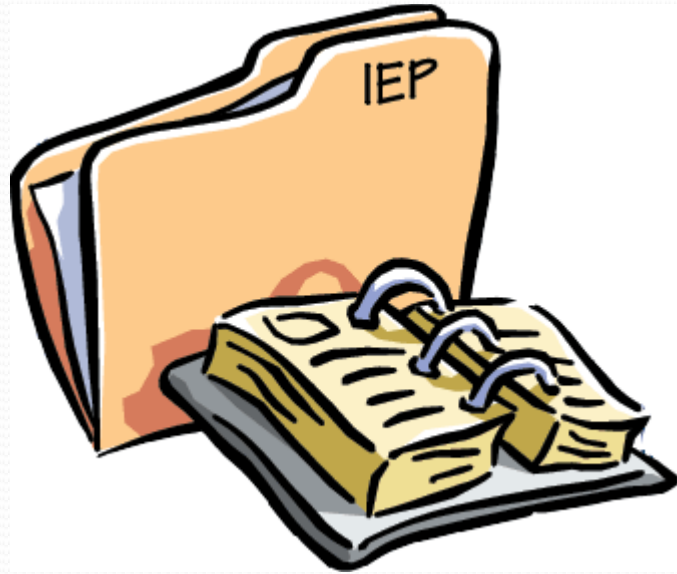


# IEP 101

Law Clinic Advocates

# What is an IEP?



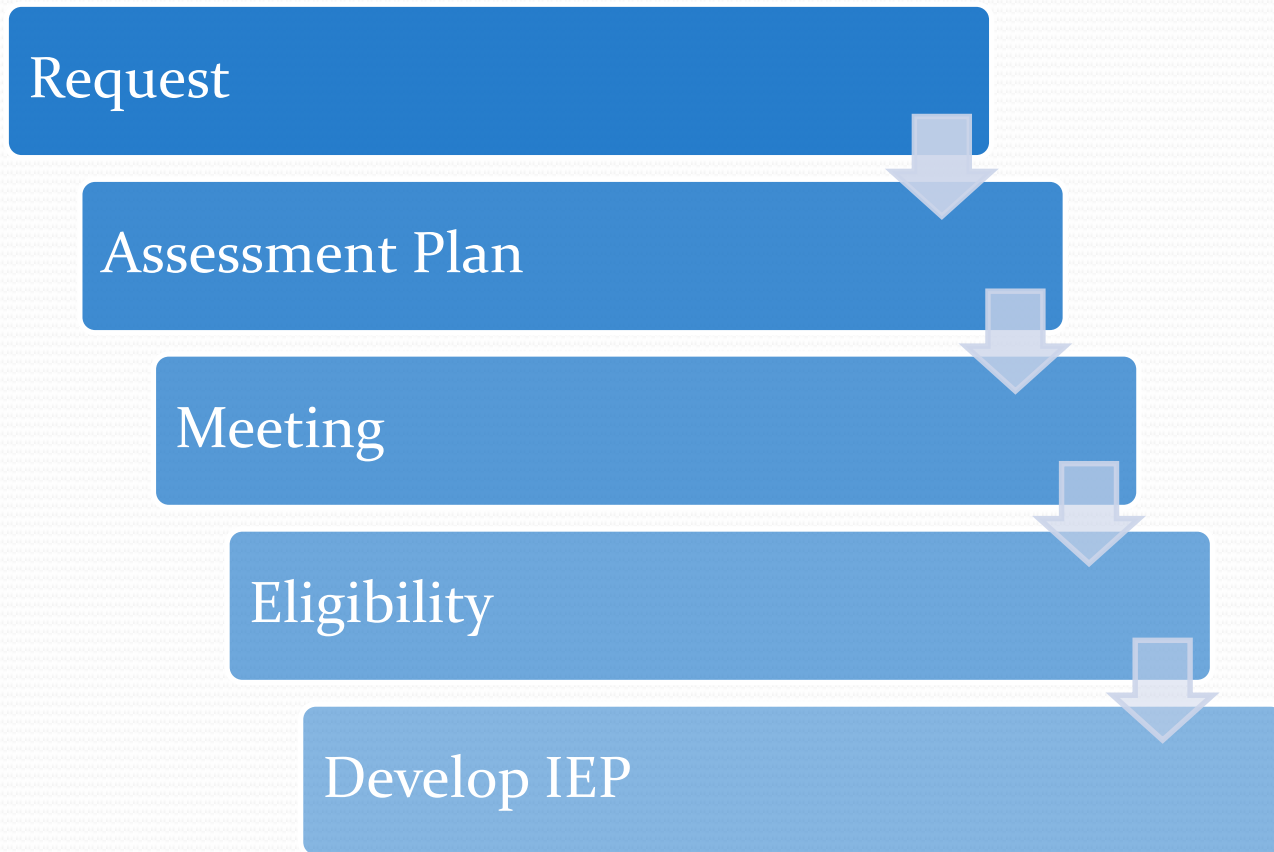
- Governed by the **Individuals with Disabilities Education Act (IDEA)**
- Written statement that describes a student's present level of performance, learning goals, school placement and services
- Once signed it is a **legally binding contract**
- All components must be in writing

# IDEA Promises

- Each child is entitled to a **Free, Appropriate, Public Education (FAPE)**
- All children, including those with disabilities, must be educated in the **Least Restrictive Environment (LRE)**



# IEP process



# Assessments

# Two ways to initiate assessments

## By Request

- Parents can request that their child be evaluated for special education eligibility
  - Requests should be in writing
- Teachers or other concerned parties can also initiate the process
  - Parent consent is still required!

## Every three years

- “Triennial Evaluation”
  - The school will initiate this process and send you an assessment plan
- Parents can request more frequent evaluations if necessary

# Assessment Requirements

- Must be comprehensive enough to identify all of the child's educationally related needs
- Must use a variety of assessment tools
  - E.g. standardized assessments, observations, review of records, parent and teacher interviews
- Must incorporate parent input
- Must be administered in the student's primary language or mode of communication
- Must be conducted by "persons knowledgeable about the disability being assessed and competent to perform the assessment."
- Must not rely solely on an IQ score

# Assessment Plan

- An assessment plan must:
  - Be provided in your primary language
  - Explain the types of assessments to be conducted
  - State who will conduct the assessment
- Parents must be permitted to view the evaluation reports before the IEP meeting if requested



# Common Assessment Types

- Psycho-Educational Assessment
- Speech and Language Assessment (SAL)
- Occupational Therapy (OT), Physical Therapy (PT) or Adaptive Physical Education (APE) Assessment
- Functional Behavior Analysis (FBA)
- Educationally Related Mental Health Services Assessment (ERMHS)
- Transitional Assessment
  - Vocational Assessment

# Independent Evaluations



- Parents are permitted to get an IEE done at their own expense
  - But these can be very expensive
- Parents can request an independent evaluation to be done at public expense
  - Upon receipt of request, Districts must fund the evaluation or file for due process without unnecessary delay
- Districts must consider IEE's when developing IEP

# The IEP Meeting

# IEP Meetings

- Parents must be given every opportunity to attend an IEP meeting
- Districts must hold an IEP meeting to review the child's IEP at least once per year



# Who is Involved at IEP Meeting?

- IEP team MUST include
  - One or more parent(s)/guardian(s)
  - At least one general education teacher
  - At least one special education teacher
  - Qualified school district representative
  - Individuals who conducted assessments or qualified individuals able to discuss the results
  - Other people with knowledge of student
    - Including service coordinators or advocates
  - Student when appropriate
  - Translator, if necessary

# Parent's Rights

- Parents are equal members of the IEP team and experts on their child! Parents can and should:
  - Request what they feel is appropriate for their child to benefit from his/her education
  - Explain child's strength and weaknesses
  - Bring other people to support
  - Know their rights and advocate for their child!
- Any changes in a child's special education program must receive parent consent
  - "Veto" power

# Translation

- If a parent requires an interpreter, one **MUST** be provided
  - Should be requested in advance
  - Should not be an administrator or teacher, as these members of the team have their own important roles
  - Paraphrasing is not translating and not acceptable!
- Parents are entitled to free copy of IEP in their primary language



# Eligibility for IEP and Special Education Services

- Eligibility categories:
  - Visual impairment, including blindness
  - Deaf or hearing impairment
  - Deaf/blind
  - Severe orthopedic impairment
  - Language or speech impairment
  - Other health impairment
  - Autistic like behavior
  - Intellectual disability
  - Serious emotional disturbance
  - Specific learning disability
  - Traumatic brain injury
  - Multiple disabilities

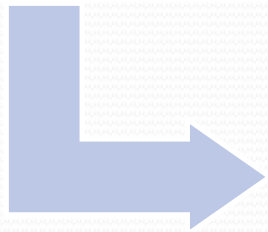
# If not eligible...

- Student can still qualify for accommodations under **Section 504** of the Rehabilitation Act
- Protections and accommodations available for students **disabled in a functional sense**, defined as:
  - Physical or mental impairment which substantially limits major life activity
  - Record of such impairment
  - OR be regarded as having such impairment
- 504 plans provide “**reasonable accommodations**” required to allow the child to “**access the curriculum**”
  - Much more inclusive eligibility, but far fewer services

# Building an IEP

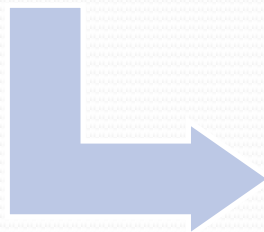
Present  
Levels of  
Performance

- Identify areas of need for academic and non-academic areas



Goals for the  
next year

- For each area of need, a goal should be developed to improve that area



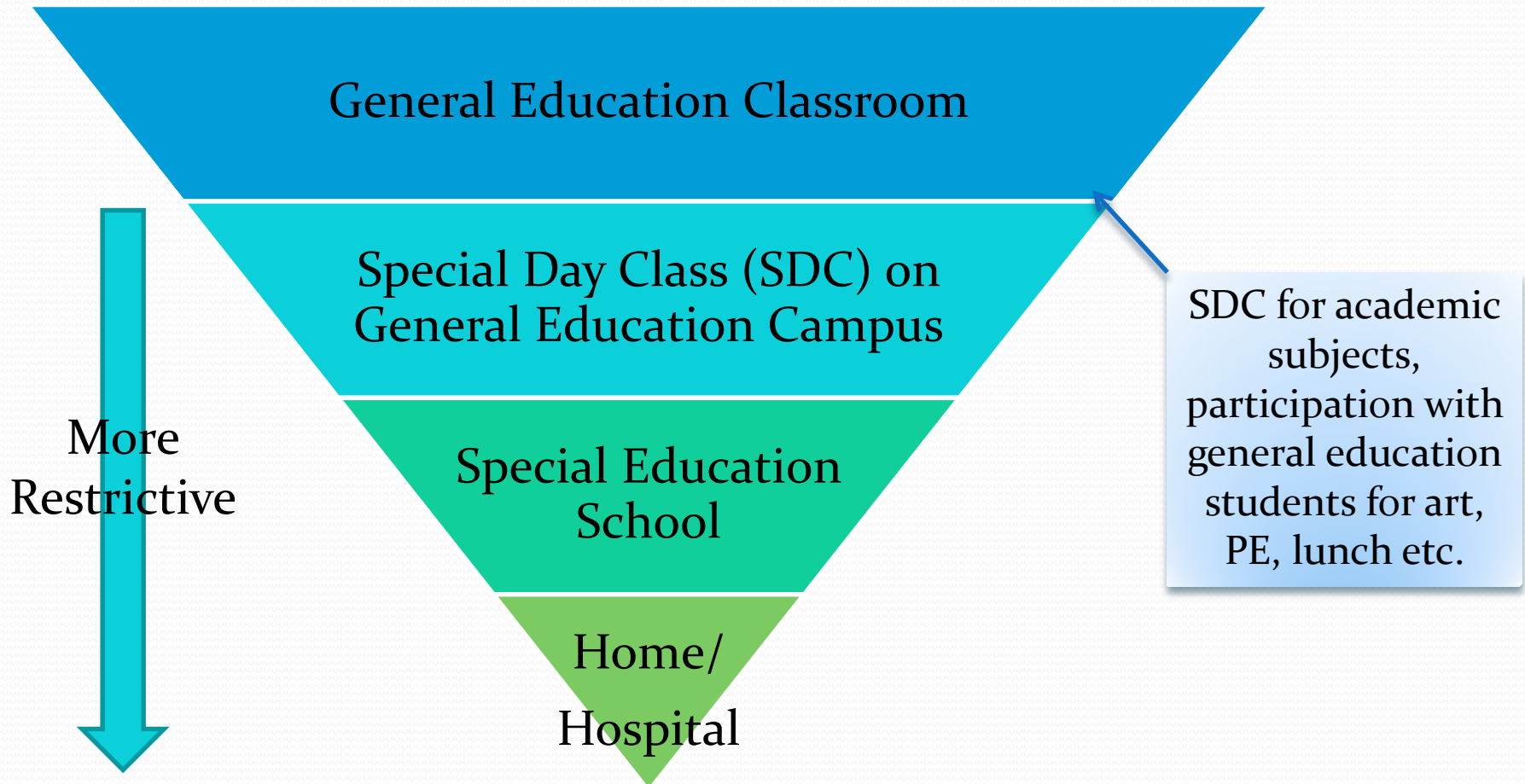
Placement  
and services

- What placement and services are most appropriate to allow the child to meet these goals?

# Goals

- Should be measurable
  - Include benchmarks and short term objectives to track progress
  - Derived from child's current functioning – should be challenging but realistic
- Goals should be created as a team at the meeting
- Services are derived from goals
  - Require specific services to work towards a student's individualized goals

# Continuum of Placement Options



# What educational services are available?



Transportation



Occupational Therapy



Physical Therapy



Adaptive Physical Education



Speech Therapy



Orientation and Mobility



Counseling



Health Services

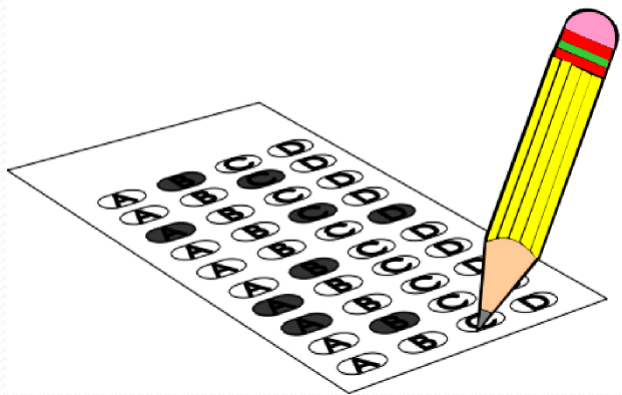


Behavior Intervention



Parent Training

# Other Contents of the IEP



- Basic information
- Program accommodations or modifications
- Participation/modifications in District/State assessments
- Extended school year (ESY)
- Parent's comments/concerns
- Notes

# Signing the IEP

- Parents should not sign IEP at the meeting
  - Parents should take home IEP to review carefully before deciding how to sign
    - Consider discussing the IEP with your at home therapist, support group or service coordinator
  - Parents can agree in part and disagree in part
    - “Lock in” the parts you like, without hurting your ability to continue to discuss other portions
- If no new IEP is agreed to, last IEP “stays put”
  - Child remains eligible for special education services and stays in current placement while you resolve disputes

# Adulthood Transition

- Students can remain in special education until they receive a high school diploma or through the school year in which they turn 22, whichever comes first
- Starting when a student is 14, schools must begin to gather information and develop a plan for transitioning out of special education into adulthood
- An Individualized Transition Plan (ITP) must be developed at the first IEP after your child turns 16
  - Will include goals and services specifically geared for the transition process

# Resolving Conflicts

- Districts offer internal informal dispute resolution procedures
  - Not recommended because it is run by the District without a neutral party
  - Often includes a clause limiting your ability to complain about any other wrongdoing in the past – and sometimes in the future!
- Alternatives
  - Hold another IEP meeting after gathering additional support for your argument
  - Write a letter to the District expressing your concerns
  - Compliance complaint
  - Mediation Only

# Special Education Rights and Responsibilities (SERR) Manual

- Published by Disability Rights CA, in many languages
- Written for parents in an accessible Q and A format
- Includes sample letters
- Link to English version:
  - <http://www.disabilityrightsca.org/pubs/PublicationsSERREnglish.htm>
- Link to Spanish version:
  - <http://www.disabilityrightsca.org/pubs/PublicationsSERRSpanish.htm>