

Addendum A – Monitoring Protocols

A. Child Find Monitoring

1. LEA Selection:

- a. The LDOE shall annually calculate the rate at which each LEA in New Orleans identifies new students as eligible for services under the IDEA (“annual new identification rate”).
- b. The annual new identification rate for each LEA shall be calculated by dividing the number of students each LEA identifies for initial eligibility under the IDEA between July 1 and June 30 by the total number of students enrolled in the LEA on October 1.
- c. The LDOE shall annually conduct targeted monitoring at three (3) LEAs in New Orleans with the lowest new identification rates. The LDOE shall select for monitoring one (1) LEA serving grades K-5, one (1) LEA serving grades 6-8, and one (1) LEA serving grades 9-12.

1. New identification rates shall be determined for OPSB in each of the relevant grade groupings above, and OPSB’s rates shall be compared to other LEAs serving the relevant grade groupings. OPSB shall be subject to targeted monitoring if it demonstrates the lowest new identification rate in any of the three groupings.

2. Student File Selection:

- a. The LDOE shall review the files of a random, representative sample of students who: have Section 504 Plans; are in the RTI process; are under consideration by a School Building Level Committee; failed two (2) or more academic subjects in the prior school year; or are subject to more than ten (10) days of disciplinary removal during the school year.
- b. The LDOE shall request a de-identified list of students who meet the above criteria between July 1 and June 30 of the prior academic year from each LEA targeted for monitoring and shall randomly select twenty (20) percent of the students on that list for file review.
 1. In the event that an LEA identifies less than fifty (50) students, the LDOE shall review a minimum of ten (10) randomly selected files for students meeting the above criteria at each targeted LEA.
 2. In the event that an LEA identifies less than ten (10) students, the LDOE shall review the files of all students included on the list and shall supplement

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its review with additional randomly selected files of students who meet the above criteria at the time of the monitoring.

3. File Review Protocols:

- a. The LDOE shall review de-identified student record files for each of the students identified through the selection process described above. The file review shall be conducted using the Child Find portion of the monitoring instrument, and the LDOE's review shall include information sufficient to make all relevant determinations required by the monitoring tool.

4. Staff Interview Protocols:

- a. The LDOE shall conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator at each LEA selected for targeted monitoring.

- 1. In the event that OPSB is selected for targeted monitoring, the LDOE shall conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator from at least two (2) OPSB schools, including at least one (1) school that is directly operated by OPSB and one (1) charter school authorized by OPSB.

- b. The staff interviews shall be conducted using the Child Find portion of the monitoring instrument. The LDOE may conduct additional interviews as necessary to gather information sufficient to make all relevant determinations required by the monitoring tool.

5. School Site Visits:

- a. In the event that LDOE's review of information gathered through the student file review and staff interview processes: (1) is insufficient to make determinations of legal compliance, or (2) indicates that on-site observations or visual inspections of school facilities is necessary to make determinations of legal compliance, LDOE shall conduct on-site compliance monitoring at the LEA selected for targeted monitoring.

B. Related Services Monitoring

1. LEA Selection:

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- a. The LDOE shall annually calculate the rate at which each LEA in New Orleans provides related services to students eligible for such services under the IDEA (“service provision rate”).
 - b. The annual service provision rate shall be calculated by dividing the total number of minutes of related services per week identified in the IEPs of each student with a disability in an LEA on October 1 by the total number of students with disabilities enrolled in the LEA on October 1.
 - c. The LDOE shall annually conduct targeted monitoring at the three (3) LEAs in New Orleans with the lowest service provision rates.
2. Student File Selection:
- a. The LDOE shall review the files of students with disabilities, with particular emphasis on students with low-incidence disabilities. For purposes of Related Services monitoring, “student with a low-incidence disability” means a student who is eligible for special education and related services under the IDEA eligibility categories of deaf-blindness, deafness, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, traumatic brain injury, autism spectrum disorders, or visual impairment including blindness.
 - b. The LDOE shall request a list of students with low-incidence disabilities from each LEA targeted for monitoring and shall randomly select twenty (20) percent of the students on that list for file review.
 1. In the event that an LEA identifies less than fifty (50) students, the LDOE shall review a minimum of ten (10) randomly selected files for students meeting the above criteria at each targeted LEA.
 2. In the event that an LEA identifies less than ten (10) students with low-incidence disabilities, LDOE shall review all files of students with low incidence disabilities and shall supplement its review with additional randomly selected files of students with non-low-incidence disabilities.
3. File Review Protocols:
- a. The LDOE shall review de-identified student record files for each of the students identified through the selection process described above. The file review shall be conducted using the Related Services portion of the monitoring instrument, and the LDOE’s review shall include information sufficient to make all relevant determinations required by the monitoring tool.
4. Staff Interview Protocols:

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- a. The LDOE shall conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator at each LEA selected for targeted monitoring.

1. In the event that OPSB is selected for targeted monitoring, the LDOE shall conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator from at least two (2) OPSB schools, including at least one (1) school that is directly operated by OPSB and one (1) charter school authorized by OPSB.

- b. The staff interviews shall be conducted using the Related Services portion of the monitoring instrument. The LDOE may conduct additional interviews as necessary to gather information sufficient to make all relevant determinations required by the monitoring tool.

5. School Site Visits:

- a. In the event that LDOE’s review of information gathered through the student file review and staff interview processes: (1) is insufficient to make determinations of legal compliance, or (2) indicates that on-site observations or visual inspections of school facilities is necessary to make determinations of legal compliance, LDOE shall conduct on-site compliance monitoring at the LEA selected for targeted monitoring.

C. Discipline Monitoring

1. LEA Selection:

- a. The LDOE shall annually calculate the rate at which each LEA in New Orleans removes students with disabilities for disciplinary purposes for more than ten (10) cumulative days in an academic year (“extended disciplinary removal rate”).
- b. The annual extended disciplinary removal rate shall be calculated by dividing the total number of students with disabilities who experienced disciplinary removals for more than ten (10) cumulative days between July 1 and June 30 by the total number of students with disabilities enrolled in the LEA on October 1.
- c. The LDOE shall annually conduct targeted monitoring at the three (3) LEAs in New Orleans with the highest extended disciplinary removal rates.

2. Student File Selection:

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- a. The LDOE shall review the files of a random, representative sample of students with disabilities who received six (6) or more Office Discipline Referrals or three (3) or more suspensions (in- or out-of-school) in a school year.
 - b. The LDOE shall request a de-identified list of students satisfying the above criteria during the prior school year from each LEA targeted for monitoring and shall randomly select twenty (20) percent of the students on that list for file review.
 1. In the event that an LEA's list identifies less than fifty (50) students meeting the above criteria, the LDOE shall review a minimum of ten (10) randomly selected files for students meeting the above criteria at each targeted LEA.
 2. In the event that an LEA identifies less than ten (10) students meeting the above criteria, the LDOE shall review all files of students meeting the criteria and shall supplement its review with additional randomly selected files of students identified under the disability categories of Emotional Disturbance or Other Health Impairment.
3. File Review Protocols:
- a. The LDOE shall review de-identified student record files for each of the students identified through the selection process described above. The file review shall be conducted using the Discipline portion of the monitoring instrument, and the LDOE's review shall include information sufficient to make all relevant determinations required by the monitoring tool.
4. Staff Interview Protocols:
- a. The LDOE shall conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator at each LEA selected for targeted monitoring.
 1. In the event that OPSB is selected for targeted monitoring, the LDOE shall conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator from at least two (2) OPSB schools, including at least one (1) school that is directly operated by OPSB and one (1) charter school authorized by OPSB.

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- b. The staff interviews shall be conducted using the Discipline portion of the monitoring instrument. The LDOE may conduct additional interviews as necessary to gather information sufficient to make all relevant determinations required by the monitoring tool.
5. School Site Visits:
- a. In the event that LDOE’s review of information gathered through the student file review and staff interview processes: (1) is insufficient to make determinations of legal compliance, or (2) indicates that on-site observations or visual inspections of school facilities is necessary to make determinations of legal compliance, LDOE shall conduct on-site compliance monitoring at the LEA selected for targeted monitoring.

D. Enrollment Monitoring

1. LEA Selection:
- a. The LDOE shall annually calculate the rate at which students with disabilities choose not to reenroll at each LEA in New Orleans each school year (“mobility rate”).
 - b. The annual mobility rate shall be calculated by dividing the total number of students with disabilities who are enrolled in a nonterminal grade at an LEA in New Orleans between September 1 and May 31 and are not enrolled at the LEA on October 1 of the following school year by the total number of students with disabilities enrolled in the LEA on October 1.
 - c. The LDOE shall annually conduct targeted monitoring at the three (3) LEAs in New Orleans with the highest mobility rates.
2. Targeted Monitoring Protocols
- a. The LDOE shall conduct targeted monitoring at selected LEAs by utilizing either the Related Services or Discipline targeted monitoring protocols.
 - b. The LDOE shall conduct targeted monitoring, using either the Related Services or Discipline protocols, at each LEA based on the targeted monitoring area in which the selected LEA performs least favorably as compared to all other LEAs in New Orleans.
 - c. Once the LDOE has determined the area in which each LEA will be monitored, the LDOE shall conduct monitoring activities consistent with the student file review, staff interview, and on-site monitoring requirements specified for the targeted monitoring area in which the LEA is being monitoring.

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E. Conditional, Randomized LEA Monitoring

1. LEA and Targeted Monitoring Area Selection:
 - a. In the event that the LEA selection procedures described in Sections A through D result in less than ten (10) LEAs being identified for targeted monitoring, the LDOE shall randomly select additional LEAs for monitoring so that a minimum of ten (10) LEAs are monitored each year.
 - b. LEAs that are randomly selected for monitoring pursuant to this section will be monitored in one of the four targeted monitoring areas described above. The LDOE shall monitor randomly selected LEAs in the targeted monitoring area in which the selected LEA performs least favorably as compared to all other LEAs in New Orleans.
2. Targeted Monitoring Protocols:
 - a. Once the LDOE has determined the area in which each LEA will be monitored, the LDOE shall conduct monitoring activities consistent with the student file review, staff interview, and on-site monitoring requirements specified for the targeted monitoring area in which the LEA is being monitoring.

F. General LEA Selection Provisions

1. In the event that, as the result of a statistical tie, more than three LEAs are identified for targeted monitoring through any of the LEA selection processes described above, the LDOE shall select for monitoring the LEA which has the greatest enrollment on October 1 as used in the applied LEA selection formula.
2. By agreement of the Plaintiffs and the LDOE, individual LEAs may be excluded from the targeted monitoring process. The exclusion of an individual LEA from targeted monitoring shall not reduce the number of LEAs selected for targeted monitoring under each of the targeted monitoring areas or the total number of LEAs monitored.

G. Identification of Noncompliance

1. Procedures upon Completion of Targeted Monitoring:
 - a. Upon the completion of file reviews, interviews, and on-site visits, the LDOE shall notify each monitored LEA of the results of the monitoring, including any preliminary findings of noncompliance. LDOE shall compile a preliminary draft of a Summary of Findings no later than thirty (30) days after the completion of the targeted monitoring activities, and submit this draft to the LEA.

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- b. Upon receipt of the Summary of Findings, the LDOE shall provide each LEA thirty (30) days to respond to any preliminary findings of noncompliance.
 - c. Upon review of monitoring results and any LEA response, the LDOE shall issue a final Summary of Findings.
2. Corrective Action:
- a. The LDOE shall require any LEA found to be noncompliant to develop a plan of corrective action to address findings of noncompliance described in the Summary of Findings.
 - b. The LEA, in collaboration with the LDOE, will design a corrective action plan that defines specific supports and resources that the LEA must have in order to implement the corrective action plan. The corrective action plan must demonstrate how the LEA will: (1) address each individual case of noncompliance; and (2) implement the specific statutory or regulatory requirement to prevent a recurrence of similar noncompliance.
 - c. The plan of correction shall establish a reasonable timeline for completion of corrective actions. All findings of noncompliance shall be remedied within one year of the date on which the finding was made. Corrective action timelines will be tracked by LDOE to determine corrective action has been taken and to verify compliance. LEAs will submit evidence and data as requested by the LDOE to show completion of activities and evidence of change in the LEA as a result of the corrective action plan.
 - d. Based on a review of submitted documentation, the LDOE shall decide whether the LEA has met compliance requirements or determine whether there is continuing noncompliance.
 - e. In the event that continuing noncompliance is identified, the LDOE will require the LEA to develop an intensive corrective action plan to address the continuing noncompliance. In conjunction with the implementation of the approved plan, the LDOE will impose one or more of the sanctions described in La. Bulletin 1922 §107(F).

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A. Child Find		Yes	No	N/A
Student File Review Protocols				
1.	The School Building Level Committee (“SBLC”) that discussed the student’s academic needs was comprised of at least a classroom teacher, the teacher who referred the student to the SBLC, and the principal of the school or a designee of the principal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	If the School Building Level Committee referred the student for an initial evaluation, parental consent for an initial evaluation was obtained within a reasonable time following the SBLC’s decision to refer the student.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Sufficient screening, including – if appropriate – participation in the Response to Intervention process, was conducted to identify the student as suspected of having a disability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	If the student’s parent has requested an initial evaluation, the LEA either (1) requested parental consent to conduct the evaluation or (2) notified the parent in writing that the evaluation would not be conducted and the reasons that the LEA believed that an evaluation of the student was unnecessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	If student participated in the RTI process, the school collected sufficient data to determine the effectiveness of the interventions provided to the student.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	If student did not maintain expected progress while participating in the Response to Intervention process, the student was referred to the SBLC for consideration of an initial evaluation within a reasonable amount of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Parental notice was provided describing any evaluation procedures that the agency proposed to conduct.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Parental consent was obtained to conduct an initial evaluation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	A variety of assessment tools and strategies (not the use of a single measure or assessment as the sole criterion) were used to gather relevant functional, developmental and academic information about the child, including information provided by the parent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Existing data (ex: evaluation data and info provided by parent; current classroom based, local or state assessment data; classroom observations and related service provider observations) was reviewed to determine continued eligibility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	A variety of sources (ex: teacher data, parent data, and related services data) were used to determine student eligibility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	For students who are eligible under Section 504 of the Rehabilitation Act, the student’s educational records indicate that the student does not require specially designed instruction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff Interview Protocols				
Questions include but are not limited to the following:				
1.	Describe the processes for conducting SBLC meetings, including the frequency of such meetings, the composition of the SBLC, the types of data considered by the SBLC, and the outcomes of the SBLC, in its normal course of business.			
2.	Describe the process by which students at your school are referred to the SBLC. When was the last time a student at your school was referred to the SBLC?			
3.	Describe the structure of the RTI process at your school, including the role of SBLC members, regular education teachers, special education staff, and school administrators in the RTI process.			
4.	Describe the implementation of the RTI process at your school, including how academic and behavioral interventions are planned, implemented, and assessed for effectiveness. How often is a student’s progress in RTI reviewed?			

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5.	Describe how special education evaluations are initiated at your school, including the process by which school staff refer students for an initial evaluation.
6.	Describe the process by which school staff respond to parental requests for an initial evaluation. Is this process the same if the student is in the RTI process?
7.	Describe, in general, how special education evaluations are conducted at your school, including the personnel responsible for conducting such evaluations.
8.	Describe how determinations are made concerning whether a student should be considered for eligibility under the IDEA or Section 504 of the Rehabilitation Act at your school.
9.	Describe, in general, the process by which the school completes initial evaluations for those students no longer enrolled in the school.

B. Related Services		Yes	No	N/A
Student File Review Protocols				
1.	The parents were invited to the Individualized Education Program (IEP) meeting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	If neither parent was able to attend the IEP team meeting, there is documentation of attempts to ensure parental participation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	The appropriate team members were present at the IEP team meeting (signature provided at IEP Team meeting).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general education curriculum.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	The IEP includes measurable, standards-based annual goals, including academic and functional goals. Benchmarks or short-term objectives should be included for students who take alternate assessments aligned to alternate achievement standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	The IEP contains related services which are reasonably calculated to enable the student to advance appropriately toward attaining annual goals; to be involved in and make progress in the general education curriculum in accordance with the student's present levels of academic achievement and functional performance; to participate in extracurricular and other academic activities; and to be educated and participate with other children with disabilities and nondisabled children in academic and non-academic school activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class and the LEA ensured that to the maximum extent possible the student was educated with nondisabled students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	The IEP contains descriptions of how progress toward annual goals will be measured, including how often parents will be regularly informed of their child's progress.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Related services are being provided to the student in the types and frequency specified in the student's IEP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff Interview Protocols				
Questions include but are not limited to the following:				
1.	Describe, in general, how your school determines that a student requires related services in order to provide a particular student with a free, appropriate public education. What factors are considered?			
2.	Describe, in general, how related services are provided to students at your school, including identifying the personnel who provide such services, how related services are scheduled into the academic day, and how the school provides services in cases of provider unavailability.			

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3.	Were any of the identified related service providers unavailable for all or part of the year? Describe the steps, if any, taken to address this unavailability.
4.	Describe the process by which school staff secures related service providers upon the enrollment of new students with specific related service needs. How long does this process take?
5.	Describe the information available to IEP Teams related to the impact of related services on an individual student’s functional performance and academic achievement.
6.	Describe any steps taken at your school to minimize the impact of students’ removal from general educational activities for the receipt of related services on the students’ academic achievement.

C. Discipline		Yes	No	N/A
Student File Review Protocols				
1.	The Individualized Education Program (IEP) team considered, in the case of a student whose behavior impedes his/her learning, the use of positive behavioral interventions, supports, and/or other strategies to address the behavior.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Within ten (10) days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA conducted a manifestation determination.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	The LEA notified the parent on the same day as the date of the removal decision of any removal that constituted a change of placement and provided the parent with a copy of the notice of the procedural safeguards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	The IEP team considered relevant information in the student’s file, including the student’s IEP, any teacher observations, and any relevant information provided by the parent, to determine whether the behavior was a manifestation of the student’s disability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	If the IEP team determined that the behavior was not a manifestation of the student’s disability and the suspension/expulsion was applied, the student continued to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	If the IEP team determined that the behavior was a manifestation of the student’s disability, the student was returned to the current placement, unless the parent and the LEA agree to a change in placement as part of the behavioral intervention plan (“BIP”) or unless the behavior is related to weapons, drugs, or serious bodily injury.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	If the student did not have a functional behavioral assessment (“FBA”) developed and a BIP implemented prior to the removal, and the behavior was determined by the IEP team to be a manifestation of the disability, the IEP team completed the FBA and developed a BIP as soon as practicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	If the student had a BIP, the IEP team reviewed the plan as part of the manifestation determination process and revised it as needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff Interview Protocols				
Questions include but are not limited to the following:				
1.	Describe any school-wide behavior management programs in place at your school. Does this program differ for students with disabilities? Is the program based upon the use of positive behavioral interventions and supports?			

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2.	Describe the system that your school uses to record and maintain disciplinary data. Does the system record out-of-school suspensions? In-school suspensions? Time spent in the “behavior room,” “cool-down room,” or “time-out center”?
3.	Do school staff contact parents or family members and request that they pick up their students early from school for disciplinary purposes? How frequently does this occur? How are these removals recorded?
4.	Describe the procedures that your school implements when recommending a student for suspension or expulsion, including how notice is provided to parents and any procedures available to parents who want to contest the proposed disciplinary actions.
5.	Describe the procedures in place at your school to ensure that the procedural safeguards identified in the IDEA are provided to students with disabilities who are subject to over ten (10) days of disciplinary removal during a school year.
6.	Describe the processes for conducting Manifestation Determination Reviews (MDRs), including the frequency of such meetings, the composition of the participating staff, the types of information considered, and the outcomes.
7.	Describe how your school conducts FBAs and creates BIPs for students, including the circumstances under which an FBA is initiated, the extent to which parents are included in the FBA process, and how BIPs are shared with relevant school staff.
8.	Describe, in general, how your school measures and documents the effectiveness of BIPs and how that information is shared with parents and IEP Team.