

# SPECIAL EDUCATION IN NORTH DAKOTA

North Dakota Department of Public Instruction  
Levi Bachmeier, State Superintendent  
Office of Specially Designed Services  
600 E. Boulevard Ave., Dept. 201  
Bismarck ND 58505-0440  
701-328-2277 (voice)



## ***Guidelines: Intellectual Disabilities in Educational Settings***



*Building the Legacy: IDEA 2004*

United States Department of Education, Office of Special Education Programs (OSEP)

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## **Introduction and Purpose**

The field of special education, and specifically the area of intellectual disabilities, has undergone dramatic changes in terminology, evaluation practices, service delivery models, expectations for learning, career development and independent living opportunities.

**Guidelines: Intellectual Disabilities in Educational Settings** is intended as new clarification of the special education processes for evaluation, identification, eligibility, development and provision of services, and placement in the least restrictive environment. The guidelines reference the regulations of 2006 of the federal *Individuals with Disabilities Education Act (IDEA)*.

The purpose for these guidelines is to:

- Replace previous guidelines;
- Update language to achieve common understanding;
- Uniformly define the intellectual disability category;
- Promote appropriate assessments and evaluations of children suspected of having an intellectual disability that yield useful information for educational programming;
- Establish consistent criteria to be used across the state in the process of determining eligibility;
- Promote non-biased considerations for children who are economically disadvantaged, children who are diverse in race and ethnicity, and children who communicate in a language other than English;
- Improve appropriate instruction for children with intellectual disabilities; and
- Improve placement procedures and practices which provide the necessary supports and services in the least restrictive environment.

## **Definitions**

The following are key terms and definitions used in this document. They are common to the field and relate to the general area of intellectual disabilities.

**Intellectual Disability**- Defined as 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. [34 CFR §300.8(c)(6)] The term does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorder, cultural influences, or a history of inconsistent and/or inadequate educational programming.

The term intellectual disability covers the same population of students who were identified previously as having mental retardation. This change in terminology does not affect the continued need for individualized supports and services.

**Adaptive Behavior-** The age-appropriate behaviors necessary for people to live independently and to function safely and appropriately in daily life. Although not a complete list, below are some of the commonly referred to adaptive behavior skills:

- Conceptual skills: language, reading, writing, math reasoning, knowledge and memory.
- Social skills: interpersonal skills, social responsibility, self-esteem, social judgment, following rules/obeying laws, actively avoiding victimization, and social problem solving.
- Practical skills: activities of daily living, occupational skills, money management, safety, health care, travel /transportation, schedules/routines, use of the telephone, recreation, and organizing school and work tasks.

**Assessment-** A process of gathering information and data, both subjective and objective, about the individual student and their level of performance or achievement over a period of time. The process uses formal and informal tools and looks at student progress and the attainment of the expected curriculum and goals, in order to improve both teaching and learning.

**Community Based Instruction-** Systematic instruction of people with disabilities in functional skills within the natural community setting where such skills are used, in order to ease/enhance transitions to independent living, community participation, and employment.

**Developmental Period-** Generally means the period of time between birth and the 18th birthday.

**Educational Settings-** A continuum of settings includes general education classes, special classes, special schools, home, community, hospitals and other institutions as determined appropriate by the Individual Education Program (IEP) team.

**Evaluation-** Systematic collection and analysis of data comparing a student's achievement with same-aged peers or with a set of standards. Under the IDEA, evaluation means procedures used to determine whether a student has a disability and the nature and extent of the special education and related services that the student needs.

**Evaluation Team-** A multi-disciplinary team, including the parents, who have expertise in evaluating a child in all areas of suspected disability, including, but not limited to, intellectual functioning and adaptive behavior.

**IEP Team-** A group of individuals responsible for developing, reviewing or revising the IEP. This group must include:

- the parents,
- not less than one general education teacher of the child,

- not less than one special education teacher of the child,
- a representative of the school district/local education agency (LEA),
- an individual who can interpret the instructional implications of evaluation results (may be one of the members listed above),
- at the discretion of the parents and the LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate, and
- whenever appropriate, the child with a disability.

For children who are transitioning from early childhood services of IDEA Part C to special education early childhood services of IDEA Part B, at the request of the parent, the team would include the Part C coordinator or other representative.

For students who are age 16 and older, and to the extent appropriate, the team would include a representative of any participating agency that is likely to be responsible for providing or paying for secondary transition services. Consent of the parents or the student who has reached the age of majority would need to be gained by the school.

**Parent-** Defined by IDEA 2004, includes:

- a biological or adoptive parent of a child;
- a foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- a surrogate parent who has been appointed in accordance with §300.519 or section 639(a)(5) of the Act (as defined by 34CFR §300.30).

If a judicial decree or order identifies a specific person or persons to act as the "parent" of the child or to make educational decisions on behalf of the child, then such person or persons shall be determined to be the "parent" for purposes of the special education processes.

**Supplementary Aids and Services-** Aids, services, and other supports that are provided in general education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

## **Initial Evaluation**

In making an evaluation decision for a student who is suspected of having an intellectual disability, teams will review and discuss a variety of sources of information for evidence of an intellectual disability. The reasons for the referral for a special education evaluation and the early intervening procedures of general education will need to be amongst the first to be considered by the evaluation team. These reasons and procedures should be summarized within the written referral information and include:

- reasons for the referral and specific questions raised by individuals who are requesting the referral;
- observations of behavior and/or learning patterns that interfere with the student's ability to succeed in the classroom or natural setting;
- personal data with educational implications significant to the analysis of the student's performance and/or behavior; and
- summaries of interventions, including a delineation of attempts to address the student's difficulties within the general education setting, and the results of such attempts.

Other sources of information that are considered by the evaluation team include:

- psychological and adaptive behavior evaluations;
- observations and other information from parents and/or public and private agencies;
- educational and developmental histories;
- achievement test data;
- classroom/grade level performance data;
- for students with low socio-economic status, language or cultural diversity, a comparison of performance data to similar peers; and
- the appropriateness of the previous reading and math instruction to include the curricular content (essential reading and math skills) of that instruction.

Regarding psychological evaluations, evaluation teams need to review **all** information available pertaining to the cognitive abilities of the student, including ability tests. Reliance on Intelligence Quotient (IQ) scores alone is insufficient. The focal point for discussion in regards to cognitive functioning needs to be the impact of the suspected cognitive disability in three adaptive behavior domains- conceptual, social and practical.

When evaluating a student who may be either very young or determined by a team to be "un-testable" because of the severe limitations of their disability, or if available tests are not appropriate, the team may make a decision to not administer a test of cognitive ability. In these cases, there should be a decision made to use other sufficient, objective measures consistent with the identification of intellectual disability.

Given the importance of cognitive information for the identification of students with intellectual disabilities, it is imperative in these instances, that

the team determine the most appropriate measure of cognitive ability. This may be a developmental assessment of the cognitive domain that would provide objective cognitive information to the team, ensuring an informed determination of intellectual disability, as well as useful information for programming. (The team may want to refer to the optional **Assessment Instrument Selection Form** in Appendix A.)

Information regarding determinant factors for intellectual disability, and any other disability category, must be gathered as part of the evaluation process. The information may have been considered by the general education problem solving team and must be considered by the special education evaluation team before a determination of a disability. Those determinant factors include:

1. Lack of appropriate instruction in reading. Information gathered should address whether the curriculum used included the essential components of quality reading instruction (phonemic awareness, phonics, vocabulary development, reading fluency, and comprehension), whether the curricular materials and strategies were research-based and whether they were delivered by highly qualified instructors;
2. Lack of appropriate instruction in math. Information gathered should address whether essential components of math instruction were included in the curriculum, whether the curricular materials were research-based, and whether the instructors were highly qualified;
3. Limited English proficiency. Information gathered for students who are also limited in their English proficiency should include whether accommodations and interventions that addressed their language limitations were used. Any performance measures must be compared to the appropriate language and cultural grade level peer group so as to determine the actual performance discrepancy of the student; and
4. Whether the student otherwise meets the general eligibility criteria in IDEA of a child with a disability (CFR 300.8(a)).

**34 CFR Sec. 300.8(a)**

Child with a disability.

(a) General.

(1) Child with a disability means a child evaluated in accordance with 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

**Factors that influence the choice of specific assessment procedures include:**

- the student's age,
- degree of language proficiency in both English and their native language, if appropriate,
- cultural diversity,
- severity and nature of the disability,
- progress in school,
- years of support from special education and other services such as counseling and any English language programs, and
- the consistency of the results of previous assessments.

The consistency of the IQ is influenced by the age of the child at initial testing and by the length of the interval between the test and retest. Generally IQ scores obtained before five years of age should be interpreted cautiously. Even though scores obtained after five years of age tend to remain relatively stable, individual fluctuations may be great.

Evaluation for an intellectual disability will include the following:

**Areas to be Assessed**

- 1) Intellectual functioning, determined by appropriate evaluation of cognitive abilities on an individually administered, standardized measure of intelligence or an alternative means as determined by the team;
- 2) Adaptive behavior in the home and/or community determined by:
  - a composite score on a culturally appropriate individual standardized instrument to be completed with or by the child's parent/primary care giver,
  - additional documentation, when appropriate, which may be obtained from systematic, documented observations, impressions, and/or developmental history by an appropriate home, community, residential program or institutional setting;
- 3) Adaptive behavior in the school, daycare center, residence, or program as determined by:
  - a composite score on a culturally appropriate individual standardized instrument completed with or by the teacher of the child,
  - additional documentation, when appropriate, which may be obtained from systematic, documented observations, impressions, and/or educational history provided by other instructional, work experience or employment related individuals.

**Note-** When discrepancies occur in adaptive ratings between settings, a systematic documented observation by a team member other than the original raters is needed. (Teams may wish to consider using the **Adaptive Behavior Characteristics Checklists** and/or **Systematic Observation Forms** located in Appendix A.) Observations will address age-appropriate adaptive behaviors:

- 3 through 5 years—communication, self-care, social skills, and physical development;
- 6 through 13 years— communication, self-care, social skills, home living, community use, self-direction, health and safety, functional academics, and leisure;
- 14 (younger if appropriate) through 21 years—communication, self-care, social skills, home living, community use, self-direction, health and safety, functional academics, leisure, and work.

- 4) Developmental history which indicates delays in cognitive abilities and adaptive behaviors manifested during the developmental period (birth to 18 years), as documented in background information and history, and a current demonstration of delays present in the child's natural (home, school, and community) environments. Documentation can include medical information and the present needs provided by a health care professional.
- 5) Documentation of academic skills to demonstrate how the intellectual disability adversely impacts the child's performance in his/her educational environment.
- 6) Other areas identified by the team such as, but not limited to, motor and sensory needs, English language proficiency and cultural influences.

Choice of assessments and interpretation of their results by the evaluation team need to take into account factors that may affect test performance:

- Limited enrichment experiences outside the home,
  - Limited developmental experiences,
  - Irregular attendance,
  - Transience in elementary school,
  - Previous home education,
  - Home responsibilities and necessary student employment that interferes with learning activities,
  - Geographic isolation,
  - Family socio-economic status,
- 
- Limited opportunity to acquire English (English not spoken in the

- home, transience due to migrant employment of the family, dialectal differences acting as a barrier to learning),
- Disabling conditions (clinically significant focusing difficulties, physical or sensory disability, any disability that interferes with educational performance), and
- Ethnicity, culture and background of the student.

While conducting an evaluation, all information gathered should be interpreted in relation to the child as a whole. Although information comes from many different sources, integrating those sources is essential, particularly in sorting out findings and establishing trends for the child.

### **Considerations for Secondary Students**

The IDEA requires that postsecondary goals for students 16 and older be based on age-appropriate transition assessments related to:

1. Education or training;
2. Employment; and
3. Where appropriate, independent living skills.

Although the broad purpose of transition assessments will vary depending on the individual and the setting, consideration should be given to the following questions during the assessment planning process:

- What knowledge and skills does the student need to successfully enter employment, postsecondary education, adult services, independent living, or community participation?
- What knowledge and skills does the student currently demonstrate in each of these areas?
- What knowledge and skills does the student still need to acquire over the next few years?

Information from age-appropriate transition assessments will assist IEP teams in making informed decisions about the needs of the student regarding the achievement and the appropriateness of their postsecondary goals.

Types of transition assessments may include:

- behavioral assessment information,
- aptitude tests,
- interest and work values inventories,
- cognitive and achievement tests,
- personality or preference tests,
- career maturity or readiness tests,
- work related temperament scales, and
- transition planning inventories.

Information from transition assessments should be reviewed at least annually during the process of IEP development. Transition assessment information about the student should be considered and included in the *Integrated Written Assessment Report (IWAR)*, if appropriate.

### **Evaluation Participants**

Information is gathered from the following persons in the evaluation of a student suspected of having an intellectual disability:

- the parent(s) or guardian of the child;
- the child's general education classroom teacher,
- a special education teacher,
- a school psychologist or licensed psychologist,
- school administration and support services,
- other professional personnel, as appropriate, such as, but not limited to occupational therapist, speech language pathologist, physical therapist, behavior specialist, health professional, other agency service providers, second language staff; and
- the child, when appropriate.

**Note-** For additional information about the initial evaluation process, please refer to the North Dakota Department of Public Instruction, Office of Special Education, **Guidelines: Evaluation Process**.

### **Reevaluation**

The reevaluation process confirms the student has a disability and assures that the student's continuing needs are identified and addressed. The evaluation planning process for the purpose of reevaluation begins with questions about the student that are formulated by the members of the IEP team after reviewing existing information. The team membership may expand to include other personnel. It is important to note that **parents must be given the opportunity to participate in the reevaluation process**.

The focus during reevaluation for the IEP team is on making an informed decision as to whether the student continues to be eligible for special education services; and, if the student does continue to be eligible, what programmatic changes may be necessary to better serve the student.

### **Reevaluation Purpose**

Reevaluation is to determine:

1. Whether the child continues to have an intellectual disability;
2. The continuing educational needs of the child;
3. Whether any additions or modifications to the educational program or services are needed to enable the child to meet the annual goals;
4. The effectiveness of the current program/services.

Under IDEA, it is assumed that the initial identification of a disability and qualification for special education services are valid processes. However, when the initial eligibility determination occurred at a very young age, when academic experiences were very limited, when communication, language and/or culture were involved, or when specific developmental delays may have prevented long term prediction of educational needs, the reevaluation process provides an opportunity to reconsider the presence and nature of the disability.

***Reevaluations are intended to insure that a special education placement does not become permanent for the child.***

During the reevaluation, if the student's progress suggests that he or she may no longer have a disability requiring special education and related services, the evaluation should address the student's needs and programming in order to succeed in general education.

IDEA requires that an evaluation must be completed:

1. After reviewing the current and previous information, the reevaluation team suspects a child may no longer be eligible for special education and related services;
2. When a change in disability category is suspected;
3. When a parent requests assessment in specific areas of development.

**34 CFR Sec. 300.303**

Reevaluations.

(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted

- (1) If the agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- (2) If the child's parent or teacher requests a reevaluation.

(b) Limitation. A reevaluation conducted under paragraph (a) of this section-

- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and
- (2) Must occur at least once every 3 years unless the parent and the public agency agree that a reevaluation is unnecessary.

## 34 CFR Sec. 300.305

Additional requirements for evaluations and reevaluations.

- (a)(1) Review existing evaluation data on the child, including-
- (i) Evaluations and information provided by the parents of the child;
  - (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and
  - (iii) Observations by teachers and related services providers; and
- (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine-
- (i)(A) Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or
  - (B) In case of reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;
  - (ii) The present levels of academic achievement and related developmental needs of the child;
  - (iii)(A) Whether the child needs special education and related services; or
  - (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
  - (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

**Note-** For additional information about the reevaluation process, please refer to the North Dakota Department of Public Instruction, Office of Special Education-**Guidelines: Evaluation Process.**

## Eligibility Determination

Diagnosis doesn't equal eligibility!

The determination of an intellectual disability must be made through consideration of multiple information and data sources that support the eligibility criteria. (For more information about the process of eligibility determinations see, **Flowchart to Determine Eligibility for Intellectual Disabilities** in Appendix B.) In order for a student to be eligible as a student with an intellectual disability, the team will determine that the student:

1. Meets the definition of intellectual disability through the evaluation process; and
2. Because of the disability, demonstrates adverse effect on their educational performance; and
3. Demonstrates a need for special education and related services.

Information/data sources for the eligibility decision may include:

- statewide assessment results,
- progress monitoring data, anecdotal reports, and data from the school's multi-tiered system of support, if appropriate,

- formal assessment test scores (intellectual quotient or IQ, adaptive behavior, achievement; cognitive functioning/processing, etc),
- parents, and
- evaluation data from other sources (other agencies, private providers, etc).

**Note-** School teams are encouraged to **exercise caution** in making eligibility determinations in order to avoid incorrectly identifying students, especially students with diverse language, communication and cultural characteristics.

**34 CFR Sec. 300.306**

## Determination of eligibility.

(a) General. Upon completion of the administration of assessments and other evaluation measures –

- (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (c) of this section and the educational needs of the child; and
  - (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.
- (b) A child must not be determined to be a child with a disability under this part-
- (1) If the determinant factor for that determination is-
    - (i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);
    - (ii) Lack of appropriate instruction in math; or
    - (iii) Limited English proficiency; and
  - (2) If the child does not otherwise meet the eligibility criteria under §300.8(a).
- (c) Procedures for determining eligibility and educational need.
- (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must-
    - (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
    - (ii) Ensure that information obtained from all of these sources is documented and carefully considered.
  - (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §300.320 through 300.324.

**Specific Criteria**

Eligibility criteria for Intellectual Disability:

1. **Significantly impaired intellectual functioning**, which is defined in most cases as **two or more standard deviations below the mean**, with consideration given to the standard error of measurement for the test, on an appropriate individually administered, standardized measure of intelligence;
2. **Significantly impaired adaptive behavior in the home and/or community** determined by a composite score on an individual standardized instrument to be completed with or by the child's primary caretaker which measures **two or more standard deviations below the mean**, with consideration given to the standard error of measurement for the test;
3. **Significantly impaired adaptive behavior in the school, child care center, residence, or program** determined by a composite score on an individual standardized instrument to be completed with or by the child's teacher which measures **two or more standard deviations below the mean**, with consideration given to the standard error of measurement for the test.

**Note-** Additional documentation, when appropriate, may be obtained from systematic documented observations, impressions, and/or developmental history by an appropriate specialist in conjunction with the primary caretaker in the home, community, residential program or institutional setting. (The team may wish to consider using the **Adaptive Behavior Characteristics Checklists** and/or **Systematic Observation Forms** located in Appendix A.)

4. Developmental history that indicates the **delays** in intellectual and adaptive behavior functioning were **manifested during the developmental period**.
5. As part of the specific eligibility criteria, the team must consider general **determinant factors**. The data regarding the lack of appropriate reading and math instruction, the language proficiency of the student and factors such as culture, socio-economic status, attendance, frequent moves, incarceration, substance abuse, etc. must be discussed and determined to not be primary factors for the student's lack of performance.
6. The team must also consider the **adverse effect** of the disability on educational performance and the **need for specially designed instruction**. (The team may want to consider use of the optional **Intellectual Disabilities Eligibility Documentation** checklist and the **Exclusionary Factors Worksheet** located in Appendix B. Teams may also want to review the **Case Study** located in Appendix B for guidance in determining eligibility.)

## **IEP Development & Program Considerations**

Once a determination is made that a student has an intellectual disability and requires special education and related services, the team develops the Individualized Education Program (IEP). Decisions regarding the delivery of services must ensure that, independent of the category of intellectual disability, the child receives a free appropriate public education (FAPE) in the least restrictive environment (LRE).

Just as there are no diagnoses that make a child automatically eligible for special education and related services under the category of intellectual disability, there are no automatic service types, service amounts, or locations of where services are to take place. The team developing an IEP for a child with intellectual disabilities should take care to consider the child's individual abilities and needs. This will ensure that the present levels of educational and functional performance, goals, objectives or benchmarks, and services are aligned and designed to meet the child's individual and unique needs.

### **34 CFR Sec. 300.321**

IEP Team.

(a) General. The public agency must ensure that the IEP team for each child with a disability includes-

- (1) The parents of the child;
- (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- (4) A representative of the school district who—
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (ii) Is knowledgeable about the general education curriculum; and
  - (iii) Is knowledgeable about the availability of resources of the public agency.
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in numbers 2-4 above;
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) Whenever appropriate, the child with a disability.

For students who are 16 years of age (younger if determined to be appropriate), the school district must:

1. Invite a child with a disability to attend their IEP team meeting if a purpose of the meeting will be the consideration of their postsecondary goals and the transition services needed to assist them in reaching those goals under §300.320(b).

2. Take other steps to ensure that the student's preferences and interests are considered in the event the student does not attend the meeting.
3. Invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services, with the consent of the parents or the student who has reached the age of majority.

Areas that need to be addressed in the development of the IEP:

- Present levels of academic achievement and functional performance, and how that performance affects the child's involvement and progress in the general education curriculum; or, for preschool children, participation in age appropriate activities.
- For students who will be turning 16, or younger if the IEP team determines it to be appropriate, the present levels of academic achievement and functional performance must address the academic and functional skills that the student currently has and those that will be needed to achieve his/her postsecondary goals. It should summarize relevant data in the areas of jobs and job training, recreation and leisure, home and independent living, community participation, and post-secondary training and learning.
- Goals and, if appropriate, objectives/benchmarks. For students of transition age, measureable postsecondary goals based upon age appropriate transition assessments related to education or training, employment, and, if appropriate, independent living must be written on the secondary IEP.
- For students entering ninth grade and beyond, a course of study, including graduation requirements and anticipated month and year of graduation. In order to address the unique learning needs of students with intellectual disabilities, individually designed coursework may be used that differs from the regular course offerings of the school. Under such circumstances, the courses of study listed in the document, **Functional- Community Based Courses for Students with Unique Learning Needs**, on the DPI/Special Education website, should be considered.
- For students of transition age, the coordinated set of strategies and activities that are needed to assist the student in reaching their postsecondary goals.
- Documentation of the *Transfer of Rights* no later than one year before the student turns 18 years of age.
- Accommodations and modifications, including participation in state and district wide assessments.
- Consideration of special factors - behavior needs, communication needs, assistive technology needs, language needs for children who are English language learners, and need for instruction in Braille as appropriate.
- Participation in extracurricular activities.

- Justification of least restrictive environment.
- Special education and related services, amount of service time, location of services, and transportation needs.

When making decisions in developing the IEP for a student with an intellectual disability, the team needs to:

- consider the student's strengths and needs;
- address each of the student's other educational needs giving strong consideration to the most current adaptive and ecological information;
- consider limitations in present functioning within the context of community environments typical of the individual's age, peers and culture;
- consider cultural and linguistic diversity, as well as differences in communication, sensory, motor, and/or behavioral factors;
- keep in mind that within an individual, limitations often coexist with strengths;
- develop a profile of needed supports so as to describe the individual's limitations;
- remember that with appropriate personalized supports over a sustained period, the life functioning of a person with intellectual disability generally will improve; and
- identify goals, objectives if appropriate, accommodations and modifications that enable the student to be involved in and make progress in the general education curriculum.

### ***Program Development Considerations***

Students with intellectual disabilities are highly diverse learners and may have extensive needs in the areas of cognition and/or learning, communication, movement and social/emotional abilities. The individual may also have concurrent health, sensory, physical and/or behavioral disabilities. Students with intellectual disabilities may require:

- a wide variety of approaches and supports to generalize information and demonstrate their knowledge and skills;
- intensive instruction in literacy, numeracy and problem solving skills in order to acquire and generalize knowledge;
- substantial adaptations (modifications and accommodations) and/or ongoing supports in order to access grade level curriculum;
- access to assistive technology tools to be independent and communicate, learn and demonstrate their knowledge;
- progress to be measured by observation, data collection, assessment, and work samples; and,
- individualized levels of support across major life activities in home, school, and community.

### ***Additional Considerations***

As teams are developing individualized education programs for students with intellectual disabilities the team should consider the following points:

- The essential grade-level standards, in terms of what all students

need to know and be able to do, appropriate for the student's age. (For children who are preschool age, utilize the **North Dakota Early Learning Guidelines**.)

- The match or gaps between the student's current levels of performance and the task/setting demands of the general education classroom.
- The appropriate instructional and environmental accommodations that will assist the student in making progress in the general education curriculum.
- Curriculum modifications that are based on student needs and will allow the student to make progress in the general education curriculum.
- The student's present levels of performance in all areas.
- Levels and types of supports and services needed to assist the student in the general education curriculum.
- The environment or a combination of environments based on developmental and/or functional needs.
- Continuous monitoring of student progress.

**Note-** For additional information about the IEP development process, please refer to the North Dakota Department of Public Instruction Office of Special Education, **Guidelines: Individualized Education Program Planning Process**.

## **Least Restrictive Environment**

The requirement of educating students in the Least Restrictive Environment (LRE) has been part of special education law since its inception in 1975. Federal regulations require that children with disabilities, including preschool-aged children and, in particular students with intellectual disabilities, be educated with children who are nondisabled to the maximum extent appropriate.

### **34 CFR Sec. 300.114**

LRE requirements.

(a) General

(1) Except as provided in .....

(2) Each public agency must ensure that -

- i. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- ii. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

## Determination of Least Restrictive Environment

Determining the LRE begins with the development of the Individual Education Program (IEP). The IEP needs to be developed to determine educational benefit and for the ability of the student to progress in the general education curriculum or appropriate preschool activities. (Teams should refer to the **LRE Flow Chart- Critical Factors to Consider**, in Appendix C.)

### *What is Least Restrictive Environment?*

It is not just the physical location of the special education services. Rather, it includes the set of services and the environment in which those services are delivered.

### *Who Makes the LRE Decision?*

The student's IEP team which includes the parents. This requires an individualized inquiry into the student's unique educational and related service needs.

### *When is the LRE Decision Determined?*

It is the last of a series of decisions made at the IEP meeting. It is made after goals are developed and instructional accommodations and/or modifications are identified.

#### 34 CFR Sec. 300.115

Continuum of alternative placements.

- (a) 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.
- (b) The continuum required must-
  - (1) Include the alternative placements listed in the definition of special education under 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
  - (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

**34 CFR Sec. 300.116****Placements.**

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that—

- (a) The placement decision—
  - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
  - (2) Is made in conformity with the LRE provisions of this subpart, including 300.114 through 300.118;
- (b) The child's placement—
  - (1) Is determined at least annually;
  - (2) Is based on the child's IEP; and
  - (3) Is as close as possible to the child's home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, the consideration is given to any harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

**34 CFR Sec. 300.117****Nonacademic settings.**

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the child to participate in nonacademic settings.

***Making LRE Decisions***

The IEP team must make LRE decisions that educate students with intellectual disabilities in the general education classroom, to the maximum extent possible. In their deliberations the team must first consider the use of supplementary aids and supports before deciding upon a more restrictive setting. Restrictive settings such as special classes, separate schooling, or other removal from the regular classroom can occur only when the nature or severity of the disability is such that education in the regular class cannot be satisfactorily achieved with appropriately designed educational supports.

Unless the student's IEP requires some other kind of arrangement, the student attends the same school he or she would attend if not eligible for special education services. At that school students with intellectual disabilities must be afforded the opportunity to participate in nonacademic and extracurricular activities along with their peers in regular education.

School districts are required to make a continuum of alternative placements available to meet the needs of all students. The full range of potential placements includes:

- instruction in general education classes with accommodations and collaboration;
- separate classes;
- separate schools;
- home instruction; and
- instruction in hospitals and institutions.

The range of appropriate placements can also include combinations of those listed above.

Many factors go into the LRE decision: the ability to focus; the type of skills needed to learn; the individually designed instruction needed; IEP requirements; amount of direct instruction needed; the setting most likely to help the child achieve goals; the school facilities needed to support learning; and, other education issues unique to each child. (IEP Teams may want to refer to the optional LRE continuum and decision making forms located in Appendix C when determining least restrictive environment.)

Choosing the appropriate LRE is important to ensure that the student receives instruction needed to allow the student to progress. The LRE is not any specific placement. Rather, it is the most appropriate placement for a child that is chosen from a range of options. The placement:

- is a setting(s) where the IEP can be implemented;
- is a flexible arrangement to meet the child's individual needs; and
- can range from a separate classroom or school all day, or part of the day, to all day in a regular classroom with appropriate supportive services.

The IEP team should also consider any potentially negative effects of a placement on the child and on the adequacy of services the child may receive.

***Other  
Considerations  
for Placement in  
LRE***

The team should also look at:

- location of services;
- neighborhood school location;
- access to nondisabled age-mate peers;
- access to community based activities;
- access to work locations as appropriate;
- age of student. For students who are 18 to 21 years of age:
  - Community with typical age peers is the regular education environment. Individual transition planning will include job placement, work experience, and/or independent living activities in the community.

## Appendix A

### Optional Forms

#### *Evaluation & Reevaluation*

- Assessment Instrument Selection Form for Intellectual Disability
- Adaptive Behavior Characteristics Checklist—Birth through 5 years
- Adaptive Behavior Characteristics Checklist— 6 through 13 years
- Adaptive Behavior Characteristics Checklist— 14 through 21 years
- Adaptive Behavior Evaluation/Reevaluation Review
- Systematic Observation Forms (There are three of these forms to match the checklists)

## ASSESSMENT INSTRUMENT SELECTION FORM for Intellectual Disability

Student's Name \_\_\_\_\_ School \_\_\_\_\_ Date \_\_\_\_\_

Students from different cultural or language backgrounds, the economically disadvantaged, and students with sensory impairments, or other disabilities are often overrepresented in programs for special education. To ensure that the abilities of students from underrepresented groups are accurately assessed, they should be evaluated with an instrument that is sensitive to cultural/linguistic/economic differences and is normatively appropriate for students with sensory or physical disabilities.

If any items checked below might cause the student's true abilities to be masked, and thereby affect performance in the areas evaluated, an alternative assessment should be administered. Professional judgment should determine the extent of these concerns so that tests/evaluative materials selected and administered can be sensitive to these issues.

Check all factors that apply to this student.

- Use available records, interviews with parents, etc., to obtain data.
- If none of the factors apply, check the appropriate blank at the bottom of this form.
- No set number of items must be checked to make a determination.

- Limited enrichment experiences outside the home  
 Limited developmental experiences  
 Irregular attendance (23% of the time during a grading period)  
 Transience in elementary school (at least 3 moves)  
 Home responsibilities/necessary pupil employment interferes with learning activities  
 Geographic isolation  
 Residence in a depressed economic area  
 Low family income at subsistence level  
 Family unable to afford enrichment materials and/or experiences  
 Dominant, first-acquired or language spoken in the home is other than English  
 Limited opportunity to acquire depth in English (English not spoken in home, transience due to migrant employment of family, dialectal differences acting as a barrier to learning)  
 Disabling condition which adversely affects testing performance (e.g., clinically significant focusing difficulties, physical or sensory disability, any disability that interferes with educational performance)  
 Member of a group that is overrepresented in the disability category of Intellectual Disability  
 Other: \_\_\_\_\_  
 **None of the above factors apply**

### FOR ASSESSMENT PERSONNEL USE ONLY

Are the above checked items compelling enough to indicate that this student's performance on traditional assessments may be invalid or unreliable measures of cognition, adaptive behavior or academic achievement?

#### TEAM DECISION

- No, therefore, this student does not need alternative assessment. strategies  
 Yes, therefore, this *student* needs an alternate assessment.

*Recommended Alternative Assessment Strategies:*

- Home Observation of Adaptive Behavior  
 Standardized School Measure of Adaptive Behavior  
 Alternative Intelligence or Mental Ability Evaluation

Rationale: \_\_\_\_\_

- Other: \_\_\_\_\_

## Adaptive Behavior Characteristics Checklist

Age Range – Birth through 5 years

Student \_\_\_\_\_ D.O.B. \_\_\_\_\_ Age \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

**Compare the child with other children of the same chronological age on all items.**

### A — Communication Skills

This child's **mode of communication** is primarily

- vocalizations and/or specific response to auditory or visual stimuli.
- gestures and/or pointing.
- verbal response using one or two word phrases.
- verbal response using complete sentences.

In regard to **verbal expression of thoughts and feelings**, this child

- has serious difficulty when compared to same age peers.
- has mild difficulty when compared to same age peers.
- has little or no difficulty when compared to same age peers.

In regard to **understanding oral communication**, this child

- has serious difficulty when compared to same age peers.
- has mild difficulty when compared to same age peers.
- has little or no difficulty when compared to same age peers.

In regard to **knowledge of vocabulary**, this child

- is seriously limited.
- is somewhat limited.
- is about average.

Comments regarding communication skills \_\_\_\_\_

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### B — Self Care

In general, this child's **self help skills**

- are seriously limited and appear to be significantly below those of same age peers.
- are somewhat more limited than peers.
- are about the same as peers.

In regard to  **Dressing** himself/herself appropriately, this child

- needs much more supervision and assistance than peers.
- needs somewhat more assistance than peers.
- needs no more assistance than peers.

In regard to **eating and drinking**, this child

- needs much more supervision and assistance than peers.
- needs somewhat more assistance than peers.
- needs no additional assistance than peers.

Comments regarding self care skills \_\_\_\_\_

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Student \_\_\_\_\_

Compare the child with other children of the same chronological age on all items.

**C — Social skills**

This child's **social skills**

- appear to be very immature.
- appear to be somewhat immature.
- appear to be about average.

In regard to **interacting with adults**, this child

- has serious difficulty.
- has mild difficulty.
- has little or no difficulty.

In regard to **interacting with peers**, this child

- has serious difficulty.
- has mild difficulty.
- has little or no difficulty.

Comments regarding social skills \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D — Physical Development**

This child's **gross motor skills**

- appear to be significantly delayed.
- appear to be mildly delayed.
- appear to be about average.

This child's **fine motor skills**

- appear to be significantly delayed.
- appear to be mildly delayed.
- appear to be about average.

Comments regarding physical development \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please add any other comments or information that will assist in evaluating this child's adaptive behaviors appropriately.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Observer

\_\_\_\_\_  
Relationship to Child

\_\_\_\_\_  
Dates of Observation(s)

## Adaptive Behavior Characteristics Checklist

Age Range – 6 through 13 years

Student \_\_\_\_\_ D.O.B. \_\_\_\_\_ Age \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

### A — Communication Skills

This child's **mode of communication** is primarily

- vocalizations and/or specific response to auditory or visual stimuli.
- gestures and/or pointing.
- verbal response using one or two word phrases.
- verbal response using complete sentences.

This student's **verbal communication** skills are

- seriously below average.
- somewhat below average.
- about average.

This student's **written communication** skills are

- seriously below average.
- somewhat below average.
- about average.

In regard to **listening comprehension**, this student

- has serious difficulty following directions.
- has mild difficulty following directions.
- has no difficulty following directions.

In comparison to students of the same chronological age, this student's **knowledge of vocabulary**

- is seriously limited.
- is somewhat limited.
- is about average.

Comments regarding communication skills \_\_\_\_\_

\_\_\_\_\_

### B — Self Care

In regard to **personal hygiene** this student

- appears to have little understanding and often neglects hygiene.
- sometimes neglects hygiene.
- has appropriate personal hygiene.

This student's **ability to maintain adequate self-care** during the school day is generally

- seriously below average.
- somewhat below average.
- about average.

Comments regarding self care skills \_\_\_\_\_

\_\_\_\_\_

Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

### C — Social Skills

This student's **interaction with peers** appears to be

- seriously immature.
- somewhat immature.
- about average.

This student's **interaction with adults** appears to be

- seriously immature.
- somewhat immature.
- about average.

In regard to **understanding social interaction** (verbal and nonverbal cues, saying please and thank you, apologizing when appropriate), this student generally

- seems seriously limited.
- seems somewhat limited.
- appears to understand adequately.

Comments regarding social skills \_\_\_\_\_

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### D — School/Home Living

In the **school or home setting**, this student

- is unable or requires supervision to complete daily tasks or chores.
- is limited in the completion of daily tasks or chores.
- is able to complete daily tasks or chores with little or no assistance.

Comments regarding school/home living \_\_\_\_\_

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### E — Community Use

When **moving about the school and/or community**, this student

- needs full supervision to move about the school/community.
- is able to move about the school/community with some assistance.
- is able to move from place to place with little or no assistance.

In regard to **school and/or community rules**, this student

- always exhibits inappropriate behaviors and rule violations, which appears to be due to a lack of understanding.
- sometimes exhibits inappropriate behaviors and rule violations, which appear to be due to a lack of understanding.
- typically exhibits appropriate behaviors.

Comments regarding community use \_\_\_\_\_

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Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

### F — Self-Direction

In regard to **working independently**, this student

- requires much more assistance and supervision than peers.
- requires somewhat more assistance and supervision than peers.
- is about the same as peers.

In regard to **self correction of behavior**, this student

- rarely exhibits self correction.
- is sometimes able to self correct.
- is about the same as peers in regard to self correction.

When compared to peers in the ability to **plan and organize tasks and activities**, this student

- has serious difficulty planning and organizing.
- needs some assistance with planning and organizing.
- is as capable as peers to plan and organize.

Comments regarding self direction \_\_\_\_\_

\_\_\_\_\_

### G — Health and Safety

In regard to **safety issues**, this student

- disregards danger signals and would put himself/herself in danger without supervision.
- has some understanding of dangerous situations.
- understands as well as peers the need to avoid dangerous situations.

In regard to **personal health and safety issues**, this student

- has little or no understanding.
- has some understanding.
- is comparable to peers in regard to health and safety issues.

In regard to **illness or injury**, this student

- seems unable to exhibit behaviors to help himself/herself.
- responds, but needs more assistance than others his/her age.
- exhibits appropriate behaviors to deal with the situation.

Comments regarding health and safety \_\_\_\_\_

\_\_\_\_\_

### H — Functional Academics (ability to use skills as part of daily living skills)

In regard to **functional reading skills**, this student

- is significantly below peers (3 or more grade levels).
- is somewhat below peers (2 to 3 grade levels).
- is about average with peers (no more than 2 grade levels).

In regard to **functional math skills**, this student

- is significantly below peers (3 or more grade levels).
- is somewhat below peers (2 to 3 grade levels).
- is about average with peers (no more than 2 grade levels).

Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

In regard to **functional writing skills**, this student

- is significantly below peers (3 or more grade levels).
- is somewhat below peers (2 to 3 grade levels).
- is about average with peers (no more than 2 grade levels).

Comments regarding functional academics \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I — Leisure**

In regard to **free time or play time**, this student

- seems to have little or no idea how to spend free time.
- has some idea how to deal with free time.
- uses free time appropriately.

When **playing games with peers**, this student

- has serious difficulty following rules, taking turns, and interacting appropriately.
- has some difficulty following rules, taking turns, and interacting appropriately.
- is as able as peers to follow rules, take turns, and interact appropriately.

Comments regarding leisure time activities \_\_\_\_\_

\_\_\_\_\_

*Please add any other comments or information that will assist in evaluating this student's adaptive behaviors appropriately.*

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\_\_\_\_\_  
*Signature of Observer*

\_\_\_\_\_  
*Relationship to Child*

\_\_\_\_\_  
*Dates of Observation(s)*

## Adaptive Behavior Characteristics Checklist

Age Range – 14 through 21 years

Student \_\_\_\_\_ D.O.B. \_\_\_\_\_ Age \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

*Compare the student with other students of the same chronological age on all items.*

### A — Communication Skills

This child's **mode of communication** is primarily

- vocalizations and/or specific response to auditory or visual stimuli.
- gestures and/or pointing.
- verbal response using one or two word phrases.
- verbal response using complete sentences.

This student's **verbal communication** skills are

- seriously below average.
- somewhat below average.
- about average.

This student's **written communication** skills are

- seriously below average.
- somewhat below average.
- about average.

In regard to **listening comprehension**, this student

- has serious difficulty following directions.
- has mild difficulty following directions.
- has no difficulty following directions.

In comparison to students of the same chronological age, this student's **knowledge of vocabulary**

- is seriously limited.
- is somewhat limited.
- is about average.

Comments regarding communication skills \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### B — Self Care

In regard to **personal hygiene** this student

- appears to have little understanding and often neglects hygiene.
- sometimes neglects hygiene.
- is able to maintain appropriate hygiene.

This student's **ability to maintain adequate self-care** during the school day is generally

- seriously below average.
- somewhat below average.
- about average.

Comments regarding self care skills \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

### C — Social Skills

This student's **interaction with peers** appears to be

- seriously immature.
- somewhat immature.
- about average.

This student's **interaction with adults** appears to be

- seriously immature.
- somewhat immature.
- about average.

In regard to **understanding social interaction** (initiating/entering conversation, saying please and thank you, apologizing when appropriate), this student generally

- seems seriously limited.
- seems somewhat limited.
- appears to understand adequately.

Comments regarding social skills \_\_\_\_\_

\_\_\_\_\_

### D — School/Home Living

In the **school or home setting**, this student

- is unable or requires supervision to complete daily tasks or chores.
- is limited in the completion of daily tasks or chores.
- is able to complete daily tasks or chores with little or no assistance.

Comments regarding school/home living \_\_\_\_\_

\_\_\_\_\_

### E — Community Use

When **moving about the school and/or community**, this student

- needs full supervision to move about the school/community.
- is able to move about the school/community with some assistance.
- is able to move from place to place with little or no assistance.

In regard to **school and/or community rules**, this student

- always exhibits inappropriate behaviors and rule violations, which appears to be due to a lack of understanding.
- sometimes exhibits inappropriate behaviors and rule violations which appears to be due to a lack of understanding.
- typically exhibits appropriate behaviors.

In regard to **access to community services**, this student

- requires considerable support to access needed services (doctor, dentist, social service agency).
- can access needed services with some support.
- can access needed services as independently as peers.

Comments regarding community use \_\_\_\_\_

\_\_\_\_\_

Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

### F — Self-Direction

In regard to **working independently**, this student

- requires much more assistance and supervision than peers.
- requires somewhat more assistance and supervision than peers.
- is about the same as peers.

In regard to **self correction of behavior**, this student

- rarely exhibits self correction.
- is sometimes able to self correct.
- is about the same as peers in regard to self correction.

When compared to peers in the ability to **plan and organize tasks and activities**, this student

- has serious difficulty planning and organizing.
- needs some assistance with planning and organizing.
- is as capable as peers to plan and organize.

Comments regarding self direction \_\_\_\_\_

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### G — Health and Safety

In regard to **safety issues**, this student

- disregards danger signals and would put himself/herself in danger without supervision.
- has some understanding of dangerous situations.
- understands as well as peers the need to avoid dangerous situations.

In regard to **personal health and safety issues**, this student

- has little or no understanding.
- has some understanding.
- is comparable to peers in regard to health and safety issues.

In regard to **illness or injury**, this student

- seems unable to exhibit behaviors to help himself/herself.
- responds but needs more assistance than others his/her age.
- exhibits appropriate behaviors to deal with the situation.

Comments regarding health and safety \_\_\_\_\_

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### H — Functional Academics (ability to use skills as part of daily living skills)

In regard to **functional reading skills**, this student

- is significantly below peers (6 or more grade levels).
- is somewhat below peers (3 to 6 grade levels).
- is about average with peers (no more than 3 grade levels).

Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

In regard to **functional math skills**, this student

- is significantly below peers (6 or more grade levels).
- is somewhat below peers (3 to 6 grade levels).
- is about average with peers (no more than 3 grade levels).

In regard to **functional writing skills**, this student

- is significantly below peers (6 or more grade levels).
- is somewhat below peers (3 to 6 grade levels).
- is about average with peers (no more than 3 grade levels).

Comments regarding functional academics \_\_\_\_\_

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### I — Leisure

In regard to **free time or play time**, this student

- seems to have little or no idea how to spend free time.
- has some idea how to deal with free time.
- uses free time appropriately.

When **playing games with peers**, this student

- has serious difficulty following rules, taking turns, and interacting appropriately.
- has some difficulty following rules, taking turns, and interacting appropriately.
- is as able as peers to follow rules, take turns, and interact appropriately.

Comments regarding leisure time activities \_\_\_\_\_

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### J — Work

This student's **awareness of various types of jobs and personal work preferences**

- is very limited.
- is somewhat limited.
- is comparable to peers.

The student's ability to maintain appropriate **behavioral/emotional self-control in the work place**

- is very limited.
- is somewhat limited.
- is comparable to peers.

The student **understands and can apply the skills** necessary to **find and hold a job**

- only with considerable support.
- with some support.
- independently or with same level of support needed by peers.

Comments regarding student's work situation \_\_\_\_\_

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Student \_\_\_\_\_

**Compare the student with other students of the same chronological age on all items.**

*Please add any other comments or information that will assist in evaluating this student's adaptive behaviors appropriately.*

Lined area for writing comments or information.

\_\_\_\_\_  
*Signature of Observer*

\_\_\_\_\_  
*Relationship to Child*

\_\_\_\_\_  
*Dates of Observation(s)*

**SECTION III – ADAPTIVE BEHAVIOR EVALUATION REVIEW**

Student: \_\_\_\_\_ DOB: \_\_\_/\_\_\_/\_\_\_ Age: \_\_\_\_\_  
 School: \_\_\_\_\_ Grade: \_\_\_\_\_

**Vineland Adaptive Behavior Scales (Home):**  Interview Edition  2<sup>nd</sup> Edition Date: \_\_\_/\_\_\_/\_\_\_  
**Vineland Adaptive Behavior Scales (School):**  Classroom Edition  2<sup>nd</sup> Edition Date: \_\_\_/\_\_\_/\_\_\_

DOMAIN	<input type="checkbox"/> Survey/Interview <input type="checkbox"/> Parent/Caregiver Rating		<input type="checkbox"/> School	
	Informant: _____		Informant: _____	
	Standard Scores	Adaptive Level	Standard Score	Adaptive Level
Communication Skills				
Daily Living Skills				
Socialization Skills				
Motor Skills				
Composite Score				

**Scales of Independent Behavior-Revised (SIB-R):**  Full Scale  Short Form  Early Development  
 Date: \_\_\_/\_\_\_/\_\_\_

Cluster	Standard Score	Percentile
Motor Skills		
Social Interaction and Communication Skills		
Personal Living Skills		
Community Living Skills		
Broad Independence		

**Adaptive Behavior Assessment System II (ABAS-II) (Parent)** Date \_\_\_/\_\_\_/\_\_\_  
**Adaptive Behavior Assessment System II (ABAS-II) (School)** Date \_\_\_/\_\_\_/\_\_\_

Subtest/Composite	<input type="checkbox"/> Parent/Primary Caregiver (ages 0-5) <input type="checkbox"/> Parent (ages 5-21)		<input type="checkbox"/> Teacher/Daycare Provider (ages 2-5) <input type="checkbox"/> Teacher (ages 5-21)	
	Informant: _____		Informant: _____	
	Standard Scores	Adaptive Level/ Percentile Rank	Standard Score	Adaptive Level/ Percentile Rank
Conceptual				
Social				
Practical				
General Adapt. Comp.				

**School Systematic Adaptive Behavior Observation** Date \_\_\_/\_\_\_/\_\_\_ Results: \_\_\_\_\_

**Other:** \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_ Results: \_\_\_\_\_

**Based on current classroom performance, parental information, and teacher observations:**

Yes  No Current adaptive skills are consistent with previous adaptive assessments/observations.  
 If no, explain: \_\_\_\_\_

Yes  No Additional adaptive assessment for continued eligibility or program planning is relevant.

Date \_\_\_/\_\_\_/\_\_\_  
 Reviewing Assessment Team Member Signature \_\_\_\_\_

## Systematic Observations – Adaptive Behavior

### Age range – Birth through 5 years

(Additional Documentation of Adaptive Behavior Functioning in Home or School)

Student \_\_\_\_\_ D.O.B. \_\_\_\_\_ Age \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

Compare **Target Student** (whose name is above) with peer of same age (**Control Student**). Control Student should have approximately age appropriate skills. **Mark Y (yes), N (no), or NK (not known)** for each behavior on both students. Some items can be completed by interview with caretaker/teacher.

<b>Area: Communication</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Turns head toward speaker when name is called			
2. Shakes head yes or no in response to simple question			
3. Says 10 understandable words			
4. Asks simple questions (for example "What's that?")			
5. Uses sentences with a noun and a verb			
6. Listens to a story for 5 minutes			
7. Speaks in full sentences			
8. States first and last name when asked			
<b>Area: Self-Care</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Swallows soft food			
2. Drinks from cup unassisted			
3. Feeds self with spoon with little spilling			
4. Indicates that pants or diaper are wet or soiled			
5. Buttons coat			
6. Is toilet trained during day			
7. Ties shoes			
8. Can find restroom unassisted			
<b>Area: Social Skills</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Smiles at others			
2. Reaches for a person			
3. Says "hello" or "goodbye" to others appropriately			
4. Uses names of others			
5. Takes part in simple group games (tag, follow the leader)			
6. Seeks friendships with others in age group			
7. Doesn't invade others personal space			
8. Apologizes when appropriate			
<b>Area: Physical Development</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Sits without support.			
2. Walks without support			
3. Picks up small objects with hand			
4. Kicks ball			
5. Runs smoothly, with changes in speed & direction			
6. Walks up & down stairs by alternating feet (may hold rail)			
7. Hops on one foot			
8. Draws a circle			

\_\_\_\_\_  
Signature of Observer

\_\_\_\_\_  
Relationship to Child

\_\_\_\_\_  
Dates of Observation(s)

## Systematic Observation – Adaptive Behavior

### Age Range – 6 through 13 years

(Additional Documentation of Adaptive Behavior Functioning in Home or School)

Page 1 of 2

Student \_\_\_\_\_ D.O.B. \_\_\_\_\_ Age \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

*Compare Target Student (whose name is above) with peer of same age (Control Student). Control Student should have approximately age appropriate skills. Mark Y (yes), N (no), or NK (not known) for each behavior on both students. Some items can be completed by interview of teacher or target student.*

<b>Area: Communication</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. States first and last name when asked			
2. Speaks in full sentences			
3. Follows instructions requiring an action and an object			
4. Listens to a story for 5 minutes			
5. Vocabulary seems appropriate for age			
6. Starts a conversation of interest to others			
7. Length and content of verbal interactions are age appropriate			
<b>Area: Self-Care</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Buttons coat			
2. Takes care of personal needs (i.e. toileting, washing hands)			
3. Ties shoes			
4. Can find restroom unassisted			
5. Wears appropriate clothing for weather conditions			
6. Can go through lunch line without assistance			
7. Can go to office without assistance			
<b>Area: Social Skills</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Uses names of others			
2. Participates in group activities at recess or during free time			
3. Has more than one friend			
4. Not overly dependent on others			
5. Shows sympathy for others when they are sad or upset			
6. Shows interest in the ideas others			
7. Congratulates others when something good happens			
<b>Area: School/Home Living</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Shows respect for the property and rights of others			
2. Cleans up materials around desk or table			
3. Changes easily from one activity to another			
4. Keeps up with personal belongings			
5. Returns borrowed books and supplies			
<b>Area: Community Use</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Demonstrates understanding of the function of money			
2. Obeys people in authority			
3. Understands the function of a clock			
4. Runs errands to various locations in school building			
5. States current day of the week when asked			
6. States value of penny, nickel, dime, & quarter			

## Systematic Observation – Adaptive Behavior

### Age Range – 6 through 13 years

(Additional Documentation of Adaptive Behavior Functioning in Home or School)

Student \_\_\_\_\_

*Compare Target Student (whose name is above) with peer of same age (Control Student). Control Student should have approximately age appropriate skills. Mark **Y (yes)**, **N (no)**, or **NK (not known)** for each behavior on both students.*

Area: Self-Direction	Target	Control	Examples of "N" Marked items for Target Student
1. Routinely stays put when asked			
2. Follows classroom rules			
3. Completes routine classroom tasks in a reasonable amount of time			
4. Controls anger or hurt feelings when denied his/her own way			
5. Apologizes for mistakes or errors in judgment			
6. Keeps working on the assigned task even when difficult			
7. Asks for help when needed			
Area: Health & Safety	Target	Control	Examples of "N" Marked items for Target Student
1. Does not intrude into the personal space of others			
2. Handles school equipment appropriately			
3. Follows safety rules on playground			
4. Shows caution around dangerous activities			
5. Asks to see School Nurse or other adult when ill or hurt.			
Area: Functional Academics	Target	Control	Examples of "N" Marked items for Target Student
1. Counts from 1 to 10			
2. Recognizes all letters of alphabet.			
3. Reads own name			
4. Reads words appropriate for age			
5. Writes first and last name without model			
6. States days of the week in order			
7. Locates important dates on calendar			
Area: Leisure	Target	Control	Examples of "N" Marked items for Target Student
1. Plays with toys or other objects alone or with others			
2. Shows interest in the activities of others			
3. Shares toys or possessions without being told to do so			
4. Follows rules in a simple game without being reminded			
5. Tries a new activity to learn something new			
6. Invites a peer to join a game			

\_\_\_\_\_  
Signature of Observer

\_\_\_\_\_  
Relationship to Child

\_\_\_\_\_  
Dates of Observation(s)

## Systematic Observation – Adaptive Behavior

### Age Range – 14 through 21 years

(Additional Documentation of Adaptive Behavior Functioning in Home or School)

Page 1 of 2

Student \_\_\_\_\_ D.O.B. \_\_\_\_\_ Age \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

*Compare Target Student (whose name is above) with peer of same age (Control Student). Control Student should have approximately age appropriate skills. **Mark Y (yes), N (no), or NK (not known)** for each behavior on both students. Some items can be completed by interview of teacher or target student.*

Area: Communication	Target	Control	Examples of “N” Marked items for Target Student
1. Listens to a story for 5 minutes			
2. Uses age appropriate vocabulary			
3. Speaks in complex sentences containing “because”			
4. Starts conversations of interest to others			
5. Remembers and relates experiences in detail when asked			
6. Answers complex questions			
Area: Self-Care	Target	Control	Examples of “N” Marked items for Target Student
1. Takes care of personal needs at age appropriate level			
2. Can go through lunch line without assistance			
3. Demonstrates adequate hygiene			
4. Recognizes need to go to clinic			
Area: Social Skills	Target	Control	Examples of “N” Marked items for Target Student
1. Not overly dependent on others			
2. Shows interest the ideas of others			
3. Keeps a stable group of friends			
4. Shows sympathy for others when they are sad or upset			
5. Congratulates others when something good happens			
6. Makes plans with others to attend activities			
7. Goes on dates			
Area: School/Home Living	Target	Control	Examples of “N” Marked items for Target Student
1. Cleans up materials around desk or table when asked			
2. Keeps up with personal belongings			
3. Returns borrowed books and supplies			
4. Regularly cleans up desk with workspace without being asked			
5. Performs minor repairs			
Area: Community Use	Target	Control	Examples of “N” Marked items for Target Student
1. Runs errands to various locations in school building			
2. States current day of the week when asked			
3. States value of penny, nickel, dime, & quarter			
4. Carries money to make small purchases			
5. Gives directions to help someone find a location a mile away			
6. Can use a map appropriately			

## Systematic Observation – Adaptive Behavior

### Age Range – 14 through 21 years

(Additional Documentation of Adaptive Behavior Functioning in Home or School)

Page 2 of 2

Student \_\_\_\_\_

Compare Target Student (whose name is above) with peer of same age (Control Student). Control Student should have approximately age appropriate skills. Mark **Y (yes)**, **N (no)**, or **NK (not known)** for each behavior on both students.

<b>Area: Self-Direction</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Completes routine classroom tasks in reasonable time			
2. Controls anger or hurt feelings when denied own way			
3. Keeps working on assigned task even when difficult			
4. Returns on time when requested to be back in classroom			
5. Asks teacher for school assignments after being absent			
<b>Area: Health &amp; Safety</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Follows safety rules			
2. When confused, asks for help			
3. Shows caution around dangerous activities			
4. Asks to see School Nurse or other adult when ill or hurt			
5. Could make appointment with medical doctor if needed			
<b>Area: Functional Academics</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Can print full name, and home address without a model			
2. Locates important dates on the calendar			
3. Tells time correctly, using a watch or clock with hands			
4. Writes notes, letters, or E-mail			
5. Can use a calculator appropriately			
6. Uses a dictionary, encyclopedia, or Internet to find information			
7. Reads the newspaper or magazines to find current events			
<b>Area: Leisure</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Follows rules in a simple game without being reminded			
2. Tries a new activity to learn something new			
3. Joins others in activities appropriate for age			
4. Participates in organized activity such as dance or sports			
<b>Area: Work</b>	<b>Target</b>	<b>Control</b>	<b>Examples of "N" Marked items for Target Student</b>
1. Can name five occupations			
2. Works without disturbing others			
3. Accepts criticism of a job without showing anger			
4. Attentive to simple job for 10 minutes with distractions			
5. Can complete a job application with little assistance			

\_\_\_\_\_  
Signature of Observer

\_\_\_\_\_  
Relationship to Child

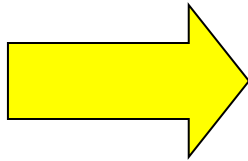
\_\_\_\_\_  
Dates of Observation(s)

## ***Appendix B***

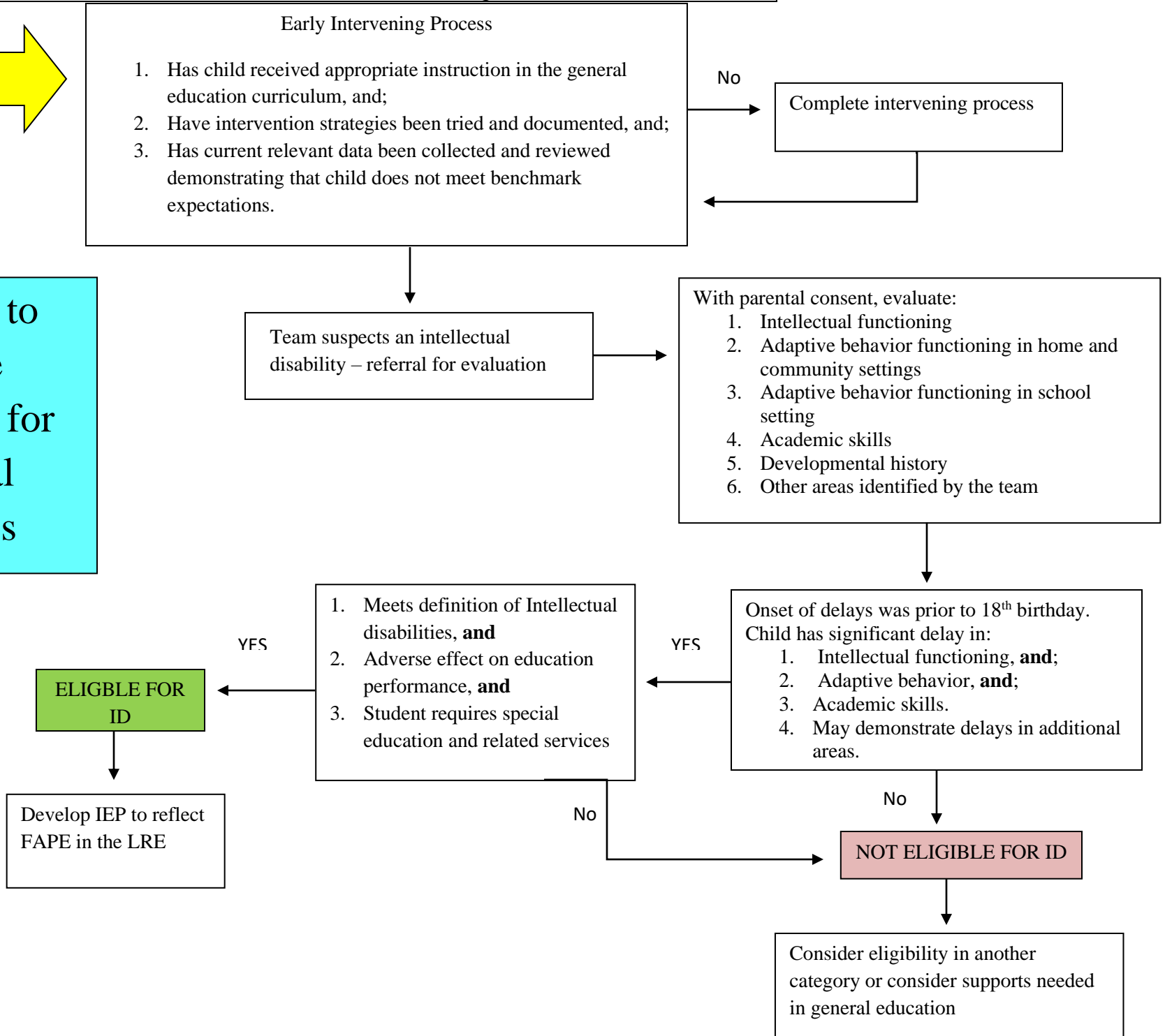
### **Optional Forms**

#### *Eligibility Determination*

- Flow Chart to Determine Eligibility for Intellectual Disabilities
- Intellectual Disability Eligibility Documentation—Assessment Documentation
- Exclusionary Factors Worksheet
- Case Studies



Flowchart to Determine Eligibility for Intellectual Disabilities





## EXCLUSIONARY FACTORS WORKSHEET

### Intellectual Disability

Each factor must be ruled out as the primary reason for the student's inability to progress in the general education curriculum, and for obtained cognitive and adaptive scores.	YES	NO
<b>1. Lack of instruction in reading and math</b>		
Does information obtained during assessment indicate lack of instruction in reading and math is <b>not</b> the determinant factor in this student's inability to progress in the general education curriculum?		
<ul style="list-style-type: none"> <li>• Number of school changes: _____</li> <li>• Number of days absent: _____</li> </ul>		
<b>2. Limited English Proficiency</b>		
<i>Answer the following questions</i>		
• Is there a language other than English spoken by this student?		
• Is there a language other than English spoken in the student's home?		
• Are there any specific dialect or cultural influences that would affect the student's ability to speak or understand English?		
• Is the student lacking academic instruction in English? First exposure to English: _____		
<i>If questions in Section 2 are NO, limited English proficiency is not a determinant factor.</i>		
<i>If any of the questions Section 2 are YES, please document the reason(s) that English proficiency is not the primary reason for the student's deficit cognitive and/or adaptive scores.</i>		
<hr/> <hr/> <hr/>		
<b>3. Cultural Diversity</b>		
<i>Document all information gathered in assessment that would exclude environmental or cultural disadvantage as the determinant factor for this student's inability to access general education curriculum or perform significantly below normal on measures of Cognition and Adaptive Behavior.</i>		
• Is there compelling evidence from data gathered and information generated to indicate this student is unable to learn or perform on assessments due to cultural or background differences?		
<b>4. Medical Conditions That Impact School Performance</b>		
<i>Document all information gathered through assessment that would exclude medical or health reasons for this student's deficient performance on assessments of cognition and adaptive behavior.</i>		
• Does the student have a medical history and/or school history of medical or health-related difficulties?		
• If yes, would the student's health-related difficulties cause the student to have difficulty accessing general education curriculum?		
• Are there school records of illness or health-related conditions that would impact negatively on this student's ability to progress in the general education curriculum?		
<b>5. Socioeconomic Status, or Communication, Sensory or Motor Impairments</b>		
<i>Document all information gathered through assessment that would exclude sensory or motor impairments as a factor for this student's deficient performance on assessments of cognition and adaptive functioning.</i>		
• Are the student's verbal <b>and</b> nonverbal intelligence skills equally deficient and consistently $\geq 2$ standard deviations below the mean on standardized intelligence tests?		
• Are the student's measured skills of home adaptive behavior consistently $\geq 2$ standard deviations below the mean across all adaptive area domains (based on student's age)?		
• Are the student's observed behaviors in the classroom and school setting consistent with significantly deficient cognitive and adaptive functioning?		
• Does the assessment data indicate that lack of opportunity to learn due to socioeconomic circumstances is not the cause or <u>primary reason</u> for the student's deficient scores obtained on cognitive and adaptive skills measures?		
<i>If the questions in Section 5 are YES, sensory or motor skills <b>are not</b> the reason for the student's inability to progress in the general education classroom and obtained deficient scores of cognition and adaptive skills.</i>		

## Case Studies

\*Names have been changed

Historical information:

Susie\* is a student who was identified as ID in pre-school using the WPPSI-III and Vineland. She was also eligible for Speech/Language support due to deficits in receptive and expressive language skills. WPPSI-III and Vineland scores at the time of initial evaluation were as follows:

<u>WPPSI-III</u>	<u>Vineland</u>	<b>parent</b>	<b>teacher</b>
<b>VIQ:</b> 55	<b>Communication:</b>	71	74
<b>PIQ:</b> 71	<b>Daily Living Skills:</b>	72	75
<b>FSIQ:</b> 60	<b>Socialization:</b>	98	84
	<b>Composite:</b>	74	74

In Middle School she was re-tested using the UNIT and the ABAS-II. UNIT and ABAS-II scores at this time were as follows:

<u>UNIT</u>		<u>ABAS-II</u>	<b>parent</b>	<b>teacher1</b>	<b>teacher2</b>
<b>MemoryQ:</b>	77	<b>GAC:</b>	67	92	98
<b>ReasoningQ:</b>	75	<b>Conceptual:</b>	70	81	93
<b>SymbolicQ:</b>	68	<b>Social:</b>	81	104	100
<b>Non-SymbolicQ:</b>	84	<b>Practical:</b>	65	95	99
<b>Full Scale:</b>	73				

Discussion: At the time of initial evaluation, Susie demonstrated a statistically significant discrepancy between her Verbal IQ score of 55 and her Performance IQ score of 71. A difference of this magnitude suggests that the Full Scale score is not the best indicator of Susie's true cognitive ability. Susie's receptive and expressive language deficits likely impacted her performance on the WPPSI-III.

At the time of the reevaluation, Susie's adaptive skills in the school setting were generally within the average range, but lower in the home setting. Her cognitive ability, as measured by the UNIT, was within the borderline range.

At this time, the team felt that SLI was a more appropriate label, and was significantly impacting her learning. Because her adaptive skills were not deficient across settings, and her cognitive skills were less than two SD below the mean, the ID label was removed.

Historical information:

Jane\* is a student who came to the United States at the age of 7. Her primary language and language spoken at home was NOT English. Upon entering the United States, medical records indicated a history of significant lead poisoning. The evaluation team determined that she met eligibility under the Other Health Impairment category, due to documented lead exposure and subsequent treatment. She also received ELL services. Jane was formally tested at the age of 9 with the WISC-III and determined eligible under the category of Intellectual Disability. Adaptive scales were not administered. ELL testing at this time indicated her English language level was at a beginning level.

After several moves and school changes, a re-evaluation was completed in high school using the UNIT and ABAS-II. The UNIT was chosen due to her cultural and linguistic background and the nonverbal nature of the instrument.

<b><u>UNIT</u></b>		<b><u>ABAS-II</u></b>	<b>teacher1</b>	<b>teacher2</b>
<b>MemoryQ:</b>	91	<b>GAC:</b>	76	76
<b>ReasoningQ:</b>	79	<b>Conceptual:</b>	59	65
<b>SymbolicQ:</b>	90	<b>Social:</b>	81	75
<b>Non-SymbolicQ:</b>	80	<b>Practical:</b>	78	78
<b>Full Scale:</b>	83			

Discussion: A review of Jane's records indicated that adaptive rating scales were not a component of the evaluation when she was initially identified as eligible under the ID category. Because Jane's ELL status is well-documented and her acquisition of the English language is very slow, extreme caution should be taken when interpreting results of the WISC-III.

Because Jane was receiving ELL support at the time of the evaluation, the UNIT was used to measure her cognitive ability. On the UNIT, her scores ranged from average to borderline, but all areas were less than 2 standard deviations below the mean. Her adaptive rating scales suggest deficits in conceptual skills, but all other areas appear to be less than 2 standard deviations below the mean. Additionally, extreme caution should be used in interpreting the results of the ABAS-II, since Jane's cultural/ethnic group was not included in the norm sample.

The team determined that early exposure to lead was the most likely explanation of Jane's learning difficulties, along with her ELL status, and changed her label to Other Health Impairment.

## ***Appendix C***

### **Optional Forms**

#### *Least Restrictive Environment & Placement*

- LRE Flow Chart – Critical Factors to Consider
- Placement in the LRE
- Continuum of Alternative Placement
- The Decision

# Least Restrictive Environment

Critical factors to consider when determining LRE

- ### Environment
- General Education
  - Special Education
  - Special Schools
  - Home Education
  - Hospital/Institution

- ### Services
- Access to nondisabled peers
  - Access to extra-curricular activities
  - Related Services
  - Assistive Technology
  - Supplementary Aids & Services
  - Accommodations & Modifications

- ### Program
- Academic Skills
  - Developmental Skills
  - Functional Skills
  - Job Skills
  - Social Skills
  - Life Skills
  - On-going Assessment
  - Leisure/Recreation
  - Communication
  - Employment

Combination of environments based on developmental and/or functional needs

## Least Restrictive Environment

Consider potential harmful effects

## **Placement in the Least Restrictive Environment (LRE) Understanding and Making the Placement Decision**

### **What is Placement?**

It is not the physical location of the special education services. Rather, it is the set of services **and** the type of environment, or the spot on the continuum of services, in which those services are delivered.

### **Who Makes the Placement Decision?**

The student's IEP team is the group who makes the decision. This requires an **individualized** inquiry into the student's unique educational and related services needs.

### **When is the Placement Decision Made?**

It is the last of a series of decisions made at the IEP meeting. It is made after goals, objectives/benchmarks, and instructional modifications are developed. The decision is based on those IEP elements.

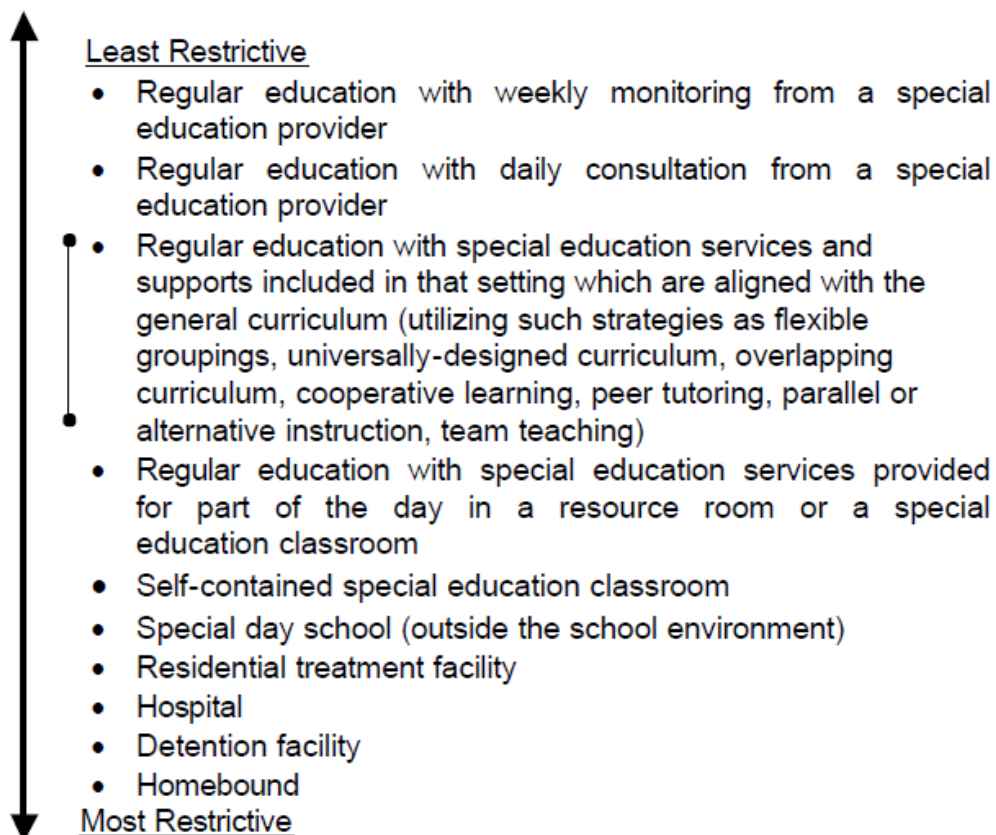
### **What is the LRE Mandate in the IDEA with Respect to Making Placement Decisions?**

- To the maximum extent possible, students with exceptionalities must be educated in the regular classroom.
- Special classes, separate schooling, or other removal from the regular classroom occurs only when the nature or the severity of the educational exceptionality is such that education in the regular class cannot be satisfactorily achieved **with appropriate aids and supports**.
- Unless the student's IEP requires some other kind of arrangement, the student attends the same school he or she would attend if not eligible for special education services.
- Students with exceptionalities must be afforded the opportunity to participate in nonacademic and extracurricular services and activities along with their peers in regular education.
- Less restrictive placements must always be considered. However, where there is a *reasonable likelihood* that a student with an exceptionality can be educated in the regular classroom with the use of supplementary aids and supports, then that placement should be tried.

## ***The Continuum of Alternative Placements***

The continuum is a spectrum of placements where an IEP can be implemented. It ranges from less restrictive (from all regular education with monitoring services) to more restrictive (homebound), as well as placements between those two points as shown in the example below.

### **Example of a Continuum of Alternative Placements**



## The Decision....

When making the placement decision as an **individualized** inquiry, the IEP team should follow these steps.

- First, determine through the IEP process the student's educational needs. Determine what constitutes an appropriate program for the student, not where it will be provided or **what pre-existing "program" fits best.**
- Next, review the continuum of placement options on page 2 in sequence from least restrictive to most restrictive. Look at how each option currently exists, as well as how it might also be modified.
- Now start the decision-making process by examining regular classroom placement as the first option. Have a serious and thoughtful discussion about the three factors below.
  1. Consider whether the student can be educated satisfactorily in the regular classroom with one or more of the following:
    - supplementary aids and supports
    - program and/or curriculum modifications
    - provision of an itinerant special education provider
    - assistance from a paraeducator
    - special education training for the regular education teacher
    - the use of assistive technology
    - the development and implementation of FBAs and BIPs designed to identify and meet the daily behavioral challenges presented by the student in the regular classroom
  2. Compare the benefits provided in the regular education classroom and those provided in a special education classroom or segregated setting.
    - Compare social and communication skills, as well as academic benefits.
    - Compare the relative benefits to the student.
    - Keep in mind that regular education classroom placement is not dependent on the student's ability to learn the same things in the same way.
  3. Consider the potentially beneficial or harmful effects that a regular class placement may have on the student with a disability or the other students in the class.

- Positive benefits might include social interaction with nondisabled peers, peer modeling, high expectations, and acceptance of others.
  - Harmful effects might include unduly disruptive behavior that impairs the student's learning or that of others even with the implementation of a BIP.
- Consider each of the three factors above equally.
- Keep in mind the placement decision cannot be *solely* based on
- Category of the disability
  - Severity of the disability
  - Language and communication needs
  - Needed modifications in the curriculum
  - Configuration of the public agency's delivery system
  - Availability of space or educational and related services
  - Administrative convenience
- Keep in mind that where there is a *reasonable likelihood* that a student with exceptionalities can be educated in the regular classroom with supplementary aids and supports, then that placement should be tried for as much as the school day as possible.
- If the team agrees that the student should receive part or all of the special education services outside of the regular classroom, then the IEP must also provide opportunities for participation in regular education programs in academic, nonacademic, or extracurricular activities, as appropriate.
- If the team agrees that the student's IEP cannot be satisfactorily implemented in the regular education classroom with the provision of supplementary services and supports, then the team can consider a more restrictive placement keeping in mind that the regular education classroom is not the LRE for that student **at this time**. That is, having the understanding that the ultimate plan and goal is to work towards a more fully inclusive placement when possible.
- Finally, clearly articulate on the IEP document the placement decision and the justification for it based on the considerations in this booklet.

## Resource List

1. Wisconsin Department of Public Instruction, ***Cognitive Disability Evaluation and Decision Making – Evaluation Guide***, August, 2002.
2. Connecticut State Department of Education, ***Guidelines for Identifying Children with Intellectual Disability***, 2007.
3. St Joseph County Intermediate School District Procedure Handbook, ***Cognitive Impairment – Guidelines for Identification of Eligible Individuals***, 1/28/11, Centreville, MI.
4. Tennessee Department of Education
5. Colorado Department of Education
6. American Association on Intellectual and Developmental Disabilities, <http://www.aaid.org>.
7. NICHCY – National Dissemination Center for Children with Disabilities.
8. Sattler, J.M., (2008), ***Assessment of Children, Cognitive Foundations*** (5<sup>th</sup> edition) La Mesa, CA: Jerome M. Sattler, Publisher, Inc.

### Other Resources:

- Individuals with Disabilities Education Act (IDEA) and Implementing Regulations
- Diagnostic and Statistical Manual, 5<sup>th</sup> Edition (DSM-V)
- North Dakota Department of Public Instruction, Special Education Guidelines (Evaluation, IEP, Secondary Transition, former ID Guidelines)