

The IEP Process

Frequently Asked Questions:

1. What's involved in developing my child's IEP?

Developing your child's IEP involves two main things:

- the **IEP meeting(s)**, where you, your child (at times), and school staff members together decide on an educational program for your son or daughter; and
- the **IEP document**, which puts the decisions from that meeting in writing.

Among other things, this document lists the services and supports your child will receive.

The entire IEP process is a way for you and the school to talk about your child's needs and to create a plan to meet those needs. Let's look at the process, starting with the IEP meeting.

The IEP meeting is somewhat formal. By law, certain people must attend. People sign in to show who is there. Lots of papers are looked at and passed around. People will talk about your child, his or her needs and strengths, and what type of educational program would be appropriate. You should feel free to ask questions and offer suggestions. You will also want to feel comfortable that the team has spent enough time talking and planning before filling out the various sections of the IEP. We'll tell you more about what to expect in this guide.

2. Where and when do the IEP meetings take place?

You and the school mutually agree on where and when to have the IEP meeting. Usually, meetings are held at school during regular staff time. This means the meeting can happen before, during, or after the regular school day. By law, the school must tell you in writing:

- the purpose of the meeting;
- the time and place for the meeting;
- who will be there; and
- that you may invite other people who have knowledge or special expertise about your child to the meeting.

Also—

- The school must hold the meeting to develop your child's IEP within 30 calendar days of when your child is found eligible for special education services.
- You must agree to the program, in writing, before the school may carry out your child's first IEP.
- The IEP must be reviewed at least once every 12 months and revised as necessary.

It may take more than one meeting to write a complete IEP. If you find more time is needed, ask the team to schedule another meeting.

You may ask for an IEP meeting at any time, if you feel that changes need to be made to your child's educational program. Some teams like to meet near the end of a grading period to talk about the student's progress and to make changes to the IEP, as needed.

3. Does the IEP meeting have to be in person?

No. When holding an IEP meeting, you and the school may agree to use other means of participation. For example, some members may participate by video conference or conference calls.

4. Who attends the IEP meeting?

Under IDEA, certain people must be part of the IEP team. It is important to note that there doesn't have to be a different person for every role. Often, one person carries more than one responsibility on the team.

You, as Parent(s)

School Administrator—a member of the school district who knows about the general education curriculum (the same curriculum taught to children who do not have disabilities) and the resources available to the school. This person must also be qualified to provide or supervise special education services.

General Education Teacher—at least one general education teacher, if your child is (or may be) participating in the general education class.

Special Education Teacher—at least one of your child's special education teachers or, if appropriate, at least one special education provider who works with your child.

Evaluation Personnel—someone who knows about your child's evaluation, what the evaluation results were, and what the results mean in terms of instruction. This could be a school psychologist, an administrator, or one of your child's teachers.

Your Child—if the IEP team will be talking about how to prepare your child for life after high school (called *transition planning*), your child must be invited to the meeting. Otherwise, deciding when and how your child will participate in the IEP meeting is a decision you and your child can make. Students are encouraged to take part in developing their own IEPs. Some students in elementary school come to the meeting just to learn a little about the process or to share information about themselves. As students get older, they take a more active role.

Other members of the team

In addition to the people listed above, you and the school can invite other people to the IEP meeting. This can include:

Translators or interpreters—If English is not your first language, or if you communicate by using sign language or in another mode, the law says the school must provide an interpreter, if you ask for one.

Transition personnel—If the IEP meeting will include planning for your child’s life after high school, staff from outside agencies may be invited to attend with your consent. This is especially important if an outside agency may be responsible for providing or paying for transition services. An example of such an agency might be the Department of Vocational Rehabilitation.

Others with knowledge or special expertise about your child—Many parents find it helpful to have a support person at the IEP meeting. This may be another parent, a friend, an advocate, or a consultant. Others could include student friends, specialists, tutors, educational consultants, or school staff. It can also include therapists or other related services personnel who work with your child. Both you and the school have the right to invite such individuals to join the team.

5. May a member of the IEP team be excused from attending the meeting?

Yes, in certain circumstances some members of the IEP may be excused from attending an IEP meeting. However, you and the school must agree in writing to excuse the member.

An IEP team member may be excused from an IEP meeting if the member’s area of curriculum or related service is not going to be discussed or modified at the meeting, assuming you and the school agreed in writing. Also, an IEP team member whose area of expertise is going to be discussed may be excused if the member gives written input into developing the IEP to you and to other members of the IEP team before the IEP meeting. Again, you and the school must agree in writing to excuse the member of the IEP team.

6. What happens at the IEP meeting?

At the IEP meeting the team will develop, review, and/or revise the IEP document. You and the other team members will work to create an IEP that is educationally appropriate and that the team can agree on. Before the meeting, school staff usually write down their ideas of what needs to be in your child’s IEP by creating a draft IEP. It’s a good idea for you to jot down what is most important to you. You can

share these ideas with other members of the team before the meeting, if you wish. You can also ask the school to send you draft ideas, so you can look them over before meeting.

The team discussion will include talking about:

- your child's strengths;
- your concerns for enhancing your child's education;
- the results of the most recent evaluation of your child; and
- your child's academic, developmental, and functional needs.

It's a good idea to share your ideas as the meeting goes along. As a parent, you are an equal member of the IEP team and an expert on your child. If you have questions or concerns, speak up. Ask for more information or an explanation if you need it. If you disagree with something you hear, respectfully say so. Explain why or offer your point of view. The IEP meeting is a conversation and a dialogue. You and the other IEP team members are putting your heads together to design an effective program for your child. The main purpose of the meeting is to agree on each part of the IEP so that the document can be written and services can start.

7. What is an IEP?

The IEP is the plan developed by the IEP team for the delivery of services necessary for your child to meaningfully benefit from their education. The IEP form can look different from one District to another, but the items below must be contained in the IEP as specified under the IDEA:

- Your child's present levels of academic achievement and functional performance.
- Annual goals for your child;
- How your child's progress will be measured;
- The special education, related services, and supplementary aids and services that will be provided to (or on behalf of) your child, including program modifications or supports for school staff;
- An explanation of the extent (if any) to which your child will not participate with children without disabilities in the regular class and in school activities;
- Any modifications your child will need when taking state or district-wide assessments;
- The dates when services will begin and end, the amount of services, as well as how often and where they will take place;
- How and when you will be informed of your child's progress;

- By age 16 (or younger, if the IEP team so decides), postsecondary goals and the transition services (including courses of study) that your child will need to reach those goals;
- Beginning at least one year before your child reaches the age of adulthood (18), the IEP must include a statement that your child has been informed of any rights that will transfer to him or her upon reaching this age. Reaching the age of adulthood is called the “age of majority” in IDEA.

Each one of the items above is discussed during the meeting and filled in on the IEP form.

8. What is placement? How is my child’s placement decided?

Once the IEP team has decided what services your child needs, decisions must be made about where services will be provided. **Where your child’s IEP is carried out is called *placement*.** As the parent, you have the right to be part of the group that decides your child’s placement. Placement may occur in the child’s home boundary school or may occur at another school depending on the location of the program that may best address the needs of the child.

In deciding your child’s placement, the group must make sure that your child has the maximum opportunity appropriate to learn with children who do not have disabilities—in academic, nonacademic, and extracurricular activities. This part of the law is called **Least Restrictive Environment** or **LRE**.

Least Restrictive Environment is explained in IDEA as follows:

. . . To the maximum extent appropriate, children with disabilities . . . are educated with children who are nondisabled; and . . . special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

IDEA also says:

- The child’s placement is determined at least annually; is based on the child’s IEP; and is as close as possible to the child’s home.
- Unless the IEP requires some other arrangement, the child is educated in the school that he or she would attend if the child had no disability.
- The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals.

- Consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs.
- A child with a disability may not be removed from education in age-appropriate regular classrooms just because he or she needs modifications to the general education curriculum.

Under the IDEA, the group that makes the placement decision must include you, as the parent(s), and others who:

- are knowledgeable about your child;
- understand the meaning of your child's evaluation data; and
- know the placement options.

When discussing placement, the group should consider your child's unique needs and determine what the least restrictive placement for your child is, based upon those needs. A placement that is least restrictive for one child may not be least restrictive for another. What is least restrictive for each child is based on that child's unique needs. This means that the school system may not use a "one size fits all" approach to educating children who have a disability. Decisions must be based on individual needs as stated in the IEP, not on—

- the child's disabling condition or label (such as placement in a special class for students with intellectual disabilities just because a child has a cognitive impairment);
- disability program categories (placement in an particular program for students with learning disabilities (LD) just because a child needs LD services);
- the funds that are available; or
- the convenience of the school district.

In making placement decisions, the group looks to another important part of the IDEA, the **continuum of alternative placements**. The continuum includes the different options where children can receive services. These options include placements such as:

- a general education class;
- a special education class;
- a special education school;
- at home; or
- in a hospital or other institution.

A student's placement in the general education classroom is the first option considered by the group making the placement decision. Can your child be educated satisfactorily in the general education classroom? What aids, services, and supports does your child need to make this possible? If the group decides that your child's needs can be met in the general education class, with supports, then that placement is the least restrictive environment for your child.

9. What do I do before the meeting?

Review the information on your child—from home, school, or private sources (such as doctors, therapists, or tutors). Ask yourself, “Do these records show the full picture?” Fill in any missing pieces, if you can.

Talk with your child about the upcoming IEP and ask about school. “What things are hard? What things are easy? What’s important for you to focus on this year?” Your child may have a lot to say about his or her needs and interests. Students are often much more aware of their strengths and weaknesses than parents realize. Make notes on what your child says.

Think about your child’s involvement in general education classes. Consider his or her learning style, special education needs, and social needs. How can these needs be addressed in the IEP? What kinds of supports or services might your child need in order to be successful in the general education class? Ask your child what he or she needs or doesn’t need in the way of support.

If your child will be attending all or part of the IEP meeting, explain how the meeting works in a way that he or she can understand. Let your child know how important the meeting is and that his or her opinions and input are valuable. You may need to prepare your child to speak up at the meeting. Talk with your son or daughter about how to share his or her feelings about what is being proposed.

Brainstorm with people (teacher, friend, family members, tutor, therapist, consultant) to get ideas before the meeting. Write down things you feel must be included in the IEP. Decide how you want to share this information with the other members of the IEP team.

Ask other team members if they can share their ideas about your child’s program ahead of time.

Know your rights. Review the IDEA regulations and accurate summaries. Take the regulations with you to the meeting in case you need them.

Are there any areas where you and the school might disagree? Plan how you want to handle these. List any information that might support your position. Think of alternatives to offer if the school is not willing to accept your first suggestion.

Consider whether you’d like to invite another person to go with you to the IEP meeting. This person should have special knowledge or expertise about your child or with respect to your child (a related service provider, for example, a past teacher, a specialist in your child’s disability, or a friend). Another person may think of things during the meeting that you do not. As a courtesy, let the school know if someone will be attending the meeting with you.

If an advocate will be attending the meeting with you, review your agenda together before the meeting. Above all, be sure that the advocate understands what role you would like him or her to play in the IEP process.

10. What do I do during the meeting?

Stay focused

Keep the focus on your child's individual needs and in creating a plan that will lead to success.

Remember your child's social and emotional needs, including the need to be with peers that do not have disabilities. Encourage the other members of the IEP team to use simple language, so that anyone reading the IEP can understand and carry it out.

Ask questions

If a team member says something you don't understand, ask the person to explain. If someone says something about your child you don't agree with or have a question about, ask for more details. What backup information supports the person's statement (teacher notes, checklists, evaluations)? If you have different information, be sure to share it.

Make sure you don't agree or disagree with a goal for your child based on incomplete information. If a present levels statement is appropriate, there should be data to support it. If a goal is appropriate, there should be documentation to back up the need. You want to make sure that decisions are not made based upon a single event or random observations.

Be thorough

Make sure you agree with the language in the present levels of academic achievement and functional performance before you finalize annual goals for your child. Try not to move away from one area until you are confident that it adequately addresses your child's needs. If you find that needed information is not available at the meeting, have the team make a note of what is missing, who will get the information, and when they will get it by. Then you can agree to move on and come back to discuss the issue when the needed information is received.

11. What can I do if we don't agree?

If the team cannot agree on a particular item after several minutes of discussion, add it to the team's "parking lot" of concerns and suggest coming back to it later. Avoid getting stuck debating a particular point over and over, especially if it feels like you are not getting anywhere. You need to be clear in your

mind on where you can and cannot compromise. Communicate this in a reasonable and calm way. **Sometimes, the following words can help the team resolve an issue.**

“What will it take for us to reach an agreement on this issue?”

“Why don’t we just try this for 6 weeks and see how it works?”

“I understand that you can’t say yes to this request. Can you tell me who does have the authority? How do we get that person here?”

“We can all agree that this is not an easy issue. But we need to find a solution that will work for (your child) that we can all live with.”

“I just don’t see this as being appropriate for (your child). There have to be other options we haven’t looked at.”

12. What if I still don’t agree?

If you’ve done as much as you can and still cannot come to agreement on the IEP, there are several options open to you.

- If this is your child’s first IEP, you can refuse to give permission for the school to implement the IEP. In this case, your child will not receive the special education services outlined in the IEP.
- Ask the school to give you prior written notice on the issue(s) under disagreement. Written notice must tell you in detail what the school is proposing or refusing to do, why, and what information it used to reach the decision. This includes:
 - telling you other options the school considered and why they were rejected;
 - describing each evaluation procedure, test, record, or report used as a basis for the action being proposed or refused; and
 - describing any other factors that are relevant to what the school is proposing or refusing to do.

With this information, you may be in a better position to resolve the issue(s) with the District or to proceed with the next step below.

- You may request **mediation** or a **due process hearing** to resolve the conflict.

With **mediation**, you and the school sit down together and try to work out the disagreement with an impartial third person called a mediator. The mediator will not work for the school system or make any decisions for you or the school. The mediator helps you and the school talk about your differences and work toward an agreement.

The due process hearing is a formal, legal procedure where both you and the school present your views on the dispute to an impartial hearing officer. After all the evidence is presented and witnesses have spoken— much like in a court case—the hearing officer decides the case and tells you and the school how the matter is to be settled. He or she issues the decision in writing.

You request a due process hearing by filing a **due process complaint** that must contain specific information, with a copy sent to the state department of education. Within 15 days, your school system must convene a **resolution meeting** between you, as parents, and relevant members of the IEP team. The purpose of the meeting is for you to discuss your due process complaint, which gives the school system the opportunity to resolve the dispute. This resolution meeting need not be held if you and the school system agree to waive the meeting or agree to use mediation instead.

- You can also file a written **citizen's complaint** with OSPI. When you file a complaint, you must tell the state what part of the IDEA you believe the school has violated. You must also state the facts as you know them and provide copies of any documents or correspondence on the matter you may have. The state will investigate your complaint, request documents if necessary, and give a written decision.
- Finally, if this is not your child's first IEP, you can revoke consent, in writing, for the continued provision of special education and related services to your child, even though you previously gave your consent. Once you revoke consent, the school system may no longer provide special education services to your child, and they may not try to override your revocation of consent. There are also a number of other consequences that may arise, particularly such as how your child will be disciplined. Therefore, it is important for you to ask questions about how your child's education will be affected before revoking consent.

13. When the IEP is completely written, am I supposed to sign it and what does my signature mean?

As the IEP meeting comes to a close, you will be asked to sign the IEP document. Your signature on the form simply means that you attended the IEP meeting.

There is no regulation that says you must sign the IEP immediately at the end of the meeting, or at all. Likewise, your signature does not indicate agreement with the IEP. If you do not agree with the IEP or do not sign the IEP the District will provide you prior written notice. You will then have the opportunity to request another meeting or to pursue dispute resolution. If the team feels the IEP is reasonably calculated to provide meaningful benefit in light of your child's unique needs, the IEP will be implemented as per the prior written notice.

14. Can I request that the IEP be changed? If so, how?

Yes, you can request an IEP meeting for the purpose of amending the IEP at any time. If you and/or the school want to change your child's IEP after the annual IEP meeting, you and the school may agree to either reconvene the IEP team to discuss changes or you can agree not to convene an IEP meeting. Instead, you and the school will develop a written document that will amend your child's IEP either with a meeting of selected individuals or without a meeting at all. If your child's IEP is changed, all IEP team members will be informed of the changes, and if you request it, the school must give you a copy of the reviewed IEP.