

Part 4: THE CASE CONFERENCE

The ROD Director of Special Education provides annual training to teachers and administrators to assure that school personnel have appropriate knowledge regarding the arrangement and documentation of case conference committee meetings, the manner in which an IEP is developed, and the required components of an IEP. Administrators and counselors also are instructed regarding their service as the public agency representative, what resources are available to serve students, and their authority to commit resources of the public agency.

DEFINITION AND OVERVIEW

All decisions regarding the individual educational program (IEP) or placement of a student who is eligible to receive or who is receiving special education services are made through a case conference. The case conference is responsible for following IDEA and Article 7 and for making decisions that are consistent with those statutes. Case conferences are convened to make the following decisions through consensus that:

- determine eligibility for special education and related services following the referral and evaluation process;
- develop, review and revise the student's individual educational program; determine or change the student's educational placement; or determine whether a relationship exists between the student's disability and an alleged disciplinary infraction in the event of proposed disciplinary action (i.e., expulsion) which would affect the educational placement or educational services provided to the student.

The case conference must convene prior to any expulsion proceeding.

The case conference committee is a collaborative interdisciplinary team where expertise and knowledge are joined for the common good of the student. The intent and spirit of case conferencing is one of teamwork among "equals" who have different perspectives due to their professional discipline, experience or role in the student's life. These people come together to focus on the needs of the student, explore program and placement options, and exercise their creativity in making educational decisions for the student. Each person is invited to express his/her opinion with the group and to be open to the influence of others' ideas or opinions. All members have an equal voice in the case conference committee. Decisions are made based upon consensus of the group. The student's parent(s) are important and equal members of the case conference committee. If the parent's views are genuinely heard and respected by the committee, consensus can usually be reached. For the process to work correctly, discussion and negotiations should be put "on the table" at the conference for the benefit of all participants. It is critical for the members of the case conference committee to follow the requirements of IDEA and Article 7 when they are making decisions. Members with differing opinions may express the opinion in writing. The document is a part of the student's educational record.

When a case conference cannot reach consensus, the conference members may agree to reconvene at a subsequent time. The responsibility for the decisions made in the case conference is shared by each and every member of the case conference committee. The obligation of the school is to prepare

an IEP that provides a free appropriate public education to each student with a disability and that meets the requirements of IDEA and Article 7.

MEMBERSHIP

It is the responsibility of the case conference chairperson (teacher of record, principal, or designee) to invite and notify the appropriate people to the meeting. In most situations, a case conference committee must include:

A representative of the school district who is someone other than the student's teacher. This individual is qualified to provide and supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general education curriculum, and is able to commit resources of the district. This individual may be an administrator, guidance counselor, or, for early childhood, the early childhood coordinator;

The **current teacher of record** and other current teachers as appropriate, or for a new student, a teacher licensed in the area of suspected disability. This individual will develop the IEP and disseminate it to the appropriate individuals. For the initial conference, a teacher licensed in the area of the student's suspected disability is to attend. This individual provides expertise to the committee regarding special education services and programming;

At least one general education teacher of the student, if the student is, or may be, participating in general education classes. For preschool students, a kindergarten or Head Start teacher may attend. The general education teacher is to assist in developing accommodations, positive behavioral interventions and strategies, supplementary aids and services, program modifications, and supports for school personnel;

The **parents of a student less than 18 years of age**, unless the parents choose not to participate; **The student, if deemed appropriate by the parent. If the individual transition plan (ITP) is being addressed the student is invited;**

An individual who can interpret the instructional implications of evaluation results, telling what the evaluation information means in terms of how to best instruct the student (who may be a building representative or teacher of record); and

With the written consent of the parent, a representative of any participating agency likely to be responsible for providing or paying for transition services.

Special Circumstances

At least one member of the multi-disciplinary team or some other person knowledgeable about the evaluation procedures used, or familiar with the evaluation results, attends the case conference meeting if the student was evaluated for the first time. This individual explains and interprets the evaluation results to the case conference committee members.

The school may invite individuals with expertise regarding the student. The determination of the knowledge and special expertise of any individual the school is inviting is made by the school.

When a student is enrolled in an alternative school or alternative education program under IC 20-30-8, a representative of that school or program must attend. The representative must be authorized to make a recommendation concerning admission to the school and to commit resources.

If applicable, a representative of a state-operated school (i.e., Indiana School for the Blind, Indiana School for the Deaf) who is authorized to make a recommendation regarding placement in that program.

When a student is placed in a nonpublic school or facility by the public agency, a representative of the nonpublic school or facility and a representative of the local public agency must attend. When a student is unilaterally enrolled in a nonpublic school or facility by the student's parent, a representative of the nonpublic school or facility must attend.

When a student is transitioning from Part C (First Steps) to preschool, an invitation to the initial case conference meeting must, at the request of the parent, be sent to the Part C service coordinator or other representative of the Part C program.

When the purpose of the meeting is to develop or revise the transition ITP, the student must be invited (if the student does not attend, the student's interests and preferences are given consideration). A representative of any participating agency likely to be responsible for providing or paying for transition services must be invited.

For a student suspected of having a language or speech impairment only, or receiving only speech-language therapy, the case conference committee consists of **at least** the building representative, speech-language pathologist, the student's parent (unless the parent chooses not to participate), and the student (if deemed appropriate by the parent, if the ITP is being addressed, or when he/she is at least 18 years old).

Individuals can only participate in a case conference if they are invited by the school or the parent and if those individuals have a legitimate educational interest.

Case conference committee members may be excused from the meeting when specific conditions exist. The parent and school must agree in writing, before the conference, that the member may be excused because the member's area of the curriculum or related services is not being modified or discussed in the meeting. The person being excused must provide a written report to the parent and case conference in advance of the meeting.

If the chairperson anticipates difficulty with a particular case conference, he/she should contact ROD to request their attendance or to request assistance. Parents may also request assistance from ROD.

ROD will provide annual training for the case conference committee and IEP process including:
how to arrange and document the case conference committee;
how to develop the IEP;

components of the IEP; and
how to serve as a public agency representative.

WRITTEN NOTICE PRIOR TO THE INITIAL CASE CONFERENCE COMMITTEE MEETING

When a student has been evaluated for the first time, written notice is provided to the parent not later than five (5) instructional days before the initial case conference committee meeting. The written notice is provided by ROD (for speech only evaluations the therapist will provide the written notice). It includes a description of, and the overall findings of each evaluation, procedure, assessment, record, or report that ROD used as a basis for any proposed action. It includes a description of the action that may be proposed by the school and an explanation that informs the parent why the school may propose such an action. Use the “Meeting Purpose, Create CCC Team, and Schedule CCC Meeting” forms in the IEP to create written notice of the case conference meeting.

WHEN A CASE CONFERENCE IS CONVENED

Initial Conference, No Interventions or an Incomplete Intervention Process.

A case conference is convened within 50 **instructional** days of the date when written parent consent was received for their child to be evaluated or re-evaluated, when interventions were not previously conducted.

Initial Conference Following Completed Interventions. A case conference is convened within 20 **instructional** days following referral when the student has participated in a systematic and scientific, research-based intervention program;

Early Childhood. A case conference is convened for a child transitioning from Part C to early childhood Part B, within a time frame so that the child receives special education services by the third birthday;

Annual IEP Review. The case conference meets no later than the anniversary date of the previous IEP for all students enrolled in special education services;

Special Request. The case conference meets upon the request of a parent, teacher, or administrator;

Change of Placement. The case conference meets if a change of placement is being proposed or considered;

Move-In Student. The case conference meets within 10 instructional days of the date of enrollment when a student who has been receiving special education services elsewhere moves into the school;

Disciplinary Change of Placement. The case conference meets within 10 instructional days of a disciplinary change of placement to determine whether a manifestation determination relationship exists (send a *Notice of Parent Rights* with the notification to the parent of the possible expulsion);

Homebound. The case conference meets at least every 60 **instructional** days to review the IEP of

any student with disabilities receiving homebound or hospital instruction;

Suspensions. The case conference meets as soon as possible after the tenth day of suspension in one school year, if not sooner (in this instance a behavior plan should be written); and

Interim Alternative Educational Placement. The case conference meets to determine the interim alternative educational setting when school personnel remove a student to an interim alternative educational setting, unless the setting has been included in the student's IEP or behavioral intervention plan.

SCHEDULING THE CASE CONFERENCE MEETING

The school uses the "Communications" section of the IEP to document attempts to schedule meetings at a mutually agreed upon date, time, and place. The communications section documents detailed records of individual or conference telephone calls made or attempted and the results of the calls. It includes detailed records of visits made to the parent's home or place of employment and the results of the visits. Copies of correspondence sent to the parent and any response received are attached to the IEP.

The school uses the "Meeting Purpose, Create CCC Team, and Schedule CCC Meeting" forms in the IEP to notify the parent of the case conference meeting prior to the date of the scheduled meeting. The notice is presented early enough that the parent has an opportunity to make arrangements to attend. Included are the date, time, and place of the meeting, the purpose of the meeting, a listing, by name and title or position, of the expected participants and the proposed case conference chairperson, notice that the parent may bring any other individuals of the parent's choosing, including the student, or request the participation of other individuals and a listing of the collected data to be discussed. The Notice of Case Conference is sent to both parents unless educational rights for one parent have been terminated or restricted by a court. Written notice is sent also to each individual the school is inviting. The *Notice of Parent Rights* is given in the parent's native language or other mode of communication.

Note: A case conference may be held without the parent in attendance as long as the school documents several attempts to reach the parent to schedule the conference at a time they can attend.

THE CASE CONFERENCE CHAIRPERSON/COORDINATOR

The case conference chairperson has the responsibility of compliance with the case conference process, including:

- providing a copy of the current *Notice of Parent Rights* to the parent/guardian prior to, or at the case conference committee meeting;
- ensuring that proper preparation occurs prior to the case conference; assuring that appropriate participants are invited;
- completing the appropriate paperwork and forwarding it as necessary to ROD and parents following the case conference; and assuring that all statutory requirements are met.

The specific responsibilities which the case conference chairperson must do or delegate to be done before the meeting include:

notifying ROD of the possible need for an educational surrogate parent to be assigned to a student;
scheduling the case conference with the parent (Article 7 definition of "parent" at 511 IAC 7-32-70) at a mutually agreed upon date, time and place; scheduling a room for the conference;
inviting the appropriate people to attend the case conference by sending the Notice of Case Conference and providing adequate notice to the parents in their native language;
making sure attempts to arrange the case conference meeting and providing adequate notice to the parents are documented on the Communications page of the IEP;
preparing for the case conference by reviewing student information, observing the student if possible, organizing thoughts/input and preparing an agenda for the meeting;
arranging any accommodations needed by the parent to assure their physical accessibility to the meeting location and their understanding of the actual proceedings (i.e., wheelchair accessibility, interpreter if necessary);
being prepared with the student's file, materials, etc. necessary for the case conference committee meeting, and a copy of Article 7; and contacting the director of special education if resources beyond their scope of authority are anticipated to be needed for the student's program or placement.

Assure that each parent understands the proceedings. This may include making arrangements for an interpreter for the deaf or an interpreter for a non-English speaking parent. A building principal may contact the ROD Director of Special Education for assistance hiring an interpreter.

The case conference chairperson's specific responsibilities during the meeting include:

calling the meeting to order, distributing the agenda, and stating the purpose of the meeting;
directing the progression of the meeting according to the established agenda; making sure the parent understands the proceedings at the case conference committee meeting;
delegating the responsibility of recording the case conference proceedings on the IEP;
listening and contributing information to assist the committee in its decision-making process;
explaining to the parents/student their rights and procedural safeguards;
informing the participants of their option to write an opinion if it differs from the case conference decision, and attaching the opinion to the IEP for the record;
obtaining the signatures of all participants to indicate their attendance and involvement in the conference;
obtaining the parent's written consent or denial for the student's initial placement or change of placement in special education services; and sending the IEP to the parent so that it is received by the parent not later than ten (10) business days after the date of the case conference committee meeting.

The case conference chairperson may stop the case conference and reconvene it at a future date when necessary. Reconvening the conference is advisable when:

additional information, input, or expertise is needed beyond the scope of the case conference committee;

resources beyond the authority of the case conference chairperson are needed for the program or placement;

additional time is required to complete the case conference;

a person who fulfills a membership role required by Article 7 is not in attendance;

at the request of the parent; or an emotionally charged situation exists.

If the case conference will reconvene, describe the circumstances under Conference Notes on the IEP and list the date, time, and place that the committee will reconvene.

The specific follow-up responsibilities which the case conference chairperson must do or delegate to be done for each meeting include:

Assuring proper completion of the case conference documentation, which includes the IEP, and written opinions and parental consent for placement;

If the parent was not in attendance, sending the completed IEP with a *Notice of Parent Rights*, to the parent for their written consent or denial of the proposed placement so it is received by the parent no later than 10 business days following the case conference; and Disseminating copies of the case conference paperwork.

If there are any questions or if clarification is required regarding the responsibilities of the case conference chairperson, contact ROD for technical assistance.

THE STUDENT

The student is the focus of the case conference and the student's involvement in the case conference committee meeting should be maximized. The student's presence in the case conference is critical when the committee is writing, reviewing or revising the individual transition plan. The student must be invited to participate in all case conference committee meetings if the purpose of the meeting is the consideration of transition services. If the student does not attend, the case conference committee must take other steps to ensure the student's preferences and interests are considered. If the student is 18 years of age and older, he/she **must** be invited to each case conference meeting with the same rights and safeguards as are given to parents by Article 7.

The student's attendance at the case conference committee meeting will be meaningful and will enrich the outcome of the meeting when careful attention is given to advance preparation for their participation. Teachers should assume responsibility for assisting and supporting the student's participation in the meeting. The student must be informed as to what will take place in the meeting. The student should be asked in advance of the meeting to think about his/her educational progress over the year and what goals he/she thinks are important for their educational program in the coming year. It is often helpful for the student to have the opportunity to share this information with the teacher and/or parent prior to the meeting so that those individuals may help the student communicate effectively to the committee during the meeting. By being a part of the planning, the

student will have a better understanding and appreciation for educational efforts made on his/her behalf. This can result in increased individual commitment and involvement in achieving the educational goals established for the year.

A student age 17 must be told that, upon age 18, they acquire the right to make educational decisions. The signatures of the student and parent are required on the IEP to document that they have been given this information. The parent is informed that they may obtain guardianship of an “incompetent” adult through the court or may request to be appointed as an “Educational Representative” to speak for their child after age 18. The parent contacts the director of special education to be appointed as an educational representative.

EDUCATIONAL SURROGATE PARENTS

Case managers from Ripley, Ohio, or Dearborn County Division of Children and Family cannot act as a surrogate parent. Article 7 states that an educational surrogate parent cannot be employed by a public or private agency involved in the education or care of the student. An educational surrogate parent is not an employee of the school or ROD. An educational surrogate parent is not liable for damages arising out of a civil action initiated as a result of the individual’s actions as an educational surrogate parent.

A student who attends an educational program outside the school corporation of legal settlement and who is in need of an educational surrogate parent will have an educational surrogate parent assigned from the school corporation of legal settlement or from the area where the educational program is located, as agreed upon by administrators of both programs.

ROD is responsible for determining eligibility, assigning educational surrogate parents, and training educational surrogate parents. A representative from ROD meets individually with a prospective educational surrogate parent to assess the individual’s capacity for this position. If the person is deemed appropriate, the ROD Director of Special Education or designee completes the following:

- presents and reviews a copy of the procedural safeguards (*Notice of Parent Rights*);
- presents and reviews a copy of *Navigating the Course: Finding Your Way Through Indiana’s Special Education Rules*;
- reviews the evaluation process, including the requirements of written parental consent prior to evaluation;
- reviews the IEP, including the requirement for parent consent;
- reviews advocacy for the child and the requirement of parental participation in the case conference committee meeting;
- completes documentation of the training, giving a certificate of training to the educational surrogate parent;
- files a copy of the certificate of training; and
- calculates the number of assignments for the educational surrogate parent.

PARENT/GUARDIAN responsibilities include:

communicating with the case conference chairperson to schedule the meeting at a mutually agreed upon date, time, and place;
inviting persons they wish to attend the case conference, including the student (unless the student is over 18 - then the student acts on their own behalf unless adjudicated by the court to be incompetent), and informing the school who will attend;
responding to the Notice of Case Conference as to whether or not they can attend or wish to attend (a case conference can be held without the parent in attendance as long as the school documents several attempts to reach the parent to schedule the conference at a time they can attend);
preparing their suggestions for the IEP and placement considerations of the student;
advocating for the student at the case conference by stating what they feel is in the student's best interest;
sharing relevant information about the student at the case conference to assist the case conference committee in making good decisions for the student;
signing the *IEP* to indicate their attendance and participation in the meeting;
exercising their due process rights in the event of a disagreement or unresolved complaint with the school; and providing any additional evaluations for consideration.

THE INITIAL CASE CONFERENCE

After the student's educational evaluation or re-evaluation is completed, the case conference is convened to share results of the evaluation, determine the student's strengths and needs, and make a decision about the student's eligibility for special education services. The case conference committee meets annually to revise and review the IEP and plan for the student's educational needs.

The case conference committee has a responsibility to review, as appropriate, the:

- education interventions attempted prior to referral for special education services; referral documentation;
- parental input for enhancing the student's education;
- data from a comprehensive multi-disciplinary educational evaluation, including input from parents;
- student's strengths;
- student's academic, developmental, communication, and functional needs;
- needed behavioral interventions for the student; needed communication supports and services;
- supports needed such as braille or a sign language interpreter for students with hearing deficits;
- any needed technology;
- any new information from teachers, parents, or the student; and
- any information documented in the IFSP for a student transitioning from Part C to Part B early childhood.

After considering the above information, the decision of eligibility is made by the committee.

THE ANNUAL REVIEW

An annual review case conference is convened to review the student's IEP, share progress toward the IEP goals and objectives, discuss the student's current levels of performance, revise the IEP as necessary, and then review the student's placement. Every student's IEP must be reviewed through a case review conference no later than the anniversary date of the previous IEP.

The special education teacher serving as the student's teacher of record has primary responsibility for convening the annual case review and for writing the IEP.

CASE CONFERENCE FOR MOVE-IN STUDENT

Move-in students come from a district outside the ROD Cooperative. The ROD office does not have their most recent files. The student is placed in school when the student enrolls, with supportive services provided if necessary.

When a new student enrolls, the school will ask the parent if the student was in special education. Ask the prior school if the student was in special education as well. If the student was in special education the student receives special education beginning on the first day of enrollment. Services are provided based on information from the parent, the prior school, or the prior IEP.

The school sends the IEP and evaluation to ROD. The ROD psychologist reviews the information, completes the *Move-In/Review of Records* and returns the *Move-In/Review of Records* to the school. The school then convenes a case conference committee meeting and prepares a new IEP within ten (10) instructional days.

Be aware that it takes up to 72 hours to move a student through the various computer systems. Do not begin your work on a revision to the IEP until you are together to convene a case conference as the system may populate with prior data and your work will be gone.

The TOR begins the IEP process, selecting "Move-In" as the purpose of conference, if you are unable to accept the prior IEP. A reminder appears in red to have an IIEP district administrator enter eligibility information. The TOR contacts the district administrator with student information. The district administrator enters evaluation data in the blue eligibility button on the student menu. Dates of eligibility may be changed or entered and eligibility categories added. The eligibility date in the IEP is the date of the last IEP meeting. Enter the information. Click "Update the Database". Check boxes next to the changes and select YES/NO for eligibility and save the changes. The move-in conference may continue in the IEP process without preconference planning or evaluation.

CASE CONFERENCE TO DISMISS A STUDENT

During the current case conference the committee reviews existing student performance data, determines there is a need to reevaluate the student to establish eligibility, and creates a final IEP. The case conference then completes PreConference Planning on the IIEP and generates a Notice of Reevaluation and gives a copy to the parent. The parent then signs and returns the Notice of Reevaluation to the Teacher of Record.

At ROD, the multidisciplinary team schedules and completes assessments, prepares a written report,

and schedules a case conference with the Reevaluation Purpose. The case conference then reviews the educational evaluation report and all relevant data to determine eligibility.

If the case conference determines the student's disability does not adversely affect the student's performance at school, the committee declares the student ineligible for special education and related services. The case conference committee creates a Final Notice of Ineligibility, and gives the parent a copy of the educational evaluation report and the Final Notice of Ineligibility. The parent is offered a *Notice of Parent Rights*. The IEP records an ineligibility event for the student.

REVOCAATION OF SERVICES

A parent may decide that they no longer want their student to be in special education or related services. The parent must be told that when they give up services, they give up everything. In other words, the parent may not give up speech and keep math. The parent must also be told that their student will lose the protection of special education services, particularly in the event of disciplinary infractions.

If the parent notifies the teacher of record of their choice to revoke services during the case conference, the teacher of record proceeds to the Additional IEP Process Documents section of the IEP, selects Rejection of Services in a Public School, and completes the questions.

If the parent notifies the teacher of record at any time other than during the case conference, the teacher or record asks the parent to write a letter to the teacher or to the Director of Special Education. The teacher of record will go to the Additional IEP Process Documents section of the IEP, select Rejection of Services in a Public School, and complete the questions.