

Compliance Record Review Document
Office of Special Education and Early Learning
Division of IDEA Monitoring and Results
School Year 2022-2023



Updated October 2022

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Note: Items in bold above are State Performance Plan (SPP) Compliance Indicators

Introduction

The Compliance Record Review Document hereafter, referred to as Record Review is based on the general supervision requirements of the Individuals with Disabilities Education Act (IDEA) and Kentucky Administrative Regulations (KARs). The Division of IDEA Monitoring and Results (DIMR) revised this document to ensure compliance with legal and regulatory provisions and establish a consistent standard for districts and DIMR for reviews of student due process records.

These updates are based on the Office of Special Education Programs' (OSEP) Framework of Results Driven Accountability (RDA). RDA recognizes the need to not only monitor for compliance but to view data specifically related to student results. The IDEA statute at [34 CFR § 300.600](#) states the primary focus of federal and state monitoring activities shall be on:

- *improving educational results and functional outcomes* for all children with disabilities; and
- ensuring that public agencies meet the program requirements under this part, with *particular emphasis* on those requirements that are *most closely related to improving educational results for children with disabilities*

(Emphasis added.)

For further explanation of the RDA framework, see the [U.S. Department of Education's Letter to Chief State School Officers](#).

Changes to the Record Review

The Record Review is divided into the following focus areas: Notice and Membership of the Admission and Release Committee (ARC) Meeting, Prior Written Notice (PWN) to Parents, Preschoolers Transitioning from Part C, Individualized Education Program (IEP), Transition Services, Evaluation Timelines and Initial Evaluation and Reevaluation.

Each section item is numbered according to the corresponding Title 707, Chapter 1 Kentucky Administrative Regulation (KAR). The regulation number is abbreviated, for example 707 KAR 1:320, Section 4(1) is abbreviated to 320.4.1. The record review numbers previously used are located under the sections.

General Directions

1. In order to yield accurate information, student due process records must be selected randomly for review. Random means records are not preselected. Random also means that records are selected from a variety of schools, teachers, case managers and categories of disability. Selecting the record of every third, fifth or tenth student is one means of random selection. You may also visit [Random.org to seek the assistance of a random number generator](#).
2. For Indicators 11, 12 and 13, at least 10% of the district's special education population related to the Indicator must be selected for the review to be valid. For more information on the State Performance Plan (SPP) Indicators, visit [IDEA State Performance Plans/Annual Performance Reports \(SPP/APR\)](#).
3. If a district has 100 or fewer students in the one of the focus areas defined above or an Indicator,

a minimum of 10 files must be reviewed. If the district has 10 or fewer students that are covered by the focus area or indicator, all student records for that item must be reviewed. For example, if the district has eight students referred to its preschool program from First Steps, all eight records must be reviewed. If a district has 101 or more students in the focus area or Indicator, then 10% will be reviewed up to 100 files. A district will not be required to view more than 100 files.

4. For Indicator 11, at least 10% of students evaluated during the current year must be chosen at random for a review. This includes both students determined to be eligible as well as those determined ineligible for special education.
5. When reviewing files, review the most current information from the student's due process record to document compliance.

Correction of Noncompliance

Violations of IDEA that can be corrected

During the record review process for Indicators 11, 12 and 13, districts may find items in student records that are violations of IDEA. Some of the violations may be corrected, depending on the nature of the violation.

It will be necessary to convene an ARC to correct the violation in the student's IEP, unless the change is nonprogrammatic. If the ARC convenes to correct the violation, the ARC's documentation must reflect authentic, appropriate processes and corrections.

Indicator 13 records can be corrected prior to submission of the data to KDE, however, the district would provide documentation to KDE noting it was noncompliant and self-corrected. No Corrective Action Plan (CAP) would be issued. If the record is corrected prior to submission to KDE, the record complies.

Examples of violations that may be corrected include:

- failure to document postsecondary goals in the IEP
- failure to document transition services in the IEP
- failure to invite outside agencies (with prior consent) to the ARC meeting to discuss transition
- failure to link annual goals to related postsecondary goals
- failure to document evidence of transition assessment

Violations of the IDEA that cannot be corrected for individual students:

Some violations of IDEA identified during district's record review cannot be corrected in individual student records due to the nature of the violation. This includes Indicators 11, 12 and parts of Indicator 13:

- not obtaining parent consent prior to inviting outside agencies to the ARC meeting
- not inviting the student to the ARC meeting
- missing the timeline for updating postsecondary goals annually
- not having transition requirements in the IEP by the student's 16th birthday
- missing the timeline for initial evaluation
- missing the timeline for annual review
- missing the timeline for an IEP being in place by the third birthday for children transitioning from Part C to Part B

Though these violations cannot be corrected, the district must note and explain the noncompliance for the individual student and document it in the student's record. For example, failure to meet the timeline for an IEP in place by the child's third birthday cannot be corrected; however, it can be remedied for that student by ensuring an IEP is in place, even though it is late.

If the student is no longer under the district's jurisdiction, individual noncompliance cannot be corrected.

Systemic Violations

Violations found in a district's due process files totaling less than a 95% compliance rate are deemed systemic. In the event that the review of one file yields less than a 95% compliance rate then two or more noncompliant files must be documented to determine systemic non-compliance. Documentation of systemic correction is required in addition to individual correction of noncompliance, according to [OSEP Memorandum 09-02](#). In the case of systemic violation, KDE randomly selects student folders from the district. KDE then verifies whether the record review item in question for all folders randomly reviewed is compliant. If the item is correct for all student folders, KDE has ensured systemic correction has occurred, pursuant to [OSEP Memorandum 09-02](#).

Demographic Information (Required)

**Kentucky Compliance Record Review Document
(Including Reporting Requirements for SPP/APR)**

Reviewer's Name

Date of Review:

Student's Name:

Student's DOB:

Grade:

Race/Ethnicity:

Asian

Native Hawaiian or Pacific Islander

Black/African American

Two or More Races

Hispanic/Latino

White

Native American/Alaska Native

Disability:

School:

District:

Mark Box below for the age range of the student:

Preschool child (exiting Part C)

Student (age 3-15)

Student (age 16 or older)

Mark box below for the meeting purpose:

Initial Referral/Eligibility

Three Year Reevaluation

Annual Review

Other

Comments:

Meeting Notice and Membership of Admissions and Release Committee (ARC)
[707 KAR 1:320 Sections 3 and 4 and 707 KAR 1:340 Section 1](#) (Previously Items 4-23)

NOTES: Dually certified personnel in grades K-12 may not serve in multiple roles. For example, a special education teacher who is also certified in regular education cannot serve as the special education teacher and the regular education teacher at the ARC meeting.

The word “parent” is used to refer to the parent as defined in 707 KAR 1:002 Section 1 (43); or emancipated youth if the student is 18 or older.

Relevant Documents: Notice of Admissions and Release Committee Meeting form, Infinite Campus Contact Log and Conference Summary

KAR Item	Required Components	Yes	No	NA
320.3.1	<p>ARC Membership included ALL the following:</p> <p>Parent(s) or if the parent does not attend then all requirements of 340.1 are met;</p> <p>At least one regular education teacher attended and provided information about the general curriculum for same aged peers;</p> <p>At least one special education teacher of the child attended OR a special education teacher knowledgeable of the suspected disability attended;</p> <p>A representative of the school district qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general curriculum and district resources attended;</p> <p>An individual who can interpret the instructional implications of evaluation results attended (this individual may be a member of the team described above) and</p> <p>An individual who has knowledge or special expertise regarding the child attended at the discretion of the parent or the Local Education Agency (LEA).</p> <p>Others as appropriate:</p> <p>Related services personnel, as appropriate</p> <p>The child if appropriate</p>			

KAR Item	Required Components	Yes	No	NA
340.1.3	<p>Parent Participation in Meetings:</p> <p>The parent could not be convinced to attend, but the LEA kept records of its attempts to arrange a mutually agreed on time and place. These records may include:</p> <p>a) Detailed records of telephone calls made or attempted and the results of those calls, b) Copies of correspondence sent to the parents and any responses received OR c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.</p>			
320.3.4	<p>If the purpose of the ARC is to discuss transition services, the child was invited and attended</p> <p>NOTES: YES: Child did not attend, but the LEA took other steps to ensure that the child's preferences and interests were considered. NA: if child is not in 8th grade or age 14 or older NO: if the child is in 8th grade, age 14 or older and other steps were not taken to ensure the student's preferences and interests were considered. KAR 707 1:320 Section 3(4)</p>			
320.3.2	<p>If a member of the ARC is dismissed from attending the ARC meeting in whole or in part, the parent AND the LEA agree to the dismissal in writing prior to the meeting that the attendance of that member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the ARC meeting.</p>			
320.3.3	<p>If a member of the ARC is dismissed and their area of curriculum or related services is to be modified or discussed, the member must submit input into the development of the IEP in writing to the parent(s) and the ARC prior to the meeting. If their area is not to be discussed or modified, they do not need to provide input.</p>			
320.4.1	<p>The LEA provided a written invitation to the parent(s) which met ALL the following requirements:</p> <p style="padding-left: 40px;">The notice was sent at least seven days before the ARC meeting</p> <p style="padding-left: 40px;">There is documentation of the district's attempts to arrange a mutually-agreed-upon time and place</p> <p>NOTE: This also applies to initial ARC meetings for preschoolers transitioning from Part C to Part B.</p>			
320.4.2	<p>The Meeting Notice included ALL the following:</p> <p style="padding-left: 40px;">purpose time location members</p> <p style="padding-left: 40px;">Notice the parents may invite people with knowledge or special expertise regarding the child</p>			

KAR Item	Required Components	Yes	No	NA
320.4.2f	Notice the LEA will invite representatives from the early intervention program to the initial meeting, if the parents request it.			
320.4.3	<p>For children who are in 8th grade or age 14, the Meeting Notice included ALL the following:</p> <p>The purpose is the development of a statement for the need for transition services AND</p> <p>The child was invited</p>			
320.4.4	<p>For children who are 16, ALL the following must be included:</p> <p>The IEP was in effect when the child turned 16</p> <p>A purpose of the meeting is the consideration of the postsecondary goals and needed transition services for the child</p> <p>Includes the identity of any other agency invited to send a representative</p> <p>NOTE: This may apply to a child under the age of 16 if determined to be appropriate by the ARC.</p>			
340.3.1	Except for meetings concerning a disciplinary change in placement or a safety issue, an LEA shall provide written notice to the parents of a child with a disability at least seven (7) days before an ARC meeting.			
340.3.2	For meetings concerning a safety issue or disciplinary change in placement due to a violation of a student code of conduct, an LEA shall provide written notice to the parents of a child with a disability at least twenty-four (24) hours before an ARC meeting.			

Comments:

Prior Written Notice to Parent(s)
[707 KAR 1:340 Sections 3 and 4](#) and [34 CFR § 300.503](#)
 (Previously Items 24-29)

NOTE: Prior written notice must be updated with the student’s signature when the student turns 18.

Relevant Documents: Notice of Admissions and Release Committee Meeting and Conference Summary Report

KAR Item	Required Components	Yes	No	NA
340.4.2	<p>The notice must include ALL the following:</p> <ul style="list-style-type: none"> A description of the action proposed or refused; An explanation of why the LEA proposed or refused to take the action; A description of any other options and reasons those options were rejected; A description of each evaluation procedure, assessment, record or report used as a basis for proposed or refused action; A description of any other factors relevant to the LEA’s proposal or refusal; A statement that the parents of a child with a disability have protection under the procedural safeguards; Sources for the parents to contact to obtain assistance in understanding prior written notice. <p>NOTE: If this notice is not an initial referral for evaluation, the parent is informed of how they can obtain a copy of the procedural safeguards.</p>			
340.4.3	<p>The written notice was provided in the parent’s native language or other mode of communication of the parent OR LEA ensures the notice is translated orally.</p>			
340.5.1	<p>A copy of the procedural safeguards notice (including parent’s rights) was given to the parents. A copy of the notice shall be provided one time a school year AND: (check if applicable)</p> <ul style="list-style-type: none"> Upon initial referral or parent request for evaluation Upon receipt of the first state written complaint Upon receipt of the first filing of a due process hearing in a school year In accordance with discipline procedures which constitutes a change in placement 			

KAR Item	Required Components	Yes	No	NA
	Upon request by a parent			
340.6.1	<p>The LEA obtained consent before conducting an initial evaluation or reevaluation of a child with a disability.</p> <p>NOTES:</p> <p>NA: Parental consent is not required for reevaluation if the LEA can demonstrate that it made reasonable efforts to obtain such consent and kept a record of its attempts which may include:</p> <p>(a) Detailed records of telephone calls made or attempted and the results of those calls;</p> <p>(b) Copies of correspondence sent to the parents and any responses received; and</p> <p>(c) Detailed records of visits made to the parent’s home or place of employment and the results of those visits.</p> <p>NA: Parental consent is not required before reviewing existing data as part of an evaluation or reevaluation; OR for administering a test or other evaluation that is administered to all children unless consent is require of all parents before the administration.</p>			

Comments:

Preschoolers Transitioning from Part C
[34 CFR 300.124](#), [300.323](#) and [300.101](#)
[707 KAR 1:300 Section 1\(3\)](#) and [707 KAR 1:320 Section 3\(6\)](#)
 (Previously Items 30-31b)

Relevant Documents: Individualized Family Service Plan (IFSP) signature page or Conference Summary with LEA Representative signature

KAR Item	Required Components	Yes	No	NA
CFR 300.101	<p>For children exiting Part C, documentation shows the IEP was developed and implemented by the child's third birthday and the district representative was invited.</p> <p>Child's birth date: _____</p> <p>IEP development ARC date: _____</p> <p>Date referral was made by First Steps: _____</p> <p>Date accepted by the LEA: _____</p> <p>If beyond timeline, indicate ARC's reason for delay:</p> <p style="padding-left: 40px;">parent repeatedly failed or refused to produce the student for evaluation</p> <p style="padding-left: 40px;">student transferred from another district and parent and district agreed to extension date</p> <p style="padding-left: 40px;">other (reason entered from IC dropdown box)</p>			
320.3.6	For preschoolers transitioning from Part C, the IFSP was considered in developing the IEP.			

Comments:

Individual Education Program (IEP)
[34 CFR § 300.320, 707 KAR 1:320 and](#)
[707 KAR 1:350 Section 1](#)

(Previously Items 32-49)

NOTES: 707 KAR 1:320, Section 5(6) states “An ARC shall not be required to include information under one (1) component of a child's IEP that is already contained under another component of the child's IEP.”

Explanations and definitions for items in the IEP can be found in the [Guidance Document for IEP Development.](#)

Relevant Documents: IEP, Conference Summary Report and Progress Monitoring Data

KAR Item	Required Components	Yes	No	NA
320.2.6	<p>The ARC conducted a review of the IEP annually (within the calendar year) to determine whether the annual goals for the student are being achieved and revised the IEP as appropriate.</p> <p>Start and end dates of last two IEPs:</p> <p>1. _____</p> <p>2. _____</p> <p>NOTE: NA if child has been receiving special education less than one year</p>			
320.5.1	<p>In the development of the IEP, the ARC considered:</p> <p>The strengths of the child</p> <p>The concerns of the parent</p> <p>The results of the initial or most recent evaluation of the child</p> <p>As appropriate, the results of the child’s performance on any general state or districtwide assessment program AND</p> <p>The academic, developmental and functional needs of the child.</p>			
320.5.7a	<p>The IEP includes the following:</p> <p>A statement of the child’s present levels of academic achievement and functional performance AND</p> <p>How the disability affects the child’s involvement and progress in the general curriculum (summary statement)</p> <p>For Preschool children, as appropriate:</p> <p>How the disability affects the child's participation in appropriate activities</p>			
320.5.2	<p>The ARC completed the <i>Consideration of Special Factors</i> for ALL the following areas and the factors listed below are consistent with information provided in the Present Levels.</p>			

KAR Item	Required Components	Yes	No	NA
	Behavior Limited English Proficiency Blind or visually impaired Communication needs Deaf or hard of hearing Assistive technology needs (707 KAR 1:290, Section 7)			
320.5.4	The ARC included a statement on the IEP indicating the needs for a particular device or service (including an intervention, accommodation, or other program modification), if any are needed, in order for the child to receive a free appropriate public education (FAPE).			
320.5.7b	<p>The IEP includes statement of measurable annual goals designed to:</p> <p style="padding-left: 40px;">Meet the child’s needs that result from the disability to enable the child to be involved in and progress in the general curriculum OR for Preschool children to participate in appropriate activities AND</p> <p style="padding-left: 40px;">Meet the child’s other educational needs that result from the disability</p> <p>NOTE: Measurable annual goals must relate directly to the Present Levels. Each measurable annual goal must have enough detail to allow for <i>quantifiable</i> measurement and <i>may</i> be accomplished by including the following components:</p> <ul style="list-style-type: none"> (a) Audience (students Name) (b) Behavior (c) Circumstances (d) Degree/criteria (e) Evaluation/method of measurement (f) Frequency of data collection 			
320.5.8	<p>The IEP has ALL the following:</p> <p style="padding-left: 40px;">A Statement of Specially Designed Instruction (SDI),</p> <p style="padding-left: 40px;">Related Services,</p> <p style="padding-left: 40px;">Statement of Supplementary Aids and Services (SAS) AND</p> <p style="padding-left: 40px;">Statement of program modifications and supports for school personnel to be provided for the student to:</p> <ul style="list-style-type: none"> a. advance appropriately toward attaining the annual goals b. be involved and progress in the general curriculum c. participate in extracurricular and other nonacademic activities and d. be educated and participate with other students with or without disabilities <p>NOTES: "Specially-designed instruction" means adapting as appropriate the content, methodology, or delivery of instruction to address the unique needs of the child</p>			

KAR Item	Required Components	Yes	No	NA
	<p>with a disability and to ensure access of the child to the general curriculum included in the Program of Studies, 704 KAR 3:303.</p> <p>"Supplementary aids and services" mean aids, services, and other supports that are provided in regular education classes or other education-related settings to enable a child with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 707 KAR 1:350.</p> <p>If the ARC determined the student does not require program modifications or support for school personnel, then "not needed" may be documented.</p>			
320.5.10	Statement of any individual accommodations to be provided the child in order to participate in the state or districtwide assessment. These accommodations shall be based on the requirements contained in 703 KAR 5:070 , Procedures for the inclusion of special populations in the state-required assessment and accountability programs is documented .			
320.5.11	<p>If the ARC determined the child meets the criteria for participation in the alternate portfolio as provided in 703 KAR 5:070, it shall provide a statement of its decision and the reasons for the decision.</p> <p>Note: As reflected in the Participation Guidelines Documentation, to participate a student must meet all four participation criterion. The student's current level of communication must be documented in the Present Levels of the IEP.</p>			
320.5.13	<p>The IEP includes a statement of:</p> <p style="padding-left: 40px;">how the child's progress toward meeting the annual goals will be measured;</p> <p>AND</p> <p style="padding-left: 40px;">when the parent(s) will be regularly informed of progress toward the goals.</p>			
320.5.9	An explanation of the extent, if any, to which the student will not participate with nondisabled students in regular education classes.			
350.1.8	The ARC considered potentially harmful effects of the placement on the student or the quality of services the student needs.			
350.1.9	Documentation shows that removal of the student from the regular educational environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.			
320.5.12	<p>Special Education Services must include ALL the following to be marked YES:</p> <p style="padding-left: 40px;">Anticipated frequency of service</p> <p style="padding-left: 40px;">Anticipated location (whether regular or special education)</p> <p style="padding-left: 40px;">Anticipated amount of time (duration)</p> <p style="padding-left: 40px;">Projected beginning date</p>			

KAR Item	Required Components	Yes	No	NA
320.5.12	Related services must include All the following to be marked YES: Anticipated frequency of service Anticipated location (whether regular or special education) Anticipated amount of time (duration) Projected beginning date			
290.8	The ARC considered extended school year (ESY) services according to individual student need. (707 KAR 1:290, Section 8)			

Comments:

Transition Services
707 KAR 1:320 Section 7

(Previously Items 50-53)

NOTES:

This is to be completed for students in the **8th grade or age 14 and older only**. Mark **NA** for entire transition section if student does not meet the criteria.

For more information on Transition for Postsecondary Education, see [OSERS Transition Guide](#).

Relevant Documents: IEP or Conference Summary Report

KAR Item	Required Components	Yes	No	NA
320.7.1	<p>For students in the 8th grade OR age 14 and older ALL of the following are included:</p> <p style="padding-left: 40px;">The IEP contains a statement of the transition service needs of the child aligned with the child’s ILP (704 KAR 3:305)</p> <p style="padding-left: 40px;">The transition service statement focuses on the child’s course of study</p> <p style="padding-left: 40px;">The transition service statement is updated annually</p>			
320.7.2	<p>By the child’s 16th birthday, the IEP includes ALL the following:</p> <p style="padding-left: 40px;">appropriate measurable postsecondary goals based upon age-appropriate transition assessments, related to training, education, employment, and, where appropriate, independent living skills AND</p> <p style="padding-left: 40px;">The transition services (including the course of study) needed to assist the child in reaching these goals.</p> <p>NOTE: Measurable postsecondary goals must be based on age-appropriate transition assessments which may include the following:</p> <ul style="list-style-type: none"> • behavioral assessment information; • aptitude tests; • interest and work values inventories and surveys; • intelligence tests and achievement tests; • personality or preference tests; • career maturity or readiness tests; • self-determination assessments; • work related temperament scales and • transition planning inventories <p>NOTES:</p>			

KAR Item	Required Components	Yes	No	NA
	<p>Age-appropriate means the measure reflects the student’s chronological age rather than developmental age.</p> <p>“Measurable” means “countable” or “quantifiable”. A “measurable” postsecondary transition goal is one that allows stakeholders to conclusively determine a student’s progress toward meeting that goal and when the student has attained or reached that goal.</p> <p>The student’s postsecondary transition goals must be outcome-oriented and focused upon what the student will achieve or will do after exiting school.</p> <p>The student’s course of study must connect with/relate to the student’s statement of transition services and their postsecondary transition goals. There must be a closely aligned relationship between these components.</p>			
320.3.4	For transition services provided or paid for by another agency, the other agency was invited to send a representative with the prior written consent of the parent or child (if the child is an emancipated adult)			
320.3.4	If the representative of the other public agency did not attend, the LEA took other steps to obtain participation of the other agency in the planning of any transition services.			
320.2.6	The measurable postsecondary goals are reviewed annually and revised if necessary			
320.5.14	<p>At least one year prior to the student reaching the age of majority, the IEP includes a statement that the child has been informed of their rights under 707 KAR Chapter 1, and the rights will transfer to the student upon reaching the age of majority</p> <p>NOTE: The age of majority in Kentucky is 18 (KRS 2.015)</p>			
300.4.21	For students graduating or aging out, documentation shows the school district (LEA) provided the student with a summary of the student’s academic achievement and functional performance, including recommendations on how to assist the student in meeting the student’s postsecondary goals. 707 KAR 1:300 Section 4			

Comments:

Evaluation Timelines
[34 CFR 300.124](#) and [300.323](#),
[707 KAR 1:300 Section 4](#),
[707 KAR 1:320 Section 1 & 2](#), and
[707 KAR 1:340](#)
 (Previously Items 53-57)

Relevant Documents: Consent for Evaluation form, Consent for Services form, Notice of Admissions and Release Committee (ARC) Meeting, Conference Summary and Eligibility Determination Form

KAR Item	Required Components	Yes	No	NA
320.1.3	The IEP is in effect at the beginning of the school year. NOTE: NA is for a student not eligible at the beginning of the school year.			
320.2.3	For students initially referred during the current (reporting) school year, the ARC completed the evaluation within 60 school days from receipt of the parent’s Consent for Evaluation. NOTE: <i>All referrals</i> must be considered as part of the random review of records, including referrals for students not found eligible for IDEA services. NA: <ul style="list-style-type: none"> • The parent(s) of a student repeatedly fails to produce the student for the evaluation, or • The student transfers to the school district after consent for initial evaluation is given but before the evaluation is completed. Date of consent for evaluation: _____ Date of ARC for eligibility determination: _____ Date of consent for services: _____ If beyond timeline, indicate number of school days: _____ If beyond timeline, indicate ARC’s reason for delay: parent repeatedly failed or refused to produce the student for evaluation student transferred from another district and parent and district agreed to extension date other (reason entered from IC dropdown box)			

KAR Item	Required Components	Yes	No	NA
320.2.4	<p>Within the 60 school-day period, an LEA shall ensure the ARC meeting to develop an IEP for a student is conducted within 30 days of the determination that the student is eligible.</p> <p>Date of eligibility ARC meeting: _____</p> <p>Date of IEP development: _____</p>			
300.4.18	<p>The ARC conducted a reevaluation or review of existing data, unless the parent and the LEA agree that a reevaluation is unnecessary in the current (reporting) year within three calendar years from the date of the last Eligibility ARC meeting.</p> <p>Date of previous Eligibility ARC Meeting: _____</p> <p>Date of current Eligibility ARC Meeting: _____</p> <p>NOTE: NA: if there was no reevaluation due in the current year.</p>			

Comments:

Initial Evaluation and Reevaluation

707 KAR 1:300 and 1:340 Section 6

(Previously Items 58-66b)

Notes:

- Documentation of progress data must be attached that includes evidence of delivery of the research-based intervention and instruction by qualified personnel provided in the regular education setting (targeted area of concern, strategies/interventions, impact on targeted area).
- The intervention services must be instructional (example - phonetic instruction in reading). Instruction does not include accommodations such as preferential seating or extended time.

Relevant Documents: Referral form with documentation of instruction and interventions implemented, Data-based documentation of repeated assessments, Conference Summary, Consent to Evaluate/Reevaluate, Multi-Disciplinary Evaluation Report and Classroom Observations, Social-Development History, Adaptive Behavior Assessments and Rating Scales

KAR Item	Required Components	Yes	No	NA
300.3.3a	<p>Documentation shows prior to or as part of the referral process, the student was provided ALL the following:</p> <p style="padding-left: 40px;">appropriate, relevant research-based instruction</p> <p style="padding-left: 40px;">intervention services in regular education settings</p> <p style="padding-left: 40px;">instruction provided by qualified personnel;</p> <p>NOTE: This is only completed for an <i>initial evaluation</i>.</p> <p>NA: For reevaluation.</p>			
300.3.3b	<p>Documentation shows prior to or as part of the referral process ALL the following occurred:</p> <p style="padding-left: 40px;">data-based documentation of repeated assessment of achievement or measures of behavior was collected AND</p> <p style="padding-left: 40px;">evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction,</p> <p style="padding-left: 40px;">the results of which were provided to the child's parents.</p> <p>NOTE: This is only completed for an initial evaluation</p> <p>NA: For reevaluation.</p>			

KAR Item	Required Components	Yes	No	NA
300.3.4	The child did not make adequate progress after an appropriate period of time on the conditions listed above. A referral was made for an evaluation to determine if the child needs special education and related services.			
300.4.10	<p>The child shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.</p> <p>The ARC identified a suspected disability and planned an appropriate evaluation as documented on Consent to Evaluate/Reevaluate form.</p>			
300.4.1	<p>The ARC conducted a full and individual evaluation for the child considered for specially designed instruction and related services prior to the provision of the services.</p> <p>NOTE: For a review of data for a reevaluation, mark YES if the ARC documented a full review and analysis of the existing data.</p>			
300.4.2	Tests and other evaluation materials used to assess a child were provided and administered in the native language or mode of communication appropriate for the student, OR documentation exists that it was clearly not feasible.			
300.4.5	<p>A variety of assessment tools and strategies were used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum described in the Kentucky Program of Studies, 704 KAR 3:303.</p> <p>NOTE: For a review of data for a reevaluation, mark YES if the ARC documented a full review and analysis of the existing data (707 KAR 300.4.18).</p>			
300.4.14	<p>The ARC included a discussion of ALL the following in an initial evaluation OR reevaluation (if appropriate):</p> <ul style="list-style-type: none"> Evaluations and information provided by the parents Current classroom-based, local or state assessments Observations from teachers and related service providers 			
300.4.15	<p>Based on the review, and input from the parents, the ARC identified whether any additional data are needed to determine:</p> <ul style="list-style-type: none"> Whether the child has a particular category of disability and the educational needs of the child OR if the child continues to have a disability (re-evaluation); 			

KAR Item	Required Components	Yes	No	NA
	<p>The present levels of academic achievement and related developmental needs of the child;</p> <p>Whether the child needs or continues to need special education and related services AND</p> <p>Whether any additions or modification to the special education and related services are needed</p>			
300.4.16	<p>If the LEA determines no additional data are needed to determine whether the child continues to be child with a disability and to determine the child’s educational needs, the LEA notified parent(s) of the reasons the ARC is not conducting a reevaluation; AND informs parent(s) of their right to request an assessment.</p>			

Comments:

Chart of Edits

General Edits

- Subtitles removed for clarity (pages 15-18)
- ALL was bolded and added to checklists which required all boxes to be checked for compliance
- The “NA” column opened as an option: 320.5.4, 320.5.12, 340.3.2 and transition services
- The definition of “systemic noncompliance” was updated

Specific Edits

KAR Item	Page #	Edits
320.3.1	7	“If parent could not be convinced to attend, see 340.1.3” was added.
320.3.1	7	<ol style="list-style-type: none"> 1. Others as appropriate was moved below “An individual who has knowledge of special expertise regarding the child attended at the discretion of the parent or the Local Education Agency (LEA)” 2. The child, if appropriate was added
340.1.3	8	340.1.3 was moved to page 7
320.3.4	7-8	“If the purpose of the ARC is to discuss transition services” was added
320.4.1	8	“NA: If the meeting is for disciplinary change in placement OR a safety issue” was removed
340.3.1	9	340.3.1 was moved to Meeting Notice and Membership of Admissions and Release Committee
340.3.2	9	340.3.2 was moved to Meeting Notice and Membership of Admissions and Release Committee
340.4.1	10	“of” was changed to “or”
340.4.2	10	“...of the procedural safeguards” was added
CFR 300.101	12	“District representative must be invited was added.
320.5.2b	13	“b” was removed
320.2.3	19	707 KAR 320 Section 2(a)(b) was added under “NOTES”