

# SPED Process: A Deeper Dive



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# Alphabet Soup

*Special education acronyms...*

# AGENDA

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- Welcome and Introductions
- Inclusion Activity
- Session Outcomes
- Special Education Laws and Regulations: laying the foundation
- Top 10 (The Compliance Standards & Indicators)
- Organize and Integrate
- Resources

# Session Outcomes

Participants will:

- Identify the big ideas of the special education process and implications for special education programming and services
- Recognize the critical role of general education as well as special education staff in the special education process
- Identify resources to access additional information



# Follow Along

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<https://tinyurl.com/Sped-Process>

# Reference to SPED Law or Best Practices



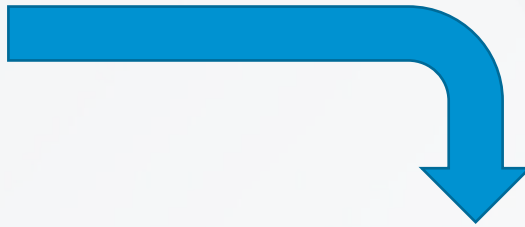
## Missouri State Plan for Special Education, Part B 2021



# IDEA Purposes

- To ensure that all children with disabilities have available to them a free, appropriate public education that emphasizes **special education and related services** to meet their unique needs and prepare them for further education, employment, and independent living... [34 CFR §300.19(a)]

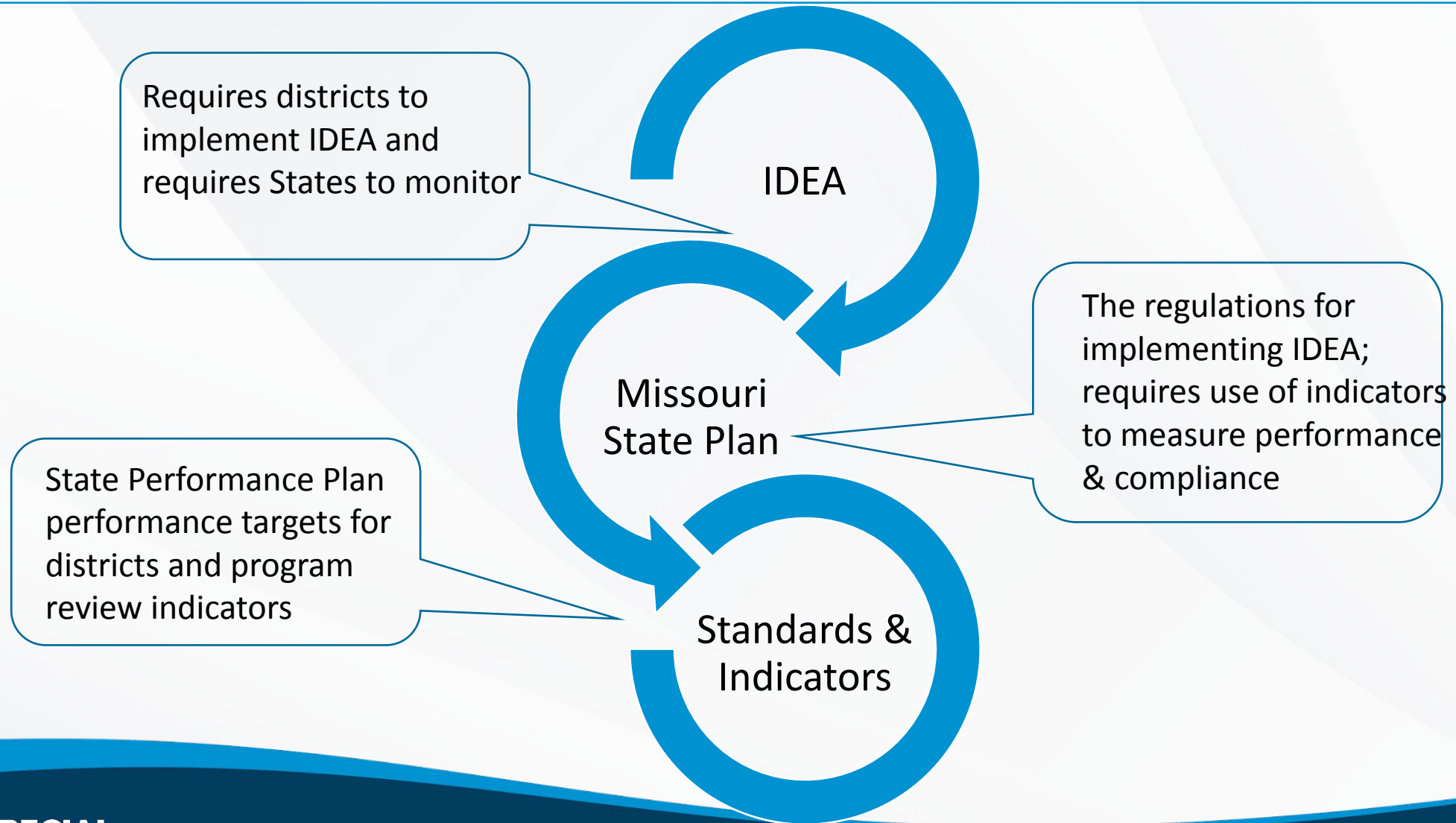
- **Special education** means **specially designed instruction**, at no cost to the parents, to meet the unique needs of a child with a disability



- **Specially designed instruction** means adapting, as appropriate to the needs of an eligible child...the content, methodology or delivery of instruction:
  - To address the unique needs of the child that result from the disability
  - To ensure access of the child to the general curriculum so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.



# Basis for IDEA Compliance



# Office of Special Education Compliance Standards and Indicators

- The nuts and bolts of special education process and compliance
- Provides clarity on the legal requirements for special education process
- Broken down into different parts of the special education process
- Used to audit special education files as part of DESE file review

Handout

# FAPE

FAPE = Free and Appropriate Public Education

- F- education/services provided at public expense at no cost to parents/families
- A- services and supports outlined by a student's IEP, determined by team
- P- education/services provided under public supervision and direction
- E- regular and special education, and sometimes related services



# Section 200: Special Education Process

- Referral Process
- Review of Existing Data
- Initial Evaluation
  - Content of Prior Written Notice
  - Initial Evaluation Process
  - Initial Evaluation Report
- Reevaluation/Continued Eligibility & Need for Services
  - Content of Prior Written Notice for Reevaluation
  - Reevaluation Report
- IEP
  - Content of Prior Written Notice
  - Placement
- Content of Prior Written Notice
- Parental Revocation of Consent
- Procedural Safeguards
- Summary of Performance

# Section 200: Special Education Process- Top 10

1. Referral to Eligibility & Reevaluation
2. Disability Categories
3. FAPE
4. IEP Team
5. Present Level of Performance
6. Transition- trajectory
7. Goals, Services
8. LRE, Placement
9. Accommodations and Modifications
10. Discipline(300s)



# Indicator 200.100- Referral to Eligibility- and Everything in Between

## REFERRAL PROCESS

### 200.10

Referral is present for an initial evaluation:

SP(III)

Documentation of initial referral for evaluation is present and includes:

**200.10.a.** Name(s) and role(s) of individual(s) making the referral.

**200.10.b.** (1). Reason(s) for the referral, and  
(2). A description of concern(s) which describes why the child is suspected of having a disability, and  
(3). In need of evaluation to determine eligibility for special education.

**200.10.c.** Date of referral (m/d/y).

NOTE (1): Date of referral represents:

- **Agency referrals:** The date of the referral is the date on which agency determined there is reason to suspect a disability and an evaluation is warranted.
- **Parent referral:** The date of the referral is the date a member of the agency's certificated staff receives a request from the parent (either verbal or written).
- **Referrals for children receiving services in the First Steps System:** Referrals for children served in First Steps are considered parent referrals and occur when the LEA is provided with "directory information" for the child. Directory information includes the child's name and birth date as well as the parent(s) name, address, and phone number. Directory information may be provided in a variety of ways including, but not limited to: direct parent contact, a directory information form provided by

Referral form; parent request

# Referral to Eligibility- Joint Review Committee

Mandated by DESE and is unique to SSD and St. Louis County partner districts

- This committee consists SSD Representative (most often the School Psychologist) and Partner District Representative (most often the school counselor)
- The committee reviews the packet and works to reach consensus regarding if a referral and evaluation is warranted in order to establish the presence of a disability

*MODESE State Plan for Special Education, Regulation XV: Special School Districts, p. 136*

SP EPS



# Indicator 200.325- ReEvaluation and Continued Eligibility

## REEVALUATION/CONTINUED ELIGIBILITY AND NEED FOR SERVICES

### 200.325

Parent referral for reevaluation other than required triennial:

**200.325.a.** Documentation is present for the date of the parent referral for reevaluation (other than required triennial reevaluation).

NOTE: After parent referral, the agency must determine if there is a need for reevaluation and, if so, provide the parent(s) with a Notice of Intent to Evaluate as soon as possible, but within 30 calendar days of the date of referral for evaluation. If a reevaluation is not needed to write an appropriate IEP or to determine continued

Referral form; parent request

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## 200-Special Education Process

Legal Requirement	Indicator	Documents
34 C.F.R. §300.303(a)(2); SP(III)	eligibility, the agency provides the parent(s) with a Prior Written Notice refusing the requested reevaluation. Delays beyond this time may be permitted for just cause (school breaks for summer or holidays, student illness, etc.) and documented in the student's record.	

# The process of re-evaluation (every 3 years)

## Review of Existing Data (RED)

- Confer or meet
- Determine what- if any- additional information is needed

## Testing

- Suspected new or additional eligibility area, or
- Programmatic need, or
- Change eligibility (e.g., drop special education eligibility/services)

## *Re-Evaluation Waiver*

- *Rarely should be considered*
- *If the parent/guardian/18+student, the partner district representative, and the SSD representative all agree, then a reevaluation waiver may be done*

# 200.240- Statement of Existence and Nature of Categorical Disability

<b>200.240</b> Statement of the existence and nature of the categorical disability:  34 C.F.R. §300.8; 34 C.F.R. §300.305(a)(2)(i)(A); SP(III)	<b>200.240.a.</b> The report contains a statement of the categorical disability and identifies specific conditions or areas within the category (e.g., SLD in written expression, Speech Impaired – Voice).	Evaluation report
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# Missouri Disability Categories

1. Autism (AU)
2. Deaf/Blindness (DB)
3. Emotional Disturbance (ED)
4. Hearing Impairment and Deafness (HI)
5. Intellectual Disability (ID)
6. Multiple Disabilities (MU)
7. Orthopedic Impairment (OI)
8. Other Health Impairments (OHI)
9. Specific Learning Disabilities (SLD)
10. Speech or Language Impairment (SI/LI)
11. Traumatic Brain Injury (TBI)
12. Visual Impairment (VI)
13. Young Child with a Developmental Delay (YCDD)

Educational Disability ≠ Medical Diagnosis

# Indicator 200.670- IEP Team- Required Participants

## Attendance at the IEP meeting of team participants:

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Legal Requirement	Indicator	Documents
<b>200.670</b> Representative of the public agency: 34 C.F.R. §300.321 (a)(4)(e)(1); SP(IV)	<p><b>200.670.a.</b> Documentation is present that a representative of the public agency (LEA) attends the IEP meeting. This individual is any designated member of the school staff who meets the following requirements:</p> <p><b>200.670.a.(1)</b> Is qualified to provide or supervise the provision of special education,</p> <p><b>200.670.a.(2)</b> Is knowledgeable about the general curriculum, and</p> <p><b>200.670.a.(3)</b> Is knowledgeable about the availability of resources of the public agency.</p> <p>OR</p> <p><b>200.670.b.</b> Documentation is present that the member was excused, in whole or in part, because their area of curriculum or related services was not being modified or discussed in the meeting:</p> <p><b>200.670.b.(1)</b> The parent(s) and the Public Agency agree in writing to the excusal.</p> <p>OR</p> <p><b>200.670.c.</b> Documentation is present that the member was excused, in whole or in part, when the meeting involved a modification to or discussion of the member's area of curriculum or related services:</p> <p><b>200.670.c.(1)</b> Parent(s) and Public Agency consented to the excusal.</p> <p><b>200.670.c.(2)</b> The member submitted written input into the development of the IEP to the parent(s) and the IEP team prior to the meeting.</p> <p>NOTE: This staff member must have the authority to commit agency resources to implement the IEP and ensure that whatever services are set out in the IEP will be provided by the agency.</p> <p><b>Note for SSD and Component Districts of SSD:</b> For agencies associated with special school districts, the representative of the public agency fulfilling this role represents the special school district. An additional</p>	IEP



# IEP Team Participants

Parent/Guardian  
Student (Transition)

General Education Teacher  
Special Education Teacher

Component District Representative

Related Services

*Excusal?*

# Indicator 200.740- Present Level (PLAAFP)

## IEP includes the following content:

<p><b>200.740</b> A statement of the present levels of academic achievement and functional performance:</p> <p>34 C.F.R. §300.320(a)(1)(i)(ii); 34</p>	<p>The IEP includes a statement of the child's present level of academic achievement and functional performance that:</p> <p><b>200.740.a.</b> Is consistent with evaluation/reevaluation results in the evaluation report.</p> <p><b>200.740.b.</b> Reflects changes in current functioning of the child since the initial/prior IEP.</p>	IEP
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## 200-Special Education Process

Legal Requirement	Indicator	Documents
C.F.R. § 300.324(a)(1); SP(IV)	<b>200.740.c.</b> Addresses how the child's disability affects her/his involvement and progress in the general education curriculum. (For preschool children, how the disability affects the child's participation in appropriate activities.)	
	<b>200.740.d.</b> Considers the results of the initial or most recent evaluation of the child.	
	<b>200.740.e.</b> Addresses the strengths of the child and the concerns of the parent(s) for enhancing the education of their child.	
	<b>200.740.f.</b> Addresses the academic, developmental, and functional needs of the child.	



# Indicator 200.740- Present Level (PLAAFP)

- PLAAFP is derived from concerns identified through the evaluation
- Eligibility Statement
  - Explicitly states skills in deficit
  - Directly aligned to grade level standards
  - Ensure staff are familiar with where to locate this information
  - May consider support from the School Psychologist

# Components of the PLAAFP

1. Effects of disability

Standards- what is the student expected to know and be able to do?

2. Strengths

3. Parent/guardian concerns

4. Changes in current functioning

5. Summary of evaluation results

6. Summary of state & district assessments

# FAPE... What does that really mean?

## Individualized educational program

- designed to meet the child's unique needs (specially designed instruction)
- delivered in the least restrictive environment
- from which the child receives educational benefit, and prepares them for further education, employment, and independent living.

# Indicator 200.800- Transition

## 200.800

A statement of the transition service needs:

34 C.F.R. §300.320(b)(1)(2);  
34 C.F.R. §300.43(a)(1)(2)(b);  
SP(IV)

The IEP for each student beginning not later than the first IEP to be in effect when the child reaches 16 years of age, or younger if determined appropriate, and updated annually includes transition services that are a coordinated set of activities to assist the child in reaching their postsecondary goals based on age appropriate transition assessments.

**200.800.a.** Appropriate, measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.

**200.800.b.** Annual IEP goal(s) that will reasonably enable the child to meet the postsecondary goal(s).

**200.800.c.** Transition services designed in a results-oriented process that are a coordinated set of activities focused on improving the academic and functional achievement of the child to facilitate their movement from school to post-school activities. Services are based on the child's needs, taking into account the child's strengths, preferences, and interests.

For each postsecondary goal, appropriate transition service(s) must be identified, including but not limited to:

- Instruction,
- Related service(s),
- Community experience,
- Development of employment and other post-school adult living objective,
- If appropriate, daily living skill(s), and/or
- If appropriate, provision of a functional vocational evaluation.

**200.800.d.** If appropriate, there is evidence that a representative of any participating agency was invited to the IEP team meeting with the proper consent of the parent(s) or student who has reached the age of majority.

**200.800.e.** The measurable postsecondary goals are based on age-appropriate transition assessment.

**200.800.f.** Transition services include the course of study needed to assist the child in reaching their postsecondary goals.

**200.800.f.(1)** The course of study listed align with the student's identified postsecondary goal(s).

**200.800.f.(2)** The course of study is a multi-year description of coursework from the student's current grade to anticipated exit year that is designed to help achieve the student's desired post-school goal(s).

**200.800.g.** The transition services take into account the child's needs, preferences, and interests.

**200.800.h.** There is evidence the student was invited to the IEP team meeting where transition services were discussed.

# Transition Planning

In Missouri, when a student reaches the age of 16, a Transition Plan must be created as part of the IEP process. This plan outlines the training and supports your student will need as an adult and be an active member of their community.

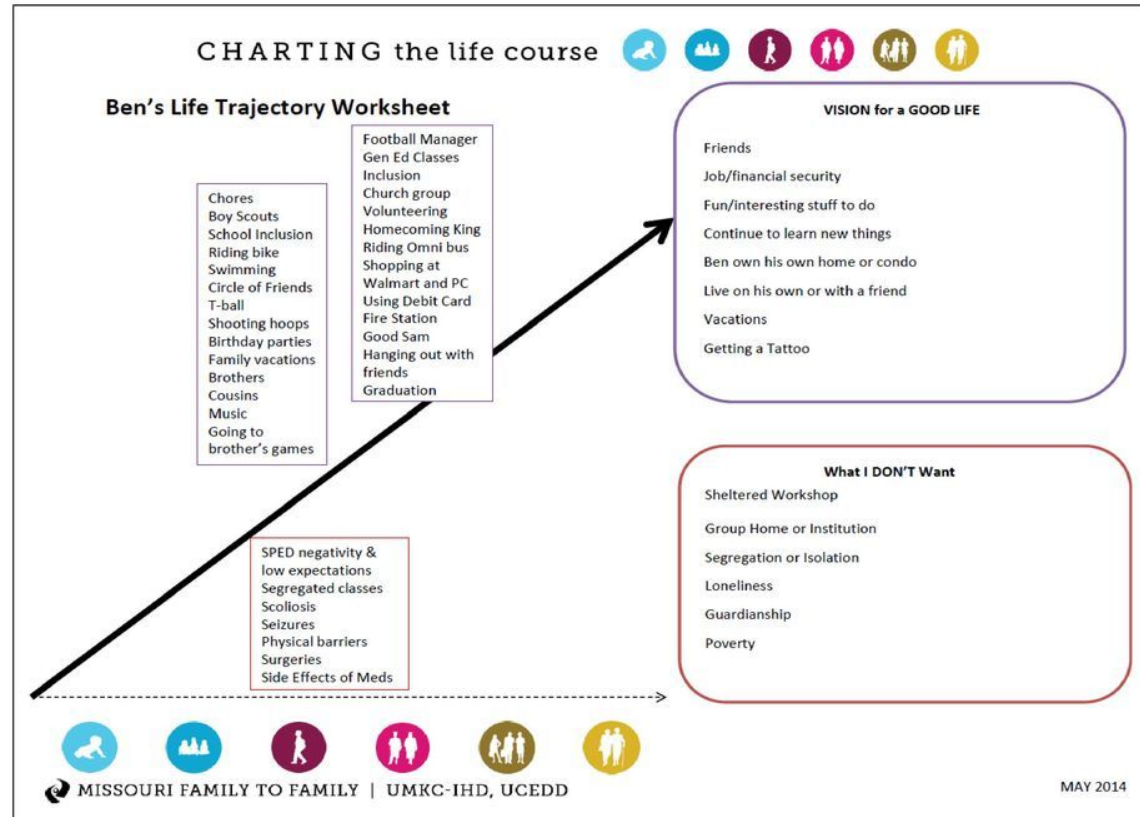
A transition plan is the section of the IEP that outlines transition goals and services for the student. The transition plan is based on a high school student's individual needs, strengths, skills, and interests.

Transition is addressed in several places throughout the IEP.

*Always begin with the end in mind. (Stephen Covey)*

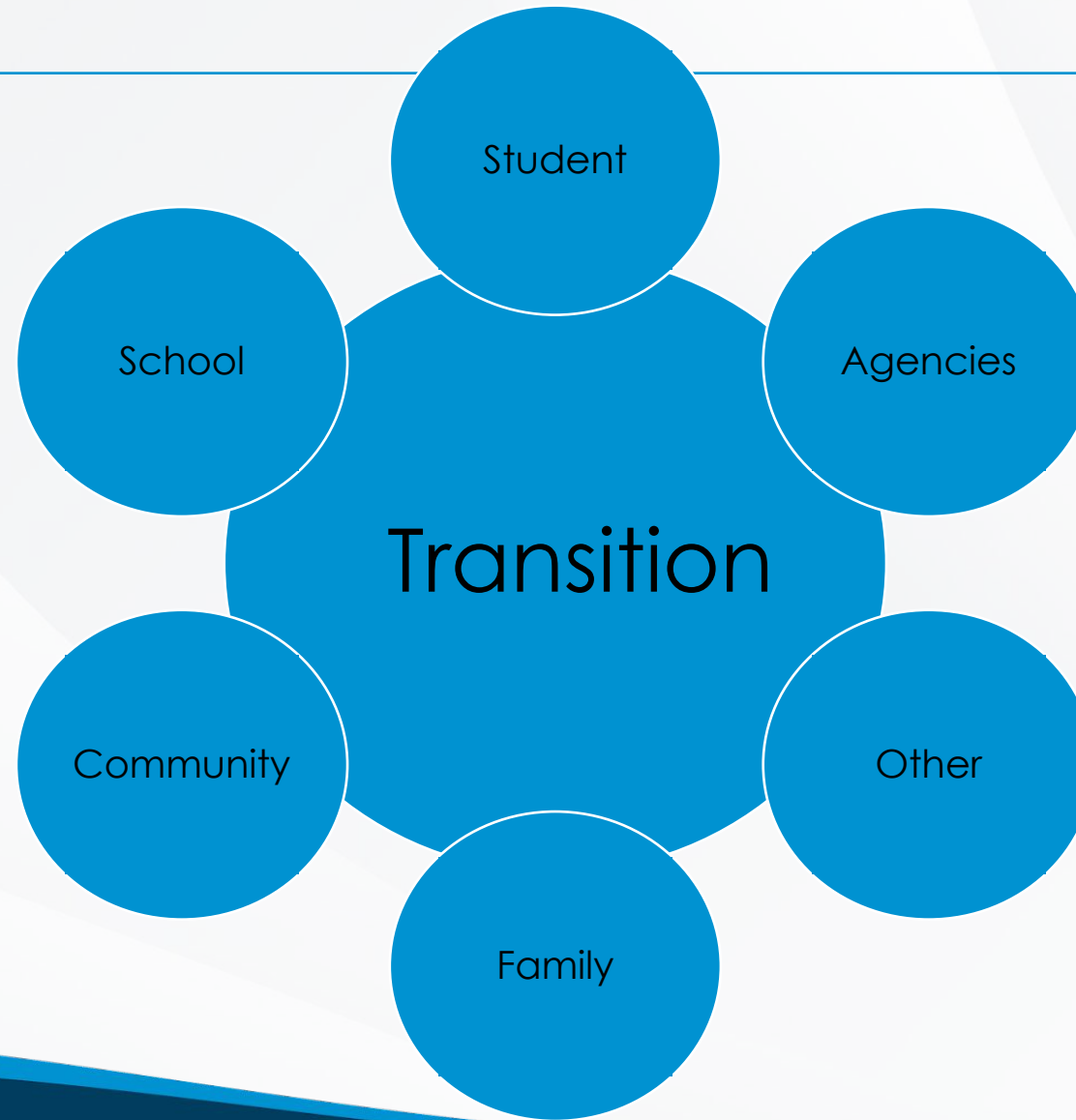
# Transition... What's a full life? What is your "good life"?

## Ben's Life Trajectory





# Transition





# Indicator 200.810- Measurable Goals

<b>200.810</b> A statement of measurable annual goals, including academic and functional goals:  34 C.F.R. §300.320(a)(2)(i)(A)(B); SP(IV)	The IEP includes goals that: <b>200.810.a.</b> Demonstrate consistency with the content of the present level of performance. <b>200.810.b.</b> Are written in terms that are: <b>200.810.b.(1)</b> Specific to a particular skill or behavior to be achieved, <b>200.810.b.(2)</b> Measurable, <b>200.810.b.(3)</b> Attainable (can reasonably be accomplished within the duration of the IEP), <b>200.810.b.(4)</b> Results oriented, and	IEP
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## 200-Special Education Process

Legal Requirement	Indicator	Documents
	<b>200.810.b.(5)</b> Time-bound (generally happen within one (1) year). <b>200.810.c.</b> Enable the child to be involved in the general education curriculum, as appropriate (for preschool children, participation in appropriate activities). <b>200.810.d.</b> Address the child's other educational needs resulting from her/his disability. <b>200.810.e.</b> Are present for each special education and related service (N/A for transportation as a related service). <b>200.810.f.</b> For children taking alternate assessments, description of benchmarks or short-term objectives aligned to alternate achievement standards. This information may be shown under goals or in the Present Level of Academic Achievement and Functional Performance. NOTE: Measurable means written in terms that includes the skill or behavior and the level of attainment that will be achieved.	

# Goals and Services

Where are we going?



How will we get there?

How will we know if/when we've made it?

# Goals



# Indicator 200.820- Special Education Services

## 200.820

Special education services to be provided:

34 C.F.R. §300.39, 34 C.F.R. §300.320(a)(4),(i); SP(IV)

Documentation includes a statement of the special education services based on peer reviewed research to the extent practicable to be provided to the child or on behalf of the child to advance appropriately toward obtaining the annual goals:

IEP

**200.820.a.** Specific special education service(s).

**200.820.b.** Amount of time (e.g., minutes, hours, periods, percentage) to be committed to each service that must be:

**200.820.b.(1)** Appropriate to the specific service.

**200.820.b.(2)** Stated in a manner clear to all involved in the development and implementation of the IEP.

**200.820.c.** Duration (i.e., beginning and ending dates for the services).

**200.820.d.** Location (states the type of environment for provision of the services - e.g., regular education classroom, special education classroom, community worksite, community child care center, etc.).

**200.820.e.** Frequency (states how often the services will occur—e.g., daily, weekly, monthly).



# An important reminder about services...

## Special education services

- Purpose: to assist student to access the general education curriculum

## Related services

- Purpose: to assist the student to access special education services

## Supports for School Personnel

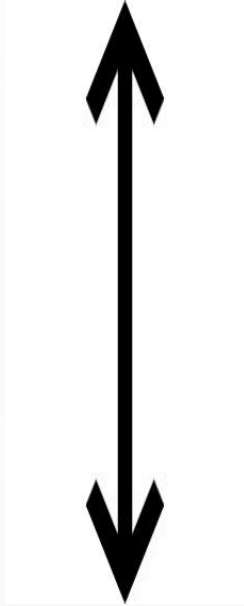
- Purpose: to help the team work more effectively with a student, so they are able to meet the unique and specific needs of the student

# Indicator 200.1030- Placement

PLACEMENT		
<b>200.1030</b> IEP is developed/revised prior to placement and/or change of placement recommendation: 34 C.F.R. §300.116(b)(2); SP(IV)	Placement and/or change of placement recommendations are not made prior to development/revision of the IEP. <b>200.1030.a.</b> Placement decisions are based on the child's IEP. <b>200.1030.b.</b> Placement decisions are made only after development or revision of the IEP.	IEP; Prior Written Notice
<b>200.1040</b> Placement decisions are based upon LRE: 34 C.F.R. §300.115; 34 C.F.R. §300.116; SP(IV)	Documentation is present that: <b>200.1040.a.</b> The child's IEP team makes placement decisions. <b>200.1040.b.</b> Placement is determined annually. <b>200.1040.c.</b> Placement is based upon the services identified in the child's IEP. <b>200.1040.d.</b> Placement being as close as possible to the child's home and in the school he/she would attend if nondisabled unless the IEP requires some other arrangement. (N/A for Early Childhood Special Education or student assigned to school building at parent(s) request per local school board policy.) <b>200.1040.e.</b> A continuum of alternative placement options is available to meet the needs of all identified children with disabilities. <b>200.1040.e.(1)</b> If the placement decision is "Private separate school (day) facility, then the district may only contract with those private agencies that have been approved by the State Board of Education. <b>200.1040.f.</b> Child is not removed from education in age-appropriate regular classroom solely because of needed modifications in the general curriculum. The public agency must be able to justify the placement decision in accordance with a two-part inquiry:	IEP

# LRE and Placement

Least restrictive



Most restrictive

Inside regular class at least 80% of the time
Inside regular class 40-79% of the time
Inside regular class less than 40% of time
Public separate school (day) facility
Private separate school (day) facility
Public residential facility
Private residential facility
Home/hospital



# Indicator 200.1030- Placement

- Placement decisions are based on the child's IEP
- Placement decisions are made only after the development or revisions of the IEP
- Placement decisions are based upon **LRE**:
- The child's IEP team makes placement decisions
- Placement if determined annually
- Placement is based upon the services identified in the child's IEP
- Placement being as close as possible to the child's home and in the school he/she would attend if nondisabled unless the IEP requires some other arrangements
- A continuum of alternative placement options is available
- Child is not removed from education in age-appropriate regular classroom solely because of needed modifications in the general education curriculum

# Indicator 200.850-Accommodations and Modifications

<b>200.850</b> Program modifications and accommodations: 34 C.F.R. §300.320(a)(7); SP(IV)	IEP includes a statement of the program modifications and accommodations that will be provided to enable the child to advance appropriately toward attaining the annual goals, to be involved in and make progress in the general education curriculum, and to participate in extra-curricular and other non-academic activities and to be educated and participate with other children with disabilities and non-disabled children: <b>200.850.a.</b> A description of the specific program modifications and accommodations. <b>200.850.b.</b> Duration (i.e., beginning and ending date for services).	IEP
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## 200-Special Education Process

Legal Requirement	Indicator	Documents
	<b>200.850.c.</b> Location (states the type of environment for provision of the services - e.g., regular education classroom, special education classroom, etc.).	
	<b>200.850.d.</b> Frequency (states how often the services will occur - e.g., daily, weekly, monthly).	

# Indicator 200.850-Accommodations and Modifications

- A description of the specific program modifications and accommodations
  - Accommodation- levels the playing field
  - Modification- changes the playing field
- Duration (i.e. beginning and ending date for services)
- Location (states the type of environment for provision of the services- e.g., regular education classroom, special education classroom, etc.)
- Frequency (state how often the services will occur- e.g., daily, weekly, monthly)

Accommodation vs Modification A Sampling of Options	
Accommodations	Modifications
<ul style="list-style-type: none"><li>• Provision of Extra Time</li><li>• Use of Calculator</li><li>• Preferential Seating</li><li>• Peer tutor</li><li>• Note taker</li><li>• Audio books</li></ul>	<ul style="list-style-type: none"><li>• Change in Performance Criteria</li><li>• Change in Course Content (e.g., Complete 3 of 4 Units)</li><li>• Use of Calculator (when test measures memory of facts)</li></ul>



# Indicator 300.10- Discipline

## 300-Discipline

Legal Requirement	Indicator	Documentation
<b>SHORT TERM SUSPENSIONS:</b>		
<b>300.10</b> Removal of ten (10) school days or less in a school year:  34 C.F.R. §300.530 (b)(1); SP(V)	<p>School personnel may consider any unique circumstances on case-by-case basis when determining whether a change of placement, consistent with other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.</p> <p>School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) school days in a school year (to the extent such alternatives are applied to children without disabilities).</p> <p><b>300.10.a.</b> Discipline records include documentation that student did not exceed ten (10) school days of out of school suspension in a school year.</p> <p>NOTE: The public agency is not required to provide services to a child with a disability who has been removed from his/her current placement for ten (10) school days or less in a school year, if services are not provided to a child without disabilities who has been similarly removed.</p>	Agency records; student file

Handout

# Indicator 300.10- Discipline

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## Big Ideas

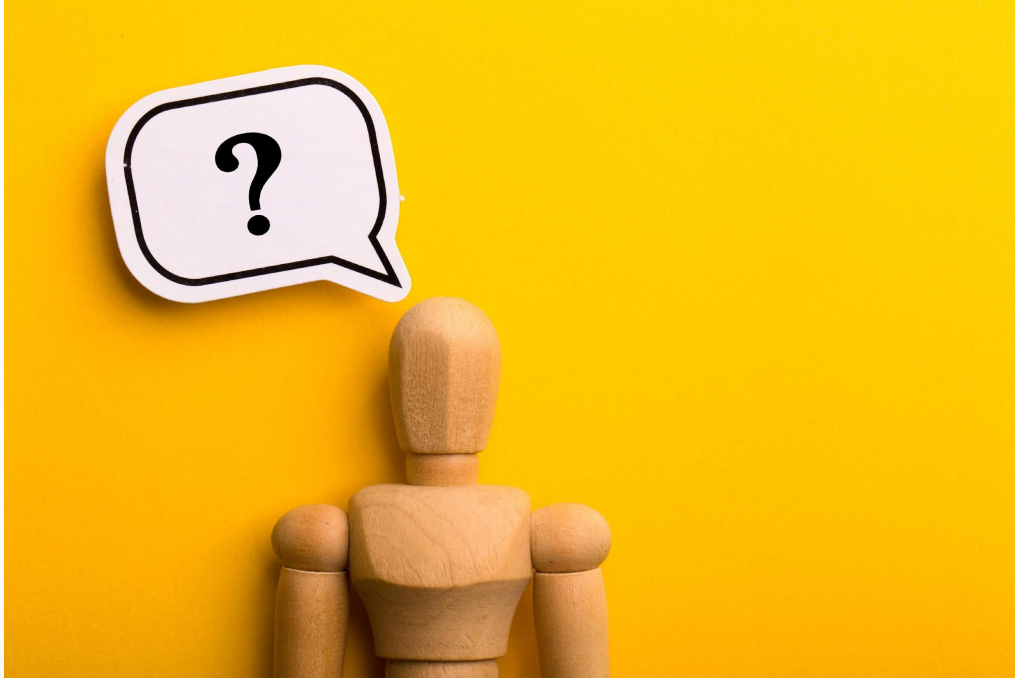
Sharing/reporting an incident/disciplinary action

Determining a pattern

Determining direct and substantial relationship to the student's disability

When are we required to provide access to services?

# Not All Disciplinary Removals Require Manifestation Determination



- School personnel will need to consider the type of discipline removal and whether it automatically requires that a manifestation determination be held (long-term suspension), or whether a pattern of removal analysis is needed (cumulative short-term suspensions) to determine whether a manifestation determination meeting is needed.



# Roles of Gen Ed and Special Ed in the Discipline Process

- **General Education Staff/Administration**
  - Be familiar with the needs of your students with disabilities and their IEPs
  - Make timely discipline decisions and keep excellent documentation of suspensions issued
  - Collaborate with special education staff and administrators to develop a communication plan to ensure days of removal are tracked
  - Issue and maintain communications to parents regarding discipline decisions
  - Provide detailed descriptions of acts of misconduct
    - General labels or codes are not descriptive enough to assist with pattern analysis or manifestation determinations
- **Special Education Staff/Administration**
  - Collaborate with general education staff and administration to develop a communication plan
  - Be familiar with the discipline expectations for the school and district
  - Complete Discipline Documentation forms in a timely manner
  - Keep excellent documentation when notified of disciplinary removals to ensure that when needed, manifestation determinations are held within compliance timelines.
  - Be available to discuss the students' disabilities and IEP needs with the partner district staff making discipline decisions
  - Schedule manifestation determination and document proceedings
  - Issue appropriate prior written notice and Procedural Safeguards when required

# Organize and Integrate: Reflection

# Reflection

*How will this information help you implement best practices to support SPED process?*



We do not learn from  
experience...we learn from  
reflecting on experience.

John Dewey

# Questions?

# Resources

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IDEA

MO State Plan

DESE Special Education Indicators (200s)

[Initial Evaluation Process - Agency Referral: Detailed | Missouri Department of Elementary and Secondary Education](#)

[Initial Evaluation Process - Parent Referral: Detailed | Missouri Department of Elementary and Secondary Education](#)

THANK YOU