

IEP – The Basics

Prepared by members of the Cincinnati
Leadership Education in Neurodevelopmental and related Disabilities (LEND) Program
at the University of Cincinnati and Cincinnati Children's Hospital Medical Center

What Is An IEP?

An IEP (Individualized Education Plan) is a legal document provided by the school district of your child. This document contains a plan to implement special education services, supports and accommodations that your child might need, to ensure the best possible education. Programs and services outlined in the IEP may include therapy, instructional accommodations & modifications, assistive technology, and special education programs.

Who Can Have An IEP?

Any child that has been evaluated and recognized to be eligible for special education services. The evaluations include testing, observation, teachers and parents report. If after the testing and evaluations your child is eligible for special education services, there will be a meeting to develop the initial IEP that will say what services the child will receive.

Some Legal Background

There is a law called the "Individuals with Disabilities Education Act (IDEA)". According to this law, all children are entitled to Free Appropriate Public Education (FAPE) in an environment that is not restrictive (which means that there should be opportunities and spaces for your child to share with other peers that do not have disabilities, to guarantee that they are not isolated).

IEP Timeline

1. Request Evaluation to Determine Eligibility (The school district can request it too)

Your written consent is required to begin the evaluation. The school must share the evaluation plan before the evaluation happens, so you know what is going to happen in advance.

30 days from the written request, the School must get parental consent to start the evaluation or provide the parent with a Prior Written Notice explaining why the evaluation will not start at this time

2. Evaluation: has to happen within 60 days from your (parental) consent. It will be completed by the School Team.

3. Development of the written Individual Education Plan has to happen within 30 days after the Team meeting.

The IEP should be monitored and reviewed periodically. An annual IEP Meeting should be held at the end of each IEP cycle (Expiration date in IEP)

How Do I Get An IEP

- The school or the parent can initiate the request for evaluation by filling out the special education eligibility evaluation form.
- You need to sign a written consent to begin the evaluation. The school should share the plan of evaluation with you, so you can prepare and know what tests and observations your child will go through.
- You have the right to suggest changes to the evaluation plan if you feel there are areas that are not included in the plan, which should be evaluated.

What Should The Evaluation Include?

1. Objective tests :

That means tests designed to evaluate: general intelligence, understanding of reading (reading comprehension), psychological states, social development and physical abilities. You can request an explanation of such tests and your child's test results.

2. Comprehensive information:
For example the teacher and parent reports, evaluations by experts on your child's disability, letters from your child's Primary care provider or counselor and documentation of school performances.
3. Conclusion :
Regarding if your child is eligible to receive

What If I Disagree

If they conclude your child does not need an IEP, you have the right to an Independent Education Evaluation (IEE) at the school district's expense.

Prepare For The Meeting

Come organized and prepared to the meeting, here are some things that you can do to be prepared:

1. **Get a lot of information** about strengths and challenges at school and outside
2. **Do some research** about the programs or aids that could help with your child's needs
3. **Talk to other parents** of children with IEPs at your school and ask them what has been helpful to them.
4. **Come up with your own goals** for your child's school year. This will help to bring some ideas to the meeting.
5. You know your child best! **Be very clear** about your child's needs while being respectful about the opinions of the school professionals.

The Initial IEP Meeting

- The team will go over your child's performance at school, the educational goals and the services and supports that the school has started to meet these goals.
- Your child's IEP must be set in writing and signed by you and the school district, that can be at the end of the meeting (if you agree and are comfortable) or after the meeting.

Who Should Be Part Of The IEP Team?

- Case manager/ team leader
- Special education teacher.
- General education teacher
- Special Education Administrator
- Speech/Occupational/Physical therapists
- School psychologist and social worker (optional)
- Behavioral therapist (if part of the IEP team)
- Your child, when appropriate

If there are other members that you think will be helpful like a doctor or a close friend you can invite them as well. Some parents can bring an advocate or an attorney, especially if there is a disagreement.

What Should My Child's IEP Include?

- Current performance
- Tests results
- Grades
- Behavioral challenges
- Learning styles (defining your child's strengths and challenges will help to build a good educational plan)
- Sensory development
- Motor skill development.
- Measurable Goals (Goals will be both academic and functional)
- Services (Speech Therapy, Physical Therapy, etc.), including frequency, duration, location and dates.
- Transportation
- Accommodations (Special seating or interpreters)

Example Of A Goal

SUBJECT

Communication

GOAL

- Student will request needed item to complete a work activity when given the visual directions using his communication device "talker" starting DATE, with SLP support, with a baseline of 50%, and with a target of 80% completed by DATE.

Changing an IEP

- IDEA requires that a meeting be held once per year for the IEP team to formally assess a student's IEP and update it if needed.
- You or a team member of the IEP team are entitled to call an IEP meeting at any time if you feel there is an issue that needs to be addressed. It can be helpful to request a meeting in writing with a detailed explanation of the issue(s) you would like to address.
- Some examples of why your child's IEP might need updating include:
 - Your child has accomplished a goal earlier than expected
 - Assessments, grades, homework scores and other test results are clear and easy ways to measure your child's progress.
 - regularly check in with each member of the team, or any other professionals who are providing services to your child like SLP, OT, PT etc
 - Your child is struggling in a new area
 - There are new services to include (assistive technology or new kinds of intervention) to further support growth
 - any mental or physical health changes that might require different supports or accommodations
- The results from ETR evaluation done every 3 yrs is another time when IEP can be updated.

Disputing An IEP

- Though an IEP cannot go into effect without your approval/signature, it is not uncommon for parents to find an issue with the IEP that they would like to see addressed. For example - more time on tests, additional hours of a related service or an updated goal .
- Ways to resolve a dispute:
 - Call an informal meeting with the IEP team to share your concerns
 - Bring in a mediator. A mediator can be someone who is a neutral third party with expertise in special education and IEP matters. Things to note:

- The mediator does not make the decision, but rather facilitates it.
- If you are able to reach a solution during a mediation session, that solution will be documented in writing and binding on you and the school district.
- You can make this request to the school through a letter or an email.
- Due Process Hearing - If a mediator cannot help you reach an agreement, the next step is a due process hearing.
 - You must file a due process complaint with your school district and send a copy to the state Department of Education
 - the complaint must be filed within two years of when you feel the issue began or violation occurred.
 - A hearing is a formal process that involves you and the school district making opening and closing statements and presenting written evidence and witness. Witnesses will be questioned by both you and the school district.
 - A neutral third party, a hearing officer, will preside over the hearing and will make a final, binding, written determination regarding the dispute.
 - Both you and the school district have the right to appeal the written determination to a state or federal court.

Things To Remember

- Be Informed
 - Monitor progress as often as possible.
 - talk to other parents and research what services and supports others in your school or community have received to make sure you know what is available.
 - Know your rights! Learn all there is to know about IDEA . An important resource for this is <https://www.wrightslaw.com/>
- Be organized - You should retain and organize the following information:
 - all school records - report cards, evaluations, IEPs
 - Health records and any information from the child's health professionals
 - Any other private evaluations
 - contact information for all individuals with whom you interact during the IEP process

- Be Positive -
 - For an IEP to be effective, it is important that all team members including parents have positive and realistic visions for the future.
 - Maintaining a positive relationship with all members of the IEP team will lead to greater success throughout the IEP process
 - Remember that the process is collaboration and not a competition.

More resources

- <https://www.wrightslaw.com/>
- <https://bit.ly/3FI1FWo>