



# Procedural Manual

**Guidance on Providing Special  
Education and Related Services to  
Students with Disabilities Pursuant  
to the Individuals with Disabilities  
Education Act (IDEA)**

**2018-2019 School Year**

# Procedural Manual





Dear CPS Families and Staff:

The Office of Diverse Learner Supports and Services (ODLSS) is committed to ensuring every student with disabilities receives a free appropriate public education (FAPE) in the least restrictive environment (LRE) resulting in improved outcomes for students with disabilities. Working in partnership with schools, staff, and families, ODLSS provides the tools, guidance, supports, and services necessary to ensure that all students with disabilities receive meaningful, rigorous, and relevant instruction that prepares them for success in college, career, and community.

The Revised Procedural Manual's purpose is to provide guidance on how to implement consistent, high quality, data driven, legally compliant special education and related services across the entire Chicago Public Schools (CPS) system. This document contains the Board of Education of the City of Chicago's current policies, procedures and guidelines for special education and is aligned to the Individuals with Disabilities Education Act (IDEA), Illinois law and related regulations. This current edition brings together all former updates and bulletins in the previous versions.

By design, this manual is intended to (1) provide essential guidance related to the special education process, including referral, evaluation and Individualized Education Program (IEP) development; (2) provide clarity for the professionals who implement the procedures and their roles and responsibilities; (3) ensure data is collected necessary to enable the IEP team to have an informed and meaningful discussion in light of the student's unique circumstances; and (4) establishes a structure of accountability.

Further guidance is provided specifically in the following areas in the form of standalone Procedures and Guidelines:

- Assistive Technology
- Extended School Year (ESY)
- Paraprofessional Support
- Specific Learning Disabilities (SLD)
- Transportation

We hope this Procedural Manual will answer your questions and guide the IEP team in making appropriate data-driven decisions on how to support students with disabilities. Should the policies, procedures and guidelines be modified at any point, an update will be shared with staff and families and reflected on <http://cps.edu/Pages/DiverseLearners.aspx>.

Sincerely,

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Chicago Public Schools



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## INTRODUCTION

### Individuals with Disabilities Education Act (IDEA)

Under the IDEA and its related federal regulations which govern special education, as well as the Illinois statute and regulations discussed below, students with disabilities have a right to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The IDEA defines students with disabilities as students, ages 3 through 21 (day before the 22<sup>nd</sup> birthday), who have been identified with one of the disabling conditions identified in the statute which adversely affect educational performance and require special education. The IDEA and its implementing regulations provide students with disabilities and their parents/guardians with procedural safeguards regarding the identification, evaluation, and educational placement of and the provision of a FAPE to students with disabilities. Essential to these procedural safeguards is the involvement of parents/guardians.

### Section 504 of the Rehabilitation Act of 1973

The purpose of Section 504 of the Rehabilitation Act of 1973 is to (1) eliminate discrimination on the basis of disability in any program or activity provided by school districts and other educational providers that receive federal financial assistance and (2) ensure that students who are Section 504-eligible have equal educational opportunities equivalent to those of their nondisabled peers. Unlike the IDEA, Section 504 does not limit coverage to certain specific categories of disabilities and no categorical labels are necessary. Instead, a student with a disability under Section 504 is defined as one who (1) has a physical or mental health impairment that substantially limits a major life activity (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

**NOTE:** *This Procedural Manual is intended to provide guidance specifically related to the IDEA and its implementing State and federal regulations. A separate Section 504 procedural manual will be forthcoming.*

### Article 14 of the Illinois School Code and 23 Illinois Administrative Code 226

The Illinois State Board of Education (ISBE) has promulgated rules to implement Article 14 of the Illinois School Code, which applies to the education of students with disabilities. These rules provide further specificity regarding requirements for the identification, evaluation, educational placement, and provision of FAPE to students with disabilities. In addition, rules are provided for the administration of special education, the design of special education programs (including class size), home or hospital programs, State-operated or private programs, special education personnel, transportation and residential care facilities.

## Acronyms

|               |   |               |  |
|---------------|---|---------------|--|
| <b>ABA</b>    | Applied Behavior Analysis   | <b>IEP</b>    | Individualized Education Program                                 |
| <b>AAC</b>    | Alternative/Augmentative Communication  | <b>ISBE</b>   | Illinois State Board of Education                                |
| <b>AT</b>     | Assistive Technology  | <b>LRE</b>    | Least Restrictive Environment                                    |
| <b>AUT</b>    | Autism  | <b>MD</b>     | Multiple Disabilities  |
| <b>BIP</b>    | Behavioral Intervention Plan  | <b>MDR</b>    | Manifestation Determination Review                               |
| <b>CPS</b>    | Chicago Public Schools (also referred to as the “District”)                                 | <b>MTSS</b>   | Multi-Tiered Systems of Support                                  |
| <b>D-B</b>    | Deaf/Blindness  | <b>ODLSS</b>  | Office of Diverse Learner Supports and Services                  |
| <b>DD</b>     | Developmentally Delayed   | <b>OHI</b>    | Other Health Impaired  |
| <b>DHS</b>    | Department of Human Services  | <b>OLCE</b>   | Office of Language and Cultural Education                        |
| <b>DLM-AA</b> | Dynamic Learning Maps Alternative Assessment  | <b>PAS</b>    | Pre-Admission Screening  |
| <b>ED</b>     | Emotional Disability (formerly EBD or SED)  | <b>PEL</b>    | Professional Educator License                                    |
| <b>EL</b>     | English Learner   | <b>PHY</b>    | Physically Disabled (also referred to as Orthopedic Impairment)  |
| <b>ESL</b>    | English as a Second Language  | <b>PLAAFP</b> | Present Level of Academic Achievement and Functional Performance |
| <b>ESY</b>    | Extended School Year  | <b>RSP</b>    | Related Service Provider   |
| <b>FAPE</b>   | Free Appropriate Public Education   | <b>SCC</b>    | Student Code of Conduct  |
| <b>FBA</b>    | Functional Behavioral Assessment  | <b>SEL</b>    | Social/Emotional Learning  |
| <b>FERPA</b>  | Family Educational Rights and Privacy Act   | <b>SETT</b>   | Student Environment Task Tools                                   |
| <b>FIE</b>    | Full and Individual Evaluation  | <b>SLD</b>    | Specific Learning Disability                                     |
| <b>HI</b>     | Hearing Impairment  | <b>S/LI</b>   | Speech or Language Impairment                                    |
| <b>IAES</b>   | Interim Alternative Education Setting   | <b>SLP</b>    | Speech-Language Pathologist                                      |
| <b>ID</b>     | Intellectual Disability - Mild (formerly EMH); Moderate (formerly TMH), Severe, or Profound | <b>SSM</b>    | Student Services Management                                      |
| <b>IDEA</b>   | Individuals with Disabilities Education Act   | <b>TBI</b>    | Traumatic Brain Injury   |
| <b>IEE</b>    | Independent Educational Evaluation  | <b>VI</b>     | Visual Impairment  |

## ROLES AND RESPONSIBILITIES

The following staff positions represent the CPS support network responsible for students with disabilities. While individual responsibilities may differ, all are aligned in their mission to help students achieve success in the classroom and in life.

### Principal

As the instructional leader of a school, the principal is responsible for ensuring that all applicable federal and State laws are complied with so that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) and have access to the age/grade-appropriate general education curriculum and all program options available at the school. The principal must oversee and ensure the implementation of all IEPs for each student with disabilities in their school. The principal supervises all related service and special education staff assigned to the school, including the coordination of services between the general education teacher and special education teacher. The principal must also ensure that the local school district representative has the time necessary to carry out his/her responsibilities.

**NOTE:** *If the principal delegates his/her administrative duties related to special education procedures and services to the assistant principal, the following list of responsibilities applies to him/her. "School Administrator" refers to either the principal or assistant principal.*

School Administrator responsibilities regarding students with disabilities include, but are not limited to:

- Ensuring that all students with disabilities have current IEPs;
- Ensuring a District Representative (i.e., local school district representative (which can be the principal, assistant principal, or other appropriately licensed staff person) or, when authorized by ODLSS, the ODLSS District Representative, is designated on the *Parent/Guardian Notification of Conference* and in attendance at every IEP meeting;
- Designating a local school district representative within the principal's building;
- Designating individual(s) responsible for completing all necessary IDEA notices and paperwork;
- Ensuring general education classrooms meet ISBE class size regulations;
- Ensuring separate special education classrooms meet ISBE class size regulations;
- Ensuring students' schedules match the students' IEPs;
- Ensuring IEPs are finalized in Student Services Management (SSM) at the IEP meeting;
- Ensuring students with disabilities participate, with or without specialized instruction in accordance with their IEPs, in all curricular areas available in the school, including nonacademic areas during the school day, and ensuring students with disabilities have access to extracurricular activities offered at the school;
- Ensuring general education teachers have copies of current IEPs for all students with disabilities they teach;
- Ensuring all separate special education classrooms are located near the same age/grade general education classrooms;
- Ensuring special education teachers have copies of teacher's editions for all subjects and grade levels they teach;
- Ensuring students with disabilities have age/grade-appropriate general education textbooks and materials;
- Ensuring scheduled common planning time for general education teachers and special education teachers;
- Ensuring special education teachers and related service providers are allowed to use one principal-directed preparation period every two weeks for collaboration;
- Ensuring paraprofessionals' schedules match students' IEPs;
- Making the necessary arrangements for staff to attend IEP conferences;

- Ensuring all pre-conference activities are completed in accordance with required timelines, including sending the *Parent/Guardian Notice of Conference* and indicating whether specific data has been collected;
- Ensuring draft IEPs Sections 7 (General Consideration), 9 (Areas of Need), 10 (Accommodations/Modifications), 11 (Specialized Instruction), Section 13 (Grades) and, if applicable, Section 8 (Transition Plan) have been developed and provided to the parents/guardians, along with, if applicable, paraprofessional, ESY and *Learning Environment Intervention* forms, copies of all other conducted evaluations and any other collected data at least five school days prior to the meeting;
- Monitoring the implementation of IEPs and whether students with disabilities are making appropriate progress;
- Ensuring the *Parent/Guardian Notice – IEP Services Not Implemented Within Ten School Days* has been sent to the parent/guardian whenever IEP services have not been implemented within ten school days of the IEP meeting;
- Monitoring staff to ensure qualitative and quantitative data is being used to make all IEP decisions;
- Ensuring IEP progress reports are completed for each student on a quarterly basis and provided to parents at the same time as the general report cards (unless the IEP includes a different time line), and are maintained in the student's temporary record;
- Sharing with local school district representative comments on student performance, behavior and attendance;
- Ensuring that parents/guardians have access to school personnel who can answer questions related to their child's IEP and are involved in IEP development;
- Ensuring an interpreter is at all IEP conferences (including initial and reevaluation eligibility determination meetings, and annual reviews) for parents who are limited English proficient to enable parents to meaningfully participate in the IEP meeting;
- Providing professional development opportunities for general and special educators and paraprofessionals, as necessary; and
- Providing support and guidance to staff to assist them in adhering to the directives described in this Procedural Manual and the supplemental CPS Procedures and Guidelines for Assistive Technology, Extended School Year Services, Paraprofessionals, Specific Learning Disabilities and Transportation.

## ODLSS District Representative

The Office of Diverse Learner Supports and Services (ODLSS) District Representative is responsible for providing oversight and guidance to networks, schools and IEP teams to develop IEPs that meet legal requirements.

ODLSS District Representative responsibilities regarding students with disabilities include but are not limited to:

- Serving as the District Representative at IEP meetings for all schools if placement at a separate day school, residential or homebound (as the LRE) is being considered;
- Serving as the District Representative at IEP meetings for charter, options and contract schools if transportation is being considered as a related service;
- Monitoring the implementation of procedures and IEP-required services and adherence to best practice standards and protocols;
- Assisting in monitoring special education programs and related services to ensure compliance with federal and State regulations and CPS policies and procedures;
- Participating as part of the Network team to review data, engage in strategic discussions and follow-up activities, and participate in school walk-throughs, as needed;
- Following procedures outlined for placing students in ISBE-approved, nonpublic facility placements;
- Providing administrative support and technical assistance to school administrators, special educators, general educators and school teams in the areas of CPS policy, IDEA, State law and regulations;

- Troubleshooting major special education service issues to ensure all students with disabilities are receiving a FAPE in the LRE; and
- Consistently maintaining quality interactions with teachers, students, parents/guardians, and the larger community.

## Local School District Representative

Each local school principal must ensure a staff person has been identified to serve as the local school district representative (also known as the “Case Manager”) at IEP meetings when an ODLSS District Representative has not been designated as the District Representative for that particular meeting. In order to serve as the Local School District Representative at the IEP meeting, the staff person must have a valid Professional Educator License (PEL) in one of the following areas: Special Education (PK-Age 21) endorsement or School Support Personnel endorsement with a supervisory endorsement and two years’ experience.

Local school district representatives are responsible for:

- Coordinating all referrals for a Full and Individual Evaluation (FIE) to ensure that all required components are addressed and that the process is completed within 60 school days after receiving signed parental consent, including but not limited to, referrals for AT/AAC evaluations or functional behavioral assessments (FBAs);
- Ensuring that all parental notices and consents for FIEs and placements are processed and provided in the native language where feasible and placed in the student temporary files;
  - Ensuring an interpreter is invited to all IEP conferences (including initial and reevaluation eligibility determination meetings, and annual reviews) for parents who are limited English proficient;
- Convening and chairing IEP conferences (including initial and reevaluation eligibility determination meetings, and annual reviews) and acting as the District Representative;
- Arranging special education and related services for a student within the school in accordance with the student’s IEP and contacting ODLSS to arrange assignment in another school if necessary to implement the IEP;
- Consulting with the ODLSS District Representative regarding students who require low-incidence services or regarding problems that develop in the implementation of procedures;
- Finalizing each student’s IEP in the SSM at the IEP meeting and providing the student’s parents/guardians with a copy; and
- Ensuring that all relevant student data is entered into the SSM in a timely manner.

Prior to an FIE/IEP meeting, the local school district representative is responsible for:

- Monitoring to ensure that all pre-conference activities are completed within required timelines;
- Determining the date/time/location of the IEP meeting with participation of parents/guardians and other necessary team members;
- Providing written *Parent/Guardian Notification of Conference* at least ten calendar days prior to the meeting, which includes indicating whether specific data has been collected
- Determining which IEP team member(s) will review previous evaluation reports and report as the evaluation representative at the annual review meeting;
- Preparing an agenda for the meeting;
- Arranging accommodations for parents/guardians as necessary (e.g., interpreter or translator); and
- Providing parents/guardians copy of draft IEP materials and if applicable paraprofessional, ESY and *Learning Environment Intervention* forms, along with copies of all other conducted evaluations and any other collected data at least five school days prior to the meeting. .

At the FIE/IEP meeting, the local school district representative is the chairperson for the conference and is responsible for:

- Acting as the District Representative to authorize services, unless an ODLSS District Representative is present. This must be specified on the *Parent/Guardian Notification of Conference* form;

- Starting the meeting with introductions of all IEP team members and ensuring that all required participants are present;
- Conducting the meeting by following an agenda and process based on the purpose of the conference;
- Ensuring the eIEP is projected during the meeting to enable meaningful parental participation, and if the eIEP cannot be projected, ensuring the parents/guardians either have access to a District computer or a paper copy of the draft IEP;
- Facilitating the completion of the IEP document at the meeting; and
- Distributing copies of the completed IEP to parents/guardians, teachers and related service providers at the end of the IEP meeting.

Following the IEP meeting, the local school district representative is responsible for:

- Informing all staff involved in the implementation of the IEP of their responsibilities to implement the IEP as written;
- Monitoring to ensure that all services delineated in the IEP are delivered. If services cannot be implemented within ten school days, contact the ODLSS District Representative for assistance;
- Sending the *Parent/Guardian Notice – IEP Services Not Implemented Within Ten School Days* to the parent/guardian whenever IEP services have not been implemented within ten school days of the IEP meeting;
- Ensuring all teachers and related service staff who have a responsibility for the education of the student have access to the IEP;
- Updating data entry in the student information system including the annual review dates, ESY indicators, service provider and related service codes; and
- Coordinating all meetings related to IEP reviews and revisions, when necessary.

## Special Education Teacher and/or Related Service Provider

Prior to the IEP meeting, the special education teacher and/or related service provider(s) are responsible for:

- Reviewing the current IEP to determine extent of mastery of annual goals or, if this is a conference to determine eligibility, compiling data and anecdotal records, samples of student work, and other information relevant to determine the student's potential for learning, rate of learning, and need for specialized instruction, related services, and/or accommodations;
- Assessing current achievement levels and progress toward achieving Illinois Common Core Standards and IEP goals;
- Compiling qualitative and quantitative data and other information about the student's educational needs, in general and in relationship to the general education curriculum;
- Compiling qualitative and quantitative data and other information about special factors that may impede students' learning;
- Identifying students' talents, hobbies and other interests;
- Compiling qualitative and quantitative data on students' attendance and class participation;
- Compiling qualitative and quantitative data on levels of English language proficiency for students from a non-English language background;
- Compiling qualitative and quantitative data on native language proficiency on students who are English Learners (ELs) who are receiving bilingual services;
- If applicable, compiling qualitative and quantitative data regarding the need for paraprofessional support and/or ESY services ;
- Based on the above information, completing a draft at least five school days prior to the IEP meeting of proposed General Considerations (IEP Section 7), and drafting proposed Areas of Need (IEP Section 9), Accommodations/Modifications (IEP Section 10), Specialized Instruction (IEP Section 11), Grades (IEP Section 13) and, as appropriate, the Transition Plan (IEP Section 8) to support parents'/guardians' meaningful participation in IEP development;
- Conferring with general educators, other special education providers and parents/guardians as needed;

- Developing brief written summary reports or notes of the student's needs or performance that will be shared at the meeting; and
- Completing draft evaluation reports at least five school days prior to the FIE meeting.

During the IEP meeting, the special education teacher and/or related service provider(s) are responsible for:

- Sharing information regarding the student's present levels of academic achievement and functional performance in relationship to the general education curriculum, including progress toward IEP goals;
- Describing the student's learning style(s) and strategies that have been utilized with him/her, behavior and attendance as well as other relevant information regarding the student;
- Explaining the recommendations for proposed accommodations and modifications that will allow the student to be educated in the least restrictive environment;
- Explaining the recommendations regarding proposed annual goals and benchmarks/short-term objectives;
- After IEP team discussion, finalizing General Considerations (IEP Section 7), Areas of Need (IEP Section 9), Accommodations/Modifications (IEP Section 10), Specialized Instruction (IEP Section 11) and Curriculum, Grades, Promotion, and Graduation (IEP Section 13), and, as appropriate, the Functional Behavioral Assessment/Behavior Intervention Plan (FBA/BIP), and Transition Plan (IEP Section 8);
- After IEP team discussion, ensuring Language (IEP Section 6), Placement in the Least Restrictive Environment (IEP Section 12), Extended School Year (IEP Section 14), Transportation (IEP Section 15) and Procedural Safeguards (IEP Section 5) are completed; and
- Finalizing their evaluation reports by the conclusion of the meeting.

Following the IEP meeting, the special education teacher and/or related service provider(s) are responsible for:

- Implementing the IEP - providing direct instruction and/or consultative services in the appropriate setting for the prescribed minutes as outlined in the IEP;
- Reviewing the IEP and understanding responsibilities for implementation;
- Collecting evidence/data regarding progress toward goals and objectives/benchmarks, as indicated by the evaluation criteria and evaluation procedures of each goal;
- Measuring and documenting on the IEP progress report the student's progress each quarter;
- Communicating with other service providers, including general education teachers, on a regular basis;
- Documenting service delivery;
- Establishing and maintaining effective and positive communication with parents/guardians; and
- Informing the local school district representative if there is a need for an IEP revision.

## General Education Teacher

Prior to the IEP meeting, the general education teacher is responsible for:

- Reviewing the current IEP or, if the purpose of the conference is to determine eligibility, compiling data including progress monitoring data through Multi-Tiered Systems of Support (MTSS) or other response to interventions, samples of student work, and other information relevant to determining the student's potential for learning, rate of learning and need for specialized instruction and/or accommodations;
- Identifying instructional and classroom management strategies that have been successful with the student;
- Observing the student's learning style in the general education classroom;
- Listing or identifying special factors that may impede the student's learning;
- Compiling qualitative and quantitative data and other information about the student's educational needs, in general and in relationship to the general education curriculum;
- Compiling qualitative and quantitative data and other information about special factors that may impede students' learning;
- Identifying students' talents, hobbies and other interests;
- Compiling qualitative and quantitative data on students' attendance and class participation;

- Compiling qualitative and quantitative data on levels of English language proficiency for students from a non-English language background;
- Compiling qualitative and quantitative data on native language proficiency on students who are English Learners (ELs) who are receiving bilingual services;
- If applicable, compiling qualitative and quantitative data regarding the need for paraprofessional support, ESY services and/or transportation;
- Sharing with the special educator comments on student progress toward achieving IEP goals, including student's participation in classroom activities;
- Collaborating with the special educator, as appropriate, regarding IEP goal implementation and/or data collection;
- Suggesting positive intervention strategies for improving the student's behavior, supplementary aids and services, program accommodations or modifications and supports for school personnel that may be necessary for the student to benefit from specialized instruction;
- Preparing a brief report of the student's current performance in relationship to the general education curriculum and including information regarding behavior and attendance patterns; and
- Collaborating with the special education teacher and/or related service provider(s) in drafting General Considerations (IEP Section 7).

During the IEP meeting, the general education teacher is responsible for:

- Sharing information regarding the student's present level of academic achievement and functional performance in the general education curriculum and the general education environment;
- Describing student's behavior and interactions with peers in the general education environment;
- Sharing information regarding the effect of accommodations provided for the student in the general education classroom during the previous school year;
- Making recommendations for continuation of those or other accommodations;
- Making recommendations for annual goals that relate to the progress of the student in the general education curriculum; and
- Assisting in the determination of placement (and LRE).

Following the IEP meeting, the general education teacher is responsible for:

- Implementing the IEP - providing accommodations and modifications in accordance with the IEP;
- Collaborating with the special education teacher, related service providers, and other teachers about meeting the student's needs and implementing the IEP;
- Establishing and maintaining communication with the parents/guardians;
- Assessing the student's progress on a regular basis (at least quarterly); and
- Informing the local school district representative if an IEP revision is needed.

## Paraprofessional

Paraprofessionals are responsible for:

- Collecting qualitative and quantitative data as directed by the teacher;
- Under the direction of the teacher, implementing accommodations and modifications and other educational or behavioral strategies used in the classroom;
- Providing feedback to the teacher about accommodations/modifications and other educational or behavioral strategies used in the classroom;
- Observing students and sharing information about student behaviors outside of the classroom;
- Assisting the special and/or general teacher in gathering documentation such as assessment data, work samples, observations and reports;
- Facilitating communication with linguistically and culturally diverse parents/guardians;
- Supporting students with disabilities in the general education curriculum with activities as directed by the teacher;
- Supporting the student in the use of technology in the classroom;

- Collaborating and communicating with appropriate school personnel about the needs of students with disabilities;
- Employing techniques, interventions, modifications and accommodations to meet the individual needs of students with disabilities under the direction of licensed school personnel;
- Working with a variety of students who may have diverse learning needs;
- Providing input to the teacher regarding the student's response to strategies that have been used in instruction or behavior management;
- Maintaining and protecting students' right to confidentiality;
- Assisting with the personal care needs (e.g., toileting) as identified in the student's IEP; and
- Documenting service delivery.

## Parent/Guardian

The IDEA defines "parent" as:

- a biological or adoptive parent
- a foster parent
- a surrogate parent
- a guardian, but not State if the child is a ward of State
- an individual acting in place of a biological or adoptive parent, including grandparents, stepparents or other relative, with whom the child lives or an individual legally responsible for the child's welfare

DCFS (i.e., caseworker or educational liaison) is **NOT** the parent for IDEA purposes, but is a State Agency for referral purposes.

Parents/guardians are equal members of the IEP team and should be encouraged to actively participate in the discussion and decision-making during the IEP meeting.

Prior to the IEP meeting, parents/guardians are encouraged to:

- Participate with school personnel to determine a mutually convenient date and time for the IEP conference;
- Review the current IEP or, if the purpose of the conference is to determine eligibility, review any evaluation or assessment data submitted in advance of the conference;
- Review the most recent progress reports from teachers;
- Request a copy of the draft IEP materials that have been prepared for the IEP team's discussion and notify the local school district representative of any specific IEP items they may wish to discuss (e.g., goals, assistive technology, paraprofessional support, etc.);
- Request that school staff collect data regarding ESY, paraprofessional, and/or transportation services and/or placement in a separate day school, if the data has not already been collected and they believe such services and/or placement may be needed;
- Request that school staff collect the necessary data if they believe their child may have a specific learning disability and school staff have not completed the *Learning Environment Intervention* and *Learning Environment Screening* documents and collected applicable data;
- Provide input regarding the student's strengths, abilities and needs;
- Think about the skills they would like their child to master by the end of the year and formulate a vision of the future;
- Notify the local school district representative if they need additional information (e.g., evaluation reports, previous IEPs or other records or reports, procedural safeguards, etc.), or any special accommodations (e.g., request to record IEP meeting due to parent/guardian disability); and
- Decide whether they would like to invite family members or other individuals having information regarding the student to attend the conference, and notify the local school district representative in advance of their intention to invite these other individuals.

During the IEP meeting, parents/guardians should be encouraged to:

- Share information about their vision for the student's future and expectations for the year;
- Identify the student's strengths and interests, including the types of activities the student enjoys at home and in the community;
- Share information about the student's relationship with siblings and neighborhood friends;
- Discuss the types of rewards and discipline strategies that are effective at home and in the community;
- Share relevant information about the student's medical and personal care needs;
- Provide input regarding annual goals and objectives/benchmarks and all other IEP components for consideration by the other IEP team members;
- Ask other IEP team members to clarify, explain or give examples for any information presented that may be unclear;
- Ask questions to clarify any reports or information regarding the student's present levels of performance in classwork, behavior and community activities, as appropriate; and
- Ask the local school district representative to review or explain parent/guardian procedural safeguards, if necessary.

Following the IEP meeting, parents/guardians should be encouraged to:

- Review the IEP document to assure that all decisions made at the conference are documented;
- Establish and maintain communication with teachers, paraprofessionals and related service providers;
- Assist the child with homework assignments and/or ask the teacher what can be done to help the child with school work; and
- Participate in CPS parent/guardian training programs to enhance knowledge of relevant educational issues.

## Student

Students must be invited to attend IEP meetings if transition goals and services are being considered. If the student does not attend, efforts must be made and documented, to assure that the student's post-secondary preferences, interests and plans are considered by the IEP team.

Prior to the IEP meeting, the student should be encouraged to:

- Think about school activities he/she enjoys and activities he/she would like to pursue;
- Think about educational, employment, and independent living goals (e.g., college, career, job placement);
- Share any concerns or questions with his/her parents/guardians or teachers;
- Identify accommodations which have been helpful and those which were not useful; and
- Decide if he/she would like to share anything else about his/her educational needs and/or program at the IEP meeting.

During the IEP meeting, the student should be encouraged to:

- Identify the strengths and interests, including the types of activities he/she enjoys at home and in the community;
- Identify the academic and behavioral accommodations post-secondary preferences, and interventions provided in class that are the most helpful and the least helpful;
- Share post-secondary preferences, interests and goals;
- Participate in the discussion of annual goals and objectives/benchmarks and other IEP components;
- Ask other IEP team members to clarify, explain or give examples for any information presented that may be unclear;
- Ask questions to clarify any reports or information regarding his/her present level of performance in class work, behavior and community activities, as appropriate; and
- Ask the local school district representative to review or explain procedural safeguards, if necessary.

Following the IEP meeting, the student should be encouraged to:

- Cooperate with teachers, paraprofessionals, related service providers, and parents/guardians in order to improve achievement and meet benchmarks and goals;
- Review the criteria for promotion and grading;
- Tell parents/guardians and teachers about problems encountered and request assistance, as necessary; and
- Indicate to parents/guardians and teachers which accommodations or modifications are helpful or not helpful.

## ROLE OF MULTI-TIERED SYSTEMS of SUPPORTS

The Multi-Tiered Systems of Support (MTSS) is the overarching framework that encompasses both the academic and social/emotional dimensions of learning. The MTSS framework is a key part of the broader CPS strategy to support ALL learners and ensure equitable access to a robust high quality education. MTSS implementation is the shared responsibility of all CPS educators, staff, families and communities. It is designed so that educators can make data-based decisions to meet the needs of students from different backgrounds, levels of language proficiency, learning styles, and levels of achievement.

The MTSS framework embraces the importance of engaging families and the community in a collaborative partnership. Effective partnerships include students, parents/guardians, families, community members and educators. A positive and welcoming school environment fosters family engagement, improves student outcomes and is conducive to accelerated learning.

The MTSS framework is designed to provide high quality, differentiated instruction and targeted support for student needs in all school and classroom settings. The MTSS framework includes both direct instruction and other interventions with targeted supports for those students who require additional, explicit and more focused instruction to meet the academic and behavioral standards. This framework is based upon providing increased instructional time and intensity of academic and/or behavioral supports, as identified on the basis of student needs. The specific needs are identified and supported early and effectively.

A data-based decision-making process, informed by multiple measures of data, guides MTSS implementation and provides the cohesive structure that integrates the various efforts of CPS to ensure that the academic and the social/emotional needs of all students are the highest priority in all schools, for all students, including English Learners (EL), students with disabilities, and gifted students.

Analysis of progress-monitoring data will allow for students to move fluidly between tiers, depending on their progress (rate of improvement). The progress-monitoring tools support teachers' assessments of student development and intervention effectiveness and help teachers make decisions on the frequency, intensity, and duration of a particular intervention.

The length of time a student receives an intervention depends on such factors as: the skill to be learned; the gap between the desired outcome and current level of proficiency and the time needed to close that gap; and/or student age and/or developmental level. Most importantly, the length of time that a student receives an intervention depends on the student's rate of progress and response to that intervention. District, network, and school protocols should define: individuals who may provide interventions; the settings in which the interventions may occur; characteristics that interventions must possess to ensure they are evidenced-based at various levels of intensity; parameters for the minimum length of the intervention sessions, number of interventions per week and duration; and criteria for determining when the intervention is terminated.

**NOTE:** *Whenever there is a reason to suspect a student may have a disability and be in need of special education and related services, the student is not required to complete a specific number of weeks or levels of MTSS or other response to interventions before a referral is made for a FIE. This decision should always be made on an individualized basis.*

## CHILD FIND PROCESS

The purpose of Child Find is to seek out and identify all children between 3 and 21 years of age who are suspected of having a disability and may require special education services under the IDEA, including students who are not currently enrolled in a CPS education program, in nonpublic schools within Chicago, and highly mobile children such as migrants and homeless students. The Child Find process begins with a referral for a FIE.

### Referrals

The following persons can make a referral or request an evaluation:

- CPS school personnel,
- Parent(s)/guardian(s) of the student,
- An employee of the Illinois State Board of Education (ISBE),
- An employee from another State agency, or
- An employee from a community service agency.

All requests for a FIE must be submitted to the principal or the local school district representative in writing and be signed and dated. It is important that the request include an explanation of the educational concerns and any supporting documentation. When a referral is submitted in compliance with all requirements, a response must be provided to the parent/guardian within 14 school days of its receipt. The *Parent/Guardian Notification of Decision Regarding a Request for an Evaluation* form in SSM must be used to communicate this response.

### CPS Staff Referrals

CPS staff may refer a student for an evaluation by completing a *Student Referral* form to document the basis for the referral and providing the local school district representative notice that the referral has been completed. Documentation to support the referral must include the following:

- Current information about the student, including grades, attendance, any suspensions, academic performance, behavior, and classroom participation;
- Data regarding any interventions implemented and the student's response to those interventions; and
- Documentation that the student was provided the appropriate core curriculum instruction and scientific, research-based intervention by qualified personnel.

**NOTE:** *Whenever there is a reason to suspect a student may have a disability and be in need of special education and related services, the student is not required to complete a specific number of weeks or levels of MTSS or other response to interventions before a referral is made for a FIE. This decision should always be made on an individualized basis.*

### Non-CPS Personnel Referrals

It is important that referrals from non-CPS personnel, including parents/guardians, provide supporting documentation and explanation of the concern or suspected disability whenever possible. If the referral does not include the basis for concern, the CPS local school district representative should request that the omitted information be provided and if the student is enrolled in the school, must review the student records and gather information from any CPS personnel who have worked with the student, as long as the 14-school-day response time is met. If there is not sufficient information to support the referral prior to the 14-school-day response deadline, the referral for an evaluation can be denied. If the request is made verbally, the local school district representative should instruct the referrer to put his/her request for evaluation in writing and assist with transcribing if the parents/guardians are unable to write out their request. The principal or local school district representative may ask the parent/guardian to provide any relevant information about the child, including any reports, prior evaluations, health records, school records from other schools, etc., to avoid duplication of information and assist in making appropriate decisions about the FIE, but this request may not delay or extend the 14-school-day response timeline.

**NOTE:** *Parents/Guardians may also submit private evaluations they have obtained for consideration during the FIE or IEP process or at any other time. The IEP team must review and consider the results of the private evaluation and determine whether the student's eligibility and/or IEP require revision in light of the new information. If the parent/guardian presents a private evaluation report outside of the IEP meeting, the local school district representative must send a Parent/Guardian Notification of Conference within 10 calendar days of receipt of the private evaluation, scheduling an IEP meeting (generally within 30 days of receipt of the private evaluation report) for the team to review and consider the report. At this IEP meeting, the team should also consider whether an evaluation or reevaluation of the student by CPS is warranted.*

## Referrals of Non-Attending Students

The referral must be submitted directly to ODLSS by email to [privateschoolevals@cps.edu](mailto:privateschoolevals@cps.edu) for students who do not attend a CPS school or charter/contract school but attend a private school in the City of Chicago, whether or not the student lives in the city, or for a student who lives in the City and is home schooled. In either case, the parent/guardian must register the child as a non-attending student by completing the form that will be sent by the private school evaluation team.

## Determining Need for Full and Individual Evaluation

To determine if a student requires a FIE, the local school district representative along with any other individuals designated by the principal (e.g., Instructional Leadership Team) must review the referral information and screening data and conduct preliminary procedures. Preliminary procedures can include observation(s) of the student; an assessment or screening for instructional purposes; consultation with the teacher or other individual making the referral; and/or a conference with the student. As part of this process, the review must ensure that the student's need for a FIE has been documented and considered fully.

## Evaluation Is Not Warranted

If it is determined that the evaluation is not warranted, the local school district representative must ensure that the parent/guardian and any other referral source are provided a written notice of this decision within 14-school days from the date the school received the FIE referral using the *Parent/Guardian Notification of Decision Regarding a Request for an Evaluation* and *Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities* forms.

The form must include the following:

- Notice to the parent/guardian/referral source of the referral date, reasons for the referral, and why the school determined that the evaluation was not warranted, and any records, reports or other information that were used as the basis for the decision;
- The mailing date of the notice;
- Any plan to address the student's needs, such as general classroom interventions designed by the Instructional Leadership Team and a time frame for implementation and review; and
- The contact person, which is usually the local school district representative.

Lack of MTSS or other response to intervention data can never be the sole basis for denying an evaluation for students who are suspected of having a disability, including a specific learning disability. If a student is suspected of having a specific learning disability and MTSS data is not available or sufficient, the MTSS data should be gathered during the 60-school-day evaluation time period.

## Evaluation Is Warranted

If it is determined that it is appropriate to initiate a FIE after the review of the referral and preliminary procedures, the local school district representative must notify the parent/guardian and requestor (if not the parent/guardian) of this decision within 14-school days of the school's receipt of the request through the forms, *Parent/Guardian Notification of Decision Regarding a Request for an Evaluation* and *Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities*. In addition, a team of individuals, which includes the parent/guardian, must convene to design the evaluation and prepare the *Parent/Guardian*

Consent for Evaluation form for the parent/guardian's signature within the same 14-school-day period. This process is referred to as the Assessment Planning process. The parent/guardian should receive the Conference Notification and Notice of Procedural Safeguards at least 3 school days prior to the Assessment Planning meeting.

**NOTE:** For students suspected of or identified as having dyslexia, dyscalculia, or dysgraphia, a referral should be initiated and an Assessment Planning meeting should be convened.

## Assessment Planning

The local school district representative facilitates the Assessment Planning process by assembling a team, including the parent/guardian, to consider the relevant domain(s) of suspected disability and what, if any, additional evaluation data or other information is necessary. The process begins with a review of existing data and other information about the student, including data from a variety of formal and informal sources. The IEP team may conduct this review without a formal meeting. The local school district representative is responsible for gathering and maintaining all pertinent data from the IEP team members. Participants use the Parent/Guardian Consent for Evaluation/Assessment Planning form to document these steps.

**NOTE:** If a referral is specific to one domain area (e.g., communication domain for a speech evaluation), the team should still consider all data to determine if other domain areas should also be considered for assessment.

**Step One:** Determine which of the eight domains (i.e., health, vision, hearing, academic performance, social/emotional status, general intelligence/cognitive functioning, communication status and motor abilities) are relevant to the student's suspected disability.

**Step Two:** For each relevant domain, gather and review available data and other information.

Absent extenuating circumstances, all assessments will be conducted by CPS personnel. Any request for an independent educational evaluation at public expense must follow the procedures described in the Parent/Guardian Request for Independent Educational Evaluation on page 88.

Assessments may be conducted by those individuals that are identified in the following chart:

| Assessor                           | Domain Areas |        |         |                  |  |                      |               |       |
|------------------------------------|--------------|--------|---------|------------------|--|----------------------|---------------|-------|
|                                    | Health       | Vision | Hearing | Social/Emotional | General Intelligence/Cognitive Functioning | Academic Achievement | Communication | Motor |
| <b>Audiologist</b>                 |              |        | X       |                  |  |                      | X             |       |
| <b>Hearing/Vision Technician</b>   |              | X      | X       |                  |  |                      |               |       |
| <b>Nurse</b>                       | X            | X      | X       |                  |  |                      |               |       |
| <b>Occupational Therapist (OT)</b> |              |        |         |                  |  |                      |               | X     |
| <b>Physical Therapist (PT)</b>     |              |        |         |                  |  |                      |               | X     |
| <b>School Psychologist</b>         |              |        |         | X                | X  | X                    |               |       |
| <b>Counselor</b>                   |              |        |         | X                |  |                      |               |       |
| <b>Social Worker</b>               |              |        |         | X                |  |                      |               |       |
| <b>General Education Teacher</b>   |              |        |         |                  |  | X                    |               |       |

|  |  |  |  |   |  |   |   |  |
|--|--|--|--|---|--|---|---|--|
| <b>Special Education Teacher</b>         |  |  |  | X |  | X |   |  |
| <b>Speech-Language Pathologist (SLP)</b> |  |  |  |   |  | X | X |  |

**Step Three:** For each relevant domain, decide if there is sufficient information to determine:

- Present levels of academic and functional performance and educational needs (including student’s strength/skills);
- Whether the student has or continues to have a disability;
- Whether measurable data shows the disability is adversely affecting the student’s education; and
- Special education and related services, including supplementary aids and services (e.g., assistive technology, alternative augmentative communication device, etc.), that the student may need to participate and make progress in the general curriculum and to improve educational performance.

If existing information is adequate for each relevant domain area (no additional information needed), no additional assessments must be conducted. However, the parent/guardian is informed that no additional information is needed and is asked if he/she agrees.

If the parent/guardian agrees that no additional evaluation information is needed and returns the signed *Parent/Guardian Consent for Evaluation form*, the 60-school-day FIE time frame begins and the local school district representative should ensure an IEP meeting is scheduled to determine eligibility prior to the expiration of this time frame.

If the parent/guardian disagrees, the local school district representative, within 10 calendar days after a parent/guardian requests additional assessment(s), must either (1) revise the *Assessment Planning* form and provide the parent/guardian with written notification that additional evaluation information will be obtained or (2) provide the parent/guardian with written notification that the school will not conduct the additional requested assessment(s) and the basis for this decision.

**Step Four:** If existing information is NOT adequate for each relevant domain area, determine what additional information is needed and the sources from which it will be obtained. This is documented on the *Consent for Evaluation: Additional Information Needed* form which must be provided to the parent/guardian who is asked to provide written consent to the proposed evaluation on the *Parent/Guardian Consent for Evaluation* form.

The consent form should identify general information regarding the type of instruments and/or procedures to be utilized. It should not include names of specific diagnostic instruments. Additionally, the consent form should indicate, at a minimum, the title of the individual who will obtain the additional data.

If the parent/guardian does not consent to a proposed evaluation or reevaluation, the school must immediately contact the ODLSS Due Process and Mediation Unit at (773) 553-1905 to determine if a due process hearing will be requested by CPS.

## FULL AND INDIVIDUAL EVALUATION (FIE)

A FIE is the process used to determine a student's needs and eligibility for special education and related services under the IDEA. In conducting the evaluation, a variety of assessment tools and strategies must be used to determine whether the student meets eligibility criteria. The IEP team must design the FIE to include assessments in all areas related to the suspected disability, in one or more of the following eight (8) domains, if appropriate: health, vision, hearing, social/emotional status, general intelligence/cognitive functioning, academic performance, communicative status, and motor abilities. The evaluation must be sufficiently comprehensive to identify the student's special education needs.

### Initial Evaluation

An initial evaluation is one that determines eligibility for the first time for a student who is yet to be identified as a student with a disability by CPS or an outside public school district. The initial evaluation must be completed and the IEP team must determine eligibility for special education and related services within 60-school-days after the date the parent/guardian provides written consent to conduct the FIE. ***When there are fewer than 60-school days left in the school year, and the parent/guardian has provided written consent, the eligibility determination and the IEP (if the student is eligible) must be completed prior to the first day of student attendance in the next school year.***

The 60-school-day time frame does not apply if:

- The parent/guardian repeatedly fails or refuses to produce his/her child for the evaluation;
- A student transfers into CPS after the 60-school-day time frame has begun and prior to an eligibility determination by the student's previous district. ***This exception applies only if staff is making sufficient progress to ensure prompt completion of the evaluation, and the parent/guardian and the local school district representative agree to a specific time when the evaluation will be completed;*** and
- For students suspected of having a specific learning disability, the local school district representative and the parent/guardian may agree in writing to extend the 60-school-day time frame if necessary to collect sufficient MTSS or other response to intervention data. This agreed-upon extension cannot be longer than 20-school days and should only be used in extraordinary circumstances.

### Reevaluation

There are three types of reevaluations.

1. **Triennial**, a reevaluation must be conducted for each student with a disability who is receiving special education and/or related services at least every three years from the date of the last eligibility determination, to determine if they are still eligible.
2. **Reevaluation prior to triennial**, for this type of evaluation the 60-school-day time frame for initial evaluations applies.
3. **Evaluation to consider a related service**, a request may be made prior to the 3-year reevaluation date to determine if an additional related service is required. For this type of evaluation the 60-school day time frame for initial evaluations applies. This type of FIE may be requested to consider the addition or removal of a related service based on a written request by the teacher, related service provider and/or student's parent/guardian because of a significant change in the student's educational needs, including improved academic achievement and functional performance.

A reevaluation is NOT required for a student prior to terminating his/her eligibility for special education services due to the student's graduation from high school with a regular high school diploma, or for a student who is no longer eligible for a public education based on age (the student's 22nd birthday). In this case, the local school

district representative facilitates the development of a *Summary of Performance* that includes information about the student's desired post-secondary goals; academic achievement and functional performance; and recommendations on how to assist the student in meeting his/her postsecondary goals.

## THE EVALUATION PROCESS

Evaluators must ensure that their assessments are selected and administered in a nondiscriminatory manner. Instruments and procedures used by evaluators and considered by the team must be:

- Selected and administered so as not to be discriminatory on a racial or cultural basis;
- Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about what the child knows and can do academically, developmentally, and functionally;
- Used for the purposes for which the assessments or measures are valid and reliable;
- Administered by trained and knowledgeable personnel;
- Administered in accordance with any instructions of the producer of the assessments;
- Tailored to assess specific areas of educational need and not merely those that are designated to provide a single general IQ; and
- Selected and administered so as to best ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the test purports to measure.

Evaluations must be conducted in a manner that is not discriminatory with respect to language, culture, race, and gender as follows:

- The languages used to evaluate are consistent with the primary language or other mode of communication of the student. If the language use pattern involves two or more languages or modes of communication, the student must be evaluated by qualified specialists or, when needed, qualified bilingual specialists using each of the languages or modes of communication used by the student.
- Tests and assessments are written and administered in the native language or conducted in the mode of communication most familiar to the student, unless it is clearly not feasible to do so.
  - Native Language: primary language used in the student's home (i.e., language usually used for communication by the student and parents/guardians, siblings and other family member(s));
  - Clearly Not Feasible: no individual within the greater Chicagoland area can be identified who is capable and willing to communicate effectively with the student and/or parents/guardians for a reasonable fee.
- If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, a certificated CPS employee or other individual who has demonstrated competencies in the student's language can assist a qualified specialist.
- If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another are unsuccessful, a variety of assessment techniques that limit the impact of language acquisition to the greatest degree possible are employed.
- Tests given to a student whose primary language is other than English are relevant, to the maximum extent possible, to his/her culture.
- If a student's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, test instruments and procedures are used that do not stress spoken language. One or more of the following methods are used:
  - Visual communication techniques in addition to auditory techniques.
  - An interpreter to assist the evaluative personnel with language and testing.

All test protocols (consumable test booklets, behavior rating scales, drawings, etc.) must be placed in a sealed envelope and kept in the student's temporary record that is in a secure and locked location. When a parent/guardian requests a student's educational records and a test protocol includes a student's name and/or work, contact the ODLSS Due Process and Mediation Unit at (773) 553-1905 for guidance regarding the parent/guardian's right to access the test protocol.

## Evaluation Components

- Document the sources and assessment methods used, information and results obtained and the date of the assessment.
- Use language that is problem/issue-focused, educationally relevant, succinct, devoid of as much jargon as possible and written in language that may be readily understood by staff and parents/guardians.
- Finalize the *Learning Environment Interventions (LEI)* document for students suspected of having a specific learning disability, which includes a teacher completing the first section of the LEI and another IEP team member conducting an observation and completing the *Learning Environment Screening (LES)*.
- Analyze data, interpret results, and, where applicable, compare prior assessment results, including strengths and weaknesses. The mere collection of data without analysis or synthesis does not benefit instruction.
- Include recommendations that can be used by school staff to effectively impact instruction and transition planning.
- Include recommendations for incorporating direct specialized instruction, curricular accommodations and/or modifications, supplemental aids and services; and related services, if needed.
- Document whether any evaluation component could not be completed due to lack of parental involvement, religious convictions of the family or inability of the student to participate; state what components are missing and why they were not completed. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determines whether additional assessments are needed.
- Indicate whether the assessment was conducted under nonstandard conditions and describe how and the extent to which it varied from standard conditions. (For example, the use of a translator when a qualified bilingual professional is not available creates a nonstandard condition.)

## Evaluation Reports

The evaluation report synthesizes each evaluator's individual report based on the relevant domain(s). A draft report must be completed at least five (5) days prior to the meeting and signed by the individual conducting the assessment. All evaluation reports must be finalized by the conclusion of the IEP meeting.

When writing individual reports of evaluative data, staff should consider the following non-exhaustive list of information that pertains to each relevant domain. Each report should summarize assessment results clearly, concisely and with language that is understandable and useful to general/special educators and families. In addition, the reports provide information that will support the student's educational planning.

### Academic Achievement Domain

- Provides baseline data of the student's academic achievement in the current general education curriculum;
- Describes current levels of academic performance (including strengths and needs);
- Describes instructional levels based on the assessment results (e.g., mastery, instructional and frustration reading levels);
- Identifies learning styles (e.g., listening, visual, speaking, writing, etc.) and strategies that have been utilized with the student;
- Describes classroom participation, work habits, study habits;
- Describes on-task behavior and independent functioning;
- Describes student's functional performance in the educational setting, including how the student is managing daily activities to participate in the general education setting;
- Identifies useful accommodations and modifications (e.g., assistive technology, alternate text format);
- For students suspected of having a specific learning disability, a LEI and LES MUST be completed as part of the evaluation; and
- For English Learners (ELs), describes relative performance in native language and recommended language for instruction.

## General Intelligence/Cognitive Functioning Domain

- Addresses the assessment results, including tests/ procedures, scores, and dates
- Provides a narrative of the student's general cognitive abilities and functioning (e.g., reasoning, problem-solving, memory, attention, concept formation, perceptual skills, cognitive processing and/or executive functioning skills, etc.)

## Communication Domain

- Describes the student's current levels of communication functioning: articulation, expressive and receptive language, fluency, voice, oral motor and/or feeding skills;
- Provides a narrative summary of the student's communication needs and how this affects participation and progress in the general education setting;
- For students with no verbal or written language skills, describes the student's mode of communication (e.g., sign language or assistive technology device, etc.) used to receive and communicate information to others;
- For students who are deaf or hard-of-hearing, describes the student's language and communication needs, mode of communication and suggested opportunities for direct communication with peers and adults. In addition, describe any need for assistive listening devices in the classroom for these students and those with central auditory processing issues; and
- Indicates if the student has limited English proficiency and, if so, his/her current status in English language acquisition, and how the student's English language proficiency affects communication and instructional implications.

## Social/Emotional Status Domain

- Describes the student's social, emotional, and/or behavioral functioning and interpersonal relationships (e.g., development and maintenance, behavior toward others, compliance with rules, etc.) and/or personal adjustment (self-concept, attitudes, coping, etc.);
- Describes relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic or functional performance, including:
  - Factors in student's social/emotional functioning and well-being that impact educational performance;
  - Ability to develop and maintain positive interpersonal relationships with peers and adults and to comply with social rules;
  - Self-concept, attitude toward school, coping skills and feelings;
  - Mood (e.g., depression, unhappiness, fears associated with personal or school problems, etc.);
  - Behavior in school (e.g., classroom, hallway, bus, lunchroom, etc.) and its impact on academic performance;
  - Ability to function independently based on developmental norms;
  - Ability to exhibit age-appropriate adaptive skills; and
  - Extent to which student demonstrates an understanding of the impact and consequences of his/her behavior, if behavior impedes student's learning or that of others;
- Describes positive behavioral interventions and reinforcements that can be used to support the student, including implications for instruction and necessary support

## Health Domain

- If the student has an existing mental or physical condition, includes medical information and source(s);
- Describes any condition that staff should be aware of during the school day that impacts academic achievement or functional performance;
- Documents any medication the student requires during the school day or medicine he/she takes after school hours that may impact academic achievement or functional performance;
- Documents any existing health issues that may impact the student's participation and progress in the general education curriculum and school settings and any assistance and/or classroom modifications or accommodations that the student may need as a result.

## Motor Abilities Domain

- Provides a narrative summary of the student's motor abilities in the educational setting, including a statement of how the student's motor skills impact the ability to participate and progress in the general education curriculum;
- Describes any fine and/or gross motor or sensory deficits that adversely impact the student's ability to manipulate objects and/or move bodies effectively and safely in their environment; and
- Summarizes any fine and/or gross motor or sensory deficits that impact the student's ability to complete assignments.

## Hearing/Vision Domain

- Summarizes the results and date of the most recent hearing screening and most recent vision screening, including who performed the hearing/vision screening;
- Describes the near and distant vision acuities and impact on academic and/or functional performance, and any hearing loss based on audiological evaluation and impact on academic and/or functional performance; and
- For students with a visual and/or hearing disability, provides a narrative summary of evaluation results.

When the parent/guardian has provided a private evaluation report conducted since the last FIE or IEP meeting, if any, the appropriate RSP (e.g., school psychologist if the report was from a clinical psychologist) should include in his/her evaluation report:

- A summary of the private evaluator's findings;
- A statement of his/her agreement or disagreement, in full or in part, with the private evaluator's recommendations; and
- The basis for the RSP's agreement or disagreement with the private evaluator's recommendations or findings.

The private evaluation report must be uploaded into SSM and attached to the student's file.

## Additional Considerations for Students with an Autism Spectrum Disorder

Illinois law requires the following information to be considered when developing an IEP for a student with an autism spectrum disorder. When such disabilities are suspected, each evaluation report must address the student's academic, developmental, and functional needs and make recommendations in the following areas, as relevant, to support any subsequent IEP development:

- Verbal and nonverbal communication;
- Social interaction skills and proficiencies;
- Any unusual responses to sensory experiences;
- Any resistance to environmental change or change in daily routines;
- Engagement in repetitive activities and stereotyped movements;
- Need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from an autism spectrum disorder; and
- Other recommendations to assist the student to progress in the general curriculum, including social and emotional development.

## ELIGIBILITY DETERMINATION

The IEP team meets 10-calendar days or more after the parent/guardian receives the *Parent/Guardian Notification of Conference*, and before the 60-school day time frame elapses for initial FIEs or the reevaluation date, to review the information gathered through the evaluation process. The parent/guardian may waive the 10-calendar day notice for the IEP meeting but the waiver must be in writing. The IEP team determines whether or not the student meets the criteria for eligibility, if the disability has an adverse impact on the student's educational performance, and whether special education services are required. The IEP team documents their decision using the *Eligibility Determination* form. Draft copies of the evaluation reports **MUST** be provided to the parent/guardian at least five school days prior to the meeting. At the FIE meeting, the *Eligibility Determination* form and evaluation reports should be projected to support meaningful parent/guardian participation in the FIE discussion. If the documents cannot be projected, the parent/guardian must be given either access to a District computer or paper copies of the evaluation reports.

### Participants

The local school district representative convenes an IEP team based on the student's presenting problem(s) and the suspected disability area(s). Pursuant to the IDEA, the following are required IEP team participants:

- One or both of the student's parents/guardians;
- At least one general education teacher, if the student is or may be participating in the general education environment. The general education teacher who serves as a member of a student's IEP team should be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions on how best to instruct the student;
- At least one special education teacher. (If the child is receiving only speech and language services, the Speech-Language Pathologist shall fulfill this role.);
- For students who are 3 to 5 years of age, an individual qualified to teach preschool students without disabilities;
- An individual who can interpret the instructional implications of the evaluation result. (A person may assume this role in addition to another role at the conference.);
- A representative of CPS (District Representative) who is qualified to supervise the provision of special education services, is knowledgeable about the general education curriculum and available resources, and is authorized to commit resources on behalf of the District. (If a representative from ODLSS attends the meeting, that person acts as the District Representative and should be identified on the *Parent/Guardian Notification of Conference* as such.);
- Every CPS staff person involved in conducting an assessment; and
- The student, if a purpose of the conference is to plan transition services (usually age 14-1/2 and older), the student is age 18 or older, or if the parent/guardian chooses to have the child participate at any age.

The IEP team must also include:

- At the discretion of the parent/guardian or CPS personnel, other individuals having knowledge or special expertise regarding the child (e.g., child welfare specialist if the student is a ward of the State, etc.);
- A qualified bilingual specialist or bilingual teacher, if the student is EL or the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to instructional needs;
- A person knowledgeable about positive behavior strategies, if the child's behavior impedes his/her learning or the learning of others; and
- Interpreter for individuals who have limited English proficiency or who are deaf.

A single member of the IEP team may meet two or more of the qualifications specified above, so long as they are identified on the *Parent/Guardian Notification of Conference* as such, with the exception of the individual assigned to represent the student's general education teacher.

## Making the Eligibility Determination

When determining if a child has a disability under the IDEA, the IEP team must:

- Review MTSS or other response to intervention data for students suspected of having a specific learning disability;
- A classroom teacher and another IEP team member must complete the *Learning Environment Interventions (LEI)* and *Learning Environment Screening (LES)* documents for students suspected of having a specific learning disability, which includes a classroom observation;
- Review and consider all assessment data, including results from any independent evaluations;
- Use the results of more than a single assessment or evaluation procedure; and
- Ensure the determinant factor for any disability determination is not the student's lack of appropriate instruction in reading or math, or because of limited English proficiency.

### Step One: Summarize on the *Eligibility Determination* form pertinent information about each relevant domain.

The IEP team reviews the evaluation findings with the parent/guardian during the IEP meeting. If additional information and/or changes need to be made, based on what is shared by the parent/guardian and/or another team member at the meeting, it should be included in the summary of that domain on the Summary of Assessment section of the *Eligibility Determination* document.

### Step Two: Determine if student meets eligibility for one or more of the 14 disability categories.

After the IEP team reviews all of the information pertinent to each relevant domain, the IEP Team must decide whether they believe the student has a disability. If the team suspects the student has one of the disabilities discussed below, the team determines whether the **determinant<sup>1</sup> factor** for any suspected disability is one or more of the following:

- Lack of appropriate instruction in reading, including the essential components of reading instruction which include explicit and systematic instruction in phonemic awareness, phonic, vocabulary development, reading fluency including oral reading skills and reading comprehension;
- Lack of appropriate instruction in math; or
- Limited English-language proficiency.

If the answers to any of the above is “Yes,” the student is NOT eligible for services under IDEA for the disability under consideration. If the answers are all “No,” based on the totality of the assessment data, the IEP team must determine whether the student exhibits any of the characteristics of one or more of the following disabilities and if yes, identify the disability on the *Eligibility Determination* form. If it is determined that the student does not have any IDEA-recognized disabilities, “No” should be indicated on the *Eligibility Determination* form, and the student is NOT eligible for services under the IDEA for the disability under consideration. The IEP team should consider whether the assessment data indicates the student might be eligible under Section 504. If yes, a Section 504 meeting should be convened.

### Disability Categories and Eligibility Criteria

The 14 IDEA disability categories and eligibility criteria are as follows:

**Autism:** A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term includes any autism spectrum disorder that adversely affects educational performance. The term does not apply if a student's educational performance is adversely affected primarily because the child has an emotional disability.

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<sup>1</sup> “Determinant” means the primary factor.

**NOTE:** For students suspected of being on the autism spectrum, a psychological evaluation and/or social work evaluation must be conducted.

**Deaf/Blindness:** The student exhibits concomitant hearing and visual disabilities, the combination of which causes severe communication, developmental, and educational needs that cannot be accommodated by special education services designed solely for students with either deafness or blindness.

**Deafness:** A hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance.

**Developmental Delay (3 through age 9 only):** Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development.

**NOTE:** For students suspected of or having a developmental delay, at least one related service provider must conduct an evaluation.

**Emotional Disability:** (This includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability) A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peer and teachers;
- Inappropriate behavior or feelings under normal circumstances;
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

**NOTE:** For students suspected of or having an emotional disorder, a psychological evaluation and/or social work evaluation must be conducted.

**Hearing Impairment:** An impairment in hearing, permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness.

**Intellectual Disability:** (Mild, Moderate, Severe/Profound) Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

**NOTE:** For students suspected of or having an intellectual disability, a psychological evaluation must be conducted and a recommendation for eligibility must be made by a school psychologist.

**Multiple Disabilities:** Concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. (Does not include deaf/blindness.)

**Other Health Impairment:** Limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, due to chronic or acute health problems such as a heart condition, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit hyperactivity disorder (ADHD), leukemia, diabetes, rheumatic fever, or Tourette syndrome, and adversely affect a child's educational performance.

**Physical (Orthopedic) Impairment:** A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, disease or other cause (e.g., cerebral palsy, amputation, fractures, or burns).

**Specific Learning Disability (SLD):** A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

**NOTE:** For students suspected of having a specific learning disability, before the IEP team can determine whether the student has a specific learning disability, they must complete the steps described below (pages 32-34). Additionally, ODLSS recommends that the school psychologist be part of the IEP team for this discussion given his/her expertise in data analysis and basic psychological processes.

**Speech or Language Impairment:** A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance.

**Traumatic Brain Injury:** An acquired injury to the brain, caused by an external force. This injury results in total or partial functional disability, or psychosocial impairment, or both, that adversely affects the student's educational performance. This term does not apply to brain injuries that are congenital, degenerative or induced by birth trauma.

**NOTE:** For students suspected of or having a traumatic brain injury, a psychological evaluation must be conducted.

**Visual Impairment:** An impairment in vision that, even with correction, adversely affects a child's educational performance (includes both partial sight and blindness).

### **Step Three: Determine if student's disability adversely affects educational performance.**

If the IEP team determines that a student has characteristics of one or more disability areas, the team must next determine whether the student's disability adversely affects his/her educational performance. Educational performance includes academic as well as functional performance (e.g., behavior, social, communication skills, adaptive/independent living skills, etc.) If no, there is no adverse effect, the student is NOT eligible for special education and/or related services. If yes, the IEP team must proceed to Step 4.

### **Step Four: Determine if student requires special education and related services.**

Next, the IEP team must determine if the student requires special education and related services to address the adverse effect of the disability on educational performance. If he/she does, the student is eligible and the IEP team should identify the student's specific needs and proceed to drafting the student's Individualized Education Program (IEP) that addresses those needs. If the student does not require special education to address the adverse effect of the disability on educational performance (i.e., the student's disability can be accommodated in the general education classroom without the services of a special education teacher/specially designed instruction **or** the student only requires related services), the student is not eligible for special education and no IEP will be developed. The student may be eligible under Section 504 so consider completing the *Section 504 Eligibility Determination* forms at another meeting for that purpose.

Eligibility determination is reached through consensus by the IEP team. Consensus is defined as a general agreement, not necessarily unanimous agreement. It is a judgment arrived at by most of those involved. If consensus cannot be reached, the school must provide the parents/guardians with a written copy of the school's proposals or refusals or both, regarding the child's educational program, and the parents/guardians have the right to seek resolution of any disagreements as outlined in the procedural safeguards.

Each IEP team member must agree that the report reflects his/her conclusion. If a team member feels that the written report does not reflect his or her conclusion, that team member **must** submit a separate statement presenting his/her conclusion. This written statement should be completed on the *Dissenting Opinion* form.

The *Eligibility Determination* form must be provided to the parents/guardians. Parents/Guardians who disagree with the IEP team's conclusions may seek resolution as outlined in the procedural safeguards.

## Eligibility Criteria for Students Suspected of Having a Specific Learning Disability (SLD)<sup>2</sup>

Prior to an initial or reevaluation to determine SLD eligibility, a *Learning Environment Interventions* (LEI) must be completed by a teacher and another school-based IEP team member must conduct an observation and complete the *Learning Environment Screening* (LES).

Prior to or during a student's evaluation to determine SLD eligibility, documentation must show that the student's low achievement is NOT due to the lack of high quality Tier 1 instruction, or a lack of targeted and appropriate Tier 2 and Tier 3 interventions that were provided and progress-monitored with fidelity, consistent with the MTSS/Response to Intervention framework. For students already determined to have a specific learning disability, progress monitoring data must also be included in the reevaluation process.

If appropriate interventions were not implemented with fidelity for the student and/or sufficient qualitative and quantitative data<sup>3</sup> was not collected to consider the student's response to the interventions, the local school district representative and the parent/guardian may agree to an extension of the evaluation time frame. An extension of no more than 20 school days should only be agreed upon in extraordinary circumstances. If the parent/guardian does not consent to an extension, the District must complete as many evaluation activities as possible and convene an FIE/IEP meeting within the existing time frame.

An IEP team may decide that a student has a specific learning disability only if documentation and a required classroom observation, either before or after a referral for special education evaluation, shows that **ALL** of the following criteria are met:

### CRITERIA 1: LACK OF ADEQUATE ACHIEVEMENT

The student falls significantly below age or State-approved grade level standards in one of the following areas: (i) oral expression; (ii) listening comprehension; (iii) written expression; (iv) basic reading skills; (v) reading fluency skills; (vi) reading comprehension; (vii) mathematics comprehension; and/or (viii) mathematics problem solving. This criteria is supported when **ALL** of the following exist:

**A. Qualitative and quantitative data from a variety of sources show the gap** between the student's current performance and age- or grade-level standards in reading, math, written expression, oral expression and/or listening comprehension, as applicable. The selected and administered assessment tools are linguistically and culturally appropriate;

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<sup>2</sup> For additional information regarding eligibility for students suspected of SLD, see the [Chicago Public Schools Procedures and Guidelines – Specific Learning Disabilities \(SLD\)](#).

<sup>3</sup> Qualitative and quantitative data in this context means data that describes the types of scientifically or evidence-based interventions utilized with the student which are directly linked to the area of deficit; (2) the interventions were delivered with integrity; (3) the expected outcome of those interventions; (4) the student's actual responses to the interventions and rate of progress; (5) how often the student's progress was monitored; and (6) the amount of time the intervention was provided to demonstrate sufficient time was allowed for change to occur in the student's skill level (e.g., two different interventions for a minimum of five-weeks each).

- B. For an EL, the student’s limited English language proficiency (if applicable) has been ruled out as the primary cause** for the student’s lack of adequate achievement (as further described in Criteria 3 and 4 below);<sup>4</sup>
- C. Appropriate curriculum-based assessment measures** document the student’s performance in reading, math and/or written expression, as applicable. The measures are aligned with learning expectations at the student’s age and grade level and use content-controlled materials. There must be evidence that scores were reliable, valid estimates of the student’s performance and predict future success at that grade level;
- D. Data based on standard administration procedures**, and the validity of the administration and scores was verified;
- E. Data aligned with the student’s learning expectations** for the relevant point in the school year; and
- F. Consideration of differences in the student’s culture or language** when interpreting their assessment data.

Based on all of the above considerations, is the student performing significantly below grade level peers in one or more of the above-listed areas on (1) State assessments and (2) District grade level norms from universal screening after receiving scientific, research-based intervention? Typically, the “average range” on a norm-referenced assessment is considered to be between the 25th and 75th percentile. Students who perform at or below the 10<sup>th</sup> percentile are typically considered to be significantly below their grade level peers.

## **CRITERIA 2: LACK OF SUFFICIENT PROGRESS**

The student demonstrates a lack of sufficient progress, to meet age or State-approved grade level standards in one or more of the above areas, after receiving scientific, research-based interventions. This criterion can be met through the provision of MTSS or other response to intervention and documenting the implementation of the MTSS/Response to Intervention framework. This criterion is supported when either: (i) evidence that prior interventions have not sufficiently improved the student’s progress; or (ii) evidence shows that prior interventions have sufficiently improved the student’s progress, but are so intensive that they cannot be implemented long-term except through the special education process

If appropriate interventions were not implemented with fidelity for the student and/or sufficient qualitative and quantitative data was not collected to consider the student’s response to the interventions, the local school district representative meets with relevant IEP team members to consider the need to ask the parent/guardian to agree to an extension of the evaluation time frame.

**NOTE:** *In determining whether a student has a specific learning disability, CPS does not use the “pattern of strengths and weaknesses” and/or “severe discrepancy” (i.e., IQ vs. achievement) models.*

## **CRITERIA 3: LACK OF ACHIEVEMENT AND PROGRESS NOT PRIMARILY DUE TO OTHER FACTORS**

As relevant to the student, the IEP team must review the qualitative and quantitative data and conclude that the student’s lack of adequate achievement and lack of sufficient progress is NOT primarily<sup>5</sup> the result of:

- A. A visual, hearing or motor disability;**
- B. An intellectual disability;**
- C. An emotional disability;**

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<sup>4</sup> For ELs, the IEP team must include at least one person who is knowledgeable about: (i) the development of English language skills; (ii) related achievement skills for the student’s age and language/cultural background; and (iii) analyzing data relevant to EL students suspected of having a SLD.

<sup>5</sup> “Primarily” means the predominant basis.

**D. Environmental or economic disadvantage or cultural factors** (e.g., communication patterns, behavioral expectations and/or prescribed cultural factors). To consider these factors, the IEP team considers information such as the following:

- Socio-economic status;
- Family mobility;
- Number of schools attended;
- School attendance;
- Family change such as divorce or death;
- Substandard housing;
- Inadequate nutrition and food insecurity;
- Severe physical/psychological trauma; or
- Exposure to violence in the community.

**E. A student's limited English language proficiency.** As noted above, the IEP team must include at least one person knowledgeable about: (i) the development of English language skills; (ii) related achievement skills for the student's age and language/cultural background; and (iii) analyzing data relevant to students suspected of having a SLD. Further, all assessments conducted must be linguistically and culturally appropriate in order to ensure an appropriate determination that a student's limited English language proficiency is not the primary cause of his or her lack of adequate achievement/sufficient progress.

#### **CRITERIA 4: LACK OF APPROPRIATE INSTRUCTION IN READING OR MATH**

The student's lack of adequate achievement and lack of sufficient progress is not due to the lack of appropriate instruction from qualified personnel in reading or math. In order to demonstrate that appropriate instruction from qualified personnel in reading and math has been provided, the IEP team must provide the following qualitative and quantitative data:

##### **A. Data demonstrating the provision of appropriate instruction from qualified personnel**

Qualitative and quantitative data documenting satisfaction of the following requirements: (i) use of a scientifically-based curriculum; (ii) implementation with integrity; and (iii) assessment for impact on outcomes for all students.

***NOTE:** When the student is an EL, the team must also document: (i) provision of appropriate language acquisition programming; (ii) delivery by teacher(s) knowledgeable regarding language acquisition and competence; and (iii) effectiveness of core curriculum for EL students.*

##### **B. Data documenting repeated assessments**

Qualitative and quantitative data documenting repeated assessments of achievement at reasonable intervals as follows: (i) local universal screening/benchmarking collected on all students at multiple times throughout the school year; and (ii) repeated progress monitoring to determine the effectiveness of interventions.

***NOTE:** When the student is an EL, the team must also document appropriateness of assessments in light of any limitations in the student's English language proficiency, including assessment of the student's English language proficiency, assessment in the student's primary language to degree appropriate and measurement based on State standards for EL students.*

**C. Evidence that both universal screening/benchmarking data and progress monitoring data have been provided to the student's parent/guardian.**

## Eligibility Criteria for English Learners (EL) Suspected of Having a Disability

The following criteria govern an IEP team's decision that an EL student needs special education/related services<sup>6</sup>. This decision is based on evaluation results showing the student's disability is not primarily due to limited English proficiency or lack of linguistically/culturally appropriate instruction. To demonstrate that, **EACH** of the following must be met:

### **CRITERIA 1: STUDENT RECEIVED APPROPRIATE LANGUAGE INSTRUCTION/SUPPORTS**

The student received appropriate language instruction/supports, as determined by considering **ALL** the following:

**A. Years of EL Instruction.** Appropriate and consistent Transitional Bilingual Education (TBE)/Traditional Program Instruction (TPI) placement, according to relevant program requirements:

- TBE applies to schools enrolling 20 or more ELs of the same language classification. This bilingual program model provides native language instruction in core academic areas and English as a Second Language (ESL) instruction; and
- TPI applies to schools enrolling 19 or fewer ELs of the same language classification. This program model provides ESL and ESL accommodations and native language support, where possible, in core academic areas.

**B. Meaningful access to content and language development** as demonstrated by the following:

- TBE provided native language instruction in core academic areas (language arts, math, science, and social studies); and English as a Second Language (ESL) instruction; or
- TPI provided ESL and ESL accommodations and native language support, where possible, in core academic areas; and
- When transferring to a CPS school, TBE/TPI instruction was provided in a timely manner, providing the student with consistent access to EL services/programming;
- When latest EL Monitoring Report for the school reflected a partial or minimal rating, evidence shows the student's instruction was not negatively impacted by school practices that produced this rating; and
- Tiered interventions were provided and progress monitored with fidelity, consistent with the MTSS framework.

**C. Receipt of instruction by qualified teachers**, as demonstrated by each of the following:

- Properly licensed bilingual/ESL teachers with endorsement(s) in the language, grade level(s), and subject area(s) taught, and having a bilingual endorsement(s).

**D. Classroom environment and materials** reflected:

- Curricular information was linguistically accessible, grade level appropriate, and culturally relevant based on the Office of Language and Cultural Education's (OLCE) Classroom Observation Chart; and
- Instruction was conducive to the EL's learning<sup>7</sup>.

### **CRITERIA 2: FAILURE TO DEVELOP AGE-APPROPRIATE NATIVE LANGUAGE SKILLS**

Despite receiving appropriate native language instruction and/or supports as referenced in Criteria 1, the student failed to develop age-appropriate native language skills.

The student has:

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<sup>6</sup> These criteria do not apply to students with assessment data and disability eligibility criteria that do not rely on language acquisition to determine the presence of a disability and need for special education, e.g., ELs with a medically-determined physical disability, traumatic brain injury, blindness, deafness, or visual disability.

<sup>7</sup> Conducive learning environments include but are not limited to: extensive use of visuals; explicit oral language instruction; teaching of vocabulary and background knowledge; multiple response opportunities; interaction with non-EL peers; incorporation of language/content objectives and comprehensible input; and frequent opportunities for practice.

- English language proficiency scale scores (based on the ACCESS language domains) that have remained at the same level for more than one year; and
- Persistent learning difficulties in both the native language and English.

### **CRITERIA 3: LOW ACHIEVEMENT/BEHAVIOR**

The student's low achievement/behavior is **NOT** primarily due to the student's:

- English acquisition; and/or
- Additional special factors, such as:
  - Refugee or immigrant status;
  - Acculturation;
  - Interrupted schooling; and/or
  - Racial or ethnic bias.

### **CRITERIA 4: CRITERIA RELEVANT TO ONE OR MORE DISABILITY CATEGORIES**

The student meets criteria relevant to one or more disability categories, e.g., specific learning disability<sup>8</sup>, and needs special education/related services to benefit from an education.

## **Notifying Parents/Guardians of Eligibility Determination Decision**

The *Parent/Guardian Notification Conference Recommendations* form notifies parents/guardians of the eligibility determination results. If the student is eligible for special education, the form is completed and provided to parents/guardians along with the *Eligibility Determination* form **and** the IEP. If a decision has been reached that the student is not eligible for special education, the local school district representative gives parents/guardians the *Parent/Guardian Notification Conference Recommendation* form, along with the *Eligibility Determination* form. In either case, the parent/guardian receives the *Explanation of Procedural Safeguards for Parents/Guardians of Students with Disabilities*.

## **Parent/Guardian Consent for Initial Services**

The IDEA requires schools to obtain informed written parental consent before the initial provision of special education and related services may be provided to a student. Therefore, the IEP team should not proceed to develop the student's initial IEP if the parent/guardian has not consented to the provision of special education and related services. The parent/guardian consents by signing and dating the *Parent/Guardian Consent for Initial Provision of Special Education and Related Services*.

If the parent/guardian refuses to consent to the initial provision of special education and related services, the IEP team does not have to develop an initial IEP; however, developing an initial IEP may assist the parent/guardian in making the decision to consent to the initial provision of special education and related services.

If the parent/guardian consents to the initial provision of special education and related services, the school must develop an IEP. The provision of services cannot begin until 10 calendar days have passed from the receipt of the signed consent unless the parent/guardian waives the 10-day requirement. The school should use the *Conference Recommendation* form to indicate the waiver of the 10 days for provision of services.

## **OBSERVATIONS BY PARENTS/GUARDIANS, INDEPENDENT EVALUATORS, OR OTHER QUALIFIED PROFESSIONALS**

To ensure that a parent/guardian can participate fully and effectively with school personnel in the development of appropriate educational and related services for his/her child, the parent/guardian, independent educational evaluator, or a qualified professional retained by or on behalf of the parent/guardian must be afforded

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<sup>8</sup> In addition, the SLD criteria are used to determine the presence of this disability, and the related services guidelines are used when discussing the need for services from a RSP.

reasonable access to educational facilities, personnel, classrooms, and buildings and to the student. This requirement pertains to any CPS facility, building, or program, including nonpublic facilities in which CPS has placed a student receiving special education services.

Prior to an observation, the parent/guardian must inform the principal in writing of the proposed visit, its purpose, and the requested duration using the [ODLSS Request for Observation](#) form. The parent/guardian and the principal/designee must arrange the visit(s) at times that are mutually agreeable. The principal must afford the parent/guardian, independent educational evaluator, or qualified professional access of sufficient duration and scope for the purpose of conducting an evaluation of the student, the student's performance, current/proposed educational program, placement, services, or environment. Such access may include interviews of educational personnel, student observations, assessments, and tests/assessments. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. CPS may limit interviews to personnel having information relevant to the student's current/proposed educational services, program, or placement.

The parents/guardians, independent educational evaluator, or other qualified professional must comply with school safety, security, and visitation policies at all times and not disrupt the educational process. They must also comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Illinois School Student Records Act.

The local school district representative may contact the ODLSS District Representative for assistance when a parent/guardian asks to observe, or asks to have an independent educational evaluator or other qualified professional observe.

## THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The IEP is a written document required for each student who is eligible to receive special education services under the IDEA. It is provided to a student who has been determined to have a disability and to need special education services because of the adverse effect of that disability. An IEP identifies a student's unique needs and how a school will strategically address those needs, and it reflects the discussion and decisions of the IEP team. The IEP establishes goals and identifies the supplementary aids, supports and services to allow the student to meet those goals. It also commits Board of Education of the City of Chicago (Board) resources that are necessary to meet the student's individualized education needs.

Most importantly, the IEP sits at the heart of a student's educational journey and should be a document that sets both realistic and ambitious outcomes for academic, functional (including, but not limited to, social/emotional and behavioral) and developmental growth. It also allows for meaningful access to the general education curriculum and serves to advance the goal of increased academic achievement and functional performance for students with disabilities.

### IEP Meeting

The local school district representative must ensure the parents/guardians are provided with written notice of an IEP meeting at least 10 calendar days prior to the IEP meeting. The parent/guardian may agree, in writing, to waive the right to this 10-calendar day notice. A copy of the draft IEP and, if applicable, copies of paraprofessional, ESY, and *Learning Environment Intervention* forms, all other conducted evaluations, and any other collected data **MUST** be provided to the parents/guardians at least five school days prior to the meeting. At the IEP meeting, the IEP should be projected to support meaningful parent/guardian participation in the IEP discussion. If the IEP cannot be projected, the parent/guardian must be given either access to a District computer or a paper copy of the draft IEP sections that have been completed. If the parent is limited English proficient, an interpreter **MUST** be present at the IEP meeting to enable the parent to meaningfully participate in the meeting.

**NOTE:** *If a parent/guardian requests a written translation of the final IEP into a language other than English, school staff should contact the ODLSS Department of Procedures and Standards to request guidance on providing a written summary of the IEP for the parents/guardian in the native language.*

If the parent/guardian does not show up to the scheduled meeting, the meeting must be rescheduled at least once. The second *Parent/Guardian Notification of Conference* form must be sent in three different formats, one of which is US mail. Other types of transmission of the notice could be email, facsimile, or certified mail, phone call/voicemail, etc. If the parent/guardian does not show up for the second meeting, the IEP team can proceed without them unless the parent/guardian has requested another meeting date. The third meeting notice should be sent via US mail. The team may proceed on the third meeting date even if the parent/guardian does not show up or requests a fourth meeting date.

**NOTE:** *Ten calendar day notice in the native language where feasible must be given for each continued meeting date unless the parent/guardian waives in writing the 10-calendar day notification period.*

IEP team members may participate in the conference by telephone or other alternative means if they are unable to attend physically. In this case, the mode of participation is documented on the IEP.

IEP meetings may not be recorded unless all IEP team members agree or, if they do not, if a parent/guardian needs the IEP meeting to be recorded in order to have meaningful participation or due to his/her disability. If an IEP team member, which includes the parent/guardian, has a disability and provides a written statement from a doctor of his/her disability and why he/she needs the meeting recorded as an accommodation for the disability, the IEP meeting must be recorded even if all team members do not agree. The doctor's report, at a minimum,

must identify the person's disability and explain why the disability results in the need for tape recording the meeting. The local school district representative should ensure that two recordings are made so that one can be put into the student's temporary folder and maintained by CPS.

IDEA allows certain IEP team members to be excused from attending an IEP meeting in whole or in part. The person who serves as the District Representative may NEVER be excused from an IEP meeting. A team member may only be excused if:

1. The parent/guardian and District Representative agree in writing to the excusal. The *Parent/Guardian Excusal of an Individualized Education Program Team Member* form must be used whenever an IEP team member is excused, in whole or in part, from an IEP meeting.
2. The excused team member must submit in writing to the parent/guardian and the rest of the IEP team his/her input and any recommendations for the student prior to the meeting. This "written input" could include, but is not limited to, draft goals, suggested accommodations and modifications, evaluations, screenings or assessments conducted, record review summary or summary of classroom observations.

## Participants

Pursuant to the IDEA, the following are required IEP team participants:

- One or both of the student's parents/guardians;
- At least one general education teacher, if the student is or may be participating in the general education environment. The general education teacher who serves as a member of a student's IEP team should be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions on how best to instruct the student;
- At least one special education teacher. (If the child is receiving only speech and language services, the Speech-Language Pathologist shall fulfill this role.);
- For students who are 3 to 5 years of age, an individual qualified to teach preschool students without disabilities;
- An individual who can interpret the instructional implications of any evaluation results. (A person may assume this role in addition to another role at the conference.);
- A representative of CPS (District Representative) who is qualified to supervise the provision of special education services, is knowledgeable about the general education curriculum and available resources, and is authorized to commit resources on behalf of the District. (If a representative from ODLSS attends the meeting, such as when the IEP team may be discussing placement in a separate day school, that person acts as the District Representative and should be identified on the *Parent/Guardian Notification of Conference* as such.); and
- The student, if a purpose of the conference is to plan transition services (usually age 14-1/2 and older), the student is age 18 or older, or if the parent/guardian chooses to have the child participate at any age.

The IEP team must also include:

- At the discretion of the parent/guardian or CPS personnel, other individuals having knowledge or special expertise regarding the child (e.g., child welfare specialist if the student is a ward of the State, etc.);
- A qualified bilingual specialist or bilingual teacher, if the student is EL or the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to instructional needs;
- A person knowledgeable about positive behavior strategies, if the child's behavior impedes his/her learning or the learning of others; and
- Interpreter for individuals who have limited English proficiency or who are deaf.

A single member of the IEP team may meet two or more of the qualifications specified above, so long as they are identified on the *Parent/Guardian Notification of Conference* as such, with the exception of the individual assigned to represent the student's general education teacher.

## IEP Development

The IEP must be reviewed and updated at least annually to determine a student's progress toward attainment of his/her goals and to set new goals, etc. It must include:

- A statement of the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP) including how the disability affects his/her involvement and progress in the general education curriculum. For preschoolers, as appropriate, how the disability affects the student's participation in early childhood-appropriate activities and outcomes.
- A statement of measurable annual goals and short-term objectives or benchmarks, including academic and functional goals, designed to meet the student's needs and enable them to be involved and make progress in the general education curriculum and meet other needs resulting from the disability.
- A description of how the student's progress toward meeting the goals and short-term objectives or benchmarks will be measured and when periodic reports will be provided to parents/guardians on the progress toward meeting goals and benchmarks.
- A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, and program modifications or support for school personnel that will be provided to enable the student (1) to meet annual goals; (2) to participate and make progress in the general education curriculum, nonacademic parts of the school day and extracurricular activities; and (3) to be educated and integrated with age/grade appropriate nondisabled peers.
- An explanation of the extent, if any, the student will not participate with nondisabled peers in the general education classroom.
- A statement of any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on State and District assessments. If the IEP team determines that the student will take the DLM (Dynamic Learning Maps Assessment), the IEP must include a statement why the student cannot participate in the standard district and state assessments.

## GENERAL CONSIDERATIONS (IEP Section 7)

All needs stemming directly or indirectly from the student's disability that impact the student's academic or functional performance should be addressed in the IEP.

### Student Strengths

The IEP team should describe what the student can do in positive terms. A summative narrative describes the student's strengths in academic, developmental, functional, and transition areas.

### Academic, Developmental and Functional Needs

#### Academic Needs

Contains a narrative summation of the student's academic needs in each subject or content area. It includes a general summary of the student's academic needs- current levels of academic performance and areas of need in each core curricular subject. More detail for each subject or content area is discussed in Specialized Instruction.

The IEP team also reviews and documents the effectiveness of past interventions and/or strategies used with the student, including the success or failure of the accommodations/modifications outlined in the prior IEP.

The student's preferred learning style (e.g. visual, auditory, or tactile/ kinesthetic) and strategies utilized with him/her are identified. Not all learning styles must be listed, but at least the learning style which is most effective with the student should be indicated. The chosen learning style is reflected in the accommodations, modifications and goals. For example, if the student is an auditory learner, books-on-tape, repeating directions and other auditory cueing would be appropriate; whereas if the student is a visual learner, these types of accommodations may be less effective and visual cueing and guides noted instead. This section also includes a summary of the student's curriculum-based assessment results along with the results of District-wide assessments (NWEA) and State assessments (PARCC/ACCESS). The date of the testing and progress monitoring data is included, but assessments over 12 months are not generally relevant to the IEP development.

#### Developmental/Functional Needs

Describes the student's social/emotional, behavioral, independent functioning, communication, and vocational deficits and needs. Explicit information about the student's strengths and weaknesses in each area are described along with the effectiveness of past interventions and/or strategies.

#### Communication Needs

Describes how the student communicates with others; this section should be completed for all students and is not limited to those with a speech or language impairment or currently receiving speech/language services. Verbal and nonverbal communication is considered, as well as pragmatic language skills. If a student utilizes an alternative/augmentative communication (AAC) device, the effectiveness of the device in allowing the student to communicate independently is noted as well as if any changes need to be made.

### Considerations for Students with Autism Spectrum Disorders

The IEP team must consider each listed factor and provide a narrative of the student's needs, if any, and effectiveness of interventions and strategies already used with the student. All relevant items are addressed in the body of the IEP through goals, services, and accommodations and/or modifications.

- Verbal and nonverbal communication needs;
- Social interaction skills and proficiencies;
- Any unusual responses to sensory experiences;

- Any resistance to environmental change or change in daily routines;
- Engagement in repetitive activities and stereotyped movements;
- Need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from an autism spectrum disorder; and
- Other recommendations to assist the student to be involved and progress in the general curriculum.

## Relevant Transition Information

Relevant transition information in this section of the IEP does not refer to post-secondary transition but should address consideration of the student's ability to transition within the school setting, between classes, within subjects, elementary to high school and post-high school. The team describes any supports necessary to assist the student in these transitions. Any supports described in this section must be included in Accommodations and Modifications and/or Specialized Instruction.

## Medical Concerns

The nurse must be part of the IEP team if there are identified medical conditions. The nurse summarizes the information regarding any current medical conditions that require accommodations or modifications. For students with asthma, diabetes, food allergies and/or other life threatening allergies, the nurse identifies areas of concern that will be addressed in the student's Asthma Action Plan, Diabetes Care Plan, or Individual Health Care Plan and included in the IEP.

## Language and Cultural Considerations (English Learners-EL)

The IEP team describes the bilingual service delivery model that has been used with the EL student and whether any changes need to be made. The information summarized in this section drives the supports outlined in Accommodations and Modifications: Special Factors, English Learners.

For students who are not EL, describe how the language of the student's parents/guardians impacts learning and whether any cultural considerations exist and should be addressed through accommodations or other supports.

## Parents'/Guardians' Concerns

As a member of the IEP team, parents/guardians are encouraged to participate actively during the IEP meeting and provide input in the development of their child's IEP, including any concerns they have for enhancing the student's education. Parents/guardians are asked to describe how they perceive the child to be functioning at school and how their child functions at home; the success of any interventions (rewards, chores, routine, etc.) used in the home; the child's view of school; and the parents'/guardians' vision of the child in the immediate future and post-high school. To facilitate the parent/guardians' input in the IEP, prior to the meeting, the local school district representative should ask them to identify their child's strengths, areas of need and any concerns they may have in order to share them at the IEP meeting. At the meeting, the local school district representative is responsible for ensuring the parents'/guardians' concerns are discussed and accurately documented in the IEP.

## TRANSITION SERVICES (IEP Section 8)

A transition plan must be developed for all students who are or will be 14½, during the life of the IEP and annually thereafter. Transition services are a coordinated set of activities for students with disabilities:

- Designed to be within a results-oriented process, focused on improving the academic and functional achievement of the student with disabilities to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and
- Based on the individual student's needs, taking into account the student's strengths, preferences, and interests; includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and acquisition of daily living skills.

### Development of Transition Service Plan

#### Transition Assessments

Each student **MUST** have the following:

- At least one formal or informal assessment pertaining to post-secondary employment;
- At least one formal or informal assessment pertaining to post-secondary education and/or post-secondary training; and
- At least one formal or informal assessment pertaining to post-secondary independent living
  - If an assessment was conducted and referenced in this section, check 'Yes' and electronically attach the document and file it with the student's temporary records.
  - Assessment results must always be available if referenced in the IEP.

CPS staff should visit the [KNOWLEDGE CENTER \(Transition Services\)](#) for more information.

#### Competency Skills

Describe how a student's current skills will impact him/her after high school when in higher education or training, employment, or independent living settings. Include student strengths in one or more of the following areas as they pertain to the students' identified post-secondary outcomes:

- Academic skills
- Communication skills
- Ability to use technology
- Vocational skills
- Independent living and adaptive functioning skills
- Self-determination/self-advocacy skills
- Independent travel skills (within and out of community)

#### Social Skills

Include a brief synopsis of the student's social skills with peers, authority figures, and other individuals in the community. The synopsis describes characteristics that may be an asset to the student in particular professions or community settings (e.g., highly verbal, friendly and outgoing, likes to interact with people) and indicate if the student has limitations in social skills (e.g., difficulty with eye contact, sensitivity to crowds or particular environments, inappropriate responses to authority, doesn't recognize personal space).

#### Self-Determination Skills

Discuss the student's self-determination skills and if they are likely to support or impact his/her ability to obtain the intended post-secondary outcomes. Include information such as attendance patterns, participation in extracurricular activities, and other relevant information, along with details on whether the student is intrinsically motivated or motivated by external stimuli (e.g., reward-based behavior plans). The emphasis should be on how this might affect the student's success in higher education, employment, or independent living settings.

## Post-Secondary Outcomes

Indicate realistic, appropriate, and **measurable** post-secondary outcomes that take into account the student's preferences, strengths and interests. Post-secondary outcomes should be based upon age-appropriate transition assessments related to employment, education and/or training, and independent living skills. The post-secondary outcomes are statements that indicate what a student **"will" do** rather than "plans" or "hopes" after he/she has left high school and should be individualized to the student's preferences, strengths and interests.

## Planned Course of Study

Discuss courses the student will take while in high school (following the CPS graduation requirements and course sequences). Six courses per year must be listed in this section. The final section "Extended Age 18-21" should not be completed until the student's fourth year in high school. For students who are sophomores or in higher grades, the Planned Course of Study should reflect both the courses he/she has already taken and those which he/she anticipates taking in the coming high school years. If a student has failed courses and has credit recovery needs, this information should be included in General Considerations and addressed in the IEP.

## Coordinated Set of Activities

The coordination of activities is focused on improving academic and functional achievement to facilitate the student's movement from high school to post-high school. The services can be implemented by multiple IEP team members, and are intended to ensure transition planning is actively taking place throughout the year and that multiple individuals (e.g., parent/guardian, student, general education teacher, special education teacher, social worker) are involved.

- **Instruction** - Identify any specialized instruction, school-based tutoring, skills training, college preparatory instruction, and/or self-determination instruction being provided and the provider(s) of those services. If applicable, identify what may need to occur in the future.
- **Related Services** - Identify if the student is receiving any related services (e.g., transportation, social work, health services, guidance counseling, etc.) and write a brief statement on how the related services pertain to transition needs. If a student utilizes assistive technology (AT) or an AAC device to communicate, this should also be included. The IEP team then discusses alternate post-secondary funding sources for the AT devices with the parent/guardian and student. If a student does not require related services, indicate "No related services are needed at this time."
- **Work Experience** - Describe any work opportunities the student has had or will have during the course of the IEP year and the acquisition of service learning hours. If the student is too young to have competitive employment experience, consider whether the student volunteers, babysits, does household chores, or has classroom or school-based jobs. Other considerations to include can be setting up job shadow opportunities or paid/unpaid work experiences in or out of school.
- **Development of Employment and Other Post-School Adult Living Objectives** - Describe how the IEP team will engage the student in learning about career planning, workplace skills, job try-outs, registering to vote, adult benefits planning and any other post-school adult living objectives. If relevant, discuss the need to link the student to an outside agency for supports and the status of the linkage (e.g. The linkage will occur during the current IEP year; family has started the process but it is not yet complete; [Student] is currently linked and receiving XYZ services). If a student has medical needs which will require ongoing supports post-high school, plans for addressing these needs with the student and family should be discussed.
- **Acquisition of Daily Living Skills** - For all students, describe how the IEP team will engage the student in developing skills in areas such as personal hygiene/grooming, self-care, mealtime skills, budgeting, care of clothing, fitness, wellness, nutrition, community travel, and any other necessary skills needed for independent living post-high school.
- **Functional Vocational Evaluation** - Discuss how assessment data will be gathered to determine a student's vocational aptitudes and skills (e.g., career interest inventories, situational work assessments, work condition inventories, or work experience inventories, if relevant). If the IEP team agrees that

there is adequate assessment information available, the team can make a statement such as, “A functional vocational evaluation is not required at this time, as there is sufficient data with which to make vocational decisions.” If the IEP team determines a functional vocational evaluation is necessary, the local school representative should ensure the ODLSS Transition Services is contacted.

### Home-Based Support Eligibility

For all students (1) with developmental disabilities, as defined by the Illinois Department of Human Services, Division of Developmental Disabilities and (2) seeking home-based, day, and/or residential programs, a Pre-Admission Screening assessment by an Independent Service Coordination (ISC) agency is required. The ISC assessment leads to subsequent placement on the Prioritization of Urgency of Need for Services (PUNS) list, the state’s database of unmet service needs. The ISC assessment must be completed before any adult services can be offered to students with a developmental disability. This planning process should begin no later than when the student is 14 ½ due to the complexity of the State’s funding situation. Families are encouraged to start planning early, and CPS will provide students/parents/guardians with referral to the ISC for assistance with the intake process for PUNS, if needed.

Home-based support services programs are intended to permit adults with mental illness or developmental disabilities to remain in their own home by providing payment for services or equipment needed to enable the adult to become more independent. Through linkage with local agencies, service plans are designed to allow individuals to live independently, learn living skills, or obtain vocational skills.

## AREAS OF NEED (IEP Section 9)

The IEP team identifies the needs stemming directly or indirectly from the student's disability and the area(s) in which the student requires special education, related service(s), supplementary aids and services and/or accommodations/modifications in order to address the identified needs and be involved and make progress in the general education curriculum. The Areas of Need should correspond with the information provided in *General Considerations*, (e.g., if an English/Language Arts goal is identified, *General Considerations* should include a description of the student's reading issues and the need for specialized instruction.) It is important to identify all areas in which the student's disability is adversely affecting his/her educational performance. For example, a student with a reading deficit might be adversely impacted in multiple academic areas beyond English/Language Arts, so appropriate accommodations/modifications and/or goals, if necessary, should cover all areas impacted by the reading deficit.

Each school must ensure that students with disabilities have an equal opportunity to participate in academic, non-academic and extracurricular activities with non-disabled peers. The IEP team must determine and document the required supplementary aids and services necessary to enable the student to participate in all these programs.

Non-academic and extracurricular activities in which the student will or may participate should be discussed by the IEP team, including any supports or accommodations needed in order to participate in the activities. Extracurricular support should not be limited to students who are currently participating in extracurricular activities; it should also be discussed for all students who may participate.

If the student is in a grade which has a standard field trip (e.g., 8th grade trip to Washington D.C.), there should be a discussion regarding what supports, if any, are needed to allow the student to participate in this field trip. Students with disabilities are to be included in all age/grade appropriate field trips. A school may never refuse to integrate students with disabilities in lunch, field trips, assemblies and recess, based on administrative convenience and scheduling; any decisions to exclude a student from participating in such activities should be made on an individualized basis with a focus on the student's needs and safety.

## ACCOMMODATIONS AND MODIFICATIONS (IEP Section 10)

Accommodations and modifications, including supplementary aids and services, are provided to students based on individual needs. Supplementary aids and services may include, but are not limited to:

- Accommodations that change how a student accesses information and demonstrates learning, such as books-on-tape, large print books, highlighted reading materials, main idea summations, organizational aids, pre-written notes, study guides, rephrasing a question, additional time, calculators or word processor (Accommodations do not substantially change the instructional level, content or performance criteria);
- Modifications that change what a student is expected to learn and how the student will demonstrate achievement in the general education curriculum (Modifications may change the instructional level, the content and/or the performance criteria; however, even with a modified program, the student may work on the same subject area as the rest of the class);
- Consultative services where the special education teacher and/or related service provider consult with each other and/or the general education teacher on strategies to assist the student to progress in the general education curriculum;
- AT devices or services;
- Behavior intervention services, supports and strategies; and
- Paraprofessional support to provide assistance in specific areas of need.

### Accommodations and Modifications: Special Factors (IEP Section 10(a))

The IEP identifies six special factors which are discussed to further identify each student's individualized needs and determine whether the student requires this type of support in order to make progress in the age/grade appropriate general education curriculum. A student may or may not have needs in some or all of these areas. The six special factors include:

- For a student who is blind or visually impaired, whether he/she should be provided with instruction in Braille and/or the use of Braille;
- The communication needs of the student, and for a student who is deaf, the student's language needs and opportunities for direct communication with peers and staff;
- For a student who is an EL, his/her language needs as they relate to his/her disability;
- Student's need for an AAC device;
- Student's need for AT devices or services; and
- For a student whose behavior impedes his/her or other's learning, the need for positive behavioral interventions, supports and strategies.

#### A. Consideration of Braille needs

The IEP team will only be able to choose "yes" or "no" if the student's most recent evaluation identified him/her as blind or visually impaired. If the answer is yes, the team must state whether instruction provided in Braille and in the use of Braille are needed. For a student who is functionally blind, it is presumed that proficiency in Braille reading and writing is essential for his/her educational progress. Students (i) whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision; and (ii) who show evidence of progressive vision loss that may result in functional blindness, are also entitled to Braille instruction. Braille instruction may be used in combination with other special education services to meet the student's educational needs.

**NOTE:** *The team is required to notify the parents/guardians that their student might be eligible to receive services from the Illinois School for the Visually Impaired and the services they provide. This notification is given to the parents/guardians at the IEP meeting.*

## B. Consideration of communication needs

The IEP team must consider the student's communication needs. In the case of student who is deaf or hard of hearing, the IEP team must also consider the student's language needs, opportunities for direct communication with peers and staff in the student's language and communication mode (e.g., visuals, oral/aural, sign language, total communication), academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

**NOTE:** For students who are deaf or hard of hearing, the team is required to notify the parents/guardians that their student might be eligible to receive services from the Illinois School for the Deaf and the services they provide. This must be given to the parents/guardians at the IEP meeting.

## C. Consideration of English Learner's language needs

For EL students, the team must determine the language needs of the student as they relate to his/her IEP.

## D and E. Consideration of need for AT and/or AAC devices or services<sup>9</sup>

AT provides students with disabilities with the supports needed to allow them to develop, improve, or maintain their functional capabilities in a variety of tasks. AT for students with disabilities can include, but is not limited to, educational technology, which is a supplemental tool used by teachers to introduce or reinforce skills and concepts taught to all students, and AAC, which enables a student with a disability to have a means of supplementing existing speech or replacing speech that is not functional.

**AT/AAC device:** Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities

**AT/AAC service:** Any service that directly assists in the selection, acquisition, or use of an AT/AAC device, including evaluation of the needs of a student with disabilities; purchasing, leasing, or otherwise providing for the acquisition of AT/AAC devices; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing AT/AAC devices; coordinating and using other therapies, interventions, or services with AT/AAC devices; and AT/AAC training or technical assistance

**AAC system:** A tool ranging from picture and symbol communication boards to a speech-generated communication device that may increase social interaction and school performance

**ATRC:** Assistive Technology Resource Center

The team should identify any AT/AAC devices or services required for student to interact with staff and peers, to access any portion of the curriculum, or to meet the social and/or communication needs of the student or assistive technology required for the student to access any portion of the curriculum or to meet the behavioral, adaptive, or other needs of the student.

An IEP team may decide that a student with disabilities needs AT/AAC devices and/or services only if documentation shows that the following Guideline has been discussed, and is supported by qualitative and quantitative data:<sup>10</sup>

### GUIDELINE:

The student's access to the curriculum, ability to communicate, or other functional capabilities are adversely affected by his/her disability. Examples include, but are not limited to, a student who:

- A. Has speech or language skills that are impacted due to a medical or physical condition;

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<sup>9</sup> For additional information regarding criteria to determine whether a student requires AT support, see the [Chicago Public Schools Procedures and Guidelines – Assistive Technology \(AT\)](#).

<sup>10</sup> Qualitative and quantitative data in this context includes data regarding (1) how the student's access to the curriculum, ability to communicate or other functional capabilities is adversely affected by his/her disability, and the specific nature of the adverse effect; and/or (2) how and to what extent the IEP-specified instruction or accommodations, modifications, and/or other supports used during instruction were insufficient to support the student's performance and/or participation in activities.

- B. Has speech that is highly unintelligible;
- C. Is nonverbal;
- D. Requires adapted materials to learn and complete typical classroom tasks;
- E. Requires supports to focus, transition, or interact with others throughout the day through use of visual or tactile supports, such as a visual picture schedule, visual timer, tactile schedule;
- F. Requires a significantly modified curriculum due to an intellectual disability; and/or
- G. Has a motoric deficit that impacts access to the school curriculum or environment.

To request an AT and/or AAC evaluation by ATRC staff, school staff should complete the *AT Referral* form found in SSM. Parent requests for AT and/or AAC evaluation should be made in writing to the local school district representative. If the request is made verbally, the local school district representative should instruct the referrer to put his/her request for evaluation in writing and assist with transcribing if the parents/guardians are unable to write out their request.

## F. Consideration of student's need for positive behavioral interventions, strategies, and supports

Positive behavioral interventions, strategies, and supports, or a formal functional behavioral assessment (FBA) should be initiated and a behavior intervention plan (BIP) developed, when a student's behavior impedes his/her learning and /or peers' learning. The initiation or revision of a FBA and BIP are required when disciplinary sanctions result in out-of-school removal beyond 10 school days in a school year; or when a manifestation determination review (MDR) is conducted. Prior to conducting the FBA, **parental consent must be obtained** either through the Consent/Assessment Planning process if the student is undergoing a FIE; or via a separate [FBA Consent](#) form.

A FBA is a problem-solving process for analyzing student problem behavior(s). It is designed to help teams select positive and appropriate interventions that directly address problem behavior; its focus is on identifying significant, student-specific, social, affective, cognitive, and/or environmental factors associated with the occurrence and nonoccurrence of specific behaviors. The broad perspective offers a better understanding of the purpose behind the student's behavior and an effective plan for addressing it.

A FBA:

- Involves a systematic process for identifying target behavior(s) and gathering information about when, where, and why a behavior is occurring, which leads to the development of the BIP;
- Is designed to help determine the antecedents and consequences of target behavior(s), as well as the communicative and functional intent of such behaviors;
- Leads to more specific and effective behavioral interventions; and
- Summarizes prior interventions implemented and indicates which prior interventions were successful and which were not.

A BIP must:

- Summarize the findings of the FBA;
- Describe the behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;
- Identify the measurable behavioral changes expected and methods of evaluation;
- Include a schedule for a review of the interventions' effectiveness; and
- Include provisions for communicating with the parents/guardians about their child's behavior and coordinating school-based and home-based interventions.

**NOTE:** CPS staff should visit the [KNOWLEDGE CENTER \(ABHST\)](#) for more information.

## Accommodations and Modifications: General (IEP Section 10(b))

The IEP team determines what accommodations are needed to address the student's individualized needs and if any would support the student in being involved and progressing in the general education curriculum. Every Area of Need in IEP Section 9 with a check under "Accommodations and/or Modifications" will automatically pre-populate in this section. For each area identified, the IEP team should determine what accommodations are needed to address the student's individualized needs which were highlighted in IEP Section 7, *General Considerations*. The IEP team should discuss if any of the list of accommodations which automatically appear in the IEP would support the student in being involved and progressing in the general education curriculum. If a needed accommodation is not included in the pre-populated list, the IEP team should describe the needed accommodation in the "Other Accommodations" box. Accommodations are likely to vary between curriculum areas to assist the student in being involved and progressing in a particular curriculum area, depending on a student's needs.

**NOTE:** *If a student with disabilities will be participating in aquatic activities during the life of the IEP (e.g. swimming class for P.E), the team should discuss what, if any, accommodations will be needed for the student to safely participate. Any necessary accommodations should be documented under the P.E. area of need. The IEP team should also consider the need, if any, for safety-related accommodations during the school day and at other school-related activities.*

The IEP team should decide whether collaboration/consultation between service providers is needed to enable the student to be involved and make progress in the general curriculum or to achieve his/her IEP goals. If the team decides consultative services are needed, the IEP must indicate who will be consulting with whom, for how long and the nature of the consultation. For example, consultation might be considered to monitor student progress, student attendance, student behavior, effectiveness of interventions used and/or implementation and effectiveness of accommodations/modifications.

## Accommodations and Modifications: Assessments (IEP Section 10(c))

Three criteria are essential when considering any classroom assessment accommodations:

- The accommodation provides the student the same opportunities in the testing situation as those students who receive no accommodation;
- The purpose of the test is not compromised by the accommodation (example: reading a decoding test to a student would compromise the purpose of the decoding assessment); and
- Test security is not compromised by the accommodation.

Accommodations can be organized into six categories – i.e., setting, presentation, timing, response, scheduling and other. They must accurately reflect a student's knowledge and skills and not his/her disability when taking assessments. A description of the necessary accommodation is noted in the "Other Accommodation" box.

All students with disabilities must participate in the District (NWEA) and State (PARCC/ACCESS) assessments or in an alternate assessment if non-disabled students at the same age or grade are tested. It is anticipated that almost all students with disabilities will be able to participate in the standard District/State assessments.

If a student does not require classroom assessment accommodations in a subject area which is part of a District or State assessment, he/she will take the assessment without accommodations in that subject area.

If it has been determined a student cannot participate in the standard District/State assessments even with accommodations, the student will take the Dynamic Learning Maps Alternate Assessment (DLM-AA). Under federal law, the DLM-AA is limited to only 1% of the student with disabilities. The purpose of the DLM-AA is to measure progress of students with significant intellectual disabilities who cannot participate in the



PARCC/ACCESS even with accommodations and to ensure that educational progress of these students is included in the statewide accountability system at the individual school, District and State levels.

## SPECIALIZED INSTRUCTION (IEP Section 11)

The IEP team must develop goal(s) to address a student's individualized needs,

All goals developed should be SMART goals:

- Specific
- Measurable
- Action words
- Realistic/Results-Oriented
- Time-limited

**Duration of IEP:** Decide if the goal being developed will be worked on for the life of the IEP (i.e., one year) or this school year or the next school year. The answer to this question will generate the necessary LRE grids. If the IEP team opts for the life of the IEP, the start date should be the date of the IEP meeting and the end date one year from that date. If the answer is this school year, the start date is again the date of the IEP meeting but the end date is the last day of student attendance of the appropriate year. If the answer to the question is next school year, the begin date is the first day of student attendance of the appropriate year and the end date is one year from the date of the IEP meeting.

**Goal Area:** Indicate the applicable area (e.g., academic, functional, or transition).

**Provider:** The special education teacher or related service provider (RSP) is the primary provider, responsible for implementing the goal and providing the minutes of service reflected in Justification of Placement in the Least Restrictive Environment (LRE Grid) (IEP Section 12). The "Other Provider" can be any other staff member (e.g., general education teacher, paraprofessional) who will be assisting in implementing the goal. For all goals implemented in the general education classroom, the general education teacher must be selected as the "Other Provider." If the paraprofessional is identified-- Accommodations and Modifications: Special Factors – Paraprofessional Support--as providing support in the subject area for which a goal is being developed, he/she should be identified as an "Other Provider."

**Frequency of Service Delivery:** This question should be completed AFTER the goal and short-term objectives/ benchmarks are completed and reviewed again as part of the IEP team's discussion of IEP services and placement. The Placement/LRE Grid (IEP Section 12) calculates minutes per week; however, the answer to this question (e.g., weekly, monthly) is based on the student's need and controls the actual frequency of service delivery.

**Areas of Need:** Goals are based on the identified *Areas of Need*

**Present Level of Academic Achievement and Functional Performance (PLAAFP):** The information in this section cannot be a "cut and paste" of the information from *General Considerations*. The focus must be on the student's skill deficit(s) in the particular area of need being addressed by the goal. For example, for a reading comprehension goal, the information does not discuss math issues but rather focuses on the specific reading comprehension deficits addressed by the goal. The PLAAFP should also explain how the student's disability affects his/her involvement and progress in the general education curriculum. For pre-school students, as appropriate, the PLAAFP should explain how the disability affects the student's participation in appropriate activities.

**Academic Achievement:** Focus on the student's strengths and needs that specifically relate to the subject area. Include what the student can and cannot do in that specific subject area and delineate how the student is performing at the time the IEP is being developed. The student's most recent grade in the subject being addressed may be included but should never be the sole basis for a "present level" statement.

**Functional Performance:** Discuss how the student functions by describing motor, communication, social/emotional, adaptive/independent functioning skills, and, where applicable, vocational skills that relate to the subject area; this may include how the student performs with assistive technologies or augmentative communication systems.

**Standardized Test Results:** Identify any standardized test scores that relate to the subject area. Evaluation results from the most recent FIE may be included.

## Measurable Annual Goal and Benchmarks or Short-Term Objectives

The goal is a statement of the level of performance the student is expected to achieve at the end of the IEP year, must align to the Common Core/Illinois Learning Standards, and must be measurable (e.g., contain evaluation criteria such as “in four out of five trials with 90% accuracy”). The goal must directly link to the PLAAFP just written and include instructional supports. (For example: Given guided practice, K-W-L, QAR, anchor charts, and scaffolding, Student will demonstrate comprehension of grade-level literary and informational text by achieving 80% accuracy on curriculum-based assessments.) It is the final benchmark or short-term objective, so it reflects where the student should be within one year’s time or by the end date identified for the goal if shorter than one year.

The benchmarks or short-term objectives are the stepping stones to goal attainment, and as such must: be directly aligned to the present level statement and the goal; measurable and progress monitored at least quarterly; and include instructional strategies, such as assistive technology or augmentative communication solutions. Expectations should be set high for students with disabilities and, reflected in the evaluation criteria delineated in the benchmarks or short-term objectives. The evaluation guidelines identified to measure progress are implemented by the special education teacher/related service provider and shared at the next annual IEP meeting (e.g., charting, observation, oral/written test, etc.). The special education teacher/related service provider adheres to a schedule determining progress (e.g., daily, weekly, monthly, quarterly, or annually). When considering evaluation criteria and procedures for IEP goals and benchmarks or short-term objectives, align the frequency of progress monitoring to the Tiered Level of Support the student is receiving.

A student’s progress on benchmarks or short-term objectives, as measured by the evaluation procedure identified, must be reported quarterly in the IEP Report Card. It should be printed out and included with the student’s standard CPS Report Card and given to parents/guardians in the same manner as the standard Report Card. In addition, if a student’s IEP team determines that more frequent progress reporting is needed, the teacher will provide parents/guardians with the required information.

## CONSIDERING A RELATED SERVICE

Related services refers to developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education. It includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, medical services for diagnostic or evaluation purposes, and transportation. Related services also include school health services and school nurse services, social work services in schools, and parent/guardian counseling and training.

Typically, related services include (but are not limited to):

- School nursing services, which remove physical and mental health barriers to learning and promote student health, thereby increasing instructional time and improving academic and functional performance;
- Audiology services, which provide care in the prevention, identification, diagnosis and evidence-based treatment of hearing, and other auditory disorders. Audiologists provide services and supports in order to minimize the negative impact of these disorders, assist students in benefitting from their special education and ensure student access to the educational program;
- Social work and/or psychological services, which promote academic and social/emotional development by providing services to support the social, emotional and behavioral needs of students;
- Speech-language pathology services, which address communication, language and related literacy needs. Speech-language pathologists (SLPs) work with a variety of communication disorders which adversely impact the academic performance of students;
- Occupational therapy services, which deliver diagnostic and therapeutic services to students by supporting academic and functional outcomes; and
- Physical therapy services, which evaluate and facilitate the development of functional gross motor movement skills in order for students to access and participate in the educational environment and benefit from their special education.

Related Service Providers (RSPs) are specialists who work directly with students and school personnel to improve educational outcomes by assisting students in benefitting from their special education and increasing student access to the curriculum and learning environment. RSPs provide a variety of prevention and intervention services; collaborate and consult with teachers, school staff, and families to provide instructional strategies along with behavioral interventions and classroom management skills; create a continuum of support services for all students; and provide direct services and supports.

When a RSP supports an EL student's continued academic development, the RSP must be able to speak with the student in his/her native language if necessary to effectively communicate.

- To the maximum extent, monolingual RSPs provide services to ELs in a classroom with a bilingual/ESL-endorsed teacher; or
- In limited circumstances when providing services in a separate environment, the monolingual RSP may be assisted by a:
  - Bilingual/ESL teaching assistant; or
  - Bilingual/ESL-endorsed teacher providing consultation.

An IEP team may decide that a student with disabilities needs related services only if documentation shows that the student has an identified disability **AND** the student needs related services to benefit from his/her special education in **AT LEAST ONE** of the following areas:

- A. Academic**
- B. Functional**
- C. Vocational/Transition**

If the IEP team determines that a student needs direct related services, the team should next consider whether there is also a need for a RSP to consult with the classroom teacher(s), paraprofessional(s), and/or others in order to enhance development and generalization of the skill being addressed through direct service delivery.

Required Documentation within an RSP Report: Various sources of data can be used to help determine need for related services but not all data sources are required for all students.

Review – record review including but not limited to MTSS or other response to interventions data, any private sector reports and diagnoses

Interview – parent/guardian, teacher and/or student

Observe – formal or informal observation of student in multiple settings

Test – formal and informal assessment measures

## Determining Need for Speech-Language Pathology Services

The development of communication skills is integral for the success of all students. The SLP works with a variety of communication disorders such as articulation (speech sounds), language comprehension (following directions, understanding texts), language expression (putting words together, using correct grammar, word meaning), voice (use of voice to produce sound), pragmatic language (social language) and fluency (rhythm of speech) which adversely impact the academic performance of students. SLPs in the schools work with students directly and/or with classroom teachers, families and administrators to address communication, language and related literacy needs. SLPs assist with the prevention of communication disorders through implementation of MTSS, identification of at risk students for academic problems, assessment of students' communication skills, implementation and development of IEPs and evidence-based interventions. The SLP works collaboratively with school staff, parents/guardians and the community to support the academic, social and vocational needs of all students.

An IEP team may decide that a student with disabilities needs school speech-language services only if **BOTH** of the following guidelines are discussed and documented:

### **GUIDELINE 1: SPEECH-LANGUAGE DEFICIT**

The student has a speech-language deficit in **ONE OR MORE** communication areas below:

#### **A. Language**

The student:

- Has difficulty understanding and applying oral directions according to developmental norm;
- Has difficulty understanding conversations when compared to same-aged peers;
- Relates stories or events in an illogical, poorly organized manner;
- Has difficulty expressing his/her needs and ideas at an age-appropriate level;
- Has difficulty adapting language for a variety of social contexts; or
- Other (must be specified).

#### **B. Speech or Sound Production**

The student:

- Produces speech or sounds that affect intelligibility;
- Has one or more disordered phonological processes;
- Has consistent speech sound errors compared to typically developing students; or
- Has a feeding disorder due to oral motor dysfunction. If the oral motor dysfunction improves, feeding skills may improve.

#### **C. Voice**

The student:

- Based on medical documentation, has a vocal impairment without short-term physical, respiratory virus or infection; or

- Has a vocal disorder due to an impairment in one or more of the five voice characteristics: vocal quality, pitch, range, volume, and/or intensity.

#### **D. Fluency**

The student:

- Has atypical dysfluencies, such as:
  - Hesitations,
  - Repetitions (i.e., sound, syllable repetitions),
  - Prolongations, and/or
  - Blocks; or
- Has secondary behaviors related to the dysfluency, such as:
  - Eye blinking,
  - Facial tension,
  - Facial tics,
  - Poor eye contact,
  - Avoidance,
  - Tremors,
  - Pitch and loudness variability,
  - Facial grimaces, and/or
  - Lip, limb or torso movements.

#### **GUIDELINE 2: SPEECH-LANGUAGE SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION**

The student's speech issue adversely affects his/her academic and/or social performance, and/or postsecondary transition activities; or speech-language services are required to assist the student to benefit from special education

**ALL** of the following guidelines must be discussed and documented. The speech-language services:

- Are required beyond that which is normally available to all students (e.g., tiered supports);
- Will support functional change in speech-language skill;
- Address skills that are significant, constant and developmentally appropriate;
- Are present regardless of the student's dialectical and/or characteristic of an EL;
- Are related to issues other than selective mutism or school phobia;
- Are not contraindicated by medical/physical, dental, or other circumstances that warrant discontinuation of services temporarily or permanently;
- Are needed to meet continuing targeted speech-language goals/benchmarks, if any; and
- Are necessary for the student's educational performance or specially designed instruction and cannot be directly provided by any other school personnel.

### **Determining Need for School Audiology Services**

An audiologist helps students with audiological deficits communicate and connect more effectively with others at school and school-related settings. A school audiologist conducts audiological evaluations for students with known or suspected hearing loss/disorders and/or central auditory processing disorders (CAPD). The audiologist also makes recommendations for goals, service delivery, and/or accommodations for students with hearing loss/disorders and/or CAPD to support them in school and school-related settings.

An IEP team may decide that a student with disabilities needs school audiology services only if **BOTH** of the following guidelines discussed are documented:

#### **GUIDELINE 1: HEARING LOSS/DISORDER AND/OR CAPD HAS BEEN IDENTIFIED THROUGH AN EVALUATION**

## **GUIDELINE 2: AUDIOLOGY SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION**

**ALL** of the following must be discussed and documented. The student's audiology services:

- Are required and are beyond that which is normally available to all students;
- Will support:
  - Further functional change in hearing function, and/or
  - Hearing amplification and/or auditory processing in order to access education and to participate successfully throughout the day;
- Are not contraindicated due to medical/physical, psychological, or other circumstances that warrant discontinuation of services temporarily or permanently;
- Are needed to meet all targeted hearing supports, goals/benchmarks, if any; and
- Are necessary for the student's educational performance or specially designed instruction and cannot be directly provided by any other school personnel.

### **Determining Need for School Social Work and/or School Psychological Services**

School social workers promote academic and social/emotional development by providing a wide array of services to support the social, emotional and behavioral needs of all students. They provide services to students both in general and special education programs, using individual, group and classroom settings. School social workers support educational outcomes through implementation of MTSS utilizing evidenced-based interventions; development and implementation of intervention and prevention programs that assist in the reduction of at-risk students; and participation on problem-solving teams in the school environment to support student success. They foster a positive and safe learning environment by facilitating the development of students' prosocial, decision-making and self-management skills. School social workers act as a liaison between home, school and the community through collaboration with teachers, parents/guardians and community agencies.

School psychologists serve as members of interdisciplinary teams to address the needs of all students, including involvement in MTSS. They are an integral part of the MTSS, from system-wide program design, consultation, data collection and analysis, to specific assessment and intervention efforts with individual students. School psychologists support a students' ability to learn and teachers' ability to teach. They apply expertise in mental health, learning, and behaviors to help children and youth succeed academically, socially, behaviorally, and emotionally. School psychologists partner with families, teachers, school administrators, and other professionals to create safe, healthy, and supportive learning environments. School psychologists are instrumental in FIEs and the eligibility determination of an educational disability.

An IEP team may decide that a student with disabilities needs school social work and/or psychological services only if documentation shows that **BOTH** of the following criteria are met:

### **GUIDELINE 1: STUDENT DEMONSTRATES SOCIAL, EMOTIONAL, OR ADAPTIVE SKILL DEFICITS AND/OR BEHAVIOR THAT IMPEDES HIS/HER LEARNING OR THAT OF OTHERS**

School social work or psychological services should be considered if a student has an ongoing or recurring need, such as, but not limited to:

- Exhibits difficulty developing and/or sustaining appropriate social relationships with peers and/or authority figures;
- Requires support to identify, manage, and regulate feelings/emotions;
- Needs assistance resolving conflicts effectively with peers and/or adults;
- Struggles with responsible decision making and anticipating the consequences of their behavioral choices;
- Displays difficulty with knowledge and awareness of their own personality/character;

- Struggles with self-management and taking responsibility for their own actions, behaviors, and well-being;
- Requires assistance with organization, time management, and planning skills; and
- Employs ineffective problem solving and coping strategies in response to stressful situations.

## **GUIDELINE 2: SOCIAL WORK AND/OR PSYCHOLOGICAL SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION**

**ALL** of the following guidelines must be discussed and documented. The social work and/or psychological services:

- Are required and are beyond that which is normally available to all students (e.g., tiered supports);
- Will support development or improvement of a student's social/emotional skills in order to access education and participate successfully throughout the day;
- Are needed to meet continuing targeted social-emotional IEP goals/benchmarks, if any; and
- Are necessary for the student's educational and/or functional performance or specially designed instruction and cannot be directly provided by any other school personnel.

## **Determining Need for School Nursing/Health Services**

The essential role of the School Nurse is to work in collaboration with the teaching, counseling and administrative staff to remove physical and mental health barriers to learning and to promote student health, thereby increasing instructional time and improving academic outcomes and functional performance. While many of these activities have previously fallen exclusively onto teaching and support staff, the availability of the nurse ensures comprehensive delivery of care and allows the faculty and staff increased time for other duties. School nurses provide first aid, emergency care identification and chronic condition case management to students.

An IEP team may decide that a student with disabilities needs school nursing services only if **BOTH** of the following guidelines are discussed and documented:

### **GUIDELINE 1: HEALTH CONDITION/IMPAIRMENT**

The student has a health condition/impairment in **ONE OR MORE** of the following areas:

#### **A. Chronic Health Condition**

The student has an ongoing or recurring health issue, such as, but not limited to:

- Asthma;
- Allergies;
- Diabetes-Type 1 or 2;
- Seizure Disorder;
- Sickle Cell Disease;
- Cardiomyopathy;
- Hemophilia;
- Cerebral Palsy; or
- Spina Bifida; or

**B.** The healthcare provider has prescribed medication and/or a treatment procedure to control a condition, maintain a condition, prevent illness, or restore health; or

**C.** The student has impaired mobility, chronic or temporary, which requires planning and accommodations in the school environment to assure the student's safety and comfort.

## **GUIDELINE 2: NURSING SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION**

**ALL** of the following guidelines must be discussed and documented. The nursing services:

- Are required and are beyond that which is normally available to all students;
- Will support:
  - The student's ability to self-manage a condition (monitoring of direct services by the school nurse) and safely participate in the educational program to his/her level of safety and ability;
  - Daily functioning such as breathing, nutrition, urination, elimination, pain management, skin integrity, and physiological balance;
  - The student's chronic condition as documented by healthcare providers; or
- Assist with medication per physician or healthcare provider documentation;
- Are needed to meet all targeted nursing goals/benchmarks, if any; and
- Are necessary for the student's educational and/or functional performance or specially designed instruction and cannot be directly provided by any other school personnel.

### **Determining Need for Occupational Therapy Services**

The role of the occupational therapist includes providing diagnostic and therapeutic services to students, and collaborating with and supporting parents/guardians and school support staff. Occupational therapists work with members of the school-based team to break down barriers to students' learning environment in order to access their education. They support academic and functional outcomes, including social skills, math, reading and writing, behavior management, recess, participation in sports, self-help skills, pre vocational/vocational participation, and more. Occupational therapists are particularly skilled in facilitating student access to curricular and extracurricular activities through supports, designing and planning, and other methods. Additionally, they play a critical role in training parents/guardians, other staff members, and caregivers on educating students with diverse learning needs.

An IEP team may decide that a student with disabilities needs school occupational therapy (OT) services only if documentation shows that **BOTH** of the following guidelines are discussed and documented:

#### **GUIDELINE 1: MOTOR OR SENSORY IMPAIRMENT/DEFICIT**

The student has a motor or sensory impairment/deficit in **ONE OR MORE** of the following areas:

##### **A. Motor Impairment/Deficit**

The student:

- Needs assistance planning and producing voluntary movement;
- Does not reach for objects with intention;
- Has difficulty grading force and timing movement;
- Needs assistance demonstrating age-appropriate grasp and release;
- Has difficulty carrying objects; or
- Has difficulty initiating and completing activities of daily living, such as:
  - Arrival/departure;
  - Hygiene management or other self-care activities;
  - Feeding/eating; or
  - Other (must be specified).

##### **B. Sensory Impairment/Deficit**

The student:

- Has poor organized behavioral responses/unsafe behavior;
- Is unable to self-manage or self-monitor own behavior;
- Is inattentive or distractible resulting in off-task behavior the majority of the school day;
- Has extensive difficulty interpreting and integrating sensory input; or

- Has delays in developing an integrated perception of the world and/or delayed motor exploration of surroundings and objects.

## **GUIDELINE 2: OT SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION**

**ALL** of the following must be discussed and documented. The occupational therapy services:

- Are required are beyond that which is normally available to all students (e.g., tiered supports);
- Will support:
  - Functional change in motor or sensorimotor skill function;
  - Self-regulatory behavior (e.g., develop strategies to manage incoming sensory information, choose appropriate responses, and maintain levels of arousal) to actively and effectively participate in learning; and/or
  - Effective use of adaptive devices /assistive technology to access education;
- Are needed to meet targeted motor or sensorimotor IEP goals/benchmarks; and
- Are necessary for the student's educational performance or specially designed instruction and cannot be directly provided by any other school personnel.

Based on Illinois licensure requirements, occupational therapists may evaluate and add services for students without physician's prescription document (PPD). Current PPDs (within one year) are required by Medicaid when OT services are included on a student's IEP.

## **Determining Need for Physical Therapy Services**

School-based physical therapists evaluate and facilitate the development of functional gross motor movement skills in order for students to access and participate in the educational environment and to benefit from their special education. The physical therapist is responsible for evaluations including participation in team decisions about eligibility and intervention. Physical therapy (PT) interventions are designed to enable the student to move throughout the school environment; participate in classroom activities; maintain and change positions in the classroom; as well as manage stairs, restrooms, cafeteria and other educational environments.

An IEP team may decide that a student with disabilities needs school PT services only if documentation shows that **BOTH** of the following guidelines are discussed and documented:

### **GUIDELINE 1: PHYSICAL CONDITION/ORTHOPEDIC IMPAIRMENT**

The student has physical condition/orthopedic impairment in **ONE OR MORE** of the following areas:

#### **A. Posture and Positioning**

The student:

- Needs assistance to participate in activities and routines due to poor postural control; or
- Needs assistance to sustain proper positioning.

#### **B. Safe Transfers and Functional Mobility/Movement**

The student:

- Needs assistance to keep up with peers due to poor speed and endurance;
- Has limited wheelchair skills;
- Needs assistance to safely transfer; or
- Needs assistance walking safely in the school and/or community-based instructional sites.

#### **C. Gross Motor Activities and Routines**

The student:

- Needs assistance participating in age-appropriate motor activities and routines, such as:
  - Motor groups,
  - Physical education,

- Recreation with peers.

#### **D. Self-Care from a Gross Motor Perspective**

The student:

- Needs assistance participating safely and/or independently in mealtime, e.g. navigating the lunchroom, carrying a lunch tray;
- Needs assistance participating safely and/or independently in entrance/exit routine due to mobility, transfers and/or balance concerns;
- Needs assistance participating safely and/or independently in toileting routine due to mobility, transfers and/or balance concerns; or
- Needs assistance to safely and/or independently manage classroom materials and personal belongings due to mobility, transfers and/or balance concerns.

#### **GUIDELINE 2: PT SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION**

**ALL** of the following must be discussed and documented. The physical therapy services:

- Are required are beyond that which is normally available to all students (e.g., tiered supports);
- Will support:
  - Effective use of adaptive devices/assistive technology to access education; and/or
  - Functional change in motor skill function;
- Address student's ability to independently transfer and take care of personal care needs throughout the school day
- Are needed to meet targeted sensorimotor IEP goals/benchmarks, if any; and
- Are necessary for the student's educational performance or specially designed instruction and cannot be directly provided by any other school personnel.

Based on Illinois licensure requirements, physical therapists may evaluate without physician's prescription document (PPD) but may not provide PT services for students under an IEP without a current PPD on file. Current PPDs (within one year) are required by Medicaid when PT services are included on a student's IEP.

## PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT (IEP Section 12)

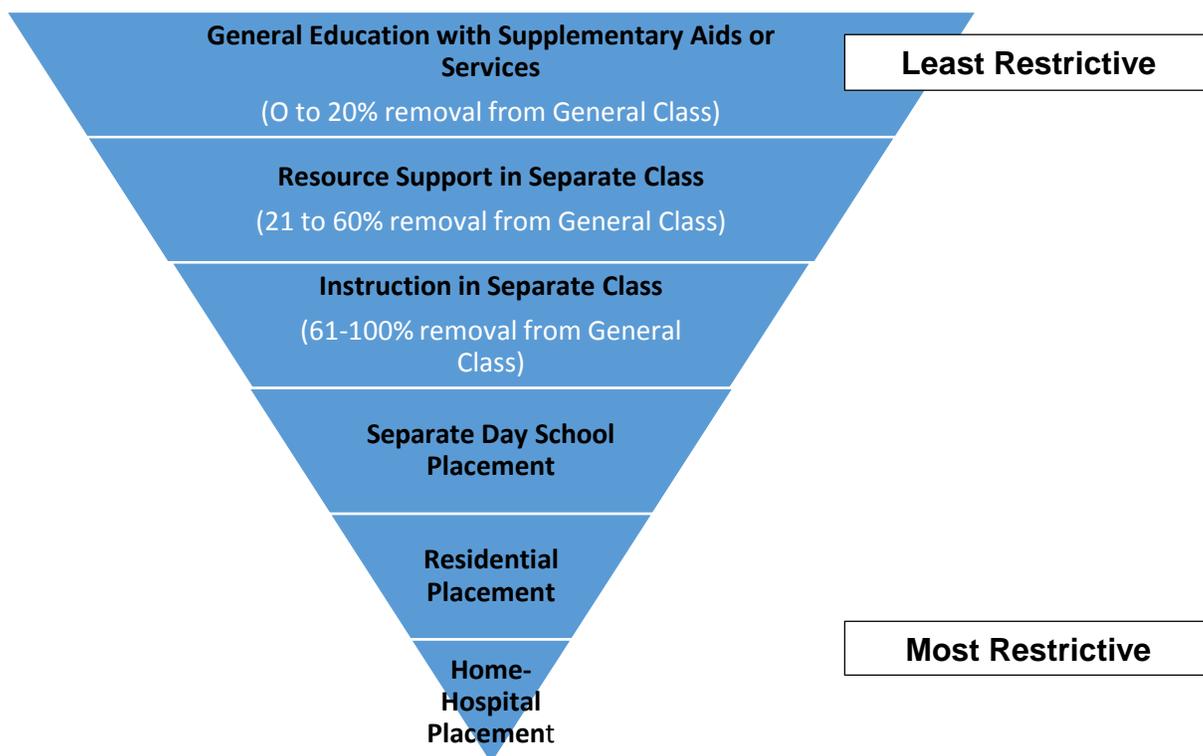
The IDEA requires that every eligible student who has a disability and is ages 3 through 21, must receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) that is appropriate for the student.

Placement/LRE is not the school/program location or services themselves. Rather, it is the spot on the District’s required continuum of placement options in which the student’s IEP can be implemented. The placement/LRE decision is made only after all of the goals, modifications and accommodations, and, when applicable, the BIP and/or transition plan have been developed in the IEP. The placement/LRE decision is based on the student’s unique needs and not on the student’s disabilities.

### Least Restrictive Environment (LRE) Defined

The LRE mandate requires that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. Special classes, separate schools or other removal of students with disabilities from the general education classroom occurs only when the nature or severity of the student’s disability is such that education in the general education classroom with the use of supplementary aids and services cannot be achieved satisfactorily.

### The Placement Continuum



The LRE may be very different for each student, but the determining factor is always the student’s individual needs. Depending on a student’s needs, the LRE could be:

- General education classroom full time with supplementary aids and services, including special education teacher support through consultation or co-teaching;

- Removal from the general education classroom up to 20% of the student's day (student spends the remainder of his/her day in the general education classroom with supplementary aids and services, as appropriate);
- Removal from the general education classroom between 21% to 60% of the student's day (student spends the remainder of his/her day in the general education classroom with supplementary aids and services, as appropriate);
- Removal from the general education classroom from 61% to 100% of the day (student has integrated activities whenever appropriate, including homeroom, art, gym, music, computers, lunch, field trips, assemblies);
- Placement in a separate special education facility (this can be a CPS separate school or State-approved nonpublic day school and integrated activities, including community-based programs, should be provided when appropriate);
- Placement in a residential facility; or
- Placement full-time in a home/hospital program.

## Making the Placement/LRE Decision

Each year when the IEP is developed, the placement/LRE discussion for every student with a disability, including preschool students, begins with the general education classroom as the first placement option, including a discussion of special education, related services, and necessary supplementary aids and services being provided in the general education classroom. The IEP team should identify the student's strengths, and build upon those strengths while determining whether the student can benefit educationally from receiving his/her special education services and supports in the general education classroom. Nonacademic considerations, such as the social/emotional benefits of interaction with non-disabled peers, communication development and self-care skills, are also important when discussing general education classroom placement. The deficit areas that have been identified in the IEP should be carefully reviewed annually to determine if services can be delivered in the general education classroom through consultation, co-teaching or other supplementary aids.

When determining the LRE for a student with disabilities and before the IEP team recommends educational services outside of the general education classroom, the team should address several questions to ensure that the student will be educated with non-disabled peers to the maximum extent appropriate.

- Would the student benefit from receiving his/her special education and related services in a general education classroom for all or some of the school day?
- Can supplementary aids and services support the student's needs in the general education class?
- Can the student achieve his/her IEP goals within the general education classroom with the use of special education, related services, and/or supplementary aids and services?
- Does the IEP provide for a full range of supplementary aids and services that would facilitate the student's progress in the general education class?
- What are the nonacademic benefits to the student from interacting with non-disabled peers?
- Is the student so disruptive in the general education classroom that his/her education or that of other students is impeded, even with appropriate supports in place? and/or
- Does the student require the curriculum to be modified so significantly that it bears little or no relation to the general education curriculum and instruction in the classroom?

Begin the decision-making process by examining the general classroom placement as the first option. Have a serious and thoughtful discussion about the following three factors:

1. Consider whether the student can be educated satisfactorily in the general classroom with one or more of the following (not an exhaustive list):
  - supplementary aids and supports program and/or curriculum modifications;
  - special education teacher co-teaching the class;

- special education teacher and/or related service provider works with the student(s) individually or in small group within the classroom;
  - training or other supports for the general education teacher;
  - the use of assistive technology; and/or
  - the implementation of a BIP designed to identify and meet the behavioral challenges presented by the student in the general education classroom.
2. Compare the academic and non-academic benefits to the student provided in the general education classroom and those provided in a special education classroom or separate setting including consideration of (not an exhaustive list):
    - Social, communication, and self-help skills, as well as academic benefits; and
    - The general education classroom placement is not contingent on the student's ability to learn the same things in the same way.
  3. Consider the potentially beneficial or harmful effects that a general education class placement may have on the student with a disability or the other students in the class including (not an exhaustive list):
    - Positive benefits such as social interaction with non-disabled peers, peer modeling, high expectations, and acceptance of others; and
    - Harmful effects such as unduly disruptive behavior that impairs the student's learning or that of others, even with the implementation of a BIP and other supports.

Keep in mind that the placement decision cannot be solely based on:

- Category of disability;
- Severity of disability;
- Language and communication needs;
- Needed modifications to curriculum;
- Configuration of the District's service delivery system; or
- Availability of space or educational and related services.

No one factor outweighs the others. The IEP team should look at a student's individual needs and determine the most appropriate and least restrictive setting in which he/she would benefit educationally. Remember – even if the team determines that a student with disabilities should be placed in a separate class for particular curricular area(s), he/she still must be integrated with non-disabled peers to the maximum extent appropriate and have access to the age/grade-appropriate general education curriculum even in the separate setting.

If the IEP team determines that a student with disabilities must be removed from the general education classroom because he/she will not benefit educationally--even with the provision of special education, related services, and supplementary aids and services--the IEP team must document the basis for this decision. A decision to remove a student with disabilities from the general education setting must always be based on individual needs and not on the nature of the student's disability. Additionally, separate classes, separate schooling or other removal of students with disabilities from the general education classroom must only occur if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

If the student will be removed from the general education classroom for any part of his/her day, the IEP team will continue its discussion of the continuum of options to determine an appropriate placement. The IEP must support both the chosen LRE placement and the basis for rejecting each of the less restrictive settings. A student with disabilities does not have to fail in a less restrictive setting before the team reconvenes and discusses moving the student to a more restrictive setting.

In determining placement, including for preschoolers, the IEP team begins the discussion with the school that a student would attend if not disabled. If the student will not attend that particular school, the team then must support this decision and provide the closest appropriate school location that can implement the IEP.

## Related Services Delivery and LRE

When a student with disabilities needs related services, the IEP team determines whether the related service will be provided in the general education classroom; in a separate location but with non-disabled peers; in a separate class with no non-disabled peers; or in a combination of these locations. The first option considered should be a general education environment. Services provided in a general education setting meet the needs of students by providing access for all learners to the general education curriculum, promoting their relationships with general education peers, and eliminating additional transitions during the school day whenever practicable. Location of the services is based on the student's individual needs and on the most appropriate environment for skill acquisition. The location for related services may change over time in response to student performance and the educational program. If the team determines that the general education classroom or an integrated setting with non-disabled peers is not the appropriate location for delivery of the related services, the basis for this decision must be included on the IEP.

## Nonacademic and Extracurricular Activities and LRE

In providing or arranging for the provision of nonacademic and extracurricular activities, the IEP team must ensure that each student with a disability participates in these activities with non-disabled students to the maximum extent appropriate. The socialization opportunities available to students with disabilities when participating in these activities are very important. The IEP reflects the special education, related services, or supplementary aids and services that are necessary to enable the student to participate in the nonacademic and extracurricular services offered at the school.

## Extended School Year and LRE

LRE must also be discussed by the IEP team in the context of an extended school year (ESY) program for a student who is eligible for ESY services; however, the IDEA does not require that a school establish summer programs for non-disabled students for the sole purpose of providing integrated activities for students with disabilities in ESY programs. Because the primary purpose of ESY services is to prevent severe regression and recoupment problems, a student's placement for ESY services may differ from his/her placement during the regular school year. The LRE decision for ESY is made on a case-by-case basis.

## Separate Day School or Residential Placements

If placement in a separate day school or residential setting may be discussed at the IEP meeting, the ODLSS District Representative **MUST** be invited to the meeting and will participate as the District Representative.

Placement in a nonpublic separate day or residential school is appropriate only if the IEP team determines, based on data and other relevant information, that the nature or severity of a student's academic or functional (e.g., social/emotional, behavior, or transition) needs due to his/her disability (i.e., regardless of disability classification) is such that education within the CPS system, with the use of special education, related services, and supplementary aids and services, cannot be satisfactorily achieved. As with all IEP decisions, placement (including, but not limited, to separate day school or residential placements) may not be determined prior to an IEP meeting and without parent/guardian input.

The separate day or residential school must provide all special education and related services and all educational accommodations and supports in accordance with the IEP and at no cost to the parents/guardians. CPS retains responsibility for the continued development, review and revision of the student's IEP. The duration of a student's placement in a separate day or residential school will depend upon the student's individual needs, as determined by the IEP team.

A student placed by CPS in a separate day or residential school retains all of his/her substantive and procedural rights under IDEA.

If an IEP team is considering whether a student with disabilities requires a separate day school or residential placement due to behavioral needs, **ALL** of the following guidelines must be discussed and documented:

### **GUIDELINE 1: HIGHLY INTENSIVE BEHAVIOR**

The student's behavior is considered to be **highly intensive** compared to peers, and includes but is not limited to:

- Physical aggression that causes serious bodily injury, including but not limited to:
  - Hitting/kicking,
  - Biting, or
  - Fighting.
- Self-injurious behavior;
- Property destruction that causes or may cause injury to self/others (e.g., throwing furniture, materials); and/or
- Sexual behaviors (e.g., harassment, aggression).

### **GUIDELINE 2: FREQUENT BEHAVIOR**

The student's behavior occurs at a frequency and/or duration that **significantly differs** from that of peers in the student's class.

### **GUIDELINE 3: TIERED SUPPORTS AND INTERVENTIONS IMPLEMENTED WITHOUT SUCCESS**

As documented by the student's teacher pursuant to the MTSS/Response to Intervention framework or IEP progress monitoring, the school team should have done the following with fidelity and consistency without improved student behavior:

- Requested parent/guardian consent to conduct/update a FBA and followed the procedure outlined on page 49.
- Convened an IEP meeting to develop or update the BIP;
- Implemented function-based interventions and progress monitoring, including data collection (e.g., behavior interventions for a minimum of five weeks, where practicable).

With regards to behavior, the IEP team should also consider information, if any, regarding student hospitalization, SASS assessments, recommendations from private service providers who work with the student, as well as parent/guardian input.

If an IEP team is considering whether a student with disabilities requires a separate day school or residential placement due to needs other than behavioral needs, **ALL** of the following guidelines must be discussed and documented:

### **GUIDELINE 1: HIGHLY INTENSIVE ACADEMIC OR FUNCTIONAL NEEDS**

The student's academic or functional (including, but not limited to, emotional, adaptive, or transition-related) needs are considered to be **highly intensive**. This may include, but is not limited to, a need for:

- Unique specialized instruction due to significant academic delays and failure to make progress;
- Educational setting with therapeutic milieu and/or access to specially-trained staff throughout the school day;
- One-on-one or small group (less than three students) specialized instruction or services continuously throughout the school day; or
- Unique vocational programming that is not otherwise available in a District program.

With regard to functional needs, such as emotional or adaptive, the IEP team should also consider information, if any, regarding student hospitalization, SASS assessments, recommendations from private service providers who work with the student, as well as parent/guardian input.

## **GUIDELINE 2: DISTRICT PROGRAMMING, INCLUDING SUPPLEMENTARY AIDS AND SERVICES, CANNOT SATISFACTORILY ADDRESS THE ADVERSE EFFECTS OF THE STUDENT'S DISABILITIES AND IS INSUFFICIENT TO MEET THE STUDENT'S IDENTIFIED NEEDS**

### **Home or Hospital Placements**

The continuum of placement options includes instruction in the home or hospital setting when a student is unable to attend a school elsewhere due to a medical condition. A nurse and the ODLSS Home/Hospital Manager must be members of the IEP team that makes this placement decision.

In addition, when a student has a medical condition that will cause an absence of two or more weeks of school or on-going intermittent absences, the student's IEP team should consider the need for home or hospital services. In such cases, home or hospital services must be based on a written statement from a physician that specifies: (1) the student's medical condition; (2) the impact on the student's ability to participate in education (the student's physical and mental tolerance for receiving educational services); and (3) the anticipated duration or nature of the student's absence from school.

The main goal of home/hospital services is to provide the student access to instruction while he/she is away from school managing his/her illness. This program strives to keep the student current with classroom instruction and facilitate his/her return to the classroom setting. The amount of instructional and related service time will not be less than five hours per week, unless a physician in writing states otherwise, and will only occur on regularly scheduled CPS school days. Homebound instruction generally begins after regular school hours and ends by 7:00 p.m., but this must always be determined by a student's IEP team based on his/her individual special educational needs. [KNOWLEDGE CENTER \(Homebound Services\)](#)

### **Review of Placement/LRE**

The IEP must be reviewed and revised as appropriate, but at a minimum of once a year. At each IEP meeting, the LRE placement of the student is discussed, beginning with placement in the general education classroom. The IEP team may recommend placement in a more restrictive setting only if the student's needs can no longer be met in a less restrictive placement, based on data provided in the IEP. The IEP must educationally justify the new placement.

### **Potential Harmful Effects**

In selecting the placement, the IEP team must consider the potential harmful effects, if any, on the individual student or the efficiency of services that he/she needs in the chosen placement. Whether or not any harmful effects exist is noted on the IEP. Some potential harmful effects to consider include, but are not limited to:

- Decreased access to the instructional opportunities available in integrated settings;
- Lack of opportunity for social interaction with non-disabled peers;
- Decreased self-esteem;
- Lack of opportunities for appropriate social, behavioral, or communication role models;
- Stigmatization; and/or
- Travel time to and from school location.

## PARAPROFESSIONAL SUPPORT<sup>11</sup>

In addition to the classroom teacher or Related Service Providers, paraprofessionals may be needed to provide a student with support for his/her need for personal care, or for medical, academic, behavior, social, communication or other issues at school, and/or at school-sponsored activities or events. Any member of the IEP team, including the parents/guardians, may initiate a request for paraprofessional support to be discussed at the IEP meeting and for qualitative and quantitative<sup>12</sup> data to be gathered to support this discussion. When the IEP team determines that paraprofessional support is required, the team will also determine if it is appropriate to include in the student's IEP a relevant measurable goal designed for the student to achieve greater independence within the targeted area(s) of need and decrease reliance on paraprofessional support.

If a student with disabilities is in a cluster program, the IEP team should determine whether the student's needs can be met in the separate cluster classroom with a teacher and the programmatic paraprofessional(s) already assigned to the classroom. If so, indicate this on the IEP and specify the specific support(s) the student will need from the programmatic paraprofessional. If the student needs no other adult assistance, none of the below guidelines apply. If the student also requires personal care (including medical) assistance, the IEP team should also follow Guideline 1 below. If the student needs support with academic and behavioral issues beyond the teacher and the programmatic paraprofessional(s) assigned to the classroom, the IEP team should follow Guidelines 2 and 3 below.

If the qualitative and quantitative data, other relevant information collected, and IEP team discussion support a need for paraprofessional support, the team must then specify on the IEP (i) when, where, and for what tasks or activities paraprofessional support is needed; (ii) if the paraprofessional will be shared or dedicated per task/activity; and (iii) any training or other supports that the paraprofessional should be provided. The IEP team must also develop a *Student Independence Paraprofessional Plan* in which the team identifies strategies to promote independence as well as to fade the student's need for paraprofessional support across all relevant settings.

For all other students with disabilities, an IEP team may decide that the student needs paraprofessional support only if documentation shows that **ONE OR MORE** of the following Guidelines have been discussed, based on qualitative and quantitative data and other relevant information, and support the team's decision.

### **GUIDELINE 1: PERSONAL CARE OR MEDICAL CONDITION**

The student's teacher and Related Service Provider provide documentation of the student's potential or continuing need for assistance, extending beyond that which is expected for same age peers, in **ONE OR MORE** of the following specific area(s) of support:

#### **A. Toileting/Hygiene**

The student requires direct services from an adult for moving, transferring, positioning, initiating or completing toileting/diapering/hygiene activities, such as:

- Cueing and supervising the completion of toileting;
- Diapering or toileting when, for example, the student is:

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<sup>11</sup> For additional information regarding criteria to determine if a student requires paraprofessional support, see the [Chicago Public Schools Procedures and Guidelines – Paraprofessional Support](#).

<sup>12</sup> Qualitative and quantitative data needed to determine whether a student requires paraprofessional support will vary, depending on the need(s) for which the IEP team is contemplating paraprofessional support. For support with personal care, the team may consider reports from OTs, PTs, doctors, etc., or staff or parent/guardian input as to why the student needs assistance. For support related to behavior, the data should describe the target behavior(s) (e.g., elopement) along with frequency and /or duration of the target behavior(s). For support related to academics, the data should describe how the area of concern is currently being addressed, the frequency and duration of needed support(s) (e.g., student requests directions be repeated every 5 minutes), and why the needed support(s) exceeds what a teacher alone can provide in a classroom setting. Data should include, for both behavior and academic, current and past intervention(s) and their effectiveness or lack thereof.

- Not toilet trained;
- Trained, but requires lifting onto toilet; and/or
- Not independent with tasks related to personal hygiene.

## **B. Mobility**

The student requires direct services from an adult to be mobile or maintain mobility in activities, such as:

- Moving from sitting to a standing position and/or standing position to sitting;
- Walking;
- Range of motion; and/or
- Mobility and/or mobility training as needed when, for example, the student:
  - Is in a wheelchair and unable to navigate independently;
  - Uses a walker or wears orthotics but is unable to navigate independently; and/or
  - Is blind or visually impaired and unable to navigate independently.

## **C. Lifting/positioning**

The student requires direct services from an adult for lifting/positioning in activities, such as:

- Cueing the student to adjust his/her positioning to prevent stiff muscles/sores;
- Assisting the student to adjust his/her positioning to prevent stiff muscles/sores; and/or
- Moving the student from one position to another.

## **D. Feeding**

The student requires direct services from an adult for feeding activities, such as:

- Cueing and supervision of eating; or
- Feeding when, for example, the student:
  - Is unable to feed self;
  - Requires prompting to feed self; and/or
  - Requires assistance with food preparation.

## **E. Monitoring and Documenting Medical Conditions**

The student requires direct services from an adult for monitoring or documenting medical or health conditions, such as:

- Asthma;
- Diabetes;
- Seizure disorder; or
- Other medical conditions.

## **F. Dressing**

The student requires direct services from an adult for dressing activities, such as:

- Dressing when, for example, the student is unable to:
  - Put on or take off own clothing, coat, shoes or boots, etc.;
  - Put on or take off orthotics; and/or
  - Button or secure buttons, snaps, or zippers.

## **G. Other Daily Living Skills**

The student requires direct services from an adult for other activities of daily living not listed above.

## **GUIDELINE 2: ACADEMIC SUPPORT**

Prior to considering a student's need for paraprofessional support based on Guideline 2, the student's teacher and/or Related Service Provider should collect qualitative and quantitative data for:

- Each subject area (e.g., English/Language Arts, Math, Science, etc.) in which a paraprofessional may be required **and** in each setting (i.e., general education class, separate class, and community, where applicable) for each subject area; and/or
- Exploratory classes, regardless of setting.

The student's teacher or Related Service Provider, including bilingual-endorsed personnel for an EL student, should provide qualitative and quantitative data of the student's potential or continuing need for assistance in **ONE OR MORE** of the following specific area(s) of support:

**A. Reinforce instruction that teacher has already provided**

The student requires direct support during instruction, such as:

- Frequent additional explanations concerning assigned work;
- Hand-over-hand assistance, organizational assistance, or other assistance during school activities; and/or
- Practice and repetition of skills.

**B. Review of directions**

The student requires direct assistance in understanding or following directions, such as:

- Repeating directions using his own words;
- Breaking directions down into manageable pieces; and/or
- Providing directions in more than one format (verbal, visual, written, gestures).

**C. Completion of Tasks**

The student requires direct support to complete tasks, such as:

- Identifying assignments or tasks to be completed with due date/time due identified;
- Breaking down each task/assignment into smaller tasks;
- Developing a rubric or simple checklist; and/or
- Setting up and/or using assistive technology.

**D. Remaining engaged/on task**

The student requires direct delivery of prompts, which increases the likelihood that the student will emit a correct response and reduces the possibility of errors being made, in forms such as:

- **Proximity prompting**, which involves positioning self or item in a particular location near the student to encourage desired behavior;
- **Gestural prompting**, which involves using a direct or indirect physical gesture to encourage desired behavior, such as, pointing, nodding, or motioning;
- **Verbal prompting**, which is a direct or indirect cue or instruction that is given orally before or during the student's action or response. This can include full verbal prompts and partial verbal prompts (e.g., verbally models only part of the desired behavior);
- **Visual prompting**, which is the use of direct or indirect visuals such as pictures, symbols and text that can assist a student to respond correctly; and/or
- **Physical prompting**, which may include full physical assistance (e.g., hand over hand when teaching the child to pick up a cup, the teacher takes the child's hand and guides him to pick it up) partial physical assistance (e.g., when teaching the child to pick up the cup, the teacher guides the child's hand to the cup by tapping his elbow).

**E. Communication**

The student requires direct communication support, such as:

- Visual support, which involves the provision of picture supports for students to answer questions, provide information, and engage in social interactions;
- Total communication support for students to use various modes of communication, (e.g., sign language, oral, auditory, written and visual aids, etc.); and/or
- Augmentative communication device support, which is the support of students as they use a device or communication system. This would be done in conjunction with supervising personnel such as or occupational therapist (OT), speech-language pathologist (SLP) and/or teacher.

### **GUIDELINE 3: BEHAVIOR, INCLUDING SAFETY AND SOCIAL SUPPORTS**

If paraprofessional support may be required for **both** academic and behavior reasons within the classroom setting, the qualitative and quantitative data described in Guideline 2 should also include behavior data.

If paraprofessional support is only being considered for behavior reasons, and not academic reasons, the student's teacher and/or Related Service Provider should collect qualitative and quantitative data documenting the student's potential or continuing need for assistance in **ONE OR MORE** of the following specific area(s) of support:

#### **A. Physical aggression**

The student, as outlined in the student's BIP:

- Is a safety threat to self;
- Is a safety threat to others; and/or
- Is a threat to school property or personal property in the school?

#### **B. Safety/supervision**

The student, as outlined in the student's BIP, requires direct supervision to address the student's potential harm to self or others during activities such as:

- Offsite travel, in unstructured settings, etc.;
- Transition within the classroom;
- Transition across school environments; and/or
- The student:
  - Leaves assigned area without permission;
  - Leaves school building without permission (elopement); and/or
  - Attempts to ingest inedible objects.

#### **C. Social support to model and/or facilitate appropriate social interactions**

The student requires direct support to engage in social interactions appropriately, such as:

- Reinforce behavioral, interpersonal, and social communication skills;
- Modeling skills necessary to appropriately join, leave, comment and participate appropriately in a social conversation and encouraging imitation of that behavior; or
- Reinforcing use of new skills (e.g., self-awareness, conflict resolution, social interactions, etc.).

# CURRICULUM, GRADES, PROMOTION AND GRADUATION (IEP Section 13)

## Significantly Modified Curriculum

The significantly modified curriculum only applies to students with the most significant intellectual disabilities who meet the criteria to participate in the Dynamic Learning Maps Alternate Assessment (DLM-AA). Significantly modified curriculum changes what is being taught (not how the material is taught), which requires the standards to be significantly altered to meet the individual student's needs. Modifications to the curriculum may involve combinations of altered content knowledge, conceptual difficulty, educational goals, and instructional method. The IEP team must specifically describe how the standard curriculum has been modified to meet the student's needs.

## Grades

With the identified services and supports in the IEP, most students with disabilities will have the school's standard grading criteria applied. All students with disabilities must receive a grade for all subject areas reported for all other students in his/her grade. Students with disabilities should receive grades both on class assignments and their report card based on the level of achievement and progress toward curriculum standards and mastery of IEP goals/benchmarks.

If a modified grading criterion is necessary, the IEP team determines whether the grading scale (e.g. 92% = A; 82% = B) used by the school needs to be modified for the student and/or whether a new grading rubric needs to be developed that includes items other than numeric grades (e.g. attendance, class participation). A weighted grading system that arbitrarily assigns lower grade weights due to a student having an IEP cannot be used. Depending on the general education course syllabus and grading criteria by subject, an alternate system can be adopted to grade the individual student in each course or subject based on the student's needs. For example, if all students are graded using the following weighted system: 30% classroom assignments/projects, 40% classroom assessments, and 30% homework, the IEP team can modify the general education grading system for a student with a disability by indicating he/she will not be graded on homework and class participation will be substituted for that 30% of the grade.

If a student with a disability exceeds or fails to meet general or IEP-modified standards, the grade should reflect that achievement. There is no categorical rule that prohibits a student with disabilities from receiving a high ("A") or low ("F") grade. When a student has chronic poor achievement, school staff should use the evaluation and IEP process to ensure that all appropriate curricular supports are identified and being provided.

Students with disabilities receive a standard Report Card in addition to the IEP Report Card. On the IEP Report Card, the special education teacher and/or related service provider describes the student's progress toward meeting the annual goals. The standard Report Card gives letter grades for specific academic areas. The general education teacher assigns the grade to a student with a disability placed in his/her class for that subject area; the special education teacher assigns the grade to a student with a disability placed in his/her separate class and the student does not receive instruction in the general education class for that particular subject. The general and special education teachers collaborate to ensure that the letter grade and IEP Report Card accurately reflect the student's performance. On the IEP Report Card, related service providers are expected to describe the student's progress toward meeting any annual goal in their discipline.

The local school district representative is responsible for maintaining documentation that the IEP Report Cards were provided to parents/guardians of students with disabilities.

## Promotion and Graduation

All students with disabilities are expected to meet the Chicago Public Schools' promotion policy criteria, and each student's IEP must reflect whether the student is expected to meet the standard promotion criteria or a modified one. Based on the student's individual needs, the IEP team determines whether he/she requires a modification to the promotion criteria; if so, the team should identify which criteria will be modified, along with a description and explanation of the basis for the modification.

The IEP team should have high expectations for all students with disabilities. The need for special education and related services does not automatically indicate that a student is unable to meet promotion or graduation criteria. Since IEPs provide supports and services, accommodations and modifications in the classroom, on standardized testing, and/or grading, students with disabilities are expected to meet the same promotion criteria as their non-disabled peers. Modification to the promotion criteria should be the exception, rather than the norm.

Students with disabilities are not required to meet additional promotion criteria compared to their same grade, non-disabled peers. For example, the standard promotion policy for students in 3rd grade is meeting a certain score on a District assessment and grades. For a 3rd grade student with disabilities, the modified promotion criteria should only address the required score on the District assessment and needed grades but never add another criteria (e.g. adding an attendance requirement) or increase an existing criterion (e.g. increasing the NWEA promotion score).

The Board promotion policy does not include specific criteria for students, including students with disabilities, who are not in benchmark grades (K, 1, 2, 4, 5, and 7). The policy indicates that students can be retained at the "discretion of the school." For students with disabilities in these grades, the IEP team determines whether the school has its own promotion criteria and if it needs to be modified based on individual needs. If the school does not have its own promotion criteria for that grade, the team indicates standard criteria on the IEP. Board policy indicates Kindergarten students may not be retained.

Chicago Public Schools requires high school students to successfully complete a minimum number of credits before they can be promoted to the next grade level and graduate.

If at the end of a report card quarter, or near the end of a school year, the student is not on track for meeting the promotion criteria outlined in his/her IEP, the IEP team must reconvene to consider the following questions:

- Were the appropriate promotion criteria established for the student?
- Were the services identified in the IEP appropriate to meet the student's needs to enable him/her to meet the identified promotion criteria?
- Was the IEP method of assessing the student's performance on meeting IEP goals/benchmarks or short-term objectives, classroom and district/state assessments appropriate?
- Was the IEP implemented?

If all the above questions were answered "yes," the student will not be promoted to the next grade and CPS summer school policies should be followed unless the IEP team has determined that the student requires ESY services.

If any answers to the questions are "no," the IEP team revises the IEP as necessary. The team may decide to change the promotion criteria and make any necessary revisions to goals, accommodations, modifications and/or grading criteria to enable the student to be involved and make progress in the general education curriculum.

To comply with the Illinois School Code and the Chicago Board's enrollment procedures, all students, including students with disabilities who turn 15 on or before September 1<sup>st</sup> must be enrolled in a high school program.

## High School Graduation

All students with disabilities are expected to meet the CPS graduation requirements and the student's IEP must reflect whether the student is expected to meet the standard graduation criteria or a modified one. For a student with a disability, graduation with a regular high school diploma is a significant change in placement and terminates a student's right to a FAPE. Based on the student's individual needs, the IEP team determines whether he/she requires a modification to the graduation criteria; if so, the team should identify which criteria will be modified along with a description and explanation for the basis of the modification.

On an annual basis, the IEP team decides if the student will graduate high school in the traditional four-year time span or requires special education, transition planning or services, or related services beyond that point. The projected year of graduation is discussed in the context of every IEP team's transition planning and is reflected on the IEP to ensure appropriate credit acquisition and transitional-related services. In deciding when a student is ready to graduate, the IEP team reviews the accumulation of required credits and other high school graduation criteria, as well as the student's transition readiness.

Pursuant to Board policy, all students with disabilities receive a standard diploma when they meet standard or IEP modified graduation requirements. At the time of graduation with a regular high school diploma or reaching the age of 22, the school must complete the *Summary of Performance* form to provide the student with a summary of the his/her academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post-secondary goals.

## Notice to Parent/Guardian/Adult Student

When a student with a disability reaches the age of majority (18 years of age) or becomes an emancipated minor pursuant to the Emancipation of Minors Act, special education rights transfer from the parent/guardian to the student. Both the parent/guardian and the student shall receive written notification of the transfer of rights at the student's IEP meeting convened during the school year in which the student turns 17 years of age. Upon reaching 18 years of age, both the parent/guardian and the student shall receive written notification that the rights have transferred.

**NOTE:** *If a student has been adjudged as a person with a disability or has executed a Delegation of Rights form that is still in effect, the special education rights are retained by the parent/guardian or the adult designated in the Delegation of Rights form.*

At least one year prior to a student's anticipated graduation, if the student is to receive a regular high school diploma, both the parent/guardian and the student shall receive written notification that eligibility for CPS special education services ends following the granting of the diploma. The parent/guardian or student may request an IEP meeting to review the recommendation that the student receive a high school diploma and graduate.

**NOTE:** *"Brittany's Law" – Illinois law allows a student with disabilities to participate in the graduation ceremony with his/her non-disabled peers, if he/she has completed at least 4 years of high school, but will continue to require special education, related services, and/or transition services, as determined by the student's IEP team. Students and their parents/guardians may request this option through the principal or local school district representative. The school must allow the student to participate in the ceremony if he/she has completed at least 4 years of high school and requests to participate in the graduation ceremony. At the ceremony, the student will not receive a high school diploma, and will be expected to return to school the next year to continue his/her special education program.*

## EXTENDED SCHOOL YEAR (ESY) (IEP Section 14)<sup>13</sup>

ESY services provide special education and related services beyond the Chicago Public Schools' normal school year to students with disabilities who need such services to receive a FAPE. The primary purpose of ESY is to prevent significant skill loss caused by an interruption of special education and/or related services during extended periods when school is not in session.

All students with disabilities must be considered for ESY services on an annual basis. An extended school year may be necessary when a student is likely to experience regression in areas of learning crucial to his/her attainment of self-sufficiency and independence during scheduled breaks in instruction.

### Eligibility Criteria for Determining Need for ESY Services

An IEP team may decide that a student with disabilities needs ESY services to receive FAPE only if qualitative and quantitative data<sup>14</sup> shows that **ONE OR MORE** of the following criteria are met:

#### CRITERIA 1: REGRESSION/RECOUPMENT<sup>15</sup>

The student compared to students without disabilities:

- Loses knowledge/skills related to specific IEP goals following summer, winter and/or spring break or other breaks in instruction; AND
- Requires more time to recoup the knowledge/skills relevant to the measured IEP goals.

***Note:** All students typically spend time at the beginning of each school year for review and re-teaching of previously learned skills. Longstanding ISBE guidance suggests that review and re-teaching should not extend beyond the first 30 school days of a school year.*

#### CRITERIA 2: SKILLS IN CRITICAL STAGE OF DEVELOPMENT

When a student is in a critical stage of developing a skill that will increase his/her academic or functional performance or self-sufficiency, and the skill is not completely acquired and mastered at the end of the school year, it is likely that the emerging skill will be lost due to the interruption of instructional services, particularly during the summer break.

The special education teacher(s) and related service provider(s) collect qualitative and quantitative<sup>16</sup> data for each specific skill/goal that is relevant to the student's potential need for ESY. The data must show that **EACH** of the following are met:

- A. The specific skill/goal will enable the student to increase his/her academic or functional performance or self-sufficiency. Examples of such skills include but are not limited to:
  - Acquiring the ability to communicate, e.g., functional sign, communication device, Braille;

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<sup>13</sup> For additional information regarding eligibility for ESY, see the [Chicago Public Schools Procedures and Guidelines – Extended School Year \(ESY\)](#).

<sup>14</sup> Qualitative and quantitative data in the context of regression/recoupment means data demonstrating the student's level of mastery of a specific skill/goal being contemplated for ESY right before the summer, winter, and/or spring break; the student's level of mastery when he/she returns from break; and progress monitoring levels in that specific skill/goal over a period of time, such as the first 30 school days of the new school year, to demonstrate recoupment.

<sup>15</sup> "Regression" is defined as the amount of loss during a scheduled break in instruction of learned skill or acquired knowledge which has been specified in a student's IEP goals. "Recoupment" is the amount of time required to recoup those lost skills when school instruction resumes.

<sup>16</sup> Qualitative and quantitative data for skills at a critical stage of development means data identifying the specific skill/goal being contemplated for ESY, the level of mastery at the time of the IEP meeting, and data demonstrating why the summer break will cause a substantial disruption to the student's mastery of the specific skill/goal.

- Independent use of the toilet;
  - Independence in feeding;
  - Independence in mobility;
  - Academic,
  - Behavior, or
  - Other;
- B. The specific skill/goal is at a critical stage of development as documented by progress monitoring data; and
- C. A break in services will result in a loss of the window of opportunity for the specific skill/goal mastery as documented by progress monitoring data.

**NOTE:** *The IEP provides notice that if the student has mastered a goal to be addressed during ESY related to the acquisition of a skill that was in a critical stage of development prior to the end of the school year, ESY is no longer required for that goal. If the student has met all goals related to a skill(s) at the critical stage of development, the local school district representative should schedule an IEP meeting to determine whether the student still requires ESY services.*

### CRITERIA 3: SPECIAL CIRCUMSTANCES

Special circumstances are unique situations involving or affecting a student that resulted in a substantial disruption in the delivery of special education and related services and are considered by his/her IEP team on a case-by-case basis. Special circumstances include, but are not limited to, the student experienced extended absences from school due to a mental or physical condition and was not able to participate in home/hospital educational services or transitions due to homelessness or guardianship changes that impact the student's education.

The special education teacher(s) and related service provider(s) collect qualitative and quantitative data<sup>17</sup> showing the existence of a special circumstance when **ONE** of the following are met:

- A. During the school year, the student's mental or physical condition resulted in extended absences from school without home/hospital services;
- B. The student experienced a substantial disruption to the delivery of special education and/or related services, e.g., due to transitions because of homelessness or guardianship changes; or
- C. A due process hearing decision, or resolution session, mediation, or other settlement agreement, calls for the student to receive ESY services.

When **ALL** qualitative and quantitative data collection is not completed because of the student's absence, teacher absence, etc., the IEP team must document the reasons why all the required data was not collected and review other relevant information (e.g., progress monitoring data, staff or parent/guardian input) to make the ESY determination.

## Determining ESY Services

Once the student has been determined to be eligible for ESY services, the IEP team should determine which goals need to be addressed during the extended school year period and the frequency, duration, and location of the ESY services. If a goal identified to be addressed during the ESY period is met by the end of the school year, that goal will no longer be addressed during ESY. If the student has met goals to be worked on during ESY, the local school district representative should schedule an IEP meeting to determine whether the student still requires ESY services.

When a student is determined eligible for ESY services, the parent/guardian must decide whether to accept or decline the services. The parent/guardian's decision of whether to accept or decline ESY services must be

<sup>17</sup> Qualitative and quantitative data for special circumstances describes the amount of school time missed, such as 10 or more school days, the cause of the absences, and why special education and/or related services could not be provided during the absences.

reflected on both the IEP and the *Parent Non-Acceptance of IEP Services Letter*. If the parent/guardian provides notice (oral or written) to the local school district representative after the IEP meeting that he/she has changed his/her mind regarding declining ESY services, the IEP should be revised to reflect the parent/guardian's new decision to accept ESY services following the procedural safeguards for IEP revision meetings.

All students whose IEPs indicate they are eligible for ESY services and their parents accepted the service at the IEP meeting will receive an *ESY Parental Acceptance Letter* identifying the student's ESY school site. If a parent declines ESY services after receiving the *ESY Parental Acceptance Letter*, the parent's signed letter must be uploaded into SSM and attached to the student's SSM documents.

## TRANSPORTATION (IEP Section 15)<sup>18</sup>

The IDEA includes transportation within its definition of “related services.” Transportation includes travel to and from and between schools, travel in and around school buildings, and specialized equipment if required to provide transportation to a student with a disability. The IEP team is responsible for determining if transportation is required to assist a student with a disability to benefit from special education, and how the transportation services should be implemented. The IEP should describe the transportation services to be provided, including transportation to enable a student with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the student an equal opportunity for participation in those services and activities to the maximum extent appropriate to the needs of that student.

**NOTE:** *Special education services can include travel training. Travel training is instruction that enables students with significant disabilities, and any other students with disabilities who require this instruction, to develop an awareness of the environment in which they live, and to learn the skills necessary to move effectively and safely from place to place within that environment.*

Specialized transportation services can be a fundamental component of the provision of a FAPE that will assist students in preparing for employment and independent living in their communities. Therefore, IEP teams should consider the need for both transportation and travel training services when planning for a student’s postsecondary transition needs.

When a student is determined to need transportation services, the parent/guardian must decide whether to accept or decline the services. The parent/guardian’s decision of whether to accept or decline transportation services must be reflected on both the IEP and the *Parent Non-Acceptance of IEP Services Letter*. If the parent/guardian provides notice (oral or written) to the local school district representative after the IEP meeting that he/she has changed his/her mind regarding accepting or declining transportation services, the IEP must be revised to reflect the parent/guardian’s new decision following the procedural safeguards for IEP revision meetings.

If the parent/guardian accepts transportation services, the IEP team then determines whether the student needs any accommodations (e.g., bus aide, nurse, air conditioning, pick-up/drop-off other than home, presence of adult at drop-off location not required, car seat, harness, wheelchair lift or other specialized equipment, or other accommodations or supports) while traveling on the bus. The IEP team must also decide whether the student needs transportation as a related service for the life of the IEP, only this school year, only the next school year, or on a temporary basis with specific start and end dates and a justification.

### Guidelines for Determining Need for Transportation as a Related Service

An IEP team may decide that a student with disabilities needs transportation services only if documentation shows that **ONE OR MORE** of the following guiding principles is met:

#### **GUIDELINE 1: STUDENT IN NEIGHBORHOOD (ZONED) SCHOOL OR SCHOOL OF CHOICE**

Parents/guardians may apply to schools of choice as an alternative to having their children attend the neighborhood school (i.e., zoned school). When the parent/guardian of a student with a disability chooses to send his/her child to a school of choice (e.g., magnet school, selective enrollment school, charter school, another school that is not the student's neighborhood school, etc.), it is presumed that the student will not receive transportation as a related service. Distance between the home and school of choice, on its own, is not the basis for FAPE-based transportation unless one of the four guidelines or other special circumstances exist (and are documented) supporting the need of an individual student with a disability, as determined by the IEP

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<sup>18</sup> For additional information regarding criteria to determine whether a student requires transportation as a related service, see the [Chicago Public Schools Procedures and Guidelines – Transportation](#).

team. The student may qualify for non-FAPE-based transportation if provided for in a Board policy for all students who attend the school of choice.

If a student is attending a charter, contract or options school, the ODLSS District Representative **MUST** be part of the IEP team and act as the District representative at the meeting unless he or she delegates the role to the local school district representative.

A student who attends his/her neighborhood school or school of choice and who has a disability that prevents him/her travelling to school in a manner comparable to same-aged peers without disabilities is eligible for CPS-provided transportation when **AT LEAST ONE** of the following guiding principles are discussed and documented:

**A. The student has a physical or orthopedic condition** and, as documented on the IEP:

- Uses a wheelchair to ambulate;
- Uses a walker to ambulate;
- Wears orthotics and is unable to walk the distance from home to school; or
- Has displayed significant limitations with endurance due to the physical or orthopedic condition when transitioning, when moving throughout the school building, or when participating in P.E. or recess.

**B. The student has a chronic or persistent medical condition** and, as documented on the IEP:

- Requires monitoring by a nurse;
- Requires monitoring by a delegated care aide or other adult other than a nurse;
- Relies on specialized medical equipment (e.g., oxygen tank, tracheotomy tube, catheter, etc.) that is not readily transportable in a non-adapted or standard vehicle;
- Requires limited exposure to environmental elements (e.g., extreme temperatures, extreme pollen levels, extended exposure to sun); or
- Is otherwise unable to walk the distance from home to school.

**C. The student demonstrates a pattern of behavior that is dangerous to the student or others while traveling to and from school and requires constant adult supervision, as documented on the IEP.**

**D. The student has an intellectual, sensory, communication, hearing, vision, or other condition** and, as documented on the IEP:

- Is unable to assess risk or advocate for his/her personal safety;
- Lacks the ability to navigate an established route to and from school;
- Reacts to unwanted stimuli or attention from others in a manner that is dangerous; or
- Lacks the ability to travel to school without getting lost or avoiding dangerous traffic situations.

## **GUIDELINE 2: ODLSS-ASSIGNED SCHOOL**

A student who attends an ODLSS-assigned school is presumed to qualify for transportation services when the following are met:

**ODLSS personnel assign a student to a school that the student would not otherwise have attended based on one or more of the following specialized programs and/or reasons:**

- Significantly modified curriculum with intensive supports;
- Oral/aural program or total communication program for students who are deaf/hard of hearing;
- Program for students with visual impairments;
- Preschool Inclusive Program (known as Blended);
- Preschool Program with Intensive Support (known as Early Childhood Special Education);
- Multi-sensory program;
- Separate day school; and/or
- Accessible school.

**NOTE:** If the assigned school is located closer to the student's home than his/her zoned school, the IEP team should revisit the student's need for transportation under Guidelines 1 or 4.

**GUIDELINE 3: STUDENTS SIX YEARS OF AGE OR YOUNGER**

The nature of the student's disability prevents the student from traveling to and from school in a manner comparable to similarly aged students without disabilities. Students age six or younger generally do not have the developmental capacity to travel to school safely without a parent/guardian or caregiver. It is expected that students with disabilities in this age group will travel to and from school with their parents/guardians or caregivers unless the IEP team determines otherwise based on Guidelines 1, 2, or 4.

**NOTE:** If a preschool student with disabilities requires transportation as a related service and the parent/guardian request pick-up/drop-off at or to another location, such as to a community-based Head Start program, child care or park district program, CPS – Student Transportation Services Department has three different forms to request a change in pick-up/drop-off location and to facilitate the route.

If the student requires a different pick-up/drop-off location in order to receive a FAPE in a non-CPS location, such as a Head Start site, this decision must be supported and documented in the IEP as a special accommodation, the location must be identified in the IEP and a separate form (“Purple Form”) must be completed.

If the student does not require a different pick-up/drop-off location in order to receive a FAPE but the parent would like CPS to provide transportation to the program, the parent and school can complete the CPS Child Day Care Bus Stop Change Request for Student with Disabilities form (“Blue Form”)<sup>19</sup> or the CPS Park Kids Program Request form (“Green Form”). The criteria for “Blue Form” and “Green Form” eligibility are found within the respective forms. The “Blue Form” and “Green Form” should be completed outside of the IEP team meeting process.

**GUIDELINE 4: SPECIAL CIRCUMSTANCES**

The student has a special circumstance that is documented and requires transportation services.

The following requirements apply to the IEP team's determination that one or more of the below services, accommodations or specialized equipment is required for the student to travel safely to and from school.

| Identified Need | Personnel Required at the IEP Meeting | Action to be Taken  |
|-----------------|---------------------------------------|---|
| Bus Aide        | IEP Team                              | Document the information supporting need for bus aide, such as the student: <ul style="list-style-type: none"> <li>• Uses a wheelchair or walker to ambulate;</li> <li>• Has a documented medical condition that requires constant monitoring by a delegated care aide or another adult other than a nurse;</li> <li>• Has demonstrated a pattern of behavior that is considered dangerous to self or others while traveling to and from school and/or requires adult supervision;</li> <li>• Requires a car seat, harness, use of a wheelchair lift; or</li> <li>• Travels with oxygen as required by a doctor's order.</li> </ul> |

<sup>19</sup>The “Blue Form” (Day/Child Care Bus Stop Change Request) and “Green Form” (Chicago Park District – Park Kids Program Request) may also be used for students with disabilities in grades kindergarten through 12<sup>th</sup>.

|   |  |  |
|---|--|--|
| Nurse on the Bus  | CPS nurse  | Participate and review documentation of the student's medical need.  |
| Air Conditioning  | CPS nurse  | Participate and review documentation of the student's medical need.  |
| Pick-Up/Drop-Off Location Other than Home For FAPE-Based Reasons  | ODLSS District Representative <b>MUST</b> act as the District representative | Participate and review documentation of the student's need for this arrangement. <sup>20</sup>   |
| Presence of Adult at Drop-Off Location Not Required <sup>21</sup> | Parent/guardian  | Document in writing the preference for a student who is in the 6th grade or higher.  |
|   | IEP Team   | Approve documentation showing that, in light of factors such as the student's age and his/her disability, the student has demonstrated the necessary maturity and ability to be dropped off without a receiving adult. |
| Other (Medical)   | CPS nurse  | Review the documented basis of student need and note agreement with recommendation of other team members.  |

<sup>20</sup> Parent/guardian convenience is never a justification for the IEP team to customize a student's pick-up/drop-off location.

<sup>21</sup> When a student receives IEP-required transportation services, the student's parents/guardians are expected to meet the bus at the curb for pick-up/drop-off.

## ADDITIONAL SECTIONS OF THE IEP

### IEP Meeting Notes Page

IEP meeting notes are to be used to record relevant discussions which occurred during the IEP meeting that were NOT memorialized in the IEP, such as any parental requests that were discussed but not accepted by the rest of the IEP team. In this example, the IEP notes should include an explanation as to why the team decided the requested service was not appropriate and/or not needed to provide the student a FAPE. IEP meeting notes are not mandatory but highly recommended in order to fully capture the team's discussion and decision-making process.

Well-drafted IEP notes will help to establish procedural compliance, show meaningful parental participation, and document when several options were discussed and considered.

### IEP Dissenting Opinion

Any IEP team member, including parents/guardians, may record when he/she disagrees with the ultimate decision of the IEP team regarding identification, evaluation, educational placement and/or the services identified to ensure the student receives a FAPE. The parents/guardians and any other IEP team member can record his/her dissenting opinion in any written format, including the IEP dissenting opinion form. If the dissenting opinion is recorded in an alternate format, the local school district representative must ensure the document is scanned and uploaded to the student's SSM documents.

### IEP Revisions

If revisions to sections of the IEP are needed during the school year after an annual IEP meeting, the parent/guardian and school may agree to revise the IEP without convening an IEP meeting, but the parent/guardian must agree in writing; the school must use the *Waiver of IEP Revision Meeting* form. After the school receives the signed form, the school may amend or modify the student's current IEP by indicating "Revision to the IEP" as the purpose of the conference. If the parent/guardian does not agree to waive the IEP Revision meeting, the local school district representative must ensure that an IEP meeting is scheduled and the parent/guardian is sent the *Conference Notification* form with at least 10-calendar-day notice, unless the parent/guardian has waived the 10-calendar day notice in writing. The IEP participants at a revision meeting are dependent on which sections of the IEP are being revised. If the parent/guardian waives the IEP revision meeting, the local school district representative must ensure the parent/guardian is sent a copy of the revised IEP.

**NOTE:** *A change in the student's eligibility for special education, placement/LRE, or a substantial change in the student's special education services may only be done through a revision at an IEP meeting, not through the Waiver of IEP Revision Meeting process.*

With a parent's/guardian's written agreement, the Waiver of IEP Revision Meeting process may be used for IEP changes such as but not limited to:

- Revising annual goal due to lack of expected progress;
- Revising grading, promotion and/or graduation criteria;
- Revising transportation services;
- Revising transition plan or services;
- Revising curriculum accommodations or modifications;
- Increasing or decreasing the amount of time for delivery of a related service;
- Adding or removing a related service following an evaluation;
- Adding or revising a behavior intervention plan; or
- Reviewing need for ESY services.

## DISCIPLINARY REMOVAL OF STUDENT FROM CURRENT SETTING

Discipline-related procedural safeguards for students with disabilities may also apply to students who are not yet eligible for special education and related services. Students who have not been determined eligible for special education and related services, and who engage in conduct that violates a Student Code of Conduct (SCC), may assert procedural safeguards of the IDEA if the District is deemed to have had knowledge that the student had a disability, before the behavior occurred that precipitated the disciplinary action. School officials are deemed to have prior knowledge that the student has a disability if:

- The parent/guardian expressed a concern in writing to supervisory or administrative personnel or to the student's teacher, that the student is in need of special education and related services;
- The parent/guardian requested an evaluation of the student; or
- The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to supervisory personnel.

If any of these circumstances exist, school staff must follow the disciplinary procedures applicable to students with disabilities. If none of these circumstances exist, the student may be subjected to the same disciplinary measures applied to non-disabled students.

If a request is made for an evaluation during the time the student is subject to disciplinary removal, the evaluation must be conducted in an expedited manner. However, if the District is not deemed to have had knowledge that the student had a disability before the behavior that lead to the disciplinary action, until the evaluation is completed the student remains in the educational placement determined by school personnel, which can include suspension or expulsion.

Suspension days that were issued during the current school year prior to the school officials having knowledge that the student has a disability must be counted when considering whether the 10-day limit per school year has been reached.

### Short-Term Removal (Out-of-School Suspension)

School officials may suspend students with disabilities for a total of up to 10 consecutive or cumulative school days in one school year in the same manner as their nondisabled peers. For a single offense, administrators are permitted to suspend students with disabilities for fewer days than the periods set forth in the SCC.

Federal regulations provide some flexibility to suspend students with disabilities in excess of 10 school days in the school year under certain circumstances. In order to determine whether the circumstances permit a suspension in excess of 10 days in the school year, the school must consult with the ODLSS Due Process and Mediation Unit at (773) 553-1905. Without such consultation, the 10 school day limit on out-of-school suspensions will remain in effect.

If a suspension is issued that results in more than 10 cumulative suspension days in the school year, the school must perform the following:

- Provide the parent/guardian with written notice that: their child is being suspended; the number of days of the suspension; the fact that it was determined that this suspension would not constitute a "change of placement;" and an explanation of the basis for this determination. In that notice, the parent/guardian is informed of their right to request an IEP meeting to discuss this determination, if they disagree.
- Provide the student with all required special education services during the time of his/her suspension. Required services are determined in consultation with at least one teacher so the student can continue participating in the general education curriculum and progress toward the goals contained in their current IEP.

- Schedule an IEP meeting within ten school days of the date that the school notifies the parent/guardian of the suspension. The purpose of the meeting is to review the student's current FBA and BIP, or to initiate a FBA and develop a BIP if none exists.

**NOTE:** *Notifying parents/guardians of a student's behavior during the school day and requiring the parent to pick-up the student from school due to the misbehavior and/or crisis behavior will count toward the 10-day maximum. If a parent voluntarily picks-up their child due to behaviors this does not count toward the 10-day maximum.*

## In-School Suspension

In-school suspensions are not included in the 10-day limit on disciplinary removals if the student continues to:

- Participate in the general education curriculum;
- Receive his/her IEP services from a certified provider; and
- Have access to non-disabled peers during the in-school suspension to the same extent as specified in their IEP.

## Suspension from the Bus

Suspensions from the bus will count toward the 10-day maximum if the student's IEP includes transportation as a related service.

## Manifestation Determination Review (MDR) Conference

A manifestation determination review (MDR) must be conducted by the IEP team when:

- A student with a disability has been suspended in excess of 10 days in the aggregate during the school year and there has been a pattern of removals, as determined by the ODLSS Due Process and Mediation unit in consultation with school personnel; or
- School officials initiate a referral for expulsion, including referrals requesting emergency assignment to an Interim Alternative Education Setting (IAES) pursuant to the SCC.

## MDR Process Checklist

- Provide written notice to the parent/guardian of the disciplinary action.
- Schedule the MDR conference, which must be held within 10 school days of the date of the decision to refer for expulsion hearing or to request an emergency assignment to an interim alternative educational setting or as directed by the ODLSS Due Process and Mediation unit. If the MDR is being held to determine if the student can be issued a short-term suspension in excess of 10 school days in the aggregate, he/she must be allowed to attend class until a determination is made.
- Provide the parent/guardian written notice at least 3 school days prior to the MDR being held, using the *Parent/Guardian Notification of Conference* in SSM. Indicate the purpose of this conference as:
  - Consider relatedness of disability to disciplinary code violation(s);
  - Consider the need for a FBA for the student; and
  - Review a need to create or revise a BIP for the student.
- Provide parent/guardian/surrogate with a written copy of the *Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities*.
- Conduct the MDR conference.
- The parent/guardian, local school district representative, special education teacher, evaluation representative and any other relevant members of the IEP team must be present for and participate in the MDR. The "relevant members of the team" are determined by the parent/guardian and District Representative. At the MDR conference, the IEP team must:
  - Determine whether the misconduct is related to the student's disability by reviewing all current and relevant information, including evaluation and diagnostic results, information from the

parent/guardian, observations of the student, and the student's IEP. The behavior is a manifestation of the student's disability if:

- the conduct in question is caused by the student's disability or has a direct and substantial relationship to the student's disability; and/or
  - the conduct in question is the direct result of the school's failure to implement the student's IEP.
- The IEP team reviews, and revises if necessary, the student's existing BIP or initiates a FBA/BIP to address the misconduct. The FBA/BIP must address the behavior(s) which led to the disciplinary action.

### **The IEP team must provide a written narrative substantiating its determination.**

If the student's behavior is not a manifestation of the disability, school officials may implement the SCC, taking into consideration the student's special education and disciplinary records. In no event, however, may the student be suspended for more than 10 consecutive or cumulative school days in a school year without providing IEP services.

If the student's behavior is a manifestation of the disability, a disciplinary change in placement (e.g. expulsion) cannot occur. The IEP team should also consider if there is a need for a reevaluation and/or revision of the IEP. Students with disabilities, even if expelled, must be provided with a FAPE in an alternative educational setting.

All MDRs are subject to legal review by the ODLSS Due Process and Mediation Unit before an expulsion hearing is conducted.

## **Removal to an Interim Alternative Educational Setting (IAES) (Emergency Assignment)**

Students can be removed to an IAES pursuant to the SCC for up to 45 school days under the three special circumstances below, without regard to the MDR outcome:

- The student carries to school or possesses a weapon at school, on school grounds or at a school function;
- The student knowingly possesses, uses or sells illegal drugs at school, on school grounds or at a school function; or
- The student inflicts serious bodily injury on another person at school, on school grounds or at a school function.

A student who poses a substantial risk of danger to him/herself or others may also be removed for up to 45 school days, but only by an order from an ISBE hearing officer after a due process hearing or by a federal or State court judge.

The student must receive services which enable him/her to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals.

## **Reporting Crimes to Police**

When a CPS employee reports a crime committed by a student with a disability to appropriate law enforcement authorities, he/she must ensure that copies of the special education and disciplinary records of the student are transmitted to the police for consideration.

Whenever the Chicago Police Department or any other law enforcement agency is called because school officials believe that a student with a disability has committed a crime, the following steps must be taken:

- Give the police officer copies of the Misconduct Report and the Cover Sheet and Determinant Factors – For All Disabilities portion of the student’s most recent *Eligibility Determination* document. Upon request, the officer must be given any additional information from disciplinary and special education records, with the exception of mental health records in the student’s file.
- Give the [Police Notification of Record Release for Student with Disability](#) form to the police officer to explain the basis for providing him/her with information about the student.
- Provide notice of action to the parent/guardian by giving them the [Police Notification of Record Release for Student with Disability Referred to Police](#) form and a copy of the *Misconduct Report*. A copy of this document should be scanned and uploaded to the student’s IMPACT SSM record.

## Anti-Bullying Requirements

According to the U.S. Department of Education, Office of Special Education and Rehabilitative Services, bullying of a student with a disability may result in denial of FAPE if as a result he/she is not receiving meaningful educational benefit from the special education and related services provided by the school.

If a student with disabilities is the victim of bullying, an IEP meeting should be scheduled to determine if the student’s needs have changed as a result of the bullying. For example, if the student’s disability affects social skill development or makes the student vulnerable to bullying, the IEP team should consider whether the IEP needs to be revised to include goals and/or accommodations to develop the student’s skills and proficiencies to avoid and respond to bullying or whether a reevaluation is needed to make these determinations. The IEP team should only consider an LRE or location change if the student cannot receive FAPE in the current setting.

If the student who engaged in bullying behavior is a student with a disability, the school must convene the IEP team to determine if a reevaluation is warranted or additional supports and services are needed to address the inappropriate behavior. The team should also consider examining the environment in which the bullying occurred to determine if changes to the environment are warranted. For example, the IEP team should consider a FBA/BIP for the student or review a current BIP and revise if necessary.

## PROCEDURAL SAFEGUARDS

### IDEA Procedural Safeguards

IDEA requires that parents/guardians receive a copy of their procedural safeguards at least once a year, except that a copy must also be provided:

- When there has been an initial referral or parent/guardian request for an evaluation;
- When CPS has received a due process complaint or State complaint; or
- Upon a disciplinary removal that constitutes a change in placement (e.g. placement in an interim alternative educational setting or recommendation for expulsion).

Parents/guardians must be provided a copy of the procedural safeguards upon request even if the school has already provided them a copy within the year.

### Notification of Conference

The *Parent/Guardian Notification of Conference* must be sent at least 10 calendar days prior to any meeting of the IEP team, including initial FIEs, 3-year reevaluations, and initial, annual, and other IEP meetings. The parent/guardian may waive the 10-calendar day notice for the IEP meeting but the waiver must be in writing.

Illinois law now requires that the *Parent/Guardian Notification of Conference* must indicate whether specific data has been collected regarding services to be discussed at the IEP meeting, including but not limited to, paraprofessional support, ESY, and services for students with specific learning disabilities.

### Notification of Non-Implementation of IEP Services

Illinois law now also requires each CPS school, including charter schools, to notify parents/guardians if IEP services have not been implemented within ten school days of the IEP meeting. If any part of a student's IEP has not been implemented within ten school days of the IEP being finalized, the school must send the parent the *Parent/Guardian Notification – IEP Non-Implementation within Ten School Day* form. On the form, the school must specifically identify each service not being implemented.

### Revocation of Consent

Parents/guardians may revoke consent for evaluations (initial and reevaluations) and for provision of special education services at any time. According to Illinois state regulations, parents/guardians may revoke this consent either in writing or orally.

Any time a parent/guardian orally revokes consent, the school must put the parent/guardian's revocation in writing within five calendar days and provide the parent/guardian with a copy of the written summary of the oral revocation. The written summary indicates that the school understands that the parent/guardian is revoking consent for an evaluation (initial or reevaluation) and/or special education services. The written summary includes a statement that the parent/guardian should contact the school immediately if he/she disagrees with the school's summary.

When a parent/guardian revokes consent, the following procedures are followed:

Special Education and Related Services - The school must provide prior written notice to the parent/guardian within ten calendar days of either the receipt of written revocation of consent for services or of the written summary of the parent/guardian's oral revocation of consent for services before ceasing the student's special education and related services. A student whose rights have transferred at age 18 may revoke services, unless he/she delegated educational rights to the parent/guardian or a legal guardian for the student has been appointed by a court. In these instances, prior written notice is given to both the student and the parent/guardian. The prior written notice must be provided using the appropriate form - *Consent Revoked for*



*Services.* The notice includes a statement that all special education and related services will cease because of the revocation of consent. The school ceases services no later than 10 calendar days after the revocation of consent.

The IDEA does not allow the school district to request mediation or a due process hearing when a parent/guardian has revoked consent for special education and related services.

Evaluations - If the parent/guardian revokes consent for an initial evaluation or reevaluation, the evaluation process must stop immediately. The revocation should be acknowledged on either the *Revoked Consent for Initial Evaluation* or *Revoked Consent for Reevaluation* form. The school will have the option of requesting a due process hearing to obtain an order from a hearing officer to proceed with the evaluation process. Neither IDEA nor State regulations set a time limit for this due process request; however, three-year reevaluations are mandated by IDEA and have a time frame associated with them. If a parent/guardian revokes consent for a three-year reevaluation, the school must contact the ODLSS Due Process and Mediation Unit at (773) 553-1905 at least 30 days prior to the due date for completion of the three-year reevaluation, so a due process request can be considered.

If a parent/guardian revokes consent for special education and related services and later requests to resume special education services, the request must be treated as a request for an initial evaluation.

The school is not required to amend the student's educational records to remove any reference to the student's receipt of special education and related services because of the revocation. Parental requests to amend/expunge a student record must be made in compliance with the Chicago Public Schools' Board Policy on "*Parent and Student Rights of Access to and Confidentiality of Student Records.*"

## Parent/Guardian Request for Independent Educational Evaluation (IEE)

Parents/guardians have the right to request an independent educational evaluation (IEE) at public expense if they disagree with an evaluation conducted by CPS. The parent/guardian must make a written request for an IEE at public expense to the Chief Executive Officer (CEO) of the Chicago Public Schools, 42 W. Madison, Chicago, IL 60602. If a school receives the request, the school must inform the parents/guardians to submit the request to the CEO's office and the school should notify the ODLSS Due Process and Mediation Unit immediately at (Voice) 773-553-1905 and (Fax) 773-553-1906. CPS will decide whether to grant the IEE request or request a due process hearing to show the appropriateness of the CPS evaluation.

## Parentally-Placed Private School Students with Disabilities

IDEA, along with federal and State regulations, contains specific provisions governing the Chicago Public Schools' obligations under Child Find and provision of services to students with disabilities who are placed by their parents/guardians in a private not-for-profit elementary or secondary school. These provisions have been extended to include non-resident students with disabilities who attend a private school located within the City of Chicago.

### Child-Find Obligations

Under IDEA, public schools are required to identify, locate, and evaluate all children residing in their attendance area who may have a disability and be in need of special education services. This legal mandate also extends to children who attend private schools if they attend a private school located within the city, regardless of whether the student lives in Chicago.

When a privately-placed student is referred for an evaluation, the procedures to follow include:

### Students Attending a Private School in the City of Chicago

For students who attend a private school located in the City of Chicago, whether or not the student lives in the city, or for a student who lives in the city and is home schooled, the referral for an evaluation is submitted directly to ODLSS by email to [privateschoolevals@cps.edu](mailto:privateschoolevals@cps.edu). In either case, the parent/guardian must

register/enroll the child as a non-attending student and ODLSS staff will complete the registration/enrollment process. ODLSS will follow the same evaluation process as described in the [Full and Individual Evaluation](#) section of this document.

For students who live in the City of Chicago and are found eligible to receive special education and related services, an IEP is developed as if the student would be attending a CPS public school. If the parents/guardians inform ODLSS that their child will not attend a CPS public school and the parent/guardian signs the *Parent Waiver of IEP Development* form, an IEP does not have to be developed and ODLSS, in collaboration with the student's private school, may develop an Individual Service Plan.

For students who do not live in the City of Chicago and are found eligible to receive special education and related services, the resident school district is responsible for the development of a full IEP. If the parent/guardian chooses to continue at the private school located in the City of Chicago, ODLSS, in collaboration with the student's private school, may develop an Individual Service Plan.

### **Students Residing in the City of Chicago but Parentally-Placed in a Private School Outside the City of Chicago**

If the parent/guardian requests an initial evaluation or reevaluation, he/she should be referred to the school district in which the private school is located for the evaluation.

If a parent/guardian or other school district presents a special education eligibility finding from the school district in which the private school is located, the student should be enrolled at his/her attendance area school as a "non-attending" student and an IEP must be developed. If the school has any questions about the outside school district's evaluations and/or eligibility determination, contact your ODLSS District Representative for assistance.

### **Proportionate Share Services**

IDEA requires that the Chicago Public Schools spend a proportionate share of its IDEA funds to provide special education and related services to students with disabilities placed in private schools by their parents/guardians, including home schooled students. Unlike the Child Find obligation, the proportionate share obligation only extends to students with disabilities who attend a private, not-for-profit, elementary or secondary school located within the City of Chicago, whether or not the student is a resident of the City.

The proportionate share services are determined each year by ODLSS, pursuant to the procedures outlined in IDEA.

ODLSS will develop an Individual Service Plan for students eligible to receive proportionate share services. These students do not have due process rights to challenge the content of the service plan, only those related to Child Find.

### **Students with Disabilities Transferring from Other School Districts**

If a student with a disability transfers from another CPS school, including CPS charter schools, his/her IEP must be implemented as written. If the school disagrees with something in the IEP, the parents/guardians should be notified and an IEP meeting held to discuss the concerns. If the prior CPS school began the FIE process, the new school must continue the FIE process wherever the prior school left off.

For students with disabilities who transfer to CPS from another school district, whether an Illinois district or out-of-State district, CPS school staff must immediately, but no later than the next business day after enrollment, request from the sending school district the student's school records, including the IEP, evaluation data and any other records relating to the student's disability and the provision of special education and related services. If the records are not received within one week of the request, the CPS school calls the transferring school to expedite the receipt of the records. All requests for student records and follow-up contacts with the transferring school should be noted in the student's temporary file (IMPACT SSM Event Log).

CPS must ensure that these transfer students with disabilities immediately receive a FAPE. The receiving school determines if it will adopt the IEP as written from the transferring school district or, whether “comparable” services to those described in the other school district’s IEP will be implemented until the CPS school develops a new IEP. The school must consult with the parent/guardian to determine what “comparable” services will be provided.

In order for the CPS school to adopt the transferring district’s IEP, the following three conditions must exist:

- The school must have a full copy of the student’s current IEP;
- The parents/guardians must agree with the current IEP; and
- The school determines the current IEP is appropriate and all services can be implemented as written.

If the transferring district’s IEP is not adopted, the CPS school must develop a new IEP and provide comparable services in the interim. While the “comparable” services are being implemented, the school must decide whether a FIE is necessary before the new IEP can be developed. If the IEP team determines a FIE is necessary, it should be conducted in an expedited manner. A *Notice of Conference* must be sent within 10 calendar days of enrollment indicating a date and purpose for the IEP meeting.

## Prohibition of Mandatory Medication

IDEA prohibits educators from requiring a student to obtain a prescription for medication as a condition of attending school, receiving a FIE, or receiving special education and related services. Teachers and other school personnel are not prohibited from consulting or sharing classroom-based observations with parents/guardians regarding a student’s academic and functional performance; behavior in the classroom or school; or the need for evaluations for special education or related services.

## Confidentiality of Personally Identifiable Information

The records of students with disabilities shall be maintained confidentially in accordance with the requirements of the IDEA, the Family Educational Rights and Privacy Act (FERPA), the Illinois School Student Records Act, the Illinois School Code, the Illinois Mental Health and Development Disabilities Confidentiality Act and, where applicable, their implementing regulations.

CPS has adopted a *Policy on Parent and Student Rights of Access to and Confidentiality of Student Records* and a *Policy on Student Records Retention*. Records of students with disabilities are covered by these policies.

Each local school principal ensures that the privacy rights of students with disabilities are enforced. Under no circumstances may a student be identified publicly as having a disability. Care must be taken so that no list identifying students as having a disability or containing other personally identifiable information about students is posted on whiteboards, bulletin boards or on paper in public places. For example, this would include a schedule of evaluations or IEP meetings that contains student names, student ID numbers, or other personally identifiable information about students.

Each principal designates one or more employees to serve as records custodian. Consistent with State law, each records custodian assumes responsibility for ensuring the confidentiality of any personally identifiable information and shall:

- Respond within 10 business days to any request for inspection and review of an education record, including a request for a copy of an education record, subject to certain statutory extensions;
- Respond to any request for an interpretation of an education record;
- Respond to any request to amend an education record;
- Respond to any request to disclose or release personally identifiable information;
- Respond to any request to destroy an education record;

- Keep a record of parties obtaining access to education records, including the name of the party, the date access took place, and the purpose of the authorized use;
- Maintain, for public inspection, a current listing of names and positions of the employees who may have access to personally identifiable information;
- Provide a parent/guardian, upon request, a list of the types and locations of education records collected, maintained, or used by the school district;
- Ensure that confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages is protected; and
- Ensure that each person collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing confidentiality of personally identifiable information.

The records custodian makes certain that all student records, including records for students with disabilities, are maintained in a central and secure location. No original records may be removed from the property of CPS.

Each school will maintain a record of requests to review and disclosure of student records. The record of requests to review and disclosure of student records must contain: the name of the student; the name of the person making the request; the purpose of the request; the date of the request; the date of the review; and the name of the school official with whom the review was made. A notation indicating a student's record has been reviewed must be filed in the student's cumulative folder.

## APPENDIX

### Guidelines for Special Education Class Size

The Illinois State Board of Education has established special education rules regarding class size (23 Illinois Administrative Code 226.730). The focus remains on the number of students with disabilities, which means those students on IEPs, per classroom per class period – not the number of students assigned to any particular teacher on his/her caseload; however, the definition of “students with disabilities,” solely for the purposes of class size, excludes any student who only receives speech services outside of the general education classroom and who does not require modifications to the content of the general education curriculum.

#### General Education Classrooms

When a student’s IEP calls for services in a general education classroom, he/she must be served in a class that has no more than 30% students with disabilities, excluding speech-only students who receive their speech/language services outside of the general education classroom. Additionally, the general education curriculum must be utilized, and the class cannot be deemed a “remedial” class.

#### Separate Special Education Classrooms

In determining the number of students with disabilities in a separate special education class, the amount of required special education services (ARS) is the determinant factor in class size, not the student’s LRE. The ARS appears in the first line under the top chart in IEP Section 12 and refers to the total number of instructional minutes the student receives.

- Students receiving special education and related services for up to 20% of the school day – The separate special education class can have no more than fifteen (15) students with disabilities per class period. Two additional students, for a total of seventeen (17) students per class period, can be added if a paraprofessional is present at all times that the class enrollment exceeds fifteen (15) students.
- Students receiving special education and related services for 21% to 60% of the school day – The separate special education class can have no more than ten (10) students with disabilities per class period. Five additional students, for a total of fifteen (15) students per class period, can be added if a paraprofessional is present at all times that the class enrollment exceeds ten (10).
- Students receiving special education and related services for more than 60% of the school day - The separate special education class can have no more than eight (8) students with disabilities per class period. Five additional students, for a total of thirteen (13) students per class period, can be added if a paraprofessional is present at all times that the class enrollment exceeds eight (8).
- Students ages three through five – The separate special education class for students ages three through five can have no more than five (5) students with disabilities per class period. Five (5) additional students, for a total of ten (10) students per class period, can be added if a paraprofessional is present at all times that the class enrollment exceeds five (10).

The age, nature and severity of the students’ disabilities and their academic and functional needs are considered when grouping students with disabilities in the separate special education classrooms. They should be grouped in relation to their common educational needs and the types of services they require to meet those needs. If such grouping is not possible, administration must ensure that the special education services can be individualized to meet the various students’ needs and the assigned teacher is qualified to plan and provide appropriate instruction for each student in the classroom.

If students with various ARS are grouped in the same class period, CPS practice is that the number of students with disabilities in the classroom is controlled by the student with the highest ARS. For example, if a school wanted to schedule eleven students with disabilities who receive 250 minutes per week of special education and related services and one student who receives 1200 minutes per week of special education and related services into the same separate special education classroom for the same class period, the classroom can

have no more than eight students. Because the classroom is scheduled to have twelve students, a paraprofessional must be in the room the entire time the class exceeds eight students or four of the students must be scheduled for another class period.

Finally, the age range for a separate special education classroom in elementary schools may not exceed four years. For high schools, the age range may not exceed six years.

### Special Education Class Size At-A-Glance

| Classroom Type   | Number of Students with Disabilities  | Number of Special Education Teachers | Number of Paraprofessionals |
|--|---|--------------------------------------|-----------------------------|
| General Education  | No more than 30% per class period, excluding speech-only students who receive their speech/language services outside of the classroom |                                      |                             |
| Separate Special Education Classroom – ARS 20% or less       | 15  | 1                                    | 0                           |
|  | 16 or 17  | 1                                    | 1                           |
| Separate Special Education Classroom – ARS 21% to 60%        | 10  | 1                                    | 0                           |
|  | 11 to 15  | 1                                    | 1                           |
| Separate Special Education Classroom – ARS 61% and over      | 8   | 1                                    | 0                           |
|  | 9 to 13   | 1                                    | 1                           |
| Separate Special Education Classroom – 3 through 5-year-olds | 5   | 1                                    | 0                           |
|  | 6 to 10   | 1                                    | 1                           |

## IDEA Timelines - Quick Reference

- **Referral Decision** – Within 14 school days of receipt of a referral, the local school district representative with other school personnel must determine whether an evaluation is warranted and provide the parent/guardian with a written response. If warranted, the Consent for Evaluation/Assessment Planning form must be completed and sent to parents/guardians within the same 14-school-day time period.
- **Initial Evaluation** – Completed within 60 school days after the date parent/guardian signed written consent
- **Reevaluation** – Within 60 school days after the date parent/guardian signed written consent but no later than 3 years from prior IEP meeting at which eligibility was discussed
- **Conference Notice** – At least 10 calendar days prior to meeting
- **Parents/Guardians Disagree Regarding No Additional Information Needed for Evaluation** – Within 10 calendar days school must respond in writing to parent/guardian's request for additional evaluation
- **Additional Assessments Agreed to by Parents/Guardians** – Wait 10 calendar days after date parent/guardian signed consent for evaluation unless parent/guardian waived the 10-day waiting period
- **Evaluation Reports Completed** – 5 school days prior to the FIE meeting
- **IEP Development** – Initial within 60 school days after receipt of written parental consent for initial evaluation; within 1 year of prior IEP
- **Initial Placement or Change in Placement** – 10 school days from date IEP developed unless parent/guardian waives waiting period
- **Consideration of Private Evaluations** – If received from parent/guardian outside of an IEP meeting, within 10 calendar days after receipt, Conference Notification scheduling IEP meeting must be sent to parent/guardian. Best practice is to schedule meeting within 30 calendar days of receiving report on a mutually agreeable date and time.
- **Parent/Guardian Requests IEP Prior to Annual Date** – Within 10 calendar days after receipt of request, must send either Conference Notification scheduling IEP meeting or written explanation as to why no IEP meeting is necessary for the student to receive a FAPE. If meeting will be scheduled, best practice is to schedule meeting within 30 calendar days of receiving meeting request on a mutually agreeable date and time.
- **Draft IEPs** – Illinois law mandates CPS schools provide parents draft copies of the IEP, along with any data forms created to be discussed at the IEP meeting, at least five school days prior to the IEP meeting.
- **Notification of IEP Non-Implementation** – Illinois law mandates CPS schools notify parents if any IEP services have not been implemented within ten school days after the IEP meeting.

## Service Animal Guidelines (Coming Soon)

## Other Resources

- USDE publishes a website that includes useful information about these provisions and other topics at <http://www.ed.gov/about/offices/list/osers/osep>.
- IDEA regulations are at [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl).
- Illinois School Code is at <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+14&ActID=1005&ChapterID=17&SeqStart=110500000&SeqEnd=116100000>
- ISBE regulations are at <https://www.isbe.net/documents/226ark.pdf>.