



Developing IEPs

Effective Facilitation of an Individualized
Education Plan (IEP)

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Florida Diagnostic & Learning
— RESOURCES SYSTEM —

WELCOME

FDLRS funded by the Florida Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, through federal assistance under the Individuals with Disabilities Education Act Part B and State General Revenue funds.

Section 1006.03, Florida Statutes (F.S.)
Diagnostic and Learning Resource Centers





Florida Diagnostic & Learning — RESOURCES SYSTEM —

VISION

The Florida Diagnostic & Learning Resources System (FDLRS) provides diagnostic, instructional, and technology support services to district exceptional education programs and families of students with disabilities. Service centers include Associate Centers that directly serve school districts in the areas of Child Find, Parent Services, Human Resource Development (HRD), and Technology. In addition, the FDLRS Network also includes Multi-disciplinary Centers who focus on in-depth evaluations and several statewide projects offering specialized services.



Florida Diagnostic & Learning
— RESOURCES SYSTEM —

MISSION

The mission of the Florida Diagnostic and Learning Resources System (FDLRS) is to support and enhance exceptional student education programs by providing evidence-based, high-quality professional learning opportunities; integrating assistive and instructional technology; promoting family engagement; and ensuring access to early intervention services.

SIX KEY PRACTICES



1. Use Data Well

2. Focus Your Goals

3. Select & Implement Shared Instructional Practices

4. Implement Deeply

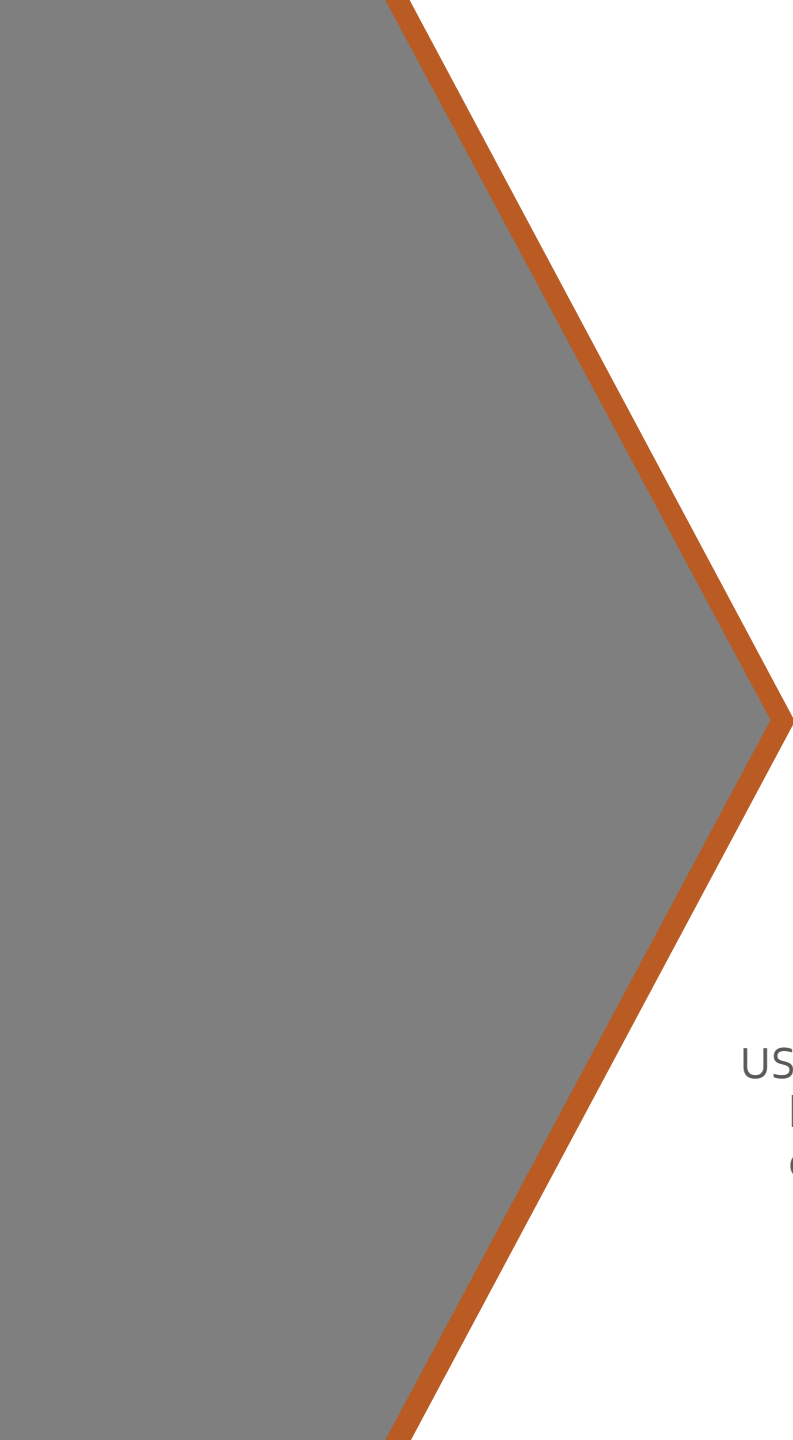
5. Monitor & Provide Feedback & Support

6. Inquire & Learn



Developing IEPs

Effective Facilitation of an Individualized
Education Plan (IEP)



The IEP creates an opportunity for teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities. The IEP is the cornerstone of a quality education for each child with a disability.

US Department of Education

<https://www2.ed.gov/parents/needs/speced/iepguide/index.html#:~:text=The%20IEP%20creates%20an%20opportunity,each%20child%20with%20a%20disability.>



Specifics of the Individual Education Plan (IEP)

The Team

The Individuals with Disabilities Education Act (IDEA) requires that a school district ensure an IEP team for an eligible child includes:



The parents or caregivers of the child



The general education teacher (if the child is or may be in a general education setting)



The special education teacher/provider



A qualified district representative



An individual who can interpret the instructional implications of evaluation results



Other individuals who have knowledge or special expertise regarding the child



The child, whenever appropriate

Parents are important members of their child's IEP team. A school must take positive steps to ensure that one or both parents are present at each IEP team meeting, or at a minimum, are given the opportunity to participate.



The role of the parents in developing the IEP:



Provide information regarding their student's strengths



Express concerns for enhancing education



Participate in discussions about important topics

Excusal of a mandatory team member's participation

Excusal may occur only if the following are met:

- a mandatory participant would not be required to attend an IEP team meeting, *in whole or in part*, if the parent and school agree, in writing, that the attendance of that member is not necessary because the member's area of the curriculum or related service is not being modified or discussed in the meeting; or
- a mandatory participant may be excused from attending an IEP meeting, *in whole or in part*, when the meeting involves a modification to or discussion of the member's area of the curriculum or related service, if:
 - the parent, in writing, and the public agency consent to the excusal;
 - and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting

34 C.F.R. 300.321
Rule 6A-6.03028, F.A.C.

***Excusal should occur infrequently**

Schools must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting.

This can include:



Arranging for an interpreter for parents who are deaf or hard of hearing



Arranging for an interpreter for parents whose native language is one other than English



Specifics of the IEP

Elements of the IEP

The cornerstone
of the special
education
process



An IEP is ...

Developed with careful
consideration of the
individual child's abilities,
strengths, needs, and
interests.



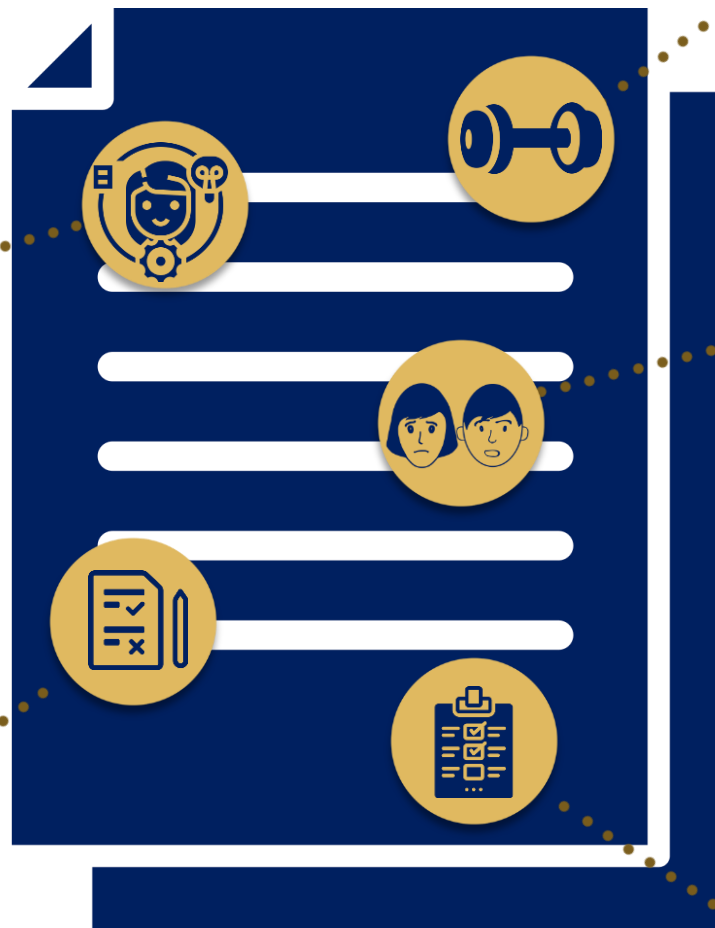
A legally binding
written statement for a
child with a disability
which describes the
child's educational
program



The IEP team must consider:

The academic, development, and functional needs of the child

As appropriate, the results of the student's performance on any general statewide or districtwide assessment



The strengths of the student

The concerns of parents regarding the education of their child

The results of the initial or most recent evaluation of the student

Rule 6A-6.03028, F.A.C.

Additionally, the IEP team must consider special factors about the student:

- Does the student's behavior impede his/her learning or the learning of others?
 - *34 CFR §300.324(a)(2)(i)*
- Does the student have limited English proficiency?
 - *34 CFR §300.324(a)(2)(ii)*
- Does the student have communication needs?
 - *34 CFR §300.324(a)(2)(iv)*
- Does the student need assistive technology devices and services?
 - *34 CFR §300.324(a)(2)(v)*
- Does the student need accessible instructional materials (AIM)?
 - *34 CFR §§300.172(b)(4) and 300.210(b)(3)*
 - *Rule 6A-6.03028(3)(r), F.A.C.*

Additionally, the IEP team must consider special factors about the student:

- Is the student able to participate in the regular PE program available to all students?
 - *34 CFR §§300.39 and 300.108*
- Does the student require instruction or the provision of information in the area of self-determination and self advocacy to be able to actively participate in IEP meetings and self-advocate?
 - *Rule 6A-6/03028(3)(h)8.c., F.A.C.*
- What are the parent's concern for enhancing the education of the student? If not in attendance, how was parent input obtained?
 - *34 CFR §§300.322 and 300.324(a)(1)(ii)*
 - *Rule 6A-6.03028(3)(a), F.A.C.*

Additionally, the IEP team must consider special factors about the student:

- What are the parent's concern for enhancing the education of the student? If not in attendance, how was parent input obtained?
 - *34 CFR §§300.322 and 300.324(a)(1)(ii)*
 - *Rule 6A-6.03028(3)(a), F.A.C.*
- Is the student blind or visually impaired?
 - *34 CFR §300.324(a)(2)(iii)*
 - *Section 1003.57(1)(b)3., F.S.p*

Additionally, the IEP team must consider special factors about the student:

- Is the student deaf or hard of hearing or does the student have a dual sensory impairment?
 - *34 CFR §300.324(a)(2)(iv)*
 - *Rule 6A-6.03028(3)(g)10., F.A.C.*
- Does the student have any health concerns? If so, describe the concerns.
 - *Section 1003.57(1)(b)3., F.S.*
 - *34 CFR §300.34(b)(ii) and 300.34(c)(5) and (13)*
 - *71 Fed. Reg. 46571*

IEPs must include:

1. The strengths of the student and the concerns of the parents for enhancing the education of their student;
2. The results of the initial or most recent evaluation or reevaluation of the student;
3. As appropriate, the results of the student's performance on any general statewide or districtwide assessment;
4. The academic, developmental, and functional needs of the student;

IEPs must include (continued):

5. In the case of a student who has also been identified as a student who is gifted in accordance with Rule 6A-6.03019, F.A.C., the IEP shall address the gifted and disability related needs of the student.

6. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior;

7. In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP;

IEPs must include (continued):

8. In the case of a student who is blind or visually impaired, provision of instruction in braille and the use of braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, including future needs, and appropriate reading and writing media (including an evaluation of the student's future need for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student;
9. The communication needs of the student;

IEPs must include (continued):

10. In the case of a student who is deaf or hard-of-hearing or dual-sensory impaired, the Communication Plan form 313189. The Communication Plan form is incorporated by reference and shall be used to address, the student's language and communication needs; opportunities for direct communications with peers and professional personnel in the student's language and communication mode; academic level; and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

IEPs must include (continued):

11. Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the IEP Team determines that the student needs access to those devices in order to receive a FAPE; and,

IEPs must include (continued):

12. At least annually, whether extended school year (ESY) services are necessary for the provision of a FAPE to the student consistent with the following:
 - a. ESY services must be provided if a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the student.
 - b. When determining whether ESY services are necessary, the IEP Team must consider a variety of factors.
 - c. School districts may not limit ESY to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

IEPs must include (continued):

13. If, after consideration of the factors in paragraph (3)(g) of this rule, the IEP Team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order for the student to receive a FAPE, the IEP must include a statement to that effect.

IEPs must include (continued):

- beginning not later than the first IEP to be in effect when the student turns 12, the IEP team must begin the process of identifying the need for transition services so that goals are in place by the time the student turns age 14 or enters high school.
- beginning not later than the first IEP to be in effect when the student turns 14 or enters high school, whichever occurs first, and updated annually thereafter, the IEP must also include:
 - appropriate measurable postsecondary goals
 - the transition services (including courses of study) needed to assist the child in reaching those goals*
- beginning not later than one year before the student reaches the age of 18, the IEP must include a statement that the student has been informed of his or her rights under the IDEA, if any, that will transfer to the student on reaching age 18

Florida House Bill 173 (2021).

Transfer IEPs from a different state require the following:

When a student transfers from another state *within the same school year* with an IEP in place, the receiving school district must, in consultation with the parent, provide FAPE (including services comparable to those described in the student's IEP from the previous school district), until the new Florida school district:

- (a) Conducts an initial evaluation pursuant to subsections 6A-6.0331(4) and (5), F.A.C., (if determined to be necessary by the new Florida school district); and,
- (b) Develops, adopts and implements a new IEP that meets the applicable requirements of Rules 6A-6.03011-.0361, F.A.C.
- (c) The new school district is not required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services in Florida under this rule.

The IDEA defines FAPE (Free Appropriate Public Education) as special education and related services that:

- are provided at public expense, under public supervision and direction, and without charge
- meet the standards of the State Education Agency (SEA)
- include an appropriate preschool, elementary school, or secondary school education
- are provided in conformity with an IEP

FAPE must be made available to:

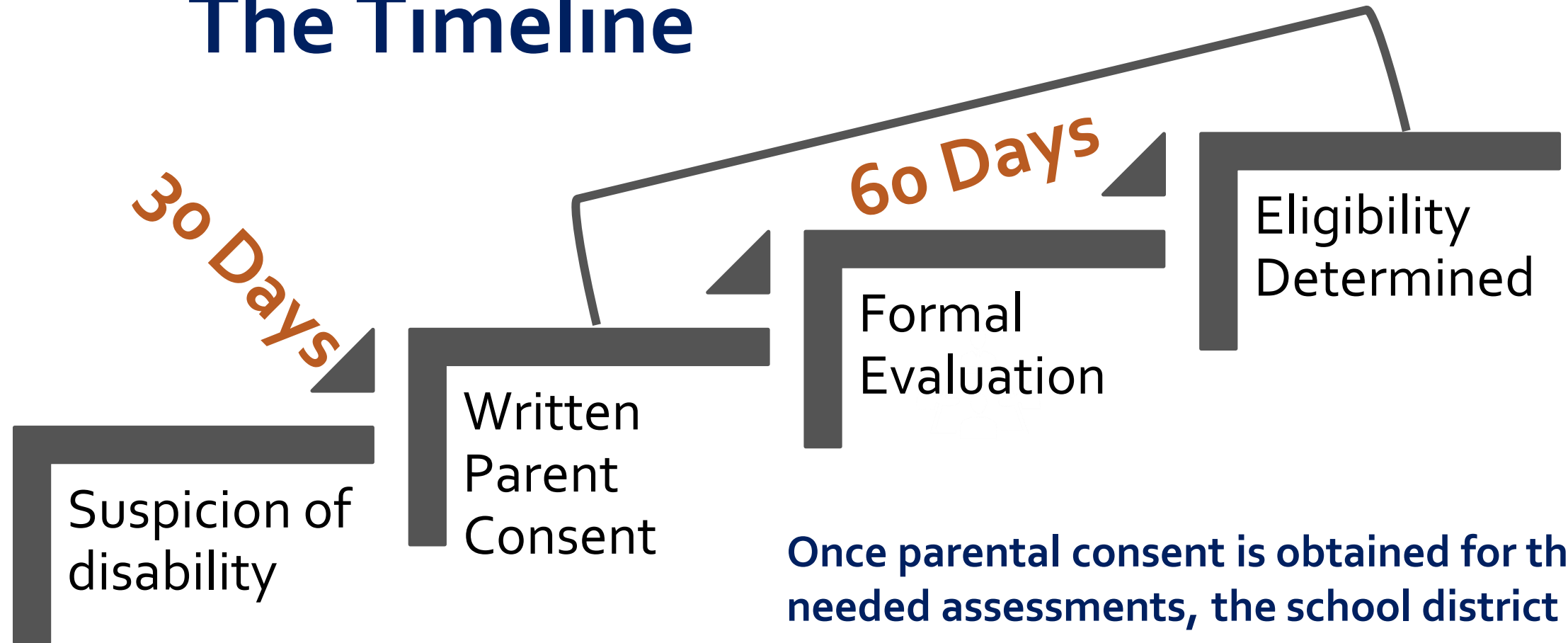
- all children residing in the state between the ages of 3 and 21, including students who have been suspended or expelled from school
- any eligible student with a disability who needs special education and related services, even though the student has not failed or been retained in a grade and is advancing from grade to grade

The following model represents the progressive stages used to demonstrate the development and provision of FAPE and the life cycle of an IEP.



Each stage of the FAPE progression links to the next stage, and ultimately to educational benefit appropriate for a student's unique circumstance.

The Timeline

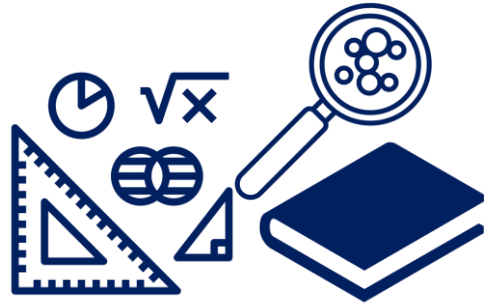


Once parental consent is obtained for the needed assessments, the school district must conduct the evaluation within 60 calendar days.

Through comprehensive evaluation and ongoing review of data, the team develops a clear understanding of student's present levels of academic achievement and functional performance. For annual IEPs, the Present Levels represent a refinement of all that is known about the student academically, functionally, behaviorally, physically, mentally, emotionally, socially, and linguistically.



The Components



“Academic Achievement” generally refers to a child’s performance in academic areas (e.g., reading or language arts, math, science, and history).



“Functional performance” refers to skills or activities that are not considered academic or related to academic achievement. The term is often used in the context of routine activities of everyday living.

The Components

The team must describe:

- how the student's disability affects his or her involvement and participation in the general education curriculum
- how the student's disability affects his or her progress in the general education curriculum

The Strategy

The Present Levels of Academic Achievement and Functional Performance (PLAAFP) must accurately reflect a student's performance and the educational needs for the current IEP. It should reflect the student's baseline across all academic and functional areas, providing a clear understanding of the existing skill gaps between the student's functioning and grade level expectations.

A meaningful comparison of a student's present levels with grade level expectations results in identification of skill gaps. The IEP includes measurable goals to help a student make progress and close those gaps. Developing measurable annual goals that represent rigorous, but reasonable targets for each student (based on the student's academic and functional levels) is a critical component of providing FAPE. Annual measurable goals describe what a student can reasonably be expected to achieve in one year.



Measurable Goals

The Components

A statement of measurable annual goals, including academic and functional goals designed to:

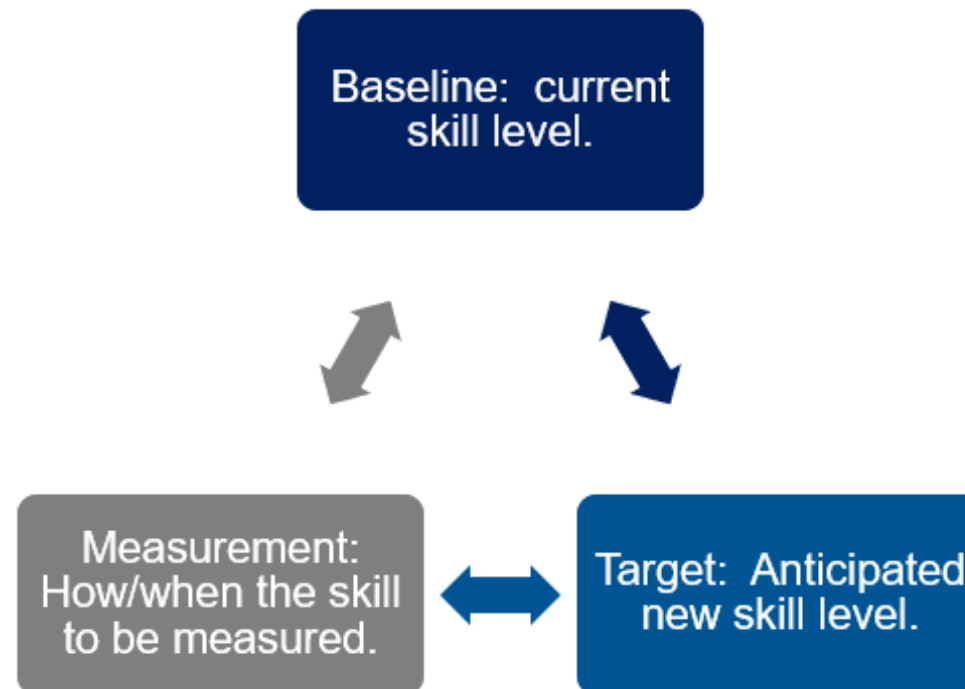
- meet the student's needs that result from the disability to enable the student to be involved in and make progress in the general education curriculum
- meet each of the student's other educational needs that result from the disability
- for children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives

Measurable Goals

The Strategy

Baseline → Target → Method of Measurement

This model ensures that goals and progress are measurable and understandable.



Services and Supports

- Once goals are identified, the team designs services and supports necessary to assist a student to meet those goals and to make progress in the general curriculum.
- Services and supports are designed by the team and can be revised by the team to meet a student's changing needs.
- IDEA requires the IEP to include a statement of the special education, related services, and supplementary aids and services.



The Concept

The IEP must include:

A statement of the special education, related services, and supplementary aids and services that will be provided to enable the student:



To advance appropriately toward attaining the annual goals



To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities



To be educated and participate in the least restrictive environment with nondisabled peers

The Accommodations

Each IEP must contain a statement of any appropriate accommodations that are necessary to support the student's academic achievement and functional performance. The accommodations provided must be based on each student's unique needs and identified by the IEP team.



The Accommodations



Presentation accommodations allow a student with a disability to access information in ways other than standard visual or auditory means (e.g., by reading or listening). These accommodations change the way that instruction, directions, and information are presented to students.



Response accommodations allow students with disabilities to demonstrate their learning by completing instructional assignments or assessments through ways other than typical verbal or written responses.

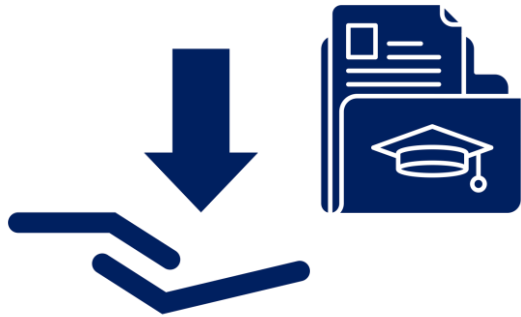
The Accommodations

Setting accommodations allow for a change in the environment or in how the environment is structured to mitigate aspects of the environment that might present a barrier for certain students.



Scheduling accommodations allow for changes to how time is organized. These adjustments often reduce students' frustration and fatigue, thereby allowing them the opportunity to access and demonstrate their learning.

Accommodations vs Modifications



Accommodations are defined as “changes that are made in how the student accesses information and demonstrates performance.”



Modifications are defined as “changes in what a student is expected to learn, and may include changes to content, requirements, and expected level of mastery.”

Assessments

If the IEP team determines that the student must take an alternate assessment instead of a particular regular statewide or district-wide assessment of student achievement, the IEP must include a statement of why:



The student cannot participate in the regular assessment



The particular alternate assessment selected is appropriate for the student

Assessments

Each student must participate in the statewide standardized assessment program based on state standards without accommodations, unless determined otherwise by the IEP team. Based on the nature and impact of this student's disability and educational program, the questions can be considered:

- **During the duration of this IEP, will the student be enrolled in a grade or a course for which a districtwide assessment is administered?**
 - *34 CFR §300.320(a)(6)(ii)*
- **Is the IEP team considering assessment on the statewide, standardized alternate assessment (i.e., FSAA)?**
 - *To be eligible for assessment based on access points the student must meet the criteria under State Board Rule 6A-1.0943(5), F.A.C*
- **Is the IEP team requesting an assessment exemption due to a medical complexity or an extraordinary circumstance or condition?**
 - *Sections 1008.212 and 1008.22(11), F.S.*
 - *Rule 6A-1.0943(6) and (7), F.A.C.*

Least Restrictive Environment

Least Restrictive Environment (LRE)

A student with a disability must be educated with nondisabled peers to the maximum extent appropriate to meet identified educational needs. **Removal of students with disabilities from the regular educational environment can only occur when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.** The team determines the least restrictive environment at least annually.



[34C.F.R. 1412 \(a\)\(5\)](#)

The Continuum

- Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- The continuum required in paragraph (a) of this section must—
 - Include the alternative placements listed in the definition of special education under §300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Least Restrictive Environment

Regular Classroom

- The MAXIMUM extent appropriate.

Special Classes (Resource Placement)

- Only if regular classes with supplementary aids & services cannot be successful.

Separate Schools

- Only if a less restrictive option is not appropriate.

Residential Settings

- Only if a less restrictive option is not appropriate.

Hospital & Homebound

- Only if education with NO peers is the only option AND the criteria in [Rule 6A-6.03020\(2\), F.A.C.](#) are met.

Educational Benefit

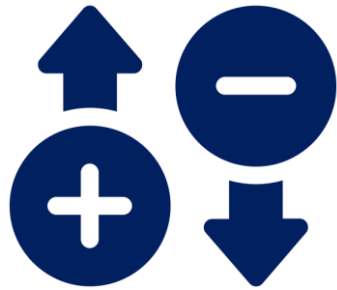
An IEP based on a student's unique educational needs must be developed to provide educational benefits. This stage is all about progress, or the team's responsiveness to lack of anticipated progress. All components of the IEP designed and implemented on behalf of an individual student are intended to result in educational benefit. Having an IEP in place can provide support to students and give access to their curriculum and school environment.

Andrew F. v. Douglas County Sch. Dist. RE-1, 137 S. Ct. 988 (U.S. 2017).



The Strategy

The following questions will help the IEP team determine...



What is a reasonable amount of progress?



What steps should the IEP team take if the student experiences a lack of progress?



What happens when a student makes more than anticipated progress?

Educational Benefit

Reporting Progress

The school district must:



Communicate regularly with parents regarding the student's progress



Be responsive to a lack of progress



Be responsive to unanticipated progress

The IEP is a living document with an annual life cycle.

- It is reviewed and revised at least annually.
- It's reviewed to determine progress and revise the IEP as needed.
- The review addresses any lack of expected progress toward the annual goals and in the general education curriculum.
- Information about the child provided to, or by, the parents, as described under
- The child's anticipated needs

The Annual Review

The IEP team should review all steps in the FAPE Progression at every annual IEP team meeting before drafting the new IEP for the next year.





The Annual Review

Things to remember:

- IEPs are drafted and reviewed annually
- it is the school district's responsibility to ensure the IEP team meets annually
- exceeding the IEP date does not diminish the duty to provide services

An untimely annual IEP review constitutes a procedural error but shall not result in a lapse of special education service.




Amending an IEP

- Amendments to the IEP may be made by either the entire IEP team at an IEP team meeting, or by agreement after the annual IEP.
- The parent and the school district may agree to make changes to the IEP without convening a meeting.
- The school district and the parent may develop a written document to amend or modify the student's current IEP.
- Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.
- The school district must ensure that the child's IEP Team is informed of those changes.



The Connection Between the IEP and PWN

Written notice that meets the requirements of [34 C.F.R. 300.503](#) must be given to the parents of a student with a disability a reasonable time before the school district proposes or is refusing to initiate or change the any of the following for a student with a disability:

- identification,
 - evaluation,
 - educational placement, OR
 - provision of FAPE
- 



The Mandate

What is a reasonable amount of time?

The United States Department of Education, Office of Special Education Programs has advised that the PWN must be given so that the parents have enough time to fully consider the school district's proposal and respond to it before the proposed action is initiated.



The Mandate

The Prior Written Notice (PWN) must include the following seven components:

A description of the action
proposed or refused by the
agency



A large, empty rectangular area with a dark blue border, intended for a description of the action proposed or refused by the agency. The top-right corner of the area is folded over, suggesting a document page.

A description of the action proposed or refused by the agency



An explanation of why the agency proposes or refuses to take the action



A description of the action proposed or refused by the agency



An explanation of why the agency proposes or refuses to take the action



A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action



A description of the action proposed or refused by the agency



a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained

An explanation of why the agency proposes or refuses to take the action



A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action



A description of the action proposed or refused by the agency



a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained

An explanation of why the agency proposes or refuses to take the action



A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action



sources for the parents to contact to obtain assistance in understanding the provisions of this part

A description of the action proposed or refused by the agency



a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained

a description of other options that the IEP team considered and the reasons why those options were rejected; and



An explanation of why the agency proposes or refuses to take the action



A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action



sources for the parents to contact to obtain assistance in understanding the provisions of this part

A description of the action proposed or refused by the agency

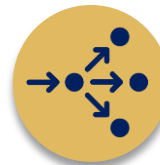


a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained

a description of other options that the IEP team considered and the reasons why those options were rejected; and



An explanation of why the agency proposes or refuses to take the action



a description of other factors that are relevant to the agency's proposal or refusal

A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action




sources for the parents to contact to obtain assistance in understanding the provisions of this part



The Mandate

PWN must be provided in a language that is understandable to the parent. If that is not feasible, the IEP team must specifically document the actions taken to ensure the content of the notice is received and understood by the parent. This may include orally reading the contents of the PWN to the parent in addition to providing it in writing.





The Connection

Each time a school district proposes to implement an initial IEP, an annual IEP, or an amended IEP, it must issue PWN to the parent. There are no exceptions to this requirement.

“When in doubt, notice it out.” 😊





A carefully developed IEP focusing on the individual student's abilities, strengths, needs, and interests creates an opportunity for a team to work together to improve educational results for the student.



References

34 C.F.R. §300.503(a) Letter to Chandler, 59 IDELR 110 (OSEP 2012)

Rule 6A-6.03028, F.A.C.

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EVALUATION & FEEDBACK



Florida Diagnostic & Learning
— RESOURCES SYSTEM —

[FDLRS.org](https://www.fdlrs.org)

ACCESSIBILITY

FDLRS is committed to providing resources that are accessible to everyone.

If you have difficulty accessing a FDLRS resource, please contact us. We are happy to provide it in a format that will meet your needs.

