

# Release Notes - September, 2022

Brief descriptions of procedural clarifications, additions, and changes are described below, along with links to related pages within the i3 system. Revised text should be reflected within the i3 system by September 30, 2022.

## Part B: Special Education Updates

### Changes in Organization of Procedure Sections

#### Educational Evaluation Report (EER): Process and Flow

- Process flow and major sections of the modified EER report (ACHIEVE) are described in procedures.
- Modified language is reflected in the [Step 4: Documenting the Evaluation Page](#).

#### ICEL to SCIL in the Problem Solving Process

- In the evaluation/problems solving model, the areas of considered need were shifted from Instruction, Curriculum, Environment, Learner (ICEL) to Setting, Curriculum, Instruction, Learner (SCIL), for consistent use of language across MTSS systems and in the Iowa Special Education Eligibility and Assessment Standards. The Assessment Methods & Sources Matrix was modified to intersect SCIL with types of assessment, Review, Interview, Observe, Test (RIOT). [Link to the SCIL-RIOT matrix](#).
- Modified language is reflected in [Step 3: Completing the Initial Evaluation Page](#).

#### Seven to Eight Performance Domains

- Hearing and Vision split into two domains resulting in eight Domains for evaluation that represent the areas of skills and functions that are inherent in the 13 federally designated disability categories.
- Modified language is reflected in the [Defining a Disability Page](#)

## Six to Eight Areas of Special Consideration

- There are now eight areas of special consideration in the IEP development process - 1) Accessible Educational Materials (AEM), 2) Assistive Technology, 3) Communication, 4) English Learner, 5) Health, 6) Hearing, 7) Social-Emotional Behavior, and 8) Vision.
- Modified language is reflected in the [Components of an IEP Page](#).

## Decision Rule Changes

- No longer a requirement to *cite* a decision rule (e.g., four point or trendline rule), but there is a field to document a decision rule if an IEP team deems it necessary. IDEA requires teams to analyze progress over time and teams should continue to use appropriate instructional decision making practices.
- Note: ACHIEVE has advanced goal technique options that will enhance the option for visual representation of data and the ability of teams to analyze data for decision making.
- Modified language is reflected in the [Step 3: Completing the Evaluation - Progress Monitoring Page](#) and implications are also reflected in the [Components of an IEP Page](#).

## Procedural Safeguards Manual

- Manual was revised, and is [published on the DE website](#). It is dated August, 2022, and is linked in appropriate locations on the Iowa DE Website, the i3 Website, and within ACHIEVE.
- Change is regarding records retention and destruction - key text: *The AEA policy is to destroy records after the student has attained the age of 27 years and at least five years after exiting Early ACCESS/special education. At that time, these records will be destroyed. At the time your child exits special education, you will receive notification about the destruction of records; this will be the only notification you receive.*
- Modified language (manual) is reflected (and linked) in the [Understanding Parent Rights Page](#).

## Maintenance of and Destruction of Records

- This section of i3 will reflect the five-year/age 27 destruct rule as noted in the revised Parental Safeguards Manual.

- An additional guidance piece on maintenance of certain records:  
*Tests/Assessments/protocols, progress monitoring probes, and educator/therapy notes will be maintained for two years after the information has been summarized in a report that is an educational record or as long as they are educationally necessary.*
- Guidance/Examples and non-examples of documents that should be maintained as uploads to ACHIEVE are given. Focus will be that only documents that *directly relate to the implementation of the IEP* should be maintained within the system.
- Modified language is reflected in the [Procedures for Special Education Records Page](#).

## Contingency Learning Plan (CLP)

- New required component of an IEP.
- New format in ACHIEVE, but similar function as the “Page I Questions” used in Legacy System since the COVID-19 Pandemic.
- IEP must address potential *short- and long-term disruptions to learning*, and document a plan to address how goals, special education services, supports, activities, and accommodations will be addressed if disruptions occur.
- Note: A CLP is not designed for *individual student situations* where school attendance is not possible. Individual situations such as severe student illness or hospitalization may result in an IEP team decision to provide homebound instruction. Such actions are not documented in a CLP.
- Modified language is reflected in a new section in the [Components of an IEP Page](#).

## Use of Prior Written Notice (PWN)

- Whenever an IEP team designs a *new plan* for a learner, there is a change in service provision and current needs for FAPE are articulated. Because of this, in Iowa, a Prior Written Notice is required for *each IEP*.
- ACHIEVE will require a Prior Written Notice for all IEPs.
- Examples of cases where a Prior Written Notice is not required are articulated (e.g., change of location or service provider, when services/supports do not change).
- Modified language is reflected in the [Prior Written Notice Page](#).

## Parental Consent for Evaluation

- Procedures clarify that any evaluations of a learner which are conducted for the purpose of determining whether a learner is *eligible* for special education services require written parental consent (initial evaluations and reevaluations). Also, when special education *services are initially provided* to a learner following eligibility determination, written parental consent is also needed.
- It is clarified that when data collection is needed *outside of the initial evaluation or reevaluation processes*, parent consent is not needed (cases where eligibility for special education is not of concern).
- If teams need to collect information to inform program planning (Example: A team may wish to conduct a Functional Behavior Assessment to inform an effective Behavior Intervention Plan) consent is not needed, but teams should notify parents of these efforts. This communication could be via phone, email or other written notification (e.g., the *Collection of Additional Information by Area Education Agency Staff form*).
- Modified language is reflected in the [Parent Consent Page](#) and the [Behavior in an IEP \(Procedures to Develop and/or Revise an FBA\) Page](#).

## Evaluation Team Membership Requirements

- Clarification that IEP Team *does not equal* Eligibility Determination Team.
- Iowa Code indicates that upon administration of assessments and evaluation measures, a “group of qualified professionals” and the parent make the eligibility determination.
- Required team membership for eligibility determination will include:
  - Parents of the learner being evaluated,
  - Any individual completing various components of the evaluation who may assist in the interpretation of the instructional implications of the evaluation results (in Iowa, the AEA has a primary responsibility for Child Find, and so AEA special education professionals comprise the typical group of qualified evaluators).
  - Other individuals with knowledge or special expertise regarding the eligible individual being evaluated, as appropriate (e.g., general education teacher).
  - The individual being considered for eligibility, as appropriate.
- Note: IEPs that are developed immediately following an eligibility decision will need

to include complete IEP team membership.

- Modified language is reflected in the [Step 3: Completing the Initial Evaluation Page](#).

## Transfer and Provision of FAPE: Learners Served in Shelter or Detention Centers

- When a student is placed in a shelter setting or detention center (programs operated by AEA staff) outside the resident district, the learner's IEP should be implemented and FAPE provided upon the student's arrival.
- The IEP transfer process must be completed prior to day 11 of a learner's placement in a shelter or detention center.
- Modified language is reflected in the [Transfer of Students Page](#).

## Open Enrollment Changes and Implications for Students with Disabilities

- Primary Change: House File (HF) 2589 eliminated the previous March 1 deadline for open enrollment. This change allows parents/guardians to apply for open enrollment *at any time without the need for good cause*.
- Note that open enrollment (continues) to apply to all students in grades K-12. Preschool, *eligible individuals*, may apply for open enrollment. However, parents may not make an application to open enroll their non-disabled preschooler.
- One reason for a denial of open enrollment can be cases *when the district does not have the appropriate special education program*.
  - This determination must be made in consultation with the resident district and the appropriate AEA(s) prior approval of the open enrollment application. The AEA Director of Special Education will designate the AEA professionals who will participate in the consultation process.
- Modified language is reflected in the [Open Enrollment Page](#); current rules are also updated on the 22-23 [Open Enrollment Handbook](#) (Iowa Department of Education).

## K-12 State Matrix and ECSE State Matrix: Supplemental Weighting

- Supplemental weightings for learner IEPs will continue to be based on use of the state matrices. Weightings will be documented in the ACHIEVE system by AEA staff (designated by AEA Directors of Special Education) after learner IEPs are submitted and finalized. LEA staff do not submit recommended weightings.
- The [matrix tools](#) continue to be posted as i3 resources, along with special education count process information. Primary audiences are Iowa AEA staff who are supporting the final count process.

## Resources (Part B)

### Updated Assessment Matrix (ICEL to SCIL)

- As noted above, an [updated assessment matrix](#), showing SCIL-RIOT assessment area intersections is integrated into Child Find procedures and posted under *Special Education Resources*.

### Student Discipline/Manifestation Determination Graphic-Tool

- There are no language changes in this section of i3, but a [graphic](#) that illustrates decision points after a manifestation determination will be linked as a resource. This graphic currently appears as part of the Manifestation Determination Process Form (which will be phased out as the process will be documented in ACHIEVE in the future).
- The graphic will be linked and reflected in the [Discipline in an IEP - Manifestation Determination Page](#).

### Home School Notification Form

- The *Home Schooling for Students in Special Education Parent Notification and Acknowledgement* form will continue to document parent decisions to revoke special education services or to dual enroll for special education services.
- The form is not yet available in ACHIEVE. In the interim time period, a [fillable form](#) is

included as a resource in i3. If used, the form should be signed by a parent and uploaded to the system.

- Language related to CPI process is reflected in the [Competent Private Instruction Page](#).

## Meaningful Parental Participation/Native Language Translations

- Copies of translated documents (i.e., PWN, Consents, IEP forms) from the Legacy System continue to be available in [Resources](#) (Direct links - [forms](#), [PWN and Consents](#), [Additional Information Page](#)). The newly revised [Procedural Safeguards Manual](#) is posted on the Iowa Department of Education page, and translated versions of the updated document will be available in the coming months. *Electronic translation for IEPs downloaded from the ACHIEVE system will be helpful for actively involving parents, when translation is needed.*
- Language in i3 remains unchanged the [Parent Participation in the IEP Process Page](#).

## Administrative Considerations for Changes in the Definition of a Diploma

- The memorandum regarding 4-3-3-3 requirements for a regular high school diploma was slightly updated, noting that implications began with the class of 2022. The [memorandum](#) is available in special education resources under Guidelines/Memos on Policy Requirements.

# Part C: Early Intervention/Early ACCESS Updates

## Early Access First Contact and Procedural Safeguards

- Procedures, under first family visit with a Service Coordinator, add the step of reviewing Procedural Safeguards with the family.
- Modified language is reflected in the [Child Find, Referrals and Intake Page](#)

## Use of Prior Written Notice (PWN) in Early Access

- Clarified information regarding use of the PWN in Early Access
- Modified language is reflected in the [Early Intervention/Prior Written Notice Page](#)

## Maintenance and Destruction of Records in Early Access

- Clarified information regarding the maintenance and destruct process for Early Access, including five-year/age 27 destruct rule.
- Modified language is reflected in the [Early Intervention Records Page](#)

## Resources (Part C)

### Framework for Gathering and Giving Information with Families

- A 2022 updated document, [Framework for Gathering & Giving Information with Families](#), from Distance Mentoring Model (Florida State University) is posted under *Early Intervention Resources*, for Early Access staff and IFSP team reference.