

# Responsibilities of the LEA Representative In the IEP Process

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## Requirements for the LEA Representative

([Kansas Special Education Process Handbook](#): Chapter 4: Section A: IEP Team)

- is qualified to provide or supervise provision of special education services;
- has knowledge of the general education curriculum; and
- is knowledgeable about the availability of the school's resources. (K.S.A. 72-962(u)(4))

## Responsibilities of the LEA Representative

### ☐ Ensure timelines are met

- Know annual review dates
- Know which 3-year reevaluations are coming up
- Create a backward planning guide with the special education teachers

### ☐ Ensure procedural safeguards are followed

- Ensure that the Parent's Rights document is provided at required times.
- Ensure 10-day notice of IEP meeting.
- Ensure informed parent consent when needed.
- Help protect the student's right to Free Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE).

### ☐ Ensure organization of IEP team

- Attend IEP meetings or have an administrative designee attend the meetings.
- Ensure that the administrative designee has had training in the role.
- Ensure that both parents are invited to the IEP meeting.
- Ensure that the student if age 14 or older is invited to the IEP meeting.
- Ensure that a parent, or the student if 18 or older, is involved in the development of the IEP.
- Ensure that required members of the IEP team are present at the IEP meeting, or that written agreement for excusal of attendance is signed and required information is provided.
- Understand that an IEP meeting can be adjourned if needed and completed at a later date.
- Be ready to resolve any dispute that may arise.

### ☐ Ensure appropriate content within the IEP

- Are both academic achievement and functional performance reported in the PLAAFPs?
- Look at previous IEPs—do the PLAAFPs show the child making progress over time?
- Are the annual goals measurable?
- Look at previous IEPs—do the annual goals reflect growth over time?
- Does the IEP report frequency, duration, and location for each service to be provided?
- Does the intensity of services match the level of student need?

- Look at previous IEPs—if the child is not making progress, does the number of services or intensity of service increase over time?
- Are grade level standards addressed for students with an IEP who take the general state assessment?
- Are DLM Essential Elements addressed for students with an IEP who take the Alternate Assessment?

#### □ Ensure the student receives the services identified on the IEP

- Ensure that all students with an IEP are placed in the appropriate instructional settings within the building.
- Ensure that students with an IEP have access to any extracurricular activities in which they are interested.
- Ensure that all students with an IEP are provided with the accommodations listed on his/her IEP in general education settings.
- Ensure that progress is reported for students with IEPs with the same frequency as report cards for students in general education.
- Ensure that students have a transition plan in the IEP that will be in place when they turn age 14.

#### FYI: Some recent formal complaints involving the LEA Representative

- The LEA rep did not understand that IEP meetings can be held at any time, not just at the time of the annual review. The LEA rep also did not understand that IEP meetings can be held without all required members in attendance through the excusal process. Finally, the LEA rep did not understand who are the required members of an IEP team.
- There is a requirement that all required IEP team members be in attendance for the entire IEP meeting, except when properly excused via written agreement or consent of the parent. If the LEA rep wants to leave an IEP team meeting for any reason, the excusal process must be followed and another person must be designated as the LEA rep.
- Administrators need to know the person who can serve as the IDEA parent (see page 4 of this handout).
- The problem was a misunderstanding of consent requirements (see page 5). Staff mistakenly thought that the parents had to sign the IEP document in order to consent to the initial provision of services. Staff also mistakenly thought they needed to receive consent from both parents.
- Complaints about access to education records. Staff mistakenly thought that raw student data did not count as a student record.

## WHO CAN GIVE CONSENT FOR EDUCATIONAL DECISIONS?

[Kansas Special Education Process Handbook](#): Chapter 1: Section B: Definition of Parent

### 1. Parents are available

- A. Natural (biological) parent(s): If parents are divorced, notify both parents unless a court order precludes this from happening. Consent from one parent is sufficient even if the other parent refuses to consent.
- B. Adoptive parent(s): If adoption is not final, an education advocate is needed; documentation is the 'Decree of Adoption'.
- C. Guardian: Guardianship has been completed and is documented with "Letters of Guardianship" issued by a court.

### 2. Parent is unknown or unavailable (Person acting as a parent)

- A. Person Acting as a Parent: A person, such as a grandparent, stepparent or other relative with whom a child lives, or a person other than a parent who is legally responsible for the welfare of a child.
- B. Education Advocate: Appointment as an education advocate has been completed and is documented with a Letter of Appointment from Families Together.
- C. Foster parent: Only if appointment as an education advocate has been completed and is documented with a Letter of Appointment from Families Together.

### 3. The student at age 18

At age 18 the student becomes his/her own educational decision-maker unless determined by a court to be incompetent.

## Prior Written Notice and Consent Requirements

### Prior Written Notice and Parent Consent is required:

1. to conduct an initial evaluation
2. to conduct a reevaluation
3. for the initial provision of services on the IEP
4. to make a substantial change in placement (more than 25% of school day)
5. to make a material change in services (25% or more of any one service)
6. to add a new service or delete a service completely
7. for evaluation/reevaluation or services for children placed in a private school

### Requires parent consent (but not Prior Written Notice):

- Consent to excuse an IEP team member from the IEP team meeting
- Consent to invite an outside agency to the IEP for secondary transition (requires notification but not Prior Written Notice)
- Consent for use of private insurance and Medicaid (requires notification but not Prior Written Notice)

### Requires Prior Written Notice but not parent consent:

- Refuse to initiate initial evaluation or reevaluation
- Identification and eligibility determination
- Change in placement that is less than 25% of student's day
- Change in instructional methodology that is specified in the IEP
- Change in service that is less than 25% of the service being changed

### Notification required (but not Prior Written Notice):

- Notification of the IEP meeting

### When Parent Rights in Special Education must be provided to the parents:

- At least once per school year; and
- Upon referral or parent request for initial evaluation;
- First formal complaint or due process complaint filed in a school year;
- Upon disciplinary removal from school that constitutes a change in placement; and
- Upon parent request

### Documents that must be provided to parents or the student if 18 or older:

- Report of evaluation/reevaluation
- Team eligibility report
- IEP
- Summary of Performance for students whose eligibility terminates due to graduation with a regular diploma, or due to exceeding the age of eligibility

## Transition: Check for Understanding Discussion Questions

- How can your team ensure that the student receives transition assessment regarding that student's individual needs, strengths, preferences, and interests?
- How can your team ensure use of general education transition assessment results in the IEP?
- How can your team ensure that transition assessment results translate into transition programming?
- How does your team decide whether a student needs an postsecondary goal for independent living?
- Why are all other parts of the IEP aligned with the measurable postsecondary goals?
- Why is it important that the measurable postsecondary goals be the student's goals and not the teacher's goals for the student?
- Identify some transition services in your building/district that you think are especially effective. What services need to be improved?
- In your experience, do most students with disabilities need specially designed transition services, or are general education services adequate for them?
- Does your team think about LRE when identifying transition services and experiences?

## BEFORE YOU ARE THE LEA REPRESENTATIVE AT IEP MEETINGS...

(General suggestions once you already **know the LEGAL REQUIREMENTS**)

### ❖ KNOW THE STUDENT

name, family/ siblings, interests, goals/ transition plans, go over the Snapshot IEP so you understand the student's future planning, how long they have had an IEP, what has been happening through the IEP, any needed history in the area of academics or discipline, and for certain introduce yourself to the student if you don't already know them.

### ❖ KNOW THE FAMILY

parents/guardian/foster parents, living environment, any needed history in the family's relationship with the school, any comments/ information the parents have made at previous IEPs, and for sure meet the parents before the IEP, even walk into the IEP meeting with them, if possible.

### ❖ KNOW THE IEP TEAM MEMBERS

all required and possible team members who might be attending and why they are attending, go over the agenda (if there is one), and check with the case manager on any needs or possible situations that could come up, make sure you know all details on when, where, what time for the IEP.

### ❖ KNOW THE RESOURCES

what resources the student has used previously, what could possibly be requested at this IEP and costs of resources, realistically, needed or wanted.

### ❖ KNOW THE \_\_\_\_\_ (Add your own)

## Resources for Family-Professional Partnerships

### National resources:

National Dissemination Center on Children with Disabilities – [www.nichcy.org](http://www.nichcy.org). Provides simplified descriptions of a variety of disabilities and links to organizations and associations focused on specific disabilities (for example, Down Syndrome Congress, Autism Society). It has links to resources for professionals as well.

Pacer Center -- [www.pacer.org](http://www.pacer.org). This is the national technical assistance center for Parent Training and Information (PTI) Centers. As such, its primary target audience is the state level PTIs, but it also offers material for families themselves, related to their involvement with special education. It also has a collection of translated informational materials in Spanish, Somali, and Hmong.

EFMP – Exceptional Family Member Program

<https://www.military.com/benefits/tricare/the-exceptional-family-member-program.html>

This program offers services to military families and may be available if the district is in the vicinity of a military installation.

Beach Center on Families and Disabilities -- [www.beachcenter.org](http://www.beachcenter.org)

Connect Module 4 – Family-Professional Partnerships –

<http://community.fpg.unc.edu/connect-modules/learners/module-4>

School, Family & Community Collaboration – [www.ideapartnership.org/using-tolls/dialogue-guides/topical-guides.html?id=1693:family-school-and-community-collaboration](http://www.ideapartnership.org/using-tolls/dialogue-guides/topical-guides.html?id=1693:family-school-and-community-collaboration)

Transition Coalition and NTACT, [www.transitioncoalition.org](http://www.transitioncoalition.org)

Examples of national organizations for specific disabilities include:

- National Alliance for the Mentally Ill – [www.nami.org](http://www.nami.org)
- National Federation of Families for Children’s Mental Health – <http://www.ffcmh.org/>
- Autism Society of America – <http://www.autism-society.org/site/PageServer>
- Learning Disabilities Association – <http://www.ldanatl.org/>

### State Resources for Families:

Families Together, Inc. -- <http://www.familiestogetherinc.org/>

Kansas Parent Information Resource Center -- <http://www.kpirc.org/>



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