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America's future walks through the doors of our schools every day.

—*Mary Jean LeTendre*

Developing Your Child's IEP

Being a parent is the most wonderful—and hardest—job in the world. If you have a child with special needs, your job is no less wonderful, but it can be more complicated.

Your child's education is most likely an area of great interest to you. As a child with a disability, he or she may be eligible for special education services in school. If so, then it will be important for you to learn:

- more about special education;
- how special education services can support your child; and
- what part you can play in the special education process.

The good news is that there's a lot of information available for parents.[1] This guide can help you learn what you need to know. It explains the basics of the special education process and gives you information on how to be an effective partner with your child's school.

Thanks to a powerful and important federal law called the *Individuals with Disabilities Education Act*, or IDEA, children with disabilities are entitled to a "free appropriate public

A Parent's Guide

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National Dissemination Center for Children with Disabilities

education" (often called FAPE).[2] This means that schools must provide eligible children who have a disability[3] with specially designed instruction to meet their unique needs at no cost to the children's parents. This specially designed instruction is known as *special education*.[4] IDEA includes a great deal of information to help states design special education programs for children with disabilities. IDEA also includes regulations to protect the rights of parents and children.[5]

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Getting to know IDEA will be very useful to you, because it is the basis of your child's educational rights. Detailed information is available on the official IDEA site established by the Department of Education, at: **http://idea.ed.gov**. NICHCY can also help you learn about this law. We have many publications that explain IDEA's requirements. Some publications are short, others go into detail. All are available on our Web site—**http://nichcy.org**

It's also helpful for you to know the policies of your state and local school district. These must be based on, and consistent with, IDEA's minimum requirements, but they often spell out important details about procedures and guidelines in your area. Call or write your state department of education (or your local school district) and ask for a copy of your state (or local) special education regulations. There may also be a special education handbook or parent guide available from your state or local district. You can find contact information for your state department of education on NICHCY's website, at: http://nichcy.org/state-organization-search-by-state

One of the most important parts of the special education process is creating a plan for your child's education. This plan is called the **Individualized Education Program**, or the **IEP**.[6] The IEP is the foundation for your child's education, and you are a very important member of the team that develops it. Your child's IEP lists the special education services your child will receive, based upon his or her individual needs. This is why it is so important that you understand and help develop your child's IEP.

[1] "Parent" includes anyone who is legally responsible for the care and well-being of a child. This can be a guardian, grandparent, stepparent, surrogate parent, foster parent, or natural or adoptive parent. IDEA defines "parent" at 34 CFR §300.30.

[2] 34 CFR §300.17—Free appropriate public education.

[3] 34 CFR §300.8—Child with a disability.

[4] 34 CFR §300.39—Special education.

[5] 34 CFR §§300.500 - 300.537, which contain IDEA's procedural safeguards.

[6] 34 CFR §§300.320 - 300.328—Individualized Education Programs.

[7] 34 CFR §300.322, §300.323, and §300.501(b)—Parent participation; When IEPs must be in effect; Parent participation in meetings, respectively.

If you've never helped to develop an IEP before, the information we've included in this guide may seem overwhelming. It helps to think of the IEP both as a *process* and as a *document* to be written. Understand the process one step at a time—it has many parts. Learn the process of writing the document the same way. It, too, has many parts.

You will quickly become familiar with all the steps to writing an IEP. If your child continues to receive special education each year, you will soon become an IEP expert yourself!

§ Special Symbols in This Issue §

As you read the explanations about IDEA, you will find footnotes pointing you to specific sections of the Federal regulations, such as §300.320. You can use these references to locate the precise sections in the Federal regulations that address the issue being discussed. For example, a footnote refers you to §300.320 when the topic being discussed is "content of the IEP." (The § symbol means "section." The 34 CFR refers to Title 34 in the *Code of Federal Regulations*.) This reference tells you that, to read the exact words IDEA uses to describe the content of an IEP, you would look under Section 300.320 in IDEA's regulations. The regulations can be searched online or downloaded from:

http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2C

A. The IEP Process

1. What's involved in developing my child's IEP?

Developing your child's IEP involves two main things:

(1) the IEP *meeting(s)*, where you, your child (at times), and school staff members together decide on an educational program for your son or daughter; and

(2) the IEP *document*, which puts the decisions from that meeting in writing. Among other things, this document lists the services and supports your child will receive.

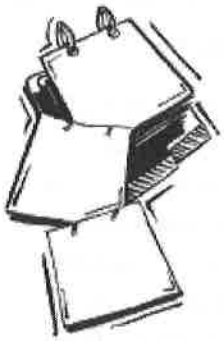
The entire IEP process is a way for you and the school to talk about your child's needs and to create a plan to meet those needs. Let's look at the process, starting with the IEP meeting.

The IEP meeting is somewhat formal. By law, certain people must attend. People sign in to show who is there. Lots of papers are looked at and passed around. People will talk about your child, his or her needs and strengths, and what type of educational program would be appropriate. You should feel free to ask questions and offer suggestions. You will also want to feel comfortable that the team has spent enough time talking and planning before filling out the various sections of the IEP. We'll tell you more about what to expect in this guide.

2. Where and when do IEP meetings take place?

You and the school agree on where and when to have the IEP meeting. Usually, meetings are held at school during regular staff time. This means the meeting can happen before, during, or after the regular school day. By law,[7] the school must tell you in writing:

- the purpose of the meeting;



- the time and place for the meeting;
- who will be there; and
- that you may invite other people who have knowledge or special expertise about your child to the meeting.

Also—

- The school must hold the meeting to develop your child's IEP within 30 calendar days of when your child is found eligible for special education services.
- You must agree to the program, in writing, before the school may carry out your child's *first* IEP.
- The IEP must be reviewed at least once every 12 months and revised as necessary.

It may take more than one meeting to write a complete IEP. If you find more time is needed, ask the team to schedule another meeting.

You may ask for an IEP meeting at any time, if you feel that changes need to be made to your child's educational program. Some teams like to meet near the end of a grading period to talk about the student's progress and to make changes to the IEP, as needed.

3. Does the IEP meeting have to be in person?

No. When holding an IEP meeting, you and the school may agree to use other means of participation. For example, some members may participate by video conference or conference calls.[8]

4. Who attends the IEP meeting?

Under IDEA, certain people (listed next) *must* be part of the IEP team.[9] It is important to note that there doesn't have to be a different person for every role. Often, one person carries more than one responsibility on the team.

✓ **You, as Parent(s)**

✓ **School Administrator**—a member of the school district who knows about the general education curriculum (the same curriculum taught to children who do not have disabilities) and the resources available to the school. This person must also be qualified to provide or supervise special education services.

✓ **General Education Teacher**—at least one general education teacher, if your child is (or may be) participating in the general education class.

✓ **Special Education Teacher**—at least one of your child's special education teachers or, if appropriate, at least one special education provider who works with your child.

✓ **Evaluation Personnel**—someone who knows about your child's evaluation, what the evaluation results were, and what the results mean in terms of instruction. This could be a school psychologist, an administrator, or one of your child's teachers.

✓ **Your Child**—if the IEP team will be talking about how to prepare your child for life after high school (called *transition planning*[10]), your child must be invited to the meeting. Otherwise, deciding when and how your child will participate in the IEP meeting is a decision you and your child can make. Students are encouraged to take part in developing their own IEPs. Some students in elementary school come to the meeting just to learn a little about the process or to share information about themselves. As students get older, they take a more active role.

Other members of the team[11]

In addition to the people listed above, you and the school can invite other people to the IEP meeting. This can include:

✓ **Translators or interpreters**—If English is not your first language, or if you communicate by using sign language or in another mode, the law says the school must provide an interpreter, if you ask for one.

✓ **Transition personnel**—If the IEP meeting will include planning for your child's life after high school, staff from outside agencies may be invited to attend *with your consent*. This is especially important if an outside agency may be responsible for providing or paying for transition services. An example of such an agency might be the Department of Vocational Rehabilitation.

✓ **Others with knowledge or special expertise about your child**—Many parents find it helpful to have a support person at the IEP meeting. This may be another parent, a friend, an advocate, or a consultant. Others could include student friends, specialists, tutors, educational consultants, or school staff. It can also include **therapists or other related services personnel** who work with your child. Both you and the school have the right to invite such individuals to join the team.

5. What do different team members bring to the IEP process?

As you can see, there can be many people on an IEP team. While everyone shares in the discussion, you will find that each brings his or her own point of view and experience. Let's look at what each person might add to your child's IEP.

The Special Education Teacher

Your child's special education teacher is a specialist about disabilities and individualized instruction. He or she understands how and when to use different teaching styles and instructional methods to meet your child's needs. Usually, the special education teacher—

- has been involved in your child's evaluation;
- understands the results; and
- can explain and interpret the results.

The special educator can talk about how lessons may need to be adapted or modified to help your child learn. He or she may also talk about the supports and supplementary aids your child may need to fully participate in learning and other school activities, such as assistive technology, an instructional assistant, or peer buddy. The special educator may take the lead in developing your child's goals, focusing on those areas where your

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[8] 34 CRF §300.328—Alternate means of participation.

[9] 34 CFR §300.321—IEP team.

[10] 34 CFR §300.43(a)(1)—Transition services. A coordinated set of activities for a student with a disability designed to promote movement from school to postschool activities, including postsecondary education, vocational training, integrated or supported employment, continuing and adult education, adult services, independent living, or community participation.

[11] 34 CFR §300.321—IEP team.

child has special instructional needs. In many schools, the special educator also makes sure that all the people who help your child follow the plan written in the IEP.

The General Education Teacher

The general education teacher knows the curriculum for your child's grade level and what students in general education classes are typically expected to do. If your child is going to be educated in the general education classroom for any part of the school day, then the general education teacher will talk about what your child will be taught and expected to learn. He or she may also talk about any supports, changes, and services your child needs to be successful. The general education teacher may also tell the rest of the team what he or she needs to help your child understand the general education curriculum and achieve the goals listed in the IEP.

The Parent(s)

As a parent, you bring very important information to the IEP meeting. You know your child's strengths and weaknesses and all the little differences that make your child unique. Your knowledge can help the team develop an IEP that will work best for your child. Tell the team what goals are most important to you and to your child. Also share your concerns and give insights about your child's interests, likes and dislikes, and learning styles. By being an active IEP team member you can ensure that your child's IEP is developed with thought given to long-term needs for a successful adult life.

Your job at the IEP meeting is to:

- learn and understand the process;
- share information;
- ask questions;
- offer suggestions;
- keep the team's focus on "the big picture" and your child's long-term needs; and
- speak up on your child's behalf.

Being actively involved in your child's IEP is your choice. To help you participate, the school must make reasonable efforts to:

- schedule the IEP meeting so you can come;[12]
- provide an interpreter for you, if needed;[13]
- inform you about the meeting;[14] and
- inform you of your rights and where to find help in understanding them.[15]

If you can't attend the meeting where your child's IEP is developed, the school will need to use other ways to ensure you can participate, including individual or conference telephone calls or video-conferencing.[16] However, if you decide not to participate in writing your child's IEP, the school can hold the IEP meeting without you.[17] It may

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[12] §300.322(a)—Parent participation: Public agency responsibility—general.

[13] §300.322(e)—Parent participation: Use of interpreters or other action, as appropriate.

[14] §300.322(b)—Parent participation: Information provided to parents.

[15] §300.503(b)—Prior written notice by the public agency; content of notice: Content of notice.

[16] §300.322(c)—Parent participation: Other methods to ensure parent participation.

[17] §300.322(d)—Parent participation: Conducting an IEP meeting without a parent in attendance.

not provide initial services to your child, however, without your consent.[18]

Your Child

When your child participates in the IEP meeting, it can have a powerful effect. Just having your child at the meeting can make the IEP process come more alive. Requests and suggestions that come directly from your child can carry more weight than when you voice them. Many parents are sometimes surprised when they hear their children speak about their disability, their educational desires, and their goals for the future. And sometimes teachers learn things about their students that they didn't know before.

Depending on your child's age and ability, the role he or she plays as an IEP team member can be as broad as your own or limited to what you and your child feel most comfortable with. When your child is part of the IEP process, the program can be much more worthwhile to him or her, instead of something to put up with. Taking part in IEP meetings also helps your child learn to speak up for him or herself and develop valuable self-advocacy skills.

The Administrator

The administrator at the IEP must know what resources the school has available. This person must also have the power to commit the resources needed so that services can be provided as outlined in your child's IEP.

6. What happens at the IEP meeting?[19]

At the IEP meeting the team will develop, review, and/or revise the IEP document. You and the other team members will work to create an IEP that is educationally appropriate and that the team can agree on. Before the meeting, school staff usually write down their ideas of what needs to be in your child's IEP. It's a good idea for you to jot down what is most important to you. You can share these ideas with other members of the team before the meeting, if you wish. You can also ask the school to send you draft ideas, so you can look them over before meeting. Team members can also get copies of your child's recent tests or evaluations.

During the meeting, each person takes a turn in the discussion. The discussion will include talking about:

- your child's strengths;
- your concerns for enhancing your child's education;
- the results of the most recent evaluation of your child; and
- your child's academic, developmental, and functional needs.

The team will also talk about what is sometimes referred to as "special factors"[20] or "special considerations," asking and answering the following questions:

- Does your child have communication needs?
- Does your child need assistive technology services and devices?[21]
- Does your child's behavior interfere with his or her learning or the learning of others?

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[18] 34 CFR §300.300(b)—Parental consent: Parental consent for services.

[19] 34 CFR §300.324—Development, review, and revision of IEP.

[20] 34 CFR §300.324(a)(2)—Consideration of special factors.

[21] 34 CFR §§300.5 and 300.6—Assistive technology device; Assistive technology service, respectively.

- Does your child have a visual impairment and need instruction in or the use of Braille?
- Is your child deaf or hard of hearing and have language and other communication needs?
- Does your child have language needs related to his or her IEP, because of limited English proficiency?[22]

If the answer to any of these questions is *"yes,"* the team will talk about what your child needs and include this information in the IEP.

Usually, your child's main teacher goes first. If your child is already receiving special education services, this will probably be the special education teacher. If the meeting is to write your child's *first* IEP, then this person may be the general education teacher. The teacher begins with how your child is doing in school. He or she will describe your child's strengths and needs and how the disability affects your child throughout the school day. Then specialists, like a physical therapist or a speech therapist, will discuss how your child is doing in these areas. They will talk about your child's needs and how they plan to support your child's education. Goals for the year, related services, and all of the required parts of the IEP will be talked about and decided.

It's a good idea to share your ideas as the meeting goes along. As a parent, you are an equal member of the IEP team and an expert on your child. If you have questions or concerns, speak up. Ask for more information or an explanation if you need it. If you disagree with something you hear, respectfully say so. Explain why, or offer your point of view. The IEP meeting is a conversation and a dialogue. You and the other IEP team members are putting your heads together to design an effective program for your child. The main purpose of the meeting is to agree on each part of the IEP so that the document can be written and services can start.

7. May a member of the IEP team be excused from attending an IEP meeting?

Yes, in certain circumstances some members of the IEP may be excused from attending an IEP meeting.[23] However, you and the school must agree in writing to excuse the member. An IEP team member may be excused from an IEP meeting if the member's area of curriculum or related service is not going to be discussed or modified at the meeting, assuming you and the school agreed in writing. Also, an IEP team member whose area of expertise *is* going to be discussed may be excused if the member gives written input into developing the IEP to you and to other members of the IEP team before the IEP meeting. Again, you and the school must agree in writing to excuse the member of the IEP team.

[22] 34 CFR §300.27—Limited English proficiency.

[23] 34 CFR §300.321(e)—IEP Team: IEP Team attendance.

[24] 34 CFR §300.320—Definition of individualized education program.

[25] 34 CFR §§300.320(c) and 300.520—Definition of individualized education program; and Transfer of parental rights at age of majority, respectively.

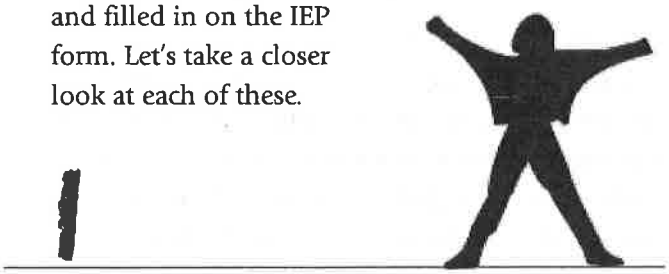
B. The IEP Document

8. What is in the IEP?

In each state or school district the IEP form can look different. Under IDEA, the items below *must* be in *every* IEP.[24] We'll be discussing each one in detail.

- Your child's present levels of academic achievement and functional performance;
- Annual goals for your child;
- How your child's progress will be measured;
- The special education, related services, and supplementary aids and services that will be provided to (or on behalf of) your child, including program modifications or supports for school staff;
- An explanation of the extent (if any) to which your child will *not* participate with children without disabilities in the regular class and in school activities;
- Any modifications your child will need when taking state or district-wide assessments;
- The dates when services will begin and end, the amount of services, as well as how often and where they will take place;
- How and when you will be informed of your child's progress;
- By age 16 (or younger, if the IEP team so decides), postsecondary goals and the transition services (including courses of study) that your child will need to reach those goals;
- Beginning at least one year before your child reaches the age of adulthood (usually 18-21, depending on your state law), the IEP must include a statement that your child has been informed of any rights that will transfer to him or her upon reaching this age. Reaching the age of adulthood is called the "age of majority" in IDEA.[25] Not all states transfer rights upon reaching adulthood. Refer to your state's special education regulations to find out how this issue is handled.

Each one of the items above is discussed during the meeting and filled in on the IEP form. Let's take a closer look at each of these.



Present Levels of Academic Achievement and Functional Performance

This section of the IEP describes how your child is doing in school, based on current information. "Current" information usually means information no more than a year old. The *present levels of academic achievement and functional performance* statement (commonly called "present levels") should cover all areas of development where your child may need support. Some examples are:

- Academic skills—math, reading, writing
- Daily living or self-help skills—dressing, eating, using the bathroom
- Social skills—making friends
- Behavior
- Sensory skills—hearing, seeing
- Communication skills—talking
- Mobility—getting around in school and the community
- Vocational skills—working

Also included in the present levels statement is information about how your child's disability affects his or her involvement in the general educa-

tion curriculum. (If your child is preschool age, the team will focus on how the disability affects his or her involvement in typical preschool activities and development.) In other words, you and the rest of the team will talk about the impact your child's disability has on his or her ability to learn and do the kinds of things that children without disabilities learn and do. This information is then included in the IEP.

Where does the information for your child's present levels come from? If your child is new to special education, this information will come from the tests and observations done during your child's evaluation for eligibility. If your child's IEP is being revised, the information may come from evaluations done during the year (by the school or from an *Independent Educational Evaluation* or IEE[26]). Teachers and others who work with your child may offer information gained during your child's day-to-day school routine. Information that you as a parent share can also be included in your child's present levels.

A well-written present levels will describe:

- your child's strengths and weaknesses;
- what helps your child learn;
- what limits or interferes with your child's learning;
- objective data from current evaluations of your child; and
- how your child's disability affects his or her ability to be involved and progress in the general education curriculum.

In the box on the next page, we provide an example from a present levels statement for a 5th grader with learning disabilities. Useful parts of such statements are indicated alongside: objective data from evaluation, strengths, weaknesses, what helps learning, and what hinders learning.

Often, the present levels statement includes teacher observations as well as information from evaluations. This information can give a more complete picture of what helps your child learn and what limits your child's learning. For example:

- He needs a quiet, separate place to do individual work.
- She learns quickly when working in a small group.
- He understands and remembers what he hears about a subject. Learning by reading or looking at pictures is difficult and doesn't work as well for him.
- She imitates other children and learns from them.[27]

Here is another example of a statement that might be part of a present levels. Note its emphasis on describing functional performance.

Elise is essentially non-verbal and uses many ways to communicate including: gestures, facial expression, eye gaze, vocalizations, word approximations, head nod for yes, head shake for no, and use of a Dynavox 3100 augmentative communication device which she accesses with a head switch.

[26] Sometimes parents pay for evaluations done by outside professionals and share them with the school. For information on an Independent Educational Evaluation (IEE) that the school system pays for, see 34 CFR §300.502.

[27] Adapted from Anderson, W., Chitwood, S., & Hayden, D. (1997). *Negotiating the special education maze: A guide for parents and teachers* (p. 78). Bethesda, MD: Woodbine House.

[28] Decoding means breaking apart, sounding out, figuring out.

In short, the present levels statement of academic achievement and functional performance describes how your child is doing in school and identifies those areas where he or she is having difficulty. A clearly written and thorough present levels is *important,* because it is the foundation for all of the IEP. Goals are written based upon your child's present levels. Special education and related services are provided based upon your child's present levels and the goals that result from those present levels. So take your time in writing the present levels statement. Be thorough. The information you include will be the stepping stone to writing the rest of the IEP.

Example of a Present Levels Statement

Objective data from evaluation

Results of standardized testing using the Woodcock-Johnson (WJ-R) show David's basic reading skills are at a beginning 4th grade level (standard score = 89). His basic writing skills are at a 3.7 grade level (standard score = 81).

Weakness

Strength

What helps learning

His performance in basic reading and writing is significantly below his ability. David makes errors when he reads and has difficulty decoding[28] long words, but his comprehension skills are strong. He has a rich reading vocabulary. David uses context cues and picture cues to help him understand what he is reading.

Weakness

Strength

What hinders learning

When writing, David frequently misspells words and uses incorrect punctuation. It is much easier for David to express himself by speaking rather than by writing. He sometimes gets frustrated when writing and hurries through written work.

Annual Goals

Once your child's needs are identified, the IEP team works to develop appropriate goals to address those needs. An *annual goal* describes what your child can be expected to do or learn within a 12-month period.

In the past, IDEA required that annual goals be broken down into short-term objectives or benchmarks—in other words, the steps along the way to achieving the goals. This is no longer required in an IEP, except for children who will be taking alternate assessments aligned to alternate achievement standards. If that is the case with your child, you'll also focus on writing short-term objectives or benchmarks to accompany your child's goals. (How the IEP team decides if a child will take such alternate assessment is discussed under #6, Modifications to State or District-wide Assessments.)

The annual goals (and, if appropriate for your child, short-term objectives) section of the IEP builds upon your child's present levels of academic achievement and functional performance. The present levels statement identifies what your child

needs. The goals (and, for some, accompanying objectives) should be written to address those needs.

Writing goals can be one of the hardest parts of developing an IEP. One reason for this is because goals can cover so many different areas. Depending upon your child's needs, some goals may target areas of the general education curriculum. Other goals may target learning developmental or functional skills—for example, teaching your child how to eat independently, to use public transportation, or to read Braille. Still another area for goal-setting may be your child's social or emotional needs. These don't come under a typical "academic" curriculum. But if your child has social or emotional needs, then goals to meet those needs would be written into the IEP.

A well-written goal should (a) be positive, and (b) describe a skill that can be seen and measured. It answers the questions:

"**Who?**. . . will achieve?

What?. . . **skill or behavior?**

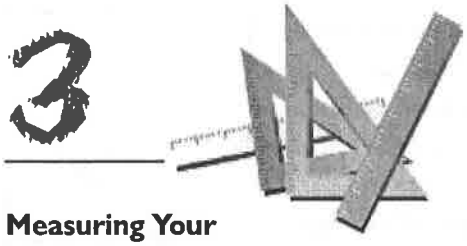
How?. . . **in what manner or at what level?**

Where?. . . **in what setting or under what conditions?**

When?. . . by what time? an ending date?"[29]

Here's an example of an annual goal, written for David, whose present levels of academic achievement and functional performance were shown above. The IEP team developed this reading goal for David by looking at the information in his present levels:

Annual Goal for Reading
David will achieve a reading score at the 5th grade level or above, as measured by the Qualitative Reading Inventory (QRI).



Measuring Your Child's Progress

Effective goals are critical parts of your child's IEP. Keeping track of your child's progress is just as important. How will you and the school know if your child is making enough progress to reach a goal by the end of the year? This information must be included in the IEP. The IEP team must decide:

- how your child's progress will be measured; and
- when periodic reports on your child's progress will be provided to you.

Often, information on *how well* your child must perform in order to achieve the goal is spelled out. Using David again as our example, you can see this type of information in the phrase "at the 5th grade level or above" in his annual reading goal. It's not enough for David to make progress in reading. The goal specifically mentions being able to read at the 5th grade level or above. This type of information is called *evaluation criteria*.

Sound evaluation criteria are written in objective, measurable terms. In David's case, these will be set by the QRI, the test the school will be using to measure his reading skills. The QRI will identify a specific score (or range of scores) that indicates a child is reading at the 5th grade level. David must achieve that score, or above, in order to achieve his annual reading goal.

Another way the IEP team could define how David's progress will be measured is by setting

[29] Adapted from Anderson, W., Chitwood, S., & Hayden, D. (1997). *Negotiating the special education maze: A guide for parents and teachers* (p. 78). Bethesda, MD: Woodbine House.

target dates for specific kinds of progress. According to his present levels statement, David has difficulty decoding long words. Because decoding is a critical component of reading skill, the team might set targets for his progress in this area. For example:

> **Given a list of 20 unfamiliar words that contain 8 of more letters, David will decode them with:**
>
> - **60% accuracy by December 1;**
> - **75% accuracy by March 1; and**
> - **90% accuracy by June 15.**

In other instances, progress is not measured in number scores:

> **By June 15, Vicky will complete the obstacle course unassisted, as documented by the adapted physical education teacher.**

In this example, the teacher will observe and take notes while Vicky completes the obstacle course. Teacher observation/notes are one way of checking progress. Other ways of checking progress may include:

- reviewing class work and homework assignments;
- giving quizzes, tests, or other assessments developed by teachers; and
- giving informal and/or formal assessments (the QRI or Woodcock-Johnson, for example).

In addition to describing how your child's progress will be measured, the IEP must also describe when **periodic reports** on that progress will be given to you as parents. As examples, IDEA mentions the use of quarterly reports that come out at the same time as report cards.[30] But the periodic reports may take another form or schedule, depending on the policies or practices in your area.

4 Services and Supports[31]

Under IDEA, there are a variety of services and supports available that your child may need as part of his or her free appropriate public education. These services and supports include:

- Special education;
- Related services;
- Supplementary aids and services;
- Accommodations and modifications; and
- Program modifications or supports for school staff.

All of these services and supports are designed to help your child:

- reach his or her annual goals;
- be involved and make progress in the general education curriculum;
- participate in extracurricular activities (such as after school clubs or sports) or other nonacademic activities[32] (such as recreation activities, athletics, or employment); and
- be educated and participate with children without disabilities in these kinds of activities.

Let's take a look at what these services and supports involve.

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[30] See 34 CFR §300.320(a)(3)(ii).

[31] 34 CFR §300.320—Definition of individualized education program.

[32] 34 CFR §300.107—Nonacademic services.

A. Special Education[33]

Special education is instruction that is specially designed to meet the unique needs of a child with a disability. In the case of your child, this means education that is individually designed to address your child's needs. Since each child is unique, it is difficult to give an overall example of special education. It is individualized for each child. Special education for any student can consist of:

- an individualized curriculum that is *different* from that of same-age peers who do not have disabilities (for example, teaching a blind student to read and write using Braille);
- the *same* (general education) curriculum that's used for peers without disabilities, with adaptations or modifications made for the student (discussed in more detail in a moment); and
- a combination of these elements.

It is also important to remember that the education, services, and supports outlined in your child's IEP do not necessarily cover your child's *entire* education. The IEP only addresses those educational needs resulting from your child's disability. If your child needs special education support throughout the school day, for all activities, the IEP will cover all these needs. If your child doesn't need special education support in one or more areas (for example, physical education, music, or science), then the IEP will not include these subjects. Your child will access them through the general education curriculum/class, with no additional special education services.

It's also important to understand that special education is not a place. It's a set of services that can be provided in many different places, depending on the child's needs. IDEA strongly prefers that children with disabilities be educated in the general education classroom with their peers without disabilities. If your child is going to spend any part of the school day *not* participating with peers without disabilities in the regular class and in other school activities, then the IEP must include an explanation as to why not. This will be discussed in more detail under #5, Participation with Children Without Disabilities.

B. Related Services[34]

To help your child benefit from special education, he or she may also need extra help in one area or another, such as speaking or moving. This additional help is called *related services*. Many of these services are listed in the box below.

It is the IEP team's responsibility to review all of the evaluation information, identify any related services your child needs, and include them in the IEP. Typically, schools have staff who provide related services (such

Related Services

Related services can include, but are not limited to, any of the following:

- Assistive Technology[35]
- Audiology
- Counseling Services
- Early Identification
- Interpreting Services
- Medical Services
- Occupational Therapy
- Orientation and Mobility Services
- Parent Counseling/Training
- Physical Therapy
- Psychological Services
- Recreation
- Rehabilitation Counseling
- School Health Services and School Nurse Services
- Social Work Services in Schools
- Speech-Language Pathology
- Transportation

as speech therapists or occupational therapists) to meet the needs of their students. But if a related service is not available from the school, the school can contract with a private provider, a public agency, or even another school district to provide the service. Your school district is responsible for making sure all services listed in your child's IEP are provided, even if the district does not directly provide these services. (You'll find additional information about the school's responsibility for related services, including specific limitations and exclusions, summarized in the box at the right.)

Goals are written for a related service just as they are for special education services. This includes specifying how a child's progress will be measured.

C. Supplementary Aids and Services[36]

This part of the IEP focuses on the other kinds of supports or services (other than special education and related services) that your child needs to be educated with children without disabilities to the maximum extent appropriate. Some examples of these additional services and supports are:

- adapted equipment—such as a pencil grip, special seat, or cut-out cup for drinking;
- a one-on-one aide;
- assistive technology—such as a computer, special software, or a communication system;
- training for staff, the student, and/or parents;
- adapted materials—such as books on tape, large print, or highlighted notes;

The Range of Related Services: Limits, Responsibilities, and Exclusions

IDEA's list of related services is quite long, isn't it? Yet these are not the only services that can be considered as a related service. Others often made available include artistic and cultural programs such as art, dance, and music therapy.

IDEA makes specific *exclusions* to what may be considered a related service—two, in particular:

- Medical services may be provided by a licensed physician but only for diagnostic or evaluation purposes.[37]
- Medical devices that are surgically implanted, such as a cochlear implant, may *not* be provided as a related service. Related services also do not include optimizing how such a device functions, maintaining the device, or replacing it.[38]

The school system remains responsible for monitoring and maintaining medical devices that are needed for the health and safety of the child. This includes breathing, nutrition, and other bodily functions. The school is also responsible for routinely checking the external parts of a surgically implanted device to make sure that it is functioning properly.[39]

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[33] 34 CFR §300.39—Special education.

[34] 34 CFR §300.34—Related services.

[35] 34 CFR §300.105—Assistive technology. AT can be provided as either a related service, as special education, or as supplementary aids and services.

[36] 34 CFR §§300.42—Supplementary aids and services.

[37] 34 CFR §§300.34(a) and (c)(5)—Related services: General; and Related services: Individual related services terms defined: Medical services, respectively.

[38] 34 CFR §§300.34(b)(1)—Related services: Exception.

[39] 34 CFR §§300.34(b)(2)—Related services: Exception.

- peer tutors; and
- collaboration/consultation among staff, parents, and/or other professionals (such as an occupational therapist, a behavior specialist, or a mobility specialist).

The IEP team must work together to make sure that your child gets the supplementary aids and services he or she needs to be successful. Team members should talk about your child's needs, the curriculum, and school routine, and openly explore all options to make sure the appropriate supports for your child are included.

D. Accommodations and Modifications for Your Child

For many students with disabilities—and for many without—the key to success in the classroom lies in having appropriate adaptations, accommodations, and modifications made to the instruction and other classroom activities. Some adaptations are as simple as moving a distractible student to the front or away from the pencil sharpener or the window. Other modifications may involve changing the way that material is presented or the way that students respond to show their learning.

Adaptations, accommodations, and modifications need to be individualized for students, based upon their needs and strengths. Doing so can help students access the general education curriculum and other learning materials and activities. Accommodations can also help students demonstrate what they have learned. This type of individualization is part of what's "special" and "specially designed" about special education.[40]

Modifications or accommodations are most often made in the following areas:

Scheduling. *For example:*

- giving the student extra time to complete assignments or tests
- breaking up testing over several days

Setting. *For example:*

- working in a small group
- working one-on-one with the teacher

Materials. *For example:*

- providing audiotaped lectures or books
- giving copies of teacher's lecture notes
- using large print books, Braille, or books on CD (digital text)

Instruction. *For example:*

- reducing the difficulty of assignments
- reducing the reading level
- using a student/peer tutor

Student Response. *For example:*

- allowing answers to be given orally or dictated
- using a computer for written work
- using sign language, a communication device, Braille, or native language if it is not English.

What is most important to know about modifications and accommodations is that both are meant to support individual children in their learning. For example:

Jack is an 8th grade student who has learning disabilities in reading and writing. He is in an 8th grade general education class that is team-taught by a general education

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[40] 34 CFR §300.39—Special eduation.

teacher and a special education teacher. Modifications and accommodations provided for Jack's daily school routine (and when he takes state or district-wide tests) include the following:

- Jack will have shorter reading and writing assignments.
- Jack's textbooks will be based upon the 8th grade curriculum but at his independent reading level (4th grade).
- Jack will have test questions read/explained to him, when he asks.
- Jack will give his answers to essay-type questions by speaking, rather than writing them down.

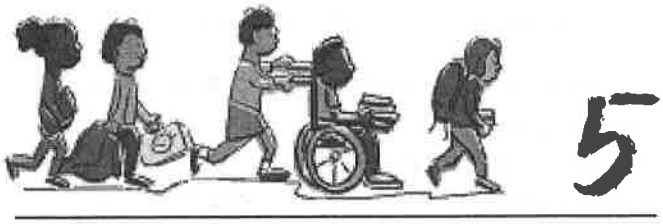
You and the other members of the IEP team will probably spend time discussing your child's learning needs and the ways in which classroom instruction, testing, homework, and school activities can be modified or adapted to help your child access the general education curriculum, demonstrate his or her learning, and participate with students who do not have disabilities. If the IEP team decides that your child needs a particular *modification* or *accommodation*, this information must be included in the IEP.

E. Program Modifications or Supports for School Staff[41]

Supports are also available for those who work with your child, to help them help your child:

- achieve his or her annual goals;
- be involved in and make progress in the general education curriculum;
- participate in extracurricular and other nonacademic activities; and
- be educated and participate with children who do not have disabilities.

An example of one such support might be to arrange for key personnel involved with a given child to receive training related to that child's needs.



Participation with Children without Disabilities

As we said earlier in this guide, IDEA strongly prefers that children with disabilities be educated in the general education class with children who do not have disabilities. In fact, it *requires* that children with disabilities be educated with their peers without disabilities to the maximum extent appropriate for each child.[42] In keeping with this requirement, then, each IEP must include:

> ...an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in [extracurricular and nonacademic activities]. . .[43]

Just because a child has severe disabilities or needs modifications to the general education curriculum does not mean that he or she may be removed from the general education class.[44] Accommodations, modifications, and supplementary aids and services can, and often do, play an important part in supporting children with disabilities in the regular educational environment.

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[41] 34 CFR §§300.320(a)(4)—Definition of individualized education program: General.

[42] 34 CFR §300.114—LRE requirements.

[43] 34 CFR §§300.320(a)(5)—Definition of individualized education program: General.

[44] 34 CFR §§300.116(e)—Placements.

Removing a child from this environment may occur only if the nature or severity of the child's disability is such that educating the child in regular classes cannot be achieved satisfactorily, even with the use of supplementary aids and services.[45]

Therefore, if your child is going to be removed from the general education class for any part of the school day, the IEP team must include an explanation in the IEP.

Modifications to State or District-Wide Assessments[46]

IDEA requires that students with disabilities be included in general state or district-wide assessments, with appropriate accommodations, if necessary.[47] Testing accommodations are commonly made in the same areas as the instructional modifications discussed earlier: scheduling, setting, materials, and student response.

The IEP team is responsible for determining whether your son or daughter will participate in each assessment given by the state or district—and *how* your child will participate. Some children may need no testing accommodations or modifications in order to demonstrate what they've learned and can do. Many, however, *will* need accommodations in order for their academic achievement and functional performance to be validly and accurately measured. It's important for IEP teams to know what type of accommodations can be made without invalidating a child's test scores and which accommodations the state permits. (This information should be available from your state department of education.) Once the IEP team determines which accommodations in testing, if any, would be appropriate for your child, these must be listed in the IEP and provided to your child during the actual assessment.

It's also possible that a specific state or district general assessment may *not* be appropriate for your child, even with accommodations and modifications. He or she may need to be assessed using an alternate assessment. If so, your child's IEP must include a statement of:

- why your child cannot participate in the regular assessment; and
- why the particular alternate assessment to be used *is* appropriate for your child.[48]

The participation of students with disabilities in state and district general assessment programs is an evolving area within IDEA as well as within general education law (the No Child Left Behind Act). Final regulations in this area were published in April 2007.[49] A wealth of information on the subject is available from the National Center on Educational Outcomes (NCEO) (http://cehd.umn.edu/NCEO/TopicAreas/) and the Assessment and Accountability Comprehensive Center (www.aacompcenter.org).

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[45] 34 CFR §§300.114(a)(2)—LRE requirements.

[46] 34 CFR §300.320(a)(6)—Definition of individualized education program.

[47] 34 CFR §300.320(a)(6)(i)—Definition of individualized education program.

[48] 34 CFR §300.320(a)(6)(ii)—Definition of individualized education program.

[49] 34 CFR §300.160—Participation in assessments. This section of IDEA was "reserved" when IDEA's regulations were published in August 2006. Final regulations for §300.160 were then published in the *Federal Register* onApril 9, 2007 (Volume 72, Number 67), available online at: http://www2.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html

7

Location and Duration of Services

Each of the services your child needs is written down in the IEP. The IEP must also include:

- how often your child will receive the service(s) (number of times per day or week);
- how long each session will last (number of minutes);
- where services will be provided (in the general education classroom or another setting such as a resource room); and
- when services will begin and end (starting and ending dates).[50]

The IEP team may also consider whether or not your child needs to receive services beyond the typical school year. This is called *Extended School Year* or ESY services.[51] Some children receiving special education services may be eligible for ESY services. Ask your state and local school district for a copy of its guidelines for determining eligibility for ESY. If you or your child's teachers feel your child needs ESY services, it should be discussed during the IEP meeting.

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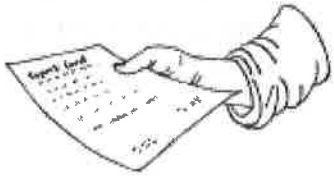

Reporting Your Child's Progress

Under IDEA, you must be kept informed of your child's progress on IEP goals.[52] As mentioned earlier (see #3), the IEP team will decide when periodic reports will be provided to you and include this information in the IEP. A "periodic report" might be issued quarterly, for example, when the school system issues report cards.

Look in your child's progress reports to see whether or not your child is making adequate progress to reach his or her goals by the end of the year. If not, then you will want to talk to the IEP team about how to address the lack of expected progress.

9

Transition Services[53]

As your child gets older and nears age 16, the IEP team—including your child—will consider many questions about his or her future after high school. What will your young adult do? Will he or she go to college or a technical school? Will he or she work? In what kind of job? What appeals to your child? What kind of preparation, knowledge, or skills will be needed? What kind of supports? Will he or she live independently or continue to live at home? Will you need help from other agencies to carry out these plans?

Answering these questions—and many more!—is called transition planning. By the time your child is 16 years old, the IEP must describe the **transition services** needed to help him or her move from high school to life as an adult in the community.[54] The IEP team can also decide to start transition

[50] 34 CFR §300.320(a)(7)—Definition of individualized education program.

[51] 34 CFR §300.106—Extended school year services.

[52] 34 CFR §300.320(a)(3)—Definition of individualized education program.

[53] 34 CFR §300.43—Transition services.

[54] 34 CFR §300.320(b)—Definition of individualized education program: Transition services.

planning with your child at a younger age, if the IEP team considers it appropriate. The transition plan must then be updated every year and specify:

- measurable postsecondary **goals** for your child related to training, education, employment, and (where appropriate) independent living skills; and
- the **transition services** needed (including what your child will study) to help your child reach those goals.

Consider the range below of postsecondary possibilities for your child and determine which are appropriate, given your child's interests and preferences, skills and experience, and need for accommodations or supports:

- postsecondary education (such as a 2-year or 4-year college or business school);
- vocational education (to prepare for working in computers, auto mechanics, or hotels/restaurants, for example);
- integrated employment (including supported employment);
- continuing and adult education (such as classes offered by your community adult education office or department of recreation);
- adult services (such as a day program or group home);
- independent living; or
- participating in the community.[55]

Whenever the team is going to talk about transition, your child *must* be invited to the meeting. Services must be based on your child's needs, taking into account his or her skills, preferences, and interests. Services can include: instruction, related services, community experiences, developing employment and other adult living objectives, and (if appropriate) daily living skills and giving your child a functional vocational evaluation.[56]

A lengthy discussion of transition planning is beyond the scope of this guide for parents. However, because transition planning is so important, we are pleased to explore this topic much more fully on our website, at: http://nichcy.org/schoolage/transitionadult/

We'd also recommend that anyone interested in transition planning visit the websites of these two projects for the wealth of information they offer:

- the National Secondary Transition Technical Assistance Center (NSTTAC) www.nsttac.org/
- TATRA (Technical Assistance on Transition and the Rehabilitation Act) http://www.pacer.org/tatra/

10

Age of Majority[57]

"Age of majority is the legal age established under state law at which an individual is no longer a minor and, as a young adult, has the right and responsibility to make certain legal choices that adults make."[58] Thus, when people use the term

[55] 34 CFR §300.43(a)—Transition services.

[56] 34 CFR §300.43(a)(2)—Transition services.

[57] 34 CFR §300.320(c)—Definition of individualized education program: Transfer of rights at age of majority.

[58] National Center on Secondary Education and Transition. (2002, May). *Age of majority: Preparing your child to make their own choices*. Minneapolis, MN: Author. Quote from page 2. (Available online at: www.ncset.org/publications/parent/NCSETParent_May02.pdf)

age of majority, they are generally referring to when a young person reaches the age where one is considered to be an adult. Depending upon your state law, this usually happens at some point between 18 and 21.

At this juncture in your child's life, the state may transfer to your young adult all (or some of) the educational rights that you, as parents, have had up to the moment. Not all states transfer rights at age of majority. But if your state does, then the rights and responsibilities that you have had under IDEA with respect to your child's education will belong to your son or daughter at the age of majority.

Beginning at least one year before your child reaches the age of majority, you and your child will receive written notice from the school telling you of the upcoming transfer of rights (if any). When this happens, the IEP must include a statement that you have received the notice and have been told about the transfer of rights.[59]

There are some exceptions to this transfer of rights. For example, some children with disabilities may need to have a guardian appointed to make decisions for them. Other students may not have the ability to give informed consent[60] regarding their education. Or your child may be fully capable of making these decisions but still want your help in these matters. In all these cases, the state will have procedures by which parents can be appointed to continue representing their child's educational interests.[61] You will need to check your local and state policies to find out how this issue is handled.

C. Deciding Your Child's Placement

9. What is placement? How is my child's placement decided?

Once the IEP team has decided *what* services your child needs, decisions must be made about *where* services will be provided. Where your child's IEP is carried out is called *placement*. As the parent, you have the right to be part of the group that decides your child's placement.[62]

In deciding your child's placement, the group must make sure that your child has the maximum opportunity appropriate to learn with children who do not have disabilities—in academic, non-academic, and extracurricular activities.[63] This part of the law is called **Least Restrictive Environment** or LRE.

Least Restrictive Environment is explained in IDEA as follows:

> . . . To the maximum extent appropriate, children with disabilities . . . are educated with children who are nondisabled; and . . . special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.[64]

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[59] 34 CFR §300.320(c)—Definition of individualized education program: Transfer of rights at age of majority.

[60] 34 CFR §300.9—Consent.

[61] 34 CFR §300.520(b)—Transfer of parental rights at age of majority: Special rule.

[62] 34 CFR §300.327—Educational placements.

[63] 34 CFR §300.114—LRE requirements.

[64] 34 CFR §300.114(a)(2)—LRE requirements.

IDEA also says:

- The child's placement is determined at least annually; is based on the child's IEP; and is as close as possible to the child's home.
- Unless the IEP requires some other arrangement, the child is educated in the school that he or she would attend if the child had no disability.
- When looking at placement options, consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs.
- A child with a disability may not be removed from education in age-appropriate regular classrooms just because he or she needs modifications to the general education curriculum.[65]

[65] 34 CFR §300.116—Placements.

[66] *Ibid.*

[67] From the Department of Education's Analysis of Comments and Changes that accompanied publication of IDEA's final regulations in the *Federal Register*, Volume 71, Number 156, page 46588. Available online at: http://nichcy.org/wp-content/uploads/docs/IDEA2004regulations.pdf

[68] 34 CFR §300.115—Continuum of alternative placements.

Often, the IEP team makes the placement decision. In some places, the placement decision is made by another group of people. In either case, under IDEA, the group that makes the placement decision must include you, as the parent(s), and others who:

- are knowledgeable about your child;
- understand the meaning of your child's evaluation data; and
- know the placement options.[66]

When discussing placement, the group should consider your child's unique needs and determine what the least restrictive placement for your child is, based upon those needs. A placement that is least restrictive for one child may not be least restrictive for another. *What is least restrictive for each child is based on that child's unique needs*. This means that the school system may not use a "one size fits all" approach to educating children who have a disability. Decisions must be based *on individual needs as stated in the IEP*, **not** on—

- the child's disabling condition or label (such as placement in a special class for students with intellectual disabilities just because a child has a cognitive impairment);
- disability program categories (placement in an particular program for students with learning disabilities (LD) just because a child needs LD services);
- the location of staff;
- the funds that are available; or
- the convenience of the school district.[67]

In making placement decisions, the group looks to another important part of the IDEA, the **continuum of alternative placements**.[68] The continuum includes the different options where children can receive services. These options include placements such as:

- a general education class;
- a special education class;
- a special education school;
- at home; or
- in a hospital or other institution.[69]

A student's placement in the general education classroom is the *first* option considered by the group making the placement decision.[70] Can your child be educated satisfactorily in the general education classroom? What aids, services, and supports does your child need to make this possible? If the group decides that your child's needs can be met in the general education class, with supports, then that placement is the least restrictive environment for your child.

D. Participating in the IEP Meeting

So, your first IEP meeting is coming up. How do you get ready? Here are some suggestions.

10. What do I do before the meeting?

✓ Review the information on your child—from home, school, or private sources (such as doctors, therapists, or tutors). Ask yourself, "Do these records show the full picture?" Fill in any missing pieces, if you can. Bring your records to the meeting. You can also bring examples of your child's work (on paper, audiotape, or videotape) to show specific concerns or insights you may have.

✓ Talk with your child about the upcoming IEP and ask about school. "What things are hard? What things are easy? What's important for you to focus on this year?" Your child may have a lot to say about his or her needs and interests. Students are often much more aware of their strengths and weaknesses than parents realize. Make notes on what your child says.

✓ Think about your child's involvement in general education classes. Consider his or her learning style, special education needs, and social needs. How can these needs be addressed in the IEP? What kinds of supports or services might your child need in order to be successful in the general education class? Ask your child what he or she needs or doesn't need in the way of support.

✓ If your child will be attending all or part of the IEP meeting, explain how the meeting works in a way that he or she can understand. Let your child know how important the meeting is and that his or her opinions and input are valuable. You may need to prepare your child to speak up at the meeting. Talk with your son or daughter about how to share his or her feelings about what is being proposed.

✓ Do a Positive Student Profile[71] (see the box on the next page) to share with the team. To do this profile, answer questions about your child, which will help you organize your thoughts and focus clearly on your child's strengths, needs, and goals.

[69] 34 CFR §300.115—Continuum of alternative placements.

[70] Same as footnote 67.

[71] Adapted from: *Creating Collaborative IEPs: A Handbook* (Rev. ed.). (2001). Richmond, VA: Partnership for People with Disabilities, Virginia Commonwealth University.

✓ Brainstorm with people (teacher, friend, family members, tutor, therapist, consultant) to get ideas before the meeting. Write down things you feel must be included in the IEP. Decide how you want to share this information with the other members of the IEP team.

✓ Ask other team members if they can share their ideas about your child's program ahead of time.

✓ Know your rights. Review the IDEA regulations and accurate summaries. (Visit NICHCY online, if you need either.) Take the regulations with you to the meeting in case you need them.

✓ Are there any areas where you and the school might disagree? Plan how you want to handle these. List any information that might support your position. Think of alternatives to offer if the school is not willing to accept your first suggestion. Decide where you can compromise and where you can't.

✓ Consider whether you'd like to invite another person to go with you to the IEP meeting. This person should have special knowledge or expertise about your child or with respect to your child (a related service provider, for example, a past teacher, a specialist in your child's disability, or a friend). Another person may think of things during the meeting that you do not. As a courtesy, let the school know if someone will be attending the meeting with you.

If an advocate will be attending the meeting with you, review your agenda together before the meeting. Above all, be sure that the advocate understands what role you would like him or her to play in the IEP process.

11. What do I do during the meeting?

✓ *Stay focused*

Use your notes to keep yourself and the team on track. Keep the focus on your child's individual needs and in creating a plan that will lead to success. Remember your child's social and emotional needs, including the need to be with peers that do not have disabilities. Encourage the other members of the IEP team to use simple language, so that anyone reading the IEP can understand and carry it out.

✓ *Ask questions*

If a team member says something you don't

Doing a Positive Student Profile[72]

Answer the following questions about your child as a way to prepare for the IEP meeting.

1. Who is _____? (Describe your child, including such information as place in the family, personality, likes and dislikes.)

2. What are _____'s strengths? (Highlight all areas where your child does well, including school, home, community, and social settings.)

3. What are _____'s successes? (List all successes, no matter how small.)

4. What are _____'s greatest challenges? (List the areas where your child has the most difficulty.)

5. What are _____'s needs? (List the skills your child needs to work on and the supports he or she needs.)

6. What are our dreams for _____? (Describe your vision for your child's future, including short-term and long-term goals.)

7. Other helpful information. (List all relevant information, including health care needs, that has not already been described above.)

understand, ask the person to explain. If someone says something about your child you don't agree with or have a question about, ask for more details. What backup information supports the person's statement (teacher notes, checklists, evaluations)? If you have different information, be sure to share it.

Make sure you don't accept or reject a goal for your child based on incomplete information. If a present levels statement is appropriate, there should be data to support it. If a goal is appropriate, there should be documentation to back up the need. You want to make sure that decisions are not made based upon a single event or random observations.

✓ *Be thorough*

Make sure you agree with the language in the present levels of academic achievement and functional performance before you finalize annual goals for your child. Try not to move away from one area until you are confident that it adequately addresses your child's needs. If you find that needed information is not available at the meeting, have the team make a note of what is missing, who will get the information, and when they will get it by. Then you can agree to move on and come back to discuss the issue when the needed information is received.

12. What can I do if we don't agree?

If the team cannot agree on a particular item after several minutes of discussion, add it to the team's "parking lot" of concerns and suggest coming back to it later. Avoid getting stuck debating a particular point over and over, especially if it feels like you are not getting anywhere. You need to be clear in your mind on where you can and cannot compromise. Communicate this in a reasonable and calm way. Sometimes, the following words can help the team resolve an issue.

"What will it take for us to reach an agreement on this issue?"

"Why don't we just try this for 6 weeks and see how it works?"

"I understand that you can't say yes to this request. Can you tell me who does have the authority? How do we get that person here?"

"We can all agree that this is not an easy issue. But we need to find a solution that will work for (your child) *that we can all live with."*

"I just don't see this as being appropriate for (your child). *There have to be other options we haven't looked at."*

13. I'm concerned I'll get too emotional. Any suggestions?

One of the most difficult things in an IEP meeting can be keeping emotions under control. It is easy at times for anyone at the meeting to get frustrated. Everyone has demands placed on them that are outside their control. The teacher has concerns about meeting the needs of all her students, including your child. Therapists may be concerned with how many children they need to work with and how to fit everything that needs to be done into a single school day. The administrator may be worried about having enough staff, supplies, and equipment on a daily basis. And, like any parent, you want what is best for your child, even though the law says you are only entitled to what is *appropriate*. It is a challenge to balance all these needs and demands. The key to reducing frustration and avoiding conflict is to be respectful of each other, even when you don't agree. Keep coming back to the purpose of the meeting—to develop an appropriate IEP for your child.

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[72] Adapted from: *Creating Collaborative IEPs: A Handbook* (Rev. ed.). (2001). Richmond, VA: Partnership for People with Disabilities, Virginia Commonwealth University.

14. What if we still don't agree?

If you've done as much as you can and still cannot come to agreement on the IEP, there are several options open to you.

❑ If this is your child's first IEP, you can refuse to give permission for the school to implement the IEP.[73] In this case, your child will not receive the special education services outlined in the IEP.

❑ Ask the school to give you **prior written notice**[74] on the issue(s) under disagreement. Written notice must tell you in detail what the school is proposing or refusing to do, why, and what information it used to reach the decision. This includes:

- telling you other options the school considered and why they were rejected;

- describing each evaluation procedure, test, record, or report used as a basis for the action being proposed or refused; and
- describing any other factors that are relevant to what the school is proposing or refusing to do.

With this information, you may be in a better position to convince the school to rethink its decision or to proceed with the next step below.

❑ You may request **mediation**[75] or a **due process hearing**[76] to resolve the conflict. With mediation, you and the school sit down together and try to work out the disagreement with an impartial third person called a mediator. The mediator does not work for the school system or make any decisions for you or the school. The mediator helps you and the school talk about your differences and work toward an agreement.

The due process hearing is a formal, legal procedure where both you and the school present your views on the dispute to an impartial hearing officer. After all the evidence is presented and witnesses have spoken— much like in a court case—the hearing officer decides the case and tells you and the school how the matter is to be settled. He or she issues the decision in writing.

You request a due process hearing by filing a **due process complaint** that must contain specific information,[77] with a copy sent to the state department of education. Within 15 days, your school system must convene a meeting between you, as parents, and relevant members of the IEP team. The purpose of the meeting is for you to discuss your due process complaint, which gives the school system the opportunity to resolve the dispute. This resolution meeting need not be held if you and the school system agree to waive the meeting or agree to use mediation instead.[78]

[73] 34 CFR §300.300(b)—Parent consent for services.

[74] 34 CFR §300.503—Prior notice by the public agency; content of notice.

[75] 34 CFR §300.506—Mediation.

[76] 34 CFR §§300.507, 300.508, and 300.511—Filing a due process complaint, Due process complaint, and Impartial due process hearing, respectively.

[77] 34 CFR §§300.507 and 300.508(b)—Filing a due process complaint; Due process complaint: Content of complaint.

[78] 34 CFR §§300.510—Resolution process.

❑ You can also file a **written state complaint**[79] with your state's department of education. When you file a state complaint, you must tell the state what part of the IDEA you believe the school has violated. You must also state the facts as you know them and provide copies of any documents or correspondence on the matter you may have. The state will investigate your complaint, request documents if necessary, and give a written decision.

There is a lot to know about each of these ways of resolving problems with the school. The premier source of this information is CADRE, the National Center on Dispute Resolution. Visit CADRE at: http://www.directionservice.org/cadre/

You can also learn more by visiting NICHCY's website (see Resolving Disputes section, beginning at http://nichcy.org/schoolage/disputes/) or by getting in touch with your state's Parent Training and Information (PTI) center, which is listed under "Organizations Especially for Parents" on our *State Resource Sheet* for your state (http://nichcy.org/state-organization-search-by-state).

❑ Finally, if this is not your child's first IEP, you can **revoke consent**,[80] in writing, for the continued provision of special education and related services to your child, even though you previously gave your consent. Once you revoke consent, the school system may no longer provide special education services to your child, and they may not try to override your revocation of consent. There are also a number of other consequences that may arise, such as how your child will be disciplined. Therefore, it is important for you to ask questions about how your child's education will be affected before revoking consent.

14. When the IEP is completely written, am I supposed to sign it?

As the IEP meeting comes to a close, you will probably be asked to sign the IEP document. Depending on the state you live in, your signature on the IEP will mean different things. In some school systems, your signature on an IEP means that you agree with the IEP. In other states, a parent's signature on the form simply means that the parent attended the IEP meeting.

There is no regulation that says you must sign the IEP immediately at the end of the meeting, or at all. If you feel the need to wait before signing the IEP, if you need to "sleep on it" or share it with your spouse/child's tutor/consultant, say so. You may wish to list specific items in the IEP that you want to think about before signing ("I'm still uncomfortable with ____, and I'd like to think about it some more"). This lets the school know where you stand and gives everyone time to think of possible solutions or compromises. Whatever you decide, read the IEP document in its final version before signing. This is also a good time to review the list of concerns you prepared before the IEP meeting. Did the team talk about all of those items?

When all the talking is done, if you are comfortable with the IEP, go ahead and sign. If you agree with everything except one item, you can sign your agreement and add a statement about the one item you disagree with. The team can implement all of the IEP except that one item, until you do resolve it.

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[79] 34 CFR §§300.153—Filing a complaint.

[80] §300.300(b)(4)—Parental consent for services.

15. What do I do after the IEP meeting (and before the next one)?

Hurray! You've completed your child's IEP. Now that you have a well-written IEP, you may want to schedule a follow-up meeting after a month or six weeks, so you and the rest of the team can talk about how things are going. Watching your child work at school and talking with the staff will help you keep track of your child's progress. Remember, if you ever feel that the IEP needs to be changed, you can request an IEP meeting.

Even when you have done many IEPs, you can still forget things from one IEP to the next. So, after each meeting, jot down any thoughts you have about the IEP and the process. What did you like? What did you not like? What would you do differently next time? What will you do the same? When you are finished, store your notes in a safe place so that you can read them before the next IEP meeting.

16. Can my child's IEP be changed without holding a meeting?

Yes. If you and the school want to change your child's IEP after the annual IEP meeting, you and the school may agree not to convene an IEP meeting. Instead, you and the school will develop a written document that will amend your child's IEP. If your child's IEP is changed, all IEP team members will be informed of the changes, and if you request it, the school must give you a copy of the reviewed IEP.[81]

Final Words

Keep in mind that developing an IEP is a learning process. With time it gets easier. Maintain your sense of humor and try to relax. When parents and schools truly work together, the process works well, and the best results for your child can be realized.

[81] §300.324(a)(4)—Development, review and revision of the IEP.

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