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What Is An IEP ?

Ohio Coalition for the Education of Children with Disabilities

The Ohio Coalition for the Education of Children with Disabilities (OCECD) is a statewide, nonprofit organization that serves families of infants, toddlers, children and youth with disabilities in Ohio, and agencies who provide services to them. OCECD works through the coalition efforts of more than 35 parent and professional disability organizations which comprise the Coalition.

Established in 1972 and staffed primarily by parents of children and adults with disabilities, persons with disabilities, and education professionals, the Coalition's mission is to ensure that every Ohio child with special needs receives a free, appropriate, public education in the least restrictive environment to enable that child to reach his/her highest potential. Throughout Ohio, the Coalition's services reach families of children and youth, birth through twenty-six, with all disabilities.

OCECD's programs help parents become informed and effective representatives for their children in all educational settings. In addition, youth are assisted to advocate for themselves. Through knowledge about laws, resources, rights and responsibilities, families are better able to work with agencies to ensure that appropriate services are received for the benefit of their sons and daughters.



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WHAT IS AN IEP?



WHAT IS AN IEP?

An IEP is an Individualized Education Program. When a child is identified with a disability under the Individuals with Disabilities Education Act (IDEA) a child has a right to a Free, Appropriate, Public Education (FAPE). For a child to receive FAPE there has to be an IEP developed in order for the child to progress in the general education curriculum.

An IEP has to be written so that you or anyone else working with your child can understand the issues being addressed on it. If you do not understand the IEP you should not give your written permission to implement the IEP. Under IDEA a parent must give informed consent. Informed consent cannot happen if you do not understand the IEP document.

Understanding the IEP process can be the key to you having a good working relationship with your child's school district.

Under the Individuals with Disabilities Education Act (IDEA), (federal law), parents are an equal partner in their child's education. This means that during the individualized education program (IEP) process your ideas are just as important as anyone on the IEP team.

What do the federal regulations for IDEA say about this concept?

§300.344 IEP team.

(a) *General*. The public agency [school district] shall ensure that the IEP team for each child with a disability includes —
(1) the parents of the child.

WHO ARE THE PLAYERS ON THE IEP TEAM?



IEP TEAM MEMBERS

Let's discuss what IDEA says about who needs to be on the IEP team other than the parents. The IEP team must be made up of people who have knowledge about your child and their disability.

➤ Parents

You, the parent(s), are a very important part of the IEP team. There is no other person who knows your child better than you.

➤ Regular Education Teacher

Under federal law, there should be a regular education teacher who has had or will have your child in their classroom. The purpose of including the regular education teacher is because of their knowledge in the general education curriculum.

➤ Special Education Teacher

This should be the special education teacher who has served your child or will be serving your child. The information they share with the team is vital to understanding how your child learns. She/he will assist in helping the regular education teacher assess what accommodations and/or modifications your child will need in the regular classroom.

➤ District Representative

The district representative is anyone who knows what resources are available in the district and can make money decisions. Example - your child might need speech therapy. This may be an additional cost to the school system. The district representative is responsible for knowing how they

will provide this service and is able to commit to the expense of this service.*

*Note: If the district representative says he/she does not have the authority to commit resources during the IEP, then you may need to reconvene another IEP meeting when someone with authority can attend.

➤ **Psychologist**

If there has been any testing or evaluations done prior to the IEP meeting by the school district, the law says there must be someone in the IEP meeting who can explain the evaluation to you. The law does not state this has to be the psychologist, but the regulations require someone who can interpret the instructional implications of evaluation results. The evaluation must be explained so everyone involved understands it.*

*Note: If you do not understand the evaluation you cannot give informed consent. The parent must understand the evaluation to make good decisions in having their child identified and to make decisions about the IEP.

➤ **Student**

The student is a very important part of the IEP team. IDEA states when a child is 14 years of age the IEP team must take into account the student's concerns and interests. If the student cannot be present or does not want to attend the meeting, efforts must be made to establish the interests and concerns of the student.

As a parent, one of the most important things you can do to prepare your child for the future is to teach your child to advocate for themselves. Help them understand their disability so they can ask for accommodations for themselves. Teach them to be as independent as possible.

➤ **Therapists**

If your child is receiving therapy or you suspect your child will need therapy of any kind, it is important to have the therapist attend the IEP meeting. Their expertise is vital to planning an appropriate IEP.

➤ **Community Members; Service Providers.**

When a child is 14 years old it is advisable to bring community members into the IEP to look at how this young adult can transition into the adult world. Are there any service providers in the community who can help this young adult be as independent as possible by the time he/she graduates?

Who else can attend the IEP?

The parent can bring any person to the IEP that they need in order to feel supported and comfortable.

Federal IDEA regulations allow a parent to bring anyone to an IEP meeting who can support them. The law also says that these people who are brought to the meeting must be knowledgeable about your child or their disability.

The school district can bring anyone they feel will be a support to them, but again the law requires the person to be knowledgeable about your child or their disability.

Sometimes, because of schedules and availability of teachers and service providers, the law mandates that a minimum number of persons attend an IEP meeting.

The people required to be present at an IEP meeting are:

1. Parents
2. District Representative
3. Regular Education Teacher
4. Special Education Teacher
5. Student if he/she is 14 or older and wants to attend

If these people are not available at your IEP meeting, then the meeting cannot take place.

An IEP meeting time frame should not be limited. It is required to be held at a time and place that is convenient to all team members. The process can sometimes take longer than is expected.

What do the regulations say?

§300.345 Parent participation.

(a) *Public agency responsibility — general.* Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including — (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place.

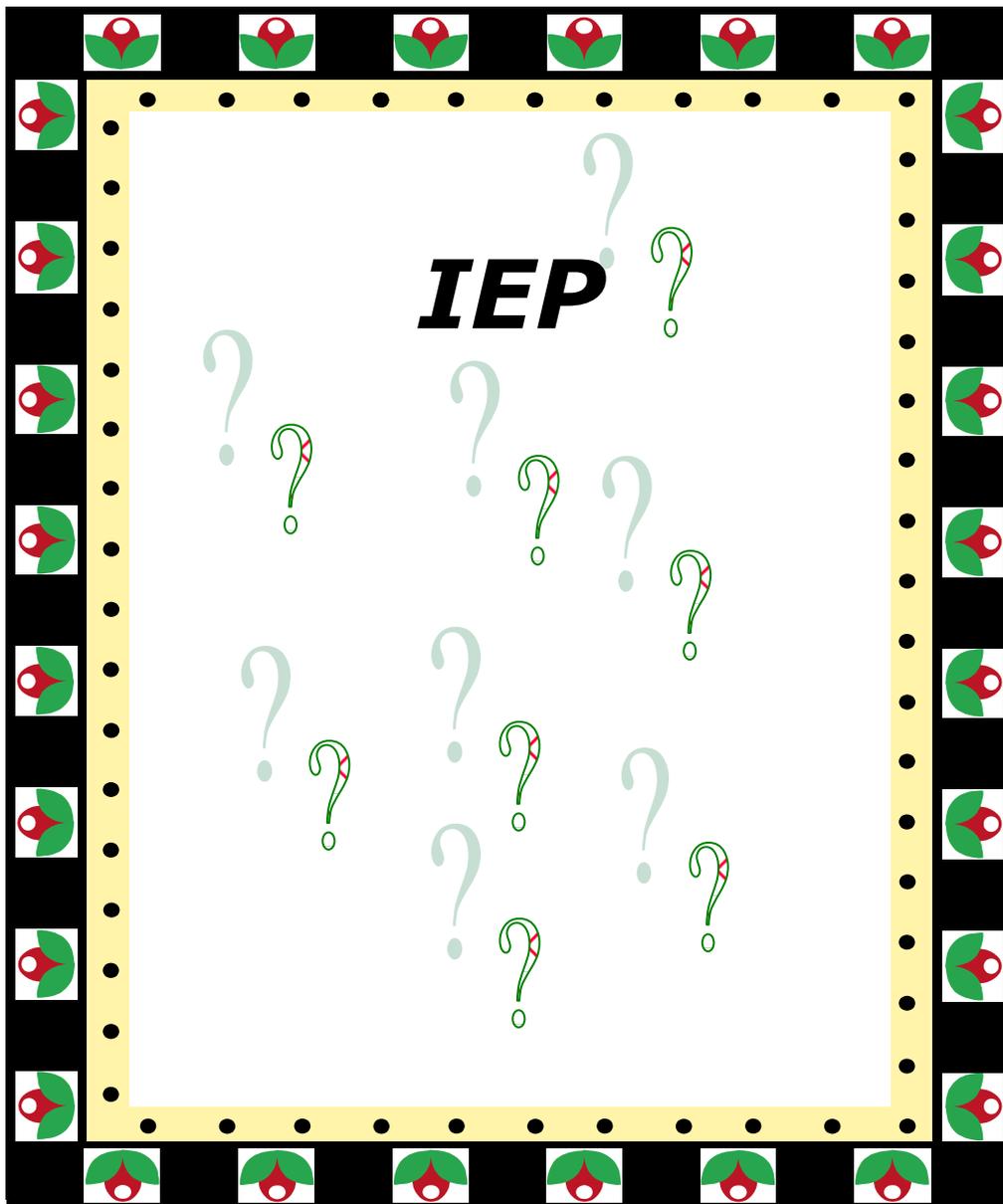
If you arrive for a scheduled IEP meeting and are told that the meeting can only last 15 minutes for some reason, ask the team to schedule another meeting. An IEP meeting is important and you should not be rushed. This meeting will result in a legal document that will directly affect your child's future.

Prior Written Notice

You should receive in the mail a written notice asking for your attendance at the IEP meeting. There should be alternative dates and times from which to choose. If none of these dates work for you, write in the time and date that will work and send it back to the school. It is always a good idea to make a copy of your letter to the school. If you deliver it to the school, have someone sign it to prove they received the letter. This is important because sometimes schools get busy and things get misplaced or forgotten. If a school attempts to get you to come to an IEP meeting and they document that you have not responded, they can write your child's IEP without you if it is not your child's initial (very first) IEP. For your child to have an appropriate IEP the school needs your input. The best way for a student to receive an appropriate education is through parents and schools working together.



WHAT SHOULD BE ON THE IEP?



The areas that must be addressed on the IEP are:

- Present levels of performance
- Measurable annual goals
- Measurable objectives
- How the objectives will be measured
- Services
- Date services, accommodations and/or modifications begin, including frequency, location, and duration
- Where and how much services will be provided
- Extra-curricular activities
- How much time your child will not participate with non-disabled children in regular classes or non-academic activities
- How parents will be regularly informed of progress toward the annual goals (at least as often as children without disabilities)

PRESENT LEVELS OF PERFORMANCE

Present levels of performance should be very specific. It should be understandable to you. If the present level is written in school terminology that you do not understand, request that it be rewritten more clearly so you do understand it.

Example - Mary can read CVC words independently.

If you don't know what CVC words are ask them to rewrite the statement.

Example - Mary can read consonant vowel consonant words independently.

If you're still confused don't be embarrassed. Ask again for them to make it understandable to you.

Example - Mary can read consonant vowel consonant words like cat, dog, and rat independently.

Remember you cannot give informed consent unless you truly understand what is being written.

The present level of performance is the key to the IEP document.

It tells us exactly what your child can do. This way you can keep track of his/her progress. Without knowing exactly what your child can do, you will never know if he/she is progressing in the general education curriculum.

MEASURABLE ANNUAL GOALS

What do the regulations say?

§300.347 Content of the IEP.

(a) *General.* The IEP for each child with a disability must include — (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to — (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and (ii) Meeting each of the child's other educational needs that result from the child's disability;

Is this measurable?

When reading a goal, ask the question:
Can this be measured?

Example - John will improve writing.

No, this is not measurable.

Ask yourself: How will John improve his writing skills?
From what level to what level?

Example - John will improve his writing skills from writing a simple sentence to being able to write a complex sentence with correct capitalization and punctuation.

This is measurable.

A goal is something that can be attained in one school year.

OBJECTIVES

Objectives are small measurable steps toward the annual goal.

CRITERIA

How will the objectives be measured? The criteria tells us how we know if the student is progressing toward his/her annual goal.

Example - work samples, tests, quizzes, charts, and teacher observation. It is always wise to accompany teacher observation with work samples, charting, or testing. This will eliminate misunderstandings later. The teacher may not observe the same behavior the parent observes. If the criteria are in some type of written form it will help avoid misunderstandings.

WHO

The IEP needs to address who is going to monitor the progress of your child and who will be delivering the services to your child. If your child is to receive speech therapy 2 times a week for 20 minutes, are those 20 minutes provided in consultative services by the regular education teacher and monitored by the speech therapist, or in a small group pulled out of the regular classroom? For you to give informed consent you must understand who and how the services will be delivered. Always ask who will be providing the service and where will the service be delivered?

TRANSITION

What do the regulations say?

§300.347 (b) *Transition services*. The IEP must include — (1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student’s IEP that focuses on the student’s courses of study (such as participation in advanced-placement courses or a vocational education program);

At age 14 a transition statement must be written on the IEP. Transition is looking at what the student wants to do with their life and what course of study best fits the student.

At age 16 there must be a transition plan written on the IEP. The purpose of the transition plan is to have students with disabilities become independent tax paying adults, making a smooth transition from school to competitive employment, independent living, and community involvement.

SERVICES

Any type of services your child is receiving must be documented on the IEP. For example:

- Support by an Intervention Specialist
 - Services for Speech and Language
 - Services for Occupational Therapy
 - Interpreter for hearing impairment
 - Orientation and Mobility Services
 - Services for Physical Therapy
 - One-on-one Aide
 - Services in Braille
- (*This is not a complete list.)

All services listed should be accompanied by the amount of time per week the child will be receiving the services and who will be providing the services, i.e., Speech 2 X a week for 20 minutes with Speech Therapist.

Accommodations

What does the word "accommodations" mean?

- Accommodations are really "whatever it takes" to make sure that a student with disabilities can participate as fully as possible in the academic content standards.
- Accommodations are the changes in the way that materials are presented or in the way students respond to the materials, as well as changes in setting, timing and scheduling.
- Accommodations can be provided for:
 - ~ Instructional Methods and Materials
 - ~ Assignment and Assessments
 - ~ Physical Learning Environments
 - ~ Time Demands and Scheduling
 - ~ Special Communication Systems
- Accommodations involve many kinds of techniques, strategies and support systems. They all help students work around limitations related to their disability.

An accommodation refers to **"how"** the general education curriculum will be presented to the student with disabilities so that he/she can understand the general education curriculum. For example:

- Reader
 - Scribe
 - Computer
 - Books on tape
 - Braille
 - Interpreter
 - Study Buddy
 - Large print books
 - Extended time
 - Special seating
 - Copy of teacher's notes
 - FM System
 - Peer tutor
- (*This is not a complete list.)

Modifications

What does the word "modifications" mean?

- Modifications are changes that can be made to **"what"** students are expected to learn.
- For most students with disabilities, modifications should be considered only after all types of accommodations have been exhausted.

Modifications may include:

- Partial completion of program or course requirements
- Teaching less material where the following happen:
 - ~ Modify at the objective level-fewer objectives
 - ~ Modify at the unit level-shorter unit/part of a unit
 - ~ Modify at the materials level-pages, para-graphs, problems, etc.
 - ~ Modify at the lesson level-shorter lessons, part of a lesson.
 - ~ Curriculum expectations below age or grade level

- ~ Assessment/assessment criteria (alternate assessment being developed)
- ~ Alternate curricular goals

The decision to make modifications should not be made lightly because:

Modifications imply that the student will not reach the standards for all students.

When determining a modification the question to ask is: **what** part of the curriculum does this child need to know that will help them in their adult life?

- The class is studying decimals/IEP student would study adding and subtracting money.
- The class is studying "Parts of a Plant"/IEP student will learn how to plant a seed, add water and the sun, and understand what is needed for the plant to grow.

Any modification to the general education curriculum should be specifically written on the IEP, i.e., the curriculum of the science class will be modified to John's functioning level.



Assistive Technology



Any types of assistive technology services or devices need to be addressed on the IEP.

- | | |
|--|--|
| <ul style="list-style-type: none"> ▪ Augmentative Communication Devices ▪ Computer ▪ Communication board ▪ Pencil grip | <ul style="list-style-type: none"> ▪ Tape recorder ▪ Calculator ▪ AlphaSmart ▪ Franklin Speller ▪ Colored sensory overlays <p>(*This is not a complete list.)</p> |
|--|--|

Anything your child needs in the regular classroom, to be successful, should be written under "Services" on the IEP.

Note: If you run out of space on the IEP, the services page can be copied as many times as necessary to accommodate for your child's services.

Any therapies must be put under services on the IEP including who will deliver this service, and how often and how long these services will be given (i.e., speech therapist 2 times per week for 20 minutes).

Transportation needs to be put under services if the child needs special transportation (i.e., school van with aide).

If your child needs the support of a person, they must be addressed under services (i.e., one-on-one aide in the regular education classroom).





LEAST RESTRICTIVE ENVIRONMENT (LRE)

As written in the IDEA regulations, each IEP shall contain an explanation of the extent, if any, to which the child will **not** participate with **nondisabled** children in regular classes or nonacademic activities.

The IEP Team will decide least restrictive environment. The team should always look at the regular education classroom first, with services and aides coming to the student before removing the student to a more restrictive environment.

For example:

- regular classroom with accommodations
- regular classroom with 45 minutes in a smaller classroom with an intervention specialist
- small group classroom with intervention specialist for 75% of the day
- regular education classroom with the support of a one-on-one aide
- residential school for children who are blind or deaf

Least restrictive environment is anywhere the IEP team decides is appropriate for the student.

Note: Least Restrictive Environment is not decided by the disability of the child, or the financial ability of the school district.

SPECIAL FACTORS

There are areas that need to be considered on the IEP as special factors. They are:

- **Behavior** - if a child's behavior interferes with their learning or the learning of other students, their behaviors need to be addressed on the IEP. The IEP team will consider strategies, including positive behavior interventions and supports, to address the behavior.
- **Limited English Proficiency** - the IEP team shall consider the child's language needs as they relate to the child's IEP.
- **Visual Impairment** - for a child who is blind or visually impaired, the team shall provide for interaction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skill, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child. Each school district shall ensure that the requirements in section 3323.01 of the Ohio Revised Code are implemented.
- **Communication** - the IEP shall consider the communication needs of the child, and in the case of a child who is deaf or hearing impaired, shall consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

- **Assistive Technology** - the IEP team shall consider whether the child requires assistive technology devices and services.
- **Physical Education** - physical education classes can be specially designed, if necessary, but must be made available to every child with a disability.
- **Extended School Year Services** - extended school year services must be discussed for every child with a disability.

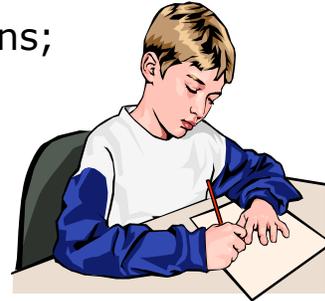
Note: Extended School Year Services (ESY) are services provided beyond the normal school year of the school district, in accordance with the child's IEP, and at no cost to the parents. ESY services are individually designed for the student, not limited to the current services available.



STATEWIDE TESTING

Children with disabilities are to be included in all statewide and district wide assessments. The method will be documented on the IEP in one of three ways.

1. Take the test without accommodations;
2. Take the test with accommodations that are provided daily in the regular classroom;
3. Or take an alternate assessment.
(This should only be 1% to 2% of the population of children with disabilities.)



The IEP Team will then decide if the student will receive a regular diploma if they do not pass the statewide testing.

Parents are entitled to a copy of the IEP within 30 days after the IEP team meeting. Parents can request a copy of the IEP the day of the IEP meeting. If the school district needs to rewrite the IEP because they feel it is not neat enough, the parent can refuse to sign the IEP until the final copy is completed or request a copy of the messy draft.

An IEP meeting is to be held annually. However, an IEP meeting can be called to revise the IEP:

- a. if there is a lack of expected progress toward the annual goals and the general education curriculum;
- b. as the result of any reevaluation;
- c. if new information about the child is provided to or by the parents;
- d. if there are newly anticipated needs of the child.

How can I plan for an IEP meeting?

- Ask for and review evaluation data before the IEP conference.
- Know who will attend, and who you will bring.
- Gather information to share, including medical or other assessments.
- Write down your questions.
- Write down your priorities.
- Let the school know if the meeting time does not work for you and state the time that will work for you.

IEP questions to consider:



- Are my child's goals measurable?
- Does my child participate in the general curriculum all or part of the day?
- Does the IEP list the modifications, accommodations, and other supports my child needs to succeed?
- Is the school expecting the kind of progress I think my child should make?
- Is the expected progress enough for my child to meet graduation requirements?
- How often will my child's IEP goals be reviewed?

What if I refuse to sign my child's IEP?

The school district only needs your signature for the initial IEP. This means that once your child has had his first IEP the school district is required by law to provide a free, appropriate, public education for your child. If you do not sign the IEP, it will not stop the school district from implementing the IEP they proposed. The only way you can stop the IEP from being implemented is to begin the due process procedure by filing an official request, in writing, with the Ohio Department of Education and your school district of residence.

When should the IEP be implemented?

The IEP should state the date services will begin. Once the IEP has been completed, signed, and agreed upon, the IEP should be implemented immediately or no later than the start date on the IEP.

TRANSFER OF RIGHTS

By the child's 17th birthday, the IEP team must inform the child and the parent of the child of the transfer of rights that will happen when the child reaches age 18.

In Ohio children become legal adults at age 18; all rights under the Individuals with Disabilities Education Act (IDEA) and Ohio statute will transfer to the child. That means that the rights to make educational decisions transfers to them.

This discussion about transfer of rights starts at age 17 and their rights should be reviewed with them during this time. The student may choose to have their parent continue to make educational decisions for them, including signing the IEP. This decision needs to be written and included with other IEP documents.

Sometimes there are concerns about the student being able to make decisions on their own behalf. Guardianship should be considered. Guardianship must be addressed before the age of majority is reached in order for the parents to maintain educational rights for their child. Guardianship is done through the court system.



TIPS FOR A SUCCESSFUL IEP MEETING

- Ensure enough time is scheduled for the IEP meeting.
- Take the draft IEP or list of what you want to have discussed in the meeting.
- Take notes or tape record the IEP meeting.
- Take a friend to assist you with taking notes and listening to information shared.
- Take a positive attitude.

Review your child's documentation before the meeting takes place. This would include but not be limited to: previous IEPs, previous evaluations and current evaluations, class work, other reports from therapists. Talk with your child if they will not be in attendance to gain an understanding of what their concerns and wishes are.

Keep emotions in balance. It is normal to be nervous and even a bit anxious at the IEP meeting, but remember, this is your child's future that is being discussed and staying calm will aid in the development of a more beneficial document.

Ask for clarification if you do not understand terminology being used or information being discussed.

General factors to be certain to discuss:

- Strengths of the child
- Parent concerns
- Evaluation information
- State and district assessment
- Academic, developmental and functional needs of the child
- Extended School Year (ESY)

FOR MY RECORDS

Date of my child's first IEP meeting: _____

Persons that are attending or attended the IEP meeting:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Things I want to watch for in my child throughout the school year (to be sure my child is progressing by reaching his/her goals in the IEP):

1. _____
2. _____
3. _____
4. _____

Now at the end of the school year, what progress did my child make?

FOR MY RECORDS

Do I feel that it is necessary to call another IEP team meeting at this point?

Yes _____ No _____ If yes, write a letter to the school requesting an IEP meeting.

Who do I want to be involved in the IEP meeting?

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

What questions do I want answered?

What issues does the team need to discuss? (i.e., goals that were/were not met?) _____

Date of the next IEP meeting: _____

PARENT'S RESPONSIBILITIES

Keep a notebook or a file on your child's development and educational history. You may want to include: IEP's, progress reports, school evaluations, outside evaluations, samples of child's school work, notes on phone calls with teacher or other school personnel, medical records, extra curricular activities, etc.

Keep records of your child's behavior at home, such as: favorite things to do, things he/she does not like to do, responsibilities, how he/she gets along with others, etc.

Make a list of what your child can do.

Communicate with your child about his/her feelings towards school, classmates, subjects, teachers, and extra-curricular activities.

Review your child's records at home and at school.

Make arrangements with school personnel to visit and observe your child's classroom.

IMPORTANT TIMELINES

The IEP meeting for an initial placement must be held within 30 days of a determination that your child needs special education and related services.

The IEP must be implemented as soon as possible.

You must receive a copy of the IEP within 30 days of the IEP meeting.

IEP Annual Review must be held at least once a year; more often if necessary.

Progress reports to parents, (not a report card), must be received as often as progress of nondisabled children is reported in the school district.

REFERENCES

United States Congress (1997). Individuals with Disabilities Education Act, Public Law 105-17, Washington, D.C.

United States Department of Education, Federal Register, Part II, March 12, 1999, 34 Code of Federal Regulations, Parts 300 and 303, Assistance to States for the Education of Children With Disabilities and the Early Intervention Program for Infants and Toddlers With Disabilities; Final Regulations

Ohio Department of Education, PowerPoint Presentation, August 2, 2002, Columbus, Ohio.





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