



## **NASET Q & A Corner**

### **Issue #4**

## **Questions and Answers about Annual Review**

### **What is the Annual Review?**

Each year the IEP Committee is required to review the student's existing IEP and present program. During this process, the Eligibility Committee will make recommendations upon review of records that will continue, change, revise or end the student's special education program. Based on these findings, the Eligibility Committee will make adjustments to the IEP and recommendations to the Board of Education. Further, a student's IEP must be reviewed, and revised if necessary, at least annually and more often if needed.

### **When Does the Annual Review Occur?**

The annual review occurs within a year of initial placement and yearly thereafter. The date of the annual review should be part of the student's IEP. An Eligibility Committee review may be requested by the parent/guardian, the student's teacher, or a school administrator, at any time, to determine if a change or modification is needed. If this occurs, the next review must be conducted within one year. The annual review meeting can occur at any time during the school year; however, many districts choose to review the IEP in the spring. The annual review meeting must occur by June 30.

### **How is a Parent/guardian Notified of an Annual Review Meeting?**

Parent/guardians will be notified by mail of the date, time, location, and individuals expected to attend the student's meeting. The parent/guardian will also be given a statement about his or her right to bring other people to the meeting. If the parent/guardian does not receive such a letter by late February or March you may suggest that he or she call the chairperson of the IEP Committee and see when the district will begin the Annual Review process. While this date may vary from district to district, strongly suggest that the parent/guardians play a very proactive role in this process and call the committee if they have any questions.

## What Takes Place at an Annual Review Meeting?

At the annual review meeting, the team reviews the student's progress towards the IEP goals and the general education curriculum. They will consider the results of any re-evaluations, information about the student, including information provided by the parent/guardians, classroom-based assessments and the observations of teachers and related service providers. They will also discuss the student's anticipated needs and other relevant matters.

At the annual review meeting the team revises goals and objectives (including the introduction of new goals and objectives), and determines the student's program, including placement and the need for supports and services.

The IEP is developed as a result of the discussion at this meeting. The annual review meeting may consist of more than one session to effectively develop a new IEP.

## What Rights are Afforded to the Parent/guardian under Due Process During the Annual Review?

As earlier stated, the parent/guardians have the same rights as the initial Eligibility Committee meeting. The parent/guardian will also be notified that if he or she cannot attend the meeting, they will have the opportunity to participate in other ways such as through telephone calls or written reports of the annual review meeting. If necessary, they will be able to have an interpreter provided at no cost to them. The student's notice of the annual review will include the right to have information about the planned review. The parent/guardian may at anytime inspect his or her student's school files, records, and reports and make copies at a reasonable cost. Such records can be very helpful at the meeting. If medication or a physical condition is part of the student's disability you may request a physician attend the meeting. The parent/guardian may request an independent evaluation, impartial hearing or appeal the decision from the impartial hearing to the State Review Office of the State Education Department.

The parent/guardian is also entitled to receive free or low cost legal services and a listing where those services can be obtained. The parent/guardians are so entitled to pendency, having the student stay in the current educational placement during formal due process proceedings, unless both parties agree otherwise. The parent/guardians, may be able to obtain reimbursement for attorney's fees in special education disputes in which you prevail.

After the annual review, the parent/guardian will receive another notice regarding the recommendation which has been made to the Board of Education. A copy of the student's IEP will be sent to the parent/guardian if he/she has been recommended to continue to receive special education. The notice will also explain all factors used to make the recommendation. Again, the notice will describe the parent/guardian's due process rights.

## Who Participates in the Annual Review?

The participants at the annual review meeting include the parent/guardian, the student (if appropriate) at least one general education teacher (if the student is now or may be participating

in the regular classroom); at least one special education teacher or special education provider; at least one student study team member who can interpret instructional implications of evaluation results; the case manager; a representative of the school district (who has the authority to make decisions); and, at the discretion of the parent/guardian or school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

Whenever transition services are to be considered or discussed, the student must be invited to the meeting, along with a representative of any other agency that is likely to be responsible for providing for or paying for transition services.

When the placement of a student is changing to a different school (either in or out of district) ensure that the receiving case manager and/or teacher.

Further participants at the Annual Review may include the school psychologist, the guidance counselor at the secondary level, a medical doctor if the case involves medical issues, an interpreter (if required), and anyone the parent/guardian wishes to bring i.e. advocate.

## **Is a New IEP Developed at the Annual Review?**

Yes. One of the major goals of the Eligibility Committee at the Annual Review is to develop the new IEP for the coming school year. This does not necessarily mean that major changes are made each year, but rather any necessary changes that might provide greater or more realistic support and intervention for the student. The parent/guardian should be encouraged to play a very active role in the development of this new IEP, since it can have a profound effect on his or her student's experience in special education.

The areas that parent/guardian will most want to get involved with will be Annual Goals and Objectives, Related Services, Accommodations and Modifications, Transition Services if the student is of age, Participation in general education, and Parent/guardian feedback concerning progress.

What Might the Parent/guardians be Asked at the Annual Review?

While this may vary from meeting to meeting and district to district, for the most part the parent/guardian may be asked the following:

1. Have you seen progress this year in academic areas? If not what have you noticed ?
2. Have you seen progress in social areas? If not what have you noticed?
3. Do you feel that the student benefited from his or her related services?
4. Do you feel that he or she benefited from his or her accommodations and medications?
5. Do you feel that the Committee should consider additional related services or modifications and accommodations? If so which ones and why?

6. Are you aware of and did you receive a copy of the student's Triennial Evaluation results? (asked in a Triennial Review year)
7. Do you have any further questions about the Triennial Evaluation results?
8. Do you feel the student benefited from his or her special education placement?
9. Would you suggest a change in that placement and for what reasons?
10. Do you have any concerns about his/her current classification? If so what are the concerns and what would you suggest?
11. Has the student been evaluated outside the school this year in any manner i.e. medically, educationally, psychologically?
12. Would you like to share those results with the Committee?
13. In a year where Transition Services are in effect the parent/guardian should ask about the Transition plans for the year. The Committee may ask the parent/guardian if he or she has any feelings about the direction they would like to see for their student after he or she ages out i.e. work experience, post secondary education.
14. What goals would you like to see for the student in the coming year?

## **What Happens if the Parent/guardian Disagrees with the Recommendations Made at the Annual Review?**

Suggest to the parent/guardian that he or she should be very vocal at the Annual Review meeting and allow the Committee the opportunity to find a suitable resolution if a disagreement arises. In many cases these differences can be resolved at that time. However, if they cannot be resolved to the satisfaction of the parent/guardian then as with any meeting of the Eligibility Committee, the parent/guardian will receive notice of the Committee's recommendations in the mail along with a copy of the proposed IEP for the coming year. At that point the parent/guardian may appeal the recommendations made by the Committee by writing a letter to the Board of Education indicating that they do not agree with some or all of the recommendations made at the Annual Review.

## **What Suggestions Should be Made for the Parent/guardian's Participation in the Annual Review?**

1. Suggest ways to meet their student's proposed goals and objectives as specified in the IEP.
2. Discuss changes or additions for their student's upcoming program and services. Talk about what worked and what needs adjustment from the point of view.

3. Ensure that the IEP that was developed at the Eligibility Committee meeting in order to determine the effectiveness of the program throughout the year as you see it, and make them aware of the areas where the student showed success and significant progress.
4. Discuss high school diploma and credential options.
5. Discuss need for a referral to an adult service provider i.e. state vocational rehabilitation coordinator, for services the student may need as an adult.
6. Review problems that the or their student have experienced or encountered throughout the year with the IEP Committee and staff.
7. Ask questions about their student's proposed goals in the IEP and request more information, as needed. Usually this component is not reviewed at IEP Committee. It's important!
8. By age 13, the parent/guardian should begin to consider plans for occupational education and transition services.

### **What Record Keeping Ideas Should be Suggested to the Parent/guardian(s) During the Annual Review?**

You should suggest to parent/guardians at the start of each year to save copies of the most current IEP, report cards, samples of their student's work and teacher conference reports. You should also suggest that they save copies of all notices or correspondence with the IEP Committee during the year. Lastly remind them to save a copy of their student's IEP developed at the Annual Review meeting.