

**PUTTING THE PIECES  
TOGETHER:**

**AN IEP GUIDE  
for  
school age students**

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**"RESPECTING THE RIGHT OF PARENTS TO MAKE EDUCATIONAL DECISIONS FOR THEIR CHILDREN"**

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Dear Parent:

In 2004, the Individuals with Disabilities Education Improvement Act (IDEA) was adopted by Congress and signed into law by the President in December, 2004. IDEA provides that:

1. *...all children with disabilities have available a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;*
2. *the rights of children with disabilities and parents of those children are protected;*
3. *States, localities, educational service agencies, and Federal agencies... provide for the education of all children with disabilities...*

The new amendments call for children with disabilities to participate in the general curriculum through "improvements to the IEP by":

- (1) *relating the child's education to what nondisabled children are receiving;*
- (2) *providing for the participation of regular education teachers in developing, reviewing, and revising the IEP;*
- (3) *requiring that the IEP team consider the specific needs of each child, as appropriate, such as the need for behavior interventions and assistive technology.*

and that the IEP include:

- (1) *An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class, and*
- (2) *a statement of the specific special education and related services and supplementary aids and services to be provided to the child or on behalf of the child, and*
- (3) *a statement of program modifications or supports for school personnel that will be provided for the child.*

Because your child has been identified as being in need of special education, his/her educational needs will be guided by a written Individualized Education Program (IEP). The development of the IEP will be a team effort with you, the parent, participating as an equal partner with the professionals. The local or state education agency ensures that parents of each child with a disability are members of any group making placement decisions.

A Free Appropriate Public Education (FAPE) must be provided to every child identified as eligible for special education and related services at no cost to the parent including for those children in pre-school, elementary school, secondary school and charter schools, which are considered to be Local Education Agencies (LEAs) within the state of Pennsylvania.

PEN is committed to helping parents with **INFORMATION, SKILL BUILDING AND SUPPORT**. Contact Parent Education Network if you have questions. 1-800-522-5827 V. TTY or 717-600-0100 V. TTY.

## IDEA 2004 Revisions to the IEP as of June 2005

*These changes are not currently reflected in this guide. Changes will appear in the revised edition to be printed after the Federal Regulations are finalized and published.*

- ◆ The academic, developmental and functional needs of the child must be considered along with assistive technology devices and services.
- ◆ The present levels of performance now reflects academic achievement and functional performance, including involvement in the general education curriculum. Measurable annual goals including academic and functional goals must be identified and tied into success in the general education curriculum.
- ◆ Short-term objectives or benchmarks have been eliminated except for students who take alternate assessments.
- ◆ The IEP must detail how progress toward meeting the annual goals will be measured and periodically reported to the parent. Schools are no longer required to inform parents of the extent to which progress is sufficient to meet goals by the end of the year or to provide reports as often as for non special education children.
- ◆ The IEP must provide a statement that:
  - the special education and related services to be provided are based on peer-reviewed research
  - a statement of program modification or supports for school personnel
  - indicates whether a child will take the regular statewide and districtwide assessment or alternate assessment
  - and any accommodations needed to measure academic achievement and functional performance on those assessments including those required under No Child Left Behind
- ◆ Transition planning must be included in the IEP at age 16, updated annually, include appropriate measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment, independent living skills and the transition services needed to achieve those goals.
- ◆ IEP Team members can be excused from the meeting if:
  - the member's area is not being discussed or modified
  - or
  - if it is being discussed or modified, the member submits written information to the parents and team prior to the meeting

The parent must agree in writing to either of these exceptions prior to the meeting.
- ◆ The IEP can be amended without holding another full meeting of the team. Changes can be incorporated into the IEP without rewriting the entire document.
- ◆ The IEP Team meeting may be by conference call, video conferencing and consolidated into a single meeting.
- ◆ The Procedural Safeguards notice must be given to parents only one time per year and may be by e-mail.
- ◆ Parents can still write a letter requesting an evaluation, however, the school needs to send you a form that you need to complete and sign giving your "informed consent" to evaluate your child before the evaluation can be done.
- ◆ The definition of "assistive device" no longer includes a medical device that is surgically implanted or a replacement of that device.
- ◆ The definition of "related services" includes interpreting services but excludes the "costs of maximizing the functioning of a surgically implanted device or the maintenance of a surgically implanted device".

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## THE IEP

An IEP is a written individualized education program created for a child who has been identified in need of special education services (eligible) and reflects his/her unique needs as identified during the evaluation or reevaluation process. A Free Appropriate Public Education (FAPE) must be provided for a child determined to be eligible for special education services. The IEP is the cornerstone of the special education process and the key to the services your child receives. It should be student centered.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Commonwealth of PA Special Education Programs and Services outlined in Chapter 14 (Regulations) require that the program be developed at an IEP conference.

The local education agency (LEA) must develop together with parents, an IEP that is reasonably calculated to enable the child with a disability to benefit from individualized instruction with related services. The services identified in the IEP should enable the child with a disability to advance toward attaining goals identified in the IEP; be involved in and progress in the general curriculum, extracurricular activities; participate in districtwide and statewide assessments; and, be educated and participate with other children with disabilities and nondisabled children in those activities.

A team of qualified professionals and the child's parents, the Multidisciplinary Team (MDT) will determine if the child meets eligibility requirements. The MDT has no requirement to actually meet. The child cannot be determined to be a "child with a disability" based on lack of instruction in reading or math or limited English proficiency.

The IEP team determines whether additional data is needed to determine continued eligibility and must notify parents of the determination and reasons, and of the parent's right to request an assessment.

The IEP must be in effect before special education and related services are provided, although the child may be placed temporarily in a program (an interim placement) as part of the evaluation process before the IEP is finalized. The temporary placement should not become the final placement before the IEP is written and agreed to.

**THE IEP MUST BE REVIEWED EVERY YEAR.**

## IEP TIMELINES

1 The meeting to develop the IEP must be within 30 days after the determination by the (MDT) that the child needs special education and related services. An offer of services based on the IEP must be made within a reasonable period of time between the receipt of parental consent to the initial evaluation and the completion of the IEP.

2 If you approve the initial IEP in writing, the IEP must be implemented as soon as possible but no later than 10 days after its completion.

3 The IEP team must review the IEP at least annually to determine if annual goals are being met. If they are not being met, the team must then revise the IEP to address the student's lack of progress toward annual goals and the general curriculum, the results of any evaluation information provided by parents, the student's anticipated needs and any other issues. The regular education teacher must participate in the annual review and revision of the IEP.

Additional IEP conferences must be held if any member of the IEP team, including the parent, requests an IEP conference.

4 The starting date of services must be stated in the IEP, but services must start no later than 10 days after completion of the IEP.

5 The IEP must be in effect at the beginning of each school year.

## TYPES OF IEPs:

- **Initial IEP:** The first IEP for your child is the initial IEP. Your child cannot begin to receive special education services until you as the parent agree in writing to the initial program.
- **Annual IEP:** An IEP must be reviewed at least once a year.
- **Interim IEP:** An interim IEP may be written for a student already in special education describing the services the student will receive during a temporary period.

**PRIOR TO THE IEP MEETING, AN EVALUATION MUST BE COMPLETED FOR INITIAL PLACEMENTS.**

## REQUESTING AN INITIAL EVALUATION

Parents who suspect that their child is in need of special education and related services may request an evaluation of their child at any time. Requests **MUST** be in writing. Send the letter to the school principal or the Special Education Director of your School District and keep a dated copy in your files. A teacher or a member of an Instructional Support Team (IST) may also request an evaluation if the members feel the support services the child is receiving do not meet the student's educational needs. However, the screening of a student by a teacher or specialist to determine appropriate instructional strategies shall not be considered an evaluation for eligibility for special education and related services.

The initial request to evaluate requires informed parental consent. Consent to evaluate is not consent for placement which must be given by you separately.

### SAMPLE LETTER REQUESTING AN EVALUATION

Date \_\_\_\_\_

Dear (Name of school Principal or district Special Education Director):

I am the parent of (Name of Child), whose date of birth is (Date of Birth). My child attends (Name of School) and is in the \_\_\_\_\_ grade. I have concerns about my child's achievement in school and request a multidisciplinary evaluation to see if he/she has a need for any special education services.

It is my understanding that the evaluation must be completed within 45 school days of my written permission to evaluate. This letter serves as my written permission to evaluate.

Please contact me at your earliest convenience so that an evaluation can be arranged. I can be reached at (tele #). The best times to reach me are \_\_\_\_\_.

I look forward to hearing from you.

Sincerely,

Your full name and address

## PROCEDURAL SAFEGUARDS & NOTICE

Parents shall be given a copy of the procedural safeguards only 1 time per year, except that a copy also shall be given to

the parents:

- 1) upon initial referral or parent request for evaluation,
- 2) upon the first occurrence of filing a complaint,
- 3) upon request by a parent
- 4) upon the determination that behavior was a manifestation of a disability

The notice must be written in an easily understandable manner and provide a full explanation of the safeguards relating to:

- an independent evaluation,
- prior written notice,
- parental consent,
- access to educational records,
- opportunity to present complaints, including the time period in which to make a complaint, the opportunity for the agency to resolve the complaint and the availability of mediation,
- placement during pendency of due process proceedings,
- procedures for placement in an interim alternative education setting,
- requirements for unilateral placement by parents of children in private schools at public expense,
- mediation,
- due process hearings,
- state level appeals, and,
- if applicable, civil actions and attorneys fees.

## EVALUATION

The purpose of the evaluation is to help determine:

- the child's disability,
- the present levels of academic achievement, developmental and functional performance,
- the educational needs,
- whether the child needs special education and related services, and
- whether any additions, accommodations or modifications are needed so that the child can participate in the general curriculum of the school district and statewide assessments.

There are different types of evaluations depending upon your child's needs. For example, if an IQ score is needed, formal testing may be completed; an instructional assessment may be used to investigate academic functioning, adaptive/social behavior, learning problems, and educational strengths and needs by examining classroom performance through classroom observations to determine how the child learns, the rate at which the child learns, what the child has learned and/or should have learned and the learning strengths and needs.

If your child needs planned, systematic instruction so that he or she can learn independent living skills (such as self-care or basic social skills), the evaluation should include an "ecological/life skills assessment". If your child is 16 years old, vocational skills should be evaluated.

### THE EVALUATION PROCEDURE

The local educational agency (LEA) provides notice to parents describing any evaluation procedures to be conducted and that they will use a variety of tools that are technically sound instruments to assess cognitive, behavioral, physical and developmental factors. Information provided by parents must be included.

Evaluation materials must:

- 1) be selected and administered so as to not be culturally or racially discriminatory or biased;
- 2) be administered in the student's native language or other mode of communication, unless not feasible to do so;
- 3) address all areas of suspected disability; and,
- 4) provide information to determine the child's educational needs.

The group of professionals and the child's parents who make up the evaluation team and review the evaluation materials to determine if the child is a child with a disability, shall include a certified school psychologist when evaluating a child with autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury.

The initial evaluation shall be completed and a copy of the evaluation report given to the parents no later than 60 days after the agency receives written parental consent and at least 10 school days prior to the IEP meeting.

If you request an independent evaluation, the agency must either ensure that it is provided at public expense or initiate a due process hearing.

As a part of the initial evaluation and/or reevaluation, the "group of professionals and the parent" includes the individuals described as the IEP team and other qualified professionals, as appropriate.

### REEVALUATION

●● Reevaluation must occur in Pennsylvania at least every 3 years (in PA, every 2 years for students who are mentally retarded) unless parents or the child's teacher requests reevaluation to determine whether the student continues to have a disability, what his/her present levels of performance and educational needs are, whether the student continues to be in need of special education and whether any program changes are needed.

●● The parents' informed, written consent must be obtained prior to reevaluation unless the LEA can demonstrate and document that they made reasonable attempts to obtain

consent but had no response from the parents.

●● The evaluation must be completed and the report given to the parents within 60 days from the date that a parental request for reevaluation was received, or from the date that a determination is made by the agency that conditions warrant a reevaluation.

### THE MULTIDISCIPLINARY TEAM (MDT)

The Multidisciplinary Team focuses on the general education curriculum when gathering information and making recommendations for strategies and programs to support the student. **The MDT has no requirement to gather in a formal meeting.** However, a parent can request that a meeting be held separate from the IEP meeting.

The MDT is comprised of:

- 1) the student's parents,
- 2) at least one regular education teacher of the child, if the child is or may participate in the regular education environment,
- 3) at least one special education teacher of the child, or if appropriate, at least one special education provider of the child,
- 4) a representative of the public agency who is:
  - ◆ qualified to provide or supervise the provision of specially designed instruction;
  - ◆ knowledgeable about the general curriculum and the availability of the public agency resources
- 5) an individual who can interpret the educational implications of evaluation results may be part of the team,
- 6) if the parent or agency wishes, other individuals who have knowledge of special expertise regarding the child, including related service personnel; and
- 7) the student, if appropriate.

A single person may meet two or more of these qualifications.

A certified school psychologist must be present if a child is being evaluated for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disabilities, and traumatic brain injury.

The evaluation provides information relevant to the suspected disability and makes a determination as to whether a student is in need of special education and related services and therefore eligible. This determination cannot be based on a single test or procedure.

The evaluation results are summarized in an Evaluation Report (ER) that parents should receive in draft form no later than 60 days after your written consent to evaluate and at least 10 school days before the IEP meeting.



## EVALUATION REPORT (ER)

The final report, the ER :

- makes recommendations as to whether the student is exceptional and meets the criteria of eligibility relating to established definitions of disability under IDEA '04,
- indicates the basis for recommendations for the educational program of the student, regardless of whether or not the student is found to be in need of special education or related services based on peer-reviewed research to the extent practicable and a statement of program modifications or supports for school personnel,
- is circulated to ALL team members at least 10 school days prior to the IEP meeting.

When evaluating a student with a specific learning disability, a team member may submit a separate statement presenting his conclusions if he/she does not agree with the recommendations. These statements will become part of the ER.

### THE PURPOSE OF AN IEP MEETING

The purpose of the IEP meeting is to prepare and record the IEP document which is the plan to meet the individual learning needs of your child. The IEP meeting serves as a communication vehicle between parents and school personnel, enabling them as equal participants to jointly decide: 1) what the child's needs are; 2) what services will be provided to meet those needs; and 3) what the anticipated outcomes may be. The IEP is developed at this meeting, not before the meeting. All team members can and should come with notes and ideas.

The IEP process provides an opportunity for resolving differences between parents and the school concerning your child's educational needs. The IEP document sets forth in writing a commitment of resources and becomes a management tool and evaluation device to ensure each eligible child is provided with a free appropriate public education (FAPE).

### THE IEP MEETING

The IEP meeting is a formal meeting and should take place within 30 days after the determination that your child is in need of special education and related services and within 10 school days after you receive your copy of the evaluation report. The IEP team develops the Individualized Education Program for a child determined to be eligible for special education and related services based on the recommendations of the multidisciplinary team evaluation, the ER. The IEP team may not consist of fewer than two people besides the parent(s).

School districts must provide an interpreter for parents who use sign language or speak a language other than English. The school district shall establish and implement procedures designed to ensure that the parent(s) of the student are present

at each IEP team meeting. These procedures are supported by documented phone calls, letters, certified letters with return receipts, visits to the home

1. Parents must be invited to attend the IEP meeting no matter where your child attends school (local school district, charter school, intermediate unit, residential).
2. The meeting must be scheduled at a time and place convenient for you and school personnel.
3. You must be notified in writing of the purpose, time and location of the meeting and the other people who are invited to attend. You may request that other school personnel be invited. The notice must be in the language you use and must be sent to you early enough so that you have an opportunity to make arrangements to attend the meeting.
4. You must be notified of all your rights.
5. You should receive a copy of the Evaluation Report at least 10 school days prior to the IEP meeting. If your child is being evaluated for a specific learning disability, you may submit your reasons for not agreeing or not.
6. If a child with an IEP moves from one school district to another within Pennsylvania and between states, the current IEP is still in effect and generally must be followed by the new school district unless the parent(s), surrogate(s) or guardian(s) and the district agree to a change.

### PREPARING FOR THE IEP MEETING

#### PRIOR TO THE MEETING

- Obtain copies of your child's school records. Make the request in writing and keep a dated copy of the request.
- Find out who will be attending and what their professional relationship is to your child. If you believe someone providing services to your child has not been invited, ask that he/she be invited.
- How much time will be allowed?
- Review your child's IEPs from past years to determine progress or lack of progress.
- If school officials are working with your child for the first time, make your child's presence felt at the meeting by sharing photographs and examples of previous work to help professionals become acquainted with your child.
- List the strengths and needs of your child; include behavioral patterns away from school; and, responses to friends and family.
- Make a list of the goals and skills you want your child to achieve.
- List any safety or medical needs of your child.
- Try to determine any areas of disagreements you may have with the school personnel and have a plan to address those problems with solutions you have designed.
- You may want to bring materials to the conference, such

as: your child's report card, recent examples of school work, medical reports and evaluations, information from other agencies or professionals.

- ☐ Make a list of things you wish to discuss during the meeting, such as: questions you may wish to ask, things you see your child can or cannot do, skills you want your child to learn, safety or medical needs of your child, how communication will be established between meetings.
- ☐ You may wish to take someone with you to listen and take notes.

### PARENT PARTICIPATION IN THE IEP CONFERENCE

- ① During introductions make sure you know who the other participants are and their roles. If you bring someone with you introduce him/her. You may wish to circulate your own sign-in sheet.
- ② Share your observations about your child's developmental history, medical history, social activities, amount of rest needed and medication taken. You may want to make a video tape of your child in different environments such as at home, playground, social activity.
- ③ Share your ideas about specific goals for your child you would like to see included in the IEP.
- ④ Bring to the team's attention things that are said about your child which you find surprising and contrary to your knowledge.
- ⑤ Ask questions if you do not understand the meaning of specific terms or the nature of a test that has been conducted.
- ⑥ If you are satisfied with your child's program, say so. If you are dissatisfied or uncertain, let the other people know your concerns.
- ⑦ Stay focused on the issue at hand, which is developing an appropriate special education program to meet the needs of your child.
- ⑧ Do not allow conflicts to become personalized.
- ⑨ Do not allow your contribution or the purpose of the meeting to become trivialized.

### QUESTIONS TO BE ANSWERED AT AN IEP MEETING:

- ☐ Why was my child referred for an evaluation?
- ☐ Who did the evaluations and what methods were used?
- ☐ What is considered my child's primary disability?
- ☐ How would you describe my child's strengths and learning style?
- ☐ How would you describe my child's limitations and special needs?
- ☐ What are some examples of my child's classwork?
- ☐ What gains or setbacks have you observed in my child's learning this past year?
- ☐ How would you describe my child's relationships with classmates?
- ☐ What do you expect my child to accomplish this year in

areas of communication, daily activities, mobility, math, etc.?

- ☐ What independent and pre-employment skills does my child need to work on right now?
- ☐ Who is to provide the recommended service?
- ☐ If placement is recommended, what will that placement involve?
- ☐ What effect will the services and setting have on in-school activities, transportation, and contact time with non-disabled students of the same age?
- ☐ Do we all agree with the recommendations for my child?
- ☐ What methods will be used to evaluate my child's progress?
- ☐ Who should I be in contact with, and how often should we meet to discuss my child's progress?
- ☐ When will my child's IEP be reviewed again?
- ☐ What type of observations would be good for me to record and bring to the next IEP meeting?
- ☐ When will I receive a personal copy of my child's completed IEP?
- ☐ What is my child's rate of acquisition, rate of retention and his/her assessment of academic content?

### THE IEP IS A DOCUMENT THAT:

- Summarizes results from the school's testing (evaluation) describing your child's strengths and needs (present levels of performance), what your child is doing at the time of testing. It should include how the child's disability affects involvement and progress in the general curriculum. It would be helpful to ask for the scientifically-based research that supports the intended instruction and evidence of effectiveness.
- Identifies where your child needs help to be successful in school (specific instructional needs and related service needs). Explains how those services will be provided to your child.
- Provides a statement of measurable annual goals responding to the individual learning needs identified in the evaluation report. The statement should explain the special education and related services and supplementary aids and services to be provided and program accommodations or supports provided to personnel to assist the child to advance appropriately toward attaining annual goals and to be involved and progress in the general curriculum and participate in extracurricular and other activities.

**GOALS:** Every goal should be directly related to assessment results described as present levels of performance. Each need identified in the IEP should be addressed as an annual goal. Goals must be measurable and they should be attainable within one calendar year. Goals should have two components - the behavior being addressed and the desired ending level of achievement at the end of the IEP year.

**OUTCOMES** should be student based and measured by

observable changes over a period of time. Objectives should be specific, observable, recordable, measurable, attainable, relevant and teachable.

Since short-term objectives are to be listed for only those students taking alternative assessments, you may want to request what "instructional objectives" will be used that will indicate steps to attaining achievement of the goal.

➤ Describes, for each service your child receives, the: amount of time for the service, beginning date and duration of the service, person(s) responsible for the service, location of the service, and date for the review of the IEP. The IEP team during development, review or revision of an IEP shall determine the need for one or more related services and the program modifications and supports for school personnel.

Related services must be an integral part of the goals and objectives as stated in the IEP and be needed to help your child benefit from or gain access to the education program. These services are provided at no cost to the parent.

If an independent evaluation has been conducted to determine the need for a related service, be sure the written report answers the type of related service the student needs, the amount of service the student should receive, the length of time the student should receive the service each time it is provided, how this service relates to the goals and objectives of the program as described in the IEP.

Related Services include, but are not limited to: speech pathology and audiology, psychological services, physical and occupational therapy, social work services, school health services, early identification and assessment, medical services for evaluation or assessment, parent counseling and education, recreation, counseling services and transportation, orientation and mobility services applicable to blind and visually impaired students and travel training to other students with disabilities in and around and to and from school, independent living services, assistive technology and services, supplemental aids and services and rehabilitative counseling services.

IDEA funds may be used for the costs of special education and related services and supplemental aids and services provided in a regular class or other education related setting to a child with a disability even if one or more nondisabled children benefit from these services.

➤ Describes, for those students who receive special education, the opportunity to participate with children without disabilities to the maximum extent appropriate including those in public/private institutions. A statement of the specific special educational services to be provided to the student and the extent to which the child will participate in regular educational programs.

➤ Explains the extent to which the child will not

participate in regular classes and in extracurricular and other nonacademic activities. Removal from the regular education environment occurs only when education in that setting with supplemental aids and services cannot be achieved satisfactorily.

➤ Lists any individual modifications needed for the student to participate in State and districtwide assessments; and if the child will not participate in general assessments, why the assessment is not appropriate and how the child will be assessed.

➤ Notes transition planning focusing on the child's course of study, beginning at age 16 with the student's needed transition services and interventions, including, as appropriate, interagency responsibilities or linkages. If the IEP meeting is to discuss transition needs for a student of any age, a notice must be sent to the parents that the purpose of the meeting will be to address transition planning, that the student will be invited to attend and any other outside agency personnel who may be invited to attend.

Transition is a series of activities planned by parents, students, school and appropriate agency personnel, so that when the student is ready to leave school, he or she has developed skills and made appropriate connections in order to move smoothly from school to work, higher education, technical school or independent living. Student preferences with respect to post-school goals should be reflected in the transition plan.

Transition is not separate from the special education process, but rather is a part of it from the age of 16 or younger if parents and the other team members agree that this is appropriate. Your child's evaluation, IEP and placement should address transition by looking beyond today and developing a picture of your son or daughter as a functioning adult. What skills will be necessary for that to happen?

You may want to review the following questions:

- Do I know what my son or daughter wants to become?
- Does my child see family members as role models regarding careers or employment?
- Do I encourage my child's independence in daily living activities such as money management, transportation or employment?
- Do I encourage the pursuit of his or her own interests?
- Do I help my child explore occupations?
- Does my child understand the protections of the law and participate in the IEP process?
- Do I allow my child to experience failure?
- After leaving school, what do I expect my child's living situation to be?
- What kind of job would I like to see my child have?

It is required by IDEA and state law that the transition component of the IEP demonstrate the development of:

- (1) expected post-school outcomes in the areas of post-secondary education/training, community living and employment or other adult living objectives;
- (2) the instructional areas needed to achieve these outcomes, including academic instruction, community based instruction, career education, vo-tech education, etc.; and
- (3) community experience.

If any of these areas are not included on the IEP, there must be a written statement on the IEP as to how that decision was made and why it is not appropriate for the student. If appropriate, activities to develop daily living skills and a functional evaluation must be noted.

It is the responsibility of the school to invite participation of appropriate transition team members. You have the right to advance notice of who will be at the meeting and the right to invite agency personnel whom the school may have overlooked. It is very important to identify and note on the IEP individuals who will be responsible for each specific transition activity.

➔ Lists projected dates for start, frequency and location of services/modifications and duration of services or programs.

➔ At least 3 years before the planned exit from school, there should be a discussion and writing of the criteria for graduation, which would be either the maintenance of required school district requirements if the school district requirements are to be used or the completion of the IEP. Such a determination should be based on the expected outcome.

➔ Beginning at least one year before the child reaches the age of majority (age 21 in PA) a notice that the student and parent have been informed of his/her IDEA rights and that they will transfer from the parent to the child. This action includes all children who are incarcerated in an adult or juvenile correctional setting. For those children who upon reaching the age of majority are determined not to have the ability to provide informed consent with respect to an educational program, the State will establish procedures for the appointment of the parent of the child or, if not available, another individual to represent the educational interests of the child.

➔ Notes how the child's progress toward annual goals will be measured, and how parents will be regularly informed of progress; assist the parents and teachers to determine if the goals can reasonably be met during the year; allows parents to monitor their child's progress; and specifies how students may participate in the general educational curriculum.

➔ Has signatures and positions of the IEP team members, signifying participation in the meeting and the date of the

meeting. Signatures on an IEP do not signify agreement.

#### PARTICIPANTS IN THE IEP MEETING:

- ① the child's parent(s), surrogate(s) or guardian(s) and the child when appropriate; A "parent" means a child's natural or adoptive parent. A "surrogate" parent is a person appointed by the school through special education procedures and represents the child in decisions involving education services. A "guardian" is a person appointed by the court. Foster parents may be designated the surrogate;
- ② the child's teacher;
- ③ a representative of the local education agency (LEA) or intermediate unit (IU) who is qualified to provide or supervise specialized instruction to meet the unique needs of children with disabilities;
- ④ at least one regular education teacher if the child is or might be participating in the regular education environment; the regular education teacher also participates in the development, review and revision of the IEP to the extent appropriate;
- ⑤ at least one special education teacher;
- ⑥ an LEA representative knowledgeable about general curriculum and the availability of LEA resources;
- ⑦ an individual who can interpret evaluation results;
- ⑧ at the parent's or LEA's discretion, other individual with knowledge/expertise about the child, including related service personnel.

\*NOTE a single member of the IEP team may meet two or more of the listed qualifications

The IEP must be available to each regular education teacher, related service provider and other service provider responsible for the implementation of the IEP. They must be informed of their responsibilities for its implementation.

#### THE IEP TEAM SHALL:

- ① consider for a child whose behavior impedes learning, interventions, strategies, and supports, including behavior management plans, to address behavior;
- ② consider language needs for the limited-English proficient child,
- ③ consider for the child who is blind or visually impaired, Braille instruction, unless the Team determines that the use of Braille is not appropriate;
- ④ consider communication needs for all children;
- ⑤ consider for deaf or hard of hearing children, language and communication needs, opportunities for communication in the child's language and communication mode, including direct instruction in that mode; and,
- ⑥ consider whether the child needs assistive devices and services.

These 6 factors must also be considered when reviewing the IEP and, if revising the IEP.

## SUSPENSION & EXPULSION

The rights of FAPE include students with disabilities who have been suspended or expelled from school. This is defined as "a child with a disability who has been removed from the current educational placement for more than 10 school days during a given school year". If it is determined that the behavior resulting in this action was NOT a manifestation of the child's disability, a public agency must meet the requirements of placement in an interim education placement. If a child is mentally retarded, 1 day is a change of placement.

In addition, the IEP team has the responsibility to determine Alternative Educational Settings related to disciplinary action by the LEA. If the LEA did not conduct a functional behavior assessment and implement a behavioral intervention plan prior to the behavior resulting in suspension, the LEA shall conduct an IEP meeting to develop an assessment plan or if the plan already exists, the IEP team will review and revise it as necessary.

The IEP team and other qualified personnel will conduct a review within 10 days to determine the relationship between the behavior and the disability (manifestation determination).

## THE NOTICE OF RECOMMENDED EDUCATIONAL PLACEMENT (NOREP)

The IEP must be developed **BEFORE** placement is decided. Placement and program are to be determined based on the needs of your child not on the availability of classes or programs. The parent must participate in any placement decision.

When the IEP is completed, the school must give or send you a Notice of Recommended Educational Placement (NOREP) signed by the school district superintendent or designee and an explanation of your rights to request a pre-hearing conference or a due process hearing.

the IEP will not be implemented for at least 10 days to allow parents the opportunity to notify the district of a decision not to approve the recommended placement.

You may want to take the IEP home to further review its contents before giving your consent.

You have 5 days to review the NOREP before signing, if the NOREP was presented to you at the IEP meeting, or, 10 days if the NOREP was mailed to you. The IEP will not be implemented for at least 10 days to allow parents the opportunity to notify the district of a decision not to approve the recommended placement.

You may want to take the IEP home to further review its

contents before giving your consent.

If you believe that the IEP and NOREP address the needs of your child appropriately, sign that you agree with the NOREP. Your signature on the IEP shows that you participated in its development.

You may wish the IEP team to meet again for further discussion if you believe any of the following is true: the evaluation or assessment was inadequate, your views were ignored, the IEP is not responsive to your child's needs, the services being offered are not what you expected or wanted and you are not convinced the services being offered are appropriate, your child is in an inappropriate or restricted placement, your child is showing little or no progress in the program in which he/she has been placed.

**If you believe that the IEP does not meet your child's needs and is not appropriate, you have the following options:**

1. To indicate dissatisfaction with portions of the IEP/NOREP, you can sign the IEP/NOREP and attach a letter noting those areas that are not acceptable and indicate that your signature is only valid until review on a given date.
2. To indicate dissatisfaction with the IEP/NOREP and your intention to appeal (Mediation, pre-hearing conference, go to due process), you should sign the IEP/NOREP and check that you **DO NOT APPROVE** or write do not approve under your signature.
3. Sign the IEP/NOREP and indicate in writing the sections that are not acceptable. Request another meeting to attempt to resolve the continuing differences.

**The IEP can be put into effect if you do not sign the NOREP.**

If there are continuing differences, refer to the Parent Education Network publication: *PARENT GUIDE TO RESOLVING CONFLICTS*.

## IEP CHECKLIST

- Were you invited to participate in the meeting to develop your child's IEP?
- Was the meeting scheduled at a time and place suitable to you?
- Was your child's teacher present at the meeting?
- Was an agency representative with the authority to provide or supervise the provision of special education present?
- If this was the first IEP meeting following evaluation, was a member of the evaluation team or another person qualified to interpret the assessment results present?
- Did you make a determination as to whether the child

should attend the IEP meeting?

- Was the IEP meeting held no more than 10 school days after the determination that your child needed special education and related services?
- Did the IEP respond to all of the needs of your child as shown by the evaluation?
- If you obtained an independent educational evaluation of your child, were the test results considered in developing the IEP?
- Were your ideas and suggestions about what is important for your child considered in the development of the IEP?
- If your child is in a secondary program, did the IEP contain appropriate transitional, prevocational or vocational goals?
- Does the IEP state your child's present levels of academic achievement and functional performance?
- Does the IEP contain clearly stated annual goals that are important and realistic for your child?
- Are there instructional objectives leading to each goal containing evaluation criteria that will permit you and the teacher to determine when it has been achieved?
- Does the IEP specify the special education and related services to be provided? Are the dates specific for beginning the services, as well as their projected duration?
- Does the IEP state the extent to which your child will/will not participate in regular educational programs?
- Is the type of physical education program to be provided described?
- Was a date indicated for the review of the IEP? (this must be done at least annually)
- Did you receive a copy of the IEP? (you are entitled to one if you ask for it)
- If you (and your child) primarily speak a language other than English, or if an alternative mode of communication is used, was an interpreter/translator present?
- After comparing the assessment information to your child's IEP, did you feel all the necessary assessments had been performed?
- Does the IEP specify what, if any, supplemental aids and services your child needs?

### RIGHTS OF PARENTS IN SPECIAL EDUCATION

The intent of IDEA and its Amendments, is "to assure that the rights of children with disabilities and their parents or guardians are protected". Knowing these rights will help you to participate responsibly and effectively with school personnel.

**CONSENT** is permission which is given voluntarily in writing after being fully informed of all relevant information. You have the legal right to:

- Receive a full explanation of all information related to the activity for which your consent is sought
- Give or withhold your consent before an initial evaluation is conducted or an initial placement.
- Give or withhold your consent before a change is made in your child's placement or program.

**DISCIPLINARY EXCLUSION** is considered a change in placement if the student is excluded for more than 10 consecutive school days or 15 cumulative school days (in PA) or under IDEA, 10 cumulative school days in any school year. For a child with mental retardation, 1 day is a change in placement. A disciplinary exclusion that is a change in placement, must be preceded by:

- An IEP meeting in which the team conducts a functional behavioral assessment and develops an appropriate behavioral intervention plan
- Determines whether the behavior is attributable to the disability (manifestation determination)
- Considers the need for the school discipline procedure
- Determines whether a disciplinary change in placement is needed
- If the result of the manifestation determination is that the behavior is caused by the student's disability, the LEA must take immediate steps to remedy any deficiencies in the student's IEP, in its implementation, or the student's placement
- For students with mental retardation, any exclusion for any period of time is a change in placement requiring an evaluation, development/review of an individualized education program (IEP) and notice to parent(s), as well as the opportunity for due process. The school district may contact the Division of Compliance for permission to impose an interim change of placement for short (less than 10 consecutive days) disciplinary exclusions.

**DUE PROCESS HEARING** is a legal process in which parents and educators resolve conflicts by presenting their positions to an impartial hearing officer. You have the legal right to:

- Request an impartial due process hearing on the ground that your child has been or is about to be
  - denied entry or continuance in a program of special education appropriate to his/her needs;
  - placed in a special education program which is inappropriate to his/her needs;
  - denied educational services because no suitable program of education or related services exists;
  - provided with special education which is insufficient in quantity to satisfy legal requirements.
- Receive information regarding any free or low-cost legal and other relevant services.
- Keep your child in the present educational placement until administrative proceedings are completed.
- Have the hearing set at a reasonably convenient time.
- Have the hearing open or closed to the public.
- Have the hearing chaired by an impartial hearing officer.
- Attend the hearing with your child, an attorney and individuals with special knowledge or training related to disabilities.
- Present evidence; confront, cross-examine and compel witnesses to attend.
- Prohibit use of any evidence that has not been disclosed at least five days before the hearing.
- Obtain written findings of fact and a written decision within forty-five days after the Department of Education

receives the initial request for the hearing.

- Appeal a decision to state or federal court.

**EVALUATION** is a procedural process used to determine whether a child is in need of special education and related services and the nature and extent of special education and related services that child requires. The group including the parent reviews the existing evaluation data on the child, including evaluations and information provided by the parents; current classroom-based assessments and observations; and observations by teachers or related service providers. On the basis of that review, the group will determine if additional data is needed to determine whether the child has a disability (initial evaluation) or continues to have a disability (reevaluation); present levels of academic achievement and functional performance; and whether the child continues to need special education and related services. You have the legal right to:

- Have a full, individual evaluation of your child's educational needs.
- Have more than one criterion used to determine an appropriate educational program.
- Have the evaluation performed by a multidisciplinary team.
- Have your child assessed in all areas related to the suspected disability.
- Have a reevaluation every three years, (every two years if in PA for children with mental retardation) or more frequently if conditions warrant or if you or your child's teacher request it.

**INDEPENDENT EVALUATION** is a procedural process conducted by a qualified examiner who is not employed by the agency responsible for the child's education. You have the legal right to:

- Have an independent evaluation considered when placement and program decisions are made.
- Receive explanation of the steps for obtaining an independent evaluation at public expense and the conditions for obtaining such an evaluation.
- Obtain an independent evaluation at public expense if the agency's evaluation is determined to be inappropriate.
- Receive direction in obtaining a low-cost independent evaluation if conditions do not warrant an evaluation at public expense.

**INTERIM ALTERNATIVE EDUCATION SETTING** may be ordered by a hearing officer for up to 45 days if there is concern that a student is substantially likely to injure him/herself or others in his current placement, if:

- There is more than a "preponderance of evidence" that this will occur
- The school district has made reasonable efforts to minimize the risk of harm in the student's current placement
- The proposed interim alternative setting allows the student to continue to participate in the general curriculum and receive services and modifications including those on the current IEP and those modifications addressing the behavior.

**LEAST RESTRICTIVE ENVIRONMENT** is the educational setting which least limits a child's opportunities to be near and interact with nondisabled peers. You have the legal right to:

- Have your child educated in the school he/she would attend if nondisabled.
- Have your child educated with nondisabled children to the maximum extent appropriate.
- Have your child participate with non-disabled children in extra-curricular and non-academic services and activities to the maximum extent appropriate.
- Have your child removed from the regular school environment only if it is established that supplementary aids and services are unsatisfactory.
- Have several placement options available so that, if removed from the regular school environment, your child may be educated with the least restriction necessary.

**NOTICE** is information received in advance concerning an action proposed or refused, and why the action is being proposed or refused. You have the legal right to:

- Receive notice before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation or placement of your child, and before your child is enrolled or dismissed from a special education program.
- Receive notice explaining a proposed action and the reason it is proposed, as well as the options considered and the reason other options were rejected.
- Receive a description of each test, procedure, record and report the agency will use as a basis for any proposed action.
- Receive notice before information in your child's file is to be destroyed.
- Receive advance notice of IEP meetings, including the purpose, time and location and who will be attending.
- Obtain all notices in writing, in your native language or principal mode of communication, and at a level understandable to the general public.

**RECORDS** are confidential documents of a student maintained by educational agencies which parents may inspect, review, have explained and have copied for their own use. You have the legal right to:

- Inspect and review your child's educational records.
- Receive an explanation of any item in the records.
- Receive copies of your child's records at a reasonable cost.
- Give or withhold consent to disclose records.
- Obtain the names of individuals or agencies to whom information has been disclosed.
- Ask and be told what types of records are being collected or used and where the records are located.
- Request the agency to amend records you feel are inaccurate, misleading, or violate privacy rights
- Request a due process hearing if the agency does not make the change you requested.

