

## IEP Team Guidelines: Questions and Answers

### Free Appropriate Public Education (FAPE)

- Q** When a student moves from one school in the Los Angeles Unified School District to another, or from one classroom with certain accommodations/modifications to another, does a new IEP need to be developed to describe the offer of FAPE to include the new school name or identify the classroom?
- A.** If the new program placement is otherwise consistent with the services specified in the offer of FAPE, no. However, when a parent moves a student from one District school to another, the school administrator or their designee, is responsible for reviewing the student's IEP at the time of enrollment to determine if the IEP services can be implemented as written. If the IEP services cannot be implemented or if the new school/classroom has services available that an NPA has been providing because that service was not available in the previous placement, an IEP team meeting shall be convened within 30 days to determine appropriate programs, services, and placements for the student. In these instances, a new summary offer of FAPE will be made that will include the name of the new school.
- Q** If the IEP team has determined that the student's most appropriate placement is a special day class, and the special day class at the school the student is currently attending has reached capacity, should the team offer a special day class at another school?
- A.** Placement at the school the student is attending should always be the first choice and the IEP team should explore with Local District input, for providing the appropriate services at the current school. If the local school placement cannot meet the student's needs, contact the Local District for other options before proceeding further.
- Q** Does a "placement form" need to be developed to present specific program options ahead of the IEP meeting?
- A.** Each Local District will establish procedures for assisting IEP teams in becoming knowledgeable of available placement options. If the Local District does use a protocol, it should be developed so as to provide available options for the IEP team's consideration. The IEP team is responsible for determining the appropriate placement.
- Q** Why is it necessary to put the school name in the offer of FAPE?
- A.** California law defines placement as a "unique combination of location, personnel, equipment and facilities." Therefore, the specific location is necessary as it is considered to be unique.
- Q** If the IEP team determines that a student should receive District provided therapy room or clinic-based OT, does the IEP team need to name the specific site in the offer of FAPE?
- A.** No. The summary offer of FAPE would only specify that the student "will receive therapy service by district staff at a district site." If not available at a district site, then an outside clinic-based OT would be recommended.

**Q How do we ensure that the collaborative model identified in the IEP for the student matriculating from middle school to high school is available at the receiving school?**

**A.** It is the responsibility of the administrator to review the IEP and determine if it can be implemented as written. If the collaborative model identified in the IEP is not available at the receiving school, an IEP meeting shall be held within 30 days of enrollment to determine how services will be provided in LRE. (appropriate programs, services and placement for the student. )

One way to ensure that an offer of FAPE is successfully implemented upon matriculation is to invite a representative from the receiving school to the IEP meeting prior to matriculation. Matriculation meetings held in early spring is a best practice in ensuring successful implementation of the IEP as a student moves from one school to another.

### **Parents and the Offer of FAPE**

**Q Why do we now have to reiterate in the narrative form the District’s offer of FAPE on page 12?**

**A.** The offer of FAPE in narrative form allows for a clear, concise picture of what the IEP team determined as needed for the individual student. While some of the elements of FAPE are embedded throughout the document, not all of them are specifically stated. In order to ensure the parent meaningful participation in the IEP process, the specific offer of placement must be clear and easily understood.

For the school’s convenience, a checklist for constructing a summary offer of FAPE is included at the end of this section. This checklist should be used only as a guide to make sure all elements for the offer of FAPE are included in the summary on page 12. The IEP team should refer to the IEP Placement Guidelines for more explicit guidance in offering FAPE.

**Q Many parents want to look at the school or program before they consent to the IEP. What is the District’s policy on this?**

**A.** Parents have the right to provide informed consent. If the description of the specific services and location of the placement offered is not enough information for the parent to consent, the IEP team meeting may be recessed and reconvened at a later time in order for the parent to observe the proposed placement. The IEP team should assist the parent in contacting the Local District Special Education Coordinator’s Office on procedures for arranging a school visit.

**Q What are the procedures for responding to parents who disagree with the offer of FAPE and request placement in another local district because it is considered “safer” and more desirable?**

**A.** The IEP team is responsible for recommending an appropriate placement that meets the unique and individual needs of the student. If a parent disagrees with the IEP placement offer, for whatever reason, procedural rights and safeguards should be explained to the parent to permit them to address their disagreement.

**Q What does the school do about lack of parent response to a parent notification letter for an annual or triennial? Do you hold the meeting?**

**A** It is the District's obligation to schedule IEP team meetings at mutually agreeable times and places. A meeting may proceed without the parent if there is detailed documentation of the attempts to arrange the meetings at mutually agreeable times and places.

This documentation should include detailed records of telephone calls made or attempted, copies of correspondence sent to the parent and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits.

**Q Can parents request and receive a copy of these guidelines?**

**A** Yes. *The Guidelines for the IEP Team* will be posted on the Division of Special Education's web site. SEMAC and CAC parent organizations will also receive training on the revised guidelines.

## **Preschool**

**Q A preschool student's IEP was held and parents agreed to all DIS services but not with placement. Can a DIS service be offered without a base program?**

**A** No.

**Q Whose responsibility is it to ensure that a general education teacher is present at the IEP of a preschooler?**

**A** If the child is receiving general education preschool services, the preschool teacher needs to be at the IEP meeting. If the child is not receiving general education preschool services, someone needs to be at the IEP meeting who has qualifications to teach general education preschool. The administrator/designee is responsible for securing the attendance of someone qualified to represent the general educator at the IEP meeting.

## **Behavior**

**Q What are the high school placement options for students for whom expulsion is not recommended?**

**A** First determine why the expulsion will not take place. If the IEP was incorrectly written, another IEP meeting needs to be held to correct the problem and to discuss the appropriate placement, services, etc. If the student was found ineligible for expulsion, then the Student Discipline Unit and the referring school must arrange for another IEP meeting to discuss any changes in placement and or services. The IEP team may contact the Local District for additional alternatives.

**Q What is the role of the Student Discipline Proceedings Unit in placing students who have special education eligibility when these students have had weapons?**

**A** If the student is not recommended for expulsion, and another placement is being considered,

the Student Discipline Proceedings Unit (SDPU) consultant and the referring school should arrange for an IEP meeting to discuss any change of placement and to locate an appropriate placement for the student.

For offenses involving drugs or weapons, a 45-day alternative interim placement may be allowed under IDEA 1997. An advisory call to the SDPU should be made prior to the IEP meeting to determine the appropriateness of the request for an alternative interim placement, issues that should be addressed, and who will provide special education support. The SDPU and the referring school should work together to monitor the student's progress during the 45 days.

**Q Do we summarize the Behavior Support Plan on page 12 of the IEP?**

**A** No.

**Q Whose responsibility is it to make sure the Behavior Support Plan is implemented, and what role does the school administration have in making sure that all staff takes responsibility for this implementation?**

**A** It is the school team's responsibility to implement and monitor the plan. The school team is the personnel identified on the Behavior Support Plan as the personnel who are responsible for implementing the BSP. Communication and monitoring information is written in item number 11 on page 2 of the Behavior Support Plan, and the personnel who are responsible for these activities are noted there. Each responsible person should have a copy of the Behavior Support Plan. Ultimately, it is the administrator's responsibility to ensure that school personnel are fulfilling their responsibilities.

**Q When will general education teachers receive training on behavior management techniques to address the needs of the various special education students entering their classes? When will trainings (BICM and PART) be available for all Local Districts?**

**A** BICM and PART trainings are currently available. BICM trainings are held in each local district during the year. PART trainings are also available on a limited basis. Each Local District will advertise these trainings as they become available. There is also BEST (Building Effective Schools Together) training, a school-wide behavior training available for schools that apply for and are selected to participate. The BEST training is done with a team that includes an administrator, general and special education teacher and others who will develop and implement school-wide strategies for all students at their schools.

## **NPS**

**Q Is a nonpublic school placement (NPS) considered a temporary placement?**

**A** No. Nonpublic School placement is not a temporary placement. However, placement in a nonpublic school is to be reviewed annually to determine whether nonpublic school remains the Least Restrictive Environment or if the student can return to the home school.

**Q Will contracting nonpublic schools allow parents to visit prior to an IEP team decision?**

A A nonpublic school must review students' IEPs in order to determine whether they are able to implement all aspects of the IEP. Parents and students must be interviewed and students must meet admission criteria for acceptance at the NPS. Then, it is necessary for an IEP team to reconvene the meeting to determine and document the appropriate placement.

**Q Do NPS placement offers always require a reconvened IEP team meeting; or is it possible that arrangements may be made ahead of time to be interviewed and be accepted by an NPS, therefore eliminating the need for two meetings?**

A NPS placement offers require a reconvened IEP meeting. A nonpublic school must review students' IEPs in order to determine whether they are able to implement all aspects of the IEP. Parents and students must be interviewed and students must meet admission criteria for acceptance at the NPS. Then, it is necessary for an IEP team to meet and complete the components necessary to help determine the appropriate placement.

**Q Does the Nonpublic Services Department have to approve of a specific nonpublic school and does this have to be documented in the IEP?**

A Initial nonpublic school placement offers always require that the student be interviewed and meet the admission criteria of the NPS and that the NPS be able to implement all aspects of the IEP. The Nonpublic Services Department, together with the Local District Special Education Office and the parent, locates nonpublic school options. The IEP team then reconvenes, with participation of the NPS to determine an appropriate FAPE offer which includes the name of the specific NPS.

**Q Will parents be required to visit nonpublic schools before the IEP meeting?**

A No, only prior to the reconvened IEP meeting. Once the IEP team has determined that an NPS is appropriate, the parents and the student must be interviewed at the NPS site and the student must meet admission criteria to be accepted by the NPS. The IEP meeting is reconvened with participation of the NPS to determine an appropriate placement.

**Q Please discuss transportation issues when a student is dually enrolled in a nonpublic school and general ed campus. If we want students to be enrolled in their home schools, how do we transport when the home school is very far from the NPS?**

A Dual enrollment provides an option for students with disabilities placed in a nonpublic school to interact with nondisabled peers, to have access to the general curriculum, or to transition from nonpublic school to public school placement. The public school may be in the student's neighborhood or near the nonpublic school. Transportation is usually only in one direction, to or from the attending district. Transportation can be arranged through the NPS or the Local District.

**Q Is nonpublic school placement an appropriate option for a student whose main challenge is significant behavior?**

A Sometimes yes, sometimes no. All students are to be educated in their least restrictive environment. Behavioral challenges are related to a number of factors. IEP teams must

review and analyze these factors including instructional, environmental, social and behavioral. This information assists an IEP team in determining whether NPS is an appropriate option for the student. If the IEP team determines that the student's needs would best be met in a non public school setting, they will make that recommendation according to the IEP team guidelines.

**Q Does a student who attends an NPS and who has been placed away from school of residence, related to a severe behavior incident (such as assault) have “the right” to return for graduation ceremony and/or activities, etc?**

**A** According to the IEP Guidelines (revision 2003) “a student enrolled at a nonpublic school who is eligible to receive either a high school diploma or a certificate of completion maybe eligible to participate in graduation ceremonies” at the school of residence. Failure by a student to meet school citizenship standards may result in the denial of participation in graduation ceremonies and in the denial of participation in senior activities.

**Q When offering FAPE, what District resources or personnel are available to provide behavior intervention or support to a student rather than using an NPA?**

**A** Appropriate resources at the school level include the Student Success Team and collaboration between special education and general education staff. Principals, Assistant Principals and the School Psychologist are frequently excellent sources of plan development and support. A student who has behavior that impedes learning should have a positive behavior support plan, developed by a knowledgeable IEP team. It is essential that there be consistent implementation of the student's positive behavior support plan across all settings within the school.

**Q Is it appropriate to name the Nonpublic Agency provider in the IEP?**

**A** No, do not name a specific NPA provider in the IEP. The Nonpublic Services Department identifies the availability of appropriate nonpublic agency services and informs the parent for their consideration.

**Q I have a student with ED who is awaiting NPS placement. I have been informed that the process for this student will take three weeks. The student is engaging in behavior that could result in injury. Is it possible to arrange for home schooling for the three week period?**

**A** Federal and state law requires that students remain in their last agreed upon and implemented placement, unless the IEP team, including the parent(s), determines otherwise. If a temporary placement, such as home instruction, is necessary, the IEP team must document that in the IEP and parents must agree before a temporary placement can be implemented.

## **DETERMINING PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT**

**A Checklist for Constructing  
A Summary Offer of FAPE**  
(Provided for Optional Use by IEP Team Members)

<i>The summary offer of FAPE should include the following essential elements:</i>	✓
1. Period of time covered by the IEP (school year calendar descriptions)	
a. Extended school year or intersession as appropriate	
b. Matriculation activities from one school level to the next, as appropriate	
2. Name of District's school or nonpublic school	
a. Admission process for nonpublic school, as appropriate	
3. Type of school (comprehensive high school, special education center, etc.)	
4. Type of provider (general education teacher, special education teacher, etc.)	
5. Program, as appropriate, including type of class or classes (general education class, special education class, etc.)	
a. ESY type of class and related services, as appropriate	
6. Modifications, accommodations, or supports provided by the general education teacher and other school staff.	
Description of related services: total minutes, frequency, type of provider (e.g. speech, 30 min/wk, school based, DIS provider)	
8. Other unique conditions relevant to the student (e.g. specialized equipment, assistive technology, facilities)	