

# Building an Inclusive IEP

BY COURTNEY HANSEN, M.ED.

NON-ATTORNEY SPECIAL EDUCATION ADVOCATE

COPAA SEAT 1.0 LEAD INSTRUCTOR

[INCLUSIONEVOLUTION@GMAIL.COM](mailto:INCLUSIONEVOLUTION@GMAIL.COM)

[WWW.INCLUSIONEVOLUTION.COM](http://WWW.INCLUSIONEVOLUTION.COM)



# What's your why?

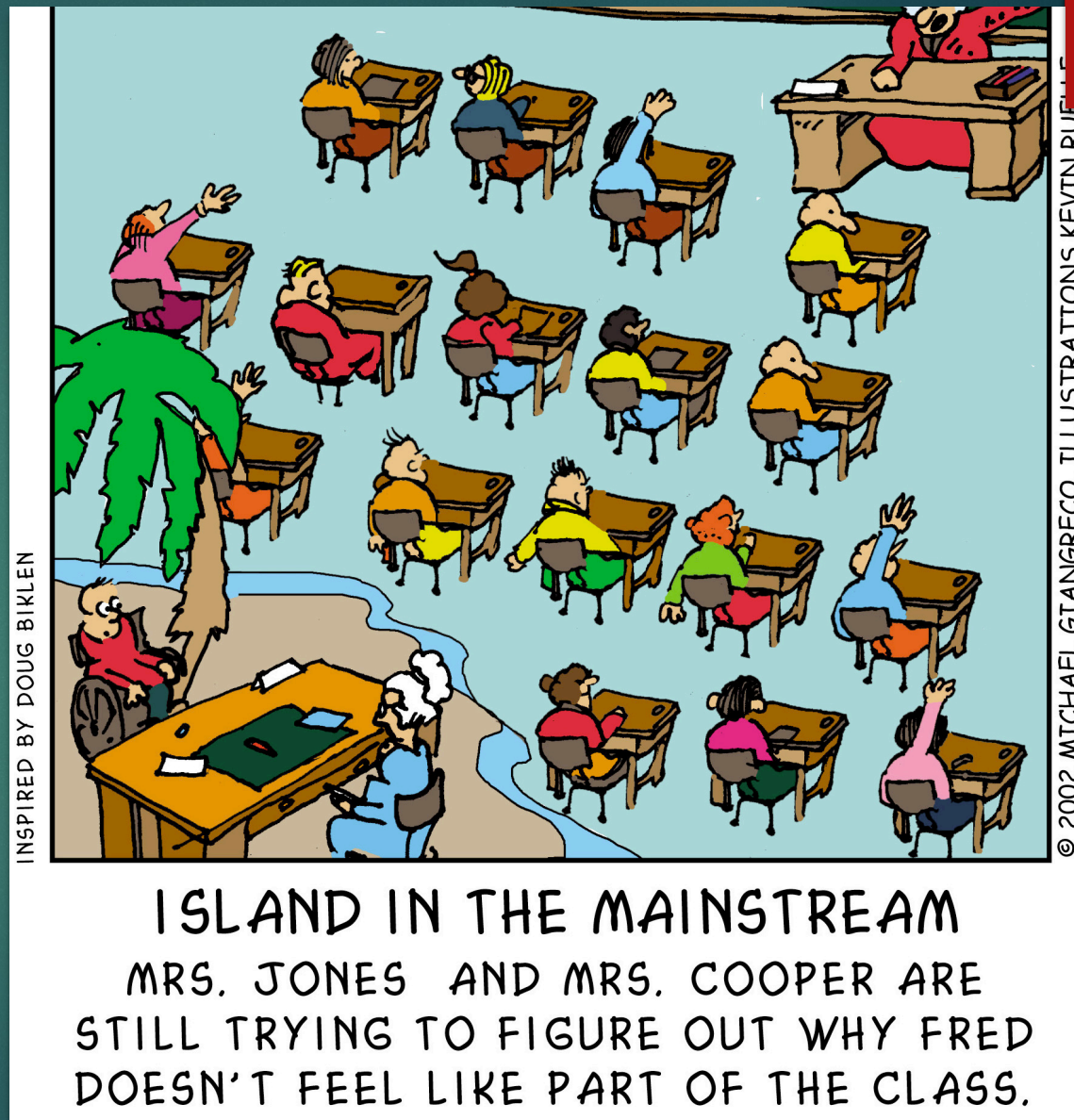


Dylan Kuehl  
Class of 2022



# What we don't want

- ▶ Only 17% of students with Intellectual Disabilities (ID) are included for the majority of their school day in a regular class
- ▶ Only 34% of adults under 65 with disability are competitively employed; that number is surely higher for people with ID/DD



# What we do want

- ▶ Belonging and membership
- ▶ Participation
- ▶ Learning
  
- ▶ The Beyond Access Model
- ▶ By Cheryl Jorgensen, Michael McSheehan, and Rae Sonnenmeier

## General Education Classroom

### Membership

- Signs and symbols of membership
- A sense of belonging

### Participation in

- General Ed instruction
- Typical routines
- Social activities

### LEARNING OF

- **General Ed curriculum**
- **Everything else**

A hand holding a question mark icon. The hand is rendered in a light teal color, matching the background. The question mark is inside a speech bubble-like shape, also in light teal. The background is a solid dark teal color. In the top right corner, there is a small red rectangular block.

What does the law  
say about  
inclusion?

**NOTHING!**



# What does the law say about the Least Restrictive Environment?

*“Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible.”*

-§1400.(c)(5) IDEA

# What does the law say about the Least Restrictive Environment?

- ▶ To the maximum extent appropriate, children with disabilities, are educated with children who are not disabled; and
- ▶ Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

34 CFR 300.114

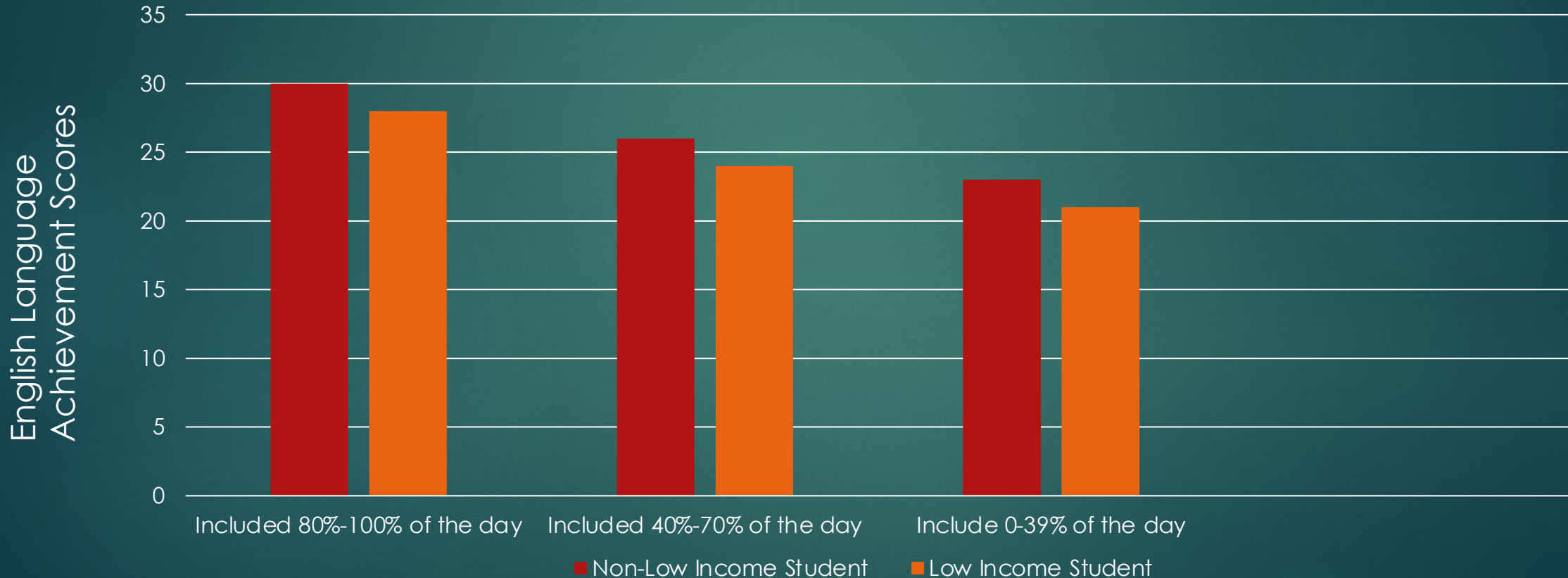


# Special Education is not a PLACE

- ▶ A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. (34 CFR 300.116)
- ▶ Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled (34 CFR 300.116)
- ▶ Placement decisions should happen at least annually. (34 CFR 300.116)
- ▶ A State funding mechanism must not result in placements that violate the provisions of LRE (34 CFR 300.114)

# What's the Research Say About Inclusion?

Students with Disabilities who spend more of their day in inclusive settings earn higher scores on tests of language ability

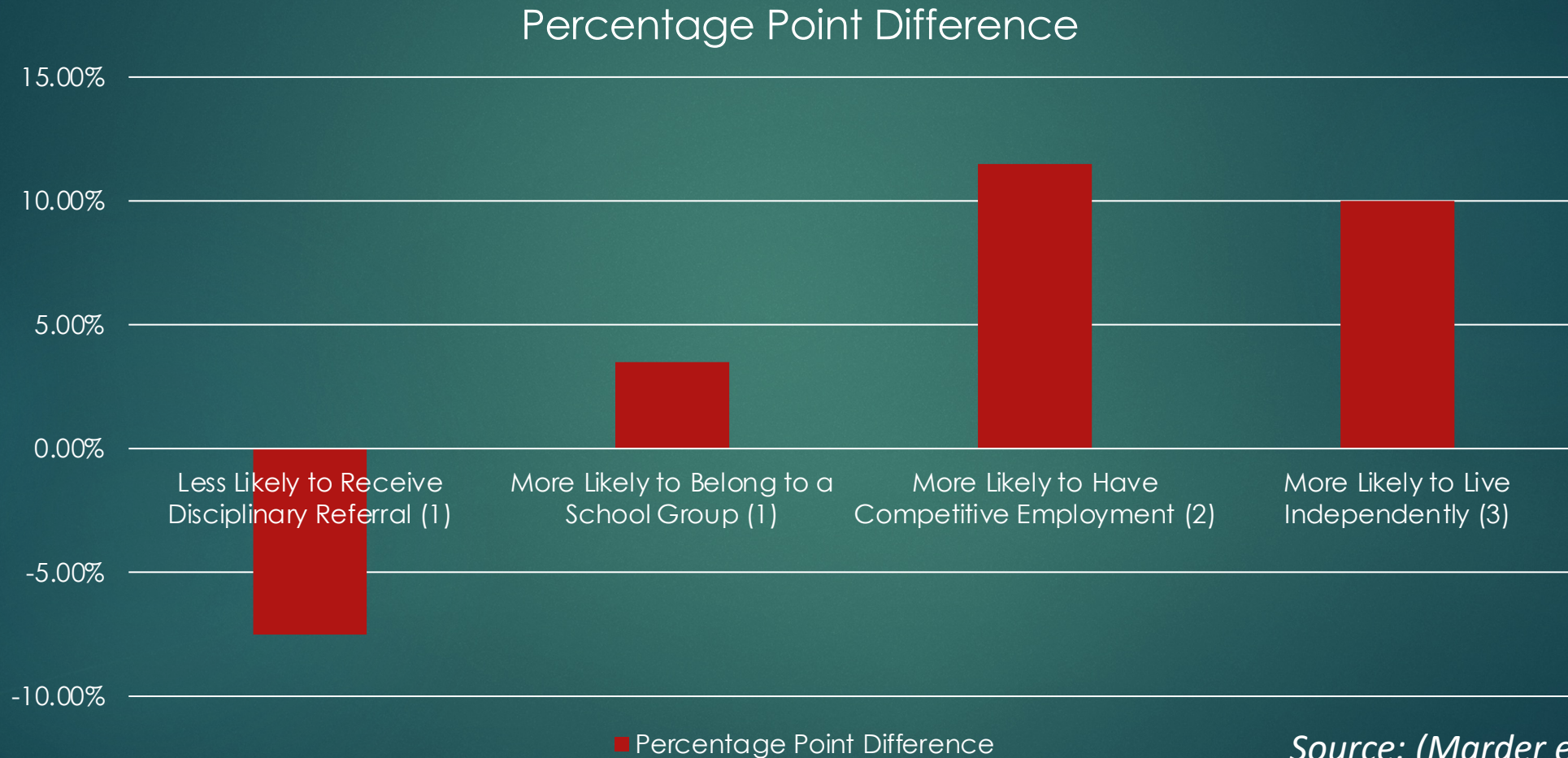


*(Hehir, Grindal, & Eidelman, 2012)*

# What does the Research Say about Inclusion?

- ▶ SWD included for 80% or more of their day are 5 times more likely to graduate on time (*Schifter, 2015*)
- ▶ A study of more than 400 students with ID in the United States found that included students were nearly twice as likely as their non-included peers to enroll in some form of post-secondary education (*Baer, Daviso, Flexer, Queen, & Meindl, 2011*)
- ▶ Included students were 11 percentage points more likely to be employed and earned approximately \$2,100 more per year (in 1990 United States dollars) when compared to otherwise similar students who spent 50% or less of their school time in general education (*Wagner, Blackorby, Cameto, & Newman, 1993*)

# Benefits of Inclusion Extends Beyond Academics



*Source: (Marder et al., 2003;  
Wagner et al., 1993)*

# Focal Points of Inclusive IEPs

- ▶ Eligibility Category
- ▶ Present Levels
- ▶ IEP Goals
- ▶ Supplementary Aids and Services
  - ▶ Accommodations and Modifications
- ▶ LRE Statement and offer of FAPE

# Eligibility Category

- ▶ The law is clear:
  - ▶ Eligibility Category is just an entry point into special education. It should not be used to limit needed supports or determine placement 34 CFR Section 300.116
- ▶ But the reality is different:
  - ▶ Only 17% of students found eligible under Intellectual Disability are included for a majority of their day in the regular education environment, according to the Annual Report to Congress on IDEA.
  - ▶ That's compared to 63% of students labeled under Other Health Impairment (OHI)

# Present Levels of Performance

- ▶ **Focus specifically on parental concerns and students' strengths**
- ▶ Use a Parent Input Form to:
  - ▶ Make your short-term and long-term goals for your child clear
  - ▶ Make specific requests in writing
  - ▶ Give the IEP team ideas on IEP goals, accommodations, modifications, and other supports
- ▶ The Parent Input Form forces the school team to respond in writing in a Prior Written Notice

# Present Levels of Performance

- ▶ IDEA requires evaluations use a variety of assessments by trained and knowledgeable personnel, including information provided by the parent
- ▶ Assessments must be valid and reliable and not discriminatory
- ▶ **Strength Based IEPs Dos and Don'ts:**
- ▶ NO IQ or even Standardized Academic Achievement Tests
- ▶ YES to sharing and considering supportive outside, private providers
- ▶ NO to one single bias evaluator
- ▶ YES to classwork samples and feedback from inclusive general ed teachers
- ▶ YES to parent input about all their child's strengths

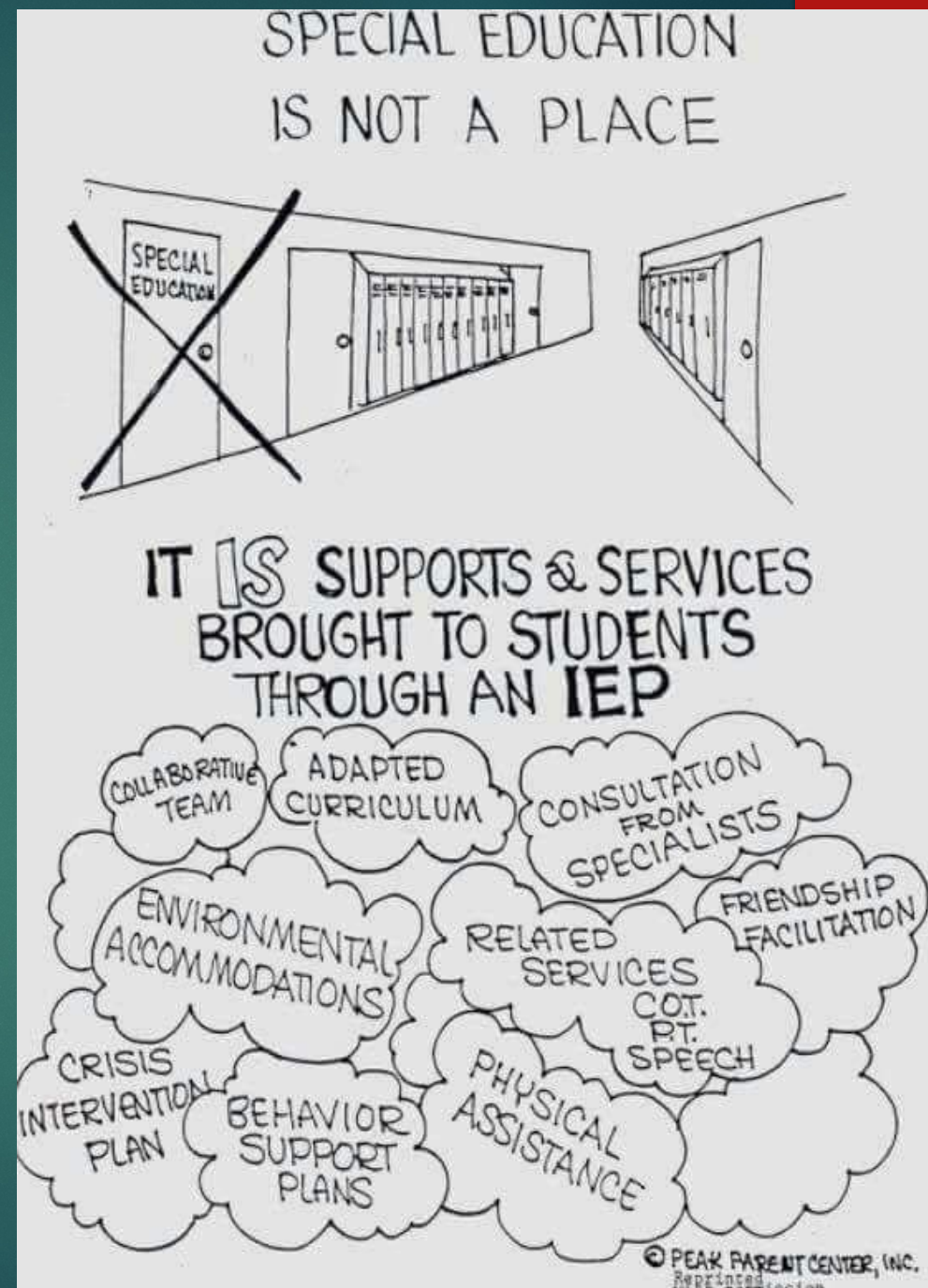


# IEP Goals

- ▶ The Endrew F. SCOTUS case, 2017: “For most children, a FAPE will involve integration in the regular classroom and individualized special education calculated to achieve advancement from grade to grade.”
- ▶ If your child only has IEP goals focused on life skills he/she is likely being written right out of the regular classroom.
- ▶ Use Common Core App to understand what nondisabled peers are learning in a particular grade level and subject
- ▶ See if your state uses Common Core Essential Elements or use another state’s to gain access points to the grade-level curriculum
- ▶ In a Parent Input Form, request IEP goals focused on accessing the grade-level curriculum
- ▶ Let’s try and example

# Supplementary Aids and Services

- ANYTHING that our kids need to ACCESS the regular education environment:
- Paraeducator
- Modified/Adaptive Curriculum
- Peer Tutoring
- Assistive Technology
- Visual Schedules
- Behavioral Supports
- Push in Supports from Related Service Providers
- Inclusion Specialist Support



# LRE Statement and Offer of FAPE

- ▶ START WITH THIS!!!
- ▶ The percentage of time in general education is the MOST IMPORTANT part of an inclusive IEP
- ▶ Request that the IEP team work backwards with the vision of FULL INCLUSION and then work together to make it happen using the Beyond Access Model:
- ▶ Belonging, Participation, and then Learning

# LRE and Endrew F. SCOTUS Case

- In the 2017, Supreme Court decision the court emphasize ***that full inclusion is the primary standard*** with the “child progressing smoothly through the regular curriculum.”
- If a child can't be in the LRE for 100% of their day, then data should be collected to understand if a more restrictive environment would be more appropriate. The school officials must look to the child's unique needs to develop an IEP which is ***“pursuing academic and functional advancement.”***
- The law and the courts have a STRONG Preference for inclusion!

# Building an Inclusive IEP

- ▶ Make your requests and concerns clear and IN WRITING!
- ▶ Document relative strengths through an appropriate evaluation or other data
- ▶ Use a Parent Input Form
- ▶ Get a Draft IEP
- ▶ Request a cogent and responsive reason for the school's decisions and denials in a Prior Written Notice (PWN)
- ▶ Create a Follow-Up Letter

# Useful Language in Your Advocacy

- ▶ “My child must have access and achieve grade-level standards. I know the general education teacher is the content expert and the regular classroom can provide this access. I request he be included in the regular classroom for 80% or more of his school day.”
- ▶ “I understand my child’s IEP goals should be appropriately ambitious for her to make meaningful progress in light of her disability.”
- ▶ I know my child has a right to supports and services to help with behavior. I’m requesting an evaluation to help create positive behavior supports and interventions in the regular classroom.”

Source: Andrew F. Case

# Useful Language in Your Advocacy

- ▶ "I'm concerned the school team is just going through the motions, predetermining placement, and treating the IEP like a form to be checked off. How can we make sure the IEP is reasonably calculated to ensure my son's progress in the regular classroom to the maximum extent possible?"
- ▶ "I've requested my daughter be included in the regular classroom for the majority of their day. I understand the case manager verbally denied this request, but I'm requesting a cogent and responsive reason for the denial in a Prior Written Notice."

Source: Andrew F. Case



If it's not in writing,  
it doesn't exist!



# Resources

- ▶ [TiesCenter.org](#)
- ▶ [Michigan Common Core Essential Elements](#)
- ▶ Anything by Julie Causton, but especially her article [“The Golden Rule of Providing Support in an Inclusive Classroom”](#)
- ▶ Nicole Eredics’ book [Inclusion In Action: Practical Strategies to Modify Your Curriculum](#)
- ▶ [Council of Parent Attorneys and Advocates](#)
- ▶ [The Annual Report to Congress on the Individuals with Disabilities Education Act](#)
- ▶ [Summary of the Evidence Inclusive Education](#)
- ▶ [Understood.org Endrew F. Advocacy Toolkit](#)
- ▶ [UltMembership and Participation Indicators](#)
- ▶ [Planning Individualized Supports Using the Beyond Access Model](#)
- ▶ [Ultimate List of Accommodations and Modifications](#)