



IEP Process Fundamentals



What happens after my child is determined to be eligible for special education services?

- Individualized Educational Plans (IEPs) (or Individualized Family Services Plans if your child is not yet school-aged) are made by a team.
- You must be given notice prior of your meeting detailing the reason for the meeting and who will attend.
- You will receive “notice” of a team meeting either through a letter, email or phone call.



What is an IEP and why is it so important?

- An Individualized Educational Plan (IEP) is a legal document required under federal law (Individuals with Disabilities Education Act 2004) specifying important aspects of your child's education such as placement, accommodations, goals and testing.
- IEP procedures are legal procedures—you have rights and protections such as prior written notice.
- **Prior written notice is required of the school if the school wants to make a change or refuses to implement a change in your child's identification, evaluation or placement.***



What happens if I can't make the meeting? The school says my child's IEP will expire if we don't do it this week!

- GO to your child's meeting.
- If you can't make the meeting time proposed, ask them to reschedule it. It must be held at a time that is *mutually* convenient (try to be accommodating).
- Schools don't like it, but if your IEP meeting must be extended beyond the date to be reviewed (end-date), there is no adverse action for your child. Your last agreed-upon IEP remains in place until there is a new IEP. (This is also referred to as a "stay-put").



Who is on the IEP team?

- Schools will ask representative professionals working with your child to attend the meeting. There may be a lot of people especially during transitions.
- You can bring **anyone** who you believe will help you make a case for your child—your child's ABA therapist, a paid advocate, or other family members. POAC-NOVA advises you to **take somebody along, if only to give you support.**



Why should I go to an IEP meeting? Won't the schools figure out what's best for my child?

- By law, **YOU are an important part of the IEP team!** Only you know how your child functions outside of school and you have important ideas about what works best for him or her. **You** are the expert on your child and his or her chief advocate!
- Schools are not generally bad guys, but they may make decisions based on their overall goals that are **not in your child's best interest.** **You** must be the one to assure that **your child's rights are protected.**

BE YOUR CHILD'S HERO!





What should I do to prepare for an IEP meeting?

- Communicate with your child's teachers. You can periodically ask to see data from their IEP goals or see work samples. Ask off the record about your child's behavior and any other concerns you have. Share your goals for your child and request any supports or evaluations you believe may be necessary. This can lay the groundwork for common understanding and hopefully an easier IEP meeting.
- Ask for any evaluations (functional behavioral assessments, OT, assistive technology, etc. you believe are necessary at any point, **but always put these requests in writing (e-mails count)!**
- During triennial IEPs, you should receive results of any testing and an explanation of the results well ahead of time. If you don't think testing or academic performance reflect your child's abilities or potential you can ask for an **Independent Educational Evaluation (IEE)** at the IEP meeting---**put it in writing!** You can ask for an IEE during any procedural meeting or submit, in writing, at any time.



What should I do to prepare for an IEP meeting? (cont.)

- You should receive the *draft* goals your school is proposing in time for you to thoughtfully review (some schools allow 72 hours, others allow up to two weeks). If you don't believe you've had adequate time to review goals, ask the school to postpone the meeting. These goals are not set in stone—you should question them and suggest appropriate revisions if you disagree with them.
- Ask the professionals your child is working with outside of school to weigh in on goals, placement, accommodations, testing or anything else you believe appropriate before your meeting. You can provide written recommendations from these professionals at the meeting or ask them to attend your meeting.
- Don't be afraid to ask for more time to prepare if you believe you need it.



What if I'm not satisfied with the way things at school are going for my child and the meeting is months away? (Common issues)

- Generally, try to resolve issues at the lowest level (usually with teachers).
- If you believe your child's teacher is unqualified: you can ask the principal to see their credentials and express your concerns (hopefully with examples of specific skill deficits).
- If you believe, or your school is asserting, that your child's behavior is prohibiting him or her from accessing the curriculum or interfering with others learning: ask for a **functional behavioral assessment (FBA)** or additional supports before agreeing to a program with less academic rigor.
- If your child is not making adequate progress with goals, YOU can ask for an IEP meeting at ANY time to figure out what's not working.
- If your child has mastered goals, you should also reconvene the team to create new goals.



Everybody says inclusion is good; should I advocate for my child to be “included”? What does that mean?

- Least restrictive environment (LRE) is the legal term for “inclusion.”
- This is the environment your child requires to “access the curriculum” and obtain a Free and Appropriate Public Education (FAPE)
- There is no standard definition of LRE—it is individually determined for each child.
- Inclusion generally means that individuals with disabilities are included in general education settings to the extent possible—there is an ongoing debate about what “meaningful inclusion” entails*



What's the best school/placement/class, for my child and how can I get my IEP team to make it available?

- There is not one right answer to this question which is why plans are supposed to be *individualized*.
- What mix of services and supports works very well for one child may not work for another.
- The loss of a principal, teacher or even student mix can potentially change the dynamic in any classroom.
- The IEP team has no real constraints on the placements, or mix of services it can recommend for your child, ***but schools are very aware of resource constraints.***



What should I do to at an IEP meeting?

- Be civil—bring food if you'd like to establish some extra goodwill!
- Have goals in mind, but be prepared to listen ***non-defensively*** to school representatives. If the school is willing to meet some of your most important goals, be prepared to let smaller ones go.
- Ensure all your requests for reviewing your child's data, evaluations, supports, accommodations, etc. are **put in writing**. If you don't see it reflected in the IEP, it never happened.
- Politely, challenge assertions you believe school officials are making without basis by asking to see supportive policy—



What are appropriate goals for my child?

- Goals are *individually* determined to meet your child's needs
- Regularly review your child's progress with any goals already in place—you can look at data and work samples at agreed upon intervals
- Understand the general ed curriculum for your child's grade level—your child may or may not be there. You want to take steps to get him or her there.
- Talk to the professionals you work with outside of the schools
- If you don't think you have the right goals in place, consider working with an advocate
- More goals do not make a better IEP!.
- AIM high (but be realistic)!



What are my rights at an IEP meeting?

- **Prior written notice** is your most important safeguard—the schools must advise you if they are changing your child's label (autism to emotional disability for example), placement or testing (SOL to VAAP) or if they are NOT honoring your request for testing, placement, etc.
- Get **EVERYTHING** in writing. If it's not documented, it didn't happen. (ie, requests for FBA, related service evaluation (OT, speech), assistive technology, accommodations). Remember—if they don't do as you request they have to give you prior written notice so follow up!
- You may stop the meeting and ask to see any laws, regulation, or policy with which you are unfamiliar referenced at your meeting. If you need time to review it, ask them to reconvene the meeting at another time so you can properly review it.
- You can bring anyone you believe will help you advocate effectively for your child.



Do I have to sign the IEP? If I don't am I jeopardizing my child's access to special education?

- POAC-NOVA advises members to take all IEPs home to consider before signing.
- You can sign an IEP in partial agreement, stating on the signature page what you are agreeing to
- If you choose not to sign, the school must continue to meet with you until you resolve your disagreements.
- The last agreed upon IEP stays in place until there is a new IEP—**the lack of a new IEP will not affect your child's access to services he or she is currently receiving.**



What if I can't reach agreement with my school?

- Try really hard—it's your best chance for getting what you want!
- You have other options, but these are rarely resolved in favor of parents.
 - FCPS considering a facilitated IEP process schools and parents may elect to use.
 - Administrative review (FCPS process, least formal)
 - State processes: mediation and due process hearings (most formal)
 - Complaints about violations of procedures or process to VDOE (state) or Office of Civil Rights (federal)
- Other professional evidence helps bolster your case (use your formal clinical evaluations with developmental pediatricians, neuropsychiatrists, ABA providers, tutors, OT, SLPs etc.)



What if I can't reach agreement with my school? (cont.)

- Get help—advocates and educational lawyers; PEATC (multilingual); FCPS Ombudsman can help find answers, but won't take sides.
- Advisory Committee on Students with Disabilities (FCPS) or Special Education Advisory Councils: There is generally a public comment period and there are key decision makers in the room who will hear your complaint and may be able to resolve it.
- POAC-NoVA regularly meets with FCPS officials to discuss budget, planning, and policy implementation. We have been able to resolve systemic issues that have come up on our listserv.



Questions?