

## CHAPTER 12: WRITING A PLAN

Once a student has been identified as both having a disability and demonstrating a need for special education, the school has 30 days to create an educational plan for meeting that student's needs. In the United States, this plan is called an Individualized Education Program, or IEP, and will be written collaboratively by the IEP team. Parents are important members of this team and must be included under IDEA law. Other required members of the team include a general education teacher, a special education teacher, a school representative who has the authority to approve the plan, and someone who can interpret the results of the various assessments that were conducted. It should be noted that one staff member may perform more than one of these required roles. For example, sometimes the special education teacher also fulfills the role of interpreter of the assessment data. By age 16, the student must be included on this team, although many children will begin participating in their IEPs at a younger age. Other members of the team are determined based on the student's needs. Some typical additional team members include a speech therapist, physical therapist, occupational therapist, social worker, or school nurse. If the parents require a translator in order to participate in a meaningful way, the school must provide one. Parents may also choose to bring an advocate or support person to the meeting ([Understood, n. d.](#)).



## PERSON-FIRST LANGUAGE

Words have power. [Yehuda Berg](#), a 21st century Jewish Rabbi and author, said this about the power of words: “Words are singularly the most powerful force available to humanity. We can choose to use this force constructively with words of encouragement, or destructively using words of despair. Words have energy and power with the ability to help, to heal, to hinder, to hurt, to harm, to humiliate and to humble.” The words we use are important. Our words cannot change reality, but they can change how we perceive that reality. The words that are used to describe a person also influence how we feel about that person. While predispositions can be overcome as we get to know a person, not everyone will invest the time needed for that to happen. Thus, we must be careful about the words we use. ([Schafer, 2010](#)).

Etiquette requires that when we speak about a person with a disability, we use language that places the person first and the disability second. This means one should say, “person with a disability” or “child with Down syndrome” rather than “disabled person” or “Down syndrome child.” A disability is not a person’s whole identity. Rather, it is simply something they have, just like they might have brown hair or a friendly smile. It is also

important to avoid negative expressions and language that makes the person a victim of their disability, including commonly used phrases like “suffers from” or “is afflicted with.” Instead of saying “wheelchair-bound person,” say “person who uses a wheelchair” since a wheelchair is merely a piece of equipment this person uses, just like others might use glasses, a hearing aid, or a communication device. The exception to this rule is when the person with a disability has a different preference. In that situation, one should use whichever language that person states they feel the most comfortable with. Essentially, it is best to follow the universal rules of disability etiquette unless a person with a disability asks you specifically to deviate from those rules and then you should only do so with that particular person ([Kappes, 2023](#)).



## OVERVIEW OF THE IEP

Every child who receives special education and related services in a public school must have an IEP. The IEP provides a summary of the information that has been gathered about the student, identifies goals for the content and skills the child will learn during that year, and describes the educational

services that will be provided to ensure that the child meets those expectations. Thus, the IEP is a blueprint for that child's educational programming for the next year and is the primary way that schools ensure that a student is receiving an appropriate education. While different states and even different school districts may use slightly different forms for recording the contents of the IEP, the required elements are the same. Every IEP must have these components:

- A summary of the child's current level of performance in the areas of concern
- Realistic goals for what the child will achieve in the coming year
- Identification of how progress toward the goals will be measured
- A description of the services that will be provided
- An explanation of any portion of the school day when the child will not be included with nondisabled peers
- Any accommodations or modifications that will be provided on state and district-wise assessments
- The frequency, duration, and location of services and the date when the services will begin
- For students aged 16 and older: Information on transition services and transfer of rights ([NASET, 2024](#))



## PRESENT LEVELS OF PERFORMANCE

According to IDEA, each student's IEP must have:

A statement of the child's present levels of academic achievement and functional performance, including—

- (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
- (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; ([IDEA, 2017](#)).

The Present Level of Academic Achievement and Functional Performance (PLAAPF) establishes the foundation on which the student's program is built. This component is sometimes referred to as the Present Level of Performance (PLOP or PLP) or the Present Level of Educational Performance (PLEP). In the PLAAPF, the student's current abilities in both academic achievement and functional performance are described. Academic achievement covers the skills and knowledge the child has mastered in

typical school subjects such as reading, writing, math, history, science, and foreign language. Measures of functional performance consider the non-academic areas such as social skills, behavior, motor skills, and activities of daily living. Both are important when determining a child's strengths and areas of need ([NASET, 2024](#)).

The [PACER Center](#), an educational resource center supporting professionals, families, and persons with disabilities, recommends using these questions to guide the process of identifying the student's current level of performance in academic and functional areas:

- What are the disability-related challenges that affect the student's progress and participation in the general education curriculum?
- At what academic and functional levels is the student performing right now? (Where is the student's starting point?)
- What strategies, accommodations, and assistive technology have already been successful for the student's learning? Has the student had an assistive technology evaluation?
- What are the grade-level academic standards for this student's grade? How do the student's skills compare to those standards?
- Does the student behave and learn with age-appropriate developmental skills?
- How does the student perform in non-school environments? (Information typically provided by the family)
- What does the student think is working or not working during the school day?
- Is there any other information we need to provide a complete picture of the student?

([PACER Center, 2018](#))

The PLAAFP lays the foundation for the IEP. It must identify the student's needs in all areas affected by the disability as well as the effect the student's disability is having on their progress in the general education curriculum. For preschool children, the PLAAFP describes how the disability affects their participation in age-appropriate activities. The PLAAFP must include assessment data that is specific and measurable and that will serve as a baseline from which to measure progress. This information can come from a variety of sources including tests, observations, educational records, and information shared by the family. The IEP team's determination of appropriate goals, services, supports, and placement must all be logically connected to the information in the PLAAFP. Therefore, the PLAAFP must contain sufficient information to enable the team to make those determinations ([PROGRESS Center, 2020](#)).

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These example PLAAFP statements were created by the PACER Center:

- Jason has a reading disability. He is in seventh grade and reads independently at a third-grade level. He has grade-level comprehension of materials read to him. Jason needs to improve his reading skills.
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- Lisa has attention deficit hyperactivity disorder (ADHD). Her organizational skills are not well developed. She loses assignments and notes for her academic classes approximately 75 percent of the time and as a result comes to class without necessary materials. Due to these behaviors, Lisa is not able to complete grade-level work. Lisa needs instruction on organizational skills.
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- Angela is 10 years old but performs academically at a kindergarten level in reading and at a first-grade level in math. Although she benefits socially from being in general education classes, her class work in reading, math, science, and social studies needs to be modified. Angela needs to increase her academic skills.
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- Connor has Autism. His academic skills are above grade level, but his social and communication skills are more than two years behind those of his grade-level peers. Connor needs instruction to understand nonverbal social and communication cues
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Notice that each of these examples establishes the student’s need for special education as well as a baseline for the areas of concern. Typical errors in writing the PLAAFP include only focusing on strengths, writing statements that are too vague, and not including all areas related to the student’s disability ([NASET, 2024](#))

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## ANNUAL GOALS

IDEA requires that each student's IEP contain:

(i) A statement of measurable annual goals, including academic and functional goals designed to—

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

(ii) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives; ([IDEA, 2017](#)).

Annual goals are the IEP team's best estimate of what the child will accomplish in the next year as a result of receiving specially designed instruction and any related services. An IEP is considered to be "standards-based" if at least one goal is aligned to grade-level academic content standards in reading or math. If the student will be taking an alternate assessment in place of the required state or district assessment, the IEP must also include at least two benchmarks or short-term objectives for each goal. Short-term objectives are created by identifying the intermediate steps or individual skills that come together to make up the more complex task that is the goal. Benchmarks identify the increasing levels of performance that would indicate progress toward the goal such as percent correct, level of assistance, or opportunities for generalization. A goal would not include both short-term objectives and benchmarks, but one or the other depending on the nature of the goal and the unique characteristics of the student.

While not required for all IEPs, short-term objectives and benchmarks can be

helpful for monitoring progress toward the goal and identifying when an intervention needs to be modified or changed ([PACER Center, 2018](#); [New York State Education Department, 2023](#)).

An IEP addresses the educational needs that a child has as a result of their disability; therefore, the annual goals should be designed to address aptitudes that will improve the student's educational performance. It is important to note that goals are not meant to be a restatement of the content in the curriculum. Rather, goals identify the skills the student needs to develop in order to access and make progress in that curriculum. There are specific elements that must be included in all annual goals as well as in any short-term objectives or benchmarks that are provided. First, there must be a description of the condition or context in which the student will perform the skill. Next, the target skill or behavior must be described in a way that can be seen and measured. Finally, the goal must contain criteria for the level of proficiency the child is expected to exhibit when performing the skill. While not required, it is also a good idea to include in the goal explicit requirements for generalization and maintenance of the skill.

Generalization refers to the variety of conditions under which the behavior will be performed. Maintenance identifies the length of time or the number of times the student must perform the skill before it can be considered mastered ([PACER Center, 2018](#); [New York State Education Department, 2023](#)).

There are many ways to set the criteria needed to demonstrate mastery. Percentage correct can be a useful measure when the number of trials may differ over time (e.g., read a grade-level paragraph aloud with 90% accuracy). Number correct or number of errors can be useful when the number of trials remains constant (e.g., 18 out of 20 spelling words correct). Frequency is a simple count (e.g., 3 times), while rate is a measure of speed and accuracy (e.g., number of words read correctly in 1 minute). Latency is

the time between the presentation of a stimulus and the child's response (e.g., respond to a question within 5 seconds). Duration is a measure of time (e.g., for 20 minutes) ([NASET, 2024](#)).



**This example goal contains all the required elements:**

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When given a subject by the teacher, Sarah will write a 5-sentence paragraph that includes a topic sentence and at least three supporting details with 90% accuracy as measured on weekly writing samples using her writing rubric.

**Condition:** When given a subject by the teacher

**Behavior:** Sarah will write a 5-sentence paragraph that includes a topic sentence and at least three supporting details

**Criteria:** with 90% accuracy as measured on weekly writing samples using her writing rubric

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**Possible short-term objectives for this goal could be:**

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**Short-Term Objective 1:** When given a subject by the teacher, Sarah will write a topic sentence with 90% accuracy as measured on weekly writing samples using a writing rubric.

**Short-Term Objective 2:** When given a subject by the teacher, Sarah will write a topic sentence and two supporting detail sentences with 90% accuracy as measured on weekly writing samples using her writing rubric.

**Annual Goal:** When given a subject by the teacher, Sarah will write a 5-sentence paragraph that includes a topic sentence and at least three supporting details with 90% accuracy as measured on weekly writing samples using her writing rubric.

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**Alternatively, possible benchmarks based on accuracy could be:**

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**Benchmark 1:** When given a subject by the teacher, Sarah will write a 5-sentence paragraph that includes a topic sentence and at least three supporting details with 50% accuracy by November as measured on weekly writing samples using her writing rubric.

**Benchmark 2:** When given a subject by the teacher, Sarah will write a 5-sentence paragraph that includes a topic sentence and at least three supporting details with 70% accuracy by February as measured on weekly writing samples using her writing rubric.

**Annual Goal:** When given a subject by the teacher, Sarah will write a 5-sentence paragraph that includes a topic sentence and at least three

supporting details with 90% accuracy by May as measured on weekly writing samples using her writing rubric.

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**Example goal with all required elements (condition, behavior, criteria) plus generalization and maintenance:**

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**Annual Goal:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn 4/5 opportunities to do so.

**Annual Goal with Generalization:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn 4/5 opportunities to do so with at least three different peers and 3 different games.

**Annual Goal with Maintenance:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn 4/5 opportunities to do so and will maintain this behavior for 3 weeks.

**Annual Goal with Generalization and Maintenance:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn 4/5 opportunities to do so with at least three different peers and 3 different games and will maintain this behavior for 3 weeks.

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**Possible benchmarks based on assistance level for this goal could be:**

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**Benchmark 1:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn with a physical prompt 4/5 opportunities to do so.

**Benchmark 2:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn with a visual prompt 4/5 opportunities to do so.

**Benchmark 3:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn with a verbal prompt 4/5 opportunities to do so.

**Annual Goal:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn independently 4/5 opportunities to do so.

**Annual Goal with Generalization and Maintenance:** When playing a game with a peer, Joshua will engage in appropriate turn-taking by attending to his peer's turn and waiting appropriately for his own turn independently 4/5 opportunities to do so with at least three different peers and 3 different games and will maintain this behavior for 3 weeks.

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## MEASURING AND REPORTING PROGRESS

IDEA specifies that the IEP must also contain:

A description of—

- (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
- (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided; ([IDEA, 2017](#))

Once the team has determined the annual goals for the IEP, they must identify when and how progress toward these goals will be measured and when this progress will be reported to the parents. There are a variety of methods that can be used to measure progress:

- Observation data
- Checklists
- Rubrics
- Work samples
- Curriculum-based measures
- Formal tests

The type of measure used will be dictated by the nature of the goal and the unique characteristics of the learner. Academic goals are often measured using work samples and curriculum-based measures. Functional goals are more generally measured using observational data and checklists. Rubrics work well for many different types of goals, both academic and functional. Formal tests may also be used to measure progress, but these can be more time consuming than other methods. Reliability and validity are important in progress monitoring, just as they are in any assessment; however, since progress monitoring should happen frequently, measures that are not only reliable and valid but also quick and easy to use are often a better choice. Progress monitoring is generally done at least weekly at the elementary level, although it is sometimes done biweekly at the secondary level. IDEA requires that progress monitoring results be sent home at least as often as report cards are sent and recommends that this happen quarterly at a minimum; however, the IEP could specify that this reporting be done more frequently ([Hasbrouck, 2006](#); [NASET, 2024](#)).





## SPECIAL EDUCATION

The next step is determining the special education services needed to help the child meet their goals and where those services will be provided. IDEA describes this section this way:

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

- (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
- ([IDEA, 2017](#))

This portion is really the heart of the IEP. Special education and related services are the bridge that enables the student to move from their current level of performance to the new level specified by the annual goals. The IDEA definition of special education is, “Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability” ([IDEA, 2017](#)). Note that special education is not a place, but a service which can be provided across a continuum of educational placements including a special education classroom, a general education classroom, and a co-taught classroom. Special education encompasses the instruction, the opportunities for practice and feedback, and the assessments that are provided to help students achieve their IEP goals. It also includes any adaptations to the general curriculum that may be needed.

## **Special Education and Related Services**



The IEP team may determine that related services are also necessary for the student to receive educational benefit. Just like special education, related services may be provided across a continuum of placements. Related services include:

- Physical therapy
- Occupational therapy
- Social work services
- Speech-language pathology
- Audiology services for students with hearing impairments

- Medical services including school nurse services
- Interpreting services for students with hearing impairments who communicate using sign language
- Orientation and mobility services for students with visual impairments
- Transportation supports including a special equipment if needed

In addition to special education and related services, the IEP team may also determine that the student requires supplemental aids and services due to the impact of their disability. Supplemental aids and services are “aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate” ([IDEA, 2017](#)). The purpose of these supplementary aids and services is to enable the child with a disability to be educated in the least restrictive environment, including provision of supports for participation in extracurricular activities such as sports and school clubs. These can be direct services and supports to the child, accommodations and modifications to the curriculum, or supports and training for the staff ([CPIR, 2017](#), [NASET, 2024](#)).

Examples of supplementary aids and services include:

- Environmental supports such as preferential seating in the classroom, on the bus, in the lunchroom, or in the school auditorium as well as physical alterations to a learning space
- Supports provided by additional staff such as consultation services, a behavior specialist, a health care assistant, an instructional aide, and one-to-one assistance
- Specialized equipment and assistive technology including wheelchairs, computers and software, augmentative and alternative communication devices, adapted tableware, pencil grips, and restroom equipment

- Accessible materials such as audio or digital texts, Braille, and large print materials
- Social supports including Circle of Friends and cooperative learning groups
- Training that teachers and other staff members may require to best meet a child's needs ([CPIR, 2017](#))

If the IEP team determines that adaptations are needed to the general curriculum or to the way instruction is provided in general education, these will also be specified in this section of the IEP. These adaptations may be either accommodations or modifications. Some common adaptations include provision of extra time for a test or a test reader. For written assignments or tests, a student may be allowed to dictate answers to a scribe. This student may also be provided with copies of class notes. Accommodations do not change the level of difficulty of the class work. Instead, they provide a way for the child to access the materials despite their disability. In contrast, modifications either change the content of what is being taught or lower the level of difficulty ([NASSET, 2024](#)).

Modifications and accommodations most often address issues such as:

- Scheduling – for example, breaking up a test over several days
- Setting – such as working in a small group or one-one-one
- Materials – for example, providing audio versions of required reading
- Instruction – such as reducing the reading level of an assignment
- Student response – for example, allowing use of a word processor for written work

These are just a few typical examples. There are many other possibilities. There is no exhaustive list of what may be provided or where it may be provided. If the team determines that the child needs an aid or service that is typically provided in the special education classroom, but the team also

determines that the student can be educated in the general education classroom with the support of that aid or service, then the team must specify that in the IEP and find a way to do it. “We’ve never done it that way before” is not a reason why it can’t be done that way now, given the IEP team has determined it is the best plan for the learner ([CPIR, 2017](#), [NASET, 2024](#)).

Once the determination has been made for the number of minutes of special education and related services a student needs, the location, number of sessions per week, and amount of time of each session are recorded on the IEP. This determination should be based on student need rather than on the availability of services. In the past, this was often recorded as a range of times and frequencies to account for changes in schedules, school holidays, and times when school might be cancelled; however, this is no longer considered best practice. Rather, the IEP should reflect the amount of time and the frequency that the team recommends in light of the child’s unique needs and goals. It is understood that there will occasionally be school holidays or days when school is cancelled. Location for delivery of services must also be considered by the team. Placement should always be in the least restrictive environment (LRE) where that student can receive an appropriate education. It is important to note that the location where services are to be provided should not be predetermined prior to the IEP, but only determined after other decisions on specialized instruction, supplementary aids and services, and frequency and duration of these services have been made ([NASET, 2024](#)).



## PLACEMENT

IDEA requires that public schools “ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services” ([IDEA, 2017](#)). In addition, IDEA specifies that states must have policies and procedures in effect to ensure that the LRE requirements of IDEA are met and that schools ensure that

- (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- (ii) 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. ([IDEA, 2017](#)).

Given the priority placed on educating students with their nondisabled peers, IDEA requires that the IEP include:

(5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in (other school) activities ([IDEA, 2017](#))

Decisions on where a child should be educated must be made by the members of the IEP team, including the parents. This decision is not determined by disability category, but rather is based on the child's individual needs. As children grow and develop, their needs may change. Thus, decisions on placement must be redetermined every year as part of the IEP process; however, if student progress data indicates that a change in educational setting should be made sooner than this, the team can review this decision more frequently. Whenever the team determines that the child will not be placed in the general education classroom for a portion of time or will not participate in extracurricular and nonacademic activities with their peers, the IEP must indicate this and contain an explanation of why this decision was made ([NASET, 2024](#); [PROGRESS Center, 2021](#)).



## ACCOMMODATIONS AND MODIFICATIONS FOR STATE AND DISTRICTWIDE TESTING

IDEA also requires that the IEP include:

(6) (i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—

(A) The child cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the child; ([IDEA, 2017](#))

All students, including those with disabilities, are expected to participate in state and districtwide assessments. One intent of these assessments is to hold public schools accountable for the educational achievement of their students. In this way, schools are encouraged to set high academic standards for every student, including those with disabilities, as most students with disabilities will participate in the regular assessment process. A very small percentage, no more than 1-2% of the school's population, will have such significant cognitive disabilities that they will be assessed using an alternate assessment based on alternate achievement standards. As mentioned earlier, annual goals for students taking alternate assessments must also include either short-term objectives or benchmarks in order to better monitor their progress toward their goals ([PROGRESS Center, 2020](#)).

As already noted, the majority of students with disabilities will take the same assessments as their nondisabled peers. However, even though the



assessment will be the same, students with disabilities who regularly use accommodations for classroom assessments will also be able to use accommodations on the state and districtwide assessments. While each state has its own list of approved testing accommodations for these assessments, these are fairly standard across all states. They include:

- Setting accommodations: for example, a student can take a test in a different location such as in the special education classroom rather than in the general education classroom with the rest of the class
- Response accommodations: such as being allowed to respond orally or with a communication device rather than providing a standard paper and pencil response
- Timing accommodations: for example, a student might be given extra time to complete the test or multiple breaks during testing
- Presentation accommodations: such as providing a student with a test reader or a large print test booklet

The IEP should include the rationale for any accommodations or modifications that will be provided on the state and district-wise assessments or reasoning for why an alternate assessment is appropriate for a particular student ([PROGRESS Center, 2020](#)).



## FINAL DETAILS

The IEP is required to indicate:

(7) The projected date for the beginning of the services and modifications described in (the IEP), and the anticipated frequency, location, and duration of those services and modifications. ([IDEA, 2017](#))

The IEP will indicate the date that services will begin. Typically, an IEP will be dated to start as soon as possible. It will also contain the frequency, duration, and location where special education and related services will be provided. The frequency of each of these services should be enough to ensure the child has sufficient opportunities to practice the skill and to receive feedback. The duration of each session should be provided in minutes and, again, be based on the student's needs and abilities. Finally, the location where each service will be provided should not be determined until decisions have been made on the other IEP components ([PROGRESS Center, 2020](#)).

Schools typically take an extended break during the summer months; however, some students may require extended school year (ESY) services during these breaks. This is not required for all students on IEPs and is only provided when necessary to enable a student to maintain the skills they have learned and to maintain progress toward their goals. If a student loses important skills during extended school breaks and it takes a long time to regain those skills, ESY may be indicated. In addition, all IEPs for students aged 16 and older must contain information on transition services and transfer of rights. This topic will be explored further in a later chapter. ([Morin, n. d.](#); [NASET, 2024](#))

Finally, it is important to remember that the process of determining that a child is eligible for special education and designing the IEP involves the

collection of sensitive personal information which must be kept confidential. Only those with a legitimate educational need should have access to this information. In the United States, confidentiality is addressed by both IDEA law and the [Family Education Rights and Privacy Act \(FERPA\)](#). These laws provide guidance on the type of information a school may share and when consent to share information is required. Schools may disclose “directory” information without consent. Directory information includes student name, address, phone number, email address, dates of attendance, degrees earned, field of study, and enrollment status. However, parent permission must be granted for all other disclosures unless the school has received a court order or in the case of a health or safety emergency ([NASET, 2024](#))

These laws also give parents the right to review their child’s educational records and to request copies, although schools may charge a reasonable fee for these copies. Parents may also request that schools correct any errors they identify when reviewing the records. If the school decides that there is no need for a correction, parents can request a hearing to challenge the information. If the outcome of the hearing is that the information should remain unchanged, parents have a right to share their viewpoint on the contested material by placing a statement in the educational record. If personally identifiable information is no longer needed for the school to provide educational services, that information must be destroyed at parent request. However, schools have a right to maintain a permanent record of the student’s name, address, phone number, grades, attendance record, grade levels completed, classes attended, and year of completion ([NASET, 2024](#)).



## CHAPTER 12: SOURCES

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