

oping the annual review IEP. The teacher most knowledgeable about the student's day-to-day functioning is required to attend the annual review. This teacher may be the special education teacher, although according to IDEA-97, if the student is or will be attending a regular education class, a general education teacher must also participate in the development of the IEP—not necessarily by writing it, but by contributing the classroom perspective. Additional participants include any related services providers, at least one member of the MDT (typically the individual assigned to monitor progress, often referred to as the case manager), and other school personnel as deemed necessary. The purpose of the annual review is to discuss the student's present level of performance, to review the goals and objectives developed at the previous year's IEP meeting, and to make appropriate revisions to address the student's educational and behavioral needs for the upcoming school year. At this IEP meeting, the participants also plan the related services that will be scheduled and identify auxiliary supports. The components of the IEP (as detailed in Section 4) are included in the annual review IEP, including the transition plan when age appropriate. Although a formal program review is mandated only once a year, informal review of students' goal attainment and overall progress should be an ongoing process. Formal evaluation procedures are required at least once every three years.

## Triennial Evaluation

The 3-year reevaluation is also a mandated monitoring process. Theoretically, after 3 years of receiving special services, students' needs change. They may need more or different services, or they may be declassified if they are no longer eligible for classification. This reevaluation process is a safeguard designed to prevent students with disabilities from remaining in services or programs that are no longer appropriate for them.

On or before the third anniversary of the date of the original classification—and if the classification continues, every 3 years thereafter—students must be reevaluated to determine whether they continue to be eligible for classification. This reevaluation may occur at any time before the mandated 3 years if necessary, or at the request of students' parents or teacher (IDEA Regulations, 1990). Reevaluation may also be completed earlier if the student has made significant progress and declassification is being considered. Students may be declassified if, through the evaluation process, it is determined that they no longer meet the criteria for classification and are therefore no longer eligible to receive special services. Obviously, with the objective to place students in the least restrictive environment (LRE), declassification should be a consideration when reevaluating classified students. Also, reevaluation may be warranted before the mandated 3-year period if parents, teachers, or school personnel are concerned about students' slow progress or lack of progress and feel that students' prescribed program needs to be revised. Students must also be reevaluated when serious

disciplinary problems occur and the school district is contemplating a long-term suspension or the expulsion of students with disabilities.

Since the implementation of IDEA-97, informed parental consent is required for a school to perform a reevaluation. The one exception to this mandate is when the school can demonstrate that reasonable steps were taken to obtain consent, yet the parents failed to respond. This allows districts to continue providing high-quality special services to students whose parents are no longer actively involved in their child's education (Friend & Bursuck, 1999). At the time of the 3-year reevaluation, students may be administered the same tests and assessment procedures that were used during the initial eligibility assessment process. This would include the basic MDT evaluations and any additional specialists' evaluations deemed necessary according to students' individual profile. This means that most or all of the evaluation procedures (tests, interviews, rating scales, observations) will be repeated to determine how students' achievement, skill levels, adjustment, and so on have changed over the past 3 years. This comparison may be needed to determine whether students' classification, placement, and program continue to be appropriate. However, IDEA-97 has instituted significant changes in reevaluation requirements (Yell & Shriner, 1997). If parents and teachers feel that students' progress has been adequate and that they would benefit from a continuation of their present classification, placement, and program, they may agree to forgo all or part of the testing process and rely on data from observation, work samples, daily reports, and informal teacher assessment to justify the reevaluation. At the conclusion of the triennial evaluation process, a revised IEP must be written. This reevaluation IEP takes the place of the annual review IEP at the 3-year mark. For the next two years (the years between the triennial evaluations), an annual review IEP is written.

## Due Process

Due process is another strategy for monitoring special education services. The purpose of the due process hearing is to allow an impartial third party, the due process hearing officer (an administrative judge), to hear both sides of a dispute, examine the issues, and settle the dispute (Anderson, Chitwood, & Hayden, 1990). The intent of Congress in instituting this type of adversarial system to settle disputes was to ensure that both parents and school officials have equal opportunity to present their case (Goldberg & Huefner, 1995). Due process is the set of procedures established by legislation for resolving disagreements between school district personnel and parents regarding evaluation, placement, and programming issues for students with disabilities. Due process can be initiated either by parents or school personnel. Parents may request a due process hearing to contest a school's identification, evaluation, or educational placement process or the provision regarding the student's right to a free and appropriate education (IDEA Regulations, 1990); or they may question the information in their child's educational records (EDGAR Regulations, 1990). Parents generally invoke their due

process rights when they feel that the school district is not acting in the best interest of their child (Rothstein, 1999). Schools may also initiate due process (IDEA Regulations, 1990) when parents refuse to consent to an evaluation or placement (Guernsey & Klare, 1993).

## SUMMARY

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Each step in the special education assessment process is critical to the overall success of the student and is mandated by law. The initial step, the pre-referral process, is becoming increasingly important as legislators and educators are concerned about the growing number of students at risk for academic problems. This step is a critical point in the process because the time and effort spent in modifications and interventions may prove to ameliorate the problem, alleviate the need for special education, or provide important documentation if the student must proceed to the next step, the referral process. At the second step, the student is evaluated by the multidisciplinary team (MDT). The evaluation results, including observations and input from teachers, parents, and support staff, are used to determine whether the student is eligible to receive special education services. If the student does qualify, he is classified with a categorical, educational label according to the specific disability. The third step involves determining the least restrictive environment (LRE) and developing a prescriptive Individualized Education Plan (IEP) for the student. The final step, which is continuous, is the monitoring and evaluation of the student's placement and program. This last step incorporates all the preceding steps in that the teacher (a) continues to try various strategies and accommodations that will assist the student in making maximum progress; (b) incorporates ongoing assessment into the instructional program to determine whether goals and objectives are being met; and (c) closely monitors adjustment and academic growth to ensure that the student is placed in the LRE, and that the curricular and instructional strategies used are most appropriate. Teachers need to be aware that early identification, concerted efforts at modifying the learning environment and instructional program, and ongoing monitoring and evaluation of progress are the essential elements of successful educational programs for students with special needs.

Teachers play a critical role in the special education assessment process. They interact with the student on a day-to-day basis, can contribute pertinent information that helps to balance the more rigid standardized test results, and can provide a more comprehensive and personal view of the student in need. Teachers can support and guide parents in what can be an overwhelming experience. They can ease the stress and anxiety often experienced by the student as they cope with the testing process. Teachers can advocate for the services and provisions students need and work closely with administration to ensure that services are provided effectively and efficiently. When teachers are knowledgeable about the process, they can contribute significantly and ultimately help provide the student with pedagogically sound educational programming.

## CHAPTER CHECK-UP

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Having read this chapter, you should be able to:

- Describe the screening assessment process.
- Explain common procedures involved in screening.
- Identify the purpose of pre-referral interventions.
- Describe the purpose of the intervention and referral team (IRT).
- Explain Section 504 of the Rehabilitation Act.
- Identify basic members of the multidisciplinary team (MDT) and describe their roles.
- Describe the referral process.
- Identify classification categories.
- Distinguish between special education placement options.
- Identify various related services.
- Identify auxiliary aids.
- Distinguish between assistive technology services and devices.
- Describe the components of an Individualized Education Plan (IEP).
- Describe the components of an Individualized Family Service Plan (IFSP).
- Identify the information that is needed in a present level of performance (PLOP).
- Explain the differences between an annual review and a triennial evaluation.
- Describe due process.

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