



# A Parent's Guide to IEPs

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## What should I expect of the IEP Process?

1. Meeting Notification—includes reason for meeting; who will be at the IEP Team Meeting and the date.
2. By law, YOU (and possibly your child) are part of the IEP Team!
3. The meeting must be “mutually” convenient—don’t be afraid to ask to reschedule so you and the people you want to bring can attend.



## What are my rights in the IEP process?

- 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 in your child's identification, evaluation or placement. They must also provide prior written notice to you if you request an evaluation or change and they refuse it.**



## Who is on the IEP team?

- You and your child, if appropriate.
- Schools will ask representative professionals working with your child to attend the meeting. There may be a lot of people especially during transitions.
- You may ask the schools to bring certain individuals to your meeting, but they don't have to comply.
- 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!
- **You** are the expert on your child and his or her chief advocate!
- **You** must be the one to assure that **your child's rights are protected and he or she gets needed services and resources.**

BE YOUR CHILD'S HERO!





## How should I 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 (GET THIS INTO IEP). Ask off the record about your child's performance and 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.



## How should I prepare for an IEP meeting? (cont.)

- You should receive the *draft* goals your school is proposing in time for you to thoughtfully review (72 hours is the goal). 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 and add to them as you believe is appropriate.**
- 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, 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.
- YOU can ask for an IEP meeting at ANY time to figure out what's not working.



## What is “inclusion”? How do I get my child included?

- Least restrictive environment (LRE) is the legal term for “inclusion.”
- LRE is the environment your child requires to “access the curriculum” and obtain a Free and Appropriate Public Education (FAPE)
- Not “one size fits all”—LRE is **individually determined for each child**.
- LRE could be a public day school or a self-contained classroom if that works best for your child.
- When people talk about inclusion it generally means that individuals with disabilities are included in general education settings—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?

- 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 them 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.
- Educational advocates are often effective if you have trouble reaching agreement.



## 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.
  - **VA has a new facilitated IEP process.** Parents and schools must jointly request a facilitator attend a regular IEP meeting if they are having trouble reaching agreement.  
[https://www.doe.virginia.gov/special\\_ed/resolving\\_disputes/facilitated-iep/index.shtml](https://www.doe.virginia.gov/special_ed/resolving_disputes/facilitated-iep/index.shtml)
  - 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 can bolster your case





## 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.



## IMPORTANT CHANGES IN FCPS

### Compensatory services under FCPS Settlement Agreement with US Dept. of Education (OCR)

- DOE determined many students in FCPS were denied FAPE during the pandemic and MAY be due compensatory services.
- 4 Community Meetings held this Winter
- Have not yet hired plan administrator
- FCPS has not given clear guidance for how this is supposed to work.
- [COVID-19 Compensatory Education Plan | Fairfax County Public Schools \(fcps.edu\)](https://www.fcps.edu/covid-19-compensatory-education-plan)
- Meeting with FCPS officials Tuesday, Feb. 28 at 6 PM—link on listserv or email if you'd like the link [theboard@poac-nova.org](mailto:theboard@poac-nova.org)

### FCPS will be making changes to conform with recommendations for the American Institute for Research Review of Special Education Services.

- FCPS has a Steering Committee meeting now to develop values, mission, and vision and make some recommendations and objectives (these will be turned over to the Implementation Task Force).
- Steering Committee dealing with recommendations in four areas: 1. Inclusion 2. SPED Procedures 3. Communication 4. Human Resources



Questions?