“Creating a Good

Individual Education Plan

For Your Child”

# What Every

Parent Should Know!



*January 2011*

TAKE ME TO THE IEP - OVERVIEW



**Becoming Eligible for Special Education**

A child becomes eligible for special education services when the IEP team identifies the child as a person that (1) has a disability and (2) needs specially designed instruction. Both conditions must be met to be eligible.

Students, aged 3 to 21, may be considered for special education and related services and **must be evaluated** and determined eligible based upon one of the following disability categories under IDEA:

1. Autism
2. Hearing Impairment/deafness
3. Deaf-Blindness
4. Non-categorical Delay
5. Emotional Disturbance
6. Hearing Impairment
7. Intellectual Disability
8. Orthopedic Impairment
9. Other Health Impairment
10. Specific Learning Disability
11. Speech or Language Impairment
12. Traumatic Brain Injury
13. Visual Impairment
14. Multiple Disability (ND has opted not to use this)

A student may have a disability that is NOT listed here but these are the categories of disability that can receive services funded through IEA. A disability category does not determine the amount or type of service your child will receive. This is determined by the IEP team, including the parents, and is based on the unique individualized strengths and needs of the child.

2

The **disability** must have an **educational impact** by *adversely affecting educational performance*. **Decisions** about impact **must be based on a full and individual evaluation.** IDEA says that educational performance is about

* The student's ability to *perform* in a regular classroom designed for students without disabilities and
* The student's ability to *benefit* from the regular education curriculum

**A disability may NOT be ruled out as having an adverse affect on the student’s educational performance just because . . .**

* **A student has a high IQ or is/was in the gifted program –** a high IQ does not mean that a student will not need specialized instruction in some areas
* **A student is NOT failing the course** – the regulations say that a child should not have to fail a course in order to be considered for special education and related services
* **A student has NOT been held back** – the regulations say that a child should not have to be retained in a grade in order to be considered for special education and related services
* **The impact is only slight or not significant** (there are no qualifiers in the regulations – ANY impact is impact).
* **The student is making “some progress”** Making progress in a course or grade does not mean that the student does not need specialized educational services.

**3**

**A disability *may* have an adverse effect on the student’s educational performance if a student . . .**

* Has performance that is inconsistent over time
* Has performance that is inconsistent on different learning activities during the day
* Cannot attend school regularly due to the disability
* Cannot tolerate the noise or activity level in a typical classroom due to a disability
* Cannot pay attention in class due to a disability
* Cannot turn in homework assignments due to a disability
* Has average performance compared to peers only when modifications are in place
* Cannot be motivated without assistance
* Is impacted in ANY of areas of educational performance due to his or her disability.

**Areas of educational performance may be:**

* **Academic** – A student’s presence, progress or achievement
* **Social** – A student’s ability to participate in learning groups or gain interpersonal skills
* **Health –** Astudent’s ability to maintain physical or mental health in school
* **Emotional –** Astudent’s ability to adjust to school routines or interactions
* **Physical –** A student’s mobility or fitness activities in school
* **Vocational** – A student’s ability to take part in work experiences or gain work skills

**What is an IEP Team**

IEP teams are made up of people. Each person brings different perspectives and expertise to the meeting. The team pools their knowledge to craft an individualized response to a child’s needs, taking into account that child’s strengths and talents.

4

The result is an Individualized Education Program or IEP.

The IEP team includes people that work with your child directly (such as classroom teachers, tutors, or support personnel). You can ask other people to serve on the team. These people should know about the disability of your child or the child’s racial or cultural background. They can be professionals, a friend or an advisor. When appropriate, the student will also be included.

If the IEP meeting involves a small group, the **FOUR** people

that must be present are:

1. a regular education classroom teacher, (knowledge of the regular curriculum)
2. the special education teacher, (knowledge of special education)
3. the parent(s), (knowledge of the student) and
4. a representative of the school district (someone who can leverage resources and make decisions).

Sometimes the special education teacher can act as the authorized school district representative. If transition needs are being considered, (age 16 through 21), the student **mus**t be invited.

**Choosing the team:**

1. It’s your child’s life. Their presence is important. Bring them or if they are too young or uninterested, bring a picture.
2. You have a right to invite other people to be part of the team.
3. Talk with your child’s teacher – “I’d like to visit about who will be on the team.”

5

* “Who has information we need as a team?”
* “Who has the authority to make decisions about resources?”

1. Don’t surprise people – tell the teacher who you invite.
2. Give the school time to contact the people you select.
3. The team can ask someone to come in as a consultant – to give information or suggestions that the team will consider.
4. If you bring a guest, let them know how best to participate. If you are unsure, ask your child’s teacher for suggestions.
5. Let the teacher know who will speak for your family.

**When to meet:**

* Within 30 days of a team decision to provide special education.
* As needed to be certain a plan is in place at the beginning of the school year (**§300.323)**

**When to review:**

* Once a year (every 12 months) after the initial meeting.
* Every 3 years to decide if your child with a disability still needs special education services.
* When changes in the plan are needed to make sure your child will benefit from special education services

**When other options can be used:**

* If the team agrees on a change and the annual meeting has already been held.
* As long as the team takes steps to properly document that decision and

6

* The document is not being used in place of the annual meeting or
* When the school opts to use this method as long as all IDEA requirements are met.

**Schedule the meeting:**

1. Meetings must be held at times and places that are agreeable to parents and educators.
2. Pick a time when the people you need to be there can come.
3. Don’t meet in the evening or early morning unless that is the only time that works for you. If it is, then say so.
4. Be flexible. Invite someone to join by phone, or computer.
5. If you need time off from work to attend, write to your boss asking for the time. Include a the invitation from the school.
6. Let the school know if you are running into a problem with the schedule because of child care or transportation. They often have helpful suggestions.
7. Mark your calendar so you don’t schedule something else at the same time.

**What To Bring**

1. A positive attitude and willingness to work as a team
2. A copy of the most recent IEP
3. A copy of any assessment reports
4. An IEP Pocket Guide (in case questions arise)
5. A list of your top 5 priorities for this year
6. The age/year your child plans to graduate (if he is 16+).
7. Pen/paper or laptop to take notes

**What to Know**

1. An IEP is a written plan for delivering special education (specially designed instruction) and related services.

7

1. These services must be designed to meet the student’s unique needs and prepare them for further education, employment and independent living (Section 601(d).
2. The general education curriculum (learning activities and opportunities enjoyed by typical students) is the least restrictive environment for all children.
3. The IEP must contain a statement of the child's present level of academic achievement and functional performance.
4. The IEP must contain annual goals and may contain short-term objectives for your child’s progress in school, with a timetable for reaching each objective.
5. The IEP must describe and related services and the characteristics of service (modifications or accommodations)
6. The plan must be individualized. That means it is based on the unique needs of your child, as determined by the IEP team based on a formal assessment, conducted at least every three years.
7. The plan must state what services will be provided not which services may be provided.
8. Parents and all people responsible for carrying out the plan should be given a copy.

**Information to Use in Creating an Initial Plan:**

1. Bring reports that you have about your child. Ask to see the results of testing or evaluations that have been done. You do not need to see the actual test forms, just a written report on the findings. This includes all standardized assessments, the results of any statewide testing, and tests of the curriculum (what is being taught in the regular education program). Is there anything you don’t understand? Jot down questions and ask for clarification. List your child’s strengths, your main concerns and the school services she/he is receiving.

2. You have the right to see all school records, files, and other materials that pertain to your child. Copies must be provided (at a reasonable cost), if you request them.

8

3. You may request a meeting to discuss the assessment before the team meeting.

4. If you disagree with the school’s assessment, you may request (in writing) an independent (outside) evaluation at the school’s expense. The school must pay for the evaluation or prove, through a due process hearing, that their evaluation was appropriate. If you obtain an independent evaluation at your own expense, and you choose to place it in your child’s record, the results must be considered by the team.

**Information to Use in Planning From Year to Year**

1. Bring copies of your child’s most recent IEP. Look for evidence or data that shows your child has met the goals and objectives. Don’t rely on intuition or statements like; *“He or she is doing well or doing much better.”* As a team, find

out *how well* or *how much better on what and for how long or how accurately.* Use that information to help decide if your child is benefiting and making progress.

1. Ask for copies of the results of your child’s performance on standardized state test (or if appropriate an alternate assessment) for all year’s available. Use those to decide if your child if your child is making progress from year to year.
2. Ask for copies of your child’s performance on tests being used in the regular education program if they are receiving services in the regular classroom. These are not grades, but their actual performance in reading, math, spelling, etc.
3. Bring copies of any evaluations completed by the school or

9

1. any independent evaluations (if available). Use that information to help identify your child’s needs and strengths.
2. List your child’s strengths, your 5 main concerns and all of the special education and related services she/he is receiving. Some services are listed under the category “characteristics of service.”

**What the Plan Must Do:**

The IEP should define:

a. What should be taught, and how (for example, a plan of your child’s program, showing *how* each goal or objective will be worked on.) The nature of the specially designed instruction should be clear.

b. Who will teach it (names and school telephone numbers)?

1. Where it will be taught. If changes in school buildings are needed, the plan should note the location of services.
2. When the program will begin, how long it will be provided, and when it will be reviewed. A schedule for review of the IEP (at least once a year) must be included in the plan.

e. How much time your child will spend with children who do not have disabilities. The amount of time in special education services must be noted.

f. Why the plan is needed. This is based on the assessment of the student’s needs.

10

**What The Plan Should Include:**

1. The plan should state in writing the justification (good reason) for any placement outside of the classroom and state why the specialized instruction or related service could not be provided in the regular classroom or other natural settings.
2. A plan and date for periodic review of the student’s program.

c. A plan for meeting the physical education needs of the student.

d. A plan for meeting the transitional needs of the student, if the student is 16, or this IEP will still be in effect at that time. That plan should include measurable post-secondary (after high school) goals for employment, education and if needed, independent living.

e. The type and characteristics of any special education (specially designed instruction) and related services that will be provided for your child.

f. Modifications and accommodations needed in regular education settings, and who is responsible for providing them.

g. A behavior plan, with goals and objectives, if behavior is identified as a concern by the team.

**Consent for the Plan**

The school is required to seek parent consent for the IEP and give parents the opportunity to disapprove the plan.

11

a. If the parent approves, the plan goes into effect.

b. If the parent does not respond, the plan goes into effect if it is not the initial IEP. (If this is your child’s first IEP, the school must wait for your written consent before starting the service.

1. If the parent disapproves, he/she is entitled to a conciliation conference with school personnel. If the school denies placement or does not agree to something the parent wants

as part of the plan the school must state their reasons in writing and make that available to the parent. Every effort to reconcile or come to agreement should be made.

1. If the parents and the school still do not agree, they may follow the process outlined in the “Parent Guide to Special Education.” Options include asking for a facilitated IEP, mediation, a resolution session and/or due process complaint.
2. You do not have to give consent to a proposed IEP immediately. You can take it home to think about it. You have 10 days in which to make a decision.

**Creating Good Relationships and Effective Plans**

The IEP meeting is very important. Good information is exchanged. Many problems are solved at this meeting. It is an excellent opportunity to share your perspective, ask questions and obtain answers from the school staff. It is an opportunity to share your insights about your child. The school needs to know what your child is like at home, after school, on weekends, etc.

1. Sometimes parents are disappointed about what has happened or has not happened in the past. Try not to let that affect your attitude. Focus on what your child needs now. Remember the other people on the team are your partners.

12

1. Diagnostic tests do not present the total picture. You must make sure that others at the meeting understand your child. Focus on your child’s strengths as well as weaknesses.
2. Ask questions about anything you don’t understand and ask to have it explained.
3. Your child’s program should be built on services that relate to strengths and abilities, and learning needs. IIt should not solely be based on category of disability. If you don’t feel that this is what the program does, say so. Changes can be made if you share your views and ideas.

5. When you feel teachers and school personnel are doing a good job, compliment them. Your child’s teachers and staff will appreciate it.

1. Expect teachers to carry out informal assessment on a continuing basis. They should try new methods if your child is not making progress.
2. Expect teachers to meet without your being present to exchange information about what is happening. Ask to be kept informed. They must invite you to meetings if and when decisions about significant changes in approach are made and whenever changes to goals and objectives are planned.
3. Remember – you have the right to ask questions and request changes either during the meeting or later.
4. You can always ask for a break during a meeting.
5. Telling long stories at a meeting takes up a great deal of time. Try to focus on planning rather than story-telling. Don’t hesitate to share information that the team needs to know. Just think about the point of the story and say that directly.

13

1. Sometime parents ask to lead the meeting. It is not necessary for every parent to do that. Most schools prefer to facilitate. In any case, you can take a leadership role in the meeting by making positive statements that invite the team to consider your perspective.
2. The IEP meeting is a way for people on the team to come together and plan. It is counter-productive to point fingers or accuse. Focus on what your child needs now.
3. Sometimes a student’s situation is too complex to finish planning during an hour or two. The team can continue but people often grow tired after that time. You can always suggest that the team meet again.
4. If the team does not have the information to create a good plan for the child because key personnel are not present, it is reasonable to suggest that the team come back together in a few days when all the needed people can be there.

Pathfinder’s obtained permission to reprint in part from

PACER Center, Inc. Minneapolis, MN,

(952) 838-9000; [www.pacer.org](http://www.pacer.org). All rights reserved.

14

## Pathfinder Parent Center

1600 2nd Ave SW, Ste. 30

Minot, ND 58701-3459

701-837-7500

TDD; 701-837-7501

FAX: 701-837-7548

800-245-5840 ND Toll Free

Email: [info@pathfinder-nd.org](mailto:info@pathfinder-nd.org)

Web: <http://www.pathfinder-nd.org>

