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Foreword

This 1342.12 Companion provides information to assist teachers, administrators, and related service providers when planning for and providing special education and related services to eligible students with disabilities. The information in this Companion is aligned with the Individuals with Disabilities Education Act (IDEA), dated November 19, 2004, and the Department of Defense Instruction (DoDI) 1342.12 “Provision of Early Intervention and Special Education Services to Eligible DoD Dependents,” dated, June 19, 2015 and Department of Defense Manual (DoDM) 1342.12 “Provision of Early Intervention and Special Education Services to Eligible DoD Dependents,” dated, June 19, 2015. DoDM 1342.12 replaces DoDEA 2500.13G, Special Education Procedural Guide dated, September 2005. This Companion is an additional resource for staff to reference. However, this Companion does not create policy, or any right or benefit, substantive or procedural, enforceable by law. If conflicts exist between this Companion and the DoDI/DoDM 1342.12, the DoDI/DoDM 1342.12 prevail.
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Chapter 1: Special Education Department and Case Study Committee

Special Education Department refers to the school-based team responsible for maintaining the effective functioning of the special education program. Case Study Committee (CSC) refers to a multidisciplinary team of special educators, regular educators, related services personnel, administrators, and parents. The required composition of a CSC depends upon the activities that must be accomplished.

Please click the link to download the Department of Defense Manual (DoDM) 1342.12 before proceeding. This document will be referred to multiple times throughout this Companion.

Case Study Committee (CSC)

Roles in the Process
CSC Membership
School Level Administrators
Case Managers

CSC Meetings

Documentation Requirements
Above School Consultation
Timeline Guidance
Written Invitation
Parent Participation
Student Participation
Special Education Department

The school administrator (principal or assistant principal) has the ultimate responsibility for the implementation of the DoDM 1342.12. The overall responsibilities of the Special Education Department are to provide a medium for communication among special educators, general educators, related services personnel, student services specialists, administrators, assessors/evaluators, parents and other faculty. Responsibility includes:

1. Assist in the Child Find process for children within the school and community with identified disabilities or with suspected disabilities.
2. Ensure that a student who is entitled to receive instruction from a DoDEA school is referred to the CSC if that student has a suspected disability.
3. Ensure that an appropriate evaluation of the student's suspected disability is conducted in accordance with provisions of DoDM 1342.12 Enclosure (E) 4 Section (S) 6 page (p) 27-30.
4. Maintain written records of all CSC activities (e.g., records of referrals, special education department meetings).
5. Monitor the development, implementation, review, and revision of the Individualized Education Program (IEP) of each student with a disability.
6. Provide opportunities for parent participation in the CSC process (DoDM 1342.12 E4 S1 a, b, & d p 24).
7. Ensure that parents are informed of all procedural safeguards (e.g., confidentiality, protections in evaluation, due process, and least restrictive environment) and that school personnel follow the procedural safeguards in the process (DoDM 1342.12 E4 S19 p 47-52).
8. Maintain a record management system that facilitates monitoring in accordance with the requirements of DoDM 1342.12 E4 S16 p 44).
10. Conduct and provide documentation of regular reviews to ensure ongoing compliance with procedural regulations and guidelines.

The Special Education Department meets on a regular basis to address responsibilities and administrative tasks. Department meetings contribute to the effective functioning of the special education program.

Case Study Committee (CSC)

DoDM 1342.12 E4 S1, 2 p24, 25.

The Case Study Committee (CSC) refers to a school-level multidisciplinary team, including the parents, responsible for making educational decisions concerning a student with a disability. A CSC, at minimum, consists of a parent/guardian, a special education teacher, a general education teacher, and an administrator/designee (who is knowledgeable about the general education curriculum and available resources). The general education teacher is only required if the student has a general education teacher or if the student will have a general education teacher during the life of the IEP. For instance, when developing an IEP for a PSCD student transitioning to Kindergarten, The PSCD student may not have a general education teacher but as a kindergartener will have a general education teacher. A general education kindergarten teacher is to be present at this type of IEP. A CSC may also include additional professionals such as counselors, nurses, psychologists, and related services providers, as appropriate based on the academic and/or functional needs of the student. The student may also be a member of the CSC when appropriate.
The primary role of the CSC is to meet the individual needs of students. Therefore, the CSC is responsible for those activities directly related to a specific student including:

1. Assessing the nature and severity of the disability.
2. Determining whether the student requires special education and related services.
3. Establishing and implementing specific written procedures to ensure parents are aware of all procedural safeguards (e.g., confidentiality, protections in evaluation, due process, and least restrictive environment) and that school personnel follow the procedural safeguards in the process.
4. Issuing a written eligibility determination report that contains the following:
   a. A description of the nature of the student's disability(ies) as defined in the criterion for each recognized disability in DoDM 1342.12 E9 p 80-82;
   b. A synthesis of the formal and informal findings of the multidisciplinary assessment team, including current academic progress and/or educational performance;
   c. A summary of information from the parents, the student, or other persons having significant previous contact with the student; and
   d. A list of the educational areas affected by the student's disability and a description of the student's educational needs.
5. Developing, reviewing, and revising the student's IEP and monitoring its implementation.
6. Determining whether a disabled student’s conduct violates school rules and regulations (and for a non-disabled student, might result in suspension or expulsion) and is related in whole or in part to the disability. The CSC reviews the student's IEP and educational needs, including behavioral plan, and considers modifying the IEP, and/or considers additional assessments (see Chapter 12 on discipline).
7. Determining degree of progress for IEP goals using an outcome-based measure as criteria for achievement.
8. Ensuring placement for each student in the least restrictive environment and removal from the general education environment only if the nature and severity of the disability is such that education in the general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Roles in the CSC Process

**CSC designated lead or chair person**

- Oversee and coordinate the CSC process in the school, which includes:
  - Ensure compliance with timelines and regulations;
  - Coordinate special education process from referral to IEP;
  - Maintain the student management database;
  - Maintain special education files (DoDM 1342.12 E4 S16 p 44);
  - Coordinate or schedule all CSC meetings;
  - Disseminate schedule to necessary CSC members;
  - Facilitate CSC meetings as assigned; and
  - Take minutes at CSC meetings as assigned.

- The CSC coordinates with others and is the contact for case managers, Student Services Team (SST) coordinator, general education, Early Developmental Intervention Services (EDIS), Exceptional Family Members Program (EFMP), and parents in regard to special education program, procedures and regulations.
- Provide information and training to faculty and CSC on procedures and policy.
- Disseminate special education information as assigned.
NOTE: The term CSC Chairperson may also be used when referring to the individual who is chairing any meeting of the CSC, whether or not that person is the assigned CSC Chairperson for the CSC. This most often occurs when a special education teacher is chairing an eligibility or IEP review meeting.

**School Level Administrators**

- Ensure effective functioning of the CSC and the implementation of the [DoDM 1342.12](#).
- Participate in all initial IEP meetings. An initial IEP is the first IEP developed following a determination of a student’s DoDEA eligibility.
- Participate (or designate an administrative designee) in all CSC meetings addressing eligibility and other meetings specific to a particular student’s needs (when a designee is used, the designee may not be the child’s teacher or service provider and may not function in two roles in the meeting).
- Supervise the regulatory component and the instructional component of the special education process, including related services and extended school year services.
- Ensure staff serving on committees understands DoDEA Special Education procedures.
- Identify training needs and provide opportunities for training and support to CSC and special education staff.
- Collect and compile data for the superintendent and/or Special Education instructional systems specialist (ISS) regarding program needs.
- Conduct program reviews to ensure compliance with DoDEA standards.

**Case Managers (Student Specific)**

- Manage and coordinate the special education process which may include referral; assessment; eligibility; IEP; progress report; annual review; triennial review; discipline; transfer in to or out of a DoDEA school.
- Prepare for, attend, and facilitate all assigned CSC meetings.
- Maintain special education file.
- Communicate with parents and teachers.

**CSC Meetings**

The CSC meets as frequently as necessary to ensure timely consideration of referrals and issues concerning the student’s special education program. The CSC must observe the timelines required by the student’s individual needs (e.g., meet the annual review date, the triennial review date, etc.).

Several considerations affect the scheduling of meetings.

1. Meetings should not regularly remove teachers (general or special education) from one particular instructional period, nor should they routinely interfere with preparation time.
2. When it is necessary for teachers to leave the classroom for CSC meetings, classes should be covered by qualified individuals.
3. Meetings that require parent members should be scheduled at a time mutually convenient for the parents, school staff, and other personnel.
4. When it is difficult to obtain parental participation in person, the CSC chairperson or case manager should arrange for parent participation in an alternate manner that is satisfactory to the parent, such as by telephone.

5. Timely notice should be provided to the parents as well as to staff members, related service providers, and other personnel whose participation in CSC meetings is necessary.

6. An agenda is developed for CSC meetings. Agendas help to provide a focus for the meeting and clarify what needs to be accomplished.

**Documentation Requirements**

Actions and decisions of the CSC must be appropriately documented. Care must be taken to ensure that the privacy and rights of students and parents are respected in the distribution of agenda and related materials. These documents are protected by the Privacy Act and their disclosure to persons other than the parents of the child and school personnel with a need to know may violate law and/or regulation.

Comprehensive minutes of a meeting are essential and must reflect the purpose of the meeting, the major points of discussion, and items for follow up or resolution. The minutes specify the “who, what, when, where, and why” of the decisions made at the meeting. The minutes also include a detailed discussion of the conflicts and resolutions. In addition to minutes, Prior Written Notice (PWN) must be provided and documented. (see Chapter 2 for more detailed information on PWN – DoDM 1342.12 E4 S19 a4 p 47, 48).

**Above School Consultation with CSC**

Above school level consultation is required by the CSC when a non-DoDEA school placement is being considered for a student currently enrolled in a DoDEA school. Above school level consultation is also required when a local school or district faces an unresolved or controversial issue.

The DoDEA Headquarters is the approval authority for authorizing the allocation of resources for placement of students requiring special education services in a non-DoDEA school.

**Timeline Guidance**

The timelines below are provided as guidance to the CSC regarding maximum amount of time for each process. If these guidelines are exceeded, the reason for the delay must be documented in the student's file.

*Processing the Referral Timeline*

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptance of referral</td>
<td>Assessment planning meeting</td>
<td>10 school days or less</td>
</tr>
<tr>
<td>Signed parent permission</td>
<td>Completion of assessment</td>
<td>45 school days or less</td>
</tr>
<tr>
<td>Completion of assessment</td>
<td>Eligibility meeting</td>
<td>10 school days or less</td>
</tr>
<tr>
<td>Eligibility meeting</td>
<td>IEP meeting</td>
<td>10 school days or less</td>
</tr>
</tbody>
</table>
NOTE: When any of the above activities occur at the end of the school year, the CSC may decide either to complete the activity at the end of the school year or to complete it at the beginning of the following school year. This decision should be based upon the individual needs of the student and should be documented in the student’s special education file.

Parent Participation in the CSC

Parents are essential members of all meetings specific to their child and must be afforded the opportunity to participate in these meetings (in person, via telephone or a form of video conferencing, by submitting written or verbal input for the CSC to consider). As equal participants, their active involvement is vital at all CSC meetings including the referral, assessment planning, eligibility determination, IEP development and/or modification, change of placement, and annual and/or triennial review meetings. Parent participation is required at the following meetings:

- Eligibility meeting (initial or continuing eligibility/re-evaluation)
- IEP Development and/or Modification meeting
- Determinations of a change of placement, including as a result of discipline

An eligibility or IEP meeting may be conducted without parents in attendance if the parents are unable or elect not to attend or participate by alternate means. Specifically, the CSC may conduct the meeting without a parent in attendance if either of the following occurs:

1. The parents give oral or written permission for the CSC to conduct the meeting in their absence; or
2. The parents agree twice to attend the eligibility or IEP meeting and both times do not attend, without notifying the CSC of their inability to attend. At the second scheduled meeting, the CSC will proceed regardless of parental attendance; or
3. The parents refuse to attend despite receipt of timely notice and repeated attempts to reschedule.

The school must have a written record of its attempts to arrange a mutually acceptable time and place for the meeting. Notice of the CSC meeting must comply with the section below.

Written Invitation

Records in the student’s special education folder must document that adequate written notice of an invitation to the IEP meeting was provided to the parents. The parents must be invited in writing using the following procedures:

1. The Notice of CSC Meeting must be provided so that the parents receive it reasonably in advance of the meeting date. The meeting is scheduled at a time mutually agreeable between parents and school personnel. Consideration is given to providing parents with sufficient notification time.
2. The invitation must include the meeting time, place, purpose, participants, and contact information.
3. Send two copies to the parents. One is to be signed by the parent and returned to the CSC Chairperson and filed in the student’s file. The parent retains the second copy as a reminder of the meeting date. The CSC retains an unsigned copy in the student’s confidential file until the
parent returns their signed copy as documentation that the school invited the parent(s) to attend the meeting.

4. The invitation shall be provided in such a manner as to ensure the parents' understanding including delivering the notice in the parents' native language; and/or using an interpreter or other person selected by the parent to facilitate understanding.

Phone/Verbal Invitations
If the initial invitation is communicated by telephone or in conference, the CSC must send the written Notice of CSC Meeting to the parent as a reminder and documentation of the invitation to the meeting and place a copy in the student’s file. The school annotates the copy placed in the student’s file to reflect the date of the verbal invitation and the person who communicated the invitation. This documentation supports the attempt to invite the parent if the parent does not return the signed copy of the invitation after verbally agreeing to attend the meeting.

Parent Not in Attendance
If parents do not attend the eligibility determination meeting, a member of the CSC must:

1. Inform the parents of the assessments and the determinations made by the CSC;
2. Provide the parent with Prior Written Notice (PWN); see Chapter 2 for more detailed information on PWN;
3. Provide parents with a copy of the assessment reports and eligibility determination report.

If parents do not attend an IEP meeting, a member of the CSC must:

1. Inform the parents of the proposed contents of the IEP;
2. Provide the parent with Prior Written Notice (PWN); see Chapter 2 for more detailed information on PWN; and
3. Provide a copy of the IEP to the parents. The CSC must seek parental agreement prior to provision of special education or related services.

Related Services Participation
Related Services are services designed to enable a student with a disability to receive a Free Appropriate Public Education (FAPE) as described in the IEP and assist the student to benefit from his/her special education program. Related services must be included in the IEP. Related services may include, for example, occupational therapy (OT), physical therapy (PT). Related service providers must be invited to meetings for students with whom they are involved. This includes meetings to discuss assessment results, determine eligibility, and develop an IEP in which related services have been provided, are required, or may be considered by the CSC members. Notice of a CSC Meeting may be used to document invitations to related service providers.

Student Participation
To become independent, productive adults and assume greater responsibility for their behaviors and accomplishments, students need to acquire the necessary skills for success in adulthood. Invite students to attend and to participate in their CSC meetings, as appropriate. Student self-advocacy is especially important during IEP development when decisions are made regarding the student’s future and transition to postsecondary activities. Involving students in developing their IEPs helps them in understanding their disability, individual strengths and needs, and how specific accommodations can help to enhance their lives and educational setting.
Self-advocacy helps students in understanding their rights under the Individuals with Disabilities Education Act (IDEA) and other federal laws and regulations that may affect their lives. If the student does not attend transition planning meetings (mandatory not later than the first IEP during which the student will turn age 16 years and annually thereafter), the student’s file must include documentation indicating the student was invited and did not attend.
Chapter 2: Procedural Safeguards
The Department of Defense Manual (DoDM) 1342.12, “Provision of Early Intervention and Special Education Services to DoD Dependents,” June 17, 2015, contains a number of procedural safeguards designed to protect the rights of all students with disabilities and to ensure continuous parental involvement in their student’s education. The documentation, meetings, and procedures outlined in this Companion are not an exhaustive list of these procedural safeguards. Staff must be aware of and afford parents/students all of the procedural safeguards included in the DoDM 1342.12, Encl. 4, S. 19 and the “DoDEA Procedural Safeguards Notice” dated August 2016.

- Prior Written Notice (PWN)
- Consent
- Parent Revocation of Consent
- Dispute Resolution Procedures
- Independent Educational Evaluation (IEE)
- Access to Records
- Confidential Files
- Transfer of Rights (Age of Majority)
Prior Written Notice (PWN)
DoDM 1342.12 (E4 (S)19 (p) 47-50

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et.seq., and The Provision of Early Intervention and Special Education Services to Eligible DoD Dependents (DoDM 1342.12) requires a school district or agency to provide PWN (information received in writing), to a parent/guardian a reasonable time before the school district:

PROPOSES or REFUSES to begin or change the identification, evaluation (including re-evaluation), educational placement, or provision of a free appropriate public education (FAPE) to a student.

PWN provides clear communication to the student, parent, and school regarding the decisions that have been made; the basis for those decisions; and the actions that will or will not be taken. The PWN documents any proposals or refusals with regard to special education matters. PWN will be given to the parent prior to implementation of proposed actions and prior to the parent signing the IEP. The parent may want to take a few days to think about the IEP prior to signing the IEP. It is the parent’s decision as to when they sign the IEP in agreement. An initial IEP cannot go into effect until the parent signs it. For subsequent IEP changes, the school should seek parental agreement but there is no requirement that a parent sign an IEP after initial delivery of services.

PWN serves as a record and may be referred to in any number of circumstances, such as subsequent meetings or dispute resolution situations, or as a clarification and reminder to all parties of commitments made.

The school district must provide PWN in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the procedural safeguards notice is not translated into the native language of the parent, then the DoDEA school system shall ensure that:

1. The notice is translated orally or by other means for the parent in his or her native language or other mode of communication; AND
2. The parent understands the content of the notice; AND
3. There is written evidence that the requirements above have been met.

PWN is provided when DoDEA initiates an evaluation, finds a student eligible or ineligible for services, or when DoDEA changes any part of an IEP at an initial IEP, an Annual Review, or an IEP Amendment. Any parental requests involving identification, evaluation (eligibility), IEP or placement requires a separate PWN or an additional PWN for each parent request. This is not an exhaustive list.

PWN Content Requirements
The notice must provide:
1. A description of the action proposed or refused by the school;
2. An explanation of why the school proposes or refuses the action;
3. A description of each evaluation procedure, assessment, record, or report the school used as a basis for the proposed or refused action;
4. A description of any other options that the CSC considered and the reasons why those options were rejected;
5. A description of any other factors relevant to the school’s proposal or refusal;
6. Information regarding dispute resolution procedures;
7. The following statement:
“As a parent of a child with a suspected or identified disability, you have procedural safeguard protections under the IDEA and DoDM 1342.12. You will be given a copy of the DoDEA Procedural Safeguards Notice once per year, but you may also receive a copy whenever you request one, whenever your student is referred for an initial evaluation, whenever you request an evaluation for your student, and/or whenever you file a formal written complaint or request a due process hearing.

If you have any questions about these safeguards or would like additional resources to help in understanding IDEA or other related concerns, please contact your student’s school administrator or the district special education instructional systems specialist (ISS) located at the District Superintendent’s Office.”

CSC Minutes and PWN are a combined form. Minutes are taken noting the following:

- the purpose of the meeting,
- the action the CSC proposes or refuses,
- the evaluation procedure, assessment, record, or report the CSC used in deciding to propose or refuse the action,
- a statement as any other choices that the CSC considered and the reasons why those choices were rejected,
- a statement as to all options considered by the CSC when proposing or refusing the action and the reasons for acceptance or rejection, and
- a summary of discussion/deliberation as to why the CSC proposed or refused the action.

In all cases, it is important that the school provide the parent with a clear explanation as to why the action is being taken and any other factors, if any, that may be relevant.
Overview of Special Education Process and Timing of PWN Requirement

1. Student Find and Initial Evaluation
   A. Review records
   B. Conduct screening
   C. Conduct and document pre-referral activities
   D. Develop and implement interventions
   E. Evaluate intervention strategies
   F. Provide meeting notice to make referral for evaluation
   G. Provide parental rights
   H. **Provide PWN**
   I. Obtain parental consent

2. Determination of Eligibility
   A. Provide Meeting Notice
   B. Review assessment data
   C. Determine eligibility or ineligibility
   D. **Provide PWN**
   E. Provide parent evaluation report and eligibility determination

3. Initial IEP Development
   A. Provide Meeting Notice
   B. Present draft IEP
   C. Determine levels of service and LRE
   D. **Provide PWN**
   E. Obtain written parental consent (IEP)
   F. Provide copy of IEP

4. IEP Implementation in the Least Restrictive Environment
   A. Inform general education teachers of IEP responsibilities and provide IEP access
   B. Provide services
   C. Prepare progress reports and submit to parents

5. Review and Revision of IEP
   A. Provide Meeting Notice and annual parental rights
   B. Review/revise (modification) IEP
   C. Determine levels of service and LRE
   D. **Provide PWN**
   E. Seek written parental consent (IEP)
   F. Provide copy of IEP

6. Reevaluation
   A. Provide Meeting Notice
   B. Document the Review of Existing Data CSC Team members

If NO additional evaluation is needed:
   C. Notify parents of the right to request an evaluation
   D. Document parent agreement that no additional evaluation is needed
   E. **Provide PWN**

If evaluation is needed:
   C. **Provide PWN**
   D. Seek parental consent
   E. Assess
Determine continued eligibility

F. Provide reevaluation report and eligibility determination
G. Provide PWN

7. Review and Revision of IEP OR Dismiss from Special Education
   A. Provide reevaluation report and eligibility determination dismissing from special education and related services
   B. Provide PWN

OR:

A. Provide PWN
   i. proposing graduation with a regular diploma;
   ii. proposing termination of services due to aging at 21 inclusive; and proposing termination of services because parent revokes consent for services.
Consent

DoDM 1342.12 (E)4 (S)17 (p) 44-46. See also chapter 4 of this Companion for additional information regarding parental consent.

The school must seek parental consent before any:

1. Initiation of formal evaluation procedures (including formal additional assessments) to determine initial eligibility or conduct any re-evaluation;
2. Initial provision of special education or related services under an IEP.

Parents have the legal right to refuse the initial evaluation and/or placement and initial provision of special education and related services proposed by the school. Parents also have the right to withdraw or revoke consent at any time, in writing.

Consent for Evaluation: When a parent refuses consent (or fails to respond) to a request for evaluation, the school may request:

- a conference,
- a facilitated IEP meeting
- mediation
- due process hearing

Consent for Initial Provision of Special Education and Related Services: When a parent refuses consent to the initiation of services, the school may seek:

- a conference
- a facilitated IEP meeting

However, the school may NOT use mediation or due process procedures to obtain consent or an order of initiation of services. The school is not required to convene an IEP meeting or to develop an IEP if the parent refuses services and cannot be considered in violation of the requirement to make FAPE available to the student. The student will be served in the general education setting. The parent may later revise this decision and the school’s obligations would then begin.

Consent for Re-evaluation: Parents have the right to refuse consent to a re-evaluation. If a parent refuses consent or fails to respond to a request for consent, and the school can document its efforts to contact parents and obtain consent, then the school may conduct the re-evaluation without parental consent.

PARENT REVOCATION OF CONSENT FOR CONTINUED SPECIAL EDUCATION AND RELATED SERVICES

DoDM1342.12 E4 S18 p 46, and 47

Please see Chapter 6 of this Companion for details regarding parent revocation of consent.

Dispute Resolution and Procedures DoDM 1342.12 E6 p 55-73

Parents and teachers are encouraged to work to resolve differences as they occur through informal, collaborative problem-solving meetings. Parent-teacher communication forms the basis for positive working relationships between parents and school personnel, and often resolves concerns eliminating the need to move to a more formal dispute process.
Dispute management includes the following: (1) conferencing, (2) facilitated meetings (3) mediation, and (4) administrative complaints (5) due process hearing. The steps become increasingly formal, demanding, and expensive. Therefore, every effort should be made to resolve the disagreement at the most informal step possible.

**Conference**  
*DoDM 1342.12* E6 S2 p 55

A conference is the quickest process to convene and the most informal. One or more conferences may identify and resolve the actual or potential special education dispute. The participants in a conference include the administrator, the parent, the student’s teacher or service provider, and secondary student, as appropriate.

**Facilitated IEP Meeting**  
Parents have the opportunity to obtain a facilitated IEP meeting. This is an IEP meeting where a trained facilitator is brought in to facilitate the meeting. The trained facilitator is typically from another DoDEA district.

**Mediation**  
*DoDM 1342.12* E6 S4 p 57-59

Mediation is a confidential, voluntary, informal dispute resolution process in which the disagreeing parties (school and parent) engage in a discussion of issues related to the student’s FAPE, in the presence of, or through, a qualified mediator appointed by the school at no expense to the parent. Mediation may not be used to delay a due process hearing, but mediation may take place before or after a due process petition has been filed as long as the hearing has not taken place.

**Due Process Hearing**  
*DoDM 1342.12* E6 S5-16 p 59-71

Due Process is the most formal process by which to resolve a dispute between the school and the parent. A parent after requesting, attempting, or declining mediation, may petition the Director, Defense Office of Hearing and Appeals (DOHA), to appoint a hearing officer to decide the dispute and to issue orders to parents, students, and the school concerning their respective duties. The school should contact DoDEA HQ if it appears that either parent or the school is considering due process to resolve a dispute. A mandatory resolution meeting must be held within deadlines set by the DoDM 1342.12 (June 17, 2015) before the due process can proceed (*DoDM 1342.12* E6 S17 pp. 71-71).

**Administrative Complaints**  
*DoDM 1342.12* E6 S3 p 55

An administrative complaint may be filed with the responsible agency, relating to the provision of services under DoDM 1342.12 in accordance with *DoDM 1342.12*, Enclosure 6, Section 3.
Independent Educational Evaluation (IEE)

The parents of a student with a disability have the right to an independent educational evaluation (IEE) at the Department of Defense Education Activity (DoDEA) expense if the parents disagree with an evaluation obtained by the DoDEA school system. Parents are entitled to only one IEE at DoDEA expense in response to a DoDEA evaluation with which they disagree. To initiate the process for obtaining an IEE at DoDEA expense, parents must provide DoDEA with a written request. This written request does not have to provide an explanation as to why the parents disagree with the DoDEA evaluation. DoDEA may ask why the parents disagree with the DoDEA evaluation but may not compel the parents to provide an explanation.

Once DoDEA receives a qualifying request for an IEE, DoDEA has two options:

1.) Initiate a due process hearing, without unnecessary delay, and demonstrate that the DoDEA evaluation was appropriate. DoDEA must provide Prior Written Notice (PWN) refusing the IEE; or
2.) Agree to fund an appropriate IEE that meets the criteria DoDEA would use when conducting such evaluation as set forth in paragraph 19.c(6) page 51 of Enclosure 4 of Department of Defense Manual (DoDM) 1342.12, “Implementation of Early Intervention and Special Education Services to eligible DoD Dependents,” June 17, 2015, by providing PWN that indicates agreement to fund an IEE that meets agency criteria.

If DoDEA elects to initiate due process:

If DoDEA initiates a due process hearing and the outcome is that the DoDEA evaluation is appropriate, the parents still have the right to an IEE, but not at DoDEA expense. If the parents share with DoDEA an IEE obtained at private expense, the Case Study Committee (CSC) must meet to determine whether the IEE meets DoDEA criteria. If it does, the CSC must consider the IEE findings in any decision made with respect to the provision of a free and appropriate public education to the student. DoDEA is not required to follow the findings but must consider the findings and provide PWN addressing any decisions made regarding the recommendations from the IEE.

If DoDEA elects to agree to fund an IEE:

If DoDEA agrees to fund the IEE, DoDEA must act without unnecessary delay. DoDEA must provide the parents with the criteria that DoDEA requires for an IEE (see DoDEA criteria section below). DoDEA must also provide the parents with a list of qualified examiners that meet the DoDEA criteria. The parents are not required to use an examiner listed by DoDEA, but if the parent elects to choose their own examiner, DoDEA must approve that the examiner meets the criteria prior to agreeing to payment. The special education (SPED) instructional systems specialist (ISS) must alert the district procurement office of the potential payment that will be required (see procurement section below).

DoDEA Criteria for IEE:

1.) The evaluation, when possible, must be conducted in the geographic area where the student resides, utilizing available qualified resources, including qualified evaluators employed by the Military Department, unless the parent can demonstrate to the satisfaction of the DoDEA school
system (or in a due process hearing filed) that the geographic limitation renders the IEE impossible.

2.) The evaluation is to be administered by trained and knowledgeable personnel, in compliance with the instructions of the testing instrument.

3.) The evaluation is to be provided in the student’s native language (or other mode of communication) and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide and administer.

4.) DoDEA may not impose conditions on the IEE that are inconsistent with the criteria it uses for conducting its own evaluations.

5.) The independent evaluator must:

   - select and administer a variety of assessment tools and strategies.
   - select and administer technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
   - select and administer instruments that are not racially or culturally discriminatory.
   - select and administer instruments that assess the extent to which the student with limited English proficiency has a disability and needs special education, rather than measuring the student’s English language skills.
   - select and administer instruments that are validated for the specific purpose for which they are used or intended to be used.
   - select and administer instruments that assess specific areas of educational needs and strengths, and not merely to provide a single general intelligence quotient.
   - select and administer instruments that are to be administered to a child with impaired sensory, motor, or communication skills so that the results accurately reflect a child’s aptitude or achievement level or other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills.

If the parent selects an evaluator that DoDEA does not believe meets the DoDEA criteria, DoDEA must provide PWN indicating its refusal to fund the IEE by the selected evaluator and explain why the evaluator does not meet DoDEA criteria. The PWN also must indicate that DoDEA is required to initiate due process per DoDM 1342.12 and the Individuals with Disabilities Education Act (IDEA). However, the SPED ISS should continue to work with the parent to facilitate selection of an evaluator that DoDEA agrees meets the criteria. If DoDEA and the parents cannot agree, DoDEA must request a due process hearing.

**IEE already obtained by parents:**

If the parent has requested reimbursement for an IEE that the parent has already obtained, DoDEA must first determine whether the IEE meets the above-mentioned DoDEA criteria and provide PWN outlining whether DoDEA is agreeing or refusing to fund the already obtained IEE (and why). If DoDEA refuses payment because DoDEA believes that the evaluation does not meet DoDEA criteria, DoDEA must request a due process hearing. If DoDEA agrees to fund the IEE, after determining that it meets DoDEA criteria, the SPED ISS must alert the district procurement office of the potential payment to the vendor selected by the parent and already conducted the IEE.
As stated above, the CSC must review and consider all IEEs, whether funded by DoDEA or obtained privately and funded by parents. DoDEA is not required to follow the findings of an IEE but must consider the findings and provide PWN addressing any decisions made regarding the recommendations from the evaluation.

**Procurement of IEE:**

Throughout the IEE process, the SPED ISS is to work closely with the district procurement office as soon as the parental request is received and prior to obligating DoDEA for payment.

- The Government Commercial Purchase Card (GPC) may be used for all IEEs where the total value of the IEE is under $3,500.00 (the micro purchase threshold).
- In the Americas, if the total value of the IEE exceeds $3,500.00, the SPED ISS shall submit a request to DoDEA Procurement to procure the specific vendor, and DoDEA Procurement will create a purchase order.
- In the Europe and Pacific Regions, for any procurement exceeding $3,500.00, the SPED ISS shall contact DoDEA Procurement for assistance. Under certain circumstances, an exception in the procurement regulations allows the GPC to be used to obligate funds for purchases up to $25,000.00 for overseas procurements. However, DoDEA Procurement will need to determine whether a purchase order is necessary due to Privacy Act- and competition-related requirements applicable to procurements exceeding $3,500.00.

**Access to Records**


**NOTE:** Many parents believe their student is covered by the slightly different provisions of the Family Education Right to Privacy Act (FERPA) that protects the privacy of student education records. FERPA only applies to schools that receive funds from the Department of Education and thus does not apply to DoDEA records, although the protections of the Privacy Act are very similar to those under FERPA.

The parents of a student with a disability have the right to examine all educational records with respect to the identification, evaluation, and educational placement of their student.

In the absence of a court order to the contrary, all parents, even those not having custody of their students, have the right to examine education records pertaining to their student.

Parents have a right to:

1. A response from the school on reasonable requests for explanations and interpretations of the records;
2. Request copies of the records;
3. Have their selected representative examine the records; and
4. A parent who believes that the information in their student’s record is inaccurate, misleading, untimely, or irrelevant may request the record be amended. Amendment requests must be in writing. However, in the normal course of daily business involving their student, the parent is
often called upon to provide information concerning the student. The school determines when this data should be included in the student’s educational file. If the parent believes the information should be included or excluded, or a change should be made in the interest of clarity, the parent may request the school to include the information in the student’s record or make the necessary change.

Parents have the right to confidentiality of personally identifiable information contained in their student’s confidential education records. Accordingly, the school must provide written notice to the parent and obtain parental consent for the release of relevant information outside the DoD, unless release is otherwise authorized because of a government-wide DoD or DoDEA routine use exemption, such as a law enforcement officer investigating a crime. These exemptions are published at http://dpcld.defense.gov/Privacy/SORNsIndex/Blanket-Routine-Uses/, parental consent must be obtained before disclosure of student record information to anyone other than a DoD agency, servicing Military Educational Developmental Intervention Services (EDIS) or medical officials. A record is maintained in the confidential special education record file that identifies personnel who access each student’s file. When in doubt about whether records can be accessed by third parties (i.e., by personnel other than the student or the parent) or what can be disclosed from the file, seek guidance from DoDEA General Counsel.

Confidential Files
Documents pertaining to special education programs include:

1. Pre-referral and referral forms and documentation;
2. IEPs;
3. CSC reports and minutes;
4. Assessment plans, evaluation reports, and summaries;
5. Eligibility determinations;
6. Correspondence with parents (including invitations to meetings and permission for assessments);
7. File access records; and
In DoDEA, a student reaches the age of majority at 18. The IDEA and DoDM 1342.12 (June 17, 2015), require DoDEA to notify the parents and student, as part of transition planning, at least one year before the student reaches the age of majority, of the rights that will transfer under the IDEA and upon transfer of those rights. Both the parents and the student are invited to participate in the transition planning meeting. A statement must be included in the minutes of the transition planning meeting a year before the student attains majority reflecting that the student has been advised of the pending transfer of rights, and the student’s IEP should be annotated when the student reaches the age of majority. After the student reaches the age of majority and rights have been transferred, any notice required by law such as procedural safeguards and notice of meeting must be provided to both the student and the parents.

The transfer of rights at the age of majority means that the student becomes responsible for his or her educational program and all rights previously afforded to the parents transfer to the student at the age of majority. Rights that transfer to the student include, but are not limited to, the right to:

1. Receive notice of and attend IEP meetings;
2. Consent for reevaluation; and
3. Request mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement or other aspects of FAPE.

If the student with a disability who has been determined to be incompetent in accordance with Federal or State law reaches the age of majority the rights afforded to the parents remain with the parents. When a student with a disability who has not been determined to be incompetent, but who does not have the ability to provide informed consent with respect to his or her educational program reaches the age of majority, the DoD shall appoint a parent or the parents of the student to represent the educational interests of the student throughout the period of eligibility for special education services.
Chapter 3: Child Find

In accordance with the Individuals with Disabilities Education Act (IDEA), DoDEA is responsible for locating, identifying, assessing and evaluating all school age students with suspected disabilities (from age 3 to age 21). This identification process is referred to as Child Find. Child Find activities include the dissemination of information to the public as well as screening, referral, and identification procedures.
Persons Responsible for Child Find  
**DoDM 1342.12** E4 S 2 p 24, 25

DoDEA, in cooperation with military departments, shall conduct ongoing Child Find activities that are designed to identify all children with suspected disabilities who are, or will be, entitled to enroll in DoDEA and may require special education and related services. Each school, in conjunction with other community resources, augments installation Child Find efforts to alert the local community to available programs and services for children with disabilities. It is suggested that where more than one school serves a military base or small geographic area, the schools and other groups work cooperatively to avoid duplication of effort.

The Special Education Department at each school is responsible for overseeing the ongoing Child Find activities and should maintain a log of those activities. Professionals with knowledge of developmental milestones and specific disabilities should be included in conducting Child Find activities. Professionals who meet this criterion would include:

1. Special Education Teachers (Preschool Services for Children with Disabilities [Learning Impaired, Speech/Language], etc.);
2. School Nurses;
3. School Psychologists;
4. General Education Teachers;
5. Child Development Center personnel;
6. Medical Treatment Facility, including Educational and Developmental Intervention Services (EDIS) personnel;
7. Military services such as, but not limited to, Exceptional Family Members Program (EFMP); Military Family Life Counselor (MFLC); School Based Health Services (SBHS).

Publicity for Child Find activities, to ensure community awareness of the mission of Child Find, is an important task of the Special Education Department. Child Find awareness and activities should be a coordinated effort with the military department, schools, related services and community agencies, developing an effective publicity campaign to ensure all children between birth to age 21 are identified.

**Community Child Find Activities:**

General types of identification activities carried out by the Special Education Department include the following:

1. Discuss Child Find in parent bulletins and through parent-teacher groups.
2. Display Child Find posters prominently in schools and community settings.
3. Publicize Child Find activities through local community publications and other media including school/district websites.
4. Distribute literature and offer to speak about child find activities at local clubs or civic organizations, school advisory committees, parent organizations, advocacy groups, and community services organizations.
5. Conduct on-going community screenings established in coordination with military medical authorities, installation social workers and mental health providers, chaplains, etc., for children who are not enrolled in school (i.e. ages three through five).
6. Conduct ongoing individual screenings provided by school personnel, in coordination with related service providers for children ages three through five who are not enrolled in school. Individual screenings are provided without delay when requested by the parent.
7. Participate in transition activities of children receiving EIS who may require special education preschool services.

In School Child Find Activities:
At the beginning of each school year, the Special Education Department informs all school personnel about referral procedures for students with suspected disabilities. Children are identified by the following procedures:

1. Review incoming and historical records of all students entering the school for the first time to determine whether a student may be in need of special education and related services.
2. Review referrals from the school nurse.
3. Analyze data pertaining to disciplinary actions.
4. Analyze student progress (report cards, work samples, participation, observations, etc.), system-wide assessments and other assessments.
5. Review Student Support Team (SST) pre-referral documentation.
Chapter 4: Referral and Assessment Planning
IDEA requires that before a student can receive special education and related services for the first time, a full and comprehensive evaluation of educational needs must be conducted. Students are evaluated to determine if they have a disability and whether because of that disability they require specially designed services to address their educational needs. Information gathered during the evaluation determines the educational needs of the student and guides the development of an appropriate educational program.
Pre-referral

DoDM 1342.12 E4 S2 p 24, 25

The pre-referral process includes identification and documentation of activities designed to address a student’s learning and/or behavioral difficulties before a formal referral to a case study committee (CSC). Pre-referral interventions, supportive educational procedures, practices and accommodations that address the student’s apparent academic or behavioral needs, are implemented and documented by the teacher or a team. If the concern is behavioral, a Functional Behavioral Assessment is recommended. This referral information is presented to the CSC should pre-referral interventions fail to resolve the academic or behavioral needs of the student. The CSC considers the pre-referral information when determining whether or not to accept the referral.

Procedures

The pre-referral process may include, but is not limited to, individual educator or collaborative team of educators defining the student’s challenges and developing, implementing, and documenting interventions and/or strategies to resolve those challenges.

During the pre-referral process, educators (general education teachers, special education and/or related service providers, and/or support personnel) may conduct informal classroom observations and consult with the classroom teacher on implementation of intervention strategies. Pre-referral activities to determine appropriate instructional strategies for a student (e.g. classroom observation, consultation, analysis of work samples, review of records) shall not be considered an evaluation for eligibility for special education and related services and do not require parent permission. However, early parental involvement is essential.

During this time, (1) the teacher or team confers with the student’s parents for information and support in attempting to resolve the problem and (2) vision, hearing and health screening are completed to determine if vision, hearing or health difficulties contribute to or are the cause of the student’s school concerns.

Timeframe for Pre-referral Process

There is no set timeframe for the pre-referral process.

A formal referral to the CSC may be warranted when, after the implementation of problem-specific, collaborative interventions, a student continues to demonstrate learning and/or behavioral difficulties and, when those difficulties prove to be resistant to the application of the interventions. There may be situations when it is appropriate to refer the student directly to the CSC.

Referral Sources and Acting on the Referral

DoDM 1342.12 E4 S4, 5 p 26

A referral may be initiated by educators, or educational teams, parents, administrators, students themselves, and representatives of community agencies. The student’s classroom teacher is involved in the referral process. The referring agent is invited to the meeting to participate in the discussion and resolution. When the CSC receives a referral, it is entered into the school’s referral log (student management database). The CSC reviews the documentation and determines whether or not to accept the referral. The CSC must also provide the parent with a copy of the Notice of Procedural Safeguards upon initial referral or parent request for evaluation.
Parent Referrals
DoDM 1342.12 E4 S4 a-b, p 26

A parent may submit a request for an evaluation if they suspect their child has a disability. The CSC shall ensure any such request is placed in writing and signed by the requesting parent. The CSC shall, within 15 school days of receiving the written request, review the request and any information provided by the parents regarding their concerns, confer with the child’s teachers, and gather information related to the educational concerns. Following a review of the information, the CSC shall:

a. Convene a conference among the parents, teachers, and one or more other members of the CSC to discuss the educational concerns and document their agreements. Following the discussion, the parents may agree that:
   (1) The child’s needs are not indicative of a suspected disability and other supports and accommodations will be pursued;
   (2) Additional information is necessary, and a pre-referral process will be initiated; or
   (3) Information from the conference will be forwarded to the CSC for action on the parent’s request for an evaluation.

b. Within 10 school days of receipt of information from the conference regarding the parents’ request for evaluation, agree to initiate the preparation of an assessment plan for a full and comprehensive educational evaluation or provide prior written notice (PWN) to the parent denying the formal evaluation, (DoDM 1342.12 E4 S19, p 47, 48).

This same procedure is followed for any referrals made by students themselves or representatives of community agencies.

Teacher Referrals
DoDM 1342.12 E4 S5 a-c, p 26, 27

a. Prior to referring a child who is struggling academically or behaviorally to the CSC for assessment and evaluation and development of an IEP, the teacher shall identify the child’s areas of specific instructional need and target instructional interventions to those needs using scientific, research-based interventions as soon as the areas of need become apparent. The CSC and/or SST are available to assist the teacher with scientific, research-based interventions.

b. If the area of specific instructional need is not resolved, the teacher shall initiate the pre-referral process involving other members of the school staff.

c. If interventions conducted during pre-referral fail to resolve the area of specific instructional need, the teacher shall submit a formal referral to the CSC.

Referral

Accepting the Referral
A formal referral to the CSC is accepted if documented pre-referral activities do not result in favorable gains and a disabling condition is suspected. Upon acceptance of referral, the CSC proceeds to assessment planning, discussed below.

Not Accepting the Referral
The CSC may choose not to accept a referral if one of the following applies:
1) The CSC recommends further intervention strategies and/or consideration for supplementary services (e.g., English as a second language [ESL], instructional support [IS], compensatory education [Comp Ed], reading/language arts specialist [LARS], etc.)

2) The parent withdraws the referral that they previously submitted and withdraws consent to evaluation and potential implementation of special education services. This action must be documented in the CSC minutes and PWN must be provided indicating whether the CSC is proposing a referral and that the parent refuses to proceed.

3) Documentation from pre-referral intervention strategies demonstrates there is no adverse educational impact for the student.

If parent’s referral and request for evaluation was not accepted, the CSC must provide the parent with appropriate PWN and Notice of Procedural Safeguards.

**Assessment Planning**

*DoDM 1342.12* E4 S6 p 27-30

Any student who is receiving, or is entitled to receive, educational instruction from DoDEA and who is referred to the CSC for a suspected disability shall receive a full and comprehensive diagnostic evaluation of the suspected disability and educational needs. Before eligibility determination and development of an IEP, this evaluation shall be conducted. The evaluation will be based upon an assessment plan that addresses the suspected disability and related concerns. The assessment plan will include the requirements of DoDEA to substantiate that a disability exists.

**Participants at the Assessment Planning Meeting**

*Assessment Plan CSC*

The assessment plan is developed at a CSC meeting that includes at a minimum the following individuals:

1. The referring teacher;
2. A special educator knowledgeable in each area of suspected disability;
3. A school administrator or designee; and
4. Assessor, or evaluator whenever possible.

- The CSC may invite other individuals such as related service personnel who may be involved in the assessment of the student. This would include personnel responsible for supplementary programs in which the student is or has participated.
- Parent participation in the development of the assessment plan is not required. Parents may be invited to the meeting, as appropriate, to minimize circumstances that may lead to parent objection to necessary evaluations.
- At least one CSC member must be qualified to provide or supervise special education.
- At least one CSC member must be knowledgeable of the general education curriculum.
- At least one CSC member must be knowledgeable of school resources.
- The evaluator or assessor knowledgeable about the suspected disability and relevant assessment procedures must be invited to the assessment planning meeting. There may be times when one or more of these personnel will be unable to attend the meeting. When this occurs, the absent personnel must provide input and the CSC should proceed with the meeting and development of the assessment plan.
Documenting the Meeting

The Minutes of the CSC and Assessment Planning forms document the meeting and decisions reached by the CSC. Referral and Assessment Planning documents include:

1. The suspected disability(ies).
2. Procedures required to assess the student for the suspected disability(ies) and for related services. It is not required to identify the test instruments on the assessment plan. Assessors have the prerogative of selecting the appropriate test instruments. The CSC may request a particular test documenting the rationale for the request in the meeting minutes.
3. The evaluator or assessors by title.

The assessment plan must present a full and comprehensive multidisciplinary assessment including specialists with knowledge in each area of the suspected disability(ies) and the academic and behavioral areas of related concern. If more than one disability is suspected, the CSC develops an assessment plan that includes the requirements for each disability. This is accomplished by assigning each of the required procedures to an assessor or by indicating that current information is available. Assessment information available from incoming records or from other specialists may be used when developing the assessment plan.

**NOTE:** The special education computer program generates the assessment plan by cross-referencing the suspected disability(ies) with the assessments required by DoDEA to document a disability. If more than one disability criterion will be assessed, the program generates all required procedures for each disability without duplicating required procedures. Additional assessment procedures may be added to the plan, as needed, to ensure individualized attention to the problems/concerns specific to the child.

Assessment

**DoDM 1342.12** E4 S6 a-b, p 27

Areas of Assessment

The student is evaluated in all areas related to the suspected disability as determined by the CSC.

Required evaluations include:

1. Vision acuity and hearing acuity (within 12 months).
2. Review of existing school educational and health records.
3. Observation in an educational environment (for preschool children the natural environment).
4. A plan to assess the type and extent of the disability.
5. The student is to be assessed in all areas related to the suspected disability.
6. The assessment plan shall include as appropriate:

   (a) An assessment of the nature and level of communication and the level of functioning academically, intellectually, emotionally, socially, and in the family.
   (b) An assessment of physical status including perceptual and motor abilities.
   (c) An assessment of the need for transition services for students 16 years and older.
7. The CSC shall involve the parents in the assessment process in order to obtain information about the student’s strengths, needs and family concerns.

8. The CSC, where possible, shall conduct the evaluations in the geographic area where the student resides, and shall use all locally available community, medical, and school resources, including qualified examiners employed by the Military Departments, to accomplish the assessment and evaluation. At least one specialist with knowledge in each area of the suspected disability shall be a member of the multidisciplinary assessment team.

**Assessment Materials/Procedures**
The CSC and DoD-related services providers shall ensure that assessment materials and evaluation procedures are:

- Selected and administered so as not to be racially or culturally discriminatory.
- Provided in the student’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
- Selected and administered to assess the extent to which the student with limited English proficiency has a disability and needs special education, rather than measuring the student’s English language skills;
- Validated for the specific purpose for which they are used or intended to be used;
- Administered by trained and knowledgeable personnel in compliance with the instructions of the testing instrument;
- Selected to assess specific areas of educational needs and strengths and not merely to provide a single general intelligence quotient;
- Administered to a student with impaired sensory, motor, or communication skills so that the results accurately reflect a child’s aptitude or achievement level or other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills; and
- A variety of assessment tools must be used to gather relevant functional, development, and academic information for eligibility determination.

**Multidisciplinary Team**
The CSC ensures that the eligibility assessment is conducted by a multidisciplinary team that includes a teacher and at least one specialist with knowledge in the area(s) of suspected disability(ies). A multidisciplinary team requires the involvement of representatives of two or more disciplines or professions that provide integrated and coordinated services, including evaluation and assessment activities. The CSC shall involve the parents in the assessment process in order to obtain information about the child’s strengths and needs and family concerns. Observations conducted during the pre-referral period may fulfill the observation requirement for the multidisciplinary assessment; however, the CSC must determine whether additional observations are required during the assessment period.

**Notifying Assessors**
Assessors are notified of their responsibilities in the assessment process after the CSC receives written permission from the parent for the assessment.
Parental Consent

DoDM 1342.12

Consent Requirements

The school shall seek parental consent before:

- Initiation of formal evaluation procedures to determine whether the student qualifies as a student with a disability and prior to conducting a reevaluation.
- Initial provision of special education and related services.

Consent for Initial Evaluation

If the parent of a student does not provide written consent for an initial evaluation or fails to respond to a request for consent for an initial evaluation, then DoDEA should consider use of the dispute resolution procedures described in DoDM 1342.12, Enclosure 6 to pursue an evaluation of a student suspected of having a disability.

- Consent to evaluate shall not constitute consent for placement or receipt of special education and related services.
- If a parent declines to give consent for evaluation, DoDEA shall not be in violation of the requirement to conduct child-find, the initial evaluation, or the duties to follow evaluation procedures or make an eligibility determination and write an IEP as prescribed in this Companion and DoDM 1342.12.

Consent for Reevaluation

The school must seek to obtain parental consent to conduct a reevaluation. If the parent does not provide consent or fails to respond to a request for consent for a reevaluation, then the school may conduct the reevaluation without parental consent if the school can demonstrate that it has made reasonable efforts to obtain parental consent and documented its efforts.

Documentation of Attempts

The documentation must include a record of the school’s attempts in areas such as:

1. Detailed records of telephone calls made or attempted and the results of those calls.
2. Copies of correspondence sent to the parents and any responses received.
3. Detailed records of visits made to the parents’ home, place of employment or duty station, and the results of those visits.

Consent for the Initial Provision of Special Education and Related Services

The school that is responsible for making a FAPE available to a student with a disability under this part must seek to obtain informed consent from the parent of such student before providing special education and related services to the student. If the parent refuses initial consent for services, the DoDEA school:

- May not use due process procedures, including mediation to obtain agreement or a ruling that the special education and related services recommended by the student’s CSC may be provided to the child without parental consent.
- Shall not be considered to be in violation of the requirement to make FAPE available to the student for its failure to provide those services to the student for which parental consent was requested.
- Shall not be required to convene an IEP meeting or develop an IEP for the student.
Completing Assessments
DoDM 1342.12 E4 S6 f p 28

Assessments are to be completed in a timely manner and the evaluation must be completed within 45 school days from the date that the school receives the signed Parent Permission to Assess Form. If parent permission is signed with fewer than 45 school days remaining in the school year, the deadline extends into the following school year. The CSC does not need a new parent permission to assess when the new school year begins. The permission is valid until the 45th school day. Assessments should be processed within the academic year they are received since concerned parties having knowledge of the referred student can provide current information. Parents are informed that the evaluation may be continued into the next school year.

In the few cases where the school cannot complete assessments within the 45 school days, the CSC must obtain a new parent permission to assess. The CSC should document the reason that the deadline was not met on the CSC Minutes Form.

Assessment Reports
Each assessor will prepare an individual assessment report that includes:

1. Demographic/Identifying information of the student and assessor;
2. A behavioral observation of the student during testing;
3. The instruments and techniques that were used;
4. The results of the assessment;
5. The student's strengths and limitations; and
6. Relationship of findings to educational functioning (describe how student’s educational functioning may be affected, and instructional recommendations to be used in working with the student).

Individual assessors shall not make unilateral statements presupposing eligibility.

Computer-Generated Scoring Profiles and Reports
The use of computer-generated scoring profiles may help reduce errors in computing scores on assessment instruments whose scoring is complicated. Each assessor is responsible for interpreting scores, judging performance indicators, and noting observational evidence of a student's assessment behaviors. None of these factors are considered in computer scoring methods, yet they constitute valuable information for the CSC. Therefore, computer-generated scoring profiles or computer-generated reports do not fulfill the requirements of an assessment report. Computer-generated scoring profiles are maintained with test protocols.

Assessment Synthesis Meeting
Assessment professionals and CSC members may collaborate as part of the assessment process prior to the eligibility meeting to discuss and synthesize assessment results and to determine if further assessments are necessary. The team also determines how to provide meaningful explanations and feedback to parents about assessment results. No discussion, determination of eligibility, IEP, or placement may be made during this coordination meeting.

If the CSC decides additional assessments are needed in an area already designated on the assessment plan, and for which the parents’ informed consent was already obtained, then the CSC obtains a new Parent Permission to Assess Form signed by the parent to demonstrate their agreement with conducting the additional assessment. The timeline is then extended an additional 45 days to complete this
additional assessment; however, best practice is if the CSC can avoid extending the timeline and remain within the original 45 days that is recommended.

If the CSC decides additional assessment procedures are required in an area for which parent’s informed consent/permission was not previously obtained, then informed parental consent must be obtained prior to conducting the additional assessment:

- The need will be documented on a second Minutes of CSC Meeting and Assessment Planning form; and
- Parent permission for the additional assessments must be obtained on an additional Parent Permission to Assess Form. The new parent permission gives the CSC an additional 45 days to complete the additional assessment(s). It does not extend the timeline for completion of the assessments from the first parent permission. Depending on the type of assessment(s), the CSC may adjust the timeline for completion of the assessments to an earlier date. The timeline for holding the eligibility meeting is also extended because of the need to conduct the additional assessments.
Chapter 5: Eligibility Determination

This chapter provides guidance on the process of determining eligibility for special education and related services, including a listing of appropriate CSC participants and general considerations in the decision-making process. It details the documentation requirements, culminating in completion of the CSC Eligibility Report and the actual determination of eligibility.

Also included in this chapter are the legal definitions for disabilities as defined by the IDEA and DoDM 1342.12. It is DoDEA’s policy that regardless of the category of the student’s disability, services are based upon needs identified through the assessment process.

Meeting Requirements
Eligibility for CSC Membership
Conducting the Meeting
Eligibility (Areas of Disability)
Reevaluation For Eligibility (Triennial Review)
Chapter 5 Reference Documents
Eligibility Meeting Requirements
DoDM 1342.12 E4 S7 p 30, 31

The eligibility meeting is held within 10 days of the completion of the school’s multidisciplinary and comprehensive evaluation, and at the conclusion of the eligibility meeting the parents are given a copy of the eligibility report along with the PWN.

CSC Membership

Required Participants at the Eligibility Meeting
At a minimum, this meeting includes the following individuals:

1. General education teacher;
2. Special educator;
3. Parent(s);
4. Student, as appropriate; and
5. Administrator or administrative designee (the administrative designee is not the student’s teacher and is a school representative who is qualified to provide or supervise the provision of special education and is knowledgeable about the general education curriculum and available resources)
6. A representative of the evaluation team who is knowledgeable about the evaluation procedures used and can interpret the instructional implications of the results of the evaluation.

Other individuals invited at the discretion of the parents or school who have knowledge or special expertise regarding the child or the IDEA, including related services personnel, as appropriate.

Conducting the Meeting

Procedural Safeguards Notice
At the outset of the meeting, a copy of the DoDEA Procedural Safeguards Notice is offered to the parents.

Documenting the Decision
The Case Study Committee Eligibility Report is the document that the CSC uses to determine eligibility or non-eligibility for DoDEA special education services. As indicated by the phrase “before the meeting” in the following descriptions, portions of the eligibility report must be completed before the meeting; other portions are considered and completed during the meeting, including the following components:

1. **Tests/Assessments Administered**: The assessor, in collaboration with other designated personnel, completes this section before the meeting. The section is a listing of the assessment procedures drawn from the individual test reports. All assessment procedures, including vision/hearing screening, formal and informal classroom assessments, observations, and records review(s) including educational, medical, psychological records provided by the parents, are listed here with the date that each assessment was completed. Individual assessment reports should be available to meeting participants to read as needed.

   Results of the vision/hearing screening conducted within the current school year may be used. Rescreening is not necessary unless the student failed the screening or the dates of screening are earlier than the current calendar year.
2. **Synthesis of Test Data**: The assessor, in collaboration with other designated personnel, completes this section of the report before the meeting by synthesizing the information drawn from the individual assessment reports and related services reports. The synthesis is a summary of the data necessary to address the eligibility questions (e.g., information and data from formal and informal assessments, observations, parent information school-wide testing, grades, curriculum-based assessment). The synthesis presents the facts from which conclusions may be drawn and relates the findings to educational performance.

3. **Information from Parents/Guardians/Students** ([DoDM 1342.12](https://dodea.edu/) E4 S4 a-b, p 26): Parent and/or student information obtained during pre-referral activities and the assessment process is entered into this section of the report before the meeting. Additional information and comments are written in this section during the meeting.

4. **Information from Other Sources**: This section includes information, if any, that was not previously reported.

5. **Reaching the Decision**: All components of the evaluation are considered when determining whether the student has or continues to have a particular category of disability that adversely affects academic achievement or developmental or functional performance. Following a review and discussion of assessment results, the CSC answers the questions specified for each suspected area of disability. This process is the basis for the team decision, which is clearly articulated and documented in the meeting minutes.
   a. **Eligible**: If the CSC determines that the student meets the stated criteria, the CSC proceeds with the remaining sections of the eligibility report identifying strengths, area(s) impacted, educational need(s), and present level of academic achievement and functional performance. Present level of academic achievement and developmental and functional performance are required for each area that has been assessed.
   b. **Ineligible**: If the student is found ineligible, the referral and assessment process ends. The student continues in general education.

6. **Areas Impacted**: List the broad educational area(s) adversely impacted by the student's disability and related developmental and functional needs as determined by the data in the eligibility report.

7. **Educational Needs**: List the specific educational needs within the broad areas noted in the eligibility report.

8. **Present Level of Academic Achievement and Functional Performance (PLAAFP)**.
   a. The PLAAFP is a statement of the student’s current strengths and weaknesses, including description of how the student’s disability affects his or her involvement and progress in the general education curriculum and school setting.
   b. The PLAAFP is written in terms that are observable and measurable.

9. **Related Services**: This section is a listing of the related services that the student needs in order to benefit from special education. See Chapter 6 for a discussion of related services.

10. **Prior Written Notice (PWN)**. PWN outlining the DoDEA proposal regarding eligibility is provided to the parent. See Chapter 2 for a discussion of PWN.

**Guide to Determination of Educational Impact**
Educational impact is a key element for determination of eligibility for special education services. Documentation that a disability(ies) adversely affects academic achievement, developmental performance, and/or functional performance in the general education curriculum and setting is required. Adverse educational impact may manifest differently for each type of disability as well as at different age/grade levels and/or different educational experiences.
The term “educational performance” is used in all of the definitions for eligibility. As used in this guide, educational performance is a term referring to how a student functions in the educational setting. It may or may not require academic achievement testing as noted within each category. Multidisciplinary assessment should be collected to substantiate an adverse impact on educational performance.

The CSC must incorporate a variety of data in understanding student learning, performance, and/or behavior across settings for the determination of adverse educational impact. It is essential to consider information provided from a wide variety of sources (e.g. teachers, parents, related services, assessment results) to respond to the questions in in the Educational Impact Analysis Guide.

See the following reference documents at the end of this chapter:

- Educational Impact Analysis Guide;
- Predicted Scores for Adaptive Behavior and Academic Achievement based upon Full Scale Cognitive Ability (IQ); and
- Chart for Developmental Delay Reference.

Eligibility

DoDM 1342.12 E4 S7 a6 (a-c) p 30 and E9 p 80-82

The following categories of disabilities may serve as a basis for an eligibility determination if by reason of one of the following disabilities the child needs special education and related services.

Areas of Disability

1. **AUTISM SPECTRUM DISORDER.** A developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically, but not necessarily, manifested before age three. Autism may include autism spectrum disorders such as, but not limited to, autistic disorder; pervasive developmental disorder not otherwise specified; and Asperger’s syndrome. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance.

2. **DEAFNESS.** A hearing loss or deficit so severe that it impairs a student’s ability to process linguistic information through hearing, with or without amplification, and affects the student’s educational performance adversely.

3. **DEAF-BLINDNESS.** A combination of hearing and visual impairments causing such severe communication, developmental, and educational needs that the student cannot be accommodated in programs specifically for student with deafness or student with blindness.

4. **DEVELOPMENTAL DELAY.** A child three through seven (or any subset of that age range, including ages 3 through 5) who is experiencing developmental delays as defined for infants and toddlers in Enclosure 3 of DoDM 1342.12 as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who by reason thereof, needs special education and related services. A child determined to have a developmental delay before the age of 7 may maintain that eligibility through age 9.

5. **EMOTIONAL DISTURBANCE.** A condition confirmed by clinical evaluation and diagnosis and that, over a long period of time and to a marked degree, adversely affects educational performance and exhibits one or more of the following characteristics: (a). Inability to learn that cannot be explained by intellectual, sensory, or health factors; (b). Inability to build or maintain satisfactory interpersonal
relationships with peers and teachers; (c) Inappropriate types of behavior or feelings under normal circumstances; (d) A tendency to develop physical symptoms or fears associated with personal or school problems; (e) A general pervasive mood of unhappiness or depression. Includes students who are schizophrenic, but does not include students who are socially maladjusted, unless it is determined they are emotionally disturbed.

6. **HEARING IMPAIRMENT.** An impairment in hearing, whether permanent or fluctuating, that adversely affects a student’s educational performance, but is not included under the definition of deafness.

7. **INTELLECTUAL DISABILITY.** Significantly below-average general intellectual functioning, existing concurrently with deficits in adaptive behavior. This type of disability is manifested during the developmental period and adversely affects a student’s educational performance.

8. **ORTHOPEDIC IMPAIRMENT.** A severe orthopedic impairment that adversely affects a student’s educational performance. That term includes congenital impairments such as club foot or absence of some member; impairments caused by disease, such as poliomyelitis and bone tuberculosis; and impairments from other causes such as cerebral palsy, amputations, and fractures or burns causing contractures.

9. **OTHER HEALTH IMPAIRMENTS.** Limited strength, vitality, or alertness including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems and that adversely affects a student’s educational performance. Such impairments may include, but are not necessarily limited to, attention deficit disorder, attention deficit hyperactivity disorder, heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, seizure disorder, lead poisoning, leukemia, or diabetes.

10. **SPECIFIC LEARNING DISABILITY.** A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. This term includes such conditions as, recognizing that they may have been otherwise labeled with terms such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic differences.

11. **SPEECH OR LANGUAGE IMPAIRMENTS.** A communication disorder such as stuttering; impaired articulation; limited, impaired or delayed capacity to use expressive and/or receptive language; or a voice impairment that adversely affects a child’s educational performance.

12. **TRAUMATIC BRAIN INJURY.** An acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment (or both) that adversely affects educational performance. Includes open or closed head injuries resulting in impairments in one or more areas including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries that are induced by birth trauma.

13. **VISUAL IMPAIRMENT, INCLUDING BLINDNESS.** An impairment of vision that, even with correction, adversely affects a student’s educational performance. Term includes both partial sight and blindness.

14. **MULTIPLE DISABILITIES.** Concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness, which is set forth as its own type of disability.

See [Areas of Disability Quick Reference Chart](#) at the end of this chapter.
Autism Spectrum Disorder Eligibility Guide
A developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically but not necessarily manifested before age 3. Autism may include autism spectrum disorders such as but not limited to autistic disorder; pervasive developmental disorder not otherwise specified; and Asperger’s syndrome. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance.

Required Assessments
Observation; Review of existing school educational and health records; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards, etc. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g. medical, developmental history, cognitive, language).

Criteria
There is documentation of an Autism Spectrum Disorder. Autism Spectrum Disorder may include the following characteristics across multiple contexts:

- Impairments in social interaction, such as marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction; failure to develop peer relationships appropriate to developmental level (i.e., such as greeting and sharing information in a manner that is appropriate for the social context); a lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (i.e., by a lack of showing, bringing, or pointing out objects of interest); or lack of social or emotional reciprocity are noted (i.e. abnormal social approach and failure of normal back and forth conversation);

- Restricted, repetitive and stereotyped patterns of behavior, interests, and activities such as encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus, apparently inflexible adherence to specific, nonfunctional routines or rituals, (i.e., difficulties adjusting behavior to suit various social contexts), stereotyped and repetitive motor mannerisms, persistent preoccupation with parts of objects.

- Impairments in communication, such as delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime). In individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others, stated, stereotyped and repetitive use of language or idiosyncratic language (i.e., difficulties with understanding what is not explicitly stated, utilizing communication for social purposes, changing communication to match situational context, or following conversational rules), or lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level is noted.
The CSC will identify the specific characteristics that exemplify the above criteria;

**AND**

- Due to the identified Autism, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.

**AND**

- The student's educational performance is not adversely affected primarily because the student has an emotional disturbance.
Deafness Eligibility Guide
"Deafness" means a hearing loss or deficit so severe that it impairs a student’s ability to process linguistic information through hearing, with or without amplification, and affects the student’s educational performance adversely.

The CSC must gather the necessary information to meet the eligibility criteria.

**Required Assessments**
Observation; review of existing school educational and health records; Recent Audiology Report; Hearing – Functional Assessment; Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards, etc. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical, developmental history, cognitive, language); educational impact analysis.

**Criteria**
There is documentation of Deafness.

The student has (check all that apply):

- □ a bilateral hearing loss (sensorineural, or mixed conductive and sensorineural),
- □ a fluctuating or a permanent hearing loss,
- □ documented auditory dyssynchrony (auditory neuropathy), and/or cortical deafness

Describe:

**AND**

- Due to the identified Deafness, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Deaf-blindness Eligibility Guide
"Deaf-blindness" means a combination of hearing and visual impairments causing such severe communication, developmental, and educational needs that the student cannot be accommodated in programs specifically for students with deafness or students with blindness.

**Required Assessments**
Observation; review of existing school educational and health records; Hearing – Functional Assessment; Vision – Functional Assessment; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

**Recommended Assessments to assist the CSC to meet eligibility criteria**
Formal and/or informal measures of academic achievement supported by teacher reports, achievement test scores, report cards. Formal or informal communication assessment; learning media assessment. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical, developmental history, cognitive, language).

**Criteria**
There is documentation of Deaf-blindness. Complete:

- Visual Impairment including Blindness Worksheet  
  AND  
- Deafness or Hearing Impairment Worksheet  
  AND  
- The combination of the hearing and visual impairments causes such severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for students with deafness or students with blindness.
Developmental Delay Eligibility Guide

"Developmental Delay" means a child three through seven (or any subset of that age range, including ages 3 through 5) who is experiencing developmental delays as defined for infants and toddlers in Enclosure 3 of DoDM 1342.12 as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who by reason thereof, needs special education and related services. A child determined to have a developmental delay before the age of 7 may maintain that eligibility through age 9.

**Required Assessments**

Observation; review of existing school educational and health records; individually administered developmental inventories in any of the identified developmental areas of concern: Physical Development; Communication Development; Cognitive Development; Social/Emotional Development; Adaptive/Self-Help Development; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

**Recommended Assessments to assist the CSC to meet eligibility criteria**

After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical), educational impact statement.

AND

There is documentation of a Developmental Delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas (check all that apply):

- [ ] Physical Development
- [ ] Communication Development
- [ ] Social or Emotional Development
- [ ] Cognitive Development
- [ ] Adaptive Development

**EVIDENCE OF THE PRESENCE OF A SIGNIFICANT DELAY IN DEVELOPMENT**

**Criteria**

- If the assessments used quantify achievement using standard deviations, one of the following criteria must be met
  - 2 standard deviations below the mean in one developmental area; or
  - 1.5 standard deviations below the mean in two or more developmental areas.

- If the assessments used quantify achievement yielding age equivalencies, one of the following criteria must be met.
  - 25% delay in one developmental area; or
  - 20% delay in two or more developmental areas.

AND

- The delay(s) is not primarily a result of cultural factors, environmental or economic disadvantage, or limited English proficiency.

AND

- The presence of one or more documented characteristics of the delay has an adverse effect on educational performance and makes it necessary for the student to have specially designed instruction to access and make progress in the general educational activities for this age group.
Emotional Impairment Eligibility Guide
"Emotional Impairment" means condition confirmed by clinical evaluation and diagnosis and that, over a long period of time and to a marked degree, adversely affects educational performance and exhibits one or more of the following characteristics:

a) Inability to learn that cannot be explained by intellectual, sensory, or health factors.
b) Inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
c) Inappropriate types of behavior or feelings under normal circumstances.
d) A general pervasive mood of unhappiness or depression.
e) A tendency to develop physical symptoms or fears associated with personal or school problems.
f) Includes students who are schizophrenic, but does not include students who are socially maladjusted, unless it is determined they are emotionally impaired.

Required Assessments
Observation; review of existing school educational and health record and a social maturity index or behavior rating scales, clinical evaluation and diagnosis (within three years; not required for triennial); educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g. developmental history, cognitive, academic, language).

Criteria
There is documentation of an Emotional Impairment. One or more of the following characteristics, exhibited over a long period of time and to a marked degree* (check all that apply):

☐ An inability to learn that cannot be explained by intellectual, sensory, or health factors;
☐ An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
☐ Inappropriate types of behavior or feelings under normal circumstances;
☐ A general pervasive mood of unhappiness or depression; or
☐ A tendency to develop physical symptoms or fears associated with personal or school problems.
☐ Includes students who are schizophrenic, but does not include students who are socially maladjusted, unless it is determined they are emotionally impaired.

The CSC will list and/or describe:

AND

• Due to the identified Emotional Impairment, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.

*This is the limiting factor that reflects the need for maladaptive behaviors associated with one or more of the characteristics to be demonstrated over a long period of time. Such evidence is needed to help the CSC rule out a number of temporary adjustment reactions such as developmental changes (e.g., puberty) or normal reactions to psychosocial stressors (e.g., moves, family problems, and separations from or death of a loved one). Marked degree means the student’s negative behaviors must be observable and acute, and they must produce significant distress either to the student or to others in his or her environment. The demonstrated behaviors must be the result of the identified emotional condition.
Hearing Impairment Eligibility Guide
"Hearing impairment" means impairment in hearing, whether permanent or fluctuating, that adversely affects a student’s educational performance, but is not included under the definition of deafness.

Required Assessments
Observation; review of existing school educational and health records; recent audiology report; Hearing – Functional Assessment; and formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards, etc., formal or informal language assessment; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g. medical, developmental history, cognitive).

Criteria
There is documentation of a Hearing Impairment. Characteristics include (check all that apply):

☐ unilateral hearing loss (conductive, sensorineural, or mixed), or
☐ bilateral hearing loss (conductive, sensorineural, or mixed), or
☐ a fluctuating or permanent hearing loss, and/or
☐ auditory dyssynchrony (auditory neuropathy)
☐ other: ____________________________________________

AND

• There is documentation of an adverse effect on educational performance due to the Hearing Impairment.

AND

• Due to the identified Hearing Impairment, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Intellectual Disability Eligibility Guide
"Intellectual disability" means significantly below-average general intellectual functioning, existing concurrently with deficits in adaptive behavior. This disability is manifested during the developmental period and adversely affects a student’s educational performance.

Required Assessments
Observation; review of existing school educational and health records; Individually administered achievement tests in reading, math and/or language arts; an individually administered intelligence test; measure of adaptive behavior; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Criteria
Significantly impaired intellectual and adaptive behavior functioning (must be present concurrently):

- Significantly impaired intellectual functioning: At least 2.0 standard deviations below the mean, on an individually administered, standardized measure of intellectual functioning with consideration given to the standard error of measurement for the assessment. The CSC will identify the standardized instrument used and the score results.
- Significantly impaired adaptive behavior: deficits commensurate with estimated level of functioning based upon intellectual ability in one or more of the three areas of adaptive behavior. The following skills represent the three areas of adaptive behavior:
  - **Conceptual Skills** - language and literacy, money, time, and number concepts;
  - **Social Skills** - interpersonal skills, social responsibility, self-esteem, gullibility, social problem solving, and the ability to follow rules, obey laws, and avoid being victimized
  - **Practical Skills** - activities of daily living, occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use of the telephone.
  The CSC will identify the standardized instrument used and the score results.

There is an identified developmental history (ages birth through 18) that indicates significant impairment in intellectual functioning and a current demonstration of a significant impairment is present.

AND

- Due to the identified Intellectual Disability, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Orthopedic Impairment Eligibility Guide

“Orthopedic Impairment” means a severe orthopedic impairment that adversely affects a student’s educational performance. This term includes congenital impairments such as club foot or absence of some member; impairments caused by disease, such as poliomyelitis and bone tuberculosis; and impairments from other causes such as cerebral palsy, amputations, and fractures or burns causing contractures.

Required Assessments
Observation; review of existing school educational and health records; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards, etc. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical, developmental history, cognitive, language).

Criteria
There is documentation of an Orthopedic Impairment (check all that apply):

☐ Congenital anomaly

☐ Impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.)

☐ Impairments from other causes

The CSC will list and/or describe:

AND

• Due to the identified Orthopedic Impairment, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Other Health Impairment Eligibility Guide

"Other Health Impairment" means limited strength, vitality, or alertness including a heightened alertness to environmental stimuli that result in limited alertness, with respect to the educational environment, that is due to chronic or acute health problems and that adversely affects a student’s educational performance. Such impairments may include, but are not necessarily limited to, attention deficit disorder, attention deficit hyperactivity disorder, heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, seizure disorder, lead poisoning, leukemia, or diabetes.

Required Assessments
Observation; review of existing school educational and health records; for ADHD, a social maturity index or behavior rating scales; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards, etc. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g. medical, developmental history, cognitive, language).

Criteria
There is documentation of an identified Other Health Impairment and it impacts the student in the area of (check all that apply):

☐ Strength (physical energy and endurance level in school)
☐ Vitality (emotional and mental energy and endurance level in school)
☐ Alertness (including heightened alertness to environmental stimuli, which result in limited alertness with respect to the educational environment)

Indicate chronic or acute health condition:

| ☐ Asthma | ☐ Diabetes | ☐ Attention deficit disorder or attention deficit hyperactivity disorder |
| ☐ Hemophilia | ☐ Nephritis | ☐ Heart condition |
| ☐ Tourette syndrome | | ☐ Lead poisoning |
| ☐ Epilepsy | ☐ Rheumatic fever | ☐ Leukemia |
| | | ☐ Sickle cell anemia |

☐ Other (describe):

The CSC will list and/or describe the identified impairment and areas of impact.

AND

• Due to the identified Other Health Impairment, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe the effect on educational performance.
Specific Learning Disability Eligibility Guide

“Specific Learning Disability” means a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. That term includes such conditions, recognizing that they may have been otherwise labeled with terms such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic differences.

Required Assessments
Observation; review of existing school educational and health records; Individually administered achievement tests in reading, math and/or written language; an individually administered assessment in the area of processing; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical, developmental history, cognitive, language).

Criteria
The student demonstrates significant processing deficits in the presence of comparable strengths and/or intact abilities in other processing areas.

AND
• The student does not achieve adequately for the student’s age or to meet grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student’s age or grade-level standards (check all that apply):
  ☐ Mathematics Calculations
  ☐ Mathematics Problem Solving
  ☐ Oral Expression
  ☐ Reading Fluency Skills
  ☐ Listening Comprehension
  ☐ Reading Comprehension
  ☐ Written Expression
  ☐ Basic Reading Skills

AND
• The student does not make sufficient progress to meet age or grade level standards through the use of research based interventions, and/or
• The student exhibits a pattern of strengths and weaknesses in educational performance, achievement or both relative to age, grade-level standards, or intellectual development.

AND
The student’s learning problems are not primarily the result of:

• a visual, hearing, or motor impairment
• an intellectual disability
• an emotional disability
• cultural factors, an environmental or economic disadvantage, or
• limited English proficiency.

AND
• Due to the identified Specific Learning Disability, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Speech-Language Impairment Eligibility Guide
“Speech-Language Impairment” means a communication disorder such as stuttering; impaired articulation; limited, impaired or delayed capacity to use expressive and/or receptive language; or a voice impairment that adversely affects a student’s educational analysis.

Required Assessments
Observation; review of existing school educational and health records; Formal and informal assessment of language including an analysis of receptive and expressive semantics, morphology/syntax, pragmatics, phonology, articulation, fluency; and/or voice; educational impact statement. For voice evaluation, a medical evaluation is required.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g. medical, developmental history, cognitive).

Criteria
There is documentation of a significant discrepancy or difference from typical communication skills in one of the areas below (check all that apply):

- Fluency
  - 3 or more dysfluencies per minute or greater than 10% dysfluencies in a language sample of 100 words
- Receptive, expressive and/or pragmatic language
  - At or below the 10th percentile or a standard score of 80
- Articulation/phonology
  - A standard score of 80 (+/- SEM) or 8 to 10th percentile on a test articulation/phonology; or using developmental charts student exhibits:
    - 6 or more phoneme errors (child under 8 yrs)
    - 1 or more phoneme errors (child 8 yrs or older) or
    - an error rate of 25% or greater for age-appropriate phonemes in a conversation sample of at least 100 words
- Voice
  - Presence of a voice disorder of pitch, intensity, resonance, duration and/or quality which is inappropriate for chronological age or gender

The CSC will list and/or describe.

AND

- The student does not demonstrate Limited English Proficiency and/or is not a speaker of a sociocultural dialect that is the primary reason for the speech-language impairment.

AND

- Due to the identified Speech-Language Impairment, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Traumatic Brain Injury Eligibility Guide
"Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment (or both) that adversely affects educational performance. Includes open or closed head injuries resulting in impairments in one or more areas including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries that are induced by birth trauma.

Required Assessments
Observation; review of existing school educational and health records; medical documentation of brain injury; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

Recommended Assessments to assist the CSC to meet eligibility criteria
Cognitive and informational processing assessments; Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards; after review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical, developmental history, cognitive, language).

Criteria
There is documentation of a Traumatic Brain Injury.

- The CSC will list and/or describe.

AND

- There is documentation of impairments in one or more areas including (check all that apply):

<table>
<thead>
<tr>
<th>☐ Cognition</th>
<th>☐ Judgment</th>
<th>☐ Attention</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Abstract thinking</td>
<td>☐ Information processing</td>
<td>☐ Speech</td>
</tr>
<tr>
<td>☐ Physical functions</td>
<td>☐ Motor abilities</td>
<td>☐ Sensory</td>
</tr>
<tr>
<td>☐ Perceptual</td>
<td>☐ Memory</td>
<td>☐ Reasoning</td>
</tr>
<tr>
<td>☐ Language</td>
<td>☐ Problem-solving</td>
<td>☐ Psychosocial behavior</td>
</tr>
</tbody>
</table>

AND

- The brain injury is not congenital, degenerative, or induced by birth trauma.

AND

- Due to the identified Traumatic Brain Injury, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Visual Impairment including Blindness Eligibility Guide

“Visual Impairment including Blindness” is an impairment of vision that, even with correction, adversely affects a student’s educational performance. Term includes both partial sight and blindness.

**Required Assessments**
Observation; review of existing school educational and health records; current Ophthalmology Report; Functional and Vision Assessment; Orientation Mobility Assessment; educational impact analysis.

The CSC must gather the necessary information to meet the eligibility criteria.

**Recommended Assessments to assist the CSC to meet eligibility criteria**
Formal and/or informal measures of academic achievement supported by teacher reports, group achievement test scores, report cards, learning media assessment, etc. After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g., medical, developmental history, cognitive, language).

**Criteria**
There is documentation of a visual impairment (check all that apply):

- ☐ A student with blindness has (check all that apply):
  - ☐ Visual acuity in the better eye with best possible correction of 20/200 or less at distance or near; or
  - ☐ Visual field restriction in the better eye of remaining visual field of 20 degrees or less.

- ☐ A student with a visual impairment demonstrates the following (check all that apply):
  - ☐ Visual acuity better than 20/200 but worse than 20/70 at distance and/or near; or
  - ☐ Visual field restriction in the better eye of remaining visual field of 70 degrees or less but better than 20 degrees.

The CSC will list and/or describe.

**AND/OR**

The student has any of the conditions, which may in the future, have an adverse effect on educational performance, or a functional vision loss where field and acuity deficits alone may not meet the aforementioned criteria (check all that apply).

- Oculomotor apraxia
- Cortical visual impairment
- A progressive loss of vision
- Other: ____________________________

The CSC will list and/or describe.

**AND**

- Due to the identified Visual Impairment including Blindness, the student is educationally impacted and requires specially designed instruction. The CSC will list and/or describe.
Multiple Disabilities Eligibility Guide
(Students with Severe/Profound Disabilities)

"Multiple disabilities" means concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment); the combination of which causes such severe* educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness, which is set forth as its own type of disability.

**Required Assessments**
Observation; review of existing school educational and health records; educational impact analysis.

**The CSC must gather the necessary information to meet the eligibility criteria.**

**Recommended Assessments to assist the CSC to meet eligibility criteria**
After review of all records, the CSC determines if there is a need to obtain additional assessments (e.g. medical, developmental history, cognitive, language).

**Criteria**
There is documentation of severe multiple disabilities. Simultaneous impairments (such as intellectual disability with blindness, intellectual disability with orthopedic impairment) are present and individual specific disability eligibility criteria worksheets are used as a guide.

AND

- There is documentation that the combination of impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.

AND

- The student does not have deaf-blindness.

* Students with severe to profound general learning disabilities are likely to be severely impaired in their functioning in respect of a basic awareness and understanding of themselves, of the people around them.
Re-evaluation For Eligibility – (Triennial Re-evaluation)
DoDM 1342.12 E4 S17c p45

IDEA requires that a student with a disability be reevaluated every three years or more frequently, if conditions warrant, determining if the student continues to have a disability and continues to require special education and related services. The emphasis of the reevaluation is to measure the effectiveness of services and to determine future programming needs. The reevaluation is an opportunity to critically examine the effectiveness of the student’s individual education program and current educational environment. It also affords a time to evaluate the student’s progress, instructional needs, placement in the least restrictive environment, and long term goals. The scope and nature of the reevaluation shall be determined individually, based upon the student’s performance, behavior, needs, and history. The reevaluation will be determined at an assessment planning meeting.

Assessment Requirements for Re-evaluation

The reevaluation process begins with a review of existing data, including a thorough review of previous evaluations, information provided by the current classroom teacher, observations, reports from service providers (including related service providers), and information provided by the parents. Not all of the assessments required for an initial eligibility determination need to be re-administered at the time of reevaluation as long as the CSC can document information about the student’s performance through other means. Examples of documentation include quarterly progress reports and report card grades, classroom performance including chapter and end-of-unit tests, scores on system-wide assessments and mastery of IEP goals (and objectives).

To determine which areas require assessment, the CSC should conduct a thorough review of previous assessments and consider ongoing informal and formal assessments over the last three years or from the last eligibility determination. Data on the student’s progress toward mastery of goals (and objectives) from year to year can be an indicator to assist the CSC in determining whether the student would continue to require services. Consideration should also be given to the frequency and intensity of accommodations, modifications and specialized instruction that have been provided for progress in the general education curriculum. When addressing reevaluation, the CSC considers whether the student continues to have a disability that adversely impacts educational performance. Depending upon the type of disability, the CSC would determine if specific pieces of data would be required to answer each of the following questions:

1. Does the student’s present levels of academic achievement and functional performance and educational need(s) document the need for continued services?
2. What additions or modifications to the special education and related services program are needed to enable the student to meet IEP annual goals and to participate, as appropriate, in the general education curriculum? Does the student continue to be “a student with a disability”?
3. Does the student continue to require special education and related services?

If the CSC determines there is a need for additional data to answer the above questions, then an assessment plan is developed and parent permission to conduct the evaluation is obtained. The school is to make every effort to obtain parental consent to complete the evaluation. However, if the parent does not provide consent or fails to respond to a request for consent for a reevaluation, and the school can demonstrate through documentation its reasonable efforts to obtain parental consent, the school can notify the parent via PWN that DoDEA is moving forward with the reevaluation.
If the CSC determines that no additional data are needed to determine if the student continues to have a disability and require special education services, the parents must be contacted and informed of the committee’s decision through PWN. The parents have the right to request an assessment, and the CSC must honor this request.

If the CSC suspects a disability other than the one in which the student was originally found eligible for special education and related services, the CSC must develop an assessment plan that addresses all assessment procedures required for eligibility under the suspected disability.
Chapter 5: Reference Documents
### Areas of Disability Quick Reference Chart

<table>
<thead>
<tr>
<th>DISABILITY</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUTISM SPECTRUM DISORDER</td>
<td>A developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a student’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically, but not necessarily, manifested before age three. Autism may include autism spectrum disorders such as, but not limited to, autistic disorder; pervasive developmental disorder not otherwise specified; and Asperger’s syndrome. The term does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional disturbance.</td>
</tr>
<tr>
<td>DEAFNESS</td>
<td>A hearing loss or deficit so severe that it impairs a student’s ability to process linguistic information through hearing, with or without amplification, and affects the student’s educational performance adversely.</td>
</tr>
<tr>
<td>DEAF-BLINDNESS</td>
<td>A combination of hearing and visual impairments causing such severe communication, developmental, and educational needs that the student cannot be accommodated in programs specifically for student with deafness or student with blindness.</td>
</tr>
<tr>
<td>DEVELOPMENTAL DELAY</td>
<td>A significant discrepancy, as defined and measured in accordance with this Enclosure 3 of <a href="#">DoDM 1342.12</a> and confirmed by clinical observation and judgment, in the actual functioning of a student, birth through age seven, or any subset of that age range including ages three through five, when compared with the functioning of a non-disabled student of the same chronological age in any of the following developmental areas: physical, cognitive, communication, social or emotional, or adaptive development. A student determined to have a developmental delay before the age of seven may maintain that eligibility through age nine.</td>
</tr>
<tr>
<td>EMOTIONAL DISTURBANCE</td>
<td>A condition confirmed by clinical evaluation and diagnosis and that, over a long period of time and to a marked degree, adversely affects educational performance and exhibits one or more of the following characteristics: (a). Inability to learn that cannot be explained by intellectual, sensory, or health factors; (b). Inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c). Inappropriate types of behavior or feelings under normal circumstances; (d). A tendency to develop physical symptoms or fears associated with personal or school problems; (e). A general pervasive mood of unhappiness or depression. Includes students who are schizophrenic, but does not include students who are socially maladjusted, unless it is determined they are emotionally disturbed.</td>
</tr>
<tr>
<td>HEARING IMPAIRMENT</td>
<td>An impairment in hearing, whether permanent or fluctuating, that adversely affects a student’s educational performance, but is not included under the definition of deafness.</td>
</tr>
<tr>
<td>INTELLECTUAL DISABILITY</td>
<td>Significantly below-average general intellectual functioning, existing concurrently with deficits in adaptive behavior. This type of disability is manifested during the developmental period and adversely affects a student’s educational performance.</td>
</tr>
<tr>
<td>ORTHOPEDIC IMPAIRMENT</td>
<td>A severe orthopedic impairment that adversely affects a student’s educational performance. That term includes congenital impairments such as club foot or absence of some member; impairments caused by disease, such as poliomyelitis and bone tuberculosis; and impairments from other causes such as cerebral palsy, amputations, and fractures or burns causing contractures.</td>
</tr>
<tr>
<td>OTHER HEALTH IMPAIRMENTS</td>
<td>Limited strength, vitality, or alertness including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems and that adversely affects a student’s educational performance. Such impairments may include, but are not necessarily limited to, attention deficit disorder, attention deficit hyperactivity disorder, heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, seizure disorder, lead poisoning, leukemia, or diabetes.</td>
</tr>
<tr>
<td>DISABILITY</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>SPECIFIC LEARNING DISABILITY</td>
<td>A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. This term includes such conditions as, recognizing that they may have been otherwise labeled with terms such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic differences.</td>
</tr>
<tr>
<td>SPEECH LANGUAGE IMPAIRMENT</td>
<td>A communication disorder such as stuttering; impaired articulation; limited, impaired or delayed capacity to use expressive and/or receptive language; or a voice impairment that adversely affects a child’s educational performance.</td>
</tr>
<tr>
<td>TRAUMATIC BRAIN INJURY</td>
<td>An acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment (or both) that adversely affects educational performance. Includes open or closed head injuries resulting in impairments in one or more areas including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries that are induced by birth trauma.</td>
</tr>
<tr>
<td>VISUAL IMPAIRMENT, INCLUDING BLINDNESS</td>
<td>An impairment of vision that, even with correction, adversely affects a student’s educational performance. Term includes both partial sight and blindness.</td>
</tr>
<tr>
<td>MULTIPLE DISABILITIES</td>
<td>Concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness, which is set forth as its own type of disability.</td>
</tr>
<tr>
<td>Educational Impact Analysis Guide</td>
<td></td>
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<tr>
<td>-----------------------------------</td>
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</tr>
<tr>
<td><strong>What are the student's strengths as they relate to each of the following areas?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Reading:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Math:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Language Arts/Writing:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Content subjects (e.g. Science, Social Studies):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Art/Music/Physical Education/Non-core Academic classes:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>What challenges does the student demonstrate in performance or skills necessary for the success in the assignments and activities their classes?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Do the student's current ratings on work in the class (i.e. grades) represent considerations of a modified curriculum or accommodations? If modifications/accommodations are necessary, explain:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Can the student perform and complete classroom activities independently? If not – what degree of assistance or support is likely to be necessary to help this student be more successful and independent? If it varies by task, please explain what is needed to support specific types of tasks.</strong></td>
<td></td>
</tr>
</tbody>
</table>
Identify any of the following behavioral concerns and the frequency and intensity with which they are demonstrated. For each area, describe what it looks like:

**Transitions between activities:**

**Homework/assignment completion:**

**Ability to accept criticism/correction:**

**Ability to cope with frustration (e.g. level of task difficulty, wait-time, taking turns):**

**Social skills/interactions with peers or adults:**

**Participation in classroom activities:**

Does the student demonstrate inconsistencies or problems with regular school attendance and/or tardiness to class? ☐ Yes | ☐ No

Additional comments that may be helpful in understanding this student’s educational performance:

Form Completed By: (Last Name, First Name, Middle Initial)  
Date:
Predicted Scores for Adaptive Behavior and Academic Achievement based upon Full Scale Cognitive Ability (IQ)

<table>
<thead>
<tr>
<th>Obtained IQ Score or Full Scale Cognitive Score (X)</th>
<th>( r_{xy} = .45 ) Predicted Score for Adaptive Behavior (( Y^1 ))</th>
<th>( r_{xy} = .60 ) Predicted Score for Academic Achievement (( Y^2 ))</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>87</td>
<td>82</td>
</tr>
<tr>
<td>69</td>
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<td>71</td>
</tr>
<tr>
<td>51</td>
<td>78</td>
<td>71</td>
</tr>
<tr>
<td>Actual Chronological Age</td>
<td>Age Equivalent with 20% delay</td>
<td>Age Equivalent with 25% delay</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>2 yrs. 6 mos (30 mos)</td>
<td>24.0 mos</td>
<td>22.5 mos</td>
</tr>
<tr>
<td>2 yrs. 7 mos (31 mos)</td>
<td>24.8 mos</td>
<td>23.25 mos</td>
</tr>
<tr>
<td>2 yrs. 8 mos (32 mos)</td>
<td>25.6 mos</td>
<td>24.0 mos</td>
</tr>
<tr>
<td>2 yrs. 9 mos (33 mos)</td>
<td>26.4 mos</td>
<td>24.75 mos</td>
</tr>
<tr>
<td>2 yrs. 10 mos (34 mos)</td>
<td>27.2 mos</td>
<td>25.5 mos</td>
</tr>
<tr>
<td>2 yrs. 11 mos (35 mos)</td>
<td>28.0 mos</td>
<td>26.25 mos</td>
</tr>
<tr>
<td>3 yrs. 0 mos (36 mos)</td>
<td>28.8 mos</td>
<td>27.0 mos</td>
</tr>
<tr>
<td>3 yrs. 1 mos (37 mos)</td>
<td>29.6 mos</td>
<td>27.75 mos</td>
</tr>
<tr>
<td>3 yrs. 2 mos (38 mos)</td>
<td>30.4 mos</td>
<td>28.5 mos</td>
</tr>
<tr>
<td>3 yrs. 3 mos (39 mos)</td>
<td>31.2 mos</td>
<td>29.25 mos</td>
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<tr>
<td>3 yrs. 4 mos (40 mos)</td>
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<td>30.0 mos</td>
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<td>3 yrs. 7 mos (43 mos)</td>
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<td>3 yrs. 8 mos (44 mos)</td>
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<td>34.5 mos</td>
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<td>35.25 mos</td>
</tr>
<tr>
<td>4 yrs. 0 mos (48 mos)</td>
<td>38.4 mos</td>
<td>36.0 mos</td>
</tr>
<tr>
<td>4 yrs. 1 mos (49 mos)</td>
<td>39.2 mos</td>
<td>36.75 mos</td>
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<tr>
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<td>37.5 mos</td>
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<tr>
<td>4 yrs. 3 mos (51 mos)</td>
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<td>38.25 mos</td>
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<tr>
<td>4 yrs. 4 mos (52 mos)</td>
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<td>39.0 mos</td>
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<tr>
<td>4 yrs. 5 mos (53 mos)</td>
<td>42.4 mos</td>
<td>39.75 mos</td>
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<tr>
<td>4 yrs. 6 mos (54 mos)</td>
<td>43.2 mos</td>
<td>40.5 mos</td>
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<tr>
<td>4 yrs. 7 mos (55 mos)</td>
<td>44.0 mos</td>
<td>41.25 mos</td>
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<tr>
<td>4 yrs. 8 mos (56 mos)</td>
<td>44.8 mos</td>
<td>42.0 mos</td>
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<tr>
<td>4 yrs. 9 mos (57 mos)</td>
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<tr>
<td>4 yrs. 10 mos (58 mos)</td>
<td>46.4 mos</td>
<td>43.5 mos</td>
</tr>
<tr>
<td>4 yrs. 11 mos (59 mos)</td>
<td>47.2 mos</td>
<td>44.25 mos</td>
</tr>
<tr>
<td>5 yrs. 0 mos (60 mos)</td>
<td>48.0 mos</td>
<td>45.0 mos</td>
</tr>
<tr>
<td>5 yrs. 1 mos (61 mos)</td>
<td>48.8 mos</td>
<td>45.75 mos</td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Actual Chronological Age</td>
<td>Age Equivalent with 20% delay</td>
<td>Age Equivalent with 25% delay</td>
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<tr>
<td>5 yrs. 4 mos (64 mos)</td>
<td>51.2 mos</td>
<td>48.0 mos</td>
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<tr>
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Chapter 6: Developing the IEP

An Individualized Education Program (IEP) must be written for each student with a disability requiring special education and related services. An IEP must be in effect at the beginning of each school year for each student with a disability eligible for special education and related services. A team as outlined under “Required CSC Participants at the IEP Development Meetings” below develops the IEP. The IEP defines the specially designed instruction, including related services, required for a student with a disability to succeed in his or her educational program. The IEP document is developed and implemented in accordance with the DoDM 1342.12.
Requirements
DoDM 1342.12 E4 S8, p 32-37

All requirements for developing the IEP, including the parent signature, must be satisfied before a student receives initial special education and related services. The IEP process requires the following:

1. An appropriately staffed meeting to develop the IEP to be held within ten days of the eligibility determination meeting
2. A written document (the IEP) of the decisions reached at the meeting
3. Written documentation of the team's rationale for the decisions and actions taken at the meeting (the meeting minutes/PWN).

The participants at the CSC meeting to develop the IEP shall include:

DoDM 1342.12 E4 S8, p 32-33

Required CSC Participants at the IEP Development Meetings
The meeting must include the following individuals:

1. An administrator or administrative designee. The administrative designee is assigned by the principal or assistant principal and reports back to the administrator on what occurs during the meeting. The administrative designee cannot be one of the student’s general education or special education teachers. This designee must be qualified to provide or supervise the provision of special education and knowledgeable about the general education curriculum and available resources. (An administrator or qualified administrative designee must attend all initial IEP meetings.)
2. At least one of the student's general education teachers if the child is, or may be, participating in the general education environment. At the secondary level, the teacher(s) who teach the subject(s) most likely to be impacted by the student’s disability should be invited to the meeting.
3. One or more special education teachers or providers who will be providing or are qualified to provide special education or related services to the student.
4. One or both of the student's parents or guardian.
5. A representative of the evaluation team who is knowledgeable about the evaluation procedures used and can interpret the instructional implications of the results of the evaluation. This person can be, but does not have to be, the special education teacher.
6. A member of the Early Intervention Services (EIS) if the student is transitioning from EIS.
7. The child, if appropriate (participation of secondary students is encouraged).
8. Translators or interpreters, if appropriate.
9. Additional persons at the discretion of the parents or the school, who have knowledge or special expertise regarding the child or the IDEA, including, but not limited to, related services personnel, if they have worked with or are expected to work with the student.
Initial IEP Meeting

An initial IEP meeting must be scheduled within 10 school days of the eligibility determination meeting. Before the meeting, each participant, including the parents, may develop draft goals and/or objectives for the student and, as appropriate, recommendations for accommodations and/or modifications based on a thorough examination of the assessment data and educational areas and needs that were identified in the eligibility determination meeting. However, final decisions are made at the IEP meeting.

1. The meeting is scheduled at a time mutually agreeable between parents and school personnel. Consideration is given to providing parents with sufficient notification time.
2. The invitation to the meeting must include the meeting time, place, purpose, participants, and contact information.
3. Draft goals (and objectives, if appropriate) are developed by the CSC Team and entered into the special education module of the Student Information System program. Parents are involved in the draft process and have the right to propose additions, modifications and deletions and/or raise questions about any aspect of the IEP. To provide parents with ample time to review and reflect on the proposed goals, draft goals may be sent home prior to the IEP meeting.
4. Final decisions regarding the IEP must be reserved for the IEP meeting.

Consecutive Eligibility and IEP Meetings Held on Same Day

On rare occasions, it may be appropriate to hold consecutive meetings on the same day for eligibility and IEP development for the convenience of the parents (deployment, PCS, etc.). Caution must be used when conducting consecutive meetings to ensure meaningful parent involvement (i.e. the opportunity to reflect on discussions and draft IEP components) and that all appropriate CSC members including the parent(s) are in attendance for the IEP development.

If the IEP meeting is held immediately following eligibility determination, the CSC must ensure the parents agree to that method and are active participants in the IEP development. The CSC must ensure there is no semblance of pre-determination of eligibility or services when conducting a consecutive eligibility and IEP meeting. Parents should be informed that they have the option of developing and finalizing an IEP at a separate meeting.

On these rare occasions, two separate invitations, two separate meetings with two separate minutes are required.

Individualized Education Program (IEP)

An IEP is a written document that is developed, reviewed, and revised at a meeting of the CSC, identifying the required components of the individualized education program for a student with a disability.

The CSC is to consider the strengths of the student; the concerns of the parent for enhancing their child’s education; the results of the initial or most recent evaluation; and the academic, developmental, and functional needs of the student. To do this, the CSC reviews all pertinent information available (e.g. results of the student’s academic and/or behavioral assessments, medical evaluations, classroom
performance, tests administered to determine eligibility for special education, and observations by teachers, parents, related service personnel and others). This information is utilized for various purposes, including to generate Present Levels of Academic Achievement and Functional Performance. Understanding the student’s current functioning level assists the team in developing specific goals to address the areas of identified educational need.

The development of the IEP focuses on:

1. Advancement toward the annual goals;
2. Access to and progress in the general education curricula;
3. Education and participation with non-disabled students.

IEP Components
DoDM 1342.12 E4 S8c, p 33-34

The CSC must include in the IEP:

1. A statement of the student’s present levels of academic achievement and functional performance, including a description of how the student’s disability affects involvement and progress in the general education curriculum or for preschool students how their disability affects participation in appropriate activities.
2. A statement of measurable annual goals, including academic and functional, designed to enable the student to be involved in and to progress in the general education curriculum. These must be designed also to meet each of the student’s other educational needs resulting from their disability. Benchmarks or short-term instructional objectives should be included for students who are participating in an alternate assessment.
3. Identification of special education, related services, and consultation that will be provided to enable the student to progress toward attaining the annual goals. This includes type of services, location of services, duration/frequency of services (e.g., weekly or monthly service time or number of sessions; for related services provided by EDIS number of sessions is required), start and end dates for services, and service provider(s).
4. Accommodations, modifications, and supports to be provided in general and special education. This component identifies accommodations, modifications, supports and/or supplementary aids, services, and adult support (e.g. supplemental instructional support aides) necessary for the student to access and progress in the general education curriculum and participate in extracurricular and other non-academic activities.
5. Justification for Least Restrictive Environment. This component provides an explanation of the least restrictive environment determination and the extent, if any, to which the student will not participate with non-disabled students in the general education classroom and in extracurricular and other non-academic activities. The continuum of options considered are documented in the CSC minutes.
6. Student Progress. This component indicates how the student’s progress toward annual goals will be measured and reported to parents. Unless otherwise specified in the IEP, progress reports are issued consistent with the school calendar for issuing interim reports and/or report cards.
7. System-wide Testing. This component includes a statement of any individualized appropriate accommodations necessary to measure the student’s academic achievement and functional performance on system-wide assessments. If the CSC determines that the student shall take an
alternate assessment of a particular system-wide assessment of student achievement (or part of an assessment), a statement is provided indicating why:
   a. the student cannot participate in the regular assessment and
   b. the particular alternate assessment selected is appropriate for the student.

8. Physical Education (PE): A statement of the PE services in which the child will participate, and any specially designed PE, if necessary. Each student with a disability must be afforded the opportunity to participate in the general education PE program available to non-disabled students unless the student is enrolled full-time in a separate facility or needs specially designed PE.

9. Transportation: This component of the IEP specifies transportation requirements, if any. Refer to Transportation.

10. Special Factors: This component specifies consideration of the following (DoDM1342.E 4 S8c7, p 34):
   a. Assistive technology devices and services for all students. Refer to Assistive Technology.
   b. Language needs for the student with limited English proficiency. Refer to Special Education Considerations: English Language Learners.
   c. Instruction in Braille and the use of Braille for a student who is blind or visually impaired unless the CSC determines, after evaluation of the child’s skills, that instruction in Braille or use of Braille is not appropriate. This evaluation will include consideration of the student’s future needs for instruction in Braille or the use of Braille.
   d. For a student whose behavior impedes his or her learning or that of others, Interventions, strategies, and supports including positive behavioral interventions and supports to address the behavior. Refer to Challenging Behaviors.
   e. Language and communication needs, including for a student who is deaf or has a hearing impairment, opportunities for direct communication with peers and professional personnel in the student’s language and communication mode for direct instruction and the full range of the student’s needs.

The IEP for secondary students must also contain:

DoDM 1342.12 E4 S8d, p 35

11. A statement indicating a graduation plan has been developed and indicating the type of plan in accordance with DoDEA Graduation Administrative Instruction (DoDEA A.I. 2000.1). A copy of the graduation plan should be kept in the special education confidential file.

12. Transition services are to be in place on the student’s IEP by the time the student will turn 16, or younger, if deemed appropriate. A transition assessment and plan must be completed for a 15-year-old student who will turn 16 during the duration of the IEP, even if the annual IEP has not yet expired. This transition services component is updated annually and outlines:
   a. Measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills.
   b. The transition services, including courses of study, needed to assist the student in reaching postsecondary goals.

13. Beginning at least one year before the student reaches the age of majority (18 years of age), a statement documenting that the student has been informed of these transferring rights. An exception exists for a student determined to be incompetent in accordance with applicable Federal and/or State laws.
Accommodations

**DoDM 1342.12** E4 S8c6, p 34

Some students with disabilities need accommodations to their educational program in order to participate and be successful in the general education curriculum. Accommodations are adjustments to instructional conditions (presentation, response, setting, timing/scheduling) that decrease or eliminate the impact of the student’s disability on academic performance and assessments. Accommodations do not reduce learning expectations.

**There MUST be a link between selected accommodations and the student’s disability.**

**Accommodations:**

- are reviewed and determined at the annual IEP meeting (and are not automatically carried over from one year to the next);
- enable students to participate more fully and fairly in instruction and assessments and to demonstrate their knowledge and skills;
- are based upon an individual student’s needs rather than on the category of a student’s disability, level of English language proficiency alone, level of or access to grade-level instruction, amount of time spent in a general classroom, current program setting, or availability of staff;
- are based on a documented need in the instruction/assessment setting and are not provided for the purpose of giving the student an enhancement that could be viewed as an unfair advantage;
- are routinely implemented in the student’s daily instruction; and
- are monitored for effectiveness and reviewed annually utilizing evidence documenting student needs.

Figure 1 identifies the cyclical process of identifying and using accommodations throughout a student’s educational environment.
Accommodations are commonly categorized in four ways; presentation, response, setting, and timing/scheduling.

1. Presentation Accommodations allow students to access instructional materials in alternative ways (e.g., students with print disabilities utilizing auditory formats; students with attentional difficulties may require visual outlines).
2. Response Accommodations allow students to record or demonstrate their mastery and work products in alternate ways or to solve or organize their work using some type of materials or devices.
3. Setting Accommodations change the location in which instruction is given or the conditions of the setting.
4. Timing/Scheduling Accommodations change the allowable length of time for assignments, projects, and tests, and may also change the way the time is organized.

**Transportation**

DoDM 1342.12 E4 S8c9, p 34:

Transportation is not provided to students who live within walking distance of the school and whose identified needs do not prevent them from walking with parents or caretakers or being escorted. A statement of special transportation requirement, if any, must be documented.

1. None. The disability does not indicate the need for special transportation.
2. Special Transportation. Special transportation is authorized for students with disabilities that preclude their capability to be transported in the least restrictive manner (i.e., regular transportation).
   a. Safety attendant (e.g., ensures student enters and exits the bus safely, secures student with seating devices, and ensures student behaves safely while on the bus).
   b. Safety aide with specialized training to manage the student’s particular disability.
   c. Wheelchair accessibility.
   d. Special seating devices.
   e. Alternate bus stop (student may require curb-to-curb service depending on the student’s disability).
   f. Alternate vehicle

If the CSC suspects the student requires special transportation arrangements, the district transportation officer is invited to participate in the IEP meeting. Special transportation does not always require a separate special education vehicle.
Least Restrictive Environment (LRE)

DoDM 1342.12 E4 S10, p 36-37

A student with a disability shall not be removed from education in an age-appropriate general education classroom solely because of needed accommodations and/or modifications in general education.

If the IEP Team determines that the student can be educated satisfactorily in the general education classroom, that placement is the LRE for that student.

a. The CSC shall determine the educational LRE of a student with a disability.

b. The educational LRE decision for a student with a disability shall be:
   (1) Determined at least annually.
   (2) Made in conformity with the student’s IEP.
   (3) Made in conformity with the requirements of IDEA and DoDM 1342.12 as follows:
      i. A student with a disability shall be educated, to the maximum extent appropriate, with students who are not disabled.
      ii. A student with a disability shall not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education classroom.
      iii. As appropriate, the CSC shall make provisions for supplementary services to be provided in conjunction with general education placement.
      iv. Special classes, separate schooling, or other removal of a student with a disability from the general education environment shall occur only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.
      v. In providing or arranging for the provision of non-academic and extracurricular services and activities, including meals, recess periods, assemblies, and study trips, the CSC shall ensure that a student with a disability participates with non-disabled students in those services and activities to the maximum extent appropriate to the needs of that student.

c. In determining the LRE for an individual student, the CSC shall (DoDM 1342.E4 S10, p. 36,37):
   1. Consider the needs of the individual student as well as any potential harmful effect on the student or the quality of services that he or she needs.
   2. Make a continuum of placement options available to meet the needs of students with disabilities for special education and related services. The options on this continuum include the general education classroom, special classes (a self-contained classroom in the school), home bound instruction, or instruction in hospitals or institutions.

d. When special schools and institutions may be appropriate, the CSC shall consider such placement options in coordination with the Headquarters-related services Education for Students with Disabilities Office.

e. In the case of a disciplinary placement, school officials shall follow the procedures set forth in the DoDM, Encl. 4, S. 12 and discussed in Chapter 12 of this companion.
Most Restrictive, Least Restrictive Chart

- Residential
  - Special day school out of district; hospital; home services
- Alternative setting in district
  - Self-contained classroom with specifically designed academic instruction targeting life-long independence skills (i.e. Resource/LIMS)
- General Education classroom with pullout specifically-designed academic instruction (i.e. Resource/LIMM)
- General Education classroom with supplementary aids and services (i.e. Co-Teaching and/or Inclusion)

- GENERAL EDUCATION CLASSROOM

Most Restrictive

Least Restrictive
Related Services

DoDM 1342.12 E5 S1, 2 p53, 54

Related services are services designed to enable a student with a disability to receive a Free Appropriate Public Education (FAPE) as documented in the Individualized Education Program (IEP). Related services may be required to assist a student with a disability to benefit from his/her special education program. These services enhance a student’s ability to learn and function within the school setting and are provided by the school or by specialists from other DoD agencies. It is important to recognize, however, that not every student with a disability requires related services. Related services can include, but are not limited to the following:

- Occupational Therapy (OT)
- Physical Therapy (PT)
- Transportation Services
- School Counseling Services
- School Psychological Services
- School Health/related services (Nursing Services)
- Orientation and Mobility Services

A student’s need for related services is determined through the evaluation process with the involvement of individuals who have specialized knowledge in a specific area. Related services assessments are often included as part of the Assessment Plan and can contribute to eligibility determination.

Related services are included on the IEP and linked to specific goals, desired student outcomes, and recommendations from related service providers.

The IEP also must specify when services will begin and end, frequency, where services will be provided, and whether the services are provided directly to the student or in consultation with other school staff. Related services are included on an IEP when they are necessary for a student to:

- attain annual IEP goals and benefit from special education;
- be involved and progress in the general education curriculum; and
- be educated and participate with other students, both disabled and nondisabled, in educational and extracurricular activities.

Educational Services and Supports vs. Medical Support

Some services are not educationally necessary, but may be considered necessary or desirable for the child’s wellness by parents, other team members, or non-educational service providers. Although a related service may not, in some cases, meet the educational relevance and necessity-to-benefit criteria (as required of related services under the IDEA) this does not mean the service is unimportant; rather, it would mean that provision of the service is not the responsibility of the school.

A medical diagnosis does not automatically mandate eligibility for services under IDEA. Students may have disability related therapy needs that are provided by medical intervention and not through the school system. This issue is especially relevant when considering occupational therapy (OT), physical therapy (PT) and clinical psychology as a related service. The need for related services is not determined solely based on standardized assessment scores but on whether the student requires the related service to access their educational program.
The CSC considers the most appropriate services based on the needs of the student within the least restrictive environment. All related services are directly linked to educational (academic and functional) goals on the IEP.

Consultation
Consultation is scheduled time when the CSC Team members, designated on the IEP, collaborate to discuss the implementation of the student’s program. Consultation services directly support the student’s goals (and objectives) in order to make meaningful progress. Specific goals (and objectives) for which consultation services are provided are written in the student’s IEP. The purposes for consultative services are:

1. To provide a process for collaborative problem solving. Educators, aids, and service providers can design effective intervention strategies that allow students to be successful
2. To ensure that a student’s educational program is coordinated across all teachers involved in the student's program. This practice supports the student’s success because the student can generalize learning across settings.

Consultation time is not to be confused with planning time to carry out collaborative teaching arrangements in the general education classroom. It should be used for curricular, environmental, and/or behavioral interventions and accommodations to support the student’s strengths and learning style in the classroom and is listed as such on the IEP.

Reaching a Consensus and Implementation of the IEP
A consensus is formed through an informal process of gathering and considering all factors, concerns, and professional guidance. It is inappropriate for the CSC to make decisions or reach consensus based on a majority vote. The CSC should, at all times, work towards consensus among all members, including the parents, but with the understanding that the school has ultimate responsibility to ensure an appropriate educational program. The CSC should make every effort to resolve differences. If consensus cannot be reached at the IEP meeting, document the differing positions, adjourn the meeting, seek additional support from the district ISS, and determine an appropriate time to reconvene.

After IEP development, the CSC shall:

1. Provide the parent PWN of what DoDEA is proposing and/or refusing, \textit{DoDM 1342.12} E4 S19, p 47, 48.
2. Seek parental consent by their signature on the IEP before delivery of special education and related services, \textit{DoDM 1342.12} E4 S17, p 44-46.
3. Provide a copy of the signed IEP to the parents, \textit{DoDM 1342.12} E4 S19, p 48, 50.

Implementation of the IEP
\textit{DoDM1342.12} E4 S9 p 35, 36

The CSC must:

1. Ensure the IEP commences as soon as possible after it is developed, in accordance with the implementation dates stated on the IEP.
2. Ensure the provision of special education and related services, in accordance with the IEP.
3. Ensure that the student’s IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation, and that each teacher and provider is informed of:
a. His or her specific responsibilities related to implementing the student’s IEP.
b. The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

Parent Revocation of Consent for Continued Special Education and Related Services

DoDM 1342.12 E4 S18 p 46, 47

Revocation of Consent for all Special Education Services
Parents may unilaterally withdraw their child from all special education and related services by revoking their consent for the continued provision of special education and related services to their children. Parental revocation of consent must be in writing. Upon receiving a revocation of consent, the DoDEA school promptly must provide the parent PWN before ceasing the provision of services. This PWN will propose termination of special education services at the request of the parent. This notice shall advise the parent of the following:

1. Any changes in educational placement and services that will result from the revocation of consent and whether the school believes that the withdrawal of services is inconsistent with the best interests of the student.
2. That the school will terminate special education and related services to the student on a specified date, which shall be within a reasonable time following the delivery of the written notice.
3. That the DoDEA school will not be deemed to have knowledge that the student is a student with a disability and the student will be disciplined as a general education student and will not be entitled to disciplinary procedures afforded a student with a disability.
4. DoDEA will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.
5. That the parents maintain the right to subsequently request an initial evaluation to determine if the student is a student with a disability who needs special education and related services and that their child will not receive special education and related services until eligibility has been determined.
6. That the DoDEA school will not challenge, through mediation or a due process hearing, the revocation of consent to the provision of special education or related services.
7. That while the school is not required to convene a CSC meeting; it is willing to convene a CSC meeting upon request of the parent prior to the date that service delivery ceases.

Revocation of Consent for a Particular Service
Upon receiving a revocation of consent for a particular special education or related service, the DoDEA school must provide the parent prior written notice (PWN).

1. If parents disagree with the provision of a particular special education or related service, and the school members of the CSC and the parents agree that the student would be provided FAPE if the student did not receive that service, the student’s IEP may be modified to remove the service. PWN is provided proposing the termination of the service at the request of the parent.
2. If the parent and the school members of the CSC disagree as to whether the student would be provided FAPE if the student did not receive a particular service, the parent may use the mediation or due process procedures to obtain a determination that the service with which the parent disagrees is not appropriate for his or her student and whether it is necessary for FAPE. The school may not cease the provision of a particular service, and therefore, PWN is provided refusing the termination of the service.
Chapter 7: System-wide Assessment, Post-Secondary Assessment and Alternate Assessment

Students with disabilities are held to the same accountability standards as students without disabilities. Schools are responsible for ensuring that students with disabilities achieve academic success that enables them to pursue post-secondary education or competitive work opportunities. All students with disabilities must be included in system-wide assessments with or without accommodations or through an alternate assessment.

Accommodations for System-wide Assessment

- DoDEA System-wide Assessments
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Alternate Assessment

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Accommodations for System-wide Assessment
(Individuals with Disabilities Education Act (IDEA) 2004; DoDM 1342.12, Encl. 4, Section 8.c.6)

Testing accommodations are adjustments of the standard testing conditions that reduce or eliminate the impact of the student’s disability on his or her performance on the assessment. Accommodations may be provided when they do not compromise validity or reliability of the assessment, or provide an unfair advantage to the student with the disability. Without an accommodation for his/her disability, an assessment may inaccurately measure what the student knows and is able to do resulting in the measure reflecting the disability rather than the student’s knowledge and skills. Accommodations are not intended to give the student an advantage or artificially raise the student’s scores; rather, they are intended to establish an equal playing field so students with disabilities can take an assessment on an equal basis with their peers.

There must be a link between selected accommodations and the student’s disability. Accommodations for system-wide assessment must be those that the student routinely uses during classroom instruction and assessment. Accommodations must be considered and reviewed annually utilizing evidence documenting student needs. Accommodations should not be considered for the first time just before assessment and they CANNOT be used only during the system-wide assessment.

DoDEA System-wide Assessments
Accommodations are available as appropriate for all DoDEA system-wide assessments. The CSC makes informed decisions regarding individual student accommodations to be used routinely and during participation in instruction and system-wide assessments.

Postsecondary Assessment Accommodations
Students may be eligible for reasonable accommodations for post-secondary assessments such as, but not limited to, the SAT, PSAT, and Advanced Placement (AP) exams. The testing entity (e.g., College Board, ACT, etc.), not DoDEA, has the authority to approve post-secondary assessment accommodations. The CSC informs parents of deadlines and the process for making such requests. With parental consent, the CSC, parents, and school assessment coordinator collaborate to submit a request for accommodations to the testing entity several months in advance in order to receive a timely response and take follow-up actions, if necessary.

Alternate Assessment Overview
The alternate assessment validly measures the performance of students who are unable to participate in the general education system-wide assessment, even with accommodations, as determined by the CSC. The CSC must document on the IEP why the student cannot participate in the system-wide assessment, and why the particular alternate assessment is appropriate for the student. An alternate assessment permits students with significant disabilities to demonstrate their proficiency toward mastery of academic standards and functional living skills. An alternate system for measuring performance is necessary because the attainment of IEP goals and objectives cannot be easily aggregated for accountability purposes.

An alternate assessment measures the same content areas as the system-wide assessment but may assess additional content, such as functional skills. An alternate assessment is designed to:
1. Measure student performance;
2. Analyze individual student data to make appropriate instructional decisions;
3. Generate student results that can be aggregated for inclusion in DoDEA accountability reports.
Participation Criteria

In order for a student to qualify for the alternate assessment, the student must meet ALL of the following criteria. If the student does not meet all of these criteria, participation in system-wide assessment with or without accommodations is required.

1. The student has a significant cognitive disability.
   a. The student’s disability significantly impacts intellectual functioning and adaptive behaviors, defined as the essential skills for someone the live independently and function safely in daily life; AND
2. The student’s course of study is primarily being instructing using the FOCUS series of courses, functional life skill goals, and/or adaptive behavior curriculum which are aligned to the DoDEA College Career Ready Standards but are of reduced breadth, depth, and complexity; AND
3. The student requires extensive direct individualized instruction and substantial supports to achieve measureable gains in the grade and age appropriate curriculum.

Students should NOT be included in the alternate assessment based solely on the following:

1. a disability;
2. poor attendance or extended absences
3. native language/social/cultural or economic difference
4. expected poor performance on the general education assessment
5. academic and other services student receives
6. educational environment or instructional setting
7. percent of time receiving special education
8. English Language Learner (ELL) status
9. low reading level/achievement level
10. anticipated student’s disruptive behavior
11. administrator decision
12. anticipated emotional duress
13. need for accommodations (e.g., assistive technology/AAC) to participate in assessment process

Assessment Results

The results of any alternate assessment that a student with a disability participates in are to be maintained in the special education confidential file. The assessment protocol can be maintained in a separate envelope behind the file, but the assessment is part of the confidential file on the student.
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Chapter 8: Reviewing and Revising the IEP

The IEP is a signed legal document. A review or revision of the IEP may be conducted at any time at the request of the parent, related service provider, or school personnel and must be conducted at least annually. Any revision of the IEP must be accomplished within a CSC meeting.
Annual Review
DoDM 1342.12 E4 S9b6 p 36

The IEP for each student with a disability must be formally reviewed and revised at least annually in a CSC meeting. The purpose of this review is to determine LRE and student progress toward annual goals. The CSC considers and addresses the results of any re-evaluation and information developed by the student’s teachers, aids, service providers, and information provided by the parents. The CSC addresses all of the student’s needs.

Although the IEP must be reviewed at least once a year, the CSC can review and revise the IEP more often, if necessary. If it becomes evident that a student is not making progress toward attainment of annual goals or if the student is demonstrating behavioral issues or the chosen LRE needs to be revisited or the student is demonstrating mastery of goals, a review meeting for the purpose of revising the IEP is necessary and should be promptly conducted.

Annual Review CSC

Required CSC Participants at the IEP Development Meetings
The meeting must include the following individuals:

1. An administrator or administrative designee. The administrative designee is assigned by the principal or assistant principal and reports back to the administrator on what occurs during the meeting. The administrative designee cannot be one of the student’s general education or special education teachers. This designee must be qualified to provide or supervise the provision of special education and knowledgeable about the general education curriculum and available resources. (An administrator or qualified administrative designee must attend all initial IEP meetings.)
2. At least one of the student’s general education teachers if the child is, or may be, participating in the general education environment. At the secondary level, the teacher(s) who teach the subject(s) most likely to be impacted by the student’s disability should be invited to the meeting.
3. One or more special education teachers or providers who will be providing or are qualified to provide special education or related services to the student.
4. One or both of the student’s parents or guardian.
5. A representative of the evaluation team who is knowledgeable about the evaluation procedures used and can interpret the instructional implications of the results of the evaluation. This person can be, but does not have to be, the special education teacher.
6. The child, if appropriate (participation of secondary students is encouraged).
7. Translators or interpreters, if appropriate.
8. Additional persons at the discretion of the parents or the school, who have knowledge or special expertise regarding the child or the IDEA, including but not limited to related services personnel, if they have worked with or are expected to work with the student.

Preparation for IEP Annual Review
Before the annual review meeting, the special educator(s) and related service provider(s) have the responsibility to:

1. Provide parent with Notice of Meeting;
2. Review the criteria for progress toward goals as specified in the IEP;
3. Prepare progress report summary specific to the IEP’s goals/objectives;
4. Discuss and record pertinent information related to current classroom performance; and
5. Send the parents a draft copy of Present Levels of Academic Achievement and Functional Performance and goals (and objectives) for the new IEP. This draft is based on the recommendations made by the classroom teacher(s), the special educator(s), and related service personnel after considering the progress reported on the current IEP.

Responsibilities of the Case Manager at the Conclusion of the Annual IEP Meeting

The Case Manager has the responsibility to:

1. Provide the parents with prior written notice at the conclusion of the annual review meeting that outlines what the CSC is proposing and any items that the CSC refused; and
2. Provide parents with completed copy of the annual IEP.

Out-of-Date IEP

An out-of-date (DoDEA or non-DoDEA) IEP will remain in effect and the student will continue to receive special education services until a new IEP can be developed and finalized by the CSC.

Modifications to the IEP

An IEP can be modified by the CSC at any time at the request of the school, parents, or related service providers. Any modification of the IEP, including the removal of related services, must take place in a CSC meeting unless the parents and school agree that convening an IEP meeting is not necessary. In that case, the modifications can be made without convening a meeting and the parent is provided PWN and a copy of the modified IEP. The option to not convene a meeting does not apply to an annual review meeting.

Modification CSC

Required CSC Participants at the IEP Modification Meetings

The meeting must include the following individuals:

1. An administrator or administrative designee. The administrative designee is assigned by the principal or assistant principal and reports back to the administrator on what occurs during the meeting. The administrative designee cannot be one of the student’s general education or special education teachers. This designee must be qualified to provide or supervise the provision of special education and knowledgeable about the general education curriculum and available resources. (An administrator or qualified administrative designee must attend all initial IEP meetings.)
2. At least one of the student's general education teachers if the child is, or may be, participating in the general education environment. At the secondary level, the teacher(s) who teach the subject(s) most likely to be impacted by the student’s disability should be invited to the meeting.
3. One or more special education teachers or providers who will be providing or are qualified to provide special education or related services to the student.
4. One or both of the student's parents or guardian.
5. A representative of the evaluation team who is knowledgeable about the evaluation procedures used and can interpret the instructional implications of the results of the evaluation. This person can be, but does not have to be, the special education teacher.
6. The child, if appropriate (participation of secondary students is encouraged).
7. Translators or interpreters, if appropriate.
8. Additional persons at the discretion of the parents or the school, who have knowledge or special expertise regarding the child or the IDEA, including but not limited to related services personnel, if they have worked with or are expected to work with the student.

**Preparation for IEP Modification Meeting**

Before the modification meeting, the special educator(s) and related service provider(s) have the responsibility to:

1. Provide parent with Notice of Meeting;
2. Review the criteria for progress toward goals as specified in the IEP;
3. Prepare progress report summary specific to the IEP’s goals/(objectives);
4. Discuss and record pertinent information related to current classroom performance; and
5. Send the parents a draft copy of Present Levels of Academic Achievement and Functional Performance and goals (and objectives) for the new IEP. This draft is based on the recommendations made by the classroom teacher(s), the special educator(s), and related service personnel after considering the progress reported on the current IEP.

**Responsibilities of the Case Manager at the Conclusion of the IEP Modification Meeting**

The Case Manager has the responsibility to:

1. Provide the parents with prior written notice at the conclusion of the IEP modification meeting that outlines what the CSC is proposing and any items that the CSC refused; and
2. Provide parents with completed copy of the modified IEP.

**Dismissal of Special Education Services**

**DoDM 1342.12 E4 S7 p 31**

Dismissal of special education services indicates the student will no longer be eligible for special education and related services. This will occur after the student has been evaluated and found ineligible by the CSC. Documentation for the dismissal including the educational progress report is recorded in the CSC minutes/PWN. A variety of assessment tools and strategies used to make the determination may include and is not limited to the following:

- Formal standardized assessments (parent permission required)
- Record reviews to identify areas of strengths and needs
- Student and parent surveys and interviews
- Classroom observations
- Teacher(s) reports
- System-wide assessments
- Criterion-referenced assessments
Chapter 9: Incoming Records
This chapter describes the procedures for serving students who transfer to and from DoDEA schools including transfers between non-DoDEA and DoDEA schools and transfers within DoDEA. Specific procedures are prescribed for providing services to students who enroll with an active IEP. Guidance is also provided concerning service delivery for students who transfer into DoDEA with non-conventional documentation that requires unique decision-making for proper disposition.

- Students Enrolling with an Active IEP
- Students Enrolling without a Copy of an Active IEP
- Students Enrolling with an Outdated IEP
- Students Enrolling with Other Information
- Incoming Records Process Summary Chart
Students Enrolling with an Active IEP
DoDM 1342.12 E4 S3 p 25, 26

Any student who enrolls in a DoDEA school with an active incoming IEP from a DoDEA school or a non-DoDEA school is eligible for placement in special education and related services in any DoDEA school. An active IEP is one that has been in effect within the last 12 months with no indication of termination. It is not necessary that the student be found eligible according to DoDEA criteria to receive services, i.e. an evaluation or eligibility determination is not required, although it may be appropriate.

Upon receipt of the active incoming IEP, the new DoDEA school must provide the child FAPE, including services comparable (similar or equivalent) to those described in the incoming IEP. The CSC reviews the IEP and determines whether it can be implemented as written. Previous school records are requested immediately and the CSC monitors this request, however, records are not required to provide services. The procedure below is to be followed.

**Implementation of an incoming IEP (with or without previous school records):**

1) The parents are notified in writing (PWN) that services comparable to those in the incoming IEP will be promptly implemented. A meeting is not necessary, unless requested by the parent.
2) The CSC must continue to pursue obtaining school records.
3) Within 30 school days of receipt of the active incoming IEP, the CSC, which includes the parent, is required to develop and implement a DoDEA IEP based on the following decisions:
   a) Accept incoming eligibility/IEP as written
   b) Accept incoming eligibility with modification to the IEP
   c) Accept incoming eligibility with assessment plan needed for additional services
   d) Assessment plan for change in eligibility

**Accept incoming eligibility/IEP as written:**

1) The development and implementation of a DoDEA IEP must be completed within 30 school days of receipt of the incoming IEP.
2) The annual review and triennial re-evaluation dates will remain the same as the date on the incoming IEP.

**Accept incoming eligibility with modification to the IEP:**

1) The development and implementation of a DoDEA IEP must be completed within 30 school days of receipt of the incoming IEP.
2) The annual review and triennial re-evaluation dates will remain the same as the date on the incoming IEP.

**Accept incoming eligibility with assessment plan needed for additional services:**

If the CSC determines that it needs additional information to inform or enhance their understanding of the student’s needs, the CSC may request additional assessments. The CSC will document the rationale as to why the assessment(s) is warranted and develop an assessment plan. While the student is being evaluated, services comparable to those in the incoming IEP will continue to be provided.

1) The additional assessments, development, and implementation of a DoDEA IEP must be completed within 30 school days of receipt of the incoming IEP
2) Parental consent for assessment must be obtained prior to conducting the assessments.
3) The IEP will be modified, as appropriate, to reflect the insights gained from the assessments.
4) The annual review and triennial re-evaluation dates will remain the same as the date on the incoming IEP.
Assessment plan for change in eligibility:

Although assessment and eligibility determinations are not required for students with incoming active IEPs, if the CSC believes an assessment and eligibility determination are warranted, the CSC will document the rationale as to why the assessment(s) is warranted and develop an assessment plan. The additional assessments, eligibility determinations, and development of a DoDEA IEP must be completed within 30 school days of receipt of the incoming IEP. While the student is being evaluated, services comparable to those in the incoming IEP will continue to be provided.

1) Parental consent must be obtained prior to conducting the assessments.
2) An annual IEP will be modified, as appropriate, to reflect the insights gained from the assessments.
3) The annual review date will be one year from the date of this meeting.
4) If a new eligibility determination is generated, the triennial re-evaluation date will be adjusted to reflect a three-year time line from the newly completed eligibility evaluation.

Triennial Re-evaluation:
If the student is undergoing a triennial re-evaluation when transferring into a DoDEA school, the CSC will coordinate assessments and completion of the triennial re-evaluation as quickly as possible. If the student’s triennial re-evaluation is past due or due within 45 days of enrollment in the new DoDEA school, the CSC must follow the triennial re-evaluation procedure described in Chapter 5, to include obtaining parental consent and completing the re-evaluation within 45 days of enrollment, unless the parents and school agree that a re-evaluation is not necessary. Pending completion of the re-evaluation, continue to provide services comparable to those described in the incoming active IEP.

Students Enrolling without a Copy of an Active IEP
In some situations, the parent notifies the school that the enrolling student has an IEP, but the IEP is not available. Confirmation of special education services at the prior school is required before comparable services are provided at the receiving school. Confirmation can be obtained via fax, telephone, or electronic mail sent between representatives of the two schools. In this situation, the receiving DoDEA school will gather as much information as possible from the sending school to provide services that are comparable to the active IEP and follow the above procedures for what occurs when a student enrolls with an active IEP and DoDEA is in receipt of the IEP.

Students Enrolling with an Outdated IEP
A student enrolling with an outdated IEP with no indication of termination are treated as eligible for services. The CSC will be assembled and follow the above steps for what happens when DoDEA has been provided an active IEP from either another DoDEA school or a non-DoDEA school. If the triennial is outdated a triennial re-evaluation is to be initiated immediately. The timeline to complete the triennial re-evaluation follows the triennial review timeline, that being, 45 days to evaluate, 10 days to determine eligibility, 10 days to develop an IEP.

Students Enrolling with Other Information
If the incoming records contain some form of notation that the student may have participated in or have a need for special education, but there is no formal documentation (e.g., IEP or assessment data), the student is placed in the general education classroom. The student is considered a general education student and school personnel carefully observe the student’s educational performance. If justified, pre-referral activity may be initiated as discussed in chapter 4.
### Incoming Records Process Summary Chart

**Prior Written Notice is provided and comparable IEP services will be promptly implemented.**

*(A meeting is not necessary, unless requested by the parent.)*

**Accept Incoming Eligibility**

*(DoDEA accepts all incoming eligibility and IEP)*

The Case Study Committee (CSC), with parent involvement, has determined the following:

<table>
<thead>
<tr>
<th>Implementing IEP AS WRITTEN</th>
<th>Implementing IEP With MODIFICATIONS</th>
<th>Assessments Needed for ADDITIONAL SERVICES</th>
<th>Assessment Plan for Change of Eligibility (rare situation)</th>
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<tr>
<td>1. Development and implementation of a DoDEA IEP must be completed <strong>within 30 school days of receipt of the incoming IEP.</strong>&lt;br&gt;2. Annual review date triennial re-evaluation date will remain the same as the date on the incoming IEP.</td>
<td>1. Development and implementation of a DoDEA IEP must be completed <strong>within 30 school days of receipt of the incoming IEP.</strong>&lt;br&gt;2. Annual review date and triennial re-evaluation date will remain the same as the date on the incoming IEP.</td>
<td>1. Additional assessments, development, and implementation of a DoDEA IEP must be completed <strong>within 30 school days of receipt of the incoming IEP.</strong>&lt;br&gt;2. Consent for assessment(s) required.&lt;br&gt;3. Modify the IEP to reflect the insights gained from the assessment(s).&lt;br&gt;4. Annual review date and triennial re-evaluation date will remain the same as the date on the incoming IEP.</td>
<td>1. Additional assessments, eligibility determination, development, and implementation of a DoDEA IEP must be completed <strong>within 30 school days of receipt of the incoming IEP.</strong>&lt;br&gt;2. Consent for assessment(s) required.&lt;br&gt;3. Develop an annual IEP to reflect the insights gained from the assessment(s).&lt;br&gt;4. Annual review date will be <strong>one year</strong> from the date of this meeting.&lt;br&gt;5. If a new eligibility determination is generated, the triennial re-evaluation date will be adjusted to reflect a <strong>three-year</strong> time line from the newly completed eligibility evaluation.</td>
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Chapter 10: Preschool Services
DoDEA, in conjunction with the military department, provides special education and related services to students three through five years of age with disabilities. Preschoolers with disabilities receive special education and related services. This chapter outlines requirements for students eligible to receive Preschool Services for Students with Disabilities (PSCD). Unless otherwise specified, special education procedures that apply to school-age students also apply to preschool students.

Preschool CSC Meetings
Preschool CSC Membership
Screening Procedures
Child Find Screening Summary
Age of Eligibility
Transition

Delivery of Preschool Services
Service and Placement Options for a Preschool Child with a Disability
Preschool Case Study Committee Meetings

Preschool CSC Participants
The meeting must include the following individuals:

1. An administrator or administrative designee. The administrative designee is assigned by the principal or assistant principal and reports back to the administrator on what occurs during the meeting. The administrative designee cannot be one of the student's general education or special education teachers. This designee must be qualified to provide or supervise the provision of special education and knowledgeable about the general education curriculum and available resources. (An administrator or qualified administrative designee must attend all initial IEP meetings.)
2. At least one of the student's general education teachers if the child is, or may be, participating in the general education environment.
3. One or more special education teachers or providers who will be providing or are qualified to provide special education or related services to the student.
4. One or both of the student's parents or guardian.
5. A representative of the evaluation team who is knowledgeable about the evaluation procedures used and can interpret the instructional implications of the results of the evaluation. This person can be, but does not have to be, the special education teacher.
6. A member of the Early Intervention Services (EIS) if the student is transitioning from EIS.
7. Translators or interpreters, if appropriate.
8. Additional persons at the discretion of the parents or the school, who have knowledge or special expertise regarding the child or the IDEA, including, but not limited to, related services personnel, if they have worked with or are expected to work with the student.

Screening Procedures – Child Find
DoDM1342.12 E4 S1,6, 2 p 24, 25, 27-30

As part of their Child Find efforts, schools, working in conjunction with the military departments, will conduct active, ongoing screening for children not yet enrolled but who are entitled to enroll in DoDEA and may require special education and related services. The following information is obtained during the child find screening process:

1. Parental concerns and questions;
2. Developmental history;
3. Vision and hearing screening (functional screening as needed); and
4. Screening instrument and activities (e.g., observation, interview, and checklist) must provide information on all five developmental areas:
   a. Communication,
   b. Cognition,
   c. Physical (fine and gross motor),
   d. Social/emotional, and
   e. Adaptive behavior/self-help.
Child Find Screening Summary
At the conclusion of the screening, the school prepares a written summary of the screening results and shares it with the parents within 10 school days. The written summary includes a compilation of information collected during the screening process, plus any identified follow-up action(s). Follow-up actions fall into three categories:

1. Developmental progress falls within normal limits; no further action is needed.
2. Results indicate some developmental concerns; ideas are provided to parents for use at home and a scheduled follow-up screening is arranged.
3. Results indicate a need for a comprehensive assessment to determine whether the child meets the eligibility criteria for a disability; a referral is made to the CSC.

Age of Eligibility

Eligible on the Third Birthday
Students who qualify for preschool services are eligible for services on their third birthday. The CSC determines eligibility prior to the student’s third birthday so the student may begin receiving services on that day (when the third birthday occurs during the school year).

If the student’s third birthday is during June, July, or August (the traditional summer vacation period for most school systems), the CSC determines eligibility and develops an IEP before the end of the school year so that the student receives services on the first day of school as would their general education peers.

Entry Before Age Three
Schools have the option to provide services to a student prior to the third birthday if the CSC determines eligibility and the student will turn three within six weeks after a natural juncture in the school year (e.g., after the start of the school year or at semester). Actions of this type should be decided on a case-by-case basis through appropriate CSC procedures based upon the student’s educational needs. If the student is being served in an Early Intervention Service (EIS), the decision should involve the IFSP Team, the school, and the parents.

Entry After Age Three
The CSC, including parents, may decide that a student should not start in the PSCD program on their third birthday (e.g., student turns three on last week of the school year, student turns three one week before family will leave the community, etc.). This is a CSC decision made with the parents and the ISFP Team.

The decision not to start services on their third birthday may occur especially in those cases in which the student is already receiving services in an Early Intervention Program (EIP). In these cases, the CSC in coordination with the ISFP Team may determine that a student is better served in an EIP even after the third birthday (for example, when the student will turn three at the end of the school year).

Age Limitation
A student may not remain in a PSCD program past his/her sixth birthday. Procedures to facilitate the transition from PSCD to other special education services are discussed later in this chapter in the section covering "Transition."
Transition

**Transition from Early Intervention Services to DoDEA PSCD Before Age 3**

In DoDEA communities, the Educational and Developmental Intervention Services (EDIS) provide Early Intervention Services (EIS).

The following guidelines are provided to help service providers complete the transition process in a timely manner especially when the student is transitioning between the EDIS early intervention program and DoDEA preschool services.

1. **At two years of age.** When a student with an active Individual Family Service Plan (IFSP) reaches the age of two, the Early Intervention Service (EIS) coordinator may provide the family with specific information regarding the transition process. Topics addressed may include, but not be limited to, education options, community resources, updating formal assessments, and selection of team member(s) to assist the family in the transition process. The EIS coordinator may arrange visits to possible transition options to help the family understand the range of their alternatives.

   The information regarding each student on an IFSP may be shared at a regularly scheduled CSC meeting, held jointly between EIS and local school personnel. Because this is a business meeting where potential referrals for other students may be discussed, it is not necessary to invite individual parents to this activity. However, if the meeting involves a single student, the parents may be invited.

2. **By two years, six months of age.** The EIS Coordinator shall obtain written parental permission to share pertinent information with DoDEA and begin the transition process. As soon as reasonably possible (within 10 school days) following the receipt of notice for potential transition, the CSC shall convene a meeting to obtain permission for any additional assessments that may be necessary.

   Attendance at the meeting should include, but is not limited to:
   a. Parents
   b. EIS service coordinator;
   c. Preschool teacher;
   d. Other specialist(s) as appropriate; and
   e. CSC chairperson or designee.

   After a review of the information, the CSC determines the need for further assessments and observations to adequately determine eligibility under suspected areas of disability.

3. **By two years, nine months of age.** All evaluations will be completed and the CSC will determine eligibility and if the student is eligible, within 10 school days an IEP will be developed with a specific start date for preschool services (on their third birthday). The CSC and EIS will jointly determine what IFSP services will continue until the start of the IEP.

   The transition process as addressed in DoDM 1342.12 E3 S7 p 17-21 recognizes that special consideration should be given to natural transitions for families.
a. The full transition of a student shall occur at age three unless the transition CSC, which includes a representative(s) from the IFSP Team, determines that an extended transition is in the best interest of the student and family.

b. An extended transition may occur under the following circumstances:
   i. If the student turns three during the last six weeks of the school year; or
   ii. If the family is scheduled to have a permanent change of station (PCS) within six weeks after a student’s third birthday.

c. An early transition may occur under the following circumstances:
   i. If the student will turn three within the first six weeks of the new school year or
   ii. If the student will turn three within two weeks of a natural break in the school year, such as winter recess.

Under an extended transition, the student would continue to receive early intervention services until the end of the school year or permanent change of station (PCS) date, whichever is sooner.

**Transition to DoDEA PSCD after Age Three**
The CSC follows the child find referral process.

**Transition with Individual Family Service Plan (IFSP) to DoDEA PSCD after Age Three**
An incoming IFSP cannot be implemented as an incoming IEP. Any student with an IFSP, who enrolls in DoDEA after age three, will be referred to the CSC in accordance with the Child Find process.

In regard to eligibility, two options are available to the CSC at this meeting:
1. To determine eligibility based on information and current assessments within the last six months in the student’s record; or
2. To generate a comprehensive multidisciplinary assessment plan for eligibility determination.

Educational and related needs addressed in the IFSP, along with findings from the assessment and eligibility report contents, must be considered in educational decisions.

**Transition from Preschool Services to Other Special Education Programs**
For five-year-old preschool students, the CSC should convene an IEP review meeting no later than 45 days before the sixth birthday. A student may not remain in a preschool setting past the sixth birthday.

The participants at this meeting, to include the preschool teacher, current and prospective service provider(s), parent(s), general educator, and administrator/designee must discuss plans for the placement of the student in an age appropriate setting. CSC minutes document the decisions made at this meeting. The general education teacher will be helpful in providing the curricular context for the identified areas and needs and recommended classroom modifications. The following two actions must be accomplished:
3. Identify the service provider(s), frequency and time in program, and program implementation date; and
4. Review the present level of academic achievement and functional performance, identified areas and needs, goals and objectives, and classroom modifications and determine if the IEP should be modified.

Transition normally occurs at the end of the school year, but may occur at the end of a semester. It is important that transition occurs at a normal juncture in the school schedule so that the student’s placement change occurs at a regularly scheduled school vacation period whenever possible.
Delivery of Preschool Services
Evaluating the severity and extent of needs in the IEP as well as time and frequency, the CSC determines the appropriate location where preschool services are delivered. Placement in less restrictive settings provides for experiences with a diverse population of students, some of whom can serve as models for cooperative play and age-appropriate interactions in all developmental areas. Settings exist on a continuum beginning with the student’s home/caretaker location and ending with placement in a preschool classroom for five school days per week.

Service and Placement Options for a Preschool Child with a Disability
As with all special education students, the needs of the individual determine IEP goals and objectives, placement and time in program. For preschool students, the emphasis is on providing the most normalized setting for the delivery of direct and non-direct services to address the student’s educational and related needs. Service options are based on the individual needs not based on preferences, schedules, and/or program resources. Related service providers (OT, PT, etc.) work collaboratively with the PSCD teachers in order to meet the student’s needs. The following may be considered:

a. Attend half-day sessions (one - five days) at a school with services for students with disabilities (PSCD).
b. Attend a modified day program (e.g., an extended day or shortened day) in a PSCD classroom or walk in services for speech/language.
c. Be placed jointly in a PSCD and a regular education program at a school (e.g., kindergarten, preschool, etc.).
d. Be placed in a kindergarten/regular preschool program with specialized services provided by a special educator or related service provider (co-teaching, consultation, etc.).
e. Receive services at home (home-based services can include a student care provider’s home).
f. Receive services at home and/or at school.
Chapter 11: Secondary Schools: Transition Planning For Post-Graduation

Secondary special education transition services and graduation requirements are addressed. Postsecondary transition service requirements are considered when a student pursues postsecondary education, job training, work, personal and social relationships, involvement in the community, and independent living.
A student with an IEP is afforded equal access to, and participation in, the general education secondary school program. Students with any type of disability will be scheduled and expected to participate in the general education curriculum and classroom to the maximum extent possible. The Special Education CSC may prescribe alternative or pull-out educational services and/or programs as appropriate and must take into consideration each student's unique educational needs. Students with an IEP may qualify for graduation by meeting the requirements of the standard or honors diploma. Additionally:

1. The Special Education CSC may identify, on a case-by-case basis, those students with disabilities (e.g., mild to moderate, moderate/severe, severe/profound) who necessitate a specific course requirement be satisfied through enrollment in a regular course and/or modified course which may be taught/co-taught by a regular education and/or special education teacher. A modified course must align with and follow the course content and curriculum standards of the regular course and be educationally appropriate.

2. Students with significant disabilities who have an IEP (e.g., moderate/severe and severe/profound) who receive the majority of their educational experience focusing on functional/community/life skills development) may earn the standard diploma based upon an IEP graduation plan course of study prescribed by the Special Education CSC rather than the general education graduation requirements for the standard or honors diploma. In this instance, the CSC develops and documents an IEP graduation plan that must include:
   a. Identification of annual goals;
   b. Identification of specific courses to be taken throughout the student's secondary experience;
   c. Credit and GPA requirements; and
   d. Required progress toward mastery of specific goals.

These students are not required to seek an exception of the requirements for the standard diploma. Students with an IEP are eligible for educational services through the age of 21, inclusive; terminating at 21 years and 12 months or at the conclusion of the school year in which the student is enrolled, whichever comes first.

3. In rare situations students with disabilities whose educational history and needs may require an alternative path to graduation may be considered for an IEP graduation plan. Consultation with the district ISS: special education is necessary before this option is considered.

Grading
Special education is a service that has been specifically designed to ensure student success as such all grading options available for general education students apply to students receiving special education services. If the student is unsuccessful with the current educational placement, the CSC meets to determine if the services and accommodations are being consistently implemented or if modifications to the IEP are required.

Transition Services
The primary goal of planning transition services is preparation for meaningful employment and a satisfying quality of life. Effective transition planning involves the collaboration of students, families, educators (including counselors), related service personnel, employers, and other community members,
each of whom may play a role in supporting needed transition activities. A transition plan is created and completed for a student before the 16th birthdate.

**Specific Transition Services**

The transition services are:

1. Based on a student’s needs, taking into account their preferences, interests, and abilities.
2. Developed through an outcome-oriented process and identified as a series of steps toward reaching a student’s desired employment and adult living goals.
3. Coordinated activities encompassing a broad range of services and supports including those provided by the school, the family, the community, the adult service system, and postsecondary environments.
4. Designed to promote student movement from school to post-school activities by developing bridges of generic, time-limited, and ongoing supports that extend into early adulthood.

**CSC Responsibilities for Individual Transition Planning**

CSC responsibilities for individual transition planning include:

1. Developing a transition planning team made up of the student, parents, and core IEP Team with additional members as appropriate.
2. Scheduling transition planning meeting (may be a part of the annual review);
3. Develop appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills;
4. Ensure the plan is in place not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the CSC, and updated annually;
5. Monitoring the progress of the transition goals through annual review meetings;
6. Updating transition components of the IEP through annual review meetings; and
7. Scheduling an exit transition meeting no less than three months before the student’s graduation or permanent exit from secondary education.;
8. Student and parents are notified by providing PWN that graduation is a change in special education placement and ends entitlements to special education services.

**Instructions Pertaining to Students with an Individual Education Program**

Instructions pertaining to students with an Individual Education Program include:

a) In limited and compelling circumstances, the Special Education CSC and the principal may grant an exception to a specific course, course credit, or minimum GPA requirement (without District Superintendent approval), provided that all reasonable alternatives have been considered.

b) Exception requests for students with an IEP are managed through the CSC process, documented by the case manager in the IEP, and coordinated with the school counselor.

c) The CSC (including student, parent, school counselor, general educators, and administrators) must collaboratively develop and review the student’s educational strengths and areas for improvement, accommodations, and interventions needed in the educational setting and the documented impact of the student’s disability on their capacity to successfully participate in the general education program. Students with disabilities must participate to the greatest extent possible in the general education program.
d) A 4-6 Year Academic/Postsecondary Plan must be developed collaboratively between the CSC and the school counselor to ensure that students participate to the greatest extent possible in the general education program.

e) A course exceptions must afford students with disabilities the opportunity to participate in comparable and commensurate academic courses that are an acceptable substitution for the required courses necessary to earn the standard diploma. Course exceptions can only be considered after the CSC has provided the student with every opportunity to participate in general education courses.

Transition Planning by Age Sixteen

CSC Considerations

The CSC considers the following components:

1. **Academic Learning** – Instruction in academic or functional skills courses that promote literacy in reading, written language, math and technology.
2. **Career/Employment and Vocational Training** – Readiness and preparation for employment including level of assistance needed and type of post-secondary training.
3. **Financial planning for current and future financial or economic needs** – Awareness of educational/training programs, government assistance programs, and adult living needs.
4. **Living requirements following high school** – Arrangements from independent living to inclusion in a supported apartment or group home.
5. **Vocational, Leisure and recreational interests and activities.**
6. **Social relationships.**
7. **Independent living skills** – Instruction in food preparation, self-care skills, personal financial management, use of local public transportation and basic knowledge of legal services and citizenship.
8. **Self-advocacy** – How to request assistance and modifications required for success in educational and workplace settings, and how to contact local public and private advocacy groups for adults with disabilities.
9. **Medical support and assistance** – Knowledge of how and when to access medical care, basic health care, and qualifications for health care programs.

Transition Assessment

The CSC including the school counselor determines appropriate techniques to be utilized in the assessment of transitional skills. Techniques may include curriculum inventories, informal questionnaires, and criterion and/or norm referenced assessments. Standardized assessments require parental permission.

A summary of assessments is written identifying skills, courses, and experiences necessary to prepare the student for post-secondary transition. This information is addressed in the student’s IEP.

Vocational/Transition Services

The written summary of the transitional assessment is used to generate the following components of the IEP identifying vocational education/transition services:

1. The need for vocational education.
2. The need for transitional services.
3. A summary of student interests.
4. Desired postsecondary outcomes and anticipated post-school setting.
5. A listing of specific transition services and/or supports with at least one goal written for each identified component.
6. Select graduation plan.

If the IEP Team determines that services and support are not needed, the IEP must include a statement to that effect and must indicate the basis upon which the determination was made. The IEP Team must reconsider this determination at least annually.

Transition services are a coordinated set of activities that generally must include: (1) instruction, (2) community experiences, (3) development of employment and other post-school adult living objectives, and (4) related services. If appropriate, the IEP/transition plan should also include transition services in the areas of (5) daily living skills, (6) functional vocational evaluation, and (c) interagency linkages.

Seven Major Categories of Transition Services
The seven major categories of transition services may be described as follows:

1. **Instruction** - Includes instruction in literacy, instruction in functional or curricular academics, employability skills training, vocational education, social skills training, college-entrance exam preparation, preparation for taking state and regional proficiency tests, and placement in advanced classes. May include teacher-developed accommodations, curriculum adaptations, and peer tutoring.

2. **Community experiences** - Includes job shadowing, community work experiences, tours of post-secondary education settings, residential and community tours, and community services.

3. **Development of employment and other post-secondary adult living objectives** - Includes career planning, guidance counseling, interest inventories, person-centered planning, futures planning, self-advocacy training, job placement, and job try-outs.

4. **Transition focused related services** - Includes occupational and physical therapy, speech therapy, social services, psychology services, medical services, rehabilitation technology, and other professional supports to move the student toward post-secondary outcomes.

5. **Daily living skills training** - Includes self-care training, home repair, health training, home economics, independent living training, and money management.

6. **Linkages with adult services** - Includes referrals or assignment of responsibility for services to Vocational Rehabilitation, Summer Youth Employment Programs, Mental Retardation and Developmental Disability Services, Mental Health Services, Social Security, Independent Living Centers, and agency fairs involving a range of adult services.

7. **Functional vocational evaluation needs** - Includes situational work assessments, work samples, work adjustment programs, aptitude tests, and a series of job tryouts.

Transfer of Rights (Age of Majority)
DoDM 1342.12 E4 S19e p51, 52

In DoDEA, a student reaches the age of majority at 18. The IDEA and DoDM 1342.12 (June 17, 2015), require DoDEA to notify the parents and student, as part of transition planning, at least one year before the student reaches the age of majority, of the rights that will transfer under the IDEA and upon transfer of those rights. Both the parents and the student are invited to participate in the transition planning meeting. A statement must be included in the minutes of the transition planning meeting a year before the student attains majority reflecting that the student has been advised of the pending transfer of rights, and the student’s IEP should be annotated when the student reaches the age of majority. After the student reaches the age of majority and rights have been transferred, any notice required by law
such as procedural safeguards and notice of meeting must be provided to both the student and the parents.

The transfer of rights at the age of majority means that the student becomes responsible for his or her educational program and all rights previously afforded to the parents transfer to the student at the age of majority. Rights that transfer to the student include, but are not limited to, the right to:

1. Receive notice of and attend IEP meetings;
2. Consent for reevaluation; and
3. Request mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement or other aspects of FAPE.

If the student with a disability who has been determined to be incompetent in accordance with Federal or State law reaches the age of majority the rights afforded to the parents remain with the parents.

When a student with a disability who has not been determined to be incompetent, but who does not have the ability to provide informed consent with respect to his or her educational program reaches the age of majority, the DoD shall appoint a parent or the parents of the student to represent the educational interests of the student throughout the period of eligibility for special education services.

**Graduation**

DoDM 1342.12 E4 S7e (1,2) p 31

Graduation from high school reflects the successful completion of an educational program. For students with disabilities it constitutes a release from all services specified on the IEP and a change in placement requiring CSC action to include providing the required PWN.

a. The CSC is not required to evaluate a student before the termination of the student’s eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age of eligibility for FAPE.

b. When a student’s eligibility has terminated due to graduation or exceeding the age of eligibility, the DoDEA school must provide the student, or the parent if the student has not yet reached the age of majority or is otherwise incapable of providing informed consent, with a summary of the student’s academic achievement and functional performance.

(1) The summary of performance must be completed during the final year of a student’s high school education.

(2) The summary must include:

i. Student’s demographics.
ii. Student’s postsecondary goal.
iii. Summary of performance in the areas of academic, cognitive, and functional levels of performance to include the student’s present level of performance, and the accommodations, modifications, and assistive technology that were essential in high school to assist the student in achieving maximum progress.
iv. Recommendations on how to assist the student in meeting the student’s postsecondary goals.
Determination of Honors
All students with disabilities will receive a grade point average (GPA) calculation and be eligible for any honor that has been established by the school. Students with disabilities cannot be excluded from calculation in the class standings.
Summary of Performance/Final Year Transition Plan Form

GENERAL INFORMATION

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<th>Name of Student:</th>
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PART I: SUMMARY OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

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<th>Area</th>
<th>Present Level of Performance (Upon school graduation/exit)</th>
<th>Needs (Essential accommodations, assistive technology, environmental or material resources or modifications needed)</th>
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## PART II: POST-SECONDARY GOALS

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<td>Independent Living (if appropriate)</td>
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Chapter 12: Disciplinary Procedures
Disciplinary procedures relating to students with disabilities are governed by DoDEA Regulation 2050.1, “DoDEA Disciplinary Rules and Procedures,” March 23, 2012, the Individuals with Disabilities Education Act (IDEA) 2004, and DoDM 1342.12 (June 17, 2015). Staff must be familiar with these issuances and sources of information and may not rely solely on this “Companion.” The focus of this chapter is the disciplinary procedures for removals (suspensions) and expulsions. Topics discussed include whether a removal constitutes a change of placement; the manifestation determination process; and the services which must be provided during a removal.
Disciplinary Procedures
DoDM 1342.12 E4 S12 p 37-42

If the student’s behavior impedes his or her learning or the education of others, the CSC must consider the use of positive behavioral interventions and supports to address the behavior. Students with disabilities are entitled to the same disciplinary protections afforded to their peers without disabilities, and additional protections are applied as discussed in this chapter.

Whether a Removal Constitutes a Change of Placement
See Discipline of Special Education Students Flow Chart at the end of Chapter 12.

The requirements for imposing disciplinary removal upon a student with a disability vary depending on whether the removal constitutes a change of placement. It is a change of placement if a student is removed from his or her current placement (services and LRE identified in the IEP) for:

1) more than 10 consecutive school days; or
2) more than 10 cumulative school days in that school year for separate instances of misconduct (a series of removals) that constitute a pattern.

Short Term Removals

Current Disciplinary Removal for 10 or Less Consecutive School Days and the Total Removals in the School Year are for 10 or Less Cumulative School Days

Students with disabilities can be removed from school for misconduct for up to 10 consecutive/cumulative schools days in a school year. This will not be considered a change of placement. During this time, the school is only required to provide services comparable to the services it provides to students without disabilities who are similarly removed.

Current Disciplinary Removal for 10 or Less Consecutive School Days but the Total Removals in the School Year exceed 10 Cumulative School Days.

If the current removal is for 10 or less consecutive school days, but the total removals in that school year are for more than 10 cumulative school days, the school must determine whether the current removal will result in a change of placement. This requires a determination of whether the series of removals constitute a pattern, as discussed below.

Pattern Determination: On the date the decision is made to remove a student for a period of time that pushes over ten cumulative days in that school year, the CSC will determine whether the facts show that the series of removals constitute a pattern. The CSC should take into account observations of the teachers aware of the circumstances of the student’s misconduct, an administrator input, and other relevant input (e.g., from special and general education teachers, school psychologist, counselor, as well as the parents). The CSC considers the following factors when it determines whether the series of removals constitutes a pattern:

1) The nature of the behaviors (whether the student’s behavior was substantially similar to the student’s behavior in previous incidents that resulted in the series of removals);
2) The total number of days removed;
3) The length of each removal; and
4) The proximity of the removals to each other in time.
If there is no pattern identified, the current removal does not constitute a change of placement. Therefore, removal for 10 days or less is permitted without the need to conduct a Manifestation Determination Review. The CSC must:

1) Complete CSC minutes documenting the reasons for its pattern decision, including the factors required to be considered (above);
2) Determine the extent to which services are needed to continue participation in the general education curriculum and to progress towards meeting the goals on the IEP, although in another setting and ensure those services are provided.

If there is a pattern identified, the current removal constitutes a change in the student’s placement. Therefore, a Manifestation Determination Review is required. The CSC must:

1) Complete CSC minutes documenting the decision to remove; the total days of removal (consecutive and cumulative in that school year); the pattern decision, including the factors required to be considered (above);
2) Notify the parent of this decision and provide them with a procedural safeguards notice; and
3) Give parents notice of a Manifestation Determination Review meeting to be held within 10 school days of the removal recommendation, as discussed below. It is best practice to schedule the Manifestation Determination Review as soon as possible (but no later than 10 school days of the decision to recommend removal).

Long Term Removals

Current Removal for 11 or More Consecutive School Days

A removal for 11 or more consecutive school days is a change of placement. The CSC must:

1) Notify the parent of the decision to remove for disciplinary reasons, through PWN, and that the removal constitutes a change of placement;
2) Provide parents with Procedural Safeguards Notice;
3) Give parents notice of a Manifestation Determination Review meeting to be held within 10 school days of the removal recommendation, as discussed below. It is best practice to schedule the Manifestation Determination Review as soon as possible (but no later than 10 school days of the decision to recommend removal).

Manifestation Determination Review (MDR) Membership List

Participants in the MDR meeting CSC include the following individuals:

1. Building level administrator;
2. Student’s general education teacher;
3. Student’s special education teacher;
4. Student’s parents; and
5. Additional persons at the discretion of the parents or DoDEA:
   a. Student, if appropriate;
   b. Related services personnel.
Although the district special education ISS is not required to attend the MDR meeting, the school must contact the District Office to inform and consult with the district special education ISS and Superintendent prior to the manifestation determination review meeting.

**Conducting the Manifestation Determination Review (MDR)**

At the MDR meeting, the CSC determines whether the student’s behavior is a manifestation of his or her disability. The CSC must review and consider all relevant information, including:

1) Student’s file, IEP and current placement;
2) Special education services, supplementary aides and services;
3) Evaluation results;
4) Observations of the student;
5) Information provided by the parents;
6) Data from behavior intervention strategies and whether interventions were implemented with fidelity; and
7) Whether there were failures to implement the IEP and if so what those failures were and when and where they occurred.

The CSC must conclude that the misconduct is a manifestation of the child’s disability if either:

1) The misconduct was caused by, or had a direct and substantial relationship to, the child’s disability; or
2) The misconduct was the direct result of the agency’s failure to implement the IEP and behavior intervention plan.

**How to Determine Manifestation**

(Refer to [Manifestation Determination Review Discussion Guide](#) at end of this chapter).

**Standard One:** Was the behavior caused by or directly and substantially related to the student’s disability?

Factors that should be considered include environmental factors, the student’s school program, home factors and the student’s mental, physical and developmental challenges. Other important factors the CSC may consider include the following:

- The student’s discipline history (total number of suspensions, the proximity of suspensions and the length of each suspension).
- The type of misconduct in relation to the student’s discipline history (isolated instance vs. repeated; whether the student’s behavior is substantially similar to behavior in previous and current incident).
- The relationship of the misconduct to documented characteristics of the disability as evidenced in literature/research.
- Whether the student code of conduct was provided to the family.
- Whether current behavioral strategies have been effective in preventing similar misbehavior and reinforce desirable behavior in the student’s school (school-wide discipline).
- The regency of the student’s FBA, the effectiveness of the student's Behavioral Intervention Plan (BIP) in relationship to the misconduct, and whether the BIP is based on research-based practices.
• Whether additional information is needed (updated FBA or other types of evaluation and development of BIP).
• Whether the behavior was dangerous, likely to result in injury or inflicted “serious bodily injury” on another person. “Serious Bodily Injury” means a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (See 18 U.S.C. 1365 (h)(3)).

**Standard Two:** Was the behavior a direct result of a failure to implement the IEP?

Factors for consideration include:

• The full scope of the ways in which the IEP was not implemented and why.
• The impact of any failure to implement the IEP on the student’s misconduct at the time of the incident. This means first determining what was not implemented and then determining its impact on the student’s behavior.

**MDR CSC Determines the Behavior WAS a Manifestation of the Student’s Disability**

If the MDR CSC determines that the student’s behavior was a manifestation of his or her disability, the student will not be subject to the regular disciplinary rules and procedures. The CSC must:

1) Conduct an FBA (unless there is already a recent FBA);
2) Implement (or modify as necessary) a BIP to address the behaviors;
3) Take immediate steps to address any failures to implement and ensure services are received;
4) Return the student to the placement from which he or she was removed no later than at the end of ten days after removal unless the parents and school agree to a change in placement as a part of a modified BIP.

**MDR CSC Determines the Behavior WAS NOT a Manifestation of the Student’s Disability**

If the MDR CSC determines the behavior is not a result of the student’s disability, the student may be subject to regular disciplinary rules including removal from the school for more than 10 consecutive/cumulative school days. The CSC must:

1) Forward the case and a recommended course of action to the school principal, who may then refer the case to a disciplinary committee for processing;
2) Convene an IEP meeting within 10 days following the date the disciplinary decision was made if that decision results in a change of placement;
3) Determine how and where to provide the child with the educational services as identified by the child’s IEP as a FAPE so as to enable the student to continue to participate in the general education curriculum and progress toward meeting IEP goals;
4) Provide, as appropriate, an FBA and behavioral intervention services and modifications to any BIP to address the behavior so it does not recur;
5) Document the actions of this IEP meeting in the CSC Meeting Minutes.
Determinations of Alternative Educational Setting (AES) and Continuation of Services in AES

When a student with a disability is removed from school for more than 10 consecutive/cumulative school days during the school year, the CSC determines the AES and ensures the continuation of comparable special education services in accordance with the IEP. The CSC determines the extent to which services are needed to enable the student to continue participating in the general education curriculum, and to progress toward meeting the goals in the student’s IEP. The special education and general education teachers should collaborate on the curricular material to be covered and the length of instruction needed for the student to progress in his or her educational program. Instruction may be provided in the student’s home, if a parent is present, or at another site such as community service center, library, or other public area. Correspondence or distance learning courses may be included as part of the student’s instructional program.

Special Exception for Conduct Involving Weapons, Drugs, and Serious Bodily Injury

School personnel may remove a student with a disability from his or her current placement for up to 45 school days, for misconduct, without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child at school, on school provided transportation, on school premises, or at a school sponsored event:

(a) Carries a weapon or possesses a weapon;
(b) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
(c) Has inflicted serious bodily injury upon another person.

Note: Removals under this special exception require a manifestation determination review.

Safety to Self or Others

If school personnel believe that returning the student to his or her current educational placement is substantially likely to cause injury to the student or to others, DoDEA HQ, working in conjunction with legal counsel, may file a petition for an expedited due process hearing. At that hearing, the hearing officer will hear evidence and may determine and order an AES to be appropriate under the circumstances proven.

Expulsion

On the date the decision is made to expel a student, the school is required to notify the parents of their decision, provide them with procedural safeguards, and refer the case to the disciplinary committee. A CSC meeting is to be scheduled as soon as possible, but no later than within 10 school days of imposing the consequence, to conduct a Manifestation Determination Review (MDR).

- If the CSC determines that the misconduct is NOT related to the disability, expulsion can be imposed. The CSC will identify options for the continued provision of services consistent with the student’s IEP. As noted above, in the “Manifestation Determination Review” section, the administrator must contact the District Office to inform the Superintendent and the district special education ISS prior to the manifestation determination review.
- If the CSC determines that misconduct IS related to the disability the expulsion cannot be imposed. The CSC, including the parents, must determine any appropriate adjustments to the IEP including a possible alternative educational setting. In the event the misconduct involves an incident cited under the "special circumstance involving weapons, drugs, or serious bodily
injury” discussed above, then the student may be placed in an AES determined by the CSC for up to 45 consecutive school days.

**Students Not Yet Determined Eligible for Special Education**

DoDM 1342.12 E4 S14 p 42, 43

If the school had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred, then the student is treated as a student with a disability in regard to any disciplinary action. The school will be presumed to have knowledge that a student has a disability if, prior to the incident:

1. The school receives written notification from the parent that the child was in need of possible special education and related services;
2. The student presented an active IEP from another school;
3. The parent of the student requested an evaluation of the student; or
4. School personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the principal or assistant principal, the district special education ISS, or to another teacher of the student.

The above conditions and protections will NOT apply and the school will NOT be deemed to have knowledge that a student has a disability when:

1. The parent of the student has not allowed an evaluation of the student or the parent has revoked consent, in writing, to the delivery of all the student’s special education and related services; or
2. The student has been evaluated and determined not to be a student with a disability.

The conditions that apply to discipline when there is no basis of knowledge that the student has a disability are:

1. If a school has no basis for knowledge that a student has a disability prior to taking disciplinary measures against the student, the student may be subjected to the disciplinary measures applied to non-disabled students who engage in comparable behaviors.
2. If a request is made for an evaluation of a student during the time period when the student is subjected to disciplinary measures:
   a. The evaluation must be expedited.
   b. Until the evaluation is completed, the student remains in his or her then current educational placement, which can include suspension or expulsion without educational services.

If the student is determined to have a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the school must provide special education and related services in accordance with an IEP.
Chapter 12: Reference Documents

- Discipline of Special Education Students Flow Chart
- Discipline Summary Checklist for Removals less than 10 Consecutive Days but Total Removals in the School Year Exceed 10 Cumulative Days
- Manifestation Determination Review Discussion Guide
Discipline of Special Education Students Flow Chart

Eligible student with a disability violates a school code of conduct

Disciplinary removal for current misconduct is for 10 or less consecutive school days and total removals in the school year are for 10 or less cumulative school days.

School may remove student from the current placement without conducting a Manifestation Determination Review. School is required only to provide services comparable to the services it provides to a child without a disability. (DoDM E.4, S.12.d.(1))

By the 10th cumulative school day of removal in the same school year, the CSC must determine the extent to which services are needed to enable the student to continue participating in the general ed curriculum, although in another setting, and to progress toward meeting IEP goals. (DoDM E.4, S.12.d.(3)(a))

Is the current removal one in a series of removals that amount to a pattern of removal constituting a change of placement? The CSC makes the pattern determination after considering the factors addressed in DoDM E.4, S.12.b.(3)

NO YES

Manifestation Determination: Does the conduct have a direct and substantial relationship to the disability?

Yes to either

Does the conduct have a direct and substantial relationship to the disability?

Is the conduct a direct result of the school’s failure to implement the IEP?

DoDM E.4, S.12.e.(2)(a)

Student’s conduct is a manifestation of disability.

NO to both

Student’s conduct is not a manifestation of disability.

Forward file and recommended course of action to principal who may apply relevant disciplinary procedures in the same manner and for the same duration as to students without disabilities DoDM E.4, S.12.e.(2)(e)(1)

If conduct was a direct result of failure to implement the IEP, the school must take immediate steps to remedy those deficiencies. DoDM, E.4, S.12.e.(2)(b) and (d)

Conduct a functional behavioral assessment (FBA) and develop a behavioral implementation plan (BIP), or review and modify an existing plan as needed. DoDM, E.4, S.12.e.(2)(b)

Return student to placement NLT 10 school days of removal unless (1) parent and district agree to a different placement, (2) hearing officers orders new placement, or (3) removals is for “special circumstances” under DoDM E.4, S.12.c.(2). If student is removed for “special circumstance,” school must continue to provide the child with the educational services as identified by the child’s IEP as a FAPE so as to enable the student to continue to participate in the general ed curriculum and progress toward meeting IEP goals and return to prior placement NLT 45 days of removal. DoDM, E.4, S.12.d.(2)(a).

Disciplinary removal for current misconduct is for 10 or less consecutive school days but total cumulative removals in the school year exceed 10 school days.

Issue Prior Written Notice to notify parents immediately of decision to remove for disciplinary reasons and need to convene a manifestation determination meeting and provide procedural safeguards. (DoDM 12.b.(4), 12.e.(1), 19.a.(4))

Within 10 school days of decision to remove student for disciplinary reasons the school, the parent, and relevant members of the CSC must review relevant information and make a manifestation determination. (DoDM E.4, S.12.d.(3)(b), 12.e(1)

Yes to either

Student’s conduct is a manifestation of disability.

NO to both

Student’s conduct is not a manifestation of disability.

Continue to provide the child with the educational services as identified by the child’s IEP as a FAPE so as to enable the student to continue to participate in the general ed curriculum and progress toward meeting IEP goals. Reconvene the CSC following a disciplinary decision that would change the student’s placement to identify, if appropriate, an educational setting and delivery system to ensure the child receives services in accordance with the IEP. DoDM, E.4, S.12.d.(2)(a); 12.e(2)(e).2.

Provide, as appropriate, functional behavioral assessment (FBA) and behavioral intervention services and modifications. DoDM E.4, S.12.d.(2)(b).

Return student to placement when disciplinary period expires unless parent and school agree otherwise or student is lawfully expelled.

Disciplinary removal for current misconduct is for 11 or more consecutive school days

Removal is a change of placement

July 12, 2017

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Discipline Summary Checklist for Removals less than 10 Consecutive Days but Total Removals in the School Year Exceed 10 Cumulative Days

<table>
<thead>
<tr>
<th>Student:</th>
<th>Date of Discipline Referral:</th>
</tr>
</thead>
</table>

**Date of Pattern Meeting:**

If determined “NO” Pattern:

________________ Date student removed for _____ days
________________ Date services provided for removed days

Identify services:

________________ Date parent notified of above

If determined “YES” Pattern this is a Change of Placement:

________________ Date parent notified of change of placement
________________ Date parent provided Procedural Safeguards Notice
________________ Date parent notified of Manifestation Determination Review (MDR) Meeting
________________ Date of MDR Meeting (must be held within 10 days of removal)

Parent WAS ☐ WAS NOT ☐ in attendance at the MDR meeting.

If "YES" Manifestation:

________________ Date student returned to school (must be returned within 10 days of removal decision)
________________ Date FBA addressed
________________ Date BIP addressed (if appropriate)

If "NO" Manifestation:

________________ Date CSC convened to determine services provided
________________ Date student removed for _____ days
________________ Date services provided for removed days

Identify services:

________________ Date FBA addressed
________________ Date BIP addressed (if appropriate)
# Manifestation Determination Review Discussion Guide

## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Student:</th>
<th>Date of Birth:</th>
<th>School:</th>
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</tbody>
</table>

Current Educational Setting(s):

Date of this Manifestation Determination Meeting:

Date of Alleged Behavior:

Alleged Behavior Resulting in this Analysis:

If functional behavioral assessment of this behavior has occurred, findings:

## DATA REVIEW

Disability of student with associated conditions, if any:

Any behavioral features associated with this disability student has shown in the past:

Discipline history review:
### IEP CONTENT AND PLACEMENT APPROPRIATENESS

**IEP team agreed this was the correct placement prior to incident?**  ☐ Yes  ☐ No  ☐ No Team Consensus

Comments:

Is the IEP team in agreement now as to correctness of placement?  ☐ Yes  ☐ No  ☐ No Team Consensus

Comments:

Was there a behavior plan in effect for similar behavior prior to incident?  ☐ Yes  ☐ No

If No, would one probably have prevented this behavior?  ☐ Yes  ☐ No  ☐ No Team Consensus

Does this behavior suggest the presence of a suspected disability or service need?  ☐ Yes  ☐ No

### CONCLUSION 1

**Conclusion 1:** Was the behavior caused by, or did it have a direct and substantial relationship to, the student’s disability?  ☐ Yes  ☐ No

**Rationale:**

**Discussion:** What are the observable behavioral manifestations of this disability for this student as reported by individuals knowledgeable of both this disability and this student’s prior associated behavior?  ☐ Yes  ☐ No  ☐ No Team Consensus

Comments:
**CONCLUSION 2**

| Conclusion 2: Was the behavior a DIRECT result of a failure to implement the IEP? | ☐ Yes ☐ No |

| Discussion: “Is the IEP team currently in agreement that in relation to the behavior, the IEP was appropriate, with all necessary behavioral supports and related services being implemented at the time of the incident?” | ☐ Yes ☐ No ☐ No Team Consensus |

| Comments: | |

| Optional Discussion: Is the current behavior a more severe/intense version of any disability related behaviors previously exhibited? | ☐ Yes ☐ No ☐ No Team Consensus |

| Comments: | |

| Expanded Discussion: If unclear as to the causative, direct relationship of this disability and this behavior, discuss the following for clarification about the relation of the behavior to the disability: | |

| Did the student’s disability impair understanding the potential impact and outcome of this behavior? | ☐ Yes ☐ No ☐ No Team Consensus |

| What previous data on this student and in the literature on this disability supports this conclusion? | |

| Did the disability impair the student’s ability to control the behavior? | ☐ Yes ☐ No ☐ No Team Consensus |

| What previous data on this student and in the literature on this disability supports this conclusion? | |

| Behavior was: | ☐ willfully chosen by the student ☐ a spontaneous reaction due to a feature of the student’s disability |
**FINAL RECOMMENDATIONS**

- ☐ Behavior subject to disciplinary action is NOT a manifestation of the disability, proceed with disciplinary proceedings because: neither conditions (*see Conclusion Sections 1 and 2 above*) were met: the behavior is not a direct result of failure to implement the IEP, nor was the behavior directly, substantially or causatively related to this student’s disability.

- ☐ IEP team agrees behavior is a manifestation of the disability, no further disciplinary proceedings shall occur and an FBA assessment plan of the incident has been signed by parent and a functional behavioral assessment scheduled.

- ☐ Resolution procedures needed, IEP team is not in unison as to:
  - ☐ relation of behavior to disability, or ☐ relation of behavior to failure to implement the IEP

Next-step recommended resolution procedure:

**PROGRAM CHANGE RECOMMENDATIONS**

Program change recommendations – select conclusion: (IEP date scheduled:____________________)

- ☐ No change recommended because:

- ☐ Add or alter behavior plan, because:

- ☐ Add other services or supports, because:

- ☐ Change of placement to be discussed at IEP, because:
Resource Chapters
Resource Chapter 1: Special Education Considerations: English Language Learners
DoDEA is responsible for the provision of services designed to meet the special needs of those students with limited English speaking ability and students with disabilities.

The purpose of this resource chapter is: 1) to outline the pre-referral and referral processes, and 2) to provide background information on typical and atypical second language acquisition characteristics that may be confused with disability characteristics.
Distinguishing Between Second Language Acquisition and Disability Characteristics

Differentiating between the characteristics of an English language learner and an ELL with a disability begins with the understanding of the following:

1. Many factors affect second language acquisition.
2. Language develops over an extended period of time.
3. The process of acquiring a second language is complex.

The acquisition process varies with each student and is greatly influenced by the context in which it takes place. Individuals will acquire language at varying rates as varying degrees of social and academic language proficiency skills are acquired. Observing and commenting on these factors in the ELL individual assessment report provides valuable baseline information on ELLs suspected of having a disability.

Tasks requiring language proficiency should be interpreted with the following considerations.

- As children are exposed to a second language, they may demonstrate a loss of receptive and expressive language skills in the first language. Thus, less developed skills in the first language may be due to the normal second language acquisition process and not to language disabilities.
- ELLs’ proficiency may vary depending on the context in which the language is being used. For example, some dual language children are able to communicate well in the first language in interpersonal situations, but are more proficient in the second language in academic situations. On the other hand, some students may be able to communicate in the second language in interpersonal situations, but are more proficient in the first language within academic situations.

The normal process of second language acquisition is often confused with a learning disability because they both have similar surface characteristics. One way to tell them apart is through on-going classroom assessment and the documentation of patterns in those assessments. ELLs going through the normal process of second language acquisition make progress over time. The ELL with a learning disability is usually less responsive to interventions than the ELL in the early stage of second language acquisition.
### Characteristics of ELL Students with and without a Disability Chart

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>ELL Student WITHOUT a Disability</th>
<th>ELL Student WITH a Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CAUSE OF PERCEIVED PROBLEM</strong></td>
<td>• Extrinsic</td>
<td>Intrinsic</td>
</tr>
<tr>
<td></td>
<td>• Adaptation process to environment</td>
<td>Physiological in nature</td>
</tr>
<tr>
<td><strong>SOCIAL ABILITIES/AFFECTIVE FACTORS</strong></td>
<td>• Demonstrates appropriate social skills for home country</td>
<td>• May exhibit behavioral problems not attributable to adjustment and acculturation</td>
</tr>
<tr>
<td></td>
<td>• May have some social problems due to lack of familiarity with American customs, language, and expected behaviors</td>
<td>• May have difficulty forming appropriate social relationships</td>
</tr>
<tr>
<td></td>
<td>• May experience social isolation. Student may tend to interact more with pupils from own cultural group</td>
<td>• May have frequent fights or arguments</td>
</tr>
<tr>
<td></td>
<td>• May exhibit behavioral problems associated with experiences of failure in the regular or special education program</td>
<td>• May experience cultural identity problems and have poor self-esteem</td>
</tr>
<tr>
<td><strong>COMMUNICATION SKILLS</strong></td>
<td>• Normal language learning potential</td>
<td>• May not achieve communicative competence in either first or second language</td>
</tr>
<tr>
<td></td>
<td>• Demonstrates ability to achieve communicative competence in first language</td>
<td>• Speech language disorders exhibited in the areas of articulation, voice, fluency, or receptive and expressive language</td>
</tr>
<tr>
<td></td>
<td>• Errors are attributed to second language acquisition rather than speech/language disability</td>
<td>• Student does not express basic needs adequately</td>
</tr>
<tr>
<td></td>
<td>• Eventually, the student communicates proficiently in the second language</td>
<td>• Peers indicate that they have difficulty understanding the student</td>
</tr>
<tr>
<td>Characteristics</td>
<td>ELL Student WITHOUT a Disability</td>
<td>ELL Student WITH a Disability</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------------</td>
<td>------------------------------</td>
</tr>
</tbody>
</table>
| **LANGUAGE SKILLS** | • First language is age appropriate  
 • Nonverbal communications skills (such as eye contact, response to speaker, clarification or response, turn taking, etc.) are appropriate for age and culture  
 • English language acquisition corresponds to that expected based on the student’s length of time in English speaking schools  
 • Student may demonstrate a loss of receptive and expressive language skills in first language when exposed to second language | • First language is not appropriate for age level  
 • Student does not learn English at the same rate as student without disability  
 • Nonverbal communication skills are not appropriate for age level  
 • Sentence structure is shorter or disordered, and grammar is incorrect for age  
 • Student may replace speech with gestures and communicate nonverbally when talking would be appropriate and expected  
 • Student perseverates on a topic even after a topic has changed  
 • May need to hear things repeated, even when they are stated simply and comprehensibly  
 • Student may echo what she or he hears. English language acquisition does not correspond to that expected based on the student’s length of time in English speaking schools |
| **ACADEMIC FUNCTIONS** | • Normal potential  
 • Apparent problems are related to lack of or inadequate schooling in home country | • Significantly below grade level performance may be due to inability to make progress in second language acquisition or difficulty retaining academic information despite a variety of interventions  
 • History of academic difficulties in home country or first language |
| **COGNITIVE ABILITIES** | • Cognitive abilities are average  
 • Students usually score better on nonverbal sections of cognitive tests and their scores on the verbal portion of the tests increase over the years | • Verbal and nonverbal abilities are inconsistent or significantly low  
 • Students score better on nonverbal sections of cognitive tests and their scores on the verbal sections of the tests do not increase steadily over the years. |
| **PROGRESS** | • Shows expected progress in English acquisition and development of academic skills  
 • No marked discrepancy between | • May show less than expected progress in English acquisition and development of academic skills |
<table>
<thead>
<tr>
<th>Characteristics</th>
<th>ELL Student WITHOUT a Disability</th>
<th>ELL Student WITH a Disability</th>
</tr>
</thead>
</table>
|                  | different areas (such as oral and writing skills)  
• English progress should continue steadily even if slowly | • May show a marked discrepancy between different areas (such as oral and writing skills) which cannot be attributed to lack of sufficient time or appropriate interventions |
| HEALTH           | • No significant health characteristics.          | • History of ear infections, hearing problems, sleep or eating disturbances, incontinence, and family incidence of learning disability may have influence on learning. |
| SENSORY FUNCTIONING | • May exhibit periodic “overload” response such as gazing off and blanking out what is heard for short periods of time during an initial adjustment to new setting | • Auditory or visual processing difficulties exhibited over period of time without signs of improvement |
| MOTOR SKILLS     | • Normal                                         | • Exhibits fine and/or gross motor impairments. |
| PRODUCTIVITY     | • May have difficulty with verbal and written directions or beginning/switching tasks due to insufficient English development but often finds strategies or techniques for coping | • May have difficulty with verbal and written directions or beginning/switching tasks for a variety of reasons and may not acquire strategies for coping; has difficulty completing tasks following explicit instructions |

**Special Education Program Guidelines for English Language Learners**

Under the DoDEA program, guidelines for special education and English Language Learners (ELLs) a student receiving ESL services can be referred for and receive special education services while also being served by the ESL teacher. The classroom teacher, parent, or any other individual who has relevant knowledge about the student’s educational performance can make a referral for special education evaluation.

Prior to the Case Study Committee (CSC) accepting a referral, the initial task of the ESL and general education teacher(s) is to differentiate the student’s performance issues and length of time that the student has been exposed to linguistic and cultural differences, limited environmental factors, lack of instruction, or a suspected disability.

Pre-referral Process

Special Education Pre-referral Process for a Student Currently Enrolled with English Language Learner (ELL) Services

English language learner experiences difficulty in the ESL and general education classroom.

ELL shows progress.

ESL and general education teacher(s) attempt a variety of strategies to resolve the student’s difficulties. The ESL and general education teacher(s) document student’s progress, performance, and behavior.

ELL shows progress.

ESL and general education teacher(s) continue implementing effective strategies and monitor student progress.

ELL continues to experience difficulty despite interventions.

ESL and general education teacher(s) request assistance from in-school problem-solving team (Student Support Team or other resource).

SST develops intervention plan and time frame.

ELL shows progress.

ESL and general education teacher(s) continue implementing effective strategies and monitor student progress.

ELL continues to experience difficulty across settings after interventions are implemented.

SST reviews ELL data that has been collected, reevaluates intervention plan, and assesses student progress.

SST modifies or expands intervention plan and establishes adjusted time frame.

SST determines ELL should be referred to CSC or other appropriate alternatives.

NOTE: If an educator working with an ELL student suspects a disability, the student can be referred directly to the CSC with supporting evidences and documentations of concerns. There is NO predetermined period of time to wait before making a special education referral if a student is not making expected progress in learning in comparison to peers from similar backgrounds or if a parent requests a referral.
Pre-referral information that may be gathered includes, but is not limited to, the following:

**Pre-referral Information**

- A comprehensive review of the student’s academic record:
  - Years of formal schooling
  - Grades and achievement data
  - Frequency of school attendance
  - Number of schools attended in the past
  - Learning difficulties noted in the native country
  - Language of instruction in native country
- A review of family history including cultural economic background:
  - Socioeconomic background, the educational level, and occupation of family members
  - Family cultural background including ethnic group, country, beliefs, language
  - Medical history including a current vision and hearing evaluation
- Information about language dominance and the student’s motivation to learn English or speak in his/her native language:
  - Parents’ fluency and level of proficiency in the native language and in English
  - Acculturation levels of parents and student
  - Duration and quality of instruction in the native language and English
- Information about the student’s proficiency in the use of language in the four modalities (speaking, listening, reading, and writing) (in English and native language - if feasible):
- Basic interpersonal communication skills.
  - Cognitive/academic language skills
  - Academic screenings
  - Work samples
  - Oral language samples
  - Classroom observations including student’s interaction and communication with peers and staff across settings
  - Structured Observations such as the SOLOM (Student Oral Language Observation Matrix)
- Information regarding services, interventions, and strategies previously used by the student:
  - Types of services
  - Learning style
  - Types of classroom adaptations including accommodations and modifications and their effectiveness

**Formal Referral to CSC**

At the end of the pre-referral process, the ESL teacher, the general education teacher (s) and other appropriate educators, review the student’s progress and information gathered with the parent to make the decision as to whether or not language acquisition can be ruled out as a factor affecting the child’s performance. Referral of the student to the CSC should indicate that all other avenues have been explored and the general education program alone cannot meet the student’s needs. The CSC must include the ESL teacher for all ELL referrals.

**Planning and Administering Assessments**

- When an ELL student is in the assessment process, and the CSC administers assessments standardized on English populations, the scores should be interpreted with caution and considered within the broader context of all data collected.
• When appropriate, available and possible, and when English is not the dominant language, conduct the assessment using equivalent instruments and procedures in both the dominant language and English.
• Scores alone from translated tests are not valid and cannot be used to determine eligibility, and should only be used as an informal measure of information.
• Information gathered from modified or translated assessment activities may be used in conjunction with other evidences to determining eligibility.
• Use of an interpreter and the information gathered from the assessment should be used judiciously to aid in the understanding of the student profile.
• Document and fully discuss in the individual assessment report any modification in test administration, such as:
  o allowing extra time for timed verbal items,
  o substitution of dialectally/culturally appropriate vocabulary,
  o deletion/modification of culturally inappropriate items,
  o explicit instruction beyond that allowed in administration criteria and use of practice items,
  o dual scoring of test protocols- both with and without modifications,
  o probing for reasons for responses, and
  o translation.
• In addition to the assessment information required under Chapter 4 Referral and Assessment Planning of this Companion, the individual assessment reports for ELLs includes:
  o Impact of culture on educational performance
  o Implications of social and academic English skills
  o Informal assessment information and
  o Any discrepancies in the data

Non-Standardized Assessment
Non-Standardized assessments may include:

• Interview with parents, teachers, nurse, paraprofessionals and others in the student’s environment
• Interview student
• Observations in a variety of settings
• Use of checklist, rating scales, and self-reports by parent, teachers, student, and others
• Student work samples
• Criterion-referenced assessments
• Curriculum-based assessments
• Analytical (diagnostic/prescriptive) teaching
• Dynamic assessment (test-teach-retest)

Language Proficiency/Dominance
The purpose of language proficiency testing and establishing the dominant language is to gain a measure of the student’s language capabilities in both the native language and in English. It is important to gain an understanding of the language capability so that language proficiency will not impede the student’s performance in the cognitive and academic assessments. The cognitive and academic assessments should measure the
extent to which a student may have a disability and not the student’s English language skills. Establishing language dominance cannot be done solely in the context of the school environment. Information critical to determining the dominant language comes from the parents and the student.

The acquisition of a second language does not develop evenly. A student may be more proficient in some aspects of his/her first or native language and in other aspects of the second language. As an example, a child may have a larger vocabulary in the second language but a stronger grasp of grammar in the first language. It is critical that the language proficiency level be determined. If the student is considered “fully proficient,” it is still important to collect information regarding the student’s rate of English language acquisition compared to his/her peers.

When students identified as limited English proficient experience academic difficulties, concerns regarding the nature of those difficulties, their relationship to the first language, and the level of English proficiency are critical. Language dominance and proficiency must address all four modalities: reading, writing, speaking, and listening. Documentation of the status of all languages is important for three primary reasons:

1. To establish the absence or presence of a primary learning impairment in the first language.
2. To determine the level of English proficiency.
3. To determine the language(s) of assessment, should the CSC decide assessment is necessary.

**Eligibility for Special Education Services**

Eligibility for special education services is based on the following four considerations:

1. Evidence that the disability exists in the student’s first language as well as in English and across a variety of settings.
2. Formal and informal assessment data indicates the learning problem is NOT due primarily to cultural differences or factors related to learning English as a second language. This statement must be documented in the special education eligibility report. To determine whether an ELL is eligible for special education, consideration of his or her English language development should be through interdisciplinary collaboration. Input from the ESL teacher or other personnel with expertise in the second language acquisition process at the eligibility meeting is strongly recommended. This interdisciplinary collaboration will help determine the extent of the need for both ESL and special education services.
3. The student meets other criteria used to determine eligibility for special education and related services required by [DoDM 1342.12](#) E4, S7 p 30-31.
4. If the ELL is found not eligible for special education services, the in-school problem-solving team may continue to serve as a resource and to provide support to both the student and his or her teachers as needed.

**IEP Development**

When the student is determined eligible for special education services and is also enrolled in the ESL program, there are several program development factors to consider. It is important to develop the IEP for the least restrictive environment. This implies that the special education teacher and ESL teacher responsible for providing services collaborate and coordinate together so the student is not pulled from the content classroom an excessive amount of time and that the content and instructional strategies are complementary. Since the language and placement needs of ELLs with disabilities vary widely, it is important for the CSC to consider a range of options in which the student can receive appropriate
language and special education support. The focus should be on providing seamless services that allow for progress in the general education curriculum and toward the specific goals and objectives of the IEP.

Essential attributes to consider in developing the IEP include:

- The student’s disability and the impact on the development of the English language
- The student’s current stage of English language acquisition (both oral and literacy levels).
- The student’s strengths and weaknesses in listening, speaking, reading, and writing.
- The student’s communication needs in the English language.

The information should include a description of the services to be provided, the location and the frequency, including the time and extent of services. Any accommodation required to meet the student’s cultural and linguistic needs must also be addressed on the IEP. Documentation of ESL services is included in the CSC Meeting Minutes.

The CSC is responsible for determining the appropriate participation in system-wide assessments for ELLs who receive special education services. The level 1 or, as appropriate, level 2 ELL is eligible to participate in an alternate assessment either through ESL or special education.
Resource Chapter 2: Challenging Behaviors: Classroom Behavior

When behaviors impede learning in the classroom environment the CSC may need to intervene with a functional behavior assessment to develop a behavioral intervention plan.
Behavior Challenges
The relationship between the classroom teacher and the student is an integral component of student achievement and success in school. High academic achievement and behavioral standards are promoted through a positive, safe, and well-structured classroom. Staff will employ a full range of effective classroom management strategies designed to create a safe and orderly learning environment that supports academic achievement for all students. Such strategies should be progressively and fairly administered. When a student’s behavior impedes learning and has not been responsive to interventions, the special education case manager may schedule a CSC meeting to address the disruptive behavior.

Functional Behavioral Assessment (FBA)
IDEA and DoDM 1342.12 require that the relationship between behavior and learning be considered and acted upon by the CSC. When school personnel observe repeated acts of misconduct, or a single serious act of misconduct, by a student with a disability, the student is referred for an FBA. An FBA is required for the implementation of a behavior intervention plan and supports to address behaviors that interfere with the student’s learning and with the learning of others or that require disciplinary action.

An FBA is a systematic process for describing problem behavior, and identifying the environmental and surrounding events associated with the behavior. The information collected through an FBA is used to identify and teach more appropriate replacement behaviors and to develop an effective behavior intervention plan for reducing the frequency or severity of the behavior. The FBA:

- Determines what may cause the undesirable behavior.
- Predicts when the undesirable behavior may occur.
- Identifies potential means to prevent or reduce the occurrence of the behavior.
- Designs effective interventions when the problem behavior occurs.

Conducting a Functional Behavioral Assessment

Collecting Preliminary Data
Before implementing an FBA, which is conducted by a school employee designated by the CSC (psychologist, counselor, case manager), it is necessary to pinpoint the behavior causing learning or discipline problems and to define the behavior in concrete terms that are easy to communicate and simple to measure and record. When the descriptions of behaviors are vague, it is difficult to determine appropriate interventions.

It is necessary to objectively observe the student’s behavior in different settings and during different types of activities. Interviews with parents, teachers and other staff members are also important to identify specific characteristics of the behavior.

The parent is to be notified that an FBA will be conducted. Although parent consent is not required, it is best practice to obtain parental consent prior to conducting an FBA.

Techniques for Conducting an FBA
The use of a variety of techniques and sources of information may be utilized in developing the FBA (e.g., observations, staff interviews and consultation, file reviews, parent consultation, checklist/inventories, student interviews)
Data analysis helps to determine patterns associated with the behaviors and hypotheses for the functions of the behaviors as well as providing input for the development of a behavior intervention plan.

**Behavior Intervention Plan**

After collecting data on a student’s behavior and developing a hypothesis on the function of the behavior, the CSC develops or revises a behavior intervention plan. The plan identifies all essential components to address the problem behaviors which may include:

- positive strategies and reinforcements,
- skills to be instructed,
- program, environmental, and/or curricular modifications, and
- supplementary aids/ supports.

The behavior plan must indicate a specified length of time and the type of data to be collected in order to assess the effectiveness of the interventions and to take appropriate steps to review and revise as necessary.

**Summary of the Guidelines for Developing a Behavioral Intervention Plan**

- Prioritize behaviors based upon the seriousness and/or significance of impact.
- Document the conditions that trigger the behavior and the suspected purpose(s) (e.g., task avoidance).
- Develop appropriate interventions and reinforces aligned with student’s current levels of performance.
- Teach replacement behaviors.
- Implement changes in setting, environment, or schedule.
- Assess the practicality of implementation.
- Review the BIP as needed but, at minimum, at the annual IEP meeting and at the beginning of each school year.
**Functional Behavioral Assessment Report**

**Part 1 (Description)**

<table>
<thead>
<tr>
<th>Student Name:</th>
<th>DOB:</th>
<th>Grade:</th>
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</thead>
</table>

**Written By:**

<table>
<thead>
<tr>
<th>Data Source:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Parent Interview</td>
</tr>
<tr>
<td>☐ Teacher Interview</td>
</tr>
<tr>
<td>☐ Student Interview</td>
</tr>
<tr>
<td>☐ Records Review</td>
</tr>
<tr>
<td>☐ Rating Scales</td>
</tr>
<tr>
<td>☐ Normative Testing</td>
</tr>
</tbody>
</table>

**Description of Behavior** (Include Frequency, Intensity, and Duration)

**Triggers** (i.e., Difficult Task, Transition, Demand/Request, Peer Interaction, etc.)

**Concurrent Events or Setting** (i.e., Independent Seatwork, Adult or Peer Attention, Unstructured Setting, etc.)

**Consequences** (Note if this appears to increase or decrease the behavior, i.e., Behavior Ignored, Reprimand/Warning, In-School Suspension, Sent to Office, Communication with Parent, etc.)

**Describe Previous and Current Behavioral Interventions and Results**

**Describe Previous Modification(s) to Program and Results** (i.e., Changes in programming, schedule, class section, and addition or deletion of IEP goals and objectives)
Part 2 (Function)

Specify ECOCLOGICAL EVENTS that may influence behavior.

<table>
<thead>
<tr>
<th>Event Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disruption to Routine(s)</td>
<td>(Describe either home or school routines that influence behavior.)</td>
</tr>
<tr>
<td>Medical Complications</td>
<td>(i.e., ADHD, asthma, allergies, seizures, etc.) Medications (List medication, dosage, and possible side effects.)</td>
</tr>
<tr>
<td>Sleep or Dietary Factors</td>
<td></td>
</tr>
<tr>
<td>Characteristics of Disability</td>
<td>(List any behaviors that may be displayed that are characteristic of the student’s identified or suspected educational disability.)</td>
</tr>
</tbody>
</table>

Specify HYPOTHESESIZED FUNCTION for each area checked below.

<table>
<thead>
<tr>
<th>Function Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Need(s)</td>
<td>(What is the child attempting to communicate?)</td>
</tr>
<tr>
<td>Escape/Avoidance</td>
<td>(If a skill deficit, identify academic or social skill being avoided.)</td>
</tr>
<tr>
<td>Attention/Control</td>
<td>(Identify the adult(s) or peer(s) from whom the student is attempting to gain attention.)</td>
</tr>
</tbody>
</table>
### Part 3 (Suggestions for Intervention)

Name: ________________________________ Date: ________________

<table>
<thead>
<tr>
<th>Possible Intervention Strategies:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Replacement Behaviors:</th>
</tr>
</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Possible Reinforcers:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Further Assessment(s) to be Completed (if any):</th>
</tr>
</thead>
<tbody>
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</table>

<table>
<thead>
<tr>
<th>Personnel Who Work Well with the Student:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
# Behavioral Intervention Plan

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Expected Outcome(s), Goals(s)</th>
<th>Intervention(s) and Frequency of Intervention</th>
<th>Reinforcers</th>
<th>Person(s) Responsible</th>
<th>Review Notes* (date, code, note)</th>
</tr>
</thead>
</table>

*Review Codes:*
- **GA** = Goal Achieved
- **C** = Continue
- **DC** = Discontinued Expected

Review Dates: _______________________________

Signatures:

---

**July 12, 2017**
Resource Chapter 3: Assistive Technology (AT)

IEP Special Factor

Assistive Technology (AT) services and devices enhance students’ performance on specific tasks or allow students to maintain current performance levels thereby allowing them to achieve access within their instructional programs. AT is a special factor considered for all students with IEPs. DoDEA ensures that AT devices and/or services are made available to students with disabilities as required.

- Legal Definition of Assistive Technology
- Continuum of Categories of Assistive Technology
- Legal Definition of Assistive Technology Services
- Assistive Technology Considerations
- Assistive Technology Documentation within the IEP
- Assistive Technology Evaluations
- School-Owned Assistive Technology Used in Home Settings
- The Relationship between Assistive Technology and Least Restrictive Environment (LRE)
- The Relationship of Assistive Technology to the Provision of Accessible Instructional Materials
- Training Needs to Effectively Implement Assistive Technology
Legal Definition of Assistive Technology

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004 and DoDM 1342.12 page 84, provide a legal definition of AT. The definition reads as follows:

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability.

The phrase “any item” can and should be interpreted broadly to include any technology. Technology may include more complex items such as computer-based technology and software to everyday items such as tennis balls, which can be used to modify everyday items (e.g., pencils) for alternative grasps.

“Product system” refers to the idea that an AT solution may often times require multiple technologies that are working together in order to provide benefit to a student with a disability. All the technologies must work in concert for the student to benefit from the AT system.

The phrase “that is used to increase, maintain, or improve the functional capabilities of a student with a disability” refers to the reason that the AT tool or system is provided to the student. Functional capabilities may be defined as those processes that students are expected to perform every day in school to be successful. These include, but are not limited to, eating, drinking, toileting, communicating, seeing, hearing, reading, writing, attending, and ambulating around the school environment.

The term [assistive technology] does not include a medical device that is surgically implanted, or the replacement of such device. (Authority: 20 U.S.C. 1401(1); DoDM 1342.12 page 84)

Consequently, any AT that is considered for students with disabilities in school settings should not include items that need to be surgically implanted – that is, those items that would need to be inserted into the body subcutaneously (below the skin) and would require a medical doctor to perform the procedure (e.g., cochlear implant).

Continuum of Categories of Assistive Technology

AT is conceptualized on a continuum from Low Tech to High Tech. Low Tech refers to AT tools that are typically more widely available, lower in cost, and relatively easier to use (e.g., slant boards, tactile rulers, colored paper, and name stamps). High Tech refers to AT tools that may be more specialized, not widely available, higher in cost, and more complex to operate and use (e.g., alternative keyboards, speech recognition software, and electronic eye gaze systems). These tools are identified to meet specific needs of students with disabilities.

Legal Definition of AT Services

DoDM 1342.12 page 84, provides a definition of AT services:

Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. The term includes: evaluating the needs of an individual with a disability, including a functional evaluation in the individual’s customary environment; purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing educational and rehabilitative plans and programs; training or technical assistance for an individual with disabilities or the family of an individual with disabilities; and training or technical assistance for professionals.
(including individuals providing educational rehabilitative services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of an individual with a disability.

**AT Considerations**

IDEA 2004 and DoDM 1342.12 mandate that IEP Teams consider several “special factors” for every student receiving special education services. IEP Teams must “consider whether the child needs AT devices and services” when developing a student’s IEP. The AT consideration is a purposeful process that involves collaborative decision making, reviewing existing information about a student, potentially collecting additional information about a student, deciding whether or not a student needs AT. The responsibility for AT consideration falls upon the entire IEP Team and is not relegated to a single individual. School IEP Teams engage in meaningful, ongoing and reoccurring AT consideration.

**Possible AT Consideration Outcomes**

- The student accomplishes required tasks within the instructional or access areas using standard classroom and modifications and accommodations that are currently in place. AT is not required.
- The student accomplishes the required tasks within instructional or access areas with AT that has been determined educationally necessary and is currently in place. AT is required. Document required AT devices and services in the IEP. Monitor the use of the assistive technology and make changes as needed.
- The student cannot accomplish the required tasks within the relevant instructional or access areas with modifications, accommodations, and/or AT that are currently in place.

When potential AT solutions are known to the IEP Team, trial use of the identified AT solution is documented in the IEP minutes and implemented. Do not include an AT product by name but by key features. If when potential AT solutions are not identifiable to the IEP Team, the team conducts research, requests assistance from knowledgeable personnel within the school or district or refers the student for an assistive technology evaluation. Trial use of the AT may be recommended at the end of the informal consultation or formal evaluation. Parent permission is required for formal evaluation.

**Critical Elements of a Successful AT Consideration**

- AT devices and services are considered for all students with disabilities regardless of the type and severity of disability.
- During the development of the individualized educational program, the IEP Team consistently uses a collaborative decision-making process that supports consideration of each student’s possible need for assistive technology devices and services.
- IEP Team members have the collective knowledge and skills needed to make informed assistive technology decisions or seek assistance when needed.
- Decisions regarding the need for assistive technology devices and services are based on the student’s IEP goals and objectives, access to curricular and extracurricular activities, and progress in the general education curriculum.
- The IEP Team gathers and analyzes data about the student, customary environments, educational goals, and tasks when considering a student’s need for assistive technology devices and services.
- When assistive technology is needed, the IEP Team explores a range of assistive technology devices, services, and other supports that address identified needs.
• The assistive technology consideration process and results are documented in the IEP Meeting Minutes and include a rationale for the decision and supporting evidence.

**Assistive Technology Documentation within the IEP**
The purpose of documenting AT and AT services on a student’s IEP is to ensure that there is a clear understanding of the AT and AT services that have been identified by the IEP Team for a student. Several sections within an IEP may contain information related to AT and/or AT services, including:

- **Present Levels of Academic and Functional Performance**: If the student is already using AT and/or receiving AT services, it is appropriate to document the AT that is being used in the present levels of academic and functional performance section. An IEP Team explains what AT is being used, how, for what reason, and the impact the AT has on the student's performance.

- **IEP Goals and Objectives**: AT is directly tied to support the achievement of a student’s measurable IEP goals and objectives. There are two ways in which this may be done. First, if the student is learning how to use the AT (i.e., developing operational competency), then goals and objectives may be written to address the necessary special education services that may be provided to help the student become a competent user of the AT. When a student has operational competence using the AT, a goal is written embedding the AT within the measurable goal.

- **Consideration of Special Factors**: An IEP Team must consider and document whether or not AT is needed for a student.

- **Accommodations and Modifications**: AT may be included under accommodations and modifications. For example, a student may be allowed to use a digital calendar instead of an assignment notebook for recording assignments, school events, and other tasks. For another example, a student may be allowed to use a word processor with text-to-speech features when composing their own work for assignments and assessments.

- **IEP Meeting Minutes**: IEP team discussions related to the AT consideration process and inclusion of AT services including potential AT trials, trainings, procurement of items, troubleshooting or other supports needed by the student or members of the IEP team are documented within the IEP Meeting Minutes.

- **Listing specific names of AT within the IEP**: General descriptive terms are documented in all areas of the IEP (example: text to speech, word prediction, voice recognition, language based communication device with synthesized speech).

**NOTE**: When considering any technology that is not readily available/identifiable, a consultation should occur between the AT ISS, District SPED ISS and Administrator to discuss possible options to guide the CSC. A specific brand name should not be used but rather a description of what the does that the student requires and why the student requires this technology.

**Assistive Technology Evaluations**
An AT evaluation is the formal process by which an IEP Team collects information to determine a student’s individual needs for AT and AT services. AT consideration is the process that occurs during an IEP meeting where an IEP team determines whether or not a student needs AT to receive a FAPE and documents the decision within the student’s IEP. As part of an AT consideration process, IEP Team members present all available data regarding student performance as well as any data collected regarding AT that has been used by the student or has been tried with the student.
In certain situations, assistive technology tools that may prove beneficial to a student are readily available in the student’s educational environment. Data collected regarding a student’s performance while using readily available tools is collected prior to the IEP meeting and shared with the IEP Team to inform the AT consideration process. Sometimes, during the course of an AT consideration process; however, an IEP Team identifies that a student may need AT but needs to gather additional information about the potential AT and AT services that would provide the student with sufficient compensatory benefit to make reasonable progress. When an IEP team embarks on the process of collecting this targeted information identified in the IEP meeting, then they have begun an AT evaluation.

The findings of the AT evaluation inform the AT consideration process that takes place during an IEP meeting. A request for an AT evaluation may be initiated by any member of the IEP Team, including the student, parents, teachers, therapists or administrators. An AT evaluation is conducted by members of the IEP Team. An AT evaluation is conducted in the student’s customary environment by an individual or a team having knowledge about the student and the AT and AT services that could be beneficial to the student.

Because an AT evaluation is an evaluation process, procedural safeguards and legal timelines apply (e.g., the requirement to obtain parental consent for the AT evaluation, and the 45-school-day timeline to conduct the AT evaluation and make a determination of a student’s need for AT).
School-Owned AT Used in Home Settings
School-owned AT may be used in home settings if it is determined by the IEP Team that the use in home settings is required for the student to receive a FAPE (i.e. tablet).

The Relationship between AT and Least Restrictive Environment (LRE)
The role of AT is to enhance students’ performance in their LRE. If students are unable to demonstrate performance on tasks and activities at an acceptable performance level despite instruction on the skills necessary to perform those tasks and activities, then AT may be warranted. AT may provide students with the necessary compensatory benefits allowing them to perform closer to the expected performance level and, ultimately, access the curriculum. Consequently, the provision of AT may allow students to receive instruction in less restrictive environments than if AT was not provided.

The Relationship of AT to the Provision of Accessible Instructional Materials
Textbooks and related printed materials are provided in specialized formats to students with print disabilities in a timely manner. While students with print-related disabilities may be provided with specialized formats (e.g., Braille, electronic text, enlarged text or audio), students may need to use customizable AT tools in conjunction with these specialized formats to effectively access these materials. For example, if a textbook were provided as electronic text, a student may still need to use a text to speech program or a refreshable braille display to access the textbook. In this instance, it would be insufficient to provide only the electronic text.

Training Needs to Effectively Implement AT
Training is a component of AT services and is provided to a student requiring AT. The student and all personnel who may work with the student while using an AT tool or system are trained. Training includes, but is not limited to: (a) how to use the AT tool or system (e.g., building operational competence); (b) any protocols that have been developed to specify how the student should use the AT tool or system or how the AT tool or system should be set up for student use; (c) any prompting or cuing systems that are to be used with the student; and (d) ways to troubleshoot and problem solve any common issues with the AT tool or system.

Assistance
The District Assistive Technology Instructional System Specialist is available to provide consultation and support for all phases of the assistive technology process.
DoDEA Request Form: Assistive Technology

<table>
<thead>
<tr>
<th>Requestor’s Name:</th>
<th>Date of Request:</th>
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<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Title:</th>
<th>School:</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Administrator:</th>
<th>District:</th>
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<table>
<thead>
<tr>
<th>Reason for Request:</th>
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</table>

<table>
<thead>
<tr>
<th>Target Audience:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Multiple Visit Request:</th>
<th>Yes</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Proposed Date(s) of Visit:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Send request to:

- District Superintendent
- Assistive Technology ISS
- Headquarters Office to coordinate purchase with Procurement and Resource Management
Resource Chapter 4: Special Education Records: Maintenance & Organization

This resource chapter provides detailed guidance on the maintenance and organization of DoDEA Special Education Confidential Records.

Section 1: Definition of Special Education Confidential Record

Section 2: Confidentiality Requirements for Special Education Records

Section 3: Cumulative School Records

Section 4: Special Education Records Organization and Content

Section 5: Transfer of Records From Non-DoDEA School to a DoDEA School

Section 6: Transfer of Records to a DoDEA School/Non DoDEA School

Section 7: Content of Archived Envelope

Section 8: Summary

Section 9: Disposition of Inactive Records
Section 1: Definition of Special Education Confidential Record

The special education confidential record is a separate file maintained for each student receiving special education services. Information contained in the records are documents pertaining to special education, to include pre-referrals and referral forms and documentation, test protocols, IEPs, CSC reports and minutes, assessment plans and evaluation reports and summaries of correspondence with parents (including invitations to meetings and permission for assessments), file access records, cross-reference location information and, when appropriate samples of student’s work. The record is initiated and maintained in a secure and confidential manner by the CSC.

A confidential record must be immediately established for each student:
1) Referred for Special Education Services (including information made available from the SST to the CSC)
2) Receiving Special Education Services (including information when a student transfers in - evaluation reports, eligibility report, IEP, etc.

The school principal is ultimately responsible for the privacy and security of confidential records.

Section 2: Confidentiality Requirements for Special Education Records

Special Education records are confidential records and are to be maintained in a secure location and separated from records containing routine cumulative school data. Cumulative records must specify if other educational records are maintained in another location. All schools must use the Records Locator Form. This form is to be placed in the cumulative record at the very front.

Access to confidential records is restricted to DoD staff who have a need for the record in the performance of their assigned duties. A Record of Access Form is maintained on the left inside cover of the confidential file and must be signed by everyone accessing the student confidential file. School staff having a legitimate need to access the file on multiple occasions throughout the school year will sign the record of access once annually. All others must sign the record of access each time they review the file.

Section 3: Cumulative School Records

Cumulative records are not to indicate any reference to special education referral and/or services. The cumulative record should be examined at least annually and any documents containing confidential information are to be removed and placed in the student’s special education confidential file. Typical items that should be removed from the cumulative record and placed in the confidential file include:

1) Comments or references to special education;
2) Psychological reports or evidence of individual evaluations or reports;
3) Registration forms which reference special education need; or,
4) Any document which makes reference to special education, IEP, educational disability, etc.

Section 4: Special Education Records Organization and Content

1) Special Education Records are labeled with the student’s name and student number.
2) All information contained in the Special Education Record must be accurate, complete and limited to information relevant to the special education needs of the student. Information added to the record must be dated and include the name, signature and position of the person who is the source of the information.
3) Special Education Records are updated as CSC actions occur. Correspondence, forms and documents generated through CSC actions, are assembled and filed in chronological order from the oldest dated piece of information on the bottom and building up to the most current information on top.
4) There is one exception; the current IEP is always placed on top.
5) Alternate Assessment results follow that IEP.
6) Only one copy of each required letter, form, or report should be maintained in the student’s special education confidential record. Duplicate copies of the same letter, form, or report should be removed from the file and shredded.
7) In general, emails should not be placed in the Special Education Record. If there is essential information found in emails and synthesis of that information can be compiled in a memo to the record and signed and dated by the case manager. The original emails can be kept in the Archived Envelope. **There is one exception:** Emails from parents requesting a specific action be taken by the school relating to special education should be printed and placed in the Special Education Record if the CSC determines it is essential information for the record.
8) When the material in a folder exceeds normal capacity, all information pre-dating the current three-year re-evaluation shall be removed and archived in a separate envelope (Archived Envelope). Since the data in this envelope must be readily available for parental review and inspection, it is placed in an Archived Envelope and housed directly behind the special education file. This envelope is labeled Archived Envelope: Confidential Student Information and labeled with the student’s name.
9) Schools must use folder type: heavy-duty, two-sided non-sectioned folders with prongs on the top of each side.
10) The file is organized as outlined.

<table>
<thead>
<tr>
<th>Left Side – Bottom</th>
<th>Right Side – Bottom</th>
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</thead>
<tbody>
<tr>
<td>Bus/Transportation paperwork (if applicable)</td>
<td>Pre-referral/Referral Forms (to include documentation of SST meetings, pre-referral information intervention strategies, and screening results) or Incoming records</td>
</tr>
<tr>
<td>EFMP paperwork</td>
<td>School registration forms containing confidential information</td>
</tr>
<tr>
<td>Secondary Six Year Plan for Graduation</td>
<td>Invitations to CSC Meetings and CSC Minutes</td>
</tr>
<tr>
<td>Electronic Student Summary Report</td>
<td>Correspondence of a confidential nature (requests for additional assistance for supplementary student support; consultation with VI or HI specialist, etc.; ESY requests; reports of unavailable related services).</td>
</tr>
<tr>
<td>Record of Access Form</td>
<td>Invitation to Assessment Planning meeting (if parent is invited) and PWN/Minutes of Assessment Planning Meeting</td>
</tr>
<tr>
<td></td>
<td>Assessment Plan</td>
</tr>
<tr>
<td></td>
<td>Signed Parent Permission to Assess</td>
</tr>
<tr>
<td></td>
<td>Personnel Request for Assessment to include referrals for related services</td>
</tr>
<tr>
<td></td>
<td>Invitation to Eligibility Meeting</td>
</tr>
<tr>
<td></td>
<td>Assessment Reports in chronological order by completion date to include the Review of Records, SFMH, Vision and Hearing, etc.</td>
</tr>
<tr>
<td></td>
<td>Eligibility Report</td>
</tr>
<tr>
<td></td>
<td>Eligibility PWN/Minutes</td>
</tr>
<tr>
<td></td>
<td>Invitation to IEP Meeting</td>
</tr>
<tr>
<td></td>
<td>PWN/Minutes of IEP meeting</td>
</tr>
<tr>
<td></td>
<td>Quarterly progress reports – current IEP (cumulative copy)</td>
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<tr>
<td></td>
<td>Alternate Assessment Results</td>
</tr>
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<td></td>
<td>Current IEP</td>
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11) Any other confidential information on the student should be placed in the record in chronological order by the date of the action.
Section 5: Transfer of Records From Non-DoDEA School to a DoDEA School

Incoming information: if the student enrolls with an active IEP or other confidential documentation, the Incoming Records Form is placed on the top of the incoming information. All new DoDEA special education documentation is placed in the file, above the “Incoming Records Form.”

Incoming Non-DoDEA IEPs

Include in Special Education File:

<table>
<thead>
<tr>
<th>Left Side – Bottom</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Bus/Transportation paperwork (if applicable)</td>
<td>Notice to Parents/Guardians of Students Entering with a Non-DoDEA IEP</td>
</tr>
<tr>
<td>EFMP paperwork</td>
<td>Invitation to IEP meeting</td>
</tr>
<tr>
<td>Secondary Six Year Plan for Graduation</td>
<td>PWN/Minutes of IEP meeting</td>
</tr>
<tr>
<td>Electronic Student Summary Report</td>
<td>Insufficient Information Coversheet (if applicable)</td>
</tr>
<tr>
<td>Record of Access Form</td>
<td>Correspondence of a confidential nature (requests for additional assistance for supplementary student support; consultation with VI or HI specialist, etc.; ESY requests; reports of unavailable related services).</td>
</tr>
<tr>
<td></td>
<td>Invitation to Assessment Planning meeting (if parent is invited) and PWN/Minutes of Assessment Planning Meeting</td>
</tr>
<tr>
<td></td>
<td>Assessment Plan</td>
</tr>
<tr>
<td></td>
<td>Signed Parent Permission to Assess</td>
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<tr>
<td></td>
<td>Personnel Request for Assessment to include referrals for related services</td>
</tr>
<tr>
<td></td>
<td>Invitation to Eligibility Meeting</td>
</tr>
<tr>
<td></td>
<td>Assessment Reports in chronological order by completion date to include the Review of Records, SFMH, Vision and Hearing, etc.</td>
</tr>
<tr>
<td></td>
<td>Eligibility Report</td>
</tr>
<tr>
<td></td>
<td>Eligibility PWN/Minutes</td>
</tr>
<tr>
<td></td>
<td>Invitation to IEP Meeting</td>
</tr>
<tr>
<td></td>
<td>PWN/Minutes of IEP meeting</td>
</tr>
<tr>
<td></td>
<td>Quarterly progress reports – current IEP (cumulative copy)</td>
</tr>
<tr>
<td></td>
<td>Incoming IEP</td>
</tr>
<tr>
<td></td>
<td>Accommodations/Modifications (page 2) completed based on incoming IEP</td>
</tr>
<tr>
<td></td>
<td>LRE page of the DoDEA IEP</td>
</tr>
<tr>
<td></td>
<td>DoDEA IEP Coversheet with service times completed</td>
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<td>Top</td>
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</table>

**NOTE:** All information may not be available on a transfer student or may not be available when initiating the file
Section 6: Transfer of Records to a DoDEA School/Non-DoDEA School

Upon notification that a student will transfer to another school, the CSC Chairperson or the Case Manager will review the special education file, and select and copy documents for parents to hand-carry. This action will ensure that the student’s educational needs are adequately represented and that a smooth transition with minimal break in services is facilitated. Parents should be strongly encouraged to hand-carry copies of pertinent documents to the receiving school.

Transfer to another DoDEA School

Upon notification from a receiving DoDEA school that the student has enrolled, the sending DoDEA school will:

1) Copy current information from most recent eligibility to IEP (current eligibility report, current diagnostic assessment reports, and current IEP, including progress reports);
2) Send the original special education record to the receiving DoDEA school, return receipt requested; and
3) Maintain copied data in an inactive file.

Transfer to a Non-DoDEA School

Upon receipt of permission for the release of information to a non-DoDEA school signed by parent, the DoDEA school will:

1) Send copies of the latest IEP, including progress reports, CSC Eligibility Report, and comprehensive diagnostic assessment reports;
2) Send copies of other information the school might need in order to determine eligibility and appropriate services;
3) Note in the student’s record when and to whom the data was sent;
4) Place copy of parent release form in the file; and
5) Place student’s record in the inactive file.

Section 7: Content of Archived Envelope

1) At the Annual review the last cumulative progress report is kept in the file behind the IEP it pertains to. The previous progress reports are archived and maintained in an Archived Envelope behind the file.
2) Scored Alternate Assessments are archived and maintained in an Archived Envelope behind the file.
3) New special education files will be developed after every triennial evaluation and existing files will be archived and maintained in an Archived Envelope behind the file.
4) Transportation requests may be archived and maintained in an Archived Envelope behind the file.
5) Transition assessments may be archived and maintained in an Archived Envelope behind the file.
6) Draft IEPs are not maintained. Once an IEP is signed by the parent, all draft versions of this IEP are to be destroyed (burned or shredded).
7) Test protocols, from every assessor involved in the evaluation of the student, may be archived and maintained in an Archived Envelope behind the file. **NOTE:** IQ test protocols may be maintained by the psychologist. If this is the case, a cross-reference locator, which identifies the location of this additional assessment data, must be maintained in the student’s special education file. Procedural safeguards for maintaining special education files must be applied to the maintenance of the file maintained by the psychologist.
Section 8: Summary

1) Cumulative files must have the Records Locator Form indicating that additional information is available on the student.

2) All Special Education Records must contain a Record of Access Form.

3) Any incoming records are to be placed below the Incoming Records Form indicating that the information is from a previous school.

4) Whenever confidential information is archived, the confidential information is placed in an Archived Envelope behind the file. This envelope is labeled Archived Envelope: Confidential Student Information and labeled with the student’s name.

5) Section 4, number 10 of this document indicates the content and organization of the confidential special education file.
**Records Locator Form**
The Records Locator Form identifies other files that include educational information maintained on the student. The Record Locator Form must be maintained in a secure location.

**Record of Access Form**

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>TITLE</th>
<th>PURPOSE</th>
<th>DATE</th>
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</table>
Incoming Records Form
The information beneath this sheet is incoming information from a previous school.
Section 9: Disposition of Inactive Records
Inactive files should be purged of non-essential information, and filed under the school year the student left DoDEA (so as to locate the file in 5 years) and stored in a secured location. Inactive files are maintained at the school for five years and then destroyed (burned or shredded).
Resource Chapter 5: The IEP: Extended School Year Services (ESY)

This resource chapter is designed to assist and guide the CSC when determining a student’s requirement for Extended School Year Services (ESY).

Determining the Need for ESY Services

What the Services Can Look Like

Factors To Be Considered by CSC
Extended School Year (ESY)
DoDM 1342.12 E4 S11 p37

ESY services are special education and related services that are provided to a student with a disability beyond the normal DoDEA school year, in accordance with the student’s IEP, are at no cost to the parents, and meet the standards of the DoDEA school system.

ESY services must be provided only if a child’s IEP team determines that the services are necessary for the provision of FAPE to the child. DoDEA may not:

- Limit ESY services to particular categories of disability; or
- Unilaterally limit the type, amount, or duration of ESY services.

ESY services are only necessary to provide a FAPE when the CSC determines that progress and instructional benefits for a student will be significantly jeopardized without the provision of ESY services.

The mere fact of likely regression is not a sufficient basis for providing ESY; most students (with and without disabilities) are likely to show regression in skills some extent during lengthy breaks from school. ESY services are warranted and required only when such regression will substantially thwart the goal of meaningful progress or when other factors are present (see below).

Determining the Need for ESY Services
The need for ESY services, for all IEP students, must be presented in the context of the IEP process and must be determined by the CSC at an IEP meeting. The CSC should consider the need for ESY services at least annually, but must consider the need for these services, at any time, if so requested. The request to consider ESY services may be initiated by the parent, the student, the student’s teacher(s), related service providers, or administrators. The consideration for ESY services should be an integral part of any IEP meeting, including the initial IEP meeting.

The determination must be based on those services required in order for the student to receive FAPE. Thus, the CSC must also review and consider the need for any related services and transportation. Related services or transportation must be provided if they are determined to be necessary for the student to benefit from the special education services provided during the ESY. The CSC considers and reviews a variety of data when determining the need for ESY. The following sources of data should be considered and reviewed as appropriate:

- historical data;
- review of current and previous IEPs;
- documentation of regression and recoupment time;
- documented clinical evidence;
- classroom observations;
- progress notes;
- standardized assessments;
- student work samples;
- behavior logs;
- parent interviews;
- parent input including outside reports/evaluations; and
- attendance information.
All decisions regarding the provision of ESY are made by the CSC based upon the specific needs of each individual student. The provision of ESY like all components of the IEP, are dynamic and must be considered and reviewed at least annually.

Factors to Be Considered by the CSC
The provision of ESY is not determined by or limited to specific categories of disability.

When determining the need for ESY services, decisions should always occur based upon the unique, individual needs of the student. The CSC will consider three essential factors in its determination of ESY services. These factors, alone or in combination, can indicate the need for ESY.

1. Regression and Recoupment
2. Degree of progress
   a. Nature and/or severity of the disability
   b. Interfering behaviors
3. Emerging skills/breakthrough opportunities/window of opportunity

1. Regression/Recoupment - The CSC must present evidence of substantial regression of skills caused by a school break and a failure to recover those lost skills in a reasonable time following the school break (e.g., six to eight weeks after summer break).
   a. Regression - A substantial loss of critical skills being addressed on the student’s IEP.
   b. Recoupment (Recovery) - The ability to recover a loss of instructed skills within a reasonable time following a normal school break. The CSC determines the criteria exemplifying reasonable recoupment time based upon collected data.

If no first hand data are available on regression/recoupment, the CSC will determine the need for ESY from other available sources of information:

- Review of the current (and previous) IEP goals, objectives or benchmarks (specifically limited change/progress in skills over the course of a school year);
- Observation and data from teachers, therapists, parents, and others having direct contact with the student before and during breaks in educational programming;
- Data and observations regarding the student's performance after long weekends, vacations, and past summer breaks;
- Curriculum-based assessment and formative and summative assessments
- Other relevant factors (e.g. student’s case history).

Guiding Questions:
1. What does pre and post-break data show regarding regression of learned skills?
2. After extended breaks how much time does it take the student to recoup lost skills?
3. Did the student experience severe regression on his/her IEP goals/objectives following extended school breaks?
4. Did the student require an unreasonably long period of time to relearn previously learned skills?

2. Degree of Progress - The CSC reviews the student's progress on all IEP goals and objectives and determines:
- The rate of progress is such that, without ESY services, the student will not be able to receive educational benefit from his/her educational program during the regular school year.
- The nature and/or severity of the student's disability prevents the student from receiving benefit from his/her educational program during the regular school year.
- The extent to which interfering behaviors (e.g. ritualistic, aggressive, self-injurious behaviors) impact student progress throughout the school year. The CSC determines that an interruption to the behavioral program for the student would compromise the student's progress and ability to benefit from their educational program.

Guiding Questions

1. Is the student’s rate of progress such that regression/recoupment are so great that it prevents the student from progressing on his/her IEP goals/objectives? Describe the rate of progress and whether the interruption of services would be detrimental to continued progress.
2. Will the type or severity of the student’s disability cause the skills learned by the student during the regular school year to be significantly jeopardized if he/she does not receive ESY?
3. Will the student’s behavior(s) cause the skills learned during the regular school year to be significantly jeopardized if he/she does not receive ESY? Consider the information in the student’s behavior intervention plan (PIP, if the student has one)?

Emerging Skills/Breakthrough Opportunities/Window of Opportunity - The CSC reviews all IEP goals to determine whether any of these skills are at a breakthrough point. When skills are at a "breakthrough" point, the CSC determines if the interruption in services and instruction will prevent the student from receiving benefit from his/her educational program during the regular school year without these services.

The following are important considerations regarding emerging/breakthrough skills:

- The student's development in a skill is determined to be at a critical stage such that the opportunity for acquisition will be lost if services are not provided; or
- The student's development in a skill is at a critical stage such that a break in services will result in the loss of opportunity for mastering the skill.

The CSC must have data to support either of the above assertions.

Guiding Questions:

1. Does the student have goals, objectives, or other IEP components that require continuous attention in order to avoid significant jeopardy to learned skills during extended breaks?
2. Are there other factors that prevent a risk that emerging skills or knowledge learned by the student during the regular school year will be significantly jeopardized over extended breaks?

What the Services Can Look Like
The CSC determines placement and services based upon the specific goals/skills targeted in the student's IEP. The requirement regarding placement in the least restrictive environment (LRE) during the normal school year applies to ESY services. Service delivery is determined. While the CSC must consider LRE, it is not required to create artificial LRE settings during the ESY session to exactly reflect the LRE requirement on the IEP.
The time of services during ESY cannot exceed current school year IEP services. ESY services may look different from the student’s regular school year services and may be provided in another location. The CSC must carefully consider the frequency and duration of services necessary to address the identified needs and purpose of the ESY instruction for each student. Not all students need to attend the same schedule of sessions; for example: an ESY program may be offered five days per week in the summer, but some students may only need to attend three sessions per week.

The length of ESY services should be based on student need and decided by the CSC team of which the parent is a member. ESY services are provided by qualified personnel (e.g. certified teachers/professionals). Progress reports are submitted in accordance with specifications of the IEP and CSC.

Upon completion of ESY, the CSC meets to review student performance and progress and determines if the IEP requires modification (e.g. updated PLAAFPs or goals).
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Resource Chapter 6: The Assessors: Special Education & Speech

This resource chapter is designed to assist the special education and speech/language assessors in understanding the duties and responsibilities of the position.
Assessment
The CSC is responsible for the assessment of students with suspected disabilities. During the assessment process, the Assessor will function as a member of the CSC Multidisciplinary Team, from assessment planning through completion of the eligibility report and may participate in the development of the IEP, as needed. Assessments will be assigned to personnel based upon their professional qualifications and area of expertise.

Assessors conduct assessments primarily in the areas of processing, achievement, and speech/language for eligibility requirements and triennial review documentation. The Assessor also provides diagnostic assessments for students with an IEP who may need further evaluation to determine if there is a need for a significant change in eligibility, an identified need for a related service, or a need to add an area of service. The Assessor may participate in the eligibility meeting, but the Case Manager or CSC Chairperson will facilitate the meeting.

Duties and Responsibilities
The Special Education and Speech/Language assessors share in the generic responsibilities and duties for assessments. Assessors do not assume the duties or leadership roles of the CSC Chairperson. The participation of the assessors typically begins with the assessment-planning phase and continues through eligibility. The Assessor may also participate in the development of the IEP, as needed.

It is important to note that close collaboration between Assessors, CSC Chairpersons and Case Managers is necessary in order for the assessor to effectively support the special education process.

General Duties
- Participates in assessment planning meeting assisting the team in the development of a comprehensive and appropriate assessment plan.
- Collaborates with the CSC and assists in the process of assigning assessment responsibilities.
- During initial evaluations assessors assume responsibility for case management from Notice to Assessment Personnel (generated after receipt of parent permission to assess) through scheduling of eligibility meeting.
- The Assessor participates in the development of a student’s IEP, as needed.
- Manages and coordinates the assessment process for evaluations conducted by outside agencies (referral through completion) in compliance with timelines.
- Communicates with the CSC when an outside agency is unable to meet the deadline for the completion of evaluations.
- Administers assigned assessments and completes individual assessment summaries in compliance with DoDEA requirements.
- Collects all assessment reports that have been completed and reviews to ensure compliance with DoDEA guidance on report writing.
- Reviews all results generated from the assessment plan to determine if there is a need to hold a pre-staffing meeting with the CSC (e.g., need for additional testing, review complex assessment results and data of a sensitive nature).
- Completes a synthesis of data for the CSC Eligibility Report to include; a comprehensive synthesis of data from all assessment and evaluative reports, identification of the relationship of findings to educational functioning, the student’s strengths and limitations, and instructional recommendations to be used in working with the student.
- Coordinates with the CSC to schedule eligibility meetings.
• Reviews synthesis report with the appropriate personnel as necessary (no predetermination of eligibility).
• Participates in the decision-making process on the triennial reviews to determine what assessments might be necessary to determine the need for continued special education services.
• Provides professional development on identified needs related to the special education process from referral through IEP development, as requested.
• Not responsible for the administration of the alternate assessment. The special education teacher with whom the student is most familiar is responsible for administering the alternate assessment as part of system-wide, standardized testing.
### Administrative Instructions, Directives, and Guidance

The documents in the chart below are frequently referenced throughout the 1342.12 Companion.

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<tr>
<td>Department of Defense Manual (DoDM) 1342.12, June 17, 2015</td>
<td><a href="https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/134212m.pdf">https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/134212m.pdf</a></td>
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<td>Department of Defense Instruction (DoDI) 1342.12, June 17, 2015</td>
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<td>Defense Privacy and Civil Liberties Division (U.S. Department of Defense)</td>
<td><a href="http://dpcl.d.defense.gov/Privacy.aspx">http://dpcl.d.defense.gov/Privacy.aspx</a></td>
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<td>DoD Directive 5400.11-D, October 29, 2014</td>
<td><a href="https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/d5400_11.pdf">https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/d5400_11.pdf</a></td>
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<td>DoD Regulation 5400.11-R, May 14, 2007</td>
<td><a href="https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/540011r.pdf">https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/540011r.pdf</a></td>
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<td>DoDEA Regulation 2440.1 English as a Second Language Programs, March 16, 2007</td>
<td><a href="https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/esl2440_1.pdf">https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/esl2440_1.pdf</a></td>
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<td>English as a Second Language (ESL) Program Guide 2440.1 Also referred to as English Language Learner (ELL) Guide 2440.1, March 2007</td>
<td><a href="https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/eslprogramguide0307.pdf">https://content.dodea.edu/teach_learn/student_services/sped/companion_files/docs/eslprogramguide0307.pdf</a></td>
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- 1903-03 Elementary School Special Education Files (N1-330-89-1)
- 1904-06 Secondary School Special Education Files (N1-330-89-1)
Frequently Used Forms
Please click the links below to download frequently used forms in this companion guide.

The forms are Word documents.

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<td>Discipline Summary Checklist Beyond 10 Cumulative Days of Removal Guide</td>
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<td>2 Challenging Behaviors</td>
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<td>3 Assistive Technology</td>
<td>DoDEA Request Form: Assistive Technology</td>
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<td>4 Special Education Records</td>
<td>Records Locator (Record of Access Form &amp; Incoming Records Form)</td>
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Frequently Used Charts

Please click the links below to download frequently used flow charts in this companion guide.

The charts are PDF documents.

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<th>Chapter</th>
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<td>Chart For Developmental Delay Reference</td>
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<td>Characteristics of ELL Students with and without a Disability</td>
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<td>1</td>
<td>SPED Pre-referral Process for a Student Currently Enrolled with ELL Services Flow Chart</td>
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### Glossary

#### Acronyms

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<td>AES</td>
<td>Alternative Educational Setting</td>
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<td>ASD</td>
<td>Autism Spectrum Disorder</td>
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<td>AT</td>
<td>Assistive Technology</td>
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<td>BIP</td>
<td>Behavior Intervention Plan</td>
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<td>CSC</td>
<td>Case Study Committee</td>
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<td>DDESS</td>
<td>Domestic Dependent Elementary and Secondary Schools</td>
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<td>DD</td>
<td>Developmental Delay</td>
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<td>DoD-CC</td>
<td>Department of Defense Coordinating Committee</td>
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<td>DoDDS</td>
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<td>DoDD</td>
<td>Department of Defense Directive</td>
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<td>DoDEA</td>
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<td>Defense Office of Hearings and Appeals</td>
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<td>HI</td>
<td>Hearing Impairment</td>
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<td>EDIS</td>
<td>Educational and Developmental Intervention Services</td>
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<td>EI</td>
<td>Emotional Impairment</td>
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<td>EIS</td>
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<td>ESY</td>
<td>Extended School Year Services</td>
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<td>FAPE</td>
<td>Free Appropriate Public Education</td>
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<td>FBA</td>
<td>Functional Behavioral Assessment</td>
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<td>GC, DoD</td>
<td>General Counsel of the Department of Defense</td>
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<td>IDEA</td>
<td>Individuals with Disabilities Education Act</td>
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<td>IEE</td>
<td>Independent Educational Evaluation</td>
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<td>Individualized Education Program</td>
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<td>IFSP</td>
<td>Individualized Family Service Plan</td>
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<td>Intellectual Disability</td>
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<td>LRE</td>
<td>Least Restrictive Environment</td>
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<td>MD</td>
<td>Multiple Disabilities</td>
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<td>OHI</td>
<td>Other Health Impairment</td>
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<td>OI</td>
<td>Orthopedic Impairment</td>
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<td>OT</td>
<td>Occupational Therapy</td>
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<td>Physical Education</td>
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<td>PSCD</td>
<td>Preschool for Children with Disabilities</td>
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<td>PT</td>
<td>Physical Therapy</td>
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<td>SLD</td>
<td>Specific Learning Disability</td>
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<td>SLI</td>
<td>Speech Language Impairment</td>
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<td>TBI</td>
<td>Traumatic Brain Injury</td>
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Definitions

“Age of eligibility” means all eligible students with disabilities who have not graduated with a standard or honors diploma who, because of such disabilities, are in need of special education and related services, and whose third birthday falls on or before September 1, and who have not reached their 22nd birthday on or before September 1 (three to 21, inclusive) A child with a disability whose 22nd birthday is after September 1 remains eligible for the remainder of the school year.

“Age of majority” means the age when a person acquires the rights and responsibilities of being an adult. For purposes of this Manual, a child attains majority at age 18, unless the child has been determined by a court of competent jurisdiction to be incompetent, or, if the child has not been determined to be incompetent, he or she is incapable of providing informed consent with respect to his or her educational program.

“Alternate assessment” means an objective and consistent process that validly measures the performance of students with disabilities unable to participate, even with appropriate accommodations provided as necessary and as determined by their respective CSC, in a system-wide assessment.

“Alternative educational setting” (AES) means a temporary setting in or out of the school, other than the setting normally attended by the student (e.g., alternative classroom, home setting, installation library) as determined by school authorities or the CSC in accordance with Enclosure 4 of DoDI 1342.12 as the appropriate learning environment for a student because of a violation of school rules and regulations or disruption of regular classroom activities.

“Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.

“Assistive technology service” means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes: evaluating the needs of an individual with a disability, including a functional evaluation in the individual’s customary environment; purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing educational and rehabilitative plans and programs; training or technical assistance for an individual with disabilities or the family of an individual with disabilities; and training or technical assistance for professionals (including individuals providing educational rehabilitative services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of an individual with a disability.

“Autism spectrum disorder” (ASD) means a developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically but not necessarily manifested before age 3. Autism may include autism spectrum disorders such as but not limited to autistic disorder; pervasive developmental disorder not otherwise specified; and Asperger’s syndrome.
The term does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance. Art

“Behavioral intervention plan” BIP means a plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of students with disabilities or with the learning of others or behaviors that require disciplinary action.

“Business day” means Monday through Friday, 12 months of the year, exclusive of federal holidays and state holidays.

“Calendar days” means consecutive days, inclusive of Saturdays and Sundays. Whenever any period of time fixed by calendar days expire on a Saturday, Sunday, or federal holiday, the period of time for taking such action shall be extended to the next day, not a Saturday, Sunday, or federal holiday.

“Career and technical education” means organized educational activities that offer a sequence of courses that:

1) Provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a master’s or doctoral degree) in current or emerging employment sectors;
2) May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subdivision; or
3) Provides, at the postsecondary level, for a one-year certificate, an associate degree, or industry-recognized credential and includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupational-specific skills.

“Caseload” means the number of students served by a certified special educator.

“Case Study Committee” (CSC) means a school-level multidisciplinary team, including the child’s parents, responsible for making educational decisions concerning a child with a disability.

“Change in identification” means a change in the categorical determination of the student’s disability by the CSC that determines eligibility.

“Change in placement” or “change of placement” means when the CSC places the student in a setting that is distinguishable from the educational environment to which the student was previously assigned and includes: 1. The student’s initial placement from general education to special education and related services; 2. The expulsion or long-term removal of a student with a disability; 3. The placement change that results from a change in the identification of a disability; 4. The change from a public school to a private day, or residential program; from a private day, or residential program, to a public school; or to a placement in a separate facility for educational purposes; 5. Termination of all special education and related services; or 6. Graduation with a standard or advanced studies high school diploma. A “change in placement” also means any change in the educational setting for a student with a disability that does not replicate the elements of the educational program of the student’s previous setting.

“Change in placement” or “change of placement,” for the purposes of discipline, means: 1. A removal of a student from the student’s current educational placement is for more than 10 consecutive school days; or 2. The student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as: a. The length of
each removal; b. The child’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; c. The total amount of time the student is removed; or d. The proximity of the removals to one another.

“Child” means any person who shall not have reached his/her 22nd birthday by September 1 of the current year.

“Child with a disability” means a student evaluated in accordance with the DoDM 1342.12 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disability (referred to in this part as “emotional disability”), an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities who, by reason thereof, needs special education and related services. This also includes developmental delay.

“Collaboration” means interaction among professionals as they work toward a common goal. Teachers do not necessarily have to engage in co-teaching in order to collaborate.

“Complainant” means a person making an administrative complaint.

“Consent” means the permission obtained from the parent ensuring they are fully informed of all information about the activity for which consent is sought, in his or her native language or in another mode of communication if necessary, and that the parent understands and agrees in writing to the implementation of the activity for which permission is sought.

“Continuum of placement options” means instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; includes provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

“Controlled substance” means a drug or other substance identified under Schedules I, II, III, IV, or V in §202(c) of the Controlled Substances Act, 21 USC § 812(c). (34 CFR 300.530(i)(1))

“Co-teaching” means a service delivery option with two or more professionals sharing responsibility for a group of students for some or all of the school day in order to combine their expertise to meet student needs.

“Counseling services” means services provided by qualified psychologists, or counselors.

“Dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or bodily injury, except that such term does not include a pocket knife with a blade of less than three inches in length.

“Day” means a calendar day, unless otherwise indicated as a business day or a school day.

“Deaf-blindness” means a combination of hearing and visual impairments causing such severe communication, developmental, and educational needs that the student cannot be accommodated in programs specifically for student with deafness or student with blindness.

“Deafness” means a hearing loss or deficit so severe that it impairs a student’s ability to process linguistic information through hearing, with or without amplification, and affects the student’s educational performance adversely.
“Developmental delay” (DD) means a significant discrepancy, as defined and measured in accordance with this Enclosure 3 of this Manual and confirmed by clinical observation and judgment, in the actual functioning of a student, birth through age seven, or any subset of that age range including ages three through five, when compared with the functioning of a non-disabled student of the same chronological age in any of the following developmental areas: physical, cognitive, communication, social or emotional, or adaptive development. A student determined to have a developmental delay before the age of seven may maintain that eligibility through age nine.

“Direct services” means services provided to a student with a disability directly by the special education provider via a signed IEP.

“DoDDS” means the overseas schools (kindergarten through grade 12) established in accordance with 20 U.S.C. 921-932.

NOTE: DoDDS is referred to as DoDEA Europe or DoDEA Pacific.

“DoDEA” means the Department of Defense Education Activity is a DoD Field Activity under the direction, operation, and control of the Under Secretary of Defense for Personnel & Readiness (USD)(P&R) and the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD)(M&RA). The mission of DoDEA is to provide an exemplary education by effectively and efficiently planning, directing, and overseeing the management, operation, and administration of the DoD Domestic Dependent Elementary and Secondary Schools (DDESS) and the DoD Dependents Schools (DoDDS), which provide instruction from kindergarten through grade 12 to eligible dependents.

“DoDEA school” means a DDESS or DoDDS school operated under the oversight of DoDEA.

“DDESS” means the schools (pre-kindergarten through grade 12) established in accordance with 10 U.S.C. 2164.

NOTE: DDESS is referred to as DoDEA Americas.

“Due process hearing” means an administrative procedure conducted by an impartial special education hearing officer to resolve disagreements regarding the identification, evaluation, educational placement and services, and the provision of a free appropriate public education that arise between a parent(s) and DoDEA. A due process hearing involves the appointment of an impartial special education hearing officer who conducts the hearing, reviews evidence, and determines what is educationally appropriate for the student with a disability.

“Early intervention service provider” means an individual that provides early intervention services in accordance with DoDM 1342.12l.

“Education record” means those records that are directly related to a student and maintained by DoDEA or by a party acting for DoDEA. The term also has the same meaning as “scholastic record.” In addition to written records, this also includes electronic exchanges between school personnel and parent(s) regarding matters associated with the student’s educational program (e.g., scheduling of meetings or notices).

“Educational placement” means the overall instructional setting in which the student receives his education including the special education and related services provided.
“Eligible student” means a student with a disability who reaches the age of majority and to whom the procedural safeguards and other rights afforded to the parent(s) are transferred.

“Emotional impairment” (EI) means a condition confirmed by clinical evaluation and diagnosis and that, over a long period of time and to a marked degree, adversely affects educational performance and exhibits one or more of the following characteristics: (a). Inability to learn that cannot be explained by intellectual, sensory, or health factors; (b). Inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c). Inappropriate types of behavior or feelings under normal circumstances; (d). A tendency to develop physical symptoms or fears associated with personal or school problems; (e). A general pervasive mood of unhappiness or depression. Includes students who are schizophrenic, but does not include students who are socially maladjusted, unless it is determined they are emotionally disturbed.

“Equipment” means machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house machinery, utilities, or equipment and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published and audiovisual instructional materials, telecommunications, sensory, and other technological aids and devices and books, periodicals, documents, and other related materials.

“Evaluation” means the method used by a multidisciplinary team to conduct and review the assessments of the child and other relevant input to determine whether a child has a disability and a child’s initial and continuing need to receive EIS or special education and related services.

“Extended school year services” means Special education and related services that are provided to a child with a disability beyond the normal DoDEA school year, in accordance with the child’s IEP, are at no cost to the parents, and meet the standards of the DoDEA school system.

“Free appropriate public education” or “FAPE” means special education and related services that:

1) Are provided at public expense, without charge;
2) Meet the standards of DoDEA;
3) Include an appropriate preschool, elementary school, middle school or secondary school education in DoDEA; and
4) Are provided in conformity with an individualized education program.

“Functional behavioral assessment” means a process to determine the underlying cause or functions of a student’s behavior that impede the learning of the student with a disability or the learning of the student’s peers. A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team (a process for identifying the events that predict and maintain patterns of problem behavior).

“General curriculum” means the curriculum adopted by the DoDEA school systems for all children from preschool through secondary school. To the extent applicable to an individual child with a disability, the general education curriculum can be used in any educational environment along a continuum of alternative placements.

“Hearing impairment” (HI) means an impairment in hearing, whether permanent or fluctuating, that adversely affects a student’s educational performance, but is not included under the definition of deafness.
“Home-based instruction” means services that are delivered in the home setting (or other agreed upon setting) in accordance with the child’s individualized education program.

“Homebound instruction” means academic instruction provided to students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For a child with a disability, the IEP team shall determine the delivery of services, including the number of hours of services.

“Home schooling” means instruction of a student or students by a parent(s), guardian or other person having control or charge of such student or students as an alternative to attendance in a public or private school.

“Illegal drug” means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 USC § 812(c), or under any other provision of federal law. (34 CFR 300.530(i)(2))

“Impartial special education hearing officer” means a person, selected by the Defense Office of Hearings and Appeals (DOHA) to conduct a due process hearing.

“Independent educational evaluation” (IEE) means an evaluation conducted by a qualified examiner who is not an EDIS examiner or an examiner funded by the DoDEA school who conducted the evaluation with which the parent is in disagreement.

“Individualized education program” or “IEP” means a written statement for a student with a disability that is developed, reviewed, and revised in a team meeting in accordance with DoDI 1342.12. The IEP specifies the individual educational needs of the student and what special education and related services are necessary to meet the student’s educational needs.

“Individualized family service plan (IFSP)” means a written plan for providing early intervention services to an infant or toddler with a disability eligible under Part C and to the child’s family.

“Initial placement” means the first placement for the student to receive special education and related services in either DoDEA or a local educational agency, other educational service agency, or other public agency or institution for the purpose of providing special education or related services.

“Intellectual disability” (ID) means significantly below-average general intellectual functioning, existing concurrently with deficits in adaptive behavior. This type of disability is manifested during the developmental period and adversely affects a student’s educational performance.

“Inter-component” means cooperation among DoD organizations and programs, ensuring coordination and integration of services to infants, toddlers, children with disabilities, and their families.

“Least restrictive environment” (LRE) means that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled, and that special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only when 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.
“Manifestation determination review” means the process in which the CSC reviews all relevant information and the relationship between the child’s disability and the child’s behavior to determine whether the behavior is a manifestation of the child’s disability.

“Mediation” means a confidential, voluntary, informal dispute resolution process that is provided at no charge to the parents, whether or not a due process petition has been filed, in which the disagreeing parties engage in a discussion of issues related to the provision of the child’s EIS or special education and related services in accordance with the requirements of IDEA and this Manual, in the presence of, or through, a qualified and impartial mediator who is trained in effective mediation techniques.

“Medical services” means those evaluative, diagnostic, and therapeutic services provided by a licensed and credentialed medical provider to assist providers of EIS, regular and special education teachers, and providers of related services to develop and implement IFSPs and IEPs.

“Multiple disabilities” (MD) means a concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness, which is set forth as its own type of disability.

“Native language” means when used with reference to an individual of limited English proficiency, the home language normally used by such individuals, or in the case of a child, the language normally used by the parents of the student.

“Nonacademic services and extracurricular services” means services and activities including counseling services; athletics, transportation, health services; recreational activities; special interest groups or clubs sponsored by the DoDEA school system; and referrals to agencies that provide assistance to individuals with disabilities and employment of students, including employment by a public agency and assistance in making outside employment available.

“Non-DoD school or facility” means a public or private school or other educational program not operated by DoD.

“Notice” means written statements in English or in the primary language of the home of the parent(s), or, if the language or other mode of communication of the parent(s) is not a written language, oral communication in the primary language of the home of the parent(s). If an individual is deaf or blind, or has no written language, the mode of communication would be that normally used by the individual (such as sign language, Braille, or oral communication).

“Occupational therapy” (OT) means services provided by a qualified occupational therapist or services provided under the direction or supervision of a qualified occupational therapist and includes: 1. Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; 2. Improving ability to perform tasks for independent functioning if functions are impaired or lost; and 3. Preventing, through early intervention, initial or further impairment or loss of function.

“Orientation and mobility services” means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and includes travel training instruction, and teaching students the following, as appropriate: 1. Spatial and environmental concepts and use of information received by the senses (e.g., sound, temperature, and vibrations) to establish, maintain, or
regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); 2. To use the long cane or service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; 3. To understand and use remaining vision and distance low vision aids; and 4. Other concepts, techniques, and tools.

“Orthopedic impairment” (OI) means a severe orthopedic impairment that adversely affects a student’s educational performance. That term includes congenital impairments such as club foot or absence of some member; impairments caused by disease, such as poliomyelitis and bone tuberculosis; and impairments from other causes such as cerebral palsy, amputations, and fractures or burns causing contractures.

“Other health impairment” (OHI) means having limited strength, vitality, or alertness including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems and that adversely affects a student’s educational performance. Such impairments may include, but are not necessarily limited to, attention deficit disorder, attention deficit hyperactivity disorder, heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, seizure disorder, lead poisoning, leukemia, or diabetes.

“Paraprofessional,” also known as “para-educator,” means an appropriately trained employee who assists and is supervised by qualified professional staff in meeting the requirements of DoDM 1342.12.

“Personally identifiable” means information that contains the following: 1. The name of the student, the student’s parent, or other family member; 2. The address of the student; 3. A personal identifier, such as the student’s social security number or student number; or 4. A list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

“Physical education” (PE) means the development of: 1. Physical and motor fitness; 2. Fundamental motor skills and patterns; and 3. Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). The term includes special physical education, adapted physical education, movement education, and motor development.

“Physical therapy” (PT) means services provided by a qualified physical therapist or under the direction or supervision of a qualified physical therapist upon medical referral and direction.

“Program” means the special education and related services, including accommodations, modifications, supplementary aids and services, as determined by a student’s individualized education program.

“Psychological services” means those services provided by a qualified psychologist or under the direction or supervision of a qualified psychologist, including: 1. Administering psychological and educational tests, and other assessment procedures; 2. Interpreting assessment results; 3. Obtaining, integrating, and interpreting information about student behavior and conditions relating to learning; 4. Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; 5. Planning and managing a program of psychological services, including psychological counseling for students and parents; and 6. Assisting in developing positive behavioral intervention strategies.

“Public awareness program” means activities or print materials focusing on early identification of infants and toddlers with disabilities. Materials may include information prepared and disseminated by a military medical department to all primary referral sources and information for parents on the
availability of EIS. Procedures to determine the availability of information on EIS to parents are also included in that program.

“Public expense” means that DoDEA either pays for the full cost of the service or evaluation or ensures that the service or evaluation is otherwise provided at no cost to the parent(s).

“Rehabilitation counseling” means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of the student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded in accordance with the Rehabilitation Act of 1973, sections 791-794d of Title 29, U.S.C. (Reference (n)).

“Related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education and includes speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in students; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services for diagnostic or evaluation purposes. Related services also includes school health services and school nurse services; social work services in schools; and parent counseling and training. Related services do not include a medical device that is surgically implanted including cochlear implants, the optimization of device functioning (e.g., mapping), maintenance of the device, or the replacement of that device. The list of related services is not exhaustive and may include other developmental, corrective, or supportive services (such as artistic and cultural programs, and art, music and dance therapy), if they are required to assist a student with a disability to benefit from special education. Nothing in this section: 1. Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the IEP team to be necessary for the student to receive FAPE; 2. Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or 3. Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

“Related services assigned to the Military Departments” means medical and psychological services, audiology, and optometry for diagnostic or evaluative purposes, including consults, to determine whether a particular student has a disability, the type and extent of the disability, and the student’s eligibility to receive special services. In the overseas and domestic areas, transportation is provided as a related service by the Military Department when transportation is prescribed in an IFSP for an infant or toddler birth to 3 years of age with disabilities.

“Resolution meeting” means the meeting between parents and relevant school personnel, which must be convened within a specified number of days after the receiving notice of a due process complaint and prior to the initiation of a due process hearing, in accordance with Reference (b) and DoDM 1342.12. The purpose of the meeting is for the parent to discuss the due process complaint and the facts giving rise to the complaint so that the school has the opportunity to resolve the complaint.

“Resolution period” means that period of time following a resolution meeting, the length of which is defined in this Manual, during which the school is afforded an opportunity to resolve the parent’s concerns before the dispute can proceed to a due process hearing.
“School day” means any day, including a partial day, that students are in attendance at school for instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

“School health services and school nurse services” means health services that are designed to enable a student with a disability to receive FAPE as described in the student’s IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

“Scientifically based research” means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs and includes research that: 1. Employs systematic, empirical methods that draw on observation or experiment; 2. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; 3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators; 4. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within condition or across-condition controls; 5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and 6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

“Screening” means those processes that are used routinely with all students to identify previously unrecognized needs and that may result in a referral for special education and related services or other referral or intervention.

“Section 504” means that section of the Rehabilitation Act of 1973, as amended, which is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance.

“Separate facility” means a school or a portion of a school, regardless of whether it is operated by DoD, attended exclusively by students with disabilities.

“Serious bodily injury” means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

“Service coordination” means activities of a service coordinator to assist and enable an infant or toddler and the family to receive the rights, procedural safeguards, and services that are authorized to be provided.

“Special education” means specially designed instruction, at no cost to the parent(s), to meet the unique needs of a student with a disability, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and in other settings and instruction in physical education. The term includes each of the following if it meets the requirements of the definition of special education:
Speech-language pathology services or any other related service, if the service is considered special education rather than a related service under state standards;

Vocational education; and

Travel training.

“**Special education hearing officer**” has the same meaning as the term “impartial hearing officer”.

“Specially designed instruction” means adapting, as appropriate to the needs of an eligible student the content, methodology, or delivery of instruction: 1. To address the unique needs of the student that result from the student’s disability; and 2. To ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students within DoDEA.

“**Specific learning disability**” (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. This term includes such conditions as, recognizing that they may have been otherwise labeled with terms such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic differences.

“**Speech-language Impairment**” (SLI) means:

1) Communication disorder is characterized by stuttering, impaired articulation, voice impairment, or a disorder in the receptive or expressive areas of language that adversely affects a student’s educational performance.

2) Articulation disorder is characterized by substitutions, distortions, and/or omissions of phonemes that are not commensurate with expected developmental age norms, that are not the result of limited English proficiency or dialect difference, and that may cause unintelligible conversational speech.

3) Fluency disorder is characterized by atypical rate, rhythm, repetitions, and/or secondary behaviors that interfere with communication are inconsistent with age or development.

4) Language and phonological disorders are characterized by an impairment or delay in receptive or expressive language, including semantics, morphology and syntax, phonology, or pragmatics. This impairment does not include students whose language problems are due to English being their second language or dialect differences.

5) Voice disorder is characterized by abnormal pitch, intensity, resonance, duration, or quality inappropriate for chronological age or gender.

“**Supplementary aids and services**” means aids, services, and other supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with students without disabilities to the maximum extent appropriate.

“**Transition services**” if used with reference to secondary transition means a coordinated set of activities for a student with a disability that is designed within a results-oriented process that: 1. Is focused on improving the academic and functional achievement of the student with a disability to facilitate the student’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult
education, adult services, independent living, or community participation. 2. Is based on the individual student’s needs, taking into account the student’s strengths, preferences, and interests and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if they are required to assist a student with a disability to benefit from special education.

“Transportation” includes: 1. Travel to and from school and between schools; 2. Travel in and around school buildings; and 3. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a student with a disability.

“Traumatic brain injury” (TBI) means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment (or both) that adversely affects educational performance. Includes open or closed head injuries resulting in impairments in one or more areas including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries that are induced by birth trauma.

“Visual impairment including blindness” means an impairment of vision that, even with correction, adversely affects a student’s educational performance. Term includes both partial sight and blindness.

“Vocational education,” for the purposes of special education, means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career not requiring a baccalaureate or advanced degree, and includes career and technical education.