

# GUIDANCE



## IDEA/Gifted File Review (2024-2027)

### INDIVIDUAL CORRECTIVE ACTION PLAN

*This tool does not represent the opinion of KSDE regarding compliance in any particular situation, and is only meant for general information and technical assistance. Any correction must be done in accordance with all state and district required procedures for the action. Examples below are meant as guidance and do not represent all possible corrective actions a district might take.*

### IDEA & Gifted File Review Questions

1. Parent Rights – provided to both parents in native language/mode when parents do not reside together.
2. Eval and Eligibility – nondiscriminatory tools and administration
3. Eval and Eligibility - assess in native language/mode
4. Eval and Eligibility - assess all areas related to suspected exceptionality
5. Eval and Eligibility - medical diagnosis required
6. Eval and Eligibility - team determines exceptionality
7. Eval and Eligibility - suspected LD decision with required team members
8. Eval and Eligibility - multi-sourced evaluation
9. Eval and Eligibility - considered exclusionary factors (applies to all exceptionalities)
10. IEP - academic achievement in PLAAFP
11. IEP - functional performance in PLAAFP
12. IEP - impact of exceptionality on involvement and progress in general curriculum
13. IEP - goals based on student needs resulting from exceptionality, designed to support progress in general curriculum
14. IEP - all goals are measurable (contain timeline, condition, behavior, criterion)
15. IEP – progress reports are provided to parents using method & frequency described in IEP
16. IEP – for alternative assessments, IEP documents both A) why students cannot participate in general state and district assessment and B) why the particular alternative assessment(s) selected are appropriate
17. IEP - includes projected start date for all services, supports, accommodations, modifications
18. IEP - includes anticipated frequency, location and duration of all services, supports, accommodations, modifications
19. IEP - considers parent concerns in developing, reviewing and revising IEP
20. IEP – if student behavior impedes learning, IEP team considered use of PBIS
21. IEP – for student with LEP, team considered student's language needs as they relate to IEP
22. Placement – student's educational placement determined annually
23. Placement – if LRE is outside of regular education for any part of day, team determined nature or severity of disability is such that placement in general education with use of supplementary aids and services could not be achieved satisfactorily

## PARENT RIGHTS

For File Review Question 1, the following steps could be taken:

1. When both parents were not given Parent Rights in all required instances in their native language or mode of communication, provide a copy with explanation of why this did not happen.
2. In addition to the action taken above, documentation should be kept in the student file that Parent Rights were given to both parents and provided in their native language or mode of communication on each required occasion.

## EVALUATIONS & ELIGIBILITY

For File Review Questions 2 and 3 the following steps could be taken for cultural/linguistic differences:

1. Reconvene the IEP/Evaluation Team and if the team believes the evaluation did consider racial & cultural differences including student's native language, **but team report did not adequately document this**, they will document that appropriate assessments were chosen and appropriately administered to mitigate racial and cultural bias. Attach these meeting notes to the evaluation in question as an addendum. A copy of the addendum to the report will be provided to parents with an explanation.
2. When the student's cultural and linguistic characteristics including the student's native language **were not considered** within the evaluation process, obtain consent for a Reevaluation and ensure that all IDEA requirements for evaluation procedures are completed and documented.

### *A Sample ICAP for File Review Questions 2 & 3:*

*When the most current reevaluation for this student was reviewed, there was not sufficient evidence in the educational records that the student's individual racial and cultural characteristics were considered in selecting and administering assessments. After participating in training regarding racial and cultural assessment bias on 1/18/22, the student's IEP team, including parent and ELL teacher, will convene a case review by 3/1 /22. The focus will be to discuss this student's English proficiency and Native Language (Spanish, Vietnamese, Korean or other Asian, etc.) proficiency, review the assessment practices used in the most recent evaluation, and consider if the measures were selected and used so as to not be discriminatory on a racial or cultural basis. If the team believes the evaluation did consider the student's racial and cultural differences, they will document discussion that assessments were selected and appropriately administered to mitigate racial or cultural bias, and attach these meeting notes to the evaluation in question as an addendum. Should there be concerns by any team member that this did not adequately occur, the team will obtain consent to reevaluate the student, and ensure that all IDEA requirements for evaluation procedures are completed and documented.*

For File Review Questions – 4, 6, 7, 8, & 9:

Initiate Reevaluation and obtain permission for any needed information or required team participation. *Ensure that all IDEA requirements for evaluation procedures are completed and documented.*

## IEP DEVELOPMENT, REVISION AND REVIEW

For File Review Questions – 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21 & 23 for the IEP:

Reconvene the IEP team for an IEP meeting or amend with or without a team meeting, to include missing or additional information.

For File Review Question 5:

1. If it is discovered that the parent was asked to obtain a medical diagnosis requested by the district and not reimbursed by district, provide reimbursement and document reimbursement did occur.
2. If it is determined that the parent refused reimbursement, document this in the student file.

For File Review Question 15:

1. If it is determined that data was collected on goal(s) but the measure reported did not match the measure used in the goal, IEP Case Manager will meet with the parents and provide an updated progress report that uses the same measurement as stated in the goal. Special Education Administration will monitor IEP Case Manager to ensure future progress reports use the same measurement as in the goal.
2. If it is determined that data was collected on goal(s) but progress report was not sent, IEP Case Manager will meet with parents to give the lapsed progress reports and parents and IEP Case Manager will determine if any amendment to the IEP is needed. Special Education Administration will monitor IEP Case Manager to ensure that future progress reports are delivered to parents in a timely manner.
3. If it is determined that no data was collected on goal(s), IEP will be amended to rewrite goal(s) as needed. Amendment will include how the student's progress toward meeting each annual goal will be measured AND a description of when periodic reports on progress toward meeting annuals goals will be reported to parents/educational decision-maker. Special Education Administration will monitor that progress reports are delivered to parents in a timely manner.

### *An example of an action that could be taken:*

*When the IEP for this student was reviewed, progress report measures did not match the goal measures. The student's parents were contacted. New updated progress report is written that reflects the same measurement as identified in the goal and the teacher continues to update goals using the same measure as outlined in the goal and baseline data collection every three weeks. Progress reports for this IEP were reviewed by the IEP coordinator for the first two quarters of the year and found to be compliant. Progress reports were provided to parents as per frequency in IEP. Training was provided to this specific teacher on how and when to update the goals and when to provide progress reports to parents.*

### *A second example for Question 16:*

*When the IEP for this student was reviewed, it did not include goal updates. The IEP case manager (CM) had collected student progress on separate data sheets but had not entered data into the IEP. The goal data will be entered on IEP and CM will share complete progress reports with parents on 1/18/22. Training was provided on 1/15/22 to the specific teacher on how and when to update the goals and when to provide progress reports to legal educational decision makers as outlined in the IEP.*

4.

## PLACEMENT

For File Review Question 22:

There is no correction process for an IEP being written past the annual due date. The IEP review should be held as soon as possible after the late review date has been discovered. However, Special Education Administration should propose a plan to monitor the IEP Case Manager to ensure future IEPs are written by annual due date.

For more information, contact:

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