

IEP 101:

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How A Child Is Identified As Having A Disability And Needing Special Education Services?

Step 1: School personnel or parent makes a referral or request for evaluation. This means the child is identified as possibly needing special education and related services. Parental consent is needed before the child may be evaluated. Evaluation must occur within a reasonable time after request.

Step 2: Child is evaluated or tested in all areas related to child's suspected disability. If the parents disagree with the results of the evaluation, they have a right to ask the school system to pay for another evaluation or Independent Educational Evaluation (IEE).

Step 3: Eligibility is decided. The eligibility team (which includes the parents) looks at the evaluation results and decides if the child is a "child with a disability" as defined by the IDEA.

Step 4: Child is found eligible for services. If the child is found to be a "child with a disability" as defined by the IDEA, the child is eligible for special education and related services. Within 30 calendar days after a child is determined eligible the IEP team must meet to write an IEP for the child.

Step 5: IEP meeting is scheduled (explained in detail later in handout).

Step 6: IEP meeting is held and IEP is written (explained in detail later in handout).

Step 7: Services are provided. The school must carry out the IEP as it is written.

Step 8: Progress toward the annual goals is measured as stated in the IEP and the child's parents are regularly informed of their child's progress.

Step 9: The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review.

Step 10: At least once every three years the child must be reevaluated to see if the child continues to be a "child with disability" as defined by the IDEA.

The Individuals With Disabilities Act (IDEA)

The federal law concerning special education is the Individuals with Disabilities Act (IDEA). The IDEA provides an overview of a child's legal rights to special education and the IEP process. The IDEA was first passed in 1975 and has gone through a series of reauthorizations. Congress is currently working on a new reauthorization.

Under the IDEA, children with disabilities are entitled to a "free appropriate education" (FAPE). This means that schools must provide eligible children who have a disability with a specially designed instruction to meet their unique needs at no cost to the child's parents. The IDEA is found in the United States Code starting at 20 U.S.C. §1400. The IDEA's regulations can be found in the Code of Federal Regulations at 34 C.F.R. §§300.1—756).

IEP Basics

The IEP is a very important document for children with disabilities and for those who are involved in educating them. Done correctly, the IEP should improve teaching, learning and results.

The school district will send parent(s) notice at least 10 days before the proposed date of the IEP meeting. The notice will tell the time, date, location, the purpose of the meeting, who will attend, and parent(s) right to invite other individuals with knowledge or special expertise about their child.

The parent(s) should notify the school district in writing of any individual the parent(s) will bring to the meeting.

The IEP meeting must be held at a time and location convenient for all parties, must be held at least once a year and must last long enough to cover all issues. Ideally, you want your IEP meeting to be held in the spring, before the school year for which you are developing the IEP plan. The school district must take steps to make sure that the parents understand the IEP proceedings.

An interpreter must be provided by the school, if the parent(s) ask for one.

The IDEA requires that the IEP program be developed jointly by both parent and the school district. The school district cannot present you with a completed IEP at the meeting, but can, prepare draft statements.

The IEP lays out the goals and objectives the child and school personnel will work to achieve at school during the school year.

Once the IEP has been developed, the child should start receiving the services listed in the IEP as soon as possible, but no later than the beginning of the next school semester. If this is not possible, interim services must be provided.

Members of the IEP Team

The parent(s) of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP of their child.

The child shall attend the IEP meeting if it is appropriate or if the IEP team is considering transition services for the child. The child's special ed teacher.

At least one general education teacher, if your child is (or may be) participating in the general education class. A school administrator with responsibility for special education. As appropriate, school psychologist, speech therapist, occupational therapist, physical therapist, adaptive physical education specialist, resource specialist or transition services specialist.

Any person with knowledge or expertise relevant to the child may attend the IEP meeting. If on the day of the meeting, school personnel who may be important to parent(s) or child are not present, parent(s) should be given a reason as to why and the reason should be documented in the IEP.

Alternatively, the parent(s) may ask that the meeting be rescheduled so that all necessary individuals may be in attendance. If on the day of the meeting, individuals are present that were not listed on the notification, you may request the meeting be rescheduled in order to receive proper notification.

Parts of the Written IEP

1. Present Level of Educational Performance [how the child is doing in school]

The Present Level of Educational Performance describes what the child can do, what the child knows and how the child's disability affects the child's involvement and progress in the general curriculum. The Present Level of Educational Performance includes the child's current level of skill in each particular goal-objective area. The child's current status may be reflected in testing data, grades, and teacher reports or observations.

2. Annual Goals [what child will learn to do in the upcoming year]

The Annual Goals are statements of what your child needs to learn and should be able to learn over the next year in order to be involved in and progress in the general curriculum.

Objective measures should be used to measure child's progress, not subjective or opinion standards. Ideal goals and objectives make direct and clear reference to the program and services desired for the child. The more detailed the statement the better. Write goals and objectives so that an objective person will conclude that your child will need the particular program or service to meet the goals and objectives. Goals are usually one year goals, i.e., where do you expect the child to be in one school year.

3. Progress toward annual goals and how parent(s) will be informed

This means how the parent(s) will be regularly informed of your child's progress on the child's annual goals.

4. Short-term instructional objectives/benchmarks

Objectives are the small steps (bite-sized, do-able tasks) that child must learn or accomplish in order to reach the annual goals. Objectives should not be one year objectives, but instead, a few weeks or months.

5. Specific special education, related services, supplemental aids and services and a statement of program modifications or supports for school personnel. [services to be provided to child]

This means detailing the special services the child will have to support the child's education, progress in the general curriculum, nonacademic activities, and extracurricular activities. Related services are developmental, corrective and other supportive services, such as transportation, that child needs to benefit from special education or to be placed in a regular class.

6. Beginning date, amount, frequency, location and anticipated duration of services and modifications.

This is a statement of when the child will begin receiving special services, the length of time the child will need the program or services during that school year, the anticipated frequency of the services, and the location of services.

7. Extent of participation in regular education programs

This is an explanation of the child's lack of participation, if any, in academic, nonacademic and extracurricular programs. Curricula, including how your child will be involved in and

progress in the general curriculum found in the regular classroom, and whether specific related services or special education is needed to assure your child's involvement and progress. Extracurricular activities such as after-school clubs, lunchtime activities and sports activities.

8. Language(s) or mode(s) of communication

Details how special education and related services will be provided, if other than or in addition to English.

9. Participation in assessments

This is an explanation of what accommodations are necessary, if any, for your child to participate in State or district-wide assessments or, if the assessments are not appropriate, how your child will be assessed.

10. Placement

This means the exact program and class for child. If this is not the first IEP, the IEP team will review the previous year's goals and objectives. If the parent and the school district agree that the goals and objectives were met, than this might imply placement is correct. If parent and the school district agree that certain goals and objectives were met, but others were not, this might imply that more services are needed. If parent and the school district agree that the goals and objectives were not met, this might imply placement is incorrect or goals and objectives were unrealistic.

11. Extended school year services

This is an explanation of whether the child requires the provision of services beyond the district's normal school year in order to receive FAPE.

What Happens at the IEP Meeting?

At the IEP meeting, the team will develop, review, and/or revise the IEP document. The parent(s) and other team members will work to create an IEP that is educationally appropriate and acceptable to the team. Each team member will have a chance to discuss:

1. The child's strengths;
2. The parent(s) concerns;
3. The results of the most recent evaluation(s) and/or state or district-wide assessment child has taken;

4. The level of services the child needs;
5. The placement or setting where services will be provided;
6. The advancement toward the annual goals as well as the adequacy of child's goals and objectives; and
7. Any other concerns of the team members including involvement in general curriculum, participation in extracurricular and nonacademic activities and/or interaction with other children.

If a team member says something you as a parent do not understand, ask the person to explain. If someone says something about your child that you do not agree with or have a question about, ask for evidence that supports the person's statement. If you have evidence which supports a different view, share it with the team. If a team member finds that needed information is unavailable at the time of the IEP meeting, then have the team make note of what is missing in the IEP document along with who will get the information and when they will get it by. Schedule a continuance of the IEP meeting, if the information is necessary for successfully completing the IEP document.

The Actual Writing of the IEP Document

One member of the IEP team will write the IEP plan as the IEP progresses. The parent needs to ask frequently to see what has been written, to make sure it accurately reflects what has been discussed or agreed upon. Encourage the IEP team to use simple language in the IEP document so that anyone reading the IEP can understand and carry it out.

Attach to the IEP a statement of the parent's point of view (or Parent Addendum Page). A parent addendum page is the place where a parent(s) record(s) their point of view concerning any issue on which there is some level of disagreement. There is no IDEA requirement for an addendum page. The district may provide a printed form, however, no formal form is needed, a blank piece of paper will do (simply write Attachment A on top of sheet).

Be specific in issues concerning the child's education, do not use the form to state general complaints. If the school district does not allow you to attach an addendum, then write on the signature page that you wanted to attach an addendum but that the school administration would not let you, THEN file a complaint.

Signing the IEP.

At the end of the IEP meeting, the school administrator will ask the parent to sign the IEP document. A parent cannot be forced to sign the document on the spot. Consider taking the

form home and thinking about it prior to signing it. The typical IEP form will have a series of boxes for which the parent needs to check one or more boxes. Be careful to check the appropriate box(es).

Typical boxes include:

- (1) a box to indicate meeting attendance.
- (2) a box to indicate parent was provided copy of legal rights.
- (3) a box to indicate approval of the IEP document.
- (4) a box to indicate disapproval of the IEP document.
- (5) a box to indicate partial approval (if no such box, where appropriate check approval box and write next to box "Approval in part, see Parent Addendum for details "or "I agree with all of the IEP except for: [and list the disagreement].
- (6) a box to indicate that you want to initiate due process hearing.

IEP Do's and Don'ts

Do's

- Request a copy of the child's school records as soon as possible or at least three months prior to the IEP meeting.
- Have annual IEP meeting scheduled in late March to early May.
- Have written documentation of all relevant information. If it is not in writing, it can be argued it was never said.
- Stay calm. IEP team members need to listen to each other and work together to develop the most appropriate educational services for the child.
- Give praise to the teachers and/or IEP team when praise is warranted.
- Know the purpose of the meeting.
- Come prepared. Have work samples and other relevant documents with you at the meeting.
- Know your procedural safeguards and basic special education law.
- Make certain you have read and understand the accommodations and programs identified in the child's previous IEPs.
- Research alternative or additional accommodations, services, programs and placements prior to the IEP meeting.
- Find out ways that you can help the child succeed in school. What types of activities can you do at home to promote learning? Do you need a duplicate set of school textbooks at home?

- Follow up with teachers after the meeting to discuss the child's progress and the effectiveness of the IEP document.

Don'ts

- Forget the IEP meeting is about a child; your child.
- Go to the IEP meeting alone. Bring a friend, lay advocate or attorney advocate.
- Sign anything other than the attendance sheet at the IEP meeting. Take time to review documents before you sign.

Deciding Placement

Where your child's IEP is carried out is called placement. Placement decisions must be made according to the IDEA's least restrictive environment requirement (LRE). LRE requires that to the maximum extent appropriate, children with disabilities must be educated with children who do not have disabilities.

When discussing placement, the IEP team should consider your child's unique needs and determine what the least restrictive placement for your child is based on those needs.

Placement in the regular education classroom is the first option the IEP team should consider. The team must ask if the child's needs can be met in the regular education classroom with supports? If the answer is no, then the IEP team must consider the continuum of alternative placements. The continuum includes the different options where children can receive educational services. These placement options include: a regular education classroom, a special education class, a special education school, at home or in a hospital or other public or private institution.

10 Tips To A More Successful IEP

1. Do your homework. Ask the school district for information on special education; request a copy of school district's IEP forms; keep good records; make a list of all contacts made regarding child's IEP including names, numbers, time, date and what was said; and keep a journal of parents and child's experiences as you go through process.

2. Try to communicate with school personnel in writing rather than orally. Obtain your child's complete school record. Parents have a legal right to inspect and review education records relating to their child. If child is already in special ed, parent's have this right under 20 U.S.C. §1415(b)(1). If the child is not yet eligible for special ed, the right is obtained

under Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. §1232(g). Make a request to the school district administrator in charge of special education (CC: Principal). The school district may charge a fee of not more than \$.35 per page of record.

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4. Amend your child's school record. Parents have a right to request that any false, inaccurate or misleading information be amended or removed from child's school file. Write letter to school principal requesting the amendment.

5. Send all letter certified mail return receipt requested.

6. Audiotape meetings whenever possible. Give school district prior written notice of intent to tape.

7. Write sample goals and objectives for your child prior to IEP meeting.

8. Consider having your child assessed by an independent assessor.

9. Visit your child's placement/classroom.

10. Call the Special Ed Advocacy Center if you need help or have any questions.

This information has been provided by:

The Special Advocacy Center, 1935 S. Plum Grove Road, Private Mail Box 274 Palatine, IL 60067
Phone: 847-736-8286 Fax: 847-397-7011