RESOURCE

Reviewer Tool: IDEA and Gifted File Review

The purpose of this tool is to use it at the SEA or LEA level when reviewing a file to help ensure reliability among reviewers.

Parent Rights

1.Was a copy of parent rights/procedural safeguards provided to both student's parents (or legal education decision-maker) and the student (if the student is 18 or older) in all required instances and in the native language of the parents/adult student or other mode of communication used by the parents/adult student? 34 C.F.R. 300.504(a), (d); 34 C.F.R. 300.520(a)(1)(i); K.S.A. 72-3430(e); K.S.A. 72-3431(a)

Required instances:

- Annually;
- Upon initial referral or parent request for evaluation;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first due process complaint in a school year;
- On the date the decision is made to subject a student with a disability (not applicable to gifted) to a disciplinary change of placement because of a violation of a code of student conduct;

- Upon request by a parent:

  All items required to meet minimum compliance requirement:
  ☐ A copy of parent rights/procedural safeguards was provided to both of the student's parents (or legal education decision-maker) and student (if 18 or older) in ALL required instances.

  ☐ The parent rights/procedural safeguards provided were written in the native language or other mode of communication used by the parents/adult student.

  NOTE: If a copy of the parent rights/procedural safeguards was not sent to both of the student's parents, then the student's file should contain documentation indicating why.

Evaluation and Eligibility

2. Were the assessments and other evaluation materials used to assess the student (for an initial evaluation or reevaluation) selected and administered so as not to be discriminatory on a racial or cultural basis? 34 C.F.R. 300.304(c)(1)(i); K.A.R. 91-40-9(a)(1)(A)

All items are required to meet minimum compliance requirement:

☐ Evaluation report, PWN, IEP, or other documentation identifies the demographics of the student.

☐ Evaluation report, PWN, IEP, or other documentation identifies how the evaluation materials were selected and administered to address previously identified racial or cultural differences. If there are no unique racial or cultural differences that needs to be communicated.

3. Were the assessments and other evaluation materials used to assess the student (for an initial evaluation or reevaluation) provided and administered in the student's native language or other mode of communication? 34 C.F.R. 300.304(c)(1)(ii); K.A.R. 91-40-9(a)(1)(B)

Two are required to meet minimum compliance requirement:

☐ Evaluation report, PWN, IEP, or other documentation identifies the language or other mode of communication of the student.

☐ Evaluation report, PWN, IEP, or other documentation identifies the language or mode of communication used to administer the assessments.

OR

☐ Documentation shows that it was clearly not feasible to provide or administer the assessments and other evaluation materials in the student's native language or other mode of communication.

4. During the most recent evaluation or reevaluation of the student, was the student assessed in ALL areas related to the suspected exceptionality, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities? 34 C.F.R. 300.304(c)(4); K.A.R. 91-40-9(b)(1)(A)-(H)

Required to meet minimum compliance requirement:

☐ Evaluation report, PWN, IEP, or other documentation shows that during the most recent evaluation or reevaluation, the student was assessed in ALL areas related to the suspected exceptionality, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status,

and motor abilities. (If all areas were not assessed, review the record for information showing which areas were selected and why those not selected were not assessed.)

5. IDEA only: If the school required the parent to obtain a medical diagnosis as part of the evaluation or re-evaluation, did the public agency pay for it? 34 C.F.R. 300.17(a), 300.34(c)(5); K.A.R. 91-40-1(z)(1), 91-40-1(nn)

One is required to meet minimum compliance requirement:

☐ Documentation shows that the parent was required to obtain a medial diagnosis and the public agency paid for it.

OR

☐ Documentation shows the public agency did not require the parent to obtain a medical diagnosis for the student as part of the evaluation or re-evaluation.

6. Upon completing the most recent evaluation or reevaluation of the student, did a team of qualified professionals AND the parent determine whether the student is a student with an exceptionality? 34 C.F.R. 300.306(a)(1); K.S.A. 72-3428(e)(1)

One is required to meet minimum compliance requirement:

☐ Documentation shows that the most recent (initial or continued) eligibility determination was made by ALL of the following:

☐ A team of qualified professionals

☐ The parent (did provide or was provided the opportunity to give input into eval report and at eligibility meeting)

OR

☐ File is for a student that is suspected to have a specific learning disability. (See Q7)

7. IDEA only: If the student was suspected to have a specific learning disability, did the group responsible for determining (initial or continued) eligibility include ALL of the following?: 34 C.F.R. 300.308; K.A.R. 91-40-11(a)

One is required to meet minimum compliance requirements:

☐ Documentation shows that the group responsible for determining initial or continued eligibility included ALL of the following:

☐ The student's parents;

☐ The student's regular teacher, or if the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age, or for a child of less than school age, an individual qualified by the SEA to teach a child of his or her age;

☐ At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

OR

☐ Documentation shows this is a file for a student who was not suspected to have a specific learning disability.

8. When interpreting evaluation data to determine if the student is or continues to be a student with an exceptionality and the educational needs of the student, did the team of qualified professionals and the parent draw upon, document, and carefully consider information from a variety of sources including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior? 34 C.F.R. 300.306(c)(1)(i)-(ii); K.A.R. 91-40-10(d)(1)-(2)

Required to meet minimum compliance requirement:

☐ Evaluation/eligibility report, team meeting notes, PWN and/or other documentation shows that when determining initial or continued eligibility and the educational needs of the student, the team of qualified professionals and the parent drew upon, documented, and carefully considered information from a variety of sources.

9. IDEA only: Did the group responsible for determining the student's (initial or continued) eligibility ensure that NONE of the following were the determinant factor? 34 C.F.R. 300.306(b)(1)(i)-(iii); K.A.R. 91-40-10(c)

All items required to meet minimum compliance requirement:

Documentation that shows that NONE of the following were a determinant factor when determining the student's initial or continued eligibility:

☐ Lack of appropriate instruction in reading including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, oral reading skills, and reading comprehension strategies.

☐ Lack of appropriate instruction in math.

☐ Limited English proficiency.

IEP Development, Revision, and Review

10. Does the IEP include a description of the student's present level of academic achievement as part of the Present Levels of Academic Achievement and Functional Performance (PLAAFPs)? 34 C.F.R. 300.320(a)(1); K.S.A. 72-3429(c)(1)

Required to meet minimum compliance requirement:

☐ IEP includes a description of the student's current level of academic achievement.

11. Does the IEP include a description of the student's present level of functional performance as part of the PLAAFPs? 34 C.F.R. 300.320(a)(1); K.S.A. 72-3429(c)(1)

One is required to meet minimum compliance requirements:

☐ IEP includes a description of the student's current level of functional performance.

OR

☐ IEP includes a statement that functional performance was considered and there are no current concerns.

12. Does the IEP describe how the student's disability or giftedness affects the student's involvement and progress in the general education curriculum as part of the PLAAFPs? For preschool children, as appropriate, does the IEP describe how the disability affects the child's participation in appropriate activities as part of the PLAAFPs? 34 C.F.R. 300.320(a)(1)(i); K.S.A. 72-3429(c)(1)(A)-(B)

One is required to meet minimum compliance requirements:

☐ The IEP includes a specific description of how the student's disability or giftedness affects the student's involvement and progress in the general curriculum.

OR

☐ For preschool children, the IEP describes how the disability affects the child's participation in appropriate activities.

13. Are all of the annual goals in the IEP designed to meet the student's needs that result from the student's disability or giftedness, to enable the student to be involved in and make progress in the general education or advanced curriculum? 34 C.F.R. 300.320(a)(2)(i)(A); K.S.A. 72-3429(c)(2)(A)

Required to meet minimum compliance requirement:

☐ EVERY annual goal in the IEP is designed to meet the student's needs that result from the student's disability or giftedness, to enable the student to be involved in and make progress in the general education or advanced curriculum.

☐ If the student takes the alternate assessment, every goal must have at least 2 benchmarks or objectives.

14. Are all of the annual goals in the IEP measurable? 34 C.F.R. 300.320(a)(2)(i); K.S.A. 72-3429(c)(2)

All items required to meet minimum compliance requirement:

☐ EVERY annual goal in the IEP is measurable.

☐ Is the Timeframe a single point in time that is no more than 1 year away?

☐ Is the Behavior clear?

☐ Is the Criteria (measure of success) specific?

☐ Is the measurement Condition understandable?

15. Was the student's progress toward meeting each annual IEP goal measured and reported using the method and frequency described in the IEP? 34 C.F.R. 300.320(a)(3); K.S.A. 72-3429(c)(3)

All items required to meet minimum compliance requirement:

☐ The IEP includes a description of how the student's progress toward meeting EACH annual IEP goal will be measured.

☐ The IEP includes a description of when periodic reports on the progress the student is making toward meeting each of the annual goals will be provided. (Submit frequency of reporting to parents from IEP.)

☐ The goal, the baseline, and the progress reports used the same method of measuring the student's performance. **If multiple subskills or criterion are included in the goal, they all need to be reported in the progress report.**

☐ Progress was reported to the parent (or education decision-maker) according to the frequency/intervals described in the IEP.

☐ Progress is reported for all goals for every reporting period.

16. IDEA only: If the IEP team has determined that the student with a disability must take an alternate assessment instead of a particular state or districtwide assessment, was that determination made in alignment with the KSDE Dynamic Learning Maps Participation Guidelines for Kansas and does the IEP include BOTH of the following?: (A) A statement of why the student cannot participate in the general state or district assessment; and (B) A statement of why the particular alternate assessment selected is appropriate for the student. 34 C.F.R. 300.320(a)(6)(ii), 300.160(c); K.S.A. 72-3429(c)(6)(B)

All items required to meet minimum compliance requirement:

☐ The student meets all of the criteria listed in the KSDE Dynamic Learning Maps Participation Guidelines for Kansas.

☐ The IEP includes a statement of why the student cannot participate in the general state or district assessment.

☐ The IEP includes a statement of why the particular alternate assessment selected is appropriate for the student.

☐ IEP addressed state and district assessments.

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17. Does the IEP include the projected date for the beginning of special education and related services, supplementary aids and services (including accommodations), program modifications and supports for school personnel? 34 C.F.R. 300.320(a)(7); K.S.A. 72-3429(c)(7)

All Items required to meet minimum compliance requirement:

The IEP contains a projected beginning date for EACH:

☐ special education and related services, and

☐ supplementary aids and services (including accommodations), program modifications, and supports for school personnel that will be provided.

18. Does the IEP include anticipated frequency, location and duration of special education and related services, supplementary aids and services (including accommodations), program modifications and supports for school personnel? 34 C.F.R. 300.320(a)(7); K.S.A. 72-3429(c)(7)

All Items required to meet minimum compliance requirement

☐ EACH of the special education and related services, supplementary aids and services (including accommodations), program modifications, and supports for school personnel contain:

☐ anticipated frequency, and

☐ anticipated location, and

☐ anticipated durations.

☐ Pass the stranger test.

19. Did the IEP team consider parent concerns for enhancing the education of their student in developing, reviewing and revising the IEP? 34 C.F.R. 300.324(a)(1)(ii); K.S.A. 72-3404(r); 72-3429(d)(1)

Required to meet minimum compliance requirement:

☐ Documentation that the IEP team considered the concerns of the parent for enhancing the education of their student in developing, reviewing and revising the IEP.

20. If the student's behavior impedes the student's learning or that of others, did the IEP Team consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior when developing, reviewing or revising the IEP? 34 C.F.R. 300.324(a)(2)(i), (b)(2); K.S.A. 72-3429(d)(4)

One is required to meet minimum compliance requirements:

☐ Documentation shows that when developing, reviewing or revising the IEP, the IEP Team considered the **use of positive behavior interventions and supports and other strategies** to address the student's behavior that impedes the student's or others' learning.

OR

☐ Documentation shows that the student **DOES NOT** have behavior that impedes the student's or others' learning.

21. When developing, reviewing or revising the IEP, in the case of a student who has limited English proficiency, did the IEP Team consider the language needs of the student as those needs relate to the student's IEP? 34 C.F.R. 300.324(a)(2)(ii), (b)(2); K.S.A. 72-3429(d)(5)

One is required to meet minimum compliance requirements:

☐ Documentation shows that when developing, reviewing or revising the IEP, the IEP Team considered the language needs of the student as those needs relate to the student's IEP.

OR

☐ Documentation shows that the student **DOES NOT** have limited English proficiency.

Placement

22. Was the student's educational placement determined at least annually? 34 C.F.R. 300.116(b)(1); K.A.R. 91-40-21(e)(1)

Required to meet minimum compliance requirement:

☐ The education record contains documentation that the student's educational placement was determined at least annually.

23. IDEA only: If the student's LRE (least restrictive environment) placement is outside of the regular education environment for any part of the school day (including nonacademic and extracurricular services and activities), did the team first determine that the nature or severity of the disability is such that placement in the regular education environment with the use of supplementary aids and services could not be achieved satisfactorily? 34 C.F.R. 300.114(a)(2)(ii), 300.117; K.S.A. 72-3420(a); K.A.R. 91-40-21(i)

One is required to meet minimum compliance requirements:

☐ The education record contains documentation showing the student is placed in the regular education environment for the entire school day, including nonacademic and extracurricular services and activities.

OR

☐ The education record contains information showing the nature or severity of the disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. "The Why".

OR

☐ This is a file for a student who: (a) has been convicted as an adult under state law and is incarcerated in an adult prison; AND (b) the student's IEP team has modified the student's IEP or placement because the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated (34 C.F.R. 300.324(d)(2)).

Early Childhood Students Only

24a. Was there LEA representation at the 90-day transition conference? [34 CFR §303.209] [34 CFR §300.124(c)]

Required to meet minimum compliance requirements:

☐ The education record contains documentation that the LEA representative was present at the 90-day conference.

24b. Did the IEP Team consider the child's transition plan when developing the child's initial Part B IEP? (K.S.A. 72-3428(b)(1))

Required to meet minimum compliance requirements:

☐ The education record contains documentation that the transition plan was considered when developing the child's initial Part B IEP.