the student.</p> <p>(c) Failure to meet transition objectives:</p> <p>(1) Participating agency failure. If a participating agency, other than the department, fails to provide the transition services described in the IEP in accordance with section 8-60-44(b), the department shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.</p> <p>(2) Construction. Nothing in this chapter relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility</p>		

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<p>criteria of that agency.</p> <p>(d) Students with disabilities in adult prisons:</p> <p>(1) Requirements that do not apply. The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:</p> <p>(A) The requirements contained in section 612(a)(16) of the Act and section 8-60-44(a)(6) (relating to participation of students with disabilities in general assessments).</p> <p>(B) The requirements in section 8-60-44(b) (relating to transition planning and transition services) do not apply with respect to the students whose eligibility under this chapter will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.</p> <p>(2) Modifications of IEP or placement. (A) Subject to subsection (d)(2)(B), the IEP Team of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that</p>		<p>If a student with a disability was duly enrolled in school (not graduated at the time of incarceration in an adult prison), the right to FAPE continues, however, certain requirements <u>do not apply</u> to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons.</p> <ul style="list-style-type: none"> • The requirements relating to participation of children with disabilities in general assessments do not apply. • The requirements relating to transition planning and transition services do not apply with respect to the students who will reach age 20 before they will be eligible to be released from prison. <p>The IEP team may modify the student's IEP or placement if there is a genuine security issue, i.e. a student's violent behavior, or compelling penological interest i.e. management or coordination of security or facilities, that cannot otherwise be accommodated.</p> <p>The responsibility for the IEP of the incarcerated student transfers to the school within whose boundaries the adult prison is located because the prison becomes the student's 'residence'. Communication between the releasing school and the receiving school and the timely transfer of records at the time of incarceration is the key to providing FAPE for the incarcerated student.</p>

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<p>cannot otherwise be accommodated.</p> <p>(B) The requirements of sections 8-60-44 (relating to IEPs), and 8-60-15, do not apply with respect to the modifications described in subsection (d)(2)(A). [Eff] (Auth: 20 U.S.C. 1412(a)(1), 1412(a)(12)(A)(i), 1414(d)(3), (4)(B), and (7); and 1414(e), HRS §302A-1112) (Imp: 34 C.F.R. §300.324)</p>		
<p>§8-60-49 <u>Private school placements by the department.</u> (a) Developing IEPs. (1) Before the department places a student with a disability in, or refers a student to, a private school or facility, the department shall initiate and conduct a meeting to develop an IEP for the student in accordance with sections 8-60-44 and 8-60-48.</p> <p>(2) The department shall ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the department shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.</p> <p>(b) Reviewing and revising IEPs. (1) After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the department.</p> <p>(2) If the private school or facility initiates and conducts these meetings, the department shall ensure that the parents and a department</p>	<p>It must be remembered that although the private school may be implementing the IEP, the school is still responsible for ensuring compliance with Chapter 60 and for ensuring that all applicable rights for students with disabilities are afforded the student.</p>	<p>The private school or facility cannot make changes to the IEP without the involvement and agreement of the parents and the department.</p> <p>It must be remembered that although the private school may be implementing the IEP, the DOE or public charter school is still responsible</p>

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<p>representative:</p> <p>(A) Are involved in any decision about the student's IEP; and</p> <p>(B) Agree to any proposed changes in the IEP before those changes are implemented.</p> <p>(c) Responsibility. Even if a private school or facility implements a student's IEP, responsibility for compliance with Part B of the Act remains with the department. [Eff] (Auth: 20 U.S.C. 1412(a)(10)(B), HRS §302A-1112) (Imp: 34 C.F.R. §300.325)</p>		<p>for ensuring compliance with Chapter 60 and for ensuring that all applicable rights for students with disabilities are afforded the student.</p>
<p>§8-60-50 <u>Educational placements.</u> Consistent with section 8-60-56(c), the department shall ensure that the parents of each student with a disability are members of any group that makes decisions on the educational placement of their student. [Eff] (Auth: 20 U.S.C. 1414(e), HRS §302A-1112) (Imp: 34 C.F.R. §300.327)</p>		
<p>§8-60-51 <u>Alternative means of meeting participation.</u> When conducting IEP Team meetings and placement meetings pursuant to this chapter, and carrying out administrative matters under section 615 of the Act (such as scheduling, exchange of witness lists, and status conferences), the parent of a student with a disability and the department may agree to use alternative means of meeting participation, such as video conferences and conference calls. [Eff] (Auth: 20 U.S.C. 1414(f), HRS §302A-1112) (Imp: 34 C.F.R. §300.328)</p>		