**WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION**

# GUIDE TO SPECIAL EDUCATION FORMS

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## INTRODUCTION

Special education forms assist local educational agencies (LEA) and parents in implementing federal and state special education laws by guiding them through referring and evaluating students, developing individualized education programs (IEPs), and determining educational placements. Some forms assist in implementing other requirements, such as conducting a manifestation determination and determining the need for extended school year services. In addition, the forms serve as a LEA's primary documentation tool for demonstrating compliance with many of the requirements of federal and state special education laws and improving outcomes for students with disabilities. Information about improving outcomes for students with disabilities under Results Driven Accountability (RDA) may be found at http://dpi.wi.gov/sped/results-driven-accountability.

The information in this guide is intended to provide general guidance to assist LEA staff and parents in implementing requirements of federal and state special education law. It is not intended to provide student-specific legal advice. State special education law, Subchapter V of Chapter 115, and the Federal Individuals with Disabilities Education Act (IDEA), 34 CFR Parts 300 & 303, along with related information and materials for implementing federal and state special education requirements is available at http://dpi.wi.gov/sped/laws-procedures-bulletins.

The Department of Public Instruction's (DPI) special education forms (also translated in Spanish and Hmong) and this guide are available in hard copy by contacting the Special Education Team, DPI, P.O. Box 7841, Madison, WI 53707-7841; or accessing the DPI website at https://dpi.wi.gov/sped/laws-procedures-bulletins/procedures/sample/forms.

The terms "child," "child with a disability," and "student" are used interchangeably throughout the sample special education forms, this guidance, and the IDEA itself.

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**Prior Written Notice**

Parents must be provided written notice a reasonable time before a LEA:

- proposes to initiate or change the identification, evaluation, or educational placement of a student or the provision of FAPE to the student; or
- refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of FAPE to the student.

(34 CFR § 300.503[a]; Wis. Stat. § 115.792[1][b]).

Anytime written notice is required it must include:

- a description of the action proposed or refused by the LEA;
- an explanation of why the LEA proposes or refuses to take the action;
- a description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action;
- a description of any other options that the LEA considered and the reasons why those options were rejected;
- a description of other factors that are relevant to a LEA's proposal or refusal;
- a statement that parents have protection under the procedural safeguards of special education law and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- sources for parents to contact to obtain assistance in understanding the provisions of special education law.

(34 CFR § 300.503[b]; Wis. Stat. § 115.792[2]).

Notices must be:

- written in language understandable to the general public;
- provided in the native language of the parent or other mode of communication of the parent, unless it is clearly not feasible to do so; and
- if the native language or other mode of communication of the parent is not a written language the LEA must take steps to ensure that (1) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, and (2) the parent understands the content of the notice. The LEA must maintain written evidence of having complied with the requirements in (1) and (2).

(34 CFR § 300.503[c]; Wis. Stat. § 115.792[2]).

**NOTE:**
In the Sample Special Education forms for Wisconsin, the prior written notice requirement is documented in a variety of forms, including, but not limited to, the Evaluation and Reevaluation Notices (IE-1 through IE-3 and RE-1 through RE-5), the Determination and Notice of Placement (P-1 or P-2), Notice of Graduation (P-3), Notice of Ending of Services Due to Age (P-4), Notice of Cessation of Special Education in Response to Parental Revocation of Consent (P-6), and Notice of Response to an Activity Requested by Parent (M-1).

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When a student reaches the age of majority (age 18 in Wisconsin), the rights under special education law transfer to the student unless a guardian has been appointed. Model forms M-6, M-7, and M-8 provide the parent(s) and adult student with upcoming notice and notice of this transition (Wis. Stat. § 115.807[3]). Consequently, when any of the above notices are sent to an adult student, the LEA should modify the language (e.g., changing "your child or your student" to "you"). In addition, when any of these notices are sent to an adult student, a copy also must be sent to the student's parents.

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**Timelines**

Evaluation

- At least **annually,** the LEA must inform parents and others required to make referrals about the LEA's referral and evaluation procedures (Wis. Stat. § 115.777[3][d]).
- Notify the parent(s) in writing that a referral was received and of the start of the initial evaluation, or of initiating a reevaluation (34 CFR § 300.503[a]; Wis. Stat. § 115.792[1][b]). Within **15 business days** of receiving a referral to evaluate a student, or initiating a reevaluation, the IEP team must complete its review of existing evaluation data and send the student's parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination. "Business day" means Monday through Friday except for Federal and State holidays. There are no legal exceptions or provisions for extension of the 15-business-day timeline (Wis. Stat. § 115.777[3][e]).
- Within **60 calendar days** of receiving parent consent to evaluate, or informing parents that no additional assessment or evaluation data are needed, the LEA must complete its evaluation of the student and determine whether the student is or continues to be a "child with a disability" under IDEA (34 CFR § 300.301[c]; Wis. Stat. § 115.78[3][a]). There are exceptions to the 60-day timeline. The timeline may be extended by mutual written agreement between the parent and the LEA when the student is being evaluated for a specific learning disability for the first time (34 CFR § 300.309[c]; Wis. Admin. Code P.I. § 11.36[6][b]). This provision provides the LEA time to gather information about a student's responses to interventions. Also the timeline may be extended when a student transfers from one LEA to another during the 60-day time period if the receiving LEA is making sufficient progress to ensure prompt completion of an initial evaluation or reevaluation and the parent and LEA agree to a specific time when it will be completed (34 CFR § 300.301[d][2] and [e]; Wis. Stat. § 115.777[3][b][1.]). Another exception is when the parent repeatedly refuses or fails to make the student available for an evaluation or a reevaluation (34 CFR § 300.301[d][1] ; Wis. Stat. § 115.777[3][b][2.]). LEAs must ensure that a reevaluation occurs if the LEA determines the educational or related service needs, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent or teacher requests the reevaluation (34 CFR § 300.303[a]).
- At least **once every 3 years** a "child"/student with a disability must be reevaluated unless the parent and LEA agree that a reevaluation is unnecessary. There are no exceptions or provisions for extension in the law (34 CFR § 300.303[b][2]; Wis. Stat. § 115.782[4][a][2.])
- The IEP team reevaluates the student **no more than once a year** unless the student's parents and the LEA agree otherwise (34 CFR § 300.303[b][1]; Wis. Stat. § 115.782[4][a][2.])
- The IEP team must evaluate a student with a disability before determining that the student is no longer a student with a disability. However, a reevaluation is not required before the ending of special education services because the student has graduated from secondary school or because they have reached the age of 18 (Wis. Stat. § 115.782[4][a][1.]).

Individualized Education Programs (IEPs)

- Within **30 calendar days** of determining a student is or continues to be a "child with a disability" under IDEA, the IEP team must meet to develop an IEP and determine a placement for the student (34 CFR § 300.323[c][1]; Wis. Stat § 115.78[c]).

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- Each LEA shall have an IEP in effect for each student with a disability **at the beginning of each school year** (34 CFR § 300.323[a]; Wis. Stat. § 115.787[1]). IEPs must be reviewed periodically, but at least **annually** (34 CRR § 300.324[b][1][i]; Wis. Stat. § 115.787[4[[a][1.]).
- Beginning not later than the first IEP that will be in effect when a student with a disability is or turns age 14 and updated annually thereafter, the IEP must include a statement of measurable postsecondary goals and the transition services necessary to assist the student in reaching the goals (34 CFR § 300.320[b]; Wis. Stat. § 115.787[2][g][1.] and [2.]).

Placement

- Within 30 calendar days of determining a "child is or continues to be a child with a disability" under IDEA, the IEP team must meet to determine a placement for the student (Wis. Stat. § 115.78[3][c]).
- A student's placement must be determined at least **annually** (Wis. Stat. § 115.79[1][b]).

Other

- A manifestation determination must be made within 10 school days of any decision to change the placement of a "child with a disability" for disciplinary reasons (34 CFR § 300.530[e][1]).

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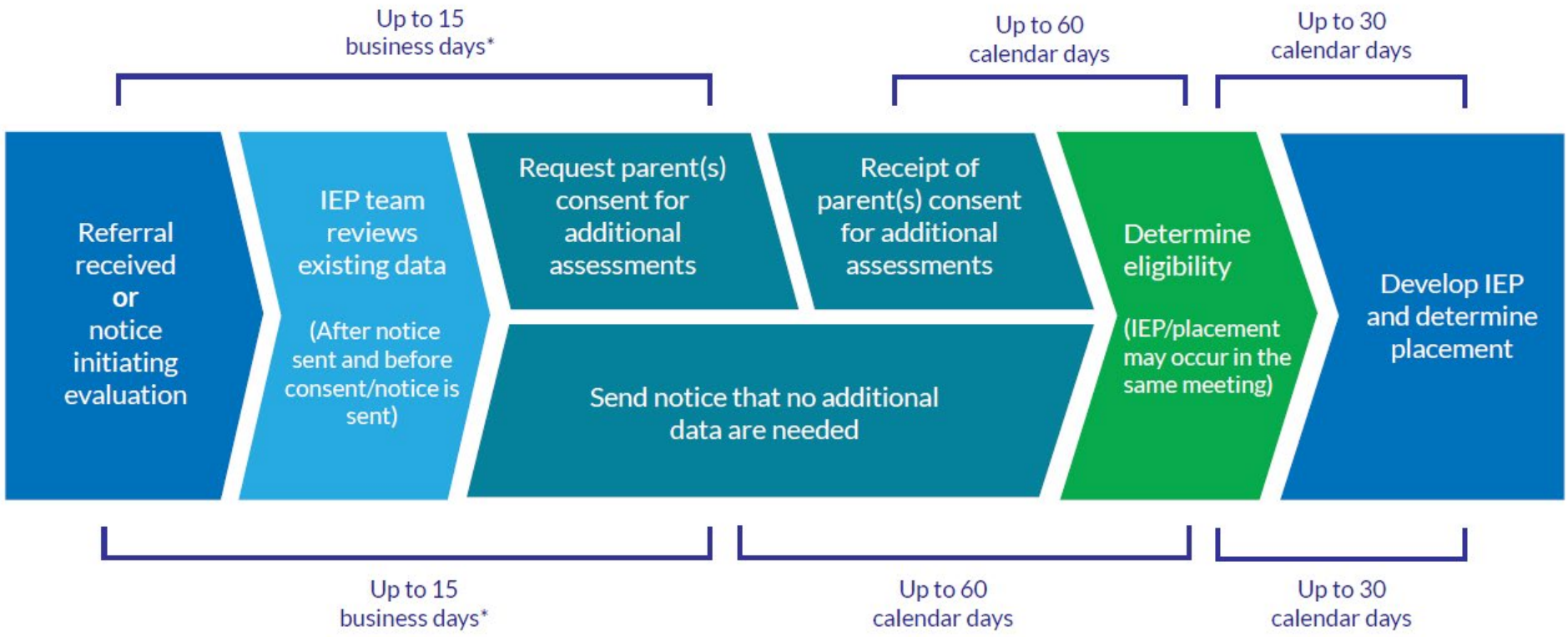
# Evaluation Timeline




* "Business day" means Monday through Friday except for Federal and State holidays.

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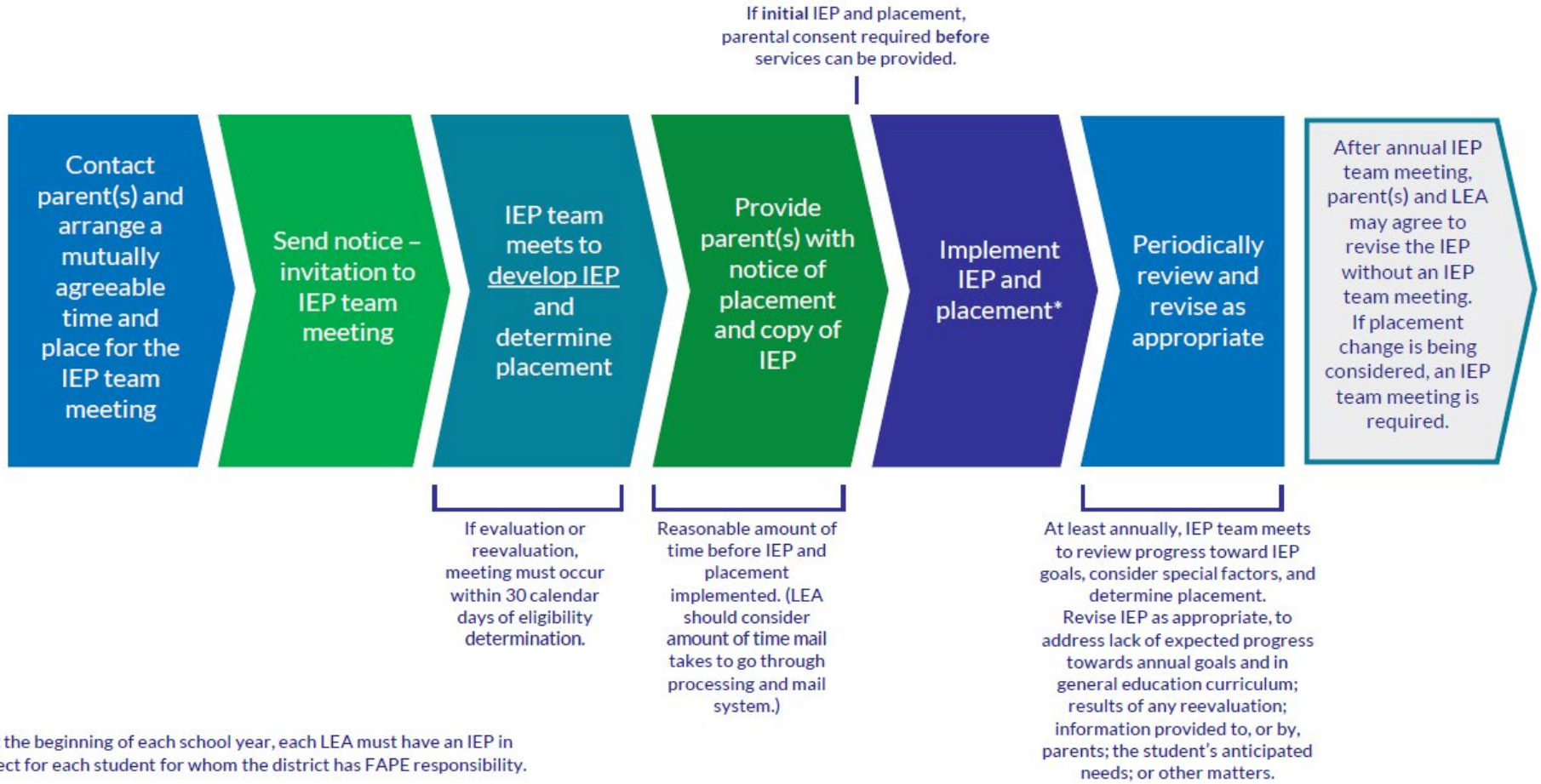
# IEP & Placement Timelines




*At the beginning of each school year, each LEA must have an IEP in effect for each student for whom the district has FAPE responsibility.

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## Referral and Evaluation

### R-1 Referral for Special Education Evaluation (Wis. Stat. § 115.777)

Form R-1 is used to start the initial evaluation process to determine whether a student is a "child with a disability" under IDEA and state law. State law does not allow a LEA to refuse a referral for an initial evaluation. When a referral is received by the LEA, the LEA must notify the parent(s) in writing that a referral was received and of the start of the initial evaluation. The date the LEA receives the referral begins the 15-business-day timeline to complete the review of existing evaluation data and send the student's parent(s) notice and request to administer additional assessments or other evaluation materials, or notify the parents no additional assessments or other evaluation materials are needed (Wis. Stat. § 115.777[3][e]).

Under state special education law, LEAs are required to do all of the following:

- establish written procedures for accepting and processing referrals
- provide information and in-service opportunities to all of its licensed staff to familiarize them with the LEA's referral procedures
- at least annually, inform parent(s) and persons required to make referrals about the LEA's referral and evaluation procedures

(34 CFR § 300.111; Wis. Stat. § 115.777[3])

The Department of Public Instruction has developed the Preschool Transition Application to notify LEAs of referrals made by the Birth to 3 Program. The Birth to 3 Program is required to make a referral if the child has been determined to be potentially eligible for special education services. The referral date in the Preschool Transition Application begins the 15-business day timeline for the LEA. For children referred by the Birth to 3 Program who are found eligible for special education/related services, the requirement is that the IEP must be developed and implemented by the child's third birthday to ensure a smooth transition. If the LEA is invited by the Birth to 3 Program to a transition planning conference (TPC) for a child, the LEA must participate. The LEA determines the LEA personnel who will attend the TPC.

Implementation Considerations:

Each LEA must establish procedures for accepting and processing referrals. The referral procedures must address referrals from school staff, parents, and others in the community. Districts must establish consistent procedures, including electronic procedures where appropriate, for recording and tracking dates and timelines related to the IEP process. LEAs should establish and implement a process to ensure whoever receives the referral records the date it was received.

IEP team participants should be informed of the date by which the IEP team must complete their review of existing evaluation data and determine whether additional assessments are needed so the LEA, within the 15-business-day timeline, can notify the parent(s) and request consent to administer the additional assessments or other evaluation materials, or notify the parents no additional assessments or other evaluation materials are needed.

LEAs have an obligation to inform parents of the procedures for making special education referrals. If a parent or other individual indicates they believe a student may have a disability and need special education, the LEA must inform the individual how to make a referral. The referral must be in writing and include the name of the student and the reasons why the person believes the student is a "child with a disability" under IDEA and state law. Since a referral must be in writing, most LEAs use a referral form for documentation. A LEA cannot require a parent who submitted a written referral in another manner to complete the LEA's referral form as a prerequisite to acting on the referral.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| WISEid (if known) | The WISEid area is included in the forms to allow vendors to use information on IEP forms for data collection purposes. |
| Date and method of notifying parent of intent to refer (Wis. Stat. § 115.777[2][b]) | An individual required under state law to make a referral must notify the student's parent(s) before submitting a referral to the LEA. The parent may be informed orally or in writing, e.g., by email, letter, phone call, at a parent-teacher conference, etc. |
| Parent's native language or other primary mode of communication, if other than English | This information helps ensure parent(s) will receive notices and other information in a manner that is understandable to them. |
| Is an interpreter needed? | Check "yes" if an interpreter is needed and "no" if it is not needed. |
| Student's native language or other primary mode of communication if other than English | This information identifies the student's native language or other primary mode of communication for administering tests and other evaluation materials. |
| Date referral received by school district / LEA (Wis. Stat. § 115.777[3][b]) | The LEA must document the date each referral is received by the district. This date begins the 15-business-day timeline in which to complete the review of existing evaluation data and send the student's parent(s) notice and consent regarding need to conduct additional assessments, or notice no additional assessments are needed. |

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| State the reasons you believe the child has a disability<br>(Wis. Stat. § 115.777[2][a]) | The person making the referral must state the reason(s) why s/he believes the student is a "child with a disability." This information is required and will help identify areas to evaluate. In completing this information, consider concerns about the student's access, engagement and progress in age/grade level general education curriculum, instruction, environment, or other school activities. The suspected area of impairment is not required to be provided. |
| If known, include information about any of the following | Additional supporting information is helpful to the IEP team when identifying existing data for IEP team review or the need for additional assessments. Supporting information may include the student's academic/reading achievement or for preschool children, pre-academic (early literacy) skills; functional performance, including daily living skills, executive functioning, social, emotional, and behavior; medical information, such as information about a student's vision and hearing; and programs, services, or interventions that have been used in regular education and/or special education to address the student's needs and the results of the interventions. This supporting information is not required. |

## IE-1 Notice of Receipt of Referral and Start of Initial Evaluation

Following receipt of a referral for an initial evaluation, form IE-1 is completed and sent to the parents (or adult student with a copy to the parents).

The purposes for conducting an initial evaluation are to determine:

- whether the student is a "child with a disability" and the educational needs of the student;
- the present levels of academic achievement and functional performance and related developmental needs of the student;
- whether the student needs special education and related services;
- if applicable, the nature and extent of special education and related services the student needs; and
- if applicable, the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum.

(34 CFR §§ 300.301, 300.304, and 300.305; Wis. Stats. §§ 115.777 and 115.782)

A LEA receiving a referral for an initial evaluation to determine whether a student is a "child with a disability" under IDEA and state law must appoint an IEP team and conduct an evaluation of the student. State law does **not** allow a LEA to refuse a referral for an initial evaluation (34 CFR §300.321; Wis. Stat. § 115.777)

Each IEP team must consist of the following:

- the parents of the student;
- at least one regular education teacher of the student if the student is, or may be, participating in a regular educational environment;
- at least one special education teacher who has recent training or experience related to the student's known or suspected area of special education needs or, where appropriate, at least one special education provider of the student;
- a representative of the local educational agency who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local educational agency;
- an individual who can interpret the instructional implications of evaluation results;
- at the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the student, including related services personnel as appropriate;
- whenever appropriate, the student: if a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the student;
- if a student is attending school through whole grade sharing, open enrollment, or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the student;
- when a student is suspected of having a specific learning disability for the first time and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology,

the licensed person who implemented the scientific, research-based or evidence-based, intensive interventions with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluations of children/students; and

- when a student is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.

(34 CFR § 300.321; Wis. Stat. § 115.78)

Implementation Considerations:

Another LEA member of the IEP team, e.g., the special education teacher, may also serve as the LEA representative, provided the individual meets the requirements to act in that capacity. To identify the LEA representative in these situations, write the individual's name in each applicable space on the form. Likewise, IEP team participants filling the required roles when considering SLD eligibility for the time may serve in more than one capacity on the IEP team, as appropriate.

The determination of whether an individual invited to the IEP team meeting by the parent or by the LEA has knowledge or special expertise about the student is made by the party who invited the individual.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| The LEA received a referral to evaluate a child to determine whether the child has a disability (34 CFR § 300.503; Wis. Stat. § 115.792) | A LEA must inform the parents of why it proposes to evaluate a child. The notice documents that the reason for the referral is to determine whether the child has a disability. |
| The IEP team will conduct the evaluation. (34 CFR §300.503; Wis. Stats. §§ 115.777, 115.78 and 115.792) | Under state special education law, an IEP team must conduct the evaluation. The LEA must send a written notice of its proposed action to the student's parents. |
| IEP team participants (34 CFR §§ 300.321 and 300.503; Wis. Stats. §§ 115.78; 115.782 and 115.792) | Parents must be notified about the composition of the IEP team, including the participants' names if known at the time of the notice. |

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| Other options considered and reasons rejected, and a description of any other relevant factors (34 CFR § 300.503; Wis. Stats. § 115.792) | Enter other options, if any, that were considered; the reasons those options were rejected; and a description of any other relevant factors. For example, the parent may request particular LEA staff be included or excluded from the IEP team, and the LEA may refuse to honor the request. If no options were considered, check the "None" box. |
| IEP team will review existing data to determine what, if any, further assessment or evaluation data are needed (34 CFR §§ 300.305 and 300.503; Wis. Stats. §§ 115.782 and 115.792) | The LEA must inform the parents of the specific actions the LEA proposes to take. The first action is a review of existing evaluation data to determine whether additional data are needed. Enter the date by which the LEA will request parent consent for evaluation or notify the parent no additional data are needed. |
| Narrative regarding the IEP team role, the evaluation and IEP process, timelines, and right to be provided additional time (34 CFR §§ 300.301; 300.305; 300.306; 300.323 and 300.503; Wis. Stats. §§ 115.78 and 115.782) | The notice also provides general information to assist parents in understanding the evaluation and IEP process, including the timelines for completing the evaluation.<br><br>If the parents of a student or LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing an evaluation and meeting to develop an IEP. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights (34 CFR §§ 300.503 and 300.504; Wis. Stats. § 115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of state and federal special education law and of sources they may contact to obtain information and assistance in understanding state and federal special education law. Because this evaluation is an initial evaluation, the LEA is required to provide the parents with a complete procedural safeguards notice. |

## IE-2 Initial Evaluation: Notice that No Additional Assessments Needed

The IEP team, including the parents, must review existing evaluation data to determine whether additional assessments are needed. Form IE-2 is used when the IEP team determines additional assessments are not needed.

There must be sufficient information and data for the IEP team to determine:

- whether the student is a "child with a disability" and the educational needs of the student;
- the present levels of academic achievement and functional performance and related developmental needs of the student;
- whether the student needs special education and related services;
- the nature and extent of special education and related services that the student needs; and
- the content of the student's IEP including information related to enabling the student to be involved in and progress in the general education curriculum.
  (34 CFR §§ 300.301; 300.304 and 300.305; Wis. Stats. §§ 115.777 and 115.782)

Implementation Considerations:

The review of existing evaluation data may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose (34 CFR §300.305). LEAs should use the *Existing Data Review to Determine if Additional Assessments or Evaluation Materials are Needed* (form ED-1) to document the review.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Date of notice<br>(Wis. Stats. §§ 115.777(3) and 115.78(3) | The notice must be sent within **15 business days** of receiving the referral. See the date the referral was received on form R-1.<br><br>The date form IE-2 is sent begins the **60-calendar-day** timeline in which to complete the evaluation of the student and determine if the student is a "child with a disability." |
| The IEP team, including the parents, has considered existing data available about the child and determined that additional testing | As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision not to conduct additional assessments. This list includes:<br>● evaluations and information provided by the parents; |

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| or evaluation is not needed<br>(34 CFR §§ 300.305; 300.503; Wis. Stats. §§ 115.782 and 115.792) | ● current classroom-based, local, or state assessments;<br>● classroom-based observations; and<br>● observations by teachers and related service providers.<br><br>Based on data from these sources, the IEP team has determined no additional assessments or other evaluation materials such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed. |
| Documentation of parent participation<br>(34 CFR § 300.305; Wis. Stats. § 115.782) | Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. Check the first box if parents participated in determining no additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents.<br><br>The review may be conducted without a parent's participation if the LEA is unable to involve the parent. If the parent did not participate, the LEA must document at least three reasonable attempts to involve the parent. Examples of documentation include:<br>● detailed records of telephone calls and the results of those calls;<br>● copies of correspondence sent to parent and any response received; and<br>● detailed records of visits made to the parent's home or place of employment and results of the visits.<br><br>Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A voice mail message or a delivered e-mail are reasonable attempts. |
| Reasons for this determination and other options considered<br>(34 CFR § 300.503; Wis. Stats. § 115.792) | The LEA must document the reasons why it proposes not to conduct additional assessments, including a description of other options, if any; the LEA considered and the reasons for rejecting those options; and a description of any other relevant factors. For example, the results of recent comprehensive testing at a clinic may be available and therefore no additional assessment may be required. |

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| Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time (34 CFR §§ 300.301; 300.305; 300.306; 300.323 and 300.503; Wis. Stats. §§ 115.78, 115.782 and 115.792) | The notice also provides general information to assist parents in understanding the evaluation and IEP team process. The IEP team process may be concluded in one meeting or may require more than one meeting.<br><br>If the parent(s) or LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide additional time. However, when providing additional time, the LEA must comply with applicable timelines. See "General Comments About Timelines." |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights (34 CFR §§ 300.503 and 300.504; Wis. Stats. § 115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources to obtain information and assistance in understanding IDEA and state special education law. Since the LEA previously provided a copy of the procedural safeguards with the initial notice of evaluation (form IE-1), the LEA is not required to provide the parents with another copy unless requested. |

## IE-3 Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments

Form IE-3 is used when the IEP team, after reviewing existing data including information from the parents, determines additional assessments or other evaluation materials need to be administered.

The IEP team, including the parents, must review existing evaluation data to determine whether additional assessments are needed. There must be sufficient information and data for the IEP team to determine:

- whether the student is a "child with a disability" and the educational needs of the student;
- the present levels of academic achievement and functional performance and related developmental needs of the student;
- whether the student needs special education and related services;
- if applicable, the nature and extent of special education and related services that the student needs; and
- if applicable the content of the student's IEP including information related to enabling the student to be involved in and progress in the general education curriculum.

(34 CFR §§ 300.301, 300.304 and 300.305; Wis. Stats. §§ 115.777 and 115.782)

Parent consent is required before tests or other evaluation materials are administered to a student (34 CFR §§ 300.300 and 300.304; Wis. Stats. §§ 115.777 and 115.782

Implementation Considerations:

The review of existing evaluation data may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose (34 CFR § 300.305). LEAs should use the *Existing Data Review to Determine if Additional Assessments or Evaluation Materials are Needed* (form ED-1) to document the review.

If a parent of a student enrolled in or seeking to enroll in a public school does not consent to an initial evaluation, the LEA may, but is not required to, pursue the evaluation by requesting mediation or initiating a due process hearing. However, if the student is enrolled in a home-based private education program (home-schooled) or in a private school, the LEA may not use mediation or a due process hearing (34 CFR §§ 300.300 and 300.506; Wis. Stats. §§ 115.782; 115.797 and 115.80).

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of notice<br>(Wis. Stats. § 115.777)<br>*Revised December 2019* | The notice must be sent within 15 business days of receiving the referral. See the date referral was received on form R-1. |

The IEP team, including the parents, has reviewed existing data available about the child and determined that there is a need to gather additional information and data through the use of additional assessments and other evaluation materials
(34 CFR §§ 300.305 and 300.503; Wis. Stats. §§ 115.782 and 115.792)

As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision to conduct additional assessments. This list includes:

- evaluations and information provided by the parents;
- current classroom based, local, or state assessments;
- classroom-based observations; and
- observations by teachers and related service providers.

Based on data from these sources, the IEP team has determined additional assessments or other evaluation materials, such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed.

Documentation of parent participation
(34 CFR § 300.305; Wis. Stats. § 115.782)

Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. Check the first box if parents participated in determining additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents in the decision.

The review may be conducted without a parent's participation if the LEA is unable to involve the parent. If the parent did not participate, the LEA must document at least three reasonable attempts to involve the parent. Examples of documentation include:

- detailed records of telephone calls and the results of those calls;
- copies of correspondence sent to parent and any response received; and
- detailed records of visits made to the parent's home or place of employment and results of the visits.

Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A voice mail message or a delivered e-mail are reasonable attempts.

Areas to be evaluated, including assessments to be given, and individuals who will administer the assessments or

The LEA must notify parents of any test or other evaluation materials it proposes to administer. If the specific assessment tools are known, list the specific tools along with a brief description. At a minimum, describe the types of tools that will be used and the area(s)

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| other evaluation materials<br>(34 CFR §§ 300.9 and 300.503; Wis. Stats. §§ 115.782 and 115.792) | that will be assessed, e.g. standardized testing to measure academic ability and achievement. In addition, identify the names of the evaluator(s), if known at the time of the notice. If the names are not known, identify the types of evaluators, e.g., school psychologist. |
| Options considered and reasons rejected<br>(34 CFR § 300.503; Wis. Stats. § 115.792) | Enter other evaluation options considered, if any, the reasons those options were rejected, and any other factors relevant to the proposed evaluation. For example, if a parent requests a particular test and the LEA denies the request, the LEA must notify the parents in writing of its decision and the reason why the test will not be administered. The LEA may state another test is more appropriate, or a newer test is now available and should be used. If no other options were considered, check the "None" box. |
| Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time<br>(34 CFR §§ 300.301; 300.305; 300.306; 300.323 and 300.503; Wis. Stats. §§ 115.78; 115.782 and 115.792) | The notice provides general information to assist parents in understanding the evaluation and IEP team process.<br><br>If the parents of a student or LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide additional time within the applicable timelines for completing the evaluation and meeting to develop an IEP. See "General Comments About Timelines" in this guide. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR §§ 300.503 and 300.504; Wis. Stats. § 115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation, then the LEA must provide the parents a procedural safeguards notice. |
| Consent is needed before administering assessments or other evaluation materials<br>(34 CFR § 300.300; Wis. Stats. § 115.782) | The LEA must obtain the informed consent of the parent before administering tests and other evaluation materials to the student. The LEA must make reasonable efforts to obtain informed consent. The consent for evaluation may not be construed as consent for initial provision of special education services. |
| Explanation regarding consent is voluntary, | The LEA must inform parents the granting of their consent is voluntary and may be revoked |

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| the right to revoke that consent, and the possible effects of not granting consent (34 CFR §§ 300.9 and 300.300) | at any time prior to the administration of tests or other evaluation materials. Parents must be informed they are not required to give their consent, and if consent is not granted, the LEA may request mediation or a due process hearing about whether the assessments should be administered.<br><br>Revocation of consent is not retroactive. Revocation does not negate an action that has occurred after the consent was given and before the consent was revoked. |
| Date school district received parent consent (34 CFR § 300.301; Wis. Stats. § 115.78) | In the box under the parent's signature and date, enter the date the LEA received parental consent. This date starts the **60-calendar-day** timeline in which to complete the evaluation and determine if the student is a "child with a disability" |

## RE-1 Notice of Reevaluation

Form RE-1 is used to provide written prior notice to parents that the LEA is initiating a reevaluation. It explains the reevaluation process and identifies the functions the IEP team will perform.

A LEA must reevaluate a student with a disability if the LEA determines the educational or related services needs of the student, including the student's academic achievement and functional performance, warrant a reevaluation, or if the student's parent or teacher requests a reevaluation. However, a reevaluation may occur not more than once a year unless the parent and the LEA agree otherwise (see form RE-2). A reevaluation must occur at least once every 3 years unless the parent and LEA agree a reevaluation is unnecessary (see form RE-3). In addition, a "child with a disability" must be reevaluated before determining the student is no longer a "child with a disability" (34 CFR §300.303 and §300.305; Wis. Stat. §115.782[a]).

The purposes for conducting a reevaluation are to determine:

- whether the student continues to be a "child with a disability" and the educational needs of the student;
- the present levels of academic achievement and functional performance and related developmental needs of the student;
- whether the student continues to need special education and related services;
- the nature and extent of special education and related services that the student needs;
- the content of the student's IEP including information related to enabling the student to be involved in and progress in the general education curriculum; and
- whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP.

(34 CFR §300.305; Wis. Stat. §115.782[a])

Each IEP team must consist of the following:

- the parents of the student;
- at least one regular education teacher of the student if the student is, or may be, participating in a regular educational environment;
- at least one special education teacher who has recent training or experience related to the student's known or suspected area of special education needs or, where appropriate, at least one special education provider of the student;
- a representative of the local educational agency who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local educational agency;
- an individual who can interpret the instructional implications of evaluation results, who may be another member of the IEP team other than the parents or the student;
- at the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the student, including related services personnel as appropriate;

- whenever appropriate, the student: if a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the student;
- if a student is attending school through whole grade sharing, open enrollment, or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the student;
- when a student is suspected of having a specific learning disability for the first time and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive interventions with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluations of children;
- when a student is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.
- (34 CFR §300.321(a); Wis. Stat. §115.78[1m])

Implementation Considerations:

Another LEA member of the IEP team, e.g. the special education teacher, may also serve as the LEA representative provided the individual meets the requirements to act in that capacity. To identify the LEA representative in these situations, write the individual's name in each applicable space on the form. Likewise, IEP team participants filling the required roles when considering SLD eligibility for the first time may serve in more than one capacity on the IEP team, as appropriate.

The determination of whether an individual invited to the IEP team meeting by the parent or by the LEA has knowledge or special expertise about the student is made by the party who invited the individual (34 CFR §300.21[c]).

An evaluation conducted after an initial evaluation that determines a student is eligible for special education is considered a reevaluation. For example, if a student initially found eligible as a "child" with a learning disability is evaluated for an emotional behavioral disability or for a speech or language impairment, the new evaluation is a reevaluation. If a student who was previously evaluated and determined not eligible for special education is referred again, the new evaluation is considered an initial evaluation. Note the law does not permit a LEA to refuse any referral for an initial evaluation.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of notice<br>(Wis. Stat. §115.777(3)[e]) | The date of this notice begins the **15-business-day** timeline in which to complete the review of exiting evaluation data and send the student's parents a request for consent to evaluate, or |

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| | if no additional data are necessary, notify the parents of that determination. If a LEA uses form R-1 to initiate a reevaluation, the date the LEA received form R-1 begins the 15 business-day timeline. |
| LEA intends to reevaluate a child and reason for the reevaluation | The notice informs the parents of the LEA's intent to reevaluate their child and the reason(s) for the reevaluation. |
| IEP team participants<br>(Wis. Stat.§ 115.78[1m]) | The LEA must notify the parents about the composition of the IEP team, including the names of the participants if known at the time of the notice. |
| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stats. §115.792[2][c]) | Enter other options, if any, that were considered and rejected; the reasons those options were rejected; and a description of any other relevant factors. For example, the parent may request particular LEA staff be included or excluded from the IEP team, and the LEA may refuse the request. If no options were considered and rejected, check the "None" box. |
| Narrative regarding the IEP team role, the reevaluation and IEP process, timelines, and the right to be provided additional time<br>(34 CFR §§ 300.301; 300.305; 300.306; 300.323 and 300.503; Wis. Stats. §§ 115.78; 115.782 and 115.792) | The notice also provides general information to assist parents in understanding the reevaluation and IEP team process including the timelines in which these activities must be carried out.<br><br>If the parents of a student or the LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing the reevaluation and meeting to revise the student's IEP. The notice informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide the parent with a copy before any IEP team meeting or due process hearing, and in no case more than **45 days** after the request. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR §§ 300.503 and 300.504; Wis. Stats. §115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation, then the LEA must provide the parents a procedural safeguards notice. |

## RE-2 Notice of Agreement to Conduct a Reevaluation More Than Once a Year

A reevaluation may not occur more frequently than once a year unless the parent and the LEA agree otherwise. *Notice of Agreement To Conduct A Reevaluation More Than Once A Year* (form RE-2) is used when a parent and a LEA agree to reevaluate a "child with a disability" within a 12-month period. Prior to sending this notice, the parent and LEA must agree about the need for a reevaluation. If the parent and LEA agree to conduct a reevaluation, form RE-2 is sent to the parents starting the evaluation process (34 CFR § 300.303; Wis. Stat. § 115.782[a]).

Implementation Considerations:

The LEA should identify a process for obtaining information to decide whether a student should be evaluated more than once within 12 months. The LEA may involve the IEP team in this process. However, neither an IEP team meeting nor an IEP team is required to make the decision. The LEA should designate staff with authority to enter into an agreement with the parent to reevaluate the student. The designated staff should consult with staff working with the student (34 CFR § 300.303[b][1]; Wis, Stat, § 115.782[4]).

If a LEA believes a reevaluation is needed, but the parent disagrees, the LEA may request mediation or initiate a due process hearing regarding whether the student should be reevaluated. The LEA cannot unilaterally decide to conduct more than one evaluation of a student within 12 months of the previous evaluation.

The date of the most recent eligibility determination begins the 12-month period (See form ER-1). For example, if the date of a student's IEP meeting to determine eligibility was 10/1/19, any reevaluation initiated prior to 10/1/20 requires agreement of the parent and LEA. If a reevaluation is initiated on or after 10/1/20, the LEA may conduct the reevaluation without an agreement between the parent and the LEA.

If a student previously evaluated and determined not to be a "child with a disability" is referred for an evaluation, even if the referral is within 12 months of the previous evaluation, the new evaluation is considered an initial evaluation. Note state law does not allow a LEA to refuse a referral for an initial evaluation. In this case, the LEA uses form IE-1, *Notice of Receipt of Referral and Start of Initial Evaluation,* to initiate the evaluation.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of notice<br>(Wis. Stat. § 115.777[3][e]) | The date of form RE-2 begins the **15-business-day** timeline in which to complete the review of existing evaluation data and send the child's parents a request for consent to evaluate, or if no additional data are necessary, notify the parents of that determination. |

*Revised December 2019*

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| Parent agreement to conduct more than one evaluation in a year | Form RE-2 documents the parent and LEA agree to conduct more than one evaluation in a year. The notice documents the date and manner in which the agreement took place, e.g. face-to-face conference, phone conversation, or exchange of e-mails. The parent is not required to sign the agreement. |
| Reason for the reevaluation | The LEA must identify the reason(s) for the reevaluation, e.g., a change in the student's academic achievement or functional performance. |
| Other options considered related to initiating the reevaluation and reasons rejected, and a description of any other relevant factors (34 CFR § 300.503; Wis. Stats. §115.792[2][c]) | Enter other options, if any, considered when initiating the reevaluation and the reasons they were rejected, including a description of any other relevant factors. If no other options were considered, check the "None" box. |
| IEP team participants (Wis. Stat. § 115.78 [1m]) | The LEA must notify the parents about the composition of the IEP team, including the names of the participants if known at the time of the notice. |
| Other options considered related to selection of IEP team participants and reasons rejected, and a description of any other relevant factors (34 CFR § 300.503; Wis. Stats. §115.792[2][c]) | Enter a description of other options, if any, that were considered and rejected; the reasons those options were rejected; and a description of any other relevant factors. For example, the parent may request particular LEA staff be included or excluded from the IEP team, and the LEA may refuse the request. If no options were considered and rejected, check the "None" box. |
| Narrative regarding the IEP team role, the reevaluation and IEP process, timelines, and the right to be provided additional time (34 CFR §§ 300.301; 300.305; 300.306; 300.323 and 300.503; Wis. Stats. §§ 115.78; 115.782 and 115.792) | The notice also provides general information to assist parents in understanding the reevaluation and IEP process including the timelines in which these activities must be carried out.<br><br>If the parents of a student or the LEA staff determine that additional time is needed to permit meaningful parent participation, the LEA must provide additional time within the applicable timelines for completing the reevaluation and meeting to revise the student's IEP. The notice further informs parents of their right to request a copy of the IEP team's most recent |

evaluation report. If requested, the LEA must provide parents with a copy before any IEP team meeting or due process hearing and in no case more than **45 days** after the request.

Parents have procedural safeguards and can contact other sources for assistance about understanding their rights
(34 CFR §§ 300.503 and 300.504; Wis. Stats. §115.792)

Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation and the LEA agreed to conduct the reevaluation, then the LEA must provide the parents a procedural safeguards notice.

## RE-3 Notice of Agreement that a Three-Year Reevaluation Not Needed

A reevaluation must occur at least once every three years, unless the parent and the LEA agree a reevaluation is unnecessary. Reevaluations determine continuing eligibility under IDEA, but also the nature and extent of the special education and related services the student needs. Student needs do not remain stagnant over time. Reevaluations are critical in determining the student's present level of performance (the what); the effects of the disability (the how); determining the students disability-related needs (the why); developing appropriate, ambitious, and achievable goals; and aligning services to progress towards those goals. A reevaluation must be individualized and take into account the student's current educational needs (34 CFR § 300.303 [b][2]; Wis. Stat. § 115.782 [4][a][2.]).

Prior to sending the Notice of Agreement That a Three-Year Reevaluation Not Needed, the parent and LEA must discuss and come to agreement that a reevaluation is unnecessary. The decision not to conduct a three-year reevaluation must be given careful consideration. If the LEA does not conduct a three-year reevaluation as a result of an agreement between the LEA and the parent, the next evaluation is due three years from the date of the notice. For example, if the student was evaluated on October 1, 2019 and was determined to be a "child with a disability" under IDEA and state law, the student's next three-year reevaluation must be completed no later than October 1, 2022. However, if the parent and LEA agree the three-year reevaluation is not needed and the district completed form RE-3 and it is dated September 15, 2019, the next reevaluation must be completed on or before September 15, 2022 (34 CFR § 300.303 [b][2]; Wis. Stat. § 115.782 [4][a][2.]).

Implementation Considerations:

The LEA should designate the staff with authority to enter into an agreement with a parent not to conduct a three-year reevaluation. Whomever the LEA designates with authority to enter into an agreement with the parent should consult with staff working with the student. The LEA should identify a process for obtaining information and deciding whether to agree not to conduct a three-year reevaluation. The LEA may involve the IEP team in this process. However, neither an IEP team meeting nor an IEP team is required in making this decision.

The decision not to conduct a three-year reevaluation must be given careful consideration. The parent and the designated school staff should discuss the advantages and disadvantages of conducting a reevaluation, as well as what data may be needed to determine the student's educational needs and develop the IEP. A reevaluation may be necessary to obtain current data to determine the present levels of academic achievement and functional performance; the effects of the disability; determining the student's disability-related needs; developing appropriate, ambitious, and achievable goals; and aligning services to progress towards those goals.

*Revised December 2019*

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| Reason for not conducting a three-year reevaluation<br>(34 CFR § 300.303[b][2]; Wis. Stat. §115.782 [4][a][2.]) | The LEA must identify the reason(s) for not conducting a three-year reevaluation. |
| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stats. §115.792[2][c])<br>` | Enter other options considered, if any, and the reasons they were rejected when agreeing not to conduct the reevaluation and other factors relevant to the proposed action. If no other options were considered, check the "None" box. |
| Parent agreement that a three-year reevaluation is not needed<br>(34 CFR § 300.303[b][2]; Wis. Stat. §115.782[4][a][2.]) | The notice documents the parent and LEA agreed that a three-year reevaluation is unnecessary. There is no requirement the parent sign the agreement. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR §§ 300.503 and 300.504; Wis. Stats. §115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation and the LEA agreed to conduct the reevaluation, then the LEA must provide the parents a procedural safeguards notice. |

## RE-4 Reevaluation: Notice that No Additional Assessments Needed

The IEP team, including the parents, must review existing evaluation data to determine whether additional assessments are needed. Form RE-4 is used when the IEP team determines additional assessments are not needed (Wis. Stats. §115.782[4][c]; 34 CFR § 300.305).

There must be sufficient information and data for the IEP team to determine:

- whether the student continues to be a child with a disability and the educational needs of the child;
- the present levels of academic achievement and functional performance and related developmental needs of the student;
- whether the student needs special education and related services;
- the nature and extent of special education and related services that the student needs; and
- the content of the student's IEP including information related to enabling the student to be involved in and progress in the general education curriculum.(34 CFR §§ 300.301; 300.304; and 300.305; Wis. Stats. §§ 115.777 and 115.782).

Implementation Consideration:

The review may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose (34 CFR §300.305). LEAs should use the *Existing Data Review to Determine if Additional Assessments or Evaluation Materials are Needed* (form ED-1) to document the review. See form ED-1 for more information.

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| Date of notice<br>(Wis. Stats. §§ 115.777[2][e] and 115.78[3]) | The notice must be sent no more than **15 business days** from the date the LEA initiated the reevaluation. A reevaluation may be initiated by sending form RE-1 or RE-2 to the parents. However, if the referral form (R-1) is used to initiate the reevaluation, then the date on form RE-4 may be no more than 15 business days from the date the LEA received the referral as recorded on form R-1.<br><br>The date of this notice starts the **60-calendar-day** timeline in which to complete the reevaluation of the student and determine if the student continues to be a child with a disability. |
| IEP team, including the parents, has considered existing data available about | As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision not to conduct additional assessments. This list includes: |

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| the student and determined that additional testing or evaluation is not needed (34 CFR §§ 300.305 and 300.503; Wis. Stats. §§ 115.782 and 115.792) | ● evaluations and information provided by the parents;<br>● current classroom based, local, or state assessments;<br>● classroom-based observations; and<br>● observations by teachers and related service providers.<br><br>Based on these data sources, the IEP team has determined no additional assessments or other evaluation materials, such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed. |
| Documentation of parent participation (34 CFR § 300.305; Wis. Stats. § 115.782) | Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. The review may be conducted without a parent's participation if the LEA is unable to involve the parent. If the parent did not participate, the LEA must document at least three reasonable attempts to involve the parent. Examples of documentation include:<br>● detailed records of telephone calls and the results of those calls;<br>● copies of correspondence sent to parent and any response received; and<br>● detailed records of visits made to the parent's home or place of employment and results of the visits.<br><br>Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A voice mail message or a delivered e-mail are reasonable attempts.<br><br>Check the first box if parents participated in determining additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents in the decision. |
| Reasons for this determination and other options considered (34 CFR §§ 300.305 and 300.503; Wis. Stats. § 115.792) | The LEA must document the reasons why it proposes not to conduct additional assessments or other evaluation materials, including a description of other options, if any; the LEA considered and the reasons for rejecting those options; and a description of any other relevant factors. |

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| Parent has right to request that additional assessments or other evaluation materials be conducted<br>(34 CFR § 300.305; Wis. Stats. § 115.782) | If the IEP team determines additional assessments are not needed, parents have the right to request additional assessments to determine whether the student continues to be a child with a disability and to determine the student's educational needs. The right to additional assessments is limited to determinations of continued eligibility for special education services and the student's educational needs. The LEA is not required to conduct assessments for other reasons, such as meeting entrance requirements for admission to college. If the LEA denies such a request from the parent, the LEA must provide reasons why the LEA refuses to conduct additional assessments under the section "other options considered and reasons rejected" on this form or form M-1. |
| Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time<br>(34 CFR §§ 300.303; 300.305; 300.306 and 300.503; Wis. Stats. §§ 115.78; 115.782; 115.787 and 115.792) | The notice provides general information to assist parents in understanding the reevaluation and IEP team process.<br><br>If the parents of a student or the LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide additional time within the applicable timelines for completing the reevaluation and meeting to review and revise the student's IEP. The notice informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide the parent with a copy before any IEP team meeting or due process hearing, and in no case more than **45 days** after the request. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR §§ 300.503; 300.504; Wis. Stats. § 115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation and the LEA agreed to conduct the reevaluation, then the LEA must provide the parents a procedural safeguards notice. |

## RE-5 Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments

Form RE-5 is used when the IEP team, after reviewing existing data including information from the parents, determines additional assessments or other evaluation materials need to be administered. Prior to providing this notice, the IEP team, including the parents, must consider the existing evaluation data. The review may be conducted at an IEP team meeting, but there is no requirement to conduct an IEP team meeting for this purpose (34 CFR § 300.303[b] and 300.305[a][2][i][B]; Wis. Stat. § 115.782[4][a][2.]).

There must be sufficient information and data for the IEP team to determine:

- whether the student continues to be a child with a disability and the educational needs of the student;
- the present levels of academic achievement and functional performance and related developmental needs of the student;
- whether the student continues to need special education and related services;
- if applicable, the nature and extent of special education and related services that the student needs; and
- if applicable, the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (34 CFR § 300.303 [b and 300.305 [a][2]; Wis. Stat. § 115.782 [4][a][2.]).

Before additional assessments are administered to a student, parent consent is required. However, if the LEA can demonstrate it has made reasonable efforts to obtain parental consent and the student's parent failed to respond, the LEA can proceed with administering tests or other evaluation materials. This exception only applies to reevaluations, not to initial evaluations (Wis. Stat. § 115.782 [4][b]).

Implementation Considerations:

The review of existing evaluation data may be done at an IEP team meeting; however, there is no requirement to conduct a meeting for this purpose. LEAs should use the *Existing Data Review to Determine if Additional Assessments or Evaluation Materials are Needed* (form ED-1) to document the review.

A parent's denial of consent and a parent's failure to respond to a request for consent are not the same. Tests or other evaluation materials may be administered without parental consent only when the parent **fails to respond** to requests for consent (Wis. Stat. §115.782[4][b]).

If the parent refuses consent for a reevaluation, the LEA may, but is not required to, pursue the reevaluation through mediation or a due process hearing. However, if the student is enrolled in a home-based private education program (home-schooled) or placed in a private school by the parents, the LEA may not use mediation or a due process hearing.

*Revised December 2019*

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of notice<br>(Wis. Stat. § 115.777[3][e]) | The notice must be sent no more than **15 business days** from the date the LEA initiated the reevaluation. A reevaluation may be initiated by sending form RE-1 or RE-2 to the parents. If the referral form (R-1) is used to initiate the reevaluation, the date on form RE-5 can be no more than 15 business days from the date the LEA received the referral as recorded on form R-1. |
| The IEP team, including the parents, has considered existing data available about the student and determined that additional testing or evaluation is needed<br>(34 CFR §§ 300.305 and 300.503; Wis. Stats.§§ 115.782 and 115.792) | As part of the notice, parents must be provided a description of the information used as the basis for the IEP team's decision to conduct additional assessments. This list includes:<br>● evaluations and information provided by the parents;<br>● current classroom-based, local, or state assessments;<br>● classroom-based observations; and<br>● observations by teachers and related service providers.<br><br>Based on these data sources, the IEP team has determined additional assessments or other evaluation materials, such as achievement or performance tests, interviews, observations, checklists, or rating scales are needed. |
| Documentation of parent participation<br>(34 CFR §300.305; Wis. Stats. §115.782 | Parents are IEP team participants and must have an opportunity to participate in the decision about whether additional assessments are needed. The review may be conducted without a parent's participation if the LEA is unable to involve the parent. If the parent did not participate, the LEA must document at least three reasonable attempts to involve the parent. Examples of documentation include:<br>● detailed records of telephone calls and the results of those calls;<br>● copies of correspondence sent to parent and any response received; and<br>● detailed records of visits made to the parent's home or place of employment and results of the visits. |

Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not a reasonable attempt. A voice mail message or a delivered e-mail are reasonable attempts.

Check the first box if parents participated in determining additional assessments are needed. Describe the manner in which the parents participated. If the parents did not participate in the decision, check the second box and describe the LEA's attempts to involve the parents in the decision.

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| Areas to be evaluated, including assessments to be given, and individuals who will administer the assessments or other evaluation materials (34 CFR §§ 300.9; 300.503; Wis. Stats. §§ 115.782 and 115.792) | The LEA must notify parents of any test or other evaluation materials it proposes to administer. If the specific assessment tools are known, the specific tools should be listed along with a brief description. At a minimum, the LEA must describe the types of tools that will be used and the area(s) that will be assessed, e.g. standardized testing to measure academic ability and achievement. In addition, the LEA must identify the names of the evaluator(s), if known at the time of the notice. If the names are not known, the LEA must identify the types of evaluators, e.g., school psychologist. |
| Options considered and reasons rejected (34 CFR § 300.503; Wis. Stats. § 115.792) | Enter other evaluation options considered, if any; the reasons those options were rejected; and any other factors relevant to the proposed evaluation. For example, if a parent requests a particular test and the LEA denies the request, the LEA must notify the parents in writing of its decision and reason why the test will not be administered. The LEA may state another test is more appropriate, or a newer test is now available and should be used. If no other options were considered, check the "None" box. |
| Narrative regarding the IEP team role, the evaluation and IEP process, and right to be provided additional time (34 CFR §§ 300.301; 300.305; 300.306; 300.323 and 300.503; Wis. Stats. §§ 115.78 and 115.782) | The notice also provides general information to assist parents in understanding the reevaluation and IEP team process, including the timelines within which these activities must be carried out.<br><br>If the parents of a student or the LEA staff determine additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing the reevaluation and meeting to review and revise the student's IEP. The notice informs parents of their right to request a copy of the IEP team's most recent evaluation report. If requested, the LEA must provide the parent with a copy before any IEP team |

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| | meeting or due process hearing, and in no case more than **45 days** after the request. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights (34 CFR §§ 300.503 and 300.504; Wis. Stats. § 115.792) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested the reevaluation, then the LEA must provide the parents a procedural safeguards notice. |
| Consent is needed before administering assessments or other evaluation materials (34 CFR § 300.300; Wis. Stats. § 115.782) | The LEA must have the informed consent of the parent before administering tests and other evaluation materials to the student. The LEA must make reasonable efforts to obtain informed consent. |
| Explanation regarding consent is voluntary, the right to revoke that consent, and the possible effects of not granting consent (34 CFR §§ 300.300 and 300.9) | The LEA must inform parents the granting of their consent is voluntary and may be revoked at any time prior to the administration of tests or other evaluation materials. Parents must be informed they are not required to give their consent, and if consent is not granted, the LEA may request mediation or a due process hearing about whether the assessments should be administered.<br><br>Revocation of consent is not retroactive. Revocation does not negate an action that has occurred after the consent was given and before the consent was revoked. |
| Date school district received parent consent (34 CFR § 300.301; Wis. Stats. § 115.78) | The date the LEA receives parental consent starts the **60-calendar-day** timeline in which to complete the evaluation and determine if the student continues to be child with a disability.<br><br>If the parent fails to respond to the LEA's request for consent, the LEA may proceed with the reevaluation if it documents it has taken reasonable efforts to obtain the parent's consent, and the student's parent failed to respond. The LEA must notify the parent in writing it will proceed with the evaluation. The date of this notification begins the **60-calendar-day** timeline. |

## ED-1 Existing Data Review to Determine if Additional Assessments or Evaluation Data Are Needed

As part of an evaluation, the IEP team first must review existing evaluation data available on the student. The review occurs after the parent has been notified in writing that a referral was received and after the start of the initial evaluation, or notice of reevaluation. Parental consent is not required before reviewing existing data as part of an initial evaluation or a reevaluation. Based on that review, the IEP team must decide what additional data, if any, are needed to determine:

- whether the student is, or continues to be, a child with a disability;
- the present levels of academic achievement (including reading achievement or, for preschool children, early literacy skills) and functional performance;
- related developmental needs of the student;
- whether the student needs or continues to need special education and related services;
- if applicable, the nature and extent of special education and related services the student needs;
- the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum; and
- in the case of a reevaluation, whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP.
  (34 CFR § 300.305; Wis. Stats. § 115.782).

The purpose of the review of existing evaluation data is to determine whether there is sufficient information needed to conduct a comprehensive evaluation of a student, including information to determine eligibility and to determine the student's disability related needs, develop goals, and align special education services. The analysis of the data to determine if the student has an impairment occurs at a later time during the IEP team meeting to determine eligibility. Form ED-1 is used by the IEP team to document the review of existing evaluation data. An IEP team meeting is not required for this purpose although it may be appropriate to hold one (34 CFR § 300.300). If a meeting is held, the *Invitation to a Meeting of the IEP Team* (form I-1) must be sent to the parents and form ED-1 is used with the *IEP Team Meeting Cover Page* (form I-3) to document the meeting.

Implementation Considerations:

Sources of existing data may include the student's permanent or cumulative file, the behavioral records of the student, information or evaluations provided by the parent(s)/family, previous evaluations, district-wide assessments, state assessments, medical records, post-secondary transition, work samples, grades on daily assignments or tests, and/or observations from teachers, related service providers, or others.

The data reviewed and the sources of information are identified on the ED-1. It is important to have sufficient information about reading achievement

or early literacy skills in order to determine if a student has a disability-related need that affects reading. If the IEP team determines additional data are needed after reviewing existing data, the new assessments to be administered and other needed evaluation materials are described in Section II of the ED-1. This description, along with the names of the specific assessment tools and personnel responsible for administering the evaluation(s), if known, are recorded on form IE-3 or RE-5.

The review of existing data is an IEP team function and the parents are IEP team participants (34 CFR § 300.321; Wis. Stats. § 115.78). If the review occurs during an IEP team meeting, record the date of the meeting and the name of the person completing the form. Whether or not the review of existing data is completed at an IEP team meeting, the LEA must document the parent's participation or at least three attempts to involve the parent(s) in the review of existing data. Often LEA personnel will attempt to contact parents by telephone. The LEA may not count as an attempt a telephone call where there is no answer. A telephone call where a message is left may be counted as an attempt. The LEA may count a delivered email as an attempt.

Sometimes an error occurs when what is documented is a review by a problem-solving team (e.g., teacher assistance team, building consultation team) prior to referral, instead of the IEP team's review to decide whether additional evaluation data is needed to complete an IEP team evaluation. Sometimes IEP team participants will review data prior to the parent being notified of the start of an initial evaluation or reevaluation. The review of existing data occurs by IEP team participants after a parent is notified in writing of the start of an initial evaluation or reevaluation. Another common error occurs when an IEP team participant completes form ED-1 and fails to include his or her own input. If the individual completing the form is one of the IEP team participants, the individual needs to remember to record his or her name in the list of IEP team participants involved in the review of existing data to determine if additional information is needed.

The ED-1 becomes part of the student's education record and may be provided to the parent prior to or with the *Notice and Consent Regarding Need to Conduct Additional Assessments* (either form IE-3 or RE-5) or the *Notice that No Additional Assessments are Needed* (either form IE-2 or RE-4), or when the Evaluation Report is provided.

Problems can arise when the existing data review is not comprehensive and additional assessments are added later in the process. IEP team members should think expansively about the data needed to assist them in determining eligibility for special education and what they may need to determine appropriate services.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Notice of receipt of referral<br>(34 CFR §§ 300.300; 300.503; and 300.504 | Record the date the notice of referral and start of initial evaluation or notice of reevaluation was provided to the parents. After the notice is provided to the parent and within 15 business |

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| Wis. Stats. §§ 115.777; 115.782; and 115.792). | days of the district receiving the referral, the review of existing data must be completed and the parent must be sent a request for consent to conduct additional assessments or notice that no additional testing is needed. |
| Information from referral<br>(34 CFR § 300.305; Wis. Stat. § 115.782). | The IEP team verifies they have reviewed information provided on the referral for special education or notice of reevaluation by checking "Yes" or "No." It is good practice to review the referral for information about the student's reading ability or other existing information. |
| Section I<br>Existing Data Review<br>(34 CFR § 300.305; Wis. Stat. § 115.782). | The IEP team must review existing data related to academic achievement and functional performance, as well as previous interventions and the effects of the interventions. Check the box next to each area of existing data reviewed. If insufficient or no data exists in a particular area, the IEP team must determine if additional data needs to be gathered. |
| Sources of Information<br>(34 CFR § 300.305; Wis. Stat. § 115.782). | Check the box next to the sources of information. The IEP team must review existing evaluation data, including:<br>● Information provided by the parents;<br>● Previous evaluations;<br>● Current classroom based, district-wide, or state assessments;<br>● Observations by teachers, related service providers and others (including current classroom-based observations and observations by reading teacher/specialist, if applicable); and<br>● Information from other sources (e.g., postsecondary transition, medical, etc.). |
| Section II<br>Description of Additional Data Needed<br>(34 CFR § 300.305; Wis. Stat. § 115.782). | Once the existing data is reviewed, the IEP team must determine whether additional data is needed. When considering whether additional data is needed, keep in mind that this data can be related to academic or functional areas, or both. If an IEP team member, including the parent(s), identifies additional data is needed, check the box "Yes." Describe the additional assessments and other evaluation materials needed in Section II of the ED-1. The description |

of additional assessments and other evaluation materials and titles and the personnel responsible for administering assessments, if known, must be recorded on Form IE-3 or RE-5. Ensure there is sufficient information about reading achievement or early literacy skills compared to grade-level standards/age level expectations.

Section III
IEP Team Participants
(34 CFR § 300.305; Wis. Stat. § 115.782).

Documentation on form ED-1 must include the name of each individual, the date they were involved in the review of existing data, and the method of involvement. Input regarding additional assessments and other needed evaluation materials is documented in Section II. If the consideration of existing data was done at a meeting, the IEP team participants are also listed on the *IEP Team Meeting Cover Page* (Form I-3).

Parent(s)
(34 CFR §§ 300.305 and 300.321; Wis. Stats. §§ 115.78 and 115.782).

The consideration of existing data is an IEP team function and parents are IEP team participants. Documentation on the ED-1 of the parents' involvement in the review of existing data must include the date and method of involvement. The parent's input should be documented on the ER-1 and reviewed during the meeting to determine eligibility. If the review of existing data was conducted at a meeting, the parent's involvement is documented on the *IEP Team Meeting Cover Page* (Form I-3).

Parent Involvement Attempts
(34 CFR §§ 300.305 and 300.321; Wis. Stats. §§ 115.78 and 115.782).

The review may be conducted without a parent's participation if the LEA is unable to involve the parent(s). If a parent did not participate, the LEA must document at least three reasonable attempts to involve the parent(s). Examples of documentation include:

- detailed records of telephone calls and the results of those calls;
- copies of correspondence sent to the parent and any response received; and
- detailed records of visits made to the parent's home or place of employment and results of the visits.

The requirement for involving parents in the review is the same as for IEP team participation. If the parents did not participate in the review, the district should document three good faith attempts to involve them. Often school personnel will attempt to contact parents by telephone. A telephone call where there is no answer is not counted as an attempt. A telephone call where the phone is answered and a message is left may be counted. A delivered e-mail message counts as an attempt.

## ER-1 Evaluation Report Including: Determination of Eligibility and Need for Special Education

As part of any initial evaluation or reevaluation, an IEP team must develop an evaluation report that includes documentation of a determination of eligibility and need for special education. Form ER-1 must be completed for all evaluations (including initial and reevaluations). Additional evaluation report forms may be needed to document the evaluation results depending on the circumstances, e.g. *Additional Documentation Required for Specific Learning Disabilities* (ER-2A, 2B, or 2C*), Evaluation for Determining Braille Needs* (ER-3*), et cetera (*34 CFR § 300.306; Wis. Stats. § 115.782).

Implementation Considerations:

The IEP team must include a review of the student's reading achievement. This includes an analysis of data available at the time of the referral and new information gathered from additional testing and other sources. The IEP team should also consider how the student's functional performance affects the student's reading achievement. A thorough analysis includes how the student's academic achievement and functional performance affect access, engagement, and progress in the general education curriculum, instruction, and environment.

While individual summaries of IEP team participant's findings are not required, it is good practice for IEP team members who administer tests or other evaluation materials to prepare a written summary of their individual assessment findings that may assist parents and other IEP team members in program planning.

DPI has developed eligibility criteria worksheets and evaluation guides to assist with meeting special education compliance requirements and recommended best practices. Eligibility criteria resources may be accessed via the department's website at http://dpi.wi.gov/sped/laws-procedures-bulletins/laws/eligibility.

Parent(s) must be provided with a copy of the IEP team's evaluation report; however, neither federal nor state law specifies when parents must be provided with a copy. Typically, the LEA provides the parents with a copy of the evaluation report with the student's IEP and notice of placement. It is, however, important LEAs ensure parents have the information they need to participate meaningfully in IEP team meetings. Parents may need to review their student's education records. A LEA must comply with a parent request to inspect and review existing education records, including IEP team evaluation reports or summaries of IEP team participants' findings, without unnecessary delay and before any meeting regarding an IEP or a due process hearing and in no case longer than 45 days after the request (34 C.F.R. § 300.613).

This form is split into three sections. Section I describes academic and functional information about the student that existed at the time of the referral and was reviewed during the *Existing Data Review to Determine if Additional Assessments are Needed* (DPI Model Form ED-1) It also includes information about interventions attempted before the special education referral (or reevaluation) and the effects of those interventions. Section II covers the additional assessment data gathered through the evaluation process. Section III A is where the team documents whether or not the student meets

the criteria for one or more of the impairment areas. If so, the team must document how. If impairments were considered and rejected, the team must document how the student did not meet the criteria. If the student does not have an impairment in any of the identified categories, the student is not eligible for special education and the team does not need to proceed to Section III-B. In Section III-B, the team considers and documents, if applicable, modifications or accommodations that can be made in the regular education program, student needs that cannot be met through the regular education program, and the additions or modifications, if any, which are not provided through the general education curriculum. After those are determined, the team decides whether special education is needed as a result of the previously identified impairment (34 CFR § 300.305; Wis. Stats. § 115.782).

Many individuals wonder under which section to place their "observations." Observations can either be general comments about things a teacher, related service provider, or parent notices about a student. In that case, they would be included in Section I: Information from Existing Data. Formal observations may also be conducted in the context of the evaluation, which is an individual assessment to determine eligibility for special education and related services, consistent with the evaluation procedures and for which parental consent was sought (p. 46639 of the comments to the regulations). In this case, formal observations as part of the evaluation belong in Section II: Information from Additional Assessments and Other Sources.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Type of evaluation<br>(34 CFR §§ 300.301 and 300.303; Wis. Stat. § 115.782). | The IEP team identifies whether the evaluation being completed is an initial evaluation or a reevaluation. Check the appropriate box. See the comments under 'Implementation Considerations' on forms RE-1 and RE-2 for a discussion of when an evaluation is an initial evaluation and when it is a reevaluation. |
| Date on which eligibility determination was made<br>(34 CFR §§ 300.301 and 300.303; Wis. Stat. § 115.782). | Enter the eligibility determination date. The date of the eligibility determination is the date the IEP team meets and determines whether the student is or continues to be a "child with a disability."<br><br>In the case of an initial evaluation or a reevaluation, the IEP team must make the eligibility determination within **60 calendar days** of receiving parent consent for administering tests and other evaluation materials (see form IE-3 or RE-5), or providing the parent notice that no additional assessments are needed (see form IE-2 or RE-4).<br><br>There are three exceptions to the 60-calendar-day evaluation timeline. The exceptions include situations in which (1) the parent of a student repeatedly fails or refuses to produce the student for the evaluation; (2) a student enrolls in a school of another LEA after the 60- |

calendar-day timeline has begun, but prior to a determination of eligibility or continuing eligibility by the student's previous LEA (see form M-2); or (3) there is a written agreement with the parent to extend the timeline to complete the evaluation of a student suspected of having a specific learning disability (see form M-3).

The date of eligibility determination also begins the **30-calendar-day** timeline within which the IEP team must meet to develop an IEP and determine a student's placement.

Section I
Information from existing data
(34 CFR §§ 300.301 and 300.303; Wis. Stat. § 115.782).

In this section, IEP team documents information from existing data. Refer to the Existing Data Review (DPI Model Form ED-1) when completing this section. During the IEP team meeting to determine eligibility and need for special education, document and consider the relevant data and information that existed prior to the current evaluation. Any data from additional testing or other evaluation materials administered as part of the current evaluation is documented in Section II (DPI Model Form ER-1), under "Information from Additional Assessments and Other Sources." When interpreting evaluation data to determine eligibility and need for special education, IEP teams are required to document and carefully consider data from a variety of sources.

The IEP team must include information about both academic achievement and functional performance. Academic achievement includes information in reading, mathematics, written language, communication, science and social studies. For preschool children, academic achievement includes information about the child's acquisition and use of knowledge and skills (including early language/communication and early literacy and other pre-academic skills). Functional performance includes social and emotional skills, activities, and nonacademic skills needed for independence and performance at school, in the home, in the community, for leisure time, and for post-secondary and lifelong learning. Examples include activities of everyday living, school/work/play habits, expressing needs and desires, the ability to problem solve and ask for help, and other social and emotional skills. For preschool children, functional performance includes positive social and emotional skills and use of appropriate behavior to meet their needs.

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| A. Information provided by parent(s)/family (34 CFR §§ 300.304; 300.305 and 300.306; Wis. Stats. § 115.782). | Document information provided by the parent(s) and family in reading and other areas. LEAs should encourage parents' participation by encouraging family members to describe their student's strengths and abilities and what they view as their student's challenges. Encourage the parent to share information about what and how their student is reading at home and in the community as well as their beliefs about their own skills and their passions and desires. LEAs may want to provide resources and encourage the parent(s)/family to access other tools before the IEP team meeting to prepare to participate. If the parent(s)/family have no information to provide, document that no additional information was provided. |
| B. Summary of previous evaluations (34 CFR §§ 300.305 and 300.306; Wis. Stats. § 115.782). | Document information in reading and other areas from previous district evaluations, reading evaluations, and independent educational evaluations, whether at school district or parent expense. Include the results of any functional performance assessments or evaluations. If no previous evaluations exist, document this on the form. |
| C. Classroom-based, local, or state assessment results (34 CFR §§ 300.305 and 300.306; Wis. Stats. § 115.782). | Include the student's performance on classroom tests, quizzes, assignments, and district and state-wide assessments. Include data in reading and other academic areas. The assessments may have been conducted in the general education classroom or in a special education classroom. Local or district-wide assessments include any standardized tests administered district-wide (e.g.*, Iowa Test of Basic Skills, STAR, PALS, MAPS*). If no previous classroom-based, local, or state assessments exist, document this on the form. |
| D. Information provided by teachers, related service providers and others (34 CFR §§ 300.305 and 300.306; Wis. Stats. § 115.782). | Document information about the student in reading and other areas provided by the regular education teacher, other teachers, related service providers, and others in the school building that interact with the student. When applicable, include informal information from a reading teacher or specialist. For preschool children, use the results of their Indicator 7 Child Outcomes Ratings, when appropriate. Formal observations done as part of the student's special education evaluation should be documented in Section II. If the student is not in a school environment, include the observations of professionals in the student's current environment. If no information on observations exists, document this on the form. |

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| E. Information from other sources | Include any other existing data here. This may include information pertaining to postsecondary transition, pertinent medical information (including vision and hearing) and any other pertinent data. |
| Previous interventions and the effects of those interventions table:<br>(Wis. Stat. § 115.782[2][b][1.]) | Identify any previous interventions, including instructional methodologies, provided in the general education classroom or a special education setting, and the effects of those interventions on reading achievement/early literacy and other academic and functional areas. Document any modifications or accommodations provided in any environment. Include data on how the student responded to the interventions (e.g., Previous intervention: Direct instruction in reading fluency for eight weeks; Effect: Increase of two words per minute.) These may include, among other things, formal interventions as part of a multi-level system of supports or previous special education services.<br><br>Prior interventions are required before an initial eligibility decision may be made for a Specific Learning Disability (SLD). In the rare case that no previous interventions have been provided, check not applicable. |
| Section II<br>Information from additional assessments and other sources<br>(34 CFR §§ 300.304 and 300.306; Wis. Stats. §115.782). | In this section, the IEP team documents the new information gathered as part of the evaluation or reevaluation. Identify whether information from additional assessments or other sources was gathered during this evaluation/reevaluation by checking the "Yes" or "No" box. If yes, document data and information about reading and other areas obtained from assessments and other evaluation materials administered as part of the current evaluation. The data may include formal observations done as part of the evaluation process, aptitude tests, recent reading assessment data, and results from checklists, behavior rating scales, interviews, standardized tests, and informal assessments. Summarize the data and information obtained during the evaluation under reading or other. It is important to have current information on reading performance. |
| Section III<br>Determination of Eligibility and Need for Special Education | |

A. Determination of Eligibility
(34 CFR §§ 300.8, 300.306; 300.309; 300.311, 300.503, Wis. Stats. §§ 115.76; 115.782 and 115.792).

When considering whether the student meets the criteria for one or more impairments, the IEP team may not find the student eligible if the determining factor is due to a lack of appropriate instruction in reading or math, or due to limited English proficiency. The district must take steps to address the lack of appropriate instruction or the student's limited English proficiency. The IEP team may provide recommendations (e.g., resources or supports) for the district to consider.

In order to identify a student as a "child with a disability," the IEP team must first determine the student has one or more impairments. The IEP team should consider all suspected impairments and, using the eligibility criteria in section PI 11.36, Wisconsin Administrative Code, document how the student meets (or does not meet) the criteria. If the student meets eligibility criteria, check the box next to the impairment area in Section III A 3 on Form ER-1. Check each impairment area where the student meets criteria. For each impairment area identified, document how the student meets the criteria. The IEP team may attach the eligibility checklist worksheet as documentation, if used.

If the student was not found eligible for an area of impairment that was considered by the IEP team, document how the student did not meet the criteria for the rejected impairment. If the student was not eligible under any impairment, document which ones were considered and how the student did not meet the criteria. The IEP team may attach the eligibility checklist worksheet as documentation, if used.

A student must be found to have an impairment before the IEP team considers if the student needs special education. If there is no impairment, do not complete Section III-B: Need for special education. The IEP team may include recommendations other than special education for the district and parent(s) to consider to support the student.

If the student has a significant developmental delay (SDD), SDD must be the only impairment checked. The IEP team must consider and dismiss all other areas of impairment before identifying a student with SDD.

If the IEP team identifies a Specific Learning Disability, document the additional information required for Specific Learning Disabilities on form ER-2A, 2B, or 2C.

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| | If the IEP team identifies a visual impairment, document the additional information required for determining a student's need for Braille on form ER-3.<br><br>If the student meets the criteria for at least one impairment from the list of impairments, the IEP team then determines if the student needs special education. |
| B. Need for Special Education<br>(34 CFR §§ 300.306; 300.503 and 300.8; Wis. Stats. §§ 115.76; 115.782 and 115.792). | This section is completed if the student meets the criteria for one or more impairments. The IEP team must determine that a student needs special education as a result of the impairment before they may be identified as a "child with a disability." It is possible for a student to have an identified impairment and **not** need special education and, therefore, not be a "child with a disability." |
| List modifications or accommodations, if any, that can be made in the regular education program…<br>(34 CFR §§§ 300.304; 300.305 and 300.8; Wis. Stats. §§ 115.782 and 115.792). | Describe the modifications and/or accommodations that can be made in the regular education program, such as adaptation of content, methodology, or delivery of instruction that may assist the student with access, engagement, and progress in grade level general education curriculum, instruction and environment. These modifications or accommodations will enable the student to access the general education curriculum, meet the educational standards that apply to all students, and be educated with nondisabled students to the maximum extent appropriate. The items described here should be revisited and considered when aligning services, supports, and accommodations for the student during the subsequent IEP development. |
| List student needs, if any, that cannot be met through the regular education program…<br>(34 CFR §§ 300.304; 300.305 and 300.8; Wis. Stats. §§ 115.782 and 115.792). | Describe the student's needs that cannot be met through the regular education program as structured. The needs identified here should be revisited when the IEP team is considering the effects of disability and when identifying the student's disability-related needs during the subsequent IEP development (IEP Linking Form I-4). |
| List additions or modifications, if any, which are not provided through the general education curriculum…<br>(34 CFR §§300.304; 300.305 and 300.8; Wis. Stats. §§ 115.782 and 115.792). | Describe additions or modifications which are not provided through the general curriculum, including replacement content, expanded core curriculum, and other supports that may assist the student with access, engagement, and progress in grade level general education curriculum, instruction, and environment. These may be provided through the special education program and specially designed instruction to (1) address the needs that |

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| | adversely affect reading, (2) address the needs that adversely affect other areas, including academic and functional performance, and (3) enable the student to access the general curriculum so the student can meet the educational standards that apply to all students. Consider these descriptions when aligning services, supports, and accommodations for the student. If a student does not need specially designed instruction, the student is not eligible for special education. |
| By reason of the identified impairment(s)…. | Check "yes" or "no" to indicate whether or not the student has an impairment that adversely affects their educational performance and as a result needs special education (specially designed instruction). "Educational performance" is a broad term and includes the student's academic, physical, social, emotional, and interpersonal skills. If there is no need for special education, list other recommendations, if any, the district may take to address the student's needs through the regular education program. If the student only requires modifications or accommodations that can be made through the regular education program, the student does not need special education and no IEP is developed for the student. |

## ER-2A Required Documentation for Specific Learning Disability (SLD) – Initial Evaluation

Form ER-2Ais used **only** for initial SLD eligibility decisions for all enrolled public school students.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of Eligibility Determination<br>(34 CFR §§ 300.301 and 300.309; Wis. Stats. § 115.78). | Enter the date the IEP team meets and determines whether the student is or continues to be a student with a disability.<br><br>In the case of an initial evaluation or a reevaluation, the IEP team must make the eligibility determination within 60 calendar days of receiving parent consent for administering tests and other evaluation materials (see form IE-3 or RE-5), or providing the parent notice that no additional assessments are needed (see form IE-2 or RE-4).<br><br>There are three exceptions to the 60-calendar-day evaluation timeline. The exceptions include situations in which (1) the parent of a student repeatedly fails or refuses to produce the student for the evaluation; (2) a student enrolls in a school of another LEA after the 60-calendar-day timeline has begun, but prior to a determination of eligibility or continuing eligibility by the student's previous LEA, sufficient progress is being made to ensure a prompt completion of the evaluation, and the parent and district agree to a specific time when the evaluation will be completed (see form M-2); or (3) there is a written agreement with the parent to extend the timeline to complete the initial evaluation of a student suspected of having a specific learning disability (see form M-3).<br><br>The date of eligibility determination also begins the 30-calendar-day timeline within which the IEP team must meet to develop an IEP and determine a student's placement. |
| Documentation of eligibility<br>(34 CFR §§ 300.306, 300.307, and 300.309-311; Wis. Stats. § 115.782). | These forms provide prompts to ensure IEP teams address all state and federal SLD eligibility criteria requirements. Additional guidance regarding SLD eligibility criteria is available at http://dpi.wi.gov/sped/program/specific-learning-disabilities. |
| 1. Insufficient Progress<br>(34 CFR §§ 300.307; 300.309 and 300.311). | This section must be completed. Check "Yes" if the student met this criterion in any area(s) of concern. Check "No" if the student did not meet this criterion in any area. |

If "Yes", check each area considered in which the student was found to meet this criterion in the Data Used to Support Insufficient Progress Determination chart. Then check the decision rule that applied to the analysis of progress monitoring data leading to the finding that the student met the criterion.

In the Progress Monitoring Data section, summarize the progress monitoring data collected during SRBIs. Supporting documentation, such as data graphs, may be attached. Documentation must be sufficient to support the decision rule checked. For example, it would be appropriate to include a chart of baseline and weekly data points with a normative comparison line showing the gap between the student's growth and expected rates for same age/grade peers. Additional information may be provided here or below in "additional notes" to explain why the decision rule applied. An example would be to provide a brief explanation of why growth may be the same or greater, but the student was found to meet the criterion.

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| The instructional strategies used with the student, including intensive intervention, were applied in a manner highly consistent… | The box must be checked to ensure compliance with these requirements. IEP teams may wish to document the dates and methods of informing the parents. IEP teams may document the interventions provided on the ER-1 under "Previous interventions and the effects of those interventions" or in the "Additional Notes "section below. |
| The student's parents were informed about the amount and nature…. | The box must be checked to ensure compliance with this requirement. IEP teams may wish to add information about the particular interventions used including names of interventions, dates used, etc., if not documented elsewhere in the report. Districts should put systems in place to ensure SRBIs implemented and Progress Monitoring data collected meet the standards in the rule whenever the data will be used to make an SLD eligibility decision. Information should be made available to the team as needed to document SRBIs were appropriately implemented prior to the IEP team evaluation meeting. This information can also be included in the "Additional Notes "section below. |
| Additional Notes (if any): | If not included in other sections, the IEP team may wish to include other information such as the specific SRBIs and progress monitoring probes used, descriptions of student's relative performance during the first and second interventions, how the student's performance during intervention compared to classroom performance in the same areas, etc. |

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| 2. Inadequate Classroom Achievement (34 CFR §§ 300.309 and 300.310). | This section must be completed. Check "Yes" if the student scores at or below the 1.25 SD cut score in any area (81.25 on tests with a mean of 100 and SD of 15). If the test has a mean other than 100 use the SD for the test and determine the cut score. Check each area in which the student met this criterion: Oral Expression, Basic Reading Skill, Mathematics Calculation, Listening Comprehension, Reading Comprehension, Mathematics Problem Solving, Written Expression, and Reading Fluency Skills. Check "No" if the student scores above the 1.25 SD cut score (Note: The IEP team may consider scores within 1 standard error of the 1.25 SD cut score to meet the inadequate classroom achievement criterion, if the IEP team determines the student meets all other criteria). Academic achievement scores must correspond to the area(s) of achievement under consideration. |
| Data Used To Support Determination: | This section must be completed whether the student did or did not meet this criterion. Provide a summary of the data. This minimally includes the names of tests/subtests and the student's standard scores. Additional information may be appropriate to include, such as percentile scores, score ranges, etc. It could also be appropriate to attach the student's test score printout or score chart generated from the test's computer scoring software and note, "see attached scores." Provide additional information if the printout does not include sufficient information for the reader to determine if the student did or did not meet the cut score as per the SLD rule. Including additional summary information such as area(s) of concern in which the student's scores fell above the cut score is recommended. |
| If the 1.25 standard deviation (SD) requirement was not used… | This section must be completed if the IEP team did not use the 1.25 cut score requirement for one or more of the areas of concern. A brief explanation supporting why a valid score could not be obtained is required (For example: Despite several attempts on different days, the student did not maintain sufficient attention during testing to complete the items according to test administration directions). In addition, note the IEP team determination of whether the student does or does not demonstrate inadequate achievement (relative to same age peers) in the area(s) and specify the alternate empirical data used to support the decision. State test scores and anecdotal teacher reports are not sufficient. |
| Additional Notes (if any): | This section is optional. Any additional notes regarding the student's performance on the standardized achievement test(s) may be added, such as relative strengths and weaknesses, comparison to observed classroom achievement, etc. |

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| 3. Exclusionary Factors DO NOT apply. (34 CFR §§ 300.309 and 300.310). | This section must be completed. Check "Yes" if no exclusionary factors apply, or check "No" if one or more factors apply. If "No," check the factor(s) that apply in the list provided on the form. |
| Additional Considerations (complete whether or not an exclusionary factor applies)—The IEP team considered: | The following items must be completed in all cases, whether or not "No" is checked. The IEP team may wish to add additional descriptive information. We suggest documenting additional information if any exclusionary factor is found to apply and the student will therefore not meet criteria. |
| Data demonstrating, prior to or as part of the evaluation, the student was or was not provided appropriate instruction. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to provide a summary of the general education instruction provided, particularly if the appropriate instruction exclusionary factor applies. This information can also be included in the "Additional Notes" section below. |
| Evidence the student received repeated assessments of achievement reflecting student progress. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to include a summary of ongoing general education assessments provided as part of general education instruction if not included elsewhere. This information can also be included in the "Additional Notes "section below. |
| The student's parents were informed of such assessments. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to include how the parents were informed of the results of on-going general education assessment as part of appropriate instruction if not addressed earlier. This item may also be addressed in the prior section on Insufficient Progress. |
| Additional Notes (if any): | This section is optional. The IEP team may wish to provide a summary of information discussed regarding potential exclusionary factors that may be relevant whether or not the student met this criterion. For example, the effect of having English as a second language or cultural differences of a recent immigrant may be relevant. Elaboration is recommended if any exclusionary factor is found to apply and the student will therefore not meet criteria. |

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| ADDITIONAL DOCUMENTATION REQUIRED WHEN STUDENT IS EVALUATED FOR SLD: (34 CFR §§ 300.309; 300.310; and 300.310). | |
| Relevant behavior noted during observation of the student… | This section must be completed. The IEP team should summarize the observation data collected during the two required observations (or more if student was observed in more than two settings): during general education classroom instruction and during at least one of the required SRBIs. The information should be specific to how the student performed in the area(s) of achievement concern when observed. Information comparing the student's observed learning behavior to other students in the class can be helpful. |
| Educationally relevant medical findings | This section must be completed. Check "Yes" OR "No" as appropriate. If "Yes" is checked, additional information is required. The IEP team should summarize the relevant medical findings and their effect on the student's achievement, particularly in the area(s) of concern. |
| SUMMARY OF ELIGIBILITY CRITERIA CONSIDERATION (34 CFR §§ 300.304 and 300.311). | If #1, #2, and #3 are marked "YES", the student meets the eligibility criteria for the impairment of Specific Learning Disability (SLD). If any item is marked "No", the student does not meet eligibility criteria for the impairment of SLD. Prompts for additional information must be completed as appropriate. If such information is addressed elsewhere in the IEP team evaluation report, please reference where the information can be found. If there are more areas of concern, add rows to the chart. |
| The IEP team decision of whether the student has a specific learning disability was based on information from a variety of sources and not on any single measure or assessment as the sole criterion: | The box must be checked to ensure compliance with this requirement. When determining whether a student has a specific learning disability, the IEP team must base its decision on information from a variety of sources and not on any single measure or assessment as the sole criterion. |
| Each IEP team participant must sign…. | Each IEP team participant, including the parents, signs the form and indicates if they agree with the team's conclusion about whether or not the student has a specific learning disability. If any IEP team participant, including the parent, does not agree with the team's conclusions, then they must also attach a statement reflecting their conclusions. If a parent disagrees with |

the conclusions of the team and refuses to submit a statement, the LEA cannot compel the parent to do so. The LEA may summarize the parent's position in writing and indicate the parent refused to submit a separate statement.

Additional Notes (if any):

The IEP team may wish to include additional information relevant to the eligibility decision here, if not included elsewhere. It may be particularly appropriate to include additional information if the student was not found to meet eligibility criteria to explain why the student was not found eligible and summarize the student's strengths and relative weaknesses.

## ER-2B Required Documentation for Specific Learning Disability (SLD) – Reevaluation

Form ER-2B is used **only** when a student is being reevaluated in the area of Specific Learning Disabilities (SLD)**.** This form is used for reevaluations of students previously identified as having the impairment of SLD. If a student was not already identified as having SLD at the time of the reevaluation, and SLD will be considered for the first time, the IEP team should use form ER-2A to document the SLD eligibility decision.

All sections and items on this form must be completed. Check each statement with "Yes" or "No" and provide addition supporting information as noted.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of Eligibility Determination (34 CFR § 300.306 and 300.309-311; Wis. Stats. § 115.782). | Enter the date the IEP team meets and determines whether the student is or continues to be a student with a disability.<br><br>In the case of an initial evaluation or a reevaluation the IEP team must make the eligibility determination within 60 calendar days of receiving parent consent for administering tests and other evaluation materials, (see form IE-3 or RE-5) or providing the parent notice that no additional assessments are needed (see form IE-2 or RE-4).<br><br>There are three exceptions to the 60-calendar-day evaluation timeline. The exceptions include situations when (1) the parent of a student repeatedly fails or refuses to produce the student for the evaluation; (2) a student enrolls in a school of another LEA after the 60-calendar-day timeline has begun, but prior to a determination of eligibility or continuing eligibility by the student's previous LEA, sufficient progress is being made to ensure a prompt completion of the evaluation, and the parent and district agree to a specific time when the evaluation will be completed (see form M-2); or (3) there is a written agreement with the parent to extend the timeline to complete the initial evaluation of a student suspected of having a specific learning disability (see form M-3).<br><br>The date of eligibility determination also begins the 30-calendar-day timeline within which the IEP team must meet to develop an IEP and determine a student's placement. |

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| Information specific to reevaluations | A student who met initial SLD identification criteria and continues to demonstrate a need for special education, including specially designed instruction, is a student with a continuing disability unless the exclusionary factors now apply. If the student no longer needs special education to address needs resulting from impairment, then the student is no longer a student with a disability under Ch. 115, Wis. Stats., and the Individuals with Disabilities Education Act (IDEA). A student continues to be a student with the impairment of specific learning disability (SLD) who needs special education if all items are marked "YES." If information is addressed elsewhere in the IEP team evaluation report, please reference where the information can be found. |
| CONSIDERATION OF EXIT CRITERIA….<br>(34 CFR §§ 300.309; and 300.311). | |
| The student was previously found eligible as having the impairment of SLD. | A box must be checked. The date of determination of previous SLD eligibility may be added here. This information can also be included in the “Additional Notes “section below. |
| The student does not perform to generally accepted expectations…. | A box must be checked. The IEP team may wish to include additional information to establish the extent to which the student is meeting general education classroom expectations without specially designed instruction. Examples may include results from assessments of classroom achievement; formal and informal progress data; systematic observation; measures of progress on IEP goals; and summaries of the student’s use of accommodations, supports in general education, and specially designed instruction needed by the student. Discussion of student performance in relation to same grade peers may be included. This information can be included in the “Additional Notes “section below. |
| The student continues to need special education to address needs resulting from the impairment of SLD. | A box must be checked. The IEP team may wish to provide data about student needs that require specially designed instruction, aids and supports for the student to maintain a reasonable rate of academic progress. Examples may include a summary of the student’s success or lack of success in general education classes without additional instruction, such as pre-teaching/re-teaching or supplemental specially designed instruction, and evidence of need for specific accommodations and supports to complete general education expectations. This information can be included in the “Additional Notes” section below. |

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| Reason for determination including data used (document on model forms ER-1 Evaluation Report or explain below): | This section must be completed. If information is provided elsewhere on this form or in the evaluation report (such as on sample form ER-1 Evaluation Report) a reference to where the information is provided should be noted here. |
| CONSIDERATION OF EXCLUSIONARY FACTORS<br>(34 CFR §§ 300.309; and 300.311). | This section must be completed. Check "Yes" if no exclusionary factors apply, or check "No" if one or more factors apply. If "No", check the factor(s) that apply in the list on the form. |
| Additional Notes (if any): | This section is optional. Data may be included to support the IEP team decision about whether or not one or more exclusionary factors apply. |
| ADDITIONAL DOCUMENTATION REQUIRED WHEN STUDENT IS EVALUATED FOR SLD<br>(34 CFR §§ 300.309; 300.310; and 300.311). | |
| Relevant behavior noted during observation of the student… | This section must be completed. The IEP team should summarize the observation data collected during the two required observations (or more if student was observed in more than two settings): during general education classroom instruction and during at least one of the required SRBIs. The information should be specific to how the student performed in the area(s) of achievement concern when observed. Information comparing the student's observed learning behavior to other students in the class can be helpful. |
| Educationally relevant medical findings | This section must be completed. Check "Yes" OR "No" as appropriate. If "Yes" is checked, additional information is required. The IEP team should summarize the relevant medical findings and their effect on the student's achievement, particularly in the area(s) of concern. |
| Each IEP team participant must sign…. | Each IEP team participant, including the parents, signs the form and indicates if they agree with the team's conclusion about whether or not the student has a specific learning disability. If any IEP team participant, including the parent, does not agree with the team's conclusions, then they must also attach a statement reflecting their conclusions. If a parent disagrees with the conclusions of the team and refuses to submit a statement, the LEA cannot compel the parent to do so. The LEA may summarize the parent's position in writing and indicate the parent refused to submit a separate statement. |

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| Additional Notes (if any): | The IEP team may wish to include additional information relevant to the eligibility decision here, if not included elsewhere. It may be particularly appropriate to include additional information if the student was not found to meet eligibility criteria to explain why the student was not found eligible and summarize the student's strengths and relative weaknesses. |

## ER-2C Required Documentation for Specific Learning Disability (SLD) – Initial Evaluation Using Significant Discrepancy

This form may only be used for initial SLD eligibility determinations for a parentally-placed private school or home-schooled student. SRBIs cannot be required for these students. IEP teams may use progress monitoring data collected during SRBIs to analyze the insufficient progress criterion for such students if the data collected otherwise meets the standards in the SLD rule (i.e. data from probes collected at least weekly during two SRBIs implemented with fidelity). In this case, the IEP team would document eligibility using form ER-2A (34 CFR § 300.307).

If #1, #2, and #3 are marked "YES", the student meets the eligibility criteria for the impairment of Specific Learning Disability (SLD). If any item is marked "No", the student does not meet the eligibility criteria for an impairment of SLD. Prompts for additional information must be completed as appropriate. If such information is addressed elsewhere in the IEP team evaluation report, please reference where the information can be found.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of Eligibility Determination (34 CFR §§ 300.306 and 300.309-311; Wis. Stats. § 115.782). | Enter the date the IEP team meets and determines whether the student is or continues to be a student with a disability.<br><br>In the case of an initial evaluation or a reevaluation the IEP team must make the eligibility determination within 60 calendar days of receiving parent consent for administering tests and other evaluation materials (see form IE-3 or RE-5), or providing the parent notice that no additional assessments are needed (see form IE-2 or RE-4).<br><br>There are three exceptions to the 60-calenda-day evaluation timeline. The exceptions include situations when (1) the parent of a student repeatedly fails or refuses to produce the student for the evaluation; (2) a student enrolls in a school of another LEA after the 60-calendar-day timeline has begun, but prior to a determination of eligibility or continuing eligibility by the student's previous LEA, sufficient progress is being made to ensure a prompt completion of the evaluation, and the parent and district agree to a specific time when the evaluation will be completed (see form M-2); or (3) there is a written agreement with the parent to extend the timeline to complete the initial evaluation of a student suspected of having a specific learning disability (see form M-3).<br><br>The date of eligibility determination also begins the 30-calendar-day timeline within which the IEP team must meet to develop an IEP and determine a student's placement. |

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DOCUMENTATION OF ELIGIBILITY

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| 1. Insufficient Progress | "Yes" or "No" must be checked. If "Yes" check any area(s) that apply. |
| Data Used to Support Determination (34 CFR §§ 300.307; 300.309; and 300.311). | This section must be completed. Include the test name(s) and test/subtest scores from the individually administered standardized assessments of academic achievement and cognitive ability used for the regression analysis. Academic achievement scores must directly correspond to the area or areas of achievement addressed during the evaluation. The same achievement scores may be used to determine inadequate classroom achievement (above) and achievement portion of this criterion when using the significant discrepancy analysis. |
| If the regression formula was not used to make this determination… | This section must be completed if the regression formula is not used. The IEP team may include other factors such as test behavior, language proficiency, another interfering impairment or the absence of a valid, reliable test for the student's age to document why the regression procedure was not used. Other empirical evidence that may be used to establish a variable pattern of achievement includes curriculum based measures (CBMs), portfolios, grading rubrics, district-developed formative grade level assessments, criterion-based assessments, classroom assessments, statewide or district assessments, student work products, and other informal indicators of achievement. |
| Additional Notes (if any): | This section is optional. Any additional notes regarding the student's performance on the standardized cognitive ability or achievement test(s) may be added, such as student specific factors that may have affected performance and relative strengths and weaknesses that may be relevant for instructional planning. |
| 2. Inadequate Classroom Achievement (34 CFR §§ 300.309 and 300.310). | This section must be completed. Check "Yes" if the student scores at or below the 1.25 SD cut score in any area (81.25 on tests with a mean of 100 and SD of 15). If the test has a mean other than 100 use the SD for the test and determine the cut score. Check each area in which the student met criterion: Oral Expression, Basic Reading Skill, Mathematics Calculation, Listening Comprehension, Reading Comprehension, Mathematics Problem Solving, Written Expression, and Reading Fluency Skills. Check "No" if the student scores above the 1.25 SD cut score (Note: The IEP team may consider scores within 1 standard error of the 1.25 SD cut score to meet the inadequate classroom achievement criterion, if the IEP team |

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| | determines the student meets all other criteria). Academic achievement scores must correspond to the area(s) of achievement under consideration. |
| Data Used to Support Determination: | This section must be completed, whether the student did or did not meet this criterion. Provide a summary of the data. This minimally includes the names of tests/subtests and the student's standard scores. Additional information may be appropriate to include, such as percentile scores, score ranges, etc. It could also be appropriate to attach the student's test score printout or score chart generated from the test's computer scoring software and note, "see attached scores." Provide additional information if the printout does not include sufficient information for the reader to determine if the student did or did not meet the cut score as per the SLD rule. Including additional summary information, such as area(s) of concern in which the student's scores fell above the cut score, is recommended. |
| Additional Notes (if any): | This section is optional. Any additional notes regarding the student's performance on the standardized achievement test(s) may be added, such as relative strengths and weaknesses, comparison to observed classroom achievement, etc. |
| Exclusionary Factors DO NOT apply. (34 CFR §§ 300.306-307, 300.309; and 300.310). | This section must be completed. Check "Yes" if no exclusionary factors apply, or check "No" if one or more factors apply. If "No", check the factor(s) that apply in the list provided on the form. |
| Additional Considerations (complete whether or not an exclusionary factor applies)—The IEP team considered: | The following items must be completed in all cases regardless of whether or not the exclusionary factor applies. The IEP team may wish to add additional descriptive information. Elaboration is recommended if any exclusionary factor is found to apply and the student will therefore not meet criteria. |
| Data demonstrating, prior to or as part of the evaluation, the student was or was not provided appropriate instruction. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to provide a summary of the general education instruction provided, particularly if the appropriate instruction exclusionary factor applies. This information can also be included in the "Additional Notes "section below. |

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| Evidence the student received repeated assessments of achievement reflecting student progress. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to include a summary of ongoing general education assessments provided as part of general education instruction if not included elsewhere. This information can also be included in the "Additional Notes "section below. |
| The student's parents were informed of such assessments. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to include how the parents were informed of the results of on-going general education assessment as part of appropriate instruction if not addressed earlier. This information can also be included in the "Additional Notes "section below. |
| Additional Notes (if any): | This section is optional. The IEP team may wish to provide a summary of information discussed regarding potential exclusionary factors that may be relevant whether or not the student met this criterion. For example, the effect of having English as a second language or cultural differences of a recent immigrant may be relevant. Elaboration is recommended if any exclusionary factor is found to apply and the student will therefore not meet criteria. |
| ADDITIONAL DOCUMENTATION REQUIRED WHEN STUDENT IS EVALUATED FOR SLD (34 CFR §§ 300.307 and 300.311). | This section must be completed in all cases. The IEP team should summarize the observation data collected during the observation of routine classroom instruction. An observation during intensive scientific research-based or evidence-based intervention is not required, as intensive intervention cannot be required of parentally-placed private school or home schooled students. The information should be specific to how the student performed in the area(s) of achievement concern when observed. Information comparing the student's observed learning behavior to other students in the class can be helpful. |
| Educationally relevant medical findings | This section must be completed. Check "Yes" OR "No" as appropriate. If "yes" is checked, additional information is required. The IEP team should summarize the relevant medical findings and their effect on the student's achievement, particularly in the area(s) of concern. |
| SUMMARY OF ELIGIBILITY CRITERIA CONSIDERATION (34 CFR §§ 300.304; 300.311). | If #1, #2, and #3 are marked "YES", the student meets the eligibility criteria for the impairment of Specific Learning Disability (SLD). If any item is marked "No", the student does not meet eligibility criteria for the impairment of SLD. Prompts for additional |

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| | information must be completed as appropriate. If such information is addressed elsewhere in the IEP team evaluation report, please reference where the information can be found. If there are more areas of concern, add rows to the chart. |
| The IEP team decision of whether the student has a specific learning disability was based on information from a variety of sources and not on any single measure or assessment as the sole criterion: | The box must be checked to ensure compliance with this requirement. When determining whether a student has a specific learning disability, the IEP team must base its decision on information from a variety of sources and not on any single measure or assessment as the sole criterion. |
| Each IEP team participant must sign…. | Each IEP team participant, including the parents, signs the form and indicates if they agree with the team's conclusion about whether or not the student has a specific learning disability. If any IEP team participant, including the parent, does not agree with the team's conclusions, then they must also attach a statement reflecting their conclusions. If a parent disagrees with the conclusions of the team and chooses not to submit a statement, the LEA cannot compel the parent to do so. The LEA may summarize the parent's position in writing and indicate the parent choose not to submit a separate statement. |
| Additional Notes (if any): | The IEP team may wish to include additional information relevant to the eligibility decision here, if not included elsewhere. It may be particularly appropriate to include additional information if the student was not found to meet eligibility criteria to explain why the student was not found eligible and summarize the student's strengths and relative weaknesses. |

## ER-3 Evaluation Report: Documentation for Determining Braille Needs for a Child with a Visual Impairment

Form ER-3 is used only when the IEP team determines a student/child has a visual impairment (see form ER-1). Wisconsin law requires the IEP provide for instruction in Braille and the use of Braille unless a determination is made that instruction in Braille or the use of Braille is not appropriate for the child.

Form ER-3 is used to document the required considerations and whether instruction in Braille or the use of Braille is appropriate for the child. This form should be attached to the IEP in the Special Factors section (Section I-C of Form I-4), indicating the student/child does **not** need instruction in Braille or in the use of Braille. (34 CFR §300.324 (a)(1); Wis. Stat. §115.787 [3][b]3.)

Implementation Considerations:

In some situations, e.g., a child of preschool age or a student with a degenerative disease of the eye, it may not be possible to make a determination of the student's future need for instruction in Braille or the use of Braille. In these instances, the IEP team should follow and monitor the student's progress to determine if there are any changes in the student's need for instruction in Braille or the use of Braille.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Evaluation of reading and writing skills, needs and appropriate media (34 CFR § 300.324[a][1]; Wis. Stat.§ 115.787[3][b][3.]) | For a student with a visual impairment, an IEP team must evaluate reading and writing skills, needs, and appropriate reading and writing media, including the student's future need for instruction in Braille or the use of Braille. |
| Determination of current need for instruction in Braille or use of Braille (34 CFR § 300.324[a][1]; Wis. Stat. §115.787 (3)(b)3.) | Check "Yes" or "No" to indicate whether the student demonstrates a current need for instruction in Braille and/or the use of Braille. If "No" is checked, enter an explanation of the basis for this conclusion. |
| Determination of future need for instruction in Braille or use of Braille (34 CFR § 300.324 (a)(1); Wis. Stat. § 115.787 [3][b][3.]) | Check "Yes,' "No," or "Cannot be determined at this time" to indicate the IEP team's conclusion about whether the student demonstrates a future need for instruction in Braille or the use of Braille. If "No" or "Cannot be determined at this time" is checked, enter an explanation of the basis for the conclusion. |

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## ER-4 Notice of IEP Team Findings that Child Is Not a Child with a Disability

Form ER-4 is used **only** when an IEP team determines upon initial evaluation a student/child does not have a disability or upon reevaluation that a child no longer continues to be a student/child with a disability (Wis. Stat. §115.782 [3][b]).

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Findings by the IEP team<br>(Wis. Stat. § 115.782 [3][b]) | When an IEP team determines a child is not a child with a disability, or is no longer a child with a disability, the LEA must provide written notice to the parents of the determination. Federal and state laws require the LEA provide notice to parents whenever the LEA proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education (FAPE).<br><br>Check the first box if the child is determined not eligible after an initial evaluation. Check the second box if the child is determined no longer eligible after a reevaluation. If the student was found not eligible after a reevaluation, special education and related services will no longer be provided. In order to ensure the parent(s) has prior written notice of the cessation of special education services, the date special education and related services will no longer be provided must be after the parent has received this notice. If this determination and notice is being projected and provided to the parent(s) at an IEP team meeting, it could be the next school day. However, if the parent(s) receives this notice in the mail, be sure to wait to cease services until the notice has sufficient time to have been received by the parent(s). |
| A copy of the IEP team's evaluation report<br>(Wis. Stat. § 115.782 [3][b]) | The LEA is required to provide a copy of the IEP team's evaluation report to the parents. Enclose the report with form ER-4. |
| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stats. § 115.792) | Enter other options considered, if any, related to the determination the child is not a child with a disability and any other factors relevant to the determination. If no other options were considered, check the "None" box. |

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| Parents have procedural safeguards and may contact other sources for assistance about understanding their rights (34 CFR §§ 300.503; 300.504; Wis. Stats. §115.792) | Any required notice must inform parents about the protections they have under the procedural safeguards of IDEA and sources they may contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parent with a copy of the complete procedural safeguards notice if the LEA previously provided the parent with a copy of the procedural safeguards in the current school year. However, if the parent requests another copy, the LEA must provide one. |

## Arranging/Scheduling Individualized Education Program Meetings

### I-1 Invitation to a Meeting of the Individualized Education Program Team (IEP)

Form I-1 is used to notify parents the LEA will conduct the IEP team meeting (34 CFR §§ 300.306; 300.322 and 300.327; Wis. Stats. § 115.78).

Implementation Considerations:

LEAs commonly contact parents to arrange a mutually agreed upon date and time for an IEP team meeting before sending form I-1. This practice saves time when scheduling IEP team meetings. If the parent requests specific LEA personnel be included and the LEA decides to include them, the personnel must be listed on the invitation.

If an IEP team meeting ends and is reconvened on another day, the parent participation requirements must be followed, including providing an invitation to the next meeting.

When scheduling IEP team meetings, the LEA must observe required timelines. For example, a meeting to develop a student's IEP and determine placement must occur within 30 calendar days of the determination the student is eligible for special education services. LEAs should schedule IEP team meetings well before a timeline ends to permit meetings to be rescheduled, if needed, and still meet the timeline. Whenever possible, LEAs should avoid scheduling IEP team meetings on or shortly before the last day of a timeline.

If transition is checked on form I-1 as one purpose of the IEP team meeting, the student must be invited to the IEP meeting. A separate invitation may be sent to the student. Alternatively, the student's name may be included with the parents' names on the invitation and envelope, or the student may be invited verbally. The date and method for inviting the student should be documented on form I-8 or in the Post-Secondary Transition Plan (PTP).

When a manifestation determination is required for a student, an IEP team meeting may be held for this purpose, although an IEP team meeting is not required. IDEA allows the LEA, the parent, and relevant members of the IEP team to make the determination. However, if it is determined the student's behavior that resulted in the disciplinary action is a manifestation of the disability, an IEP team meeting will be required to develop a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP) or review an existing BIP and modify it as necessary. Also an IEP team must review and revise the IEP and determine placement, as appropriate. Therefore, it may be expeditious to conduct manifestation determination reviews at IEP team meetings.

If an individual is present at the IEP team meeting, they are a member of the IEP team (Letter to Haller, OSEP 2019).

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| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Informing parents of the IEP team meeting<br>(34 CFR § 300.322). | The LEA must take steps to ensure one or both of the student's parents are present at the IEP team meeting or are afforded the opportunity to participate.<br>The LEA must do the following:<br>● notify the parents of the meeting early enough to ensure they have an opportunity to attend;<br>● schedule the meeting at a mutually agreed on time and place;<br>● inform the parents of the purpose, time, and location of the meeting and who will attend;<br>● inform the parents of their right to bring other people they believe have knowledge or special expertise about their student; and<br>● inform the parents of the right to request the LEA invite the Birth to 3 coordinator or other representative to the IEP team meeting if their child is transitioning from a county Birth to Three program. |
| Consolidation of IEP team meetings<br>(34 CFR § 300.324). | The IDEA requires a LEA to encourage, to the extent possible, the consolidation of reevaluation meetings and other IEP team meetings. Often LEAs determine continuing eligibility for special education, revise the IEP, and determine educational placement at the same IEP team meeting. |
| Purpose of the meeting<br>(34 CFR §§ 300.322, 300.340 and 300.345; Wis. Stats. § 115.78). | Check all boxes in this section that apply to the meeting. For example, if the LEA intends (1) to determine a student's continuing eligibility for special education, (2) develop an annual IEP, (3) address transition, and (4) determine the student's continuing placement at the meeting, then all four purposes must be checked. |
| Purpose: Evaluation and Reevaluation.<br>(34 CFR §§ 300.301 and 300.323; Wis. Stats. § 115.78). | If one purpose of the meeting is to determine initial or continuing eligibility for special education, then the student's eligibility must be determined no more than **60 calendar days** from either:<br>1) the date the parents were provided notice no additional assessments were needed (form IE-2, for initial evaluations or form RE-4 for reevaluations) or<br>2) the date the LEA received parent consent (form IE-3, for initial evaluations or RE-5 for reevaluations). |

Exceptions to the 60-calendar-day timeline may apply when:

1) the parent of a student repeatedly fails or refuses to produce the student for evaluation;
2) a student transfers from another LEA after the 60-calendar-day timeline has begun, but prior to an eligibility determination by the previous LEA (see form M-2.); or
3) a parent agrees in writing to an extension to complete the evaluation of a student suspected of having a specific learning disability (see form M-3).

Purpose: Individualized Education Program (IEP)
(34 CFR §§ 300.321, 300.322, and 300.324; Wis. Stat. §§ 115.78 and 115.787).

**Develop an initial IEP**: The date the IEP team meets to develop the IEP must be no more than **30 calendar days** from the date the IEP team made the eligibility determination. See form ER-1. An IEP team may develop an initial IEP at the same meeting the IEP team determines the student's initial eligibility.

**Develop an annual IEP:** An IEP team must meet periodically, but no less than annually, to review the IEP. The IEP team must meet no more than **12 months** from the date the IEP team last met and developed the student's annual IEP. At an annual IEP team meeting, the IEP team must review the IEP to determine whether the annual goals are being achieved. The team must revise the IEP, as appropriate, to address:

- any lack of expected progress toward the annual goals and in the general education curriculum;
- the results of any reevaluation;
- information about the student provided to or by the parents;
- the student's anticipated needs;
- special factors (See form I-4.); and
- other matters.

**Review/Revise IEP**: An IEP team may conduct a meeting to review/revise a student's IEP at any time. After a reevaluation, an IEP team must meet within **30 days** of a determination of continuing eligibility to review and revise the IEP, as appropriate, to address the results of the reevaluation. The IEP team may review and revise the IEP at the same meeting the IEP team determines the student's continuing eligibility.

An IEP team meeting to review/revise an IEP is considered an annual IEP meeting only if the IEP team reviews the IEP to determine whether the annual goals are being achieved and revises the IEP, as appropriate, to address all the factors listed above under "Develop an annual IEP." If the IEP team does not review annual goal progress and revise the IEP to address all of the factors above, the meeting cannot be considered the annual IEP meeting.

An IEP may be modified or amended without holding an IEP team meeting after the annual IEP meeting. See form I-10.

**Transition:** If a student is 14 or older or will turn age 14 during the dates the IEP will be in effect, transition must be checked as one purpose of the meeting. If transition is checked as one purpose, the student must be invited to attend. In addition, the LEA must inform the student's parents their student will be invited to the IEP meeting.

Purpose: Placement
(34 CFR §§ 300.116; Wis. Stats. § 115.78[2][c[).

If one purpose of the meeting is to develop an initial placement following the development of the student's initial IEP, the date the IEP team meets to determine the placement must be no more than **30 calendar days** from the date the IEP team determined the student is eligible for special education. See form ER-1.

If one purpose of the meeting is to determine a student's **continuing placement** following a reevaluation and review and revision of the student's IEP, the date the IEP team meets to determine the student's continuing placement must be no more than **30 calendar days** from the date the IEP team determined the student's continued eligibility. See form ER-1.

An IEP team must determine a student's placement at least annually. The date of the IEP team meeting to determine placement must be no more than **12 months** from the date the IEP team last determined the student's placement. For example, if an IEP team last met and determined a placement on 10/1/19 (form P-1 or P-2), an IEP team must determine the student's placement again no later than 10/1/20.

Purpose: Other
(34 CFR §§ 300.530 and 300.531).

**Review of existing information**: A LEA is not required to conduct an IEP team meeting to review existing evaluation data to determine whether to administer tests during an evaluation.

See form ED-1. However, an LEA may hold an IEP team meeting for this purpose. If it holds a meeting for this purpose, the LEA must invite the student's parents.

**Conduct a manifestation determination**: A manifestation determination is required within **10 school days** of a decision to change a placement because of a violation of a code of student conduct. An IEP team meeting is not required to conduct a manifestation determination; however, an IEP team meeting may be conducted for this purpose. See "Implementation Considerations" above.

**Determine setting for services during disciplinary change in placement**: When a disciplinary removal is a change of educational placement, the IEP team is required to determine the appropriate services and the setting in which the services will be provided. If this is one purpose of an IEP team meeting, the appropriate boxes under "IEP" and "Placement" must also be checked on form I-1.

Participating transition agency representative
(34 CFR §§ 300.321 and 300.322; Wis. Stats. § 115.787).

If "Transition" is checked as one purpose of the meeting, with the consent of the parent or adult student (see form I-1-A.), the LEA must invite a representative of any participating agency likely to be responsible for providing or paying for transition services. Enter the name of the agency along with the name and title of the individual representing the agency. If the name of the individual who will attend is not known, at a minimum enter the title or position of the individual who will attend, e.g., DVR counselor. If an outside agency representative will not be invited, check the "None" box.

IEP team participants
(34 CFR §§ 300.321 and 300.322; Wis. Stats. § 115.78).

Each IEP team must consist of the following:

- the parents of the student
- at least one regular education teacher of the student if the student is, or may be, participating in a regular educational environment
- at least one special education teacher who has recent training or experience related to the student's known or suspected area of special education needs or, where appropriate, at least one special education provider of the student
- a representative of the LEA who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local

educational agency. A LEA member of the IEP team may also serve in the capacity of the LEA representative at the meeting if the individual meets the legal requirements to serve as a LEA representative

- an individual who can interpret the instructional implications of evaluation results
- at the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the student, including related services personnel as appropriate
- whenever appropriate, the student: if a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the student
- if a student is attending school through whole grade sharing, open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the student
- when a student is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service
- if the purpose of the meeting is to conduct an evaluation to consider a suspected specific learning disability for the first time, and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive interventions with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluation of children

Parents must be informed of who will attend an IEP team meeting. Parents have the right to bring to the meeting an individual, even if the individual is not listed on the invitation or known to the LEA in advance. However, if a parent is bringing more than one individual to the meeting, they are encouraged to provide the LEA with advance notice.

Parents right to additional time (Wis. Stats. § 115.78).

If during any meeting addressing an evaluation, IEP development (including IEP review and revision), or placement, either the LEA or the parent determines additional time is needed to ensure meaningful parent participation, the LEA must provide it, subject to the required timelines for evaluation, and IEP development, and placement.

Parents have the right to a copy of the procedural safeguards and to contact other

The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy in the current school

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| sources for assistance about understanding their rights<br>(34 CFR §§ 300.503 and 300.504; Wis. Stats. § 115.792). | year. However, if the parents request another copy, the LEA must provide it.<br><br>Other sources parents can contact to obtain information and assistance in understanding IDEA and state special education law must be identified. |

## I-1-A Request to Invite Outside Agency Representative(s) to the Individualized Education Program (IEP) Meeting

To the extent appropriate, and with the consent of the parent or adult student, a LEA must invite a representative of any outside agency likely to be responsible for providing or paying for transition services. Form I-1-A is used to obtain parental consent to invite a representative of such an agency to the IEP team meeting, where information about the student will be disclosed. The consent requirement is included in the IDEA regulations specifically to address the disclosure of confidential information to transition agency representatives at IEP team meetings (34 CFR §300.321[b][3]).

Implementation Considerations:

Before sending the invitation to the IEP team meeting (form I-1), the LEA must obtain parent or adult student consent to invite an outside agency representative. It is a good practice to discuss attendance of an outside agency representative with the parents or the adult student prior to requesting written consent. Information and materials for collaborating with outside agencies are available at the Department's website at http://dpi.wi.gov/sped/topics/transition and at the Wisconsin Transition Improvement Grant website, http://www.witig.org/.

Obtaining parent or adult student consent on this form **only** allows the disclosure of information to an outside agency representative at an IEP meeting to discuss post-high school goals and transition services needed to achieve the goals. It does not permit the disclosure of information to an agency representative under other circumstances. For example, if a LEA wishes to disclose information about a student to an agency following a disciplinary removal from school, the LEA must obtain a separate consent from the parent or adult student for this purpose. A LEA may disclose personally identifiable information about a student under three circumstances: (1) with the written consent of the parent, guardian or adult student; (2) pursuant to a court order; and (3) by authority of statute. For additional information about confidentiality, see the publication, "Student Records and Confidentiality" on the Department's website at http://dpi.wi.gov/sped/topics/records.

Because form I-1-A provides authority only to disclose information at an IEP team meeting where transition is considered, some LEAs have modified their general consent forms for release of records or information to include consent for inviting an agency representative to IEP team meetings. A consent form for release of records must identify the records, information or data that may be disclosed, the purpose of the disclosure, and the parties or class of parties to whom the disclosure may be made. The Department recommends the form include the effective period of the consent, e.g. 9/1/07 through 8/31/08, and the effective period be no more than one year. If consent is needed for longer than one year, a new consent should be obtained.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Participating outside agency representative (34 CFR §300.321[b][3]) | Enter the name of the agency representative, if known, who will be invited to the IEP meeting. If the name of an agency representative is not known, identify the individual's title or position, e.g. DVR counselor. |

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| Parent or adult student consent<br>(34 CFR § 300.321[b][3]) | The parent or adult student checks the appropriate box, signs, dates, and returns Form I-1-A to the LEA. |
| Parents have the right to a copy of the procedural safeguards and to contact other sources for assistance about understanding their rights<br>(34 CFR §§ 300.503 and 300.504; Wis. Stat. § 115.792). | If consent is not obtained, the LEA cannot invite an outside agency representative. The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if the parents request another copy, the LEA must provide it. Other sources parents can contact to obtain information and assistance in understanding IDEA and state special education law are identified. |

## I-1-B Request to Invite Birth to 3 Program Representative(s) to the Initial Individualized Education Program (IEP) Meeting

In Wisconsin, early intervention services for children between birth and three years of age are coordinated by Birth to 3 Programs, and children over the age of three receive special education services provided by the LEA.

Birth to 3 Programs and LEAs work closely to support smooth and effective early childhood transitions. With parent consent, Birth to 3 Program representatives can share knowledge of the child with the LEA that may be useful in the transition planning process. Using DPI Sample Special Education Form I-1-B the LEA must obtain parent consent to invite Birth to 3 Program representative(s) to the child's initial IEP meeting.

For more information to help ensure a smooth and effective early childhood transition, please visit http://dpi.wi.gov/sped/about/state-performance-plan/indicators/12-transition-preschool.

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## I-1-C Request to Invite Others with Knowledge or Special Expertise to an Individualized Education Program (IEP) Meeting

Many children who receive Early Childhood Special Education Services also attend a community-based regular early childhood program. When a child is participating or may participate in a community-based regular early childhood program during the term of the IEP, it is important to consider information from the teacher of the child when making IEP team decisions.

Using DPI Sample Special Education Form I-1-C, the LEA can obtain parent consent to invite another individual with knowledge or special expertise regarding the child to the IEP team meeting (34 CFR §§ 300.321 and 300.503; Wis. Stats. § 115.78).

The LEA should use this form for the following purposes:

1) To invite the community-based, appropriately licensed regular early childhood teacher of the child to serve as the regular education teacher representative on the IEP team. Please see http://dpi.wi.gov/sites/default/files/imce/sped/pdf/ec-reg-ed-participation.pdf to determine if a teacher is appropriately licensed.
2) To invite the community-based teacher of the child, even if he/she is not appropriately licensed, to the IEP team meeting.
3) To invite another individual with knowledge or special expertise regarding the student to the IEP team meeting.

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## I-2 Agreement on IEP Team Participant Attendance at IEP Meeting

Under certain conditions, and with the written agreement or consent of the parent and the LEA, IDEA permits a required IEP team participant to be excused from attending an IEP team meeting in whole or in part. The excusal provisions are intended to allow added flexibility for parents and LEAs in scheduling IEP team meetings to avoid delays when there is a scheduling conflict. Excusing required IEP team participants from attending meetings in whole or in part should be the exception. The summary of comments and changes to the IDEA regulations states, "A LEA that routinely excuses IEP team members from attending IEP Team meetings would not be in compliance with the requirements of the Act, and, therefore, would be subject to the State's monitoring and enforcement provisions" [Analysis of Comments and Changes, 34 CFR Parts 300 and 301, *Federal Register*, Vol. 71, No. 156, Monday, August 14, 2006/Rules and Regulations, p.46674] (34 CFR § 300.321; Wis. Stat. § 115.78).

Required IEP team participants include the following:

- the parents of the student
- at least one regular education teacher of the student if the student is, or may be, participating in a regular educational environment
- at least one special education teacher who has recent training or experience related to the student's known or suspected area of special education needs or, where appropriate, at least one special education provider of the student
- a representative of the local educational agency who is qualified to provide or supervise the provision of special education, is knowledgeable about the general curriculum and is knowledgeable about and authorized to commit the available resources of the local educational agency
- an individual who can interpret the instructional implications of evaluation results, who may be another member of the IEP team other than the parents or the student
- at the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the student, including related services personnel as appropriate
- whenever appropriate, the student: if the purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the student
- if a student is attending school through whole grade sharing, open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the student
- when a student is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service
- when the purpose of the meeting is to conduct and evaluation to consider a suspected specific learning disability for the first time, and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive intervention with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluations of students/children (34 CFR §§ 300.308(b), 300.321 and 300.322; Wis. Stats. § 115.78)

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At least one individual serving in each required participant category must attend the IEP team meeting or must be excused. When a student has more than one regular education teacher and at least one of them will attend the IEP team meeting, an excusal is not required for the student's other regular education teachers. Similarly, when at least one of the student's special education teachers will attend the meeting, an excusal is not required for the other special education teachers who do not attend.

If a required participant's area of curriculum or related service will not be modified or discussed at the IEP team meeting, the participant may be excused from the meeting if the parent agrees in writing. When a required participant's area of curriculum or related service will be modified or discussed, the participant may be excused from the meeting if (1) prior to the meeting, the participant submits written input for IEP development to the parent and other IEP team participants, and (2) the parent consents in writing to the excusal. At the time consent is obtained, the LEA must provide the parent with appropriate and sufficient information to ensure the parent fully understands the parent is consenting to excusing a required participant whose area of curriculum or related services will be changed or discussed. If the parent does not consent, the IEP team meeting must be held with that required participant.

Implementation Considerations:

LEAs should carefully consider, based on the needs of the student and the issues to be addressed, whether it makes sense to conduct the IEP team meeting without a particular member or whether it would be better to reschedule the meeting. The LEA should determine the individual(s) with authority to consent or agree with the parent to excuse an IEP team participant. The individual must have the authority to bind the LEA to the agreement.

The LEA should discuss an excusal with the parent before the IEP team meeting. Prior to agreeing in writing to an excusal, the parent may request to discuss the proposed excusal with the individual(s) who would be excused from the meeting. If the parent agrees to the excusal, the parent is requested to sign the form *Agreement on IEP Team Participant Attendance at IEP Meeting* (form I-2). The reason for the excusal is documented along with any other options considered and relevant factors.

While the IDEA and state special education law permit the excusal of a LEA representative from an IEP team meeting, it may not be reasonable for a LEA to agree to the excusal of the LEA representative if that individual is needed to ensure decisions can be made at the meeting about the commitment of agency resources to implement the student's IEP.

When a participant is excused from the entire meeting, the excused individual's name does not appear on the *IEP Team Meeting Cover Page* (form I-3) as attending or participating in the meeting. Instead, the individual's name appears in the appropriate section on a signed form I-2. If it is agreed that a required IEP team participant will be excused from attending a portion of the IEP meeting, the excused individual's name appears on the form I-3 as attending the meeting and also appears in the appropriate section on a signed form I-2.

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| Date and manner of discussion<br>(34 CFR § 300.321; Wis. Stat. § 115.78) | Enter the date and manner in which the discussion about excusal took place, e.g., face-to-face conference, phone conversation, or exchange of emails. |
| Circumstances of excusal<br>(34 CFR § 300.321; Wis. Stat. § 115.78) | Mark the appropriate box and identify the individual who will not attend the IEP meeting in its entirety or in part. Check the first box when the named participant will not attend the IEP meeting because the participant's area of curriculum or related service will not be modified or discussed. Check the second box if the named participant is excused from the IEP meeting when the participant's area of curriculum or related service will be modified or discussed, and the participant provides the IEP team written information. Check the third box when the participant will attend the meeting when the participant's area of curriculum or related service is modified or discussed, but will be excused from attending the rest of the meeting. |
| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stat. § 115.792) | Enter other options considered, if any, related to the excusal of an IEP team participant and the reasons for rejecting those options, including any other relevant factors. If no other options were considered, check the "None" box. |
| Parents have the right to a copy of the procedural safeguards and to contact other sources for assistance about understanding their rights<br>(34 CFR §§ 300.503 and 300.504; Wis. Stat. § 115.792) | The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if the parents request another copy, the LEA must provide it. Other sources parents can contact to obtain information and assistance in understanding IDEA and state special education law are identified. |
| Written parent agreement or consent<br>(34 CFR § 300.321; Wis. Stats. § 115.78) | When consent is sought, the parent must be informed his/her consent is voluntary and may be revoked at any time prior to the activity for which the consent is sought. The parents are also informed they may request to confer with an IEP team participant who may be excused before agreeing or consenting to excusing the individual from attending the IEP meeting. |

## I-3 IEP Team Meeting Cover Page

When an IEP team meets, an *IEP Team Meeting Cover Page* should be completed. It is used in conjunction with forms ER-1, ER-2, ER-3 and ER-4; I-4, I-5, I-6, I-11, and I-12; and P-1, P-2 and P-3, as appropriate. The *Cover Page* documents the student's demographic information, the purpose(s) of the IEP team meeting, and those in attendance.

Implementation Considerations:

While the names of IEP team participants in attendance must be documented, their signatures are not required. A LEA may request an IEP team participant to sign the cover sheet or write initials next to a printed name. The signature is not an indication of agreement with the IEP, but is simply documentation of attendance.

Some LEAs enter the names of IEP team member on form I-3 before the IEP meeting is conducted. LEAs that follow this practice should use check marks or participants' initials next to the names of participations or some other means to indicate the individuals who actually participated in the meeting.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Identified impairment area(s), if applicable | Once a student is determined eligible, enter the impairment areas (e.g., autism, intellectual disability, emotional behavioral disability, hearing impairment, orthopedic impairment, other health impairment, significant developmental delay, speech/language impairment, specific learning disability, traumatic brain injury, or visual impairment) the student was found eligible for. If it is an initial evaluation and the student is found not eligible for special education, we would expect to see this item blank, or state "none." If the IEP team convenes for a review of existing data and it is the initial eligibility, we would also expect to see this item blank, or state "none." If the IEP team convenes for a review of existing data and it is a reevaluation, we would expect this field to prepopulate with the impairment area(s) identified at the last evaluation. If a reevaluation changes the applicable impairment area(s), we would expect the I-3 cover sheet for the evaluation meeting to be updated to include the applicable impairment areas. |

*Revised December 2019*

This information may be auto-populated by the LEA's IEP software vendor system or hand entered at the time of the IEP team meeting. This information is not required, but may be helpful to LEAs and the student's parent(s). This data field is not meant to drive the IEP process or limit the discussion of grade level standards, the student's present levels, how the student's disability affects academic achievement/functional performance, goals, services, supports, specially designed instruction or accommodations. It is important that IEP teams do not limit their discussions of these items based on a student's identified impairment area.

Transfer students
(34 CFR §300.323[2][e])

When a student transfers between LEAs in Wisconsin, or transfers from a LEA in another state, the new LEA must provide a free appropriate public education (FAPE) to the student. The new LEA must either adopt the student's evaluation and IEP from the previous LEA or conduct its own evaluation and develop its own IEP. Until then, the LEA must provide the student services, in consultation with the student's parents, comparable to those described in the student's IEP from the previous LEA.

If the LEA adopts the evaluation and IEP, enter the name of the individual(s) who reviewed and adopted the evaluation and IEP and the dates. An IEP team meeting is not required to review and adopt the evaluation and IEP. An IEP team meeting is also not required to determine placement if the student will attend the school s/he would attend if not disabled and the IEP can be implemented as written. However, if the student's IEP cannot be implemented as written in the school the student would attend if not disabled, an IEP team must meet to determine the student's placement.

When a Wisconsin LEA adopts the evaluation and IEP of a student transferring from a LEA in another state, a new parental consent for initial provision of services is not required if the parent granted consent in the other state.

If a student transfers from one LEA to another **within** Wisconsin and the new LEA does not adopt the evaluation from the previous LEA and initiates its own evaluation, this evaluation is a reevaluation.

If a student transfers from a LEA in **another** state and the Wisconsin LEA does not adopt the evaluation from the previous LEA and initiates its own evaluation, this evaluation is

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| | considered an **initial** evaluation. The purpose of the evaluation is to determine if the student is a "child with a disability" under state eligibility criteria and to determine the educational needs of the student. |
| Date of meeting<br>(34 CFR § 300.322[b][i]; Wis. Stat. § 115.78[3][c] | Enter the month, day, and year of the meeting. When conducting IEP team meetings, LEA staff must observe the state and federal timelines for evaluation, IEP development, and placement. For example, the LEA must conduct a meeting to develop an IEP and determine a student's placement within **30 days** of a determination the student is a "child with a disability." |
| Purpose of the meeting<br>(34 CFR § 300.322[b][i]; Wis. Stat. § 115.782[2][b][1] and [2]) | The purposes of the meeting are grouped by events on form I-3: Evaluation and Reevaluation, IEP, Placement, and Other. Check each applicable purpose of the IEP team meeting. The purpose(s) checked should correspond to those on the invitation (form I-1). Review of existing information is included as a purpose of an IEP team meeting under *Other*. A meeting is not required for this purpose, but the review may be conducted during an IEP team meeting. When this occurs, form I-3 should be used to document an IEP team meeting was held for this purpose. |
| Consideration of the initial or most recent evaluation, statewide assessments and district wide assessments<br>(34 CFR § 300.324[a][iii]; Wis. Stat. § 115.787[3][a]) | If one purpose of the meeting is to develop an initial or annual IEP or to review and revise an IEP, the IEP team must consider the results of the student's initial or most recent evaluation, as well as any results from statewide and district-wide assessments. Check "Yes" to indicate the IEP team considered these results. Check "Not applicable" only when one of the purposes of the meeting is not to *Develop an initial IEP*, *Annual IEP review*, or *Review/revise IEP*. |
| IEP team participants attending or participating by alternate means<br>(34 CFR § 300.321: Wis. Stat. § 115.78[1m]) | List the names of those who participate in the IEP team meeting in its entirety or in part, either by attending or participating through alternate means (i.e., conference phone call or video conferencing). The LEA may use alternate means of meeting participation if the LEA and the parents agree. An individual who submits written information prior to the meeting and does not participate in real time has not participated by alternate means. It is a good practice to record the alternate method of participation on form I-3. |

If a parent and LEA agree to excuse a required IEP team participant from a meeting in its entirety, do not record the individual's name on the *IEP Team Meeting Cover Page*. Attach the signed agreement excusing the participant (form I-2) to the *IEP Team Meeting Cover Page*. If a required IEP team participant is excused from part of a meeting, record the individual's name on the *Cover Page* and attach the agreement (form I-2).

Documentation of efforts to involve parent(s)
(34 CFR § 300.322)

A LEA must take steps to ensure one or both parents are present at each IEP team meeting or are afforded the opportunity to participate. If neither parent can attend the meeting in person, the LEA must use other means to ensure participation, including an individual or a conference phone call. It is a good practice to record the alternate method of participation on form I-3.

An IEP team meeting may be held without the parent(s) only if the LEA has made good faith efforts to involve the parent(s). In this case, the LEA must have a record of its attempts to arrange a mutually agreed upon time and place for the meeting, such as telephone calls made and attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits to the home or the parent's place of employment and of the results of those visits. Enter on form I-3 the date of each attempt, the method by which the LEA attempted to contact the parents, and the results.

Generally, a good faith effort to involve parent(s) in an IEP team meeting includes not less than three reasonable attempts. For example, a record of three phone calls with no answer would not be considered a good faith effort.

If a LEA documents the parents agreed to participate in a meeting, the LEA does not need to document additional attempts. If the parents are not present at the agreed upon meeting time, it is a good practice to attempt to reach them prior to beginning the meeting. In addition, if the parents did not participate in the IEP team meeting, it is a good practice for the LEA to contact them and offer to meet to review the information discussed at the meeting.

## I-4 IEP: Linking Present Levels, Needs, Goals and Services Form

Form I-4 is used when the IEP team develops an initial or annual IEP or reviews and revises a student's IEP. Information about the student is shared and documented including the student's strengths, the student's current academic achievement and functional performance, special factors, concerns of the parents/family/student, and the effects of the disability(ies) on the student's academic achievement and functional performance. This information should create a "snapshot" of the student's skills and abilities and encompass all areas of disability-related need for the student. Measurable annual goals are developed to address the unique needs of the student that result from the student's disability and special education services (supplementary aids and services, specially designed instruction, related services, and program modifications or supports for school staff) are identified to allow the student to make progress toward the IEP goals and access the general education curriculum aligned with grade-level academic standards and functional expectations. The needs, goals and services are linked throughout the process and form. See guidance on the College and Career Ready IEP 5-Step Process at https://dpi.wi.gov/sped/college-and-career-ready-ieps. An online College and Career Ready IEP Discussion Tool was developed by the department with stakeholder input to assist IEP team members in developing a College and Career Ready IEP and is available at https://dpi.wi.gov/sped/college-and-career-ready-ieps/discussion-tool.

Parent(s) are important members of the IEP team and are encouraged to share information throughout the process. The student should be included, whenever appropriate, and encouraged to provide input throughout the process.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Section I: Information about the Student<br>A. Strengths<br>(34 CFR § 300.324[a][i];<br>Wis. Stat. § 115.787 [3][a]) | In developing a student's IEP, the IEP team must describe the student's strengths. The strengths should be considered when determining how best to engage the student in the learning process. Consider the student's strengths in such areas as academic/vocational; communication; social skills; interests, talents, and passions; social-emotional behavior; and school, work, and play habits. For preschoolers, consider knowledge and skills such as early language development, communication, and early literacy skills. |
| B. Current Academic Achievement and Functional Performance<br>1. Current Academic Achievement | Identify the student's current levels of academic achievement and functional performance compared to age/grade-level standards and expectations. |

Academic achievement generally refers to a student's performance in academic content areas (e.g., reading, math, written language) compared to grade-level expectations. For preschool children it refers to knowledge and skills such as early language development, communication, early literacy skills, cognition and general knowledge compared to same-aged peers. A possible sentence starter when developing a present level statement might be, "We would expect students in this grade to be able to demonstrate x, y and z. The student is able to demonstrate x [provide data]."

2. Functional Performance
(34 CFR § 300.320 [a][1]; Wis. Stat. § 115.787[2][a])

Functional performance includes the following:

- routine activities of daily living
- skills needed for independence and performance at school, in the home, in the community, for leisure time, and for post-secondary and life-long learning
- motor skills, personal care, time and money, school/work habits, home/community orientation
- behavior and interpersonal relationships

Reading skills can also impact functional performance. Examples of functional reading includes the ability to read a menu, road signs, navigate public transportation, read a recipe, complete a government form, and follow written directions.

The statements of present levels should be written in language understandable to all, including the parent, and contain sufficient information to establish a starting point from which each annual goal is developed. If scores are used, they should be compared to scores considered typical for same-aged peers in order to provide a frame of reference. It is important to include data and information about the student's reading achievement (or for preschoolers, early literacy skills) so tht the IEP team can determine if the student is not reading at grade level and consider what affect the disability has on reading/early literacy. If the IEP team determines the student is meeting grade-level standards or expectations, this should also be documented in the IEP. In this way, a more complete picture of the student is included in the description of present levels. The present levels should not just include areas in which the student is not meeting grade-level standards or expectations.

C. Special Factors

Under state and federal special education law, the IEP team must consider Special Factors when developing an initial or annual IEP or reviewing and revising an IEP after a reevaluation. Follow the requirements in each prompt carefully. If devices, services, strategies, interventions, or supports are needed to meet the identified needs, they must be documented in the Program Summary and include frequency and amount, location and duration. If it is impossible to describe the service using an amount of time, provide a clear description of the circumstances under which the service is needed. "As needed" is an insufficient description.

Behavior
(34 CFR §300.324[a][2][i]; Wis. Stat. §115.787[3][b][1.])

Behavior - If the student's behavior impedes the student's learning or that of others, the IEP team must describe the student's behavioral needs, address the behavioral needs of the student, and consider using positive behavioral interventions and supports and other strategies to address the behavior. This requirement applies to students who are demonstrating both internalizing and externalizing behaviors that impede the student's learning or that of others (71 Fed. Reg. 46683 [Aug. 14, 2006]). Examples of positive behavioral interventions or supports may include, but are not limited to: social skills instruction; modifying or adjusting classroom seating; providing increased opportunities for the student to make choices; and foreshadowing change. An IEP that only includes negative consequences, such as suspension or detention, does not meet the standard. An IEP that only includes positive behavioral supports available to all students in the entire school, such as school-wide PBIS incentives, does not meet the standard. Describe the student's needs under Special Factors and document any needed services in the Program Summary.

Functional Behavioral Assessment (FBA)
(34 CFR §300.530[d][ii] and [f][1][i])

Has a functional behavioral assessment (FBA) been conducted? If so, when? The IEP team should consider if a FBA is needed whenever a student's behavior interferes with the student's learning or the learning of others in order to develop an effective IEP that addresses a student's behavioral needs using positive behavioral interventions and supports. Conducting a FBA typically precedes developing positive behavioral intervention strategies; however it is not required in all instances (71 Fed. Reg. 46683 [Aug. 14, 2006]). The team should consider the individual needs of the student, the frequency and intensity of the behavior, or if the IEP currently includes *effective* positive behavioral supports and strategies.

In some instances, a FBA is legally required. A FBA is required any time a student with a disability receives a disciplinary change of placement and the behavior is found to be a

manifestation of the student's disability unless the LEA has conducted a FBA before the behavior occurred that resulted in the disciplinary change of placement. If the behavior is not a manifestation of the student's disability, the IEP team should consider whether a FBA is appropriate. A FBA must be conducted and appropriate positive behavioral interventions and supports based on that FBA must be developed and included in the IEP for any student whose IEP team determines the use of seclusion and/or restraint is reasonably anticipated. Information related to addressing inappropriate behavior, including FBAs and behavior intervention plans (BIP), is available at the Department's website at https://dpi.wi.gov/sped/topics/functional-behavioral-assessment. Information regarding state law requirements for use of seclusion and restraint in schools can be found at https://dpi.wi.gov/sped/topics/seclusion-restraint.

Mark "not applicable" if the student's behavior does not impede learning. Mark "yes" if the LEA has conducted a FBA (whether legally required to do so or because the team decided to) and document the date that the team most recently completed or updated the FBA. If the student's FBA is attached to their IEP, this date will often be the date of the last IEP team meeting where the FBA was reviewed or revised. Mark "no" if the student's behavior impedes learning and a FBA has not been conducted for the student.

English Learner (EL)
(34 CFR § 300.324(a)(2)(ii); Wis. Stat. § 115.787(3)(b)(2))

English Learner (EL) - If a student with a disability is also learning English, the IEP team must consider the language needs of the student related to the IEP. Describe the student's needs under Special Factors and document any needed services in the Program Summary.

Visual Impairment and Braille
(34 CFR § 300.324[a][2][iii]; Wis. Stat. § 115.787[3][b][3.])

Visual Impairment and Braille - The IEP team must provide for instruction in Braille or the use of Braille for a student who is visually impaired, unless the IEP team decides after an evaluation that instruction in Braille or the use of Braille is not appropriate. Attach form ER-3, Documentation for Determining Braille Need for A Child with A Visual Impairment, to the IEP to document the student does not have a need for instruction in Braille or the use of Braille.

Communication Needs
(34 CFR § 300.324[a][2][iv], Wis. Stat. § 115.787[3][b][4.])

Answer the first part of this question for all students (including students with speech and language needs and students who are deaf or hard of hearing). If a student has communication needs that could impede their learning, check "yes" and describe the communication needs. Services that are needed as a result should be documented in the Program Summary. A student must have opportunities for direct communications with peers and professional personnel in

the student's language and communication mode, as well as direct instruction in the student's language and communication mode. If the student has communication needs that could impede learning, including speech and language needs, describe the needs.

If the student is deaf or hard of hearing, also identify (a) the student's language and communication needs, (b) opportunities for direct communication with peers and professional personnel in the student's language and communication mode, (c) the student's academic level, and full range of needs, including opportunities for direct instruction in the student's language and communicative mode.

Assistive Technology
(34 CFR § 300.324[a][2][v]; Wis. Stat. § 115.787[3][b][5.])

Assistive technology services or devices - The IEP team must consider whether the student needs assistive technology (AT) devices or services. For example, some students may need AT devices or services to access grade-level reading content. Describe the student's needs and document any needed services in the Program Summary. For more information visit http://dpi.wi.gov/sped/educators/consultation/assistive-technology.

IEP teams are encouraged to consider accessible education technologies or materials and how they may benefit all students, regardless of their format or features. One resource for accessible materials is the NIMAC. Only blind or other persons with print disabilities in elementary schools and secondary schools are eligible to receive specialized formats through the NIMAC. "Blind or other persons with print disabilities" means students served under the IDEA who qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled "An Act To Provide Books for the Adult Blind," approved March 3, 1931, 2 U.S.C. 135a. IEP teams have sufficient authority to document whether or not a student qualifies as having a print disability and therefore would have access to the NIMAC. Please see DPI Bulletin 18.03 for more information on NIMAS and the NIMAC.

Districts may not share these specialized formats with students who are not eligible to receive specialized formats from NIMAS-derived files through the NIMAC. However, districts are required to ensure that students with disabilities who need instructional materials in accessible formats, but are not eligible to receive educational materials produced in accessible formats from the NIMAC, receive those instructional materials in a timely manner and therefore may need to obtain accessible materials from other sources.

D. Concerns of the Parent(s)/Family (34 CFR § 300.324[a][ii]; Wis. Stat. § 115.787[3][a])

Parent(s)/family and the student (when appropriate) should be encouraged to participate and provide input throughout the development of the IEP. In this section, describe the concerns of the parent(s)/family and student for enhancing the education of the student. This may include concerns about reading achievement, early language/communication or early literacy skills, other academic areas, social-emotional needs, sensory needs, behavior, the student's future, postsecondary transition, etc.

E. Effects of Disability (34 CFR § 300.320[a][1][i] and [ii]; Wis. Stat. § 115.787 [2][a])

In determining the effects of the disability, consider three questions. The first question asks how the student's disability affects access, involvement, and progress in the general education curriculum. For ***all*** school-aged students, describe how the disability affects academic achievement (e.g., reading, math, science, social studies) and functional performance (e.g., daily-living skills, workplace environment, play). Describe *how* the student's disability affects the student's access, involvement, and progress in the general education curriculum, instruction, and environment, including how the disability affects reading. The term "general education curriculum" refers to the same curriculum as for nondisabled students in the same grade in which the student is enrolled. It is the standards-based curriculum adopted by each LEA or schools within the LEA that applies to all students within each general age grouping from preschool through secondary school.

For preschool children, describe how the disability affects participation in age-appropriate activities, including language development, communication, and/or early literacy. Address how the child's disability affects the child's participation in age- appropriate activities. "Age appropriate activities" means activities that children of that chronological age typically engage in as part of a formal preschool program or in informal activities, for example coloring, pre-reading activities, play time, sharing time, or listening to stories read by teachers or parents.
A statement j a student's disability impacts his/her performance or a restatement of the eligibility criteria is not sufficient, e.g., "Due to John's specific learning disability, he has difficulty achieving the goals of the general education curriculum." The statement should explain *how* a student's performance or progress is impacted, e.g. "John's difficulty with decoding interferes with reading science and social studies texts." Look for statements that tell how the student's progress is impacted by the disability. Review *Need for Special Education* in the student's *Evaluation Report* (ER-1) for more information about the student's needs. A

suggested sentence starter when developing the effects statement might be, "The student is not meeting grade-level standards/expectations in the area of X (effect)." For more information on effects of the disability and disability-related needs, visit https://dpi.wi.gov/sped/college-and-career-ready-ieps/learning-resources.

The second question asks how the student's disability affects progress towards meeting grade-level reading standards. The effect of the student's disability on reading applies to all areas of impairment, including students who are "speech and language only." It is important to consider the effects of a speech and language impairment on reading achievement and other academic areas and functional performance. For preschoolers, does the disability adversely affect progress toward the early learning standards for language development, communication, and/or early literacy? Consider *how* the student's disability is affecting his or her progress toward meeting grade-level reading standards/early learning standards. Check "Yes" if the disability is adversely affecting the student's ability to meet grade-level reading standards/early learning standards. Check "No" if the disability has no adverse effect on reading/early literacy skills.

The third question replaces a section in the IEP that asked if the student participates in the general education curriculum. The question now asks, "Is this a student with the most significant cognitive disability who will participate in curriculum aligned with alternate achievement standards?" This decision is made by the IEP team using DPI Model Form I-7-A: Participation Guidelines For Alternate Assessment (Wis. Stat. § 115.787[2]; 34 CFR § 300.320[a][6][ii]). A student with the most significant cognitive disability typically is characterized as functioning at least two and one half to three standard deviations below the mean in both adaptive behavior and cognitive functioning; performs substantially below grade-level expectations on the academic content standards for the grade in which they are enrolled, even with the use of adaptations and accommodations; and requires extensive, direct individualized instruction and substantial supports to achieve measurable gains across all content areas and settings. Students with the most significant cognitive disabilities are instructed using alternate academic achievement standards called the Essential Elements in English language arts, mathematics, and science. These standards are aligned with the general education curriculum. The IEP team may not choose alternate achievement standards for only some academic areas. Students who meet the eligibility criteria for alternate academic achievement standards may be classified in any of the disability categories, with the exception

of specific learning disability (See Guide to Determining Students with the Most Significant Cognitive Disabilities).

F. Summary of Disability-Related Needs
(34 CFR § 300.320[a][2][i][A]
Wis. Stat. § 115.787[2][b])

At this point in the IEP team meeting a great deal of information about the student has been shared (e.g., student's strengths, current academic achievement and functional performance, special factors, concerns of the family, and effects of the disability). It is important to pause and summarize the disability-related needs that have been identified.

Disability-related needs relate to both academic achievement and functional performance.

A disability-related need reflects characteristics of the student's disability that have an effect on access, engagement, and progress in reading in relation to grade level standards and instruction. This may include needs related to the acquisition of academic skills such as phonemic awareness, phonics/decoding, reading fluency, vocabulary development, reading comprehension, number sense, and ability to manipulate numbers. A disability-related need may also relate to functional skill needs such as social-emotional, behavioral, self-regulation, mobility, sensory, and others that affect access and engagement in curriculum, instruction and other activities. The IEP team determines if the student has a particular disability-related need.

The disability-related needs are identified by asking *why* the student is not achieving grade-level standards or functional expectations. The IEP team digs deep into this analysis, asking *why* multiple times to identify the root cause(s). This includes *why* the student is not able to access, be involved in, or make progress in the general education curriculum and why the student is not achieving grade-level reading standards/early learning standards. The team must consider and document the disability-related needs unique to each student, regardless of their areas of impairment, including students who are "speech and language only." It is important to consider the effects of a speech and language impairment on reading achievement and other academic areas and functional performance. If the student is reading below grade level, the IEP team must consider *why* the student is not reading at grade level. If the IEP team determines the disability adversely affects reading (even if the student is identified solely with a speech and language impairment), then the team must conduct a root cause analysis to identify the reasons. This will help ensure everyone on the IEP team understands how the disability is affecting the student's academic achievement and functional performance and inform what

goals and services are needed. Include reading needs, early literacy needs, and needs due to special factors (if identified). A suggested sentence starter for developing a statement of disability-related need might be, "The student needs to improve/increase/develop X skill/behavior (related to root causes), so the student can Y (addresses effect)." For more information on identifying the disability-related needs refer to Step 2 of the 5-Step Process at https://dpi.wi.gov/sped/college-and-career-ready-ieps/learning-resources.

The needs are numbered for reference purposes, not to signify order of importance. The numbers are referenced when developing the goals and should also be referenced in the *Program Summary.* This will emphasize the linkages between the student's needs and the goals and services.

Section II: Family Engagement

Research shows family engagement in a student's education promotes improved outcomes. Document how school staff will engage parent(s)/families in the education of the student (e.g. sharing resources, communicating with parent(s)/families, building upon family strengths, connecting parents/families to learning activities). The IEP team should only include strategies the district will provide to enable greater family engagement in a student's education. Any activity included in this section must be implemented by the district. Parent(s) cannot be required to provide the strategies or activities that are listed. This section should not be a restatement of when or how progress reports will be provided to parent(s). Rather, it should capture the activities or strategies the district will use to help engage the parent(s) and family in the student's education.

Section III: Measurable Annual Goals

A. Before developing annual goals (34 CFR § 300.324[b][1][i] and ([b][1][ii]; Wis. Stats. §§ 115.787[4][a][1.] & [4][a][2.])

Before developing annual goals, the IEP team must review the previous IEP goals and progress. Review form I-6 *Interim Review of IEP Goals* and form I-5 *Annual Review of IEP Goals*. Check "yes" or "no" to indicate whether the IEP team reviewed the student's goals from the previous IEP. Check "not applicable" if this is the student's initial IEP and there are no previous goals to review or this is not an annual IEP meeting to develop the annual goals. See clarification/explanation regarding form I-5 and the I-6 for additional guidance. If the student has not met their previous year's goals, the IEP team should determine why the student did not make sufficient progress and consider revising the goals and services to help ensure the student will meet their goals during the period of the IEP. The IEP team must revise the IEP, as

appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum.

B. Goal # (numbered)
(34 CFR § 300.320[a][2]; Wis. Stat. § 115.787[2][b]; 71 Fed. Reg. 46662 [Aug. 14, 2006])

Document each annual goal for the student. Each annual goal must include a goal statement, baseline information, and the level of attainment. Be sure the team considers both academic and functional goals, and each goal is measurable.

Measurable annual goals address the student's disability-related needs so the student may be involved in and make progress in the general education curriculum (in the case of a preschool child, participate in age-appropriate activities and early learning standards). The IEP team must identify which disability-related need is being addressed by the goal and the procedures for measuring progress and when progress will be reported to parents. Each goal is numbered for reference in the *Program Summary*. The numbers do not indicate priorities. Goals address disability related needs (the "why") the student is not able to access, be involved in or make progress in the general education curriculum. Each disability-related need must be addressed by a corresponding goal and special education service, or in some rare instances (e.g., transportation) by a special education service only.

Goals should be ambitious and achievable so that the gap in academic achievement or functional performance is narrowed or closed during the period of the IEP. Each goal must address at least one disability-related need. If the IEP team determines the student's disability-related need affects reading, the IEP must include a minimum of one goal to address this need. This may be a behavior goal if, for example, the behavior is adversely affecting access to the general education reading curriculum and instruction.

1. Goal statement, a. baseline and b. level of attainment
(34 CFR § 300.320[a][2]; Wis. Stat. § 115.787[2][b];

The goal statement should describe the desired skill or targeted area of achievement to address a disability-related need (e.g., the student will increase decoding skills). It is developed and read in conjunction with the baseline (the student is able to decode grade-level multi-syllable words with 50% accuracy) and level of attainment (by the end of the year, the student will decode grade-level multi-syllable words with 98% accuracy). A suggested sentence starter when developing a goal statement might be, "The student will improve/increase/develop X (related to root cause)." The associated baseline and level of attainment are included with the goal statement or under 1.a. and 1.b. The baseline is the student's current level of performance

related to the goal. The level of attainment is how much growth is anticipated during the period of the IEP, or what level of proficiency is expected at the end of the period. The baseline and level of attainment must align, using the same method of measurement (e.g., percentage). The goal should be specific, measurable, ambitious yet achievable, designed to address the student's disability-related need, and time limited.

Annual goals such as "pass all classes," "take classes to meet graduation requirements," or "receive a C in the regular education class" apply to all students and do not meet the standards for an annual goal. A goal such as "increase reading proficiency" does not provide a level of specificity required to address a student's disability-related need. The goal must address why the student is not reading at grade-level proficiency. Refer to the department's webpage for guidance on developing goal statements, and determining baseline and level of attainment (Step 3 of the 5-Step Process at https://dpi.wi.gov/sped/college-and-career-ready-ieps/learning-resources).

When a goal includes benchmarks or short-term objectives, if at all possible, the annual goal should include a baseline and level of attainment. In the rare occasion when this is not possible, a separate baseline and level of attainment for the goal is not required if each benchmark or short-term objective is directly related to the goal and each benchmark or short-term objective includes a baseline and level of attainment.

2. Benchmarks or short-term objectives (34 CFR § 300.320[a][2][ii]; Wis. Stat. § 115.787[2][bm])

If a student is taking the alternate assessment (Dynamic Learning Maps) aligned to alternate achievement standards (Wisconsin Essential Elements), benchmarks or short-term objectives are required for all annual goals. Benchmarks or short-term objectives describe the amount of progress the student is expected to make within specific segments of the year. Benchmarks or short-term objectives break the skills described in the annual goal into discrete measurable intermediate steps. There is no requirement to develop a benchmark or short-term objective for each alternate achievement standard.

While short-term objectives or benchmarks are only required for students who take the alternate assessment aligned to alternate achievement standards, they may also be included in IEPs of students who do not take the alternate assessment.

If the student has a most significant cognitive disability and is taking the alternate assessment, each benchmark or short-term objective must have a baseline and level of attainment.

If the student is not taking the alternate assessment but their IEP goals have benchmarks or short-term objectives, each benchmark or short-term objective does not need to have a baseline or level of attainment as long as the annual goal contains a baseline and level of attainment and each short-term objective relates to the goal statement.

When benchmarks or short-term objectives are used to measure the annual goal, all benchmarks or short-term objectives must be attained in order for the goal to be considered met.

However, if the goal refers to the short-term objective, such as "as measured by the objectives below," each benchmark or objective must include a baseline and level of attainment.

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| 3. Annual goal addresses disability-related need(s)<br>(34 CFR § 300.320[a][2][i][A]) | Record the number that corresponds to the disability-related need being addressed by the goal. Refer to *Section I Summary of Disability-Related Needs* on the I-4 form to identify which need(s) the goal addresses. A goal may address more than one need. A need may be addressed by more than one goal. |
| 4. Procedures for measuring the student's progress…<br>(34 CFR § 300.320[a][3][i]; Wis. Stat. § 115.787[2][h][1]) | Identify the procedures that will be used to measure a student's progress toward meeting the measurable annual goals. Examples of procedures include work samples, classroom tests, observations, logs, attendance records, and point or tally sheets. The measures used to determine progress must align with the baseline and level of attainment measures (e.g., keeping a tally of percentage correct), apply to the particular goal and be as specific as possible. |
| 5. When will reports about the student's progress…<br>(34 CFR § 300.320[a][3][ii]; Wis. Stat. § 115.787[2][h][2]) | Parents of students with disabilities must be informed periodically about their student's progress toward meeting the measurable annual goals. Identify when parents will be informed of their student's progress. Interim reporting on annual goal progress may be done through quarterly or other periodic reports issued concurrently with report cards. LEAs may use form I-6 *Interim Review of IEP Goals* to document reports on the student's progress. Refer to the clarification/explanation in this guide regarding the I-6 for more guidance. |

Section IV: Program Summary
(34 CFR § 300.320[a][4]; Wis. Stat.§ 115.787[2][c])

The IEP team must determine the special education services (including supplementary aids and services, specially designed instruction, related services, and/or program modifications or supports for school personnel) needed to meet the student's disability-related needs, including needs relating to the special factors, and allow the student to make progress in the general education curriculum. These services should be documented in the *Program Summary*.

Special education services must be provided at no cost to the student or the student's parents. "At no cost" means the specially designed instruction, related services, and supplementary aids and services are provided to the student without charge. Incidental fees that are normally charged to students without disabilities or their parents as part of the regular education program are permitted. Specify the duration of the services if different from the beginning and ending dates of the IEP. If the duration of a service is not different from the beginning and ending dates of the IEP, it is not necessary to specify the duration. Identify *where* the services will be provided (e.g., regular education classroom). The location specified in the *Program Summary* should be consistent with information about the student's participation in the regular education environment (Section VI.). Based on this information, parents and staff should clearly be able to determine the amount of time the student will be removed (if any) from the regular education classroom or environment. Statements with multiple locations such as "regular education or special education classroom" does not meet this requirement because it is unclear how much time the student will spend in each environment.

The IEP team must determine the supplementary aids and services, special education, related services, and program modifications and supports for school personnel that will allow the student to (a) access, be involved in and make progress in the general education curriculum; (b) be educated and participate with other students with and without disabilities to the extent appropriate; (c) participate in extracurricular and other nonacademic activities; and (d) advance appropriately toward attaining the annual IEP goals. These services should be aligned to the annual goals and/or the disability-related needs. For more information on aligning special education services, refer to Step 4 of the 5-Step Process at https://dpi.wi.gov/sped/college-and-career-ready-ieps/resources).

IEP beginning and ending dates
(34 CFR § 300.320[a][7]; Wis.

Enter the projected beginning and ending dates for the IEP services and modifications to be provided to the student. The dates must include the month, day, and year. These dates only

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| Stat. §115.787[2][f]) | include scheduled school days during the regular school term, unless otherwise specified. The dates on this part of the I-4 form should match the projected implementation date on the Determination and Notice of Placement (form P-1 (initial placement) and P-2). |
| A. Supplementary Aids and Services (34 CFR § 300.320 [a][4]; Wis. Stat. §115.787[2][c]) | Once a student is determined to need special education, the IEP team should first considers the student's need for supplementary aids and services to be educated with nondisabled students. State and federal special education law requires that students with disabilities are educated in the least restrictive environment. Supplementary aids and services are aids, services, and other supports provided in general education classes or other education-related settings to enable a student with a disability to be educated with nondisabled students to the maximum extent appropriate. These aids and services include things such as assistive technology, accessible instruction materials, and/or other accommodations which assist the student to access and achieve in the general education environment. The **frequency** and **amount** of time specified for each service must be appropriate to the service and stated in a manner that can be understood by all involved in developing and implementing the IEP. If the frequency and amount cannot be appropriately specified in terms of hours and minutes, describe the circumstances under which the aids and services will be provided. In determining the supplementary aids and services needed to address the student's IEP goals and disability-related needs, review *Need for Special Education* in the *Evaluation Report*, ER-1, for needed modifications and accommodations, if any, that can be made in the general education program that will allow the student to access the general education curriculum and meet the education standards that apply to all students. List the corresponding annual goal number(s) that each supplementary aid or service supports (e.g., the student is provided a study guide outline to help the student improve reading comprehension, one of his IEP goals). In some situations, there may not be a corresponding goal. In those situations it is acceptable to identify the disability-related need(s) supported by the aids and services (e.g. a high school student may receive books on tape to enable the student to access the general education curriculum due to the student's disability-related needs that affect reading). If the student does not need supplementary aids and services check "None needed." |
| B. Special Education/Specially Designed Instruction (34 CFR § 300.320 [a][4]; Wis. | Special Education/Specially Designed Instruction is specially designed instruction adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability |

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| Stat.§ 115.787[2][c]) | and ensuring access of the student to the general curriculum, so the student can meet the educational standards of the district that apply to all students. Examples of special education are "specially designed instruction in reading comprehension," "specially designed instruction in daily living skills," "specially designed instruction in emotional regulation and social skills," and "speech and language therapy." In Wisconsin, speech and language pathology services may be listed as either a special education or a related service. LEAs may choose to use reading teachers to provide specially design instruction in reading as outlined in a student's IEP. Review the *Need for Special Education* in the Evaluation Report, ER-1, for needed specially designed instruction. Identify which corresponding annual goal(s) is addressed by the specially designed instruction. A student who is identified as needing special education, must receive specially designed instruction to address at least one IEP goal. |
| C. Related Services Needed to Benefit from Special Education (34 CFR § 300.320[a][4]; Wis. Stat. §115.787[2][c]) | Related Services Needed to Benefit from Special Education are transportation and developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education. The list of related services on form I-4 is not an exhaustive list. The IEP team must consider whether the student needs related services. If the student does not need related services, check "None needed." If the student needs one or more related services, check the services needed. If a service the student needs does not appear on the list, check "other" and list the service needed. Review the *Need for Special Education* in the *Evaluation Report*, ER-1, for needed services. For each related service, identify the corresponding annual goal(s). In some situations, there may not be a corresponding goal. In those situations it is acceptable to identify the disability-related need(s) (e.g., Because of the student's orthopedic impairment and inability to walk more than a block, the IEP team included door-to-door transportation in the student's IEP as a related service.). |
| D. Program Modifications or Supports *for School Personnel* (34 CFR § 300.320[a][4]; Wis. Stat.§ 115.787[2][c]). | Program modifications or Supports *for School Personnel* are services or activities needed by teachers and other school personnel to provide services to students with disabilities. The IEP team must consider whether program modifications or supports for school personnel are needed. If such services are needed, describe the services. If they are not needed, check "None needed." Identify the goals or needs addressed by the modifications or supports by recording the associated number. For instance, consultation may be needed to help the general education teacher better understand the student's disability-related need and how it impacts academic achievement in their subject area. Some examples of program modifications or supports for |

school personnel might include "consultation between general and special education teacher," "assistance modifying an assignment," "training in nonviolent crisis intervention," or "literacy training."

There may be a relationship between supplementary aids and services for students and program modifications or supports for school personnel. For example, if a student needs assistance transferring from one chair to another (supplementary service), a teacher or paraprofessional may need instruction from a physical therapist on how to safely transfer the student (program support for school personnel).

Frequency/amount, location and duration of services

Frequency & Amount
(34 CFR § 300.320[a][7]; Wis. Stat.§ 115.787[2][f])

State the services in the IEP so the level of the LEA's commitment of resources is clear to the parents and other IEP team members. The amount of time to be committed to each of the various services must be appropriate to the specific service and stated in a manner that can be understood by all involved in developing and implementing the IEP. Whenever possible, the IEP should describe services using hours or minutes provided daily, or as appropriate, weekly allotments of hours or minutes. "One hour daily," "20 minutes three times per week," or "40 minutes per week" are acceptable statements.

The amount of time may be stated in a narrow range, but only if the student's IEP team determines use of a range is appropriate based on the student's unique needs (e.g., "Occupational Therapy, Weekly, 20-30 minutes depending on student's level of fatigue indicated by inability to maintain an upright posture for 5 minutes"). A range may not be used for administrative convenience, such as personnel shortages or uncertainty regarding the availability of staff. Stating the amount of service as a minimum is not acceptable because it is not a clear commitment of resources (e.g., "a minimum of 15 minutes three times per week").

If it is not appropriate to state the amount of a service in hours or minutes, then clearly describe the circumstances under which the service will be provided and for how long. Statements such as "as needed," "as deemed necessary," "when appropriate," "per teacher discretion," or "available daily" do not make clear the LEA's level of commitment of resources. Use specific

objective criteria to describe when a particular service will be provided. This makes it clear when the service must be provided. The frequency and amount boxes on for I-4 for *Supplementary Aids and Services* in the *Program Summary* are merged to accommodate a description of the circumstances.

Sometimes the IEP team decides a student's self-advocacy skills need to be developed. They want to encourage the student to realize when they need help and to ask for it. In this case, it is appropriate to include an annual goal to develop self-advocacy skills. In such a case, do not state the amount and frequency of the service as "upon student request." The amount and frequency of the service must be clearly described.

Location
(34 CFR § 300.320[a][7]; Wis. Stat.§ 115.787[2][f])

The location refers to the setting in which particular services will be provided. For example, a service may be provided in a general education classroom, a special education resource room, or in both. The extent of removal from the regular education environment, if any, must be clear. If a service will be provided in two or more locations, if possible, the frequency and amount should be specified for each location. If the frequency and amount is dependent upon circumstances, then the primary location should be specified and the circumstances for removal should be described under section VI-A, "Participation in Regular Education Environment" (describe the extent to which the student will be removed from the regular education environment to receive special education services). If a supplementary aid and service applies to all environment and does not affect removal, then it is sufficient to state "general education/special education" or "across all environments" as the location.

Duration
(34 CFR § 300.320[a][7]; Wis. Stat.§ 115.787[2][f])

If a service will be provided for a period of time different from the projected beginning and ending date(s) of the IEP listed under the program summary section, enter the beginning date and the ending date of the service.

Addresses Goal(s) #
(34 CFR §300.320(a)(4)(i); Wis. Stat. § 115.787[2][c][1.])

When the student's annual goals were developed, each goal was given a number. Each supplementary aid and service, special education/specially designed instruction, related service, and/or program modification or support for school personnel should be explicitly linked to an annual goal(s) and the goal number(s) must be listed on the corresponding row.

Addresses Need(s) #

When the student's disability-related need(s) were developed, each disability-related need was

(34 CFR §300.320[a][2]); Wis. Stat. § 115.787[2][b])

given a number. Each supplementary aids and services, related service, and/or program modifications or supports for school personnel should be explicitly linked to a disability-related need(s) and the number must be listed on the corresponding row. Please note that the special education/specially designed instruction table does not have a disability-related need column because it will always be linked to an annual goal (which is linked to a disability-related need).

Section V:Student Participation

A. Participation in Regular Education Environment (34 CFR § 300.320[a][5], § 300.114[a][2], and § 300.116; Wis. Stat. § 115.787[2][d])

Each student must participate with nondisabled peers in regular education environments, or for preschoolers in age-appropriate settings, to the maximum extent appropriate. This requirement addresses **where** the student will be, not **what** will be taught. Removal from the regular education environment must only occur when the student cannot be satisfactorily educated in that environment with the use of supplementary aids and services. A student may not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum. The IEP team must decide whether the student will be full time in the regular education environment. If not, the team must determine the extent of the removal and document it in the IEP.

It is important that IEP teams consider the student's ability to participate in extracurricular and nonacademic activities with nondisabled peers. If the student needs any supplementary aids and services to participate in those activities, they must be documented in the Program Summary. The LEA must take steps, including providing supplementary aids and services, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity to participate. Nonacademic and extracurricular services and activities may include general counseling services available to all students, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the LEA and assistance in making outside employment available. The LEA must ensure each student participates in the services and activities, including meals and recess periods, to the maximum extent appropriate.

If a student will participate full time with nondisabled peers in regular education (or for preschoolers, in age-appropriate settings), check the first box in Section V. No explanation is

necessary.

If the student will not participate full-time with non-disabled peers in the regular education environment (including extracurricular and nonacademic activities), check the second box. Make sure this box is checked if a location other than the regular education classroom or environment (or age-appropriate setting for a preschooler) is listed under "Location" in the *Program Summary*.

Questions 1 & 2

If the student will not participate full-time with non-disabled peers, describe the extent of removal and provide an explanation of why the student will not participate full time in regular education classes, extracurricular and nonacademic activities, and/or workplace settings, as appropriate. The description of the extent of removal should be consistent with the frequency, amount and location of services documented in the *Program Summary*.

B. Participation in Physical Education (34 CFR § 300.108)

In the context of this form and with the input of stakeholders, we use them term adapted physical education. In practice, "adapted physical education" and "specially designed physical education" are used interchangeably. Both adapted physical education and specially designed physical education may be provided in the regular education environment or another placement and may be provided one-on-one in a small or large group.

Check the appropriate box to indicate whether the student will participate in general physical education, adapted physical education, or not applicable (if the student is in a grade-level where physical education is not offered and the student does not require adapted physical instruction as part of a FAPE).

The LEA must ensure physical education is available to every student with a disability unless the LEA does not provide physical education to students without disabilities in the same grade. If a student with a disability needs adapted physical education in order to receive FAPE, then it must be provided regardless of whether physical education is provided to other students in the same grade. Each student with a disability must be afforded the opportunity to participate in the general physical education program available to nondisabled students, unless the student is enrolled full time in a separate facility or the student needs adapted physical education as

described in the student's IEP.

When physical education is designed for a student with a disability, it is special education. Physical education includes the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, individual and group games, and sports (including intramural and lifetime sports). It also includes special physical education, adaptive physical education, movement education, and motor development. Adapted physical education must address a disability-related need. If the IEP team determines the student needs adapted physical education, there must be information about the student's current level of academic achievement/functional performance related to the need for adaptive physical education, a corresponding goal to address the need(s) and adapted physical education must be documented in the special education/specially designed instruction section *Program Summary* with the appropriate frequency and amount, duration, location and linked goal(s).

If the duration of the IEP crosses over between two school years, and the student is in a grade-level where physical education is not offered and then in a grade where physical education is offered, check the box (regular or specially designed PE) that will apply to the year the student is in a grade where physical education is provided. If the student will be in specially designed physical education in the year in which physical education is offered, be sure to clearly describe the duration of the services in the special education/specially designed instruction line for specially designed physical education.

## I-5 Annual Review of IEP Goals

The IEP team must review the IEP at least annually to determine whether the annual goals for the student are being achieved and revise the IEP as appropriate to address any lack of expected progress toward the annual goals and in the general education curriculum.

Form I-5 is only completed if the student had an IEP during the previous school year. Before developing annual goals, use Form I-5 to document the review of the previous IEP goals and progress. The purpose of the review is to determine if the student met the previous year's goals (including benchmarks/short term objectives, if applicable), and if not, address the lack of progress through the development of the new annual IEP. This may include revising and/or adding goals and services.

Form I-5 is a moment in time review. Therefore, if goals were updated/changed/ended during the term of the IEP, the I-5 should reflect the most recent goals the student was working on at the time of the annual review. If goals are updated/changed/ended during the term of the IEP, these changes must be clearly documented in the IEP. Model form I-6 is one place that those kinds of changes can be clearly documented.

Rows may be added to the form as needed for the number of goals for each student.

When a student is dismissed from special education, the student is no longer eligible for special education services and the IEP is not revised. DPI recommends, however, documenting detailed notes about the student's current level of performance, their progression, and how the student met the goals in their previous IEP. It is permissible, but not required, to use the model I-5 form to document the progress on the previous IEP's goals.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| WISEid (if known) | The WISEid area is included in the forms to allow vendors to use information on IEP forms for data collection purposes. |
| Date of Annual Goal Review | The IEP team must review the student's IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved. List the date of the meeting where the goals are being reviewed. |
| Goal #:____<br>□ Met □ Not Met<br>(34 CFR § 300.324[b][1][i]; Wis. Stat. §115.787[4][a][1.]). | List each goal number and check whether or not it was met. |

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| Goal statement, and, if applicable, short term objectives | List each annual goal, including the baseline and level of attainment (and, if applicable, short term objectives or benchmarks). |
| Student's current progress (include data) (34 CFR § 300.324[b][1][i]; Wis. Stat. §115.787[4][a][1.]). | Describe the student's current level of performance relative to the goal or short term objectives. Provide available data (attach reports, when appropriate). The data must match the baseline and level of attainment in the goal so the amount of progress may be determined. |
| Include factors affecting lack of progress and plan to address it in the new IEP (34 CFR § 300.324[b][1][ii][A]; Wis. Stat. §115.787[4][a][2.][a.]). | If the student met the goal, check the N.A. box. If the student did not meet the goal, describe how the new IEP will be revised to address the lack of progress. Review effects of disability (section E of form I-4) and summary of disability-related needs (section F of form I-4) to examine why the student did not make sufficient progress toward the annual goals. In order to know how to revise the IEP, it is important to understand what impact the student's disability has on academic achievement and functional performance and address the student's disability-related needs. It may be necessary to conduct a root cause analysis to determine why the student did not make sufficient progress. Revise the IEP to address the disability-related needs. Revisions documented on Form I-5 must be included in the new IEP. |

## I-6 Interim Review of IEP Goals

Form I-6 may be used to document progress toward the IEP goals and to provide a report to the parents of the student. Form I-4 (section IV.B.5.) specifies when progress will be reported to the parents. Often progress on IEP goals is reported on a quarterly basis in conjunction with quarterly report cards. If a student is not making sufficient progress toward achieving their goals within the term of the IEP, the IEP team should discuss the lack of progress and any needed revisions to the IEP. The IEP can be updated to reflect any agreed upon changes as long as it is not a change in the student's placement, including location or the amount of services or time the student is with non-disabled peers.

Reports about the student's progress toward meeting the annual goal do not have to be made in writing, however the sharing of information must be documented somehow. Form I-6 serves as a place to provide this documentation.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| WISEid (if known) | The WISEid area is included in the forms to allow vendors to use information on IEP forms for data collection purposes. |
| Date of review (34 CFR § 300.320[a][3][ii]; Wis. Stat. § 115.787[2][h][2]) | Document the date when the IEP was reviewed. For example, if the IEP is reviewed quarterly, document each date the IEP is reviewed. |
| Annual goal, including baseline and level of attainment. | For each goal, include the goal number and goal statement, baseline and level of attainment. Include short term objectives or benchmarks, if appropriate. This allows for easy comparison with the student's current level of performance. |
| Student's current progress (include data) | Document the student's current progress, including data. This data will be used to determine if the student is making sufficient progress. Include data that matches the measurement in the annual goal. For example, if the baseline states, "Given 100 single syllable words at the beginning first grade level, the student is able to accurately decode 50% of the words," an appropriate statement might be: "progress data shows the student is now able to decode 75% of the words, given 100 single syllable words at the beginning first grade level." |

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| Is the student making sufficient progress to meet the annual goal during the term of the IEP? | Check “Yes” or “No” to document whether the student is making sufficient progress toward achieving the goal within the specified time period. |
| How will the IEP be revised to address any lack of sufficient progress? | If the student is making sufficient progress to meet the goal, check the N.A. box. If the student is not making sufficient progress, describe how the IEP will be revised to address the lack of progress. Review effects of disability (section E of form I-4) and summary of disability-related needs (section F of form I-4) to examine why the student did not make sufficient progress toward the annual goal. In order to know how to revise the IEP, it is important to understand what impact the student’s disability has on academic achievement and functional performance and address the student’s disability-related needs. It may be necessary to conduct a root cause analysis to determine why the student did not make sufficient progress. Revise the IEP to address the disability-related needs. Revisions documented on Form I-6 must be included in the revised IEP. |
| Date shared with parent(34 CFR § 300.320[a][3][ii]; Wis. Stat. § 115.787[2][h][2]) | Document the date the progress report is shared with parents. |

## I-7 Statewide and District-wide Assessments

A State must include students with disabilities in all assessments with appropriate accommodations (34 CFR § 200.6). A student with a disability must be assessed with an assessment aligned with the challenging academic standards for the grade in which the student is enrolled (34 CFR § 200.6[a][2][i]). Any student who will take a statewide or district-wide assessment will have the corresponding I-7 form included in their IEP. There are separate I-7 forms for district-wide assessment and each of the statewide assessments. These include:

- I-7-District-Wide Assessment
- I-7-ACCESS for ELLs®/Alt. ACCESS for ELLs™
- I-7 ACT® Plus Writing
- I-7 ACT ASPIRE™ Early High School
- I-7 DLM
- I-7 Forward

The IEP team must consider the student's grade level and which assessments they will participate in during the term of the IEP. The IEP team determines if a student will take an alternate assessment on a particular statewide or district-wide assessment (Wis. Stat. § 115.787[2][e][2]; 34 CFR § 300.320[a][6][ii]). When a student will be in a grade in which a statewide or a district-wide assessment is given, the IEP team completes the applicable I-7 form. All sections of the appropriate form related to the required assessments must be completed. If the student will be in a grade in which only a district-wide assessment is given, form I-7 District-wide Assessment is the only form to be completed.

Implementation Considerations:

The IEP team must consider appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on statewide or district-wide assessments (Wis. Stat. § 115.787[2][e]; 34 CFR § 300.320[a][6][i]). LEAs should monitor appropriate use of accommodations by comparing the assessment accommodations provided during testing with those required by students' IEPs. Students who need accommodations in order to participate in a statewide or district-wide assessment most likely need the same accommodations in the classroom or to complete school work. Accommodations should:

- be consistent with day-to-day instructional methods;
- not be introduced during testing for the first time (students should be comfortable using accommodations); and
- enhance access what is being measured.

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If the student will be in grades 4, 8, or 12 during the next 12 months, they are eligible to participate in the National Assessment for Educational Progress (NAEP). The LEA may use the accommodations listed for the statewide assessment when administering NAEP. More information about NAEP Accommodations and Supports is available at http://nces.ed.gov/nationsreportcard/about/inclusion.asp. Schools participating in NAEP should visit their MyNAEP webpage (www.mynaep.com) to review specific accommodations policies for the upcoming NAEP administration.

Typically, assessment accommodations are only considered for the grade(s) the student will be in during the term of the IEP. However, in some instances, test vendors require accommodation approvals many months prior to the student taking the assessment. In those instances, it may be appropriate for the IEP team to discuss the assessment the year before the assessment will be given as long as IEP team members understand that the assessment will be the following year.

Permissible accommodations vary by the individual assessment. A list of permitted accommodations for students with disabilities participating in statewide assessments are at the following links:

- I-7-ACCESS for ELLs®/Alt. ACCESS for ELLs™: http://dpi.wi.gov/assessment/ell/accommodations.
- I-7 ACT® Plus Writing and I-7 ACT ASPIRE™ Early High School: http://dpi.wi.gov/assessment/act/accommodations
- I-7 DLM: http://dpi.wi.gov/assessment/dlm/accommodations
- I-7 Forward: http://dpi.wi.gov/assessment/forward/accommodations

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## I-7-A Participation Guidance for Alternative Assessment

Implementation Considerations:

IEP teams determine the curriculum and assessments (and whether or not accommodations are needed) students participate in. The IEP team determines if a student will take an alternate assessment on a particular statewide or district-wide assessment (Wis. Stat. § 115.787[2][e][2]; 34 CFR § 300.320[a][6][ii]).

Form I-7-A is used **only** when an IEP team considers whether a student should participate in an alternate assessment because the student is instructed using the alternate standards (known in Wisconsin as the Wisconsin Essential Elements). Under the Every Student Succeeds Act (ESSA), only students with the most significant cognitive disabilities (typically 1% of the statewide student population) should be instructed using alternate achievement standards and assessed using an alternate assessment (34 CFR § 200.6[c][2]).

ESSA required each state to develop a definition of most significant cognitive disability. A student with the most significant cognitive disabilities may be assessed with an alternate assessment aligned with the challenging academic content standards for the grade in which the student is enrolled and the alternate academic achievement standards (34 CFR § 200.6[a][2][ii][B]). Wisconsin's definition was developed through a stakeholder process and states in order to define a student having a most significant cognitive disability, the IEP team must review student records and determine

- the student is typically characterized as functioning at least two and a half to three standard deviations below the mean in both adaptive behavior and cognitive functioning;
- the student performs substantially below grade level expectations on the academic content standards for the grade in which they are enrolled, even with the use of adaptions and accommodations; and
- the student requires extensive, direct, individualized instruction and substantial supports to achieve measurable gains, across all content areas and settings.

ESSA also requires districts to ensure that parents are clearly informed, as part of the IEP process, that they understand that their students' academic achievement will be measured based on such alternate standards and how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma (34 CFR § 200.6[d][3]). It is critical that IEP teams are knowledgeable and parent(s) are informed about the long term implications for future educational opportunities in determining whether a particular student should be instructed using alternate achievement standards and assessed using alternate assessments.

Participation in the alternate assessment or alternate achievement standards must not be based solely on any of the 14 categories listed on the bottom of the form.

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Directions for completing the *Participation Guidelines for Alternate Assessment* are included on the form. A student must meet all three participation criteria in order to be eligible to receive instruction based on alternate achievement standards and take an alternate assessment. In a given year, students must participate in either all general education assessments or all alternate assessments, not parts of both. Additional information about alternate assessment is available at https://dpi.wi.gov/sped/topics/assessment.

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## I-7 District-wide Assessment

Implementation Considerations:

District-wide assessments are tests given at the district level and can apply to students in all grade levels (4K-12). Districts often use district-wide formative or interim assessments as part of a strategic assessment plan to inform instruction and benchmark or monitor a student's progress. It is important that IEP teams consider all of those assessments and any needed accommodations (as appropriate) (Wis. Stat. § 115.787[2]; 34 CFR § 300.320[a][6]).

District-wide assessments extend beyond screeners or interim assessments. District-wide assessments include the high school civics test requirement and the assessment for reading readiness. While required by state law, both the assessment of reading readiness (required for 4k-2nd grade) and the statewide civics graduation requirement are a responsibility at the district level. Therefore, they are considered a district-wide assessments, and the determination about the student's participation should be documented on I-7 District-wide Assessment form.

Students with disabilities must be included in district-wide assessments unless the IEP team determines that an alternate to the district-wide assessment is appropriate. Alternate assessments are intended only for students with the most significant cognitive disabilities. For more details about the definition of "most significant cognitive disability," see the Participation Guidelines for Alternate Assessment (DPI Model Form I-7-A). If the student will be taking an alternate district-wide assessment, the Participation Guidelines for Alternate Assessment form must be included with the IEP.

IEP teams will need to have access to accommodations guidelines for the district-wide assessment(s) their district uses at each grade level in order to ensure the assessments are not invalidated.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| **District-wide assessment** | Complete this section if the student is taking district-wide assessment(s) including the civics exam and assessment for reading readiness. |
| Civics exam requirement (Wis. Stat. § 118.33[1m][a][1.]) | The IEP team must consider whether the student will take the civics exam and whether or not accommodations are needed. The civics exam requirement is not a statewide assessment and therefore parents do not have the ability to "opt out." If the student has already taken the civics exam, check the "The student has already taken the civics test or is not eligible" box. If the IEP team determines it |

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| | appropriate to administer the civics exam, check the applicable box and complete the civics exam as a row on the district-wide assessment table to consider and document whether accommodations are needed. If the IEP team determines it is not appropriate to administer the high school civics exam to the student, the box documenting that it is not appropriate must be checked and the student does not have to participate in the assessment. |
| District-wide assessment(s) the student will take<br>(34 CFR § 300.320; Wis. Stats. § 115.787) | Consider the districts practice for district-wide assessment(s). Please list all district-wide assessment(s) the student will take in a separate row. |
| Are accommodations needed? (yes/no)<br>(34 CFR § 300.320[a][6][i]; Wis. Stat. § 115.787[2][e]) | For each district-wide assessment, list whether or not the student will need accommodations on each district-wide assessment the student will participate in. |
| If yes, describe the accommodations needed<br>(34 CFR § 300.320[a][6][i]; Wis. Stats. § 115.787[2][e]) | If the student will be in a grade where a district-wide assessment will be given, the IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on district-wide assessments. If the IEP team determines the student needs an accommodation on a district-wide assessment, it must be provided. List the needed accommodations (more than one line, if needed). |
| Alternate District Wide Assessment | If the IEP team determines that a student will take an alternate district-wide assessment, the IEP must include a statement of why the student cannot participate in the general education assessment and wy the particular alternate assessment selected is appropriate. Include that statement in the psace below the "alternate assessment" area (34 CFR §300.320[a][6][ii]; Wis. Stats. § 115.787[2][e][2]). |
| Alternate assessment(s) the student will take:<br>(34 CFR § 300.320[a][6][ii]; Wis. Stats. § 115.787[2][e][2]) | Consider the districts practice for district-wide assessment(s). Please list all alternate assessment(s) the student will take in a separate row. |
| Describe why the student cannot participate in the district-wide assessment | If the IEP team determines the student will take an alternate district-wide assessment, the IEP must describe why the student cannot participate in the regular assessment as required under state law. |

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| (34 CFR § 300.320[a][6][ii]; Wis. Stats. § 115.787[2][e][2]) | |
| Describe why the particular alternate district-wide assessment is appropriate (34 CFR § 300.320[a][6][ii]; Wis. Stats. § 115.787[2][e][2]) | If the IEP team determines the student will take an alternate district-wide assessment, the IEP must describe why the particular alternate assessment chosen is appropriate as required under state law. [Wis. Stat. 115.787(2)(e)2.] |
| Are accommodations needed? (yes/no) (34 CFR § 300.320[a][6][i]; Wis. Stats. § 115.787[2][e]) | List whether or not the student will need accommodations on each district-wide assessment the student will participate in. |
| If yes, describe the accommodations needed | If the student will be in a grade where a district-wide assessment will be given and an alternate assessment will be provided, the IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on alternate district-wide assessments. If the IEP team determines the student needs an accommodation on an alternate district-wide assessment, it must be provided. List the needed accommodations. |

## I-7 ACCESS for ELLs®/Alt. ACCESS for ELLs ™

Under ESSA, all English Learner (EL) students with English Language Proficiency (ELP) levels 1-5 are required to take the state's language assessment regardless of disability status. Unlike other statewide assessments, the ACCESS for ELLs® is administered in all grades Kindergarten through 12th grade. English learners with significant cognitive disabilities AND who are in Kindergarten, should participate in the ACCESS for ELLs® with or without accommodations.

The worksheet *Individualized Education Program: Participation in Statewide English Language Proficiency Assessment Checklist and Accommodations* is only applicable and should only be completed for students who are both limited English proficient/English Learner (LEP/EL) and have a disability. This worksheet has been developed to help IEP teams determine which language assessment a student should take and describe the language accommodations used, if any.

IEP teams are responsible for deciding annually whether students who are classified as EL and who have a disability will participate in (1) the ACCESS for ELLs® with or without accommodations, or (2) the Alternate ACCESS for ELLs™ with or without accommodations (Wis. Stat. § 115.787[2]; 34 CFR § 300.320[a][6][ii]). In general, students will participate in the ACCESS for ELLs® with or without accommodations. If the IEP team determines a student has a "most significant cognitive disability" and DPI model form I-7-A Participation Guidelines for Alternate Assessments has been completed, the student will take the Alternate ACCESS for ELLs.™

Available test accommodations for I-7-ACCESS for ELLs®/Alt. ACCESS for ELLs™ (test administration procedures, accessibility tools, and accommodations) are available at http://dpi.wi.gov/assessment/ell/accommodations. If the IEP team identifies an appropriate accommodation that is not listed, a written request for approval must be submitted to the DPI Office of Student Assessment at least two weeks prior to testing. Written consent for any alternate accommodation must be granted prior to its use.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Complete "1" or "2"<br>(Wis. Stat. § 115.787[2]; 34 CFR § 300.320[a][6][ii]) | A student may be considered an eligible candidate for the Alternate ACCESS for ELLs™ only if the IEP team can answer "yes" to all three of the participation criteria on form I-7-A. The Alternate ACCESS for ELLs™ is an assessment for students in grades 1-12 with the most significant cognitive disabilities for whom meaningful results cannot be obtained, even with accommodations on the ACCESS for ELLs™. If the English Learner meets the guidelines for participating in the Alternate ACCESS for ELLs™, the student completes this assessment for all four language domains: speaking, listening, reading, and writing. Once section 1 or 2 is checked, complete Section A, B, C, and additional considerations. |

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| Section A: Test Administration Procedures | Please list any test administration procedures needed by the student. Be sure to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/ell/accommodations for allowable test administration procedures. Enter "None" if no test administration procedure accommodations are needed. |
| Section B: Accessibility Tools | Please list any embedded or nonembedded accessibility tools needed by the student. Be sure to refer to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/ell/accommodations for allowable embedded and nonembedded accessibility tools. Enter "None" if no accessibility tools are needed. |
| Section C: Accommodations<br>34 CFR § 300.320[a][6][i]; Wis. Stats. § 115.787[2][e]) | Within the grid, identify whether the student will participate with or without accommodations for each four language domains. If the English Learner needs one or more accommodations for a specific language domain, check the "with accommodations" box and list the accommodation(s). Be sure to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/ell/accommodations for allowable accommodations. Check the "without accommodations" box if no accommodations are needed in a particular language domain. All 4 charts must be completed. |
| Additional Considerations | Please list any additional considerations. |

## I-7 The ACT® with Writing and ACT WorkKeys®

Implementation Considerations:

Disability-related documentation must be submitted for accommodations on The ACT® with Writing and ACT WorkKeys®. See Section C for more information.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Section A: Local test arrangements (34 CFR § 300.320; Wis. Stats. § 115.787) | Please list any local test arrangements that follow ACT policy, determined at the testing site level, that do not require submission to ACT. Examples of such decisions include preferential seating and wheelchair access. Be sure to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/act/accommodations for more information on locally approved decisions. |
| Section B: Accommodations 34 CFR § 300.320[a][6][i]; Wis. Stats. § 115.787[2][e]) | The IEP team must consider each of the eight ACT with writing and ACT WorkKeys subtests and check whether the subtest will be taken **without or with** accommodations. Be sure to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/act/accommodations for more information on accommodations. The IEP team must check **without accommodations or with accommodations** for each of the eight subtests. |
| Section C | In order to submit requests for ACT accommodations, LEAs must submit a complete and current IEP directly to ACT. Failure to request ACT accommodations for students with disabilities may raise concerns related to disability-based discrimination. For more information on how to submit accommodations requests to ACT, see http://dpi.wi.gov/assessment/act/accommodations. |

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## I-7 ACT ASPIRE™ Early High School

Implementation Considerations:

Unlike the ACT® with Writing and ACT WorkKeys®, disability-related documentation does not have to be submitted for accommodations on ACT Aspire™.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Participation in statewide assessment<br>(34 CFR § 300.320; Wis. Stats. § 115.787) | If the student will be in 9th or 10th grade during the term of the IEP, circle the grade the student will be in. |
| Section A: Open Access Tools<br>(34 CFR § 300.320; Wis. Stats. § 115.787) | Please list any open access tools that will be activated through the Personal Needs Profile (PNP) for the student in advance of the assessment. Be sure to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/act/accommodations for more information on open access tools. |
| Section B: Accommodations<br>(34 CFR § 300.320; Wis. Stats. § 115.787) | The IEP team must consider each of the five ACT Aspire subtests and check whether the subtest will be taken without or with accommodations. It is important that IEP teams consider the implications of a particular accommodation and whether it will be available for use on ACT with writing and ACT WorkKeys. Be sure to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/act/accommodations for more information on accommodations. The IEP team must check without accommodations or with accommodations for each of the five subtests. |

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# I-7 DLM

Implementation Considerations:

If the IEP team determines a student with the most significant cognitive disability will participate in alternate assessments on *Form I-7-A Participation Guidelines for Alternate Assessment*, the student will take the Dynamic Learning Maps (DLM) assessment rather than participate in The ACT® Plus Writing, ACT ASPIRE™, or the Forward Exam (Wis. Stat. § 115.787[2]; 34 CFR § 300.320[a][6][ii]).

Social studies is assessed in grades 4, 8, and 10 utilizing a teacher rater form. This form should be based upon classroom observations and IEP teams do not need to document use of accommodations.

The DLM was designed using the principles of universal design for learning (UDL) and therefore the term accommodation is replaced with the phrases "accessibility features" and "supports." This is an online assessment delivered either via the computer; however, some students may need their teacher to present the items to them. The teacher will then enter the student's response into the online platform.

As with all assessments, accessibility features should be chosen on the basis of the individual student's needs, not on the basis of the disability category, grade level, or instructional setting. Once selected, accessibility supports should be used consistently for instruction (as much as possible) and assessment. Due to the nature of computerized assessments versus non-computerized instruction, some supports may not be usable during instruction. To help students gain experience with the specific supports selected for them, educators should work with students to complete practice activities and take released assessments online. Students can use the practice activities as often as needed. Each educator, and anyone responsible for the implementation of the accessibility supports, must be informed of the specific supports that have been selected for each student and should participate in the evaluation of the supports.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Category 1: Accessibility features/supports provided within the DLM system (34 CFR § 300.320; Wis. Stats. § 115.787) | Some accessibility features/support are provided within the DLM system (embedded), but must be activated through the Personal Needs Profile (PNP) before administering the assessment. Previous examples of accessibility features/supports provided within DLM include, but are not limited to magnification, spoken audio, and color contrast. Please list the embedded accessibility features/supports the student needs. For information on accessibility features/supports within DLM, see http://dpi.wi.gov/assessment/dlm/accommodations. |

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| Category 2: Accessibility features/supports requiring additional tools/materials (34 CFR § 300.320; Wis. Stats. § 115.787) | Other accessibility features/supports require additional tools or materials. Previous examples of accessibility features/supports requiring additional tools or materials include, but are not limited to uncontracted Braille and individualized manipulatives. Please list the accessibility features/supports requiring additional tools or materials that the student needs. For information on other accessibility features/supports that require additional tools and materials, see http://dpi.wi.gov/assessment/dlm/accommodations. |
| Category 3: Accessibility features/supports provided *outside* of the DLM system (34 CFR § 300.320; Wis. Stats. § 115.787) | Finally, some accessibility features/supports are provided outside the DLM system. Previous examples of accessibility features/supports provided outside the DLM system include, but are not limited to human read aloud and sign interpretation. Please list the accessibility features/supports provided outside the DLM system the student needs. For information on accessibility features/supports outside DLM, see http://dpi.wi.gov/assessment/dlm/accommodations. |

## I-7 Forward

Implementation Considerations:

The Forward is administered in English language arts and mathematics in grades 3 through 8, in science in grades 4 and 8, and in social studies in grades 4, 8, and 10. High school students in grades 9 through 11 will continue to take the ACT suite of exams.

Accommodations and supports are practices and procedures that provide equitable access to grade-level content. They are intended to reduce or eliminate the effects of a student's disability or level of language acquisition; they do not reduce learning expectations. The accommodations or supports provided to a student must be consistent for classroom instruction, classroom assessments, and district and state assessments. It is important to note that while some accommodations or supports may be appropriate for instructional use, they may not be appropriate for use on a standardized assessment (34 CFR § 300.320[a][6][i]; Wis. Stats. § 115.787[2][e]).

The Forward Exam contains a number of universal tools available to all students which cannot be turned off in the student profile (eDIRECT). It is important that all students, including students with disabilities are familiar and comfortable with the universal tools. For more information on the universal tools available on the Forward Exam, see http://dpi.wi.gov/assessment/forward/accommodations.

Universal tools, designated supports, and accommodations on the Forward may be either embedded (built into the Forward Exam) or non-embedded.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Section A: Designated Supports (34 CFR § 300.320; Wis. Stats. § 115.787) | Designated supports are for students who regularly use a similar support as part of regular classroom instruction. Please list any supports that will be activated for the student in advance of the assessment. Be sure to refer to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/forward/accommodations for more information on Forward designated supports. |
| Section B: Accommodations (34 CFR § 300.320[a][6][i]; Wis. Stats. § 115.787[2][e]) | The IEP team must consider each of the 4 Forward content areas to determine which apply to the student for the grade tested. If applicable, the IEP team must determine whether the student will take the content area assessment **without or with** accommodations. Be sure to refer to refer to the DPI Office of Student Assessment webpage at http://dpi.wi.gov/assessment/forward/accommodations for more information on accommodations. The IEP team must check **without accommodations or with accommodations** for each of the 4 subtests. |

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## I-8 Summary of Transition Services

Each student must have a postsecondary transition plan in place beginning with the first IEP that will be in effect when the student is 14 and updated annually. Normally the student's postsecondary transition plan is created using the online IEP: Postsecondary Transition Plan (PTP) application at the IEP team meeting. Form I-8 is used only when the IEP team meeting is occurring and the online application is not available. The information collected on form I-8 at the meeting should be entered into the online application as soon as the application is available (34 CFR § 300.320; Wis. Stats. § 115.787).

Transition services means a coordinated set of activities designed to be within a result-oriented process that is focused on improving academic and functional achievement to facilitate a student's movement from school to post-school life. The activities are based on the student's needs and must take into account the student's strengths, preferences, and interests. The activities include instruction, related services, community experiences, development of post-school adult living objectives, acquisition of daily living skills if appropriate, and a functional vocational evaluation if appropriate. Additional information related to transition services is at https://dpi.wi.gov/sped/about/state-performance-plan/indicators/13-transition and at the Wisconsin Transition Improvement Grant website, http://www.witig.org/ .

Implementation Considerations:

While it may be possible to learn about a student's interests and preferences from the student's parents, it is preferable this information be obtained directly from the student. It is a good practice to identify the student's preferences and interests in the IEP.

The IEP must contain a course of study aligned with the student's postsecondary goals. It is a good practice to include a multi-year description of coursework.

If a participating agency fails to provide the transition services it agreed to provide, the LEA must conduct an IEP team meeting to identify alternative strategies to meet the postsecondary goals for the student.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date and method of inviting student (34 CFR § 300.321) | If a purpose of the IEP team meeting is to discuss a student's post-secondary goals and transition services needed to reach the goals, the student must be invited. Record the date and method the student was invited to the IEP meeting. |
| Steps taken to ensure that student's interest and preferences considered | If a student does not attend an IEP meeting to discuss post-secondary goals and transition services, the IEP team must take other steps to ensure the student's preferences and interests |

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| (34 CFR § 300.321) | are considered. Document how the preferences and interests were determined, e.g., a student interview or completion of an interest inventory. |
| Postsecondary goals based on age-appropriate transition assessments (34 CFR § 300.320; Wis. Stats. § 115.787) | Postsecondary goals must be based on age-appropriate transition assessments. Maintain documentation of the transition assessments. Check "Yes" or "No" to indicate whether the measurable postsecondary goals are based on age-appropriate transition assessments and are documented. Transition assessments may be formal or informal. They may include paper and pencil tests, structured student and family interviews, observational community or work-based assessments (situational), and curriculum-based assessments. It is good practice to identify in a student's IEP the transition assessments used in determining the student's postsecondary goals. For more information on transition assessments go to http://transitionta.org. |
| Measurable postsecondary goals (34 CFR § 300.320; Wis. Stats. § 115.787) | Record at least one measurable postsecondary goal for the student related to each of the following: (1) education and training, (2) employment and, (3) where appropriate, independent living skills. Education refers to community or technical colleges, college or university programs, and continuing education. Training may include short-term employment training and attending a vocational technical school (less than a two year program). Employment includes competitive, supported, or sheltered employment, and military service. Independent living skills refer to activities of daily living. Postsecondary goals state what a student will achieve after high school and are measurable. For each postsecondary goal, include at least one measurable annual goal or short-term objective (form I-4) in the IEP that will help the student make progress toward achieving the postsecondary goal. |
| Transition services needed (34 CFR § 300.320; Wis. Stats. § 115.787) | Transition services focus on improving the academic and functional achievement of the student to facilitate movement from school to post-school life. Services may include instruction, related services, community experiences, integrated employment, the development of employment and other post-school adult living skills (including daily living skills), and functional vocational evaluations. State the transition services needed to assist the student in reaching the postsecondary goals. |
| Involvement of other agencies in providing transition services | To the extent appropriate, and with the consent of the parent or adult student, the LEA must invite to the IEP team meeting a representative of any participating agency likely to be |

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| (34 CFR §§ 300.321; 300.324; Wis. Stats. § 115.78) | responsible for providing or paying for transition services needed to assist the student in reaching postsecondary goals.<br><br>Check the appropriate box to indicate whether another agency is or will be involved in providing transition services to meet the student's postsecondary goals. Also check the appropriate box to indicate whether a representative of a participating agency was invited to the IEP team meeting. |
| Courses of study<br>(34 CFR § 300.320; Wis. Stats. § 115.787) | Enter a course(s) of study that focus on academic achievement and functional performance to assist the student to reach postsecondary goals. |
| Transfer of rights, age of majority<br>(34 CFR §§ 300.320; 300.520; Wis. Stats. § 115.787) | Beginning at least one year before a student's 18th birthday, and annually thereafter, the IEP must include a statement that the student has been informed about the rights under state and federal special education law that transfer to the student at age 18. The law also requires a LEA to inform the student's parents about the transfer of rights. The LEA must continue to provide any notice required by special education law to both the student and the parents.<br><br>Indicate whether the student will be 17 or older during the timeframe of the IEP by checking the appropriate box. If the student will be 17 or older during the timeframe of the IEP, document how the student and the parents were informed of the rights that transfer, e.g., "On 9-19-2019 via letter." Each IEP developed after the student is first informed of the rights that transfer at age 18 must include a statement that the student was informed about the rights. |
| Graduation<br>(34 CFR § 300.102) | Eligibility for a Free Appropriate Public Education (FAPE) ends when the student is granted a regular high school diploma, or at the end of the school term in which the student turns age 21. Check the appropriate box indicating whether the student will receive a regular high school diploma or turn age 21 at the conclusion of the current academic year. |

## I-10 Notice of Changes to IEP without an IEP Meeting

Form I-10 is used to document agreement and provide parent(s) notice of changes to an IEP without an IEP team meeting. Form I-10 also serves as prior written notice of the date the changes were agreed upon and when the changes will take place, so LEAs that use form I-10 do not also need to complete an updated placement page (form P-2).

The LEA must provide the parent(s) with a copy of the updated IEP (with the changes made) (Wis. Stat. § 115.787[3][e]). If applicable, the LEA must also update the program summary of Form I-4, including the duration column, to reflect the changes made without an IEP team meeting. A LEA must provide a notice of changes to an IEP a reasonable time prior to implementation. In order to make changes to an IEP without a meeting, the parent(s) must agree to the changes. However, the LEA is not required to obtain parental consent prior to implementing the changes. Only the student's IEP team may make decisions about change in placement. Educational placement includes increasing or decreasing the amount of time in special education. An IEP team meeting is required when making a change of placement. If a change in the location of special education services would increase or decrease the amount of time with nondisabled peers or make substantive changes to the student's educational program, then the IEP team must meet to make the determination.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Notice of changes to IEP without an IEP meeting<br>(34 CFR § 300.324[a][4]; Wis. Stat. § 115.787[4][c] and 115.792[1][b]) | Form I-10 provides the parents with notice of the changes to the IEP and documents who was involved in determining the changes and when and how, (face-to-face conference, phone conversation, or exchange of emails) an agreement was reached. The notice specifies the date the changes will begin and informs the parents the changes will be implemented in the student's current placement. |
| The changes are:<br>(34 CFR § 300.503[b][1]; Wis. Stat. § 115.792[2][a]) | The LEA must specify what the changes to the IEP are. |
| The reason(s) for making the changes are….<br>(34 CFR § 300.503[b][2] and [b][3]; Wis. Stat. § 115.792[2][b] and [2][d]) | The LEA must identify why the agency proposes to take this action and a description of each evaluation procedure, assessment, record, or report the agency used as a basis. |

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| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503[b][6] and [b][7], Wis. Stat. § 115.792[2][c]) | Enter a description of other options considered, if any, the reasons those options were rejected, and a description of any other relevant factors. If no options were considered and rejected, check the "None" box. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR § 300.503[b][4] and [b][5]; Wis. Stat. § 115.792[2][g] and [2][h]) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA and state law, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parents with another procedural safeguards notice if, in the current school year, the LEA previously provided the notice. However, if the parents request a copy, or requested a reevaluation, then the LEA must provide the parents a procedural safeguards notice. |

## I-11 Extended School Year

Form I-11 is used when an IEP team considers whether extended school year (ESY) services are necessary to provide FAPE to a student. ESY services are provided to a student with a disability beyond the normal school year (34 CFR § 300.106[a][2]). ESY services are provided only if a student's IEP team determines, based on the individual needs of the student, that the services are necessary for the provision of FAPE to the student (34 CFR § 300.106[b]). ESY services must be provided in accordance with the student's IEP and at no cost to the student's parents (34 CFR § 300.106[a][3][b][1][ii] and [iii]). The services must meet the standards of the Department, e.g., appropriately licensed staff (34 CFR § 300.106[b][2]). A LEA may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of those services (34 CFR § 300.106[a][3]).

Implementation Considerations:

There are no specific criteria in state or federal special education law for determining when ESY services are required. However, the courts have provided some guidance for making this decision. Information related to ESY is available on the Department's website at http://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/10-02.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Need for ESY<br>(34 CFR § 300.106[a]). | If the IEP team considers ESY services and determines they are required, check the "Yes" box and identify the annual goals to be addressed. If the IEP team considers ESY services and determines they are not required, check the "No" box and document the reasons. |
| Goals to be addressed<br>(34 CFR §300.320(a)(4)(i); Wis. Stat. § 115.787[2][c][1.]) | If the IEP team determines ESY services are required, the IEP team identifies the IEP annual goals, and short-term objectives, if applicable, that will be addressed during the ESY. New goals may be developed, goals from the student's existing IEP may be used, or existing goals may be modified. |
| Needed services<br>(34 CFR §300.320(a)(4); Wis. Stat. § 115.787[2][c]) | The IEP team describes the supplementary aids and services, special education/specially designed instruction, related services, or program modification or other supports for school personnel that will be provided during the ESY. All types of service may not be required. Enter "none" if a particular type of service is not required. List the required ESY services. For each ESY service, describe the frequency, amount, location, and duration of the service along with the goal and disability related need(s) it addresses. |

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## I-12 Manifestation Determination Review

Form I-12 is used to document a manifestation determination review when a student's placement is changed for disciplinary reasons. Within **ten school days** after the date on which the decision to change the student's placement is made, the public agency, the parent and relevant members of the IEP team must determine whether the conduct in question is a manifestation of the student's disability (34 CFR § 300.530[e][1]).

Implementation Considerations:

The law requires a manifestation determination be made by the parent and relevant members of the student's IEP team (34 CFR § 300.530[e][1]). While not required by law, LEAs often conduct manifestation determination reviews through the IEP team process because the IEP team is required to make other decisions that are related and may be discussed during the meeting. For example, if the conduct in question is determined to be a manifestation of the student's disability, an IEP team meeting is required to either complete a functional behavioral assessment (FBA) and develop a behavioral intervention plan (BIP), or review the BIP, if one exists, and modify it as necessary.(34 CFR § 300.530[f]).

A review team must determine the behavior in question was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was a direct result of the LEA's failure to implement the student's individualized education program (IEP) (34 CFR § 300.530[e][1][i] and [ii]). This is determined on a case-by-case basis, and the analysis is dependent upon the particular circumstances involved.

If there is a disciplinary change in placement, an IEP team meeting is required to determine the appropriate services for the student during the period of removal and the setting in which the services will be provided (34 CFR § 300.530[d][5]). Except where a student is disciplined for behavior involving weapons, drugs or serious bodily harm, if the behavior is determined to be a manifestation, the IEP team must return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement (34 CFR § 300.530[f][2]). If the behavior is determined not to be a manifestation of the student's disability, the LEA may remove the student to the same extent it would remove a student who does not have a disability (34 CFR § 300.530[c]).

Information Update Bulletin 14.02 provides additional information about manifestation determinations, and can be found on the Department's website at https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/14-02.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date manifestation determination made (34 CFR § 300.530[e][1]) | A manifestation determination must be made within **ten school days** of any decision to change the placement of a student for disciplinary reasons. |

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| Review team participants<br>(34 CFR § 300.530[e][1]) | IDEA allows the public agency, the parent, and relevant members of the student's IEP team to make the determination. A space is provided on form I-12 to document the individuals who participate in the manifestation determination review. If a full IEP team makes the manifestation determination in an IEP team meeting, the IEP team participants' names are recorded on form I-3, *Evaluation Report and IEP Cover Sheet* and are not recorded here. |
| Section I-A: Description of behavior<br>(34 CFR § 300.530[e][1]) | In section I-A, include a description of the behavior subject to disciplinary action. The description should be as objective and factual as possible. Additional pages may be attached, including an incident report or other information. |
| Section I-B: Consideration of all relevant information<br>(34 CFR § 300.530[e][1]) | In making the determination, all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents must be reviewed. This list is not exhaustive and all relevant information must be considered. Document consideration of all relevant information in section I-B. |
| Section II: Manifestation determination<br>(34 CFR § 300.530[e][2]) | When determining a behavior is a manifestation of the disability, the review team must determine the behavior was caused by or had a direct and substantial relationship to the student's disability **or** was a direct result of the LEA's failure to implement the student's IEP. In sections II-A and II-B, document the review team's conclusions and the basis for the conclusions. If a student's behavior in question was a direct result of the LEA's failure to implement the student's IEP, the behavior is a manifestation of the student's disability and the LEA must take immediate steps to remedy the failure to implement the IEP. Check the appropriate box in the "Summary" section to indicate whether the behavior in question was a manifestation of the student's disability. |

**DW-1 Worksheet for Documenting Educational Services Provided During Disciplinary Removals that Do Not Constitute a Disciplinary Change of Placement**

When a student has received more than 10 cumulative disciplinary removals, during each subsequent removal, the student must receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP (34 CFR § 300.530[d][4]). The services required are determined by school personnel (the principal or another administrator) in consultation with at least one of the student's teacher.

Implementation Considerations:

A new DW-1 form should be used for each removal that does not constitute a change in placement.

Form DW-1 is used to document the educational services provided to a student during a disciplinary removal that did not constitute a disciplinary change of placement (34 CFR § 300.530[d][4]). This means that the student is not being removed for more than 10 consecutive school days or the series of removals do not constitute a pattern (34 CFR §300.536[a]). Disciplinary removal means a removal of a student with a disability from their current placement for a violation of the code of student conduct (34 CFR § 300.530[b][1]). Examples of disciplinary removals include, but are not limited to:

- expulsions;
- out-of-school suspensions;
- in-school suspensions if:
    - the student's IEP was not implemented, or
    - the student did not participate with nondisabled peers to the extent required by the IEP, or
    - the student did not have the opportunity to appropriately progress in the general curriculum;
- bus removals if the student's IEP includes transportation as a related service and the district did not provide for alternative transportation; and
- de facto suspensions where a student is removed from school or class for not following school rules without following the procedures related to suspension. LEAs should have procedures to accurately track and count de facto suspensions. A student is considered removed during periods when: (1) the student's IEP was not implemented; (2) the student did not participate with nondisabled peers to the extent required by the IEP; or (3) the student did not have the opportunity to appropriately progress in the general curriculum.

Partial day removals must be included when determining the number of days of removal for a student. For example, if a student was suspended for four periods of an eight period day, then it must be counted as a half day of removal.

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IDEA requires LEAs to count removals within the same academic year. If a student transfers within an academic year, the LEA must count removals that occurred in each school and LEA the student attended within the academic year. The LEA must demonstrate how such removals are counted.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Section I: Dates and length of disciplinary removal (34 CFR § 300.530[d][4]). | For each removal, list the dates and length of the disciplinary removal in this section. If a student who was subjected to disciplinary removals in one LEA and transfers to another, those removals must be counted towards the 10 cumulative days if the removals occurred in the same school year. |
| Section II: Documentation of Educational services (34 CFR § 300.530[d][4]) | The documentation of educational services enables parents and LEAs the opportunity to determine whether the student was provided educational services during each removal beyond the 10th cumulative day of removal in a single school year. Document the school personnel and teacher that participated in determining the educational services (including name, title, and date determined). A description of the educational service should be provided, as well as the location, date and time, and a name of the person who provided the service. This information should be included for each educational service provided to the student. |

**Determining Placements**

A student's placement is determined by an IEP team after developing the student's IEP (Wis. Stat. § 115.78[2][c] and § 115.78[3][c]). The placement must be in the least restrictive environment (LRE) [34 CFR § 300.118; Wis. Stat. § 115.79[1][c]). To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, must be educated with students who are not disabled. [34 CFR § 300.114; Wis. Stat. § 115.79[1][c]). Special classes, separate schooling, or other removal of the student from the regular education environment occurs only if the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (34 CFR § 300.114[2][ii]; Wis. Stat § 115.79[1][d]). Each public agency must ensure a continuum of placements is available to meet the special education and related service needs of children/students with disabilities (34 CFR § 300.115). The continuum must include instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions (34 CFR § 300.115[b][1).

There is a change in educational placement when there is a substantial or material alteration to a student's education program, including increasing or decreasing the amount of time in special education (Letter to Fisher, 21 IDELR 992 [OSEP 1994] and Letter to Trigg, 50 IDELR 48 [OSEP 2007]). For example, moving a student from a general education classroom to a special education resource room would be a change of placement, as it would change the student's level of interaction with his or her nondisabled peers. Only the student's IEP team may make decisions about change in placement (Wis. Stat. § 115.78[2][c]). An IEP team meeting is required when making a change of placement (Wis. Stat. § 115.78[2][c]). If a change in the location of special education services would increase or decrease the amount of time with nondisabled peers or be a substantial or material alteration to the student's education program, then the IEP team must meet to make the determination.

## P-1 Determination and Notice of Placement: Consent for Initial Placement

Form P-1 is used to provide parents notice the LEA will implement the student's initial IEP and the school or other facility at which it will be implemented. It is also used to obtain consent from the parent for the initial provision of special education services (34 CFR §§ 300.114; 300.116; 300.300; 300.327; 300.503; Wis. Stats. §§§§ 115.78; 115.787; 115.79; 115.792).

Implementation Considerations:

A LEA must provide parents with notice a reasonable time before the LEA implements their student's IEP and placement (34 CFR § 300.503[a]). In implementing this requirement, the LEA should consider the amount of time mail takes to go through the LEAs processing and mailing system.

If an IEP is in effect for a period in which a student will move from one school to another because of a change of level, e.g., from elementary to middle school, the IEP team may determine placement for both levels at the same meeting and include the information in the notice of placement. "ABC Elementary School from January 17, 2019 to June 6, 2019 and XYZ Middle School from September 4, 2019 to January 16, 2020." If only the current school placement is listed, e.g., "ABC Elementary School," the IEP team must meet again to determine the student's next school placement, and the student's parents must receive a new notice of placement prior to implementation of the IEP in the next school.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of placement determination (34 CFR § 300.116; Wis. Stat. § 115.79[1][b]) | A student's placement must be determined **at least annually**. No more than twelve months may elapse between IEP team meetings to determine a student's placement. |
| Date parent provided with notice of placement (34 CFR § 300.503; Wis. Stat. § 115.792) | The parents must receive a notice of placement, including a copy of their student's IEP, a reasonable time before the LEA initiates the student's placement and begins implementing the IEP. |
| Date of IEP development (34 CFR § 300.116) | The date of IEP development is the date of the IEP team meeting to develop the student's IEP. The student's placement must be based on the IEP. |
| School or other facility where IEP implemented and services provided (34 CFR § 300.503; Wis. Stat. § 115.792) | This entry identifies the school or other facility (e.g., home, residential care center, hospital) where the student's IEP will be implemented. If the student's IEP will be implemented in a public school, enter the name of the public school and the school district within which it is |

located. If the student's IEP will be implemented in another facility, identify the facility and the city in which it is located. A placement must be as close as possible to the student's home.

Unless the IEP requires another arrangement, the student must be educated in the school that the student would attend if not disabled. If the student's IEP will be implemented in the school the student would attend if not disabled, mark the "Yes" box. If the student will **not** attend that school, mark the "No" box and explain why. If the child is three or four years old and the LEA does not provide regular education programs for children of that age, document consideration of the child's current age-appropriate settings for the delivery of special education and related services.

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| Other options considered and reasons rejected, and a description of any other relevant factors (34 CFR § 300.503; Wis. Stat. § 115.792) | Enter other options considered, if any, related to the student's IEP and the placement of the student, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box. |
| Copies of evaluation report and IEP (34 CFR §§ 300.306, 300.322, and 300.503; Wis. Stats. §§ 115.782, 115.787, 115.792) | The LEA must provide the student's parents with a copy of an evaluation report that includes documentation of determination of eligibility for special education. If the LEA provided the parents with a copy of their student's latest evaluation report, the LEA is not required to provide another copy unless a parent requests a copy. A LEA may provide the report with the placement notice or provide it prior to providing the placement notice. A LEA must provide parents a copy of their student's IEP **with** the placement notice. Check the appropriate box to indicate whether the LEA previously provided a copy of the student's evaluation report to the parents and is providing a copy of the IEP with form P-1, or the LEA is providing both the evaluation report and the IEP with form P-1. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights (34 CFR § 300.503; Wis. Stat. § 115.792[2]) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA, and of sources they may contact to obtain information and assistance in understanding IDEA and state special education law. Because the LEA previously provided a copy of the complete procedural safeguards with the initial notice of evaluation (form IE-1), the LEA is not required to provide the parents with another copy of the procedural safeguards notice unless the parents request it. |

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| Parent permission is needed for services (34 CFR § 300.300; Wis. Stat. § 115.79) | The LEA must obtain the consent of the student's parent before the initial provision of special education and related services. Page 2 of form P-1 is used to obtain this consent. The parent's consent for evaluation may not be construed to be consent for the initial provision of special education and related services. |
| Explanation regarding consent is voluntary, the right to revoke that consent, and the possible effects of not granting consent (34 CFR §§ 300.9 and 300.300) | The LEA must inform parents the granting of consent is voluntary and may be revoked at any time. If a parent does not grant consent for services, the LEA may **not** request mediation or initiate a due process hearing regarding whether services should be provided. |

## P-2 Determination and Notice of Placement

Form P-2 is used after a parent has consented to the initial provision of special education services. It is used to provide notice to the parents that a new annual IEP or a revised IEP will be implemented and to provide notice of the school or other facility where the IEP will be implemented (34 CFR § 300.116; 300.503; Wis. Stats. §§ 115.78 and 115.787).

An updated determination and notice of placement form (P-2) is not required if the LEA, with agreement of the parent(s), is making changes to the IEP outside of an IEP meeting. In that case, the notice of changes to IEP without an IEP meeting form (I-10) provides prior written notice of the agreement and when those changes will begin. In this case, an updated copy of the IEP must be included with the I-10 form.

Implementation Considerations:

A LEA should schedule an annual IEP team meeting far enough in advance of the one year anniversary of the IEP team meeting to ensure compliance with the requirements to conduct an IEP team meeting at least annually to review the IEP and to determine a student's placement (Wis. Stat. § 115.79[1][b]). LEAs sometimes err by arranging the IEP team meeting date based on the date of the last notice of placement, rather than on the date of the last IEP team meeting to determine a placement.

A LEA must provide parents with notice a reasonable time before the LEA implements their student's IEP and placement (34 CFR § 300.503[a]). In implementing this requirement, the LEA should consider the amount of time mail takes to go through the LEAs processing and mailing system.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of placement determination (34 CFR § 300.116; Wis. Stat. § 115.79[1][b]). | A student's placement must be determined **at least annually**. No more than twelve months may elapse between IEP team meetings to determine a student's placement. |
| Date parent provided with notice of placement (34 CFR § 300.503; Wis. Stats. § 115.792) | The parents must receive a notice of placement, including a copy of their student's IEP, a reasonable time before the LEA initiates the student's placement and begins implementing the annual or revised IEP. |
| Date of IEP development (34 CFR § 300.116) | The date of IEP development is the date of the IEP team meeting to develop or review/revise the student's IEP. The student's placement must be based on the IEP. |

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| School or other facility where IEP implemented and services provided<br>(34 CFR §§ 300.116 and 300.503; Wis. Stat. § 115.792) | This entry identifies the school or other facility (e.g., home, residential care center, hospital) where the student's IEP will be implemented. If the student's IEP will be implemented in a public school, enter the name of the public school and the school district within which it is located. If the student's IEP will be implemented in another facility, identify the facility and the city in which it is located. A placement must be as close as possible to the student's home. In selecting a placement, consideration must be given to any potential harmful effect on the student or on the quality of services they need. |
| The school the child would attend if not disabled<br>(34 CFR § 300.116) | Unless the IEP requires another arrangement, the student must be educated in the school that they would attend if not disabled. If the student's IEP will be implemented in the school the student would attend if not disabled, mark the "Yes" box. If the student will **not** attend the school s/he would attend if not disabled, mark the "No" box. Explain why the student cannot attend that school. If the child is three or four years old and the LEA does not provide regular education programs for children of that age, document consideration of the child's current age-appropriate settings for the delivery of special education and related services. |
| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stat. § 115.792) | Enter other options considered, if any, related to the student's IEP and the placement of the student, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box. |
| Copies of evaluation report and IEP<br>(34 CFR §§ 300.306, 300.322, and 300.503; Wis. Stats. §§ 115.782 and 115.787) | The LEA must provide the student's parents with a copy of an evaluation report that includes documentation of determination of eligibility for special education. If the LEA provided the parents with a copy of their student's latest evaluation report, the LEA is not required to provide another copy unless a parent requests a copy. A LEA may provide the report with the placement notice or provide it prior to providing the placement notice. A LEA must provide parents a copy of their student's IEP **with** the placement notice. Check the appropriate box to indicate whether the LEA previously provided a copy of the student's evaluation report to the parents and is providing a copy of the IEP with form P-2, or the LEA is providing both the evaluation report and the IEP with form P-2. |

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| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR § 300.503; Wis. Stat. § 115.792[2]) | Any required notice must inform parents of the protections they have under the procedural safeguards of IDEA, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.<br><br>The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one. |

## P-3 Notice of Graduation

Form P-3 is used to provide the parent and adult student with notice of graduation with a regular high school diploma and to provide the student a summary of academic achievement and functional performance (34 CFR §300.102[a][3][iii] and 300.503[a][1]; Wis. Stat. § 115.792[1][b]). Graduation is a change in placement and must follow the procedural requirements of any other placement considered by the IEP team (34 CFR 300.102[a][3][iii]). Graduation from high school with a regular high school diploma ends a student's eligibility for special education and related services and is a change of placement requiring written prior notice (34 CFR §300.102[a][3][iii]; Wis. Stat. § 115.792[1][b]). Receipt of a high school equivalency diploma (HSED), GED, general educational equivalency, or an alternative diploma does not end a student's eligibility for special education services (34 CFR §300.102[a][3][ii]). Students who do not graduate with a regular high school diploma continue to have a right to a free appropriate public education (FAPE) until the end of the school term in which they turn 21 (Wis. Stat. § 115.76[3]). Additional information about graduation is available at http://dpi.wi.gov/sped/topics#graduation.

Implementation Considerations:

An appropriate time before a student is scheduled to receive a high school diploma, an IEP team should meet and determine whether graduation requirements will be met by the end of the current school year, whether the IEP goals will be substantially completed, and whether new goals are needed for the coming year.

When the IEP team meets to consider graduation, it should consider information provided by the parent or adult student, previously completed tests or other evaluations, grades, credits earned, the measurable postsecondary goals stated in the IEP, and other relevant information (Wis. Stat. § 115.787[4][a]).

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Parent or adult student participation (34 CFR §§ 300.321 and 300.322; Wis. Stats. § 115.78). | The parent or the adult student is an IEP team participant and must have an opportunity to participate in the decision-making process. When a parent or an adult student participates in the IEP team meeting to consider graduation, the first box is checked. If the parent or adult student does not participate, then the second box is checked, and the LEA's attempts to involve the parent(s) or adult student in the meeting are documented. |
| Decision about graduation and basis (34 CFR § 300.503; Wis. Stat. § 115.792[2]) | The parent and the adult student must be provided with a description of any evaluation procedures, tests, and records or reports used as the basis for the IEP team's decisions. Enter this |

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| | information. The notice informs the parent and adult student about graduation. Enter the date the student is expected to graduate. |
| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stat. § 115.792[2]) | Enter other options considered, if any, related to a student's graduation, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the "None" box. |
| Effect of graduating<br>(34 CRR §300.102[3]; Wis. Stat. § 115.792[1][b]). | The parent and adult student are informed that graduation from high school with a regular diploma permanently ends a student's eligibility for special education and related services. |
| Summary of academic achievement, functional performance, and recommendations to assist in meeting postsecondary goals<br>(34 CFR § 300.305[e][3]) | An evaluation is not required before the termination of a student's eligibility due to graduation with a regular diploma. However, the LEA must provide the student with a summary of his/her academic achievement and functional performance, including recommendations on how to assist with his/her postsecondary goals. More information is available at http://dpi.wi.gov/sped/topics/transition and http://www.witig.org/. Record a summary of academic achievement, a summary of functional performance, and recommendations to assist in meeting postsecondary goals on page 2 of form P-3. |
| Parents and adult students have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR § 300.503; Wis. Stat. § 115.792[2]) | A required notice must inform parents and the adult student of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.<br><br>The LEA is not required to provide the parents or adult student with a copy of the complete procedural safeguards notice if the LEA previously provided the parents or adult student with a copy of the procedural safeguards in the current school year. However, if the parents or adult student request another copy of the procedural safeguards, the LEA must provide one. |

## P-4 Notice of Ending of Services Due to Age

A student with a disability who has not graduated from high school with a regular high school diploma has a right to a free appropriate public education (FAPE) until the end of the school term in which they attains the age of 21 (34 CFR § 300.102; Wis. Stat. § 115.76[3]). Form P-4 is used to inform the parent and adult student the student will exceed the age of eligibility for FAPE and, therefore, will no longer be eligible for special education and related services (34 CFR § 300.503; Wis. Stats. § 115.792). The form also is used to provide the student with the required summary of academic achievement and functional performance (34 CFR § 300.305[e][3]).

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Information related to ending special education and related services (34 CFR § 300.503; Wis. Stats. § 115.792) | Enter the first day the student will no longer be eligible for special education and related services. |
| Summary of academic achievement, functional performance, and recommendations to assist in meeting postsecondary goals (34 CFR § 300.305[e][3]) | An evaluation is not required before the termination of a student's eligibility due to exceeding the age of eligibility for FAPE. However, the LEA must provide the student with a summary of his/her academic achievement and functional performance, including recommendations on how to assist with his/her postsecondary goals. Record a summary of academic achievement, a summary of functional performance, and recommendations to assist in meeting postsecondary goals on form P-4. More information is available at http://dpi.wi.gov/sped/topics/transition and http://www.witig.org/. |
| Other options considered and reasons rejected, and a description of any other relevant factors (34 CFR § 300.503; Wis. Stat. § 115.792[2]) | Enter other options considered, if any, related to the end of eligibility for FAPE and the summary of performance, including the reasons for rejecting those options along with any other relevant factors. If no other options were considered, check the “None” box. |
| Parents and adult students have procedural safeguards and can contact other sources for assistance about understanding their rights (34 CFR § 300.503; Wis. Stat. § 115.792[2]) | A required notice must inform parents and the adult student of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law. |

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The LEA is not required to provide the parents or adult student with a copy of the complete procedural safeguards notice if the LEA previously provided the parents or adult student with a copy of the procedural safeguards in the current school year. However, if parents or adult student request another copy of the procedural safeguards, the LEA must provide one.

## P-5 Parent Revocation of Consent for Special Education

Parent includes an adult student if parental rights have transferred (Wis. Stat. § 115.807[3]). A parent may revoke consent for special education and related services at any time (34 CFR § 300.9[c] and 34 CFR § 300.300[b][4]).The revocation of consent must be in writing (34 CFR § 300.9[c]). The revocation must be for all special education and related services. A parent cannot decide to revoke consent for some services, but keep others (73 Fed. Reg. 73,011 [2008]). Form P-5 may be given to and used by a parent to provide written revocation of consent. However, a particular form is not required, and a parent may use other ways to provide written revocation. When the LEA receives written revocation of consent, the LEA must promptly provide prior written notice a reasonable time before stopping special education and related services (see Form P-6) (34 CFR § 300.530[a]; Wis. Stat. § 115.792[1][b]). A LEA may not use mediation or due process procedures to challenge revocation of consent (34 CFR § 300.300[b][4][ii], Letter to Cox, OSEP 2009, 110 LRP 10357, and Letter to Gerl, OSEP 2012, 59 IDELR 200).

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Statement revoking consent and signature (34 CFR § 300.9[c]) | Revocation of consent must be in writing and this provides the required documentation. |
| Consequences of revocation (34 CFR § 300.300[b][4]) | The form explains the following consequences of revoking consent so the LEA can establish a sufficient record that the parent has been appropriately informed. Once special education and related services stop, the LEA:<br>● Is not required to make a free and appropriate education (FAPE) to the student;<br>● Is not required to have an IEP team meeting or develop an IEP for the student;<br>● Is not required to follow discipline protections under the Individuals with Disabilities Education Act (IDEA); and<br>● Is not required to amend the student's education records to remove any reference to the student's receipt of special education and related services. |
| Right to future evaluation and services (73 Fed. Reg. 73,015 [2008] and Letter to Cox, OSEP 2009, 110 LRP 10357) | The form provides the following information so the LEA can establish a sufficient record that the parent has been appropriately informed. By revoking consent, a parent does not waive the right to a future special education evaluation, and if found eligible, future special education and related services. After revocation of consent, a future evaluation would be treated as an initial evaluation. |

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## P-6 Notice of Cessation of Special Education and Related Services in Response to Parental Revocation of Consent

Parent includes an adult student if parental rights have transferred (Wis. Stat. § 115.807[3]). A parent may revoke consent for special education and related services at any time (34 CFR § 300.9[c] and 34 CFR § 300.300[b][4]). The revocation of consent must be in writing (34 CFR § 300.9[c]). When a LEA receives a written revocation of consent, the LEA must promptly respond by providing prior written notice regarding the resulting change in placement and services (34 CFR § 300.530[a]; Wis. Stat. § 115.792[1][b]). The prior written notice must be in accordance with 34 CFR § 300.503 (see page 5 of this Guide to Special Education Forms). The prior written notice must be provided within a reasonable time before stopping special education and related services (34 CFR § 300.530[a]; Wis. Stat. § 115.792[1][b]). Providing this notice a reasonable time before discontinuing services gives a parent the necessary information and time to fully consider the change. This form may be used to provide the required prior written notice.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of cessation of services<br>(34 CFR § 300.530[a]; Wis. Stat. § 115.792[1][b]) | When a parent revokes consent for special education, the LEA must provide prior written notice informing the parent when the services will end. |
| Attachment of IEP<br>(34 CFR § 300.530[a]; Wis. Stat. § 115.792[1][b]) | The prior written notice must inform the parent of the educational services and supports declined. Attaching the IEP gives this information. |
| A parent has unilateral authority to stop special education and related services<br>(34 CFR § 300.530[a]; Wis. Stat. § 115.792[1][b]) | A prior written notice must contain the following content requirements (see page 5 of this Guide to Special Education Forms):<br>● a description of the action proposed or refused by the LEA;<br>● an explanation why the LEA proposes or refuses to take the action;<br>● a description of each evaluation; procedure, assessment, record or report the LEA used as a basis for the proposed or refused action;<br>● a description of any other options that the LEA considered and the reasons why those options were rejected; and<br>● a description of other factors relevant to a LEA's proposal or refusal.<br>This section documents that a parent has the unilateral authority to stop special education and related services, and that a LEA cannot refuse a parent's request to do so. Consequently, there is no other basis for the LEA's action. |

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| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR § 300.503[b][4] and [b][5]; Wis. Stat. § 115.792[2][g] and [2][h]) | Any required notice must include a statement that the parents of a student with a disability have protections under the procedural safeguards of IDEA and of sources to obtain information and assistance in understanding IDEA and state special education law. The LEA is not required to provide the parent with another procedural safeguard notice if, in the current school year, the LEA previously provided the notice. However, if the parent requests another copy, then the LEA must provide the parent one. |
| Narrative regarding consequences of revocation<br>(34 CFR § 300.9[c] and 34 CFR § 300.300[b][4]) | The notice explains the consequences of revoking consent so the LEA can establish a sufficient record that the parent has been appropriately informed. Once special education and related services stop, the LEA:<br>● is not required to make a free and appropriate education (FAPE) to the student;<br>● is not required to have an IEP team meeting or develop an IEP for the student;<br>● is not required to follow discipline protections under the Individuals with Disabilities Education Act (IDEA); and<br>● is not required to amend the student's education records to remove any reference to the student's receipt of special education and related services. |
| Right to future evaluation and services<br>(73 Fed. Reg. 73,015 [2008] and Letter to Cox, OSEP 2009, 110 LRP 10357) | The notice provides the following information to ensure an informed decision. By revoking consent, a parent does not waive the right to a future special education evaluation, and if found eligible, future special education and related services. After revocation of consent, a future evaluation would be treated as an initial evaluation. |

**Miscellaneous**

## M-1 Notice of Response to an Activity Requested by a Parent

Form M-1 is used when a parent requests the LEA to take an action, and the LEA either proposes an alternate course of action or refuses the parent's request (34 CFR § 300.503[a]; Wis. Stat. § 115.792[1][b]).

Implementation Considerations: A parent may request an IEP team meeting to address services for their student, and the LEA should grant any reasonable request for an IEP team meeting (64 Fed. Reg. 12,580 and 12,624 [1999]). If the district denies the request for an IEP team meeting, the LEA must provide the parent with a notice of refusal in writing (34 CFR § 300.503; Wis. Stat. § 115.792). The notice must include an explanation of why the LEA refuses to grant the request (34 CFR § 300.503[a]; Wis. Stat. § 115.792[1][b]).

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Date of request and notice<br>(34 CFR § 300.503; Wis. Stat. § 115.792) | The LEA must respond within a reasonable amount of time after receiving a parent request to initiate or change the identification, evaluation, educational placement of the student, or the provision of free appropriate public education (FAPE) to the student. |
| Action requested by parent and LEA response<br>(34 CFR § 300.503[a]; Wis. Stat. § 115.792[1][b]) | Enter a description of the action requested by the parent, the date of the request, and the student's name. If the LEA proposes an alternate course of action, check the box "Proposes the following action regarding your request." State the course of action, the reason, and any other options considered and the reasons rejected. If the LEA refuses the action proposed by the parent, check the box "Refuses your request." State the reasons and any other options considered and the reasons rejected. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR § 300.503[b][4] and [b][5]; Wis. Stat. § 115.792[2][g] and [2][h]) | A required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.<br><br>The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one. |

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## M-2 Notice of Agreement to Extend Time Limit to Complete Evaluation for Transfer Student

**Within 60 calendar days** of receiving parent consent to administer tests or other evaluation materials as a part of an initial evaluation or a reevaluation, or informing parents that no additional assessment or evaluation data are needed, an IEP team must meet and determine whether a student is or continues to be a "child with a disability." (34 CFR § 300.301[c]; Wis. Stat. § 115.78[3][a]). The law permits extension of the 60-day timeline when a student transfers from one LEA to another during the 60-day time period, but only if the parent and receiving LEA agree to a specific time when the evaluation will be completed and the receiving LEA makes sufficient progress to ensure prompt completion of the evaluation (34 CFR § 300.301[d][2] and [e]; Wis. Stat. § 115.777[3][b][1.]). Form M-2, *Notice of Agreement To Extend Time Limit To Complete Evaluation For Transfer Student*, is used to document an agreement between a parent and a LEA to extend the 60-calendar-day timeline (34 CFR § 300.301[d][2] and [e]; Wis. Stat. § 115.777[3][b][1.]).

Implementation Considerations:

A LEA may neither unilaterally impose an extension nor request an extension from the Department of Public Instruction. The Department has no authority to grant extensions of the 60-day time limit.

The LEA should establish a process to obtain information to decide whether to propose an extension and designate the personnel with the authority to agree with a parent to extend the time in which to complete the evaluation.

While an agreement between the LEA and the parent is required, there is no requirement the parent sign a written agreement. Form M-2 documents the agreement between the LEA and the parent.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Parent agreement to extend the time to complete the evaluation (34 CFR § 300.301[d][2] and [e]; Wis. Stat. § 115.777[3][b][1.]). | Document on form M-2 that the parent and LEA agreed to extend the time limit in which to complete the evaluation, including the date of the agreement and how the agreement occurred, e.g., face-to-face conference, phone conversation, or exchange of e-mails. Enter the agreed upon date (month, day, year) for the evaluation to be completed. |
| Reason for the extension (34 CFR § 300.301[d][2] and [e]; Wis. Stat. § 115.777[3][b][1.]). | Identify the reason(s) that an extension of the 60-day timeline is needed. |

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| Other options considered and reasons rejected, and a description of any other relevant factors<br>(34 CFR § 300.503; Wis. Stats. § 115.792) | Enter other options considered, if any, when proposing to extend the 60-day timeline and the reasons those options were rejected along with any other factors relevant to the timeline extension. If no other options were considered, check the "None" box. |
| General information about the right to be provided additional time<br>(34 CFR § 300.301[d][2] and [e]; Wis. Stat. § 115.777[3][b][1.]). | If the parents of a student or LEA staff determine that additional time is needed to permit meaningful parent participation, the LEA must provide it within the applicable timelines for completing the evaluation and meeting to develop an IEP. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights<br>(34 CFR § 300.503[b][4] and [b][5]; Wis. Stat. § 115.792[2][g] and [2][h]) | A required notice must inform parents of the protections they have under the procedural safeguards of IDEA, and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.<br><br>The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one. |

## M-3 Agreement to Extend the Time Limit to Complete the Evaluation of a Child Suspected of Having a Specific Learning Disability

**Within 60 calendar days** of receiving parental consent to administer tests or other evaluation materials as a part of an initial evaluation or a reevaluation, or informing parents that no additional evaluation data are needed, an IEP team must meet and determine whether a child is or continues to be a "child with a disability." (34 CFR § 300.301[c]; Wis. Stat. § 115.78[3][a]). The law permits extension of the 60-day timeline to complete an evaluation for a specific learning disability (SLD) if the parent and the LEA agree in writing (34 CFR § 300.309[c]; Wis. Admin. Code P.I. § 11.36[6][b]). This exception applies when SLD is being considered for the first time and permits a LEA the necessary time to collect data on a child/student's response to required intensive interventions.

Implementation Considerations:

A LEA may neither unilaterally extend the time limit nor request an extension from the Department of Public Instruction. The Department has no authority to grant extensions.

The LEA should establish a process to obtain information to decide whether to propose an extension and should designate the personnel with the authority to agree with a parent to extend the time in which to complete the evaluation.

Note the effective date of an agreement to extend the evaluation is the date the parent signs a written agreement, not the date the LEA and the parent discussed the matter and agreed upon an extension.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
|---|---|
| Agreement to extend the time to complete the evaluation<br>(34 CFR § 300.309[c]; Wis. Admin. Code P.I. § 11.36[6][b]) | The notice documents discussions with the parent about an extension and the agreed upon date (month, day, year) for the evaluation to be completed. Enter the date the LEA personnel and the parent spoke or communicated by other means and agreed on a date to complete the evaluation. Enter the agreed-upon date to complete the evaluation. |
| Reason for the extension<br>(34 CFR § 300.309[c]; Wis. Admin. Code P.I. § 11.36[6][b]) | The LEA must identify the reason(s) for extending the evaluation. |

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| Other options considered and reasons rejected, and a description of any other relevant factors (34 CFR § 300.503; Wis. Stats. § 115.792) | Enter other options considered, if any, when proposing an extension of the 60-day timeline and the reasons the other options were rejected along with any other factors relevant to the timeline extension. If no other options were considered, check the "None" box. |
| Written parent agreement needed (34 CFR § 300.309[c]; Wis. Admin. Code P.I. § 11.36[6][b]) | The parent signs form M-3 and enters the date the parent signed. |
| Parents have procedural safeguards and can contact other sources for assistance about understanding their rights (34 CFR § 300.503[b][4] and [b][5]; Wis. Stat. § 115.792[2][g] and [2][h]) | A required notice must inform parents of the protections they have under the procedural safeguards of IDEA and of sources they can contact to obtain information and assistance in understanding IDEA and state special education law.<br><br>The LEA is not required to provide the parents with a copy of the complete procedural safeguards notice if the LEA previously provided the parents with a copy of the procedural safeguards in the current school year. However, if parents request another copy of the procedural safeguards, the LEA must provide one. |

## M-5 Consent to Bill Wisconsin Medicaid for Medically-Related Special Education and Related Services

Through the Medicaid school-based services (SBS) benefit, LEAs may submit claims to Wisconsin Medicaid for covered services provided to Medicaid-eligible students (34 CFR § 300.154[d][1]). Form M-5 is used to obtain parental consent to release education records to Wisconsin Medicaid and to obtain consent to bill Medicaid for covered services. The services must be listed in a student's IEP (Letter to Smith,48 IDELR 134 [OSEP 2007] and Letter to Guess, 47 IDELR 135 [OSEP 2007]).

Implementation Considerations:

Districts are required to obtain consent before billing Medicaid (34 CFR 300.154[d][2][iv] and 78 Fed. Reg. 10,525 [2013]). Consent may be obtained one time for the specific services and the duration of the services identified in a student's IEP (Letter to Smith,48 IDELR 134 [OSEP 2007] and Letter to Guess, 47 IDELR 135 [OSEP 2007]). The consent is effective until the parent revokes consent or specific conditions apply. Please refer to bulletin 14.01 at https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/14-01 for further guidance.

| FORM CONTENT | CLARIFICATION/EXPLANATION |
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| Identification of services that will be claimed under Wisconsin Medicaid (34 CFR § 300.154[d][2][iv]) | The LEA may submit a claim to Medicaid through the school-based services benefit for nursing services, physical therapy, occupational therapy, speech and language pathology services, specialized medical transportation, psychological services, counseling, social work services, and developmental testing and assessment. Enter the specific school-based services in the student's IEP to be billed to Wisconsin Medicaid. |
| Consent is needed before releasing education records to the Medicaid agency (34 CFR § 300.154[d][2][iv]) | Both the Family Educational Rights and Privacy Act (FERPA) and IDEA prohibit a LEA from releasing a student's education records to a State Medicaid agency for insurance billing without parental consent. List education records which the LEA may disclose to Wisconsin Medicaid. The parents must be informed of the reason for the disclosure, and that upon request they may receive copies of the records disclosed. |
| Consent is needed before billing Wisconsin Medicaid (34 CFR § 300.154[d][2][iv]) | The LEA may not bill Medicaid for covered services in a student's IEP unless and until it obtains parental consent for billing. |

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| Explanation regarding consent is voluntary, the right to revoke that consent, and the effect of refusing consent (34 CFR § 300.154[d][2][iv]) | The LEA must inform parents the granting of their consent is voluntary and may be revoked at any time. Parents must be informed they are not required to give their consent. Revocation of consent is not retroactive. Revocation does not negate an action that has occurred after the consent was given and before the consent was revoked. Therefore, it does not negate any billing that occurred after consent was given and before it was revoked. If the parent refuses to consent, the LEA must ensure that all required special education and related services are provided at no cost to the parent. |

## M-6 Notification of Upcoming Transfer of Rights

This form documents the requirement to provide notice to the parent(s) and student one year prior the student reaching the age of majority (34 CFR § 300.320[c]). This form also provides information to the student and their parents on supported decision-making under Wisconsin Statutes Chapter 52, other alternatives to guardianship, and strategies to remain engaged in the student's secondary education, as required by Wis. Stat. §115.807(4).

Implementation Considerations:

Beginning not later than one year before the student reaches the age of majority under State law (which is 18 in Wisconsin), the IEP must include a statement that the student has been informed that the rights of the parent will transfer to the adult student when they turn 18. {34 CFR § 300.320[c]).

Parents and students must be notified of the upcoming transfer of rights at least one year before the student's 18th birthday and it must be included in the student's IEP (71 Fed. Reg. 46,713 [2006]). This means that the M-6 notice should be discussed at the IEP meeting for the term in which the student turns age 17, and a copy should be sent home with the finalized IEP paperwork.

The M-6 is designed to be discussed with both the student and the parent(s) in person at the IEP team meeting for the year the student turns 17. The M-6 notice should also be sent to both the parent(s) and the student. The M-6 for the parent can be attached to the IEP, and the M-6 for the student should be sent to the student's home address.

The PTP application also includes a prompt to ensure the student and parent(s) have been notified of the upcoming transfer of rights at least one year before the student reaches age 18. If this form is discussed at the IEP meeting for the year in which the student turns 17 and a copy is provided to the parent(s) and the student, a simple statement such as "the M-6 form was discussed at the IEP team meeting and mailed to the parent(s) and student" is sufficient for documentation in the PTP.

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## M-7 Student Notification of Transfer of Rights

This form documents the requirement to provide notice to a student who has reached the age of majority (age 18 in Wisconsin),who has not been found by a court to be incompetent, and who now has the rights given to the parent(s) under state and federal special education law (Wis. Stat. § 115.807[3]). This form also provides the student with information on supported decision-making under Wisconsin Statutes Chapter 52, other alternatives to guardianship, and strategies to remain engaged in the student's secondary education, as required by Wis. Stat. § 115.807(4).

Implementation Considerations:

The district must inform both the adult student and their parent(s) of this transfer of rights (Wis. Stat. § 115.807[3]). Form M-7 documents notification to the adult student.

The parents of an adult student who continues to be financially dependent upon the parents may continue to have access to their student's pupil records, including the IEP meeting invitations and paperwork, unless the adult student notifies the school in writing this information may not be shared with the parents without the student's permission, Wis. Stat. sec. 118.125(2)(k). This transfer of rights at the age of majority should be included in the school district's policy on pupil records to help ensure both parents and students understand this process.

Adult students must be notified of the transfer of rights when they reach the age of 18. For record keeping purposes, DPI recommends sending Form M-7 and M-8 on the student's 18th birthday. If the district chooses, the M-7 and M-8 notice can also be sent along with the first notice applicable to the student after their 18th birthday.

The M-7 form is not required to be provided at an IEP team meeting or included in an IEP. The M-7 notice is sent directly to the adult student's address.

The PTP application also includes a prompt to ensure the adult student has been notified of the transfer of rights at age 18. If this form is provided to adult student, a simple statement such as "the M-7 form was mailed to (the adult student) on (date)" is sufficient for documentation in the PTP.

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## M-8 Parent Notification of Transfer of Rights

This form documents the requirement to provide notice to the parent(s) that the adult student who has reached the age of majority (age 18 in Wisconsin), who has not been found by a court to be incompetent, and who now has the rights previous given to the parent(s) under state and federal special education law (Wis. Stat. § 115.807[3]). This form also provides the parent(s) with information on supported decision-making under Wisconsin Statutes Chapter 52, other alternatives to guardianship, and strategies to remain engaged in the student's secondary education, as required by Wis. Stat. § 115.807(4).

Implementation Considerations:

The district must inform both the adult student and their parent(s) of this transfer of rights (Wis. Stat. § 115.807[3]). Form M-8 documents notification to the adult student's parent(s).

The parents of an adult student who continues to be financially dependent upon the parents may continue to have access to their student's pupil records, including the IEP meeting invitations and paperwork, unless the adult student notifies the school in writing this information may not be shared with the parents without the student's permission, Wis. Stat. sec. 118.125(2)(k). This transfer of rights at the age of majority should be included in the school district's policy on pupil records to help ensure both parents and students understand this process.

The parent(s) of an adult student must be notified of the transfer of rights to the student when they reach the age of 18. For record keeping purposes, DPI recommends sending Form M-7 and M-8 on the student's 18th birthday. If the district chooses, the M-7 and M-8 notice can also be sent along with the first notice applicable to the student after their 18th birthday.

The M-8 form is not required to be provided at an IEP team meeting or included in an IEP. The M-8 notice is sent directly to the adult student's parent(s) address.

The PTP application also includes a prompt to ensure the adult student has been notified of the transfer of rights at age 18. If this form is provided to adult student's parent(s), a simple statement such as "the M-8 form was mailed to (the adult student) on (date)" is sufficient for documentation in the PTP.

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