

## Effective IEP Development for Students with AD/HD By Debi Gartland, Ph.D.

On June 4, 1997, President Clinton signed into law Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997 (commonly known as IDEA '97). Final regulations were published in the Federal Register (vol. 64, no. 48) on March 12, 1999, and took effect on May 11, 1999. IDEA '97 is the most recent reauthorization of P.L. 94-142, whose 25th anniversary we celebrate on November 29th. While retaining the basic rights and protections that have been in the law since 1975, the IDEA '97 amendments made a number of significant changes to the law to strengthen the focus on improving results for students with disabilities. These changes include the development of educational plans that enhance the participation of students with disabilities in the general curriculum, the education of students with disabilities with nondisabled peers, higher expectations for students with disabilities and accountability for their educational results, and opportunities for greater parent involvement in their children's education.

IDEA '97 provides all students with disabilities a free, appropriate public education in the least restrictive environment that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living. At the heart of IDEA '97 is the Individualized Education Program (IEP). Each student who qualifies for special education and related services under IDEA '97 must have a current IEP.

### What are the components of an IEP?

The IEP is the centerpiece of the special educational process for school age children. It is a written statement, documenting the student's educational needs and the tailor-made special education and related services required by that student for increased school achievement. The IEP must include:

1. a statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for the nondisabled children); or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
2. a statement of measurable annual goals, including benchmarks or short-term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, or for preschool children, as appropriate, to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability;
3. a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of program modifications or supports for school personnel that will be provided for the child to: - advance appropriately toward attaining the annual

- goals; - be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and, - be educated and participate with other children with disabilities and nondisabled children;
4. an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities;
  5. a statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and, if the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of - why that assessment is not appropriate for the child; and, - how the child will be assessed.
  6. the projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications; and
  7. a statement of: - how the child's progress toward the annual goals will be measured; and - how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
  8. For each student beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and for each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.
  9. In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights, if any, that will transfer to the student on reaching the age of majority.

## What other considerations must the IEP team make?

In developing all students' IEPs, IEP teams must consider:

1. the strengths of the child and the concerns of the parents for enhancing the education of their child;
2. the results of the initial or most recent evaluation of the child; and,
3. as appropriate, the results of the child's performance on any general State or district-wide assessment programs.

IEP teams must make additional considerations for some students.

The IEP team must:

1. in the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
2. in the case of a child with limited English proficiency, consider the language needs of the child as those relate to the child's IEP;
3. consider whether the child requires assistive technology devices and services. (On a case-by-case basis, the use of school-purchased devices in a child's home or in the other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive a free, appropriate public education.) If any of these special considerations apply, there must be a statement to that effect in the IEP.

### What are other IDEA '97 IEP requirements you should know?

1. The regular education teacher of the student with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review and revision of the student's IEP, including assisting in the determination of (1) appropriate positive behavioral interventions and strategies, and (2) supplementary aids and services, program modifications or supports for school personnel that will be provided for the child.
2. The school must give the parent a copy of the child's IEP at no cost to the parent. Also, the child's IEP must be accessible to each of the child's teachers and service providers with responsibility for its implementation. He or she must be informed of his or her specific responsibilities under the IEP and of the specific accommodations, modifications and supports that must be provided for the child under that IEP.
3. To ensure that the student is making sufficient progress toward achieving the annual goals, the IEP should be reviewed often, and at least annually by law, and revised appropriately. Also, the student's program should be re-evaluated at least every three years by law to determine if the student is still significantly different in school achievement from school-aged peers such that the student continues to require and is eligible for special education and related services under IDEA '97.

### What is special education?

Special education is specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. Specially-designed instruction means adapting the content, methodology or delivery of instruction to ensure access of the child to the general curriculum, so that the child can meet the educational standards that apply to all children in the jurisdiction. What are related services? Related services are supportive services which are required to assist a student with a disability to benefit from special education. These include transportation, speech-language services, psychological services, counseling services, in-school social work services, and parent counseling and training (i.e., to help parents acquire the necessary skills that will allow them to support the implementation of their child's educational plan). Who qualifies as a student with a disability? A student with a disability is a child evaluated in accordance

with IDEA '97 provisions as having at least one of the following thirteen, and whose disability significantly interferes with school achievement such that the student requires special education and related services:

- autism;
- deaf-blindness;
- deafness;
- emotional disturbance;
- hearing impairment;
- mental retardation;
- multiple disabilities;
- orthopedic impairment;
- other health impairment;
- specific learning disability;
- speech or language impairment;
- traumatic brain injury;
- visual impairment including blindness.

However, even if a student fits into one of these categories, if she or he only needs a related service and not special education (i.e., a specially design program because of below average achievement), the student would not be eligible unless the related service is considered special education under State standards. It is important to emphasize that not all students with AD/HD are eligible to receive special education and related services. Some students with AD/HD may be eligible under other categories, such as "Specific Learning Disability" or "Emotional Disturbance" if they meet the criteria under those categories. Others, however, who do not meet other criteria but whose AD/HD is preventing them from achieving at least an average level, may qualify for special education and related services under "Other Health Impairment" (OHI). Although qualifying students with AD/HD were eligible for special education and related services under OHI, for the first time with these amendments, the Federal mandate specifically refers to AD/HD.

IDEA '97 amended the definition of OHI to:

1. add "attention deficit disorder" (ADD) and "attention deficit hyperactivity disorder" (AD/HD) to the list of conditions that could render a child eligible under OHI; and,
2. clarify that, with respect to children with AD/HD, the phrase "limited strength, vitality, or alertness" includes "a child's heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment."

Children with AD/HD who are not eligible to receive special education and related services (i.e., because they compensate for their AD/HD resulting in at least average achievement) may be covered by the requirements of Section 504 of the Rehabilitation Act of 1973 and, thereby, eligible for a 504 Plan which would provide them "reasonable accommodations." In fact, for many school districts, the majority of students on 504

Plans are students with AD/HD. Who is on the IEP team? The IEP team is the group of individuals responsible for developing, reviewing, or revising an IEP for a student with a disability.

The IEP team must include:

1. the parents of the student;
2. at least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. at least one special education teacher of the student (or if appropriate, at least one special education provider of the student);
4. a representative of the public agency who is: - qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; - knowledgeable about the general curriculum; and, - knowledgeable about the availability of resources of the public agency.
5. an individual who can interpret the instructional implications of evaluation results, who may already be a member of the team;
6. at the discretion of the parents or agency, other individuals who have knowledge or special expertise regarding the child (the determination of which is made by the party who invited the individuals);
7. the student 14 years or older (because the team will be considering transition services to prepare the student for life after high school) and, if appropriate, the student younger than 14 years may be invited.

**Author's note:** This article does not address all aspects of an individualized program and, while all attempts have been made to ensure accuracy, is not intended as a substitute for legal advice. There are several summaries of the regulations available to you, but I suggest you read the statute, final regulations, and your state law for yourself. The final regulations can be accessed through several websites including [www.ed.gov/offices/OSERS/](http://www.ed.gov/offices/OSERS/) or purchased for a nominal fee through the Government Printing Office (202-512-1800). Use your own state's department of education, advocacy organizations, and U.S. Congress members as resources.

Additional resources: Bateman, B.D., & Linden, M.A. (1998). Better IEPs: How to develop legally correct and educationally useful programs (3rd edition). Longmont, CO: Sopris West. Council for Exceptional Children. (1999). IEP team guide. Reston, VA:

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