



Chapter 2

Writing your Child's Individualized Education Program (IEP)

What is an Individualized Education Program (IEP)?

Think of an IEP as a blueprint of your child's education for a year. The IEP sets out goals that your child will work towards during the year. It lists the services the school system has committed to provide her in order to help her achieve these goals. It also explains how the school will track her progress towards reaching these goals and how that progress will be reported to you.

How can you, as a parent, make sure that the IEP Team writes an effective IEP for your child and that the school follows the IEP?

- Understand your role in the IEP process.
- Never stop learning about your child's disability and her school needs.
- Understand the rights you and your child have under state and federal law.
- Learn how to share your knowledge and concerns about your child with the school system.

Who writes my child's IEP?

Your child's IEP is written by a team of teachers and school personnel along with the person who knows her best — you!

An IEP Team is made up of the following persons:

- You — the child's parent(s).
- Your child, whenever appropriate. While your child may always attend an IEP meeting, it's important to include her at the point that diploma options and transition needs and services are going to be discussed, at age 16 or earlier if appropriate for your child.
- Someone who represents the school district, called the Local Educational Agency (LEA) representative in the IDEA. This person must be able to provide or supervise the provision of special education services. He must also have knowledge of the general education program and the special education programs and services the district can provide your child. The LEA representative must have knowledge of the district's resources and have the power to commit those resources to support the IEP that is being developed by the Team. Often the LEA representative will be the district's special education coordinator, although the district may name another school employee.

- One of your child's special education teachers or related service providers.
- One of your child's general education teachers, if your child is, or may be, participating in the general education environment.
- Someone who can read, interpret and understand the results of tests and evaluations. This information will help the IEP Team write IEP goals and determine what supports and services your child will need to achieve her goals.
- Often, the district's psychologist or psychometrist will fill this role, but it may be filled by the LEA representative, special education teacher or provider, or the general education teacher depending on the experiences and credentials of the individuals.



The IDEA specifically requires that the special education teacher (or related service provider) and the general education teacher who attend your child's IEP meeting must be her teachers — not just any special education or general education teachers who are available during the time the IEP meeting is to take place.

- If the purpose of an IEP meeting is to consider postsecondary goals and transition services, the school must invite your child to the meeting. If she doesn't attend, the school must take other steps to ensure that her preferences and interests are considered by the Team in its IEP planning.
- When postsecondary goals and transition services are to be discussed, the school must invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. However, the school must get your consent (or the consent of your child if she's 19 years or older) to do so.
- When children are transitioning out of Part C/Early Intervention (EI) services, a parent may request that a representative of the EI system be invited by the school to the initial IEP Team meeting. This EI staff member can help ensure the smooth transition of children from Part C/Early Intervention services to Part B/public school programming.

- Other people who you or the school choose to invite who have special knowledge that would help the IEP Team write your child's IEP: physical therapists, occupational therapists, speech pathologists, vocational rehabilitation counselors, outside mental health professionals, parent advocates or others.

You are not required to notify the school district if you want to have someone like an outside expert or parent advocate accompany you to the IEP meeting. However, giving school districts the courtesy of knowing who might attend with you will help foster the spirit of collaboration that the IEP process needs to succeed. If an attorney is attending the IEP meeting with you, he must notify the school district so that the district has the opportunity to be represented by counsel as well.

When is my child's IEP written?

IEPs must be written at least annually. Typically, IEP meetings are held in the spring, at which time the next year's IEP is written.



However, this is not the only time that an IEP meeting may be held. Parents or school personnel should request an IEP meeting whenever they believe that the IEP needs to be reviewed or revised. Under Alabama law, the school must have a meeting within 30 calendar days of one being requested. One reason why you might want to review an IEP during the school year is if your child is not making progress on her IEP goals. If your child is not making progress, request an IEP meeting so the Team can determine why progress is not being made and consider revisions to the IEP. (See the Appendix for a sample letter requesting an IEP meeting.)

Once the school identifies that your child needs special education services, an IEP meeting must be held to develop your child's initial IEP within 30 days.

Will I be notified about my child's IEP meeting?

The IDEA requires schools to give parents reasonable advance notice of the purpose, time, and place of the IEP meeting. This notice should also tell you who the school has invited to attend the meeting.

The IEP meeting must be held at a time and place agreeable to both you and the school.

If you cannot attend the actual IEP meeting, the school must find other ways to make sure that you participate in writing your child's IEP. For example, some school districts use conference calls to include parents in IEP meetings.

Your participation at an IEP meeting is so important that the school must make repeated and well-documented attempts to notify you of the meeting and to seek your agreement to attend before it may hold an IEP meeting without you.

What happens at an IEP meeting?

Typically, the LEA representative leads the IEP meeting, but any member of the IEP Team may take on this role.

No matter who leads the meeting, parents are equal members of the IEP Team. If you have any questions, suggestions or comments — speak up!

The following is a general guide for what happens at an IEP meeting and what your child's IEP must include.

■ Introductions

IEP Team members introduce themselves and briefly state their role in the IEP process.

■ At least once a year, parents must be given a copy of the IDEA's procedural safeguards notice

The school must give you a handout that explains your rights under the IDEA. Make sure that you read the handout and ask questions if there is something you do not understand.

■ Develop the student profile

The IEP Team should first develop your child's student profile. The student profile should address your child's academic, functional, and developmental strengths and weaknesses, the results of recent

tests or evaluations, and the results of state or district-wide tests or assessments. In particular, it should discuss how your child's disability affects her involvement and progress in the course of study that children her age are typically learning. If you have any concerns about your child, those concerns should be noted in the profile.

■ Discuss transition plans

Transition plans and services are designed to help you, your child, the school, and other agencies plan for your child's move from the school setting to adult life in the community.

A transition plan must include appropriate measurable post-secondary employment, community and independent living goals. Your child's goals should be selected based on her interests and needs and the results of age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. A transition plan must also note the transition services (including courses of study) needed to assist your child in reaching those goals.

You, your child and the rest of the IEP Team have to consider many factors to do effective transition planning. Because so many post-school goals are impacted by decisions related to your child's high school course of study and the diploma option she's seeking, it's often useful to start transition planning at the IEP meeting held in the spring of your child's 8th grade year — right before she starts high school. However, the IDEA requires that IEP Teams start transition planning no later than when your child is 16. Your child should take an active role in answering questions like these:

➤ What are the post-school outcomes your child is seeking:

- Will she attend college or a post-secondary vocational school?
- Will she work in supported employment or get a competitive job?
- Will she live independently in the community, group home, or continue to live at home?

➤ What diploma option does your child need to pursue in order to achieve those desired post-school outcomes: the Alabama High School Diploma, the Alabama Occupational Diploma, or a Graduation Certificate?

- What coursework will she need to take?
- What other learning experiences or training will she need in order to achieve the post-school outcomes? Will she need assistance with such transition areas as: job placement, college supports, money management, personal management, living arrangements, transportation, medical needs, community participation and advocacy/guardianship?
- Will she need help from other agencies to carry out these plans?

The development of a transition plan should be guided by your child's goals, interests, and dreams; therefore she must play a key role in the planning process.

The people and agencies who should be involved in both developing and implementing your child's transition services will depend on the support and services your child will need in order to make a successful transition from high school.

After drafting each transition goal, the IEP Team must describe the types of instruction and services that are necessary to reach the goal, including any necessary community experiences or job development components.

(See Chapter 3 for more information on transition planning.)

■ Describe your child's present level of educational and functional performance — how is she doing now?

It's important to write clear and thorough statements of your child's present level of educational and functional performance. These statements are the foundation of the IEP. Annual goals, benchmarks (when appropriate), special education and related services, and supplementary aids and services are based upon your child's present level of performance. Your child's present level of performance should be written in specific, concrete terms.

The IEP should cover all areas of development that affect your child's educational performance. Some examples include her academic skills, self-help skills, social/emotional skills, behavior, sensory skills, communication skills, mobility, and vocational skills. Your child's present level of performance in these areas are

determined by looking at the results of classroom tests and assignments, evaluation information, statewide assessments, or observations made by you, your child's teachers and other school personnel. The statements should explain how your child's disability affects her involvement and progress in the general curriculum.

■ **Develop goals — what should she be doing by the end of the school year?**

Having determined your child's present level of educational and functional performance, the IEP Team will use this information to write appropriate annual goals for her.

Annual goals must be reasonable — given your child's present levels of performance, can she reasonably accomplish the goals in one year? The goals must also be measurable so that your child's progress can be tracked by the school and reported to you.

Remember: IEP goals don't have to be limited to just traditional academic subjects. For instance, if your child's disability is affecting her behavior, the IEP Team should include behavior goals and strategies in the IEP.

■ **Develop benchmarks**

Benchmarks are the individual steps or milestones that your child will reach as she works toward her annual goals. Generally, three or four benchmarks are written for each of your child's goals. Like the annual goal, these benchmarks must be measurable.

Under federal and state law, benchmarks are required only for students participating in the Alabama Alternate Assessment (AAA). Some school districts, under their own policies, require benchmarks for all children receiving special education services. Some districts leave it up to the IEP Team to decide whether benchmarks should be written for a child who is not participating in the AAA. Check your local board policies for more information.

■ **Determine appropriate special education services**

Special education services are defined as the specially designed instruction that your child requires to address her individual needs.

Since each child is unique, specially designed instruction means education that is individually developed to address your child's needs that result from her disability.

■ Determine appropriate supplementary aids and services

Supplementary aids and services are aids, services, and other supports that are provided in general education classes or other education-related settings to facilitate your child's education. Some examples include the use of a para-professional, training for school personnel on matters related to your child's learning needs, assistive technology devices, or modifications to the regular curriculum. These aids and services must also address your child's ability to participate in extra-curricular activities.



■ Determine if program modifications are needed

The regular general education curriculum may need to be modified to meet your child's needs.

■ Discuss the need for accommodations

Accommodations don't change what is being taught. Rather, they change how material is presented or tested to your child. Some examples of accommodations include large print books, highlighting text, reformatting assessments, and special seating.

■ Determine appropriate related services

Some children with disabilities need developmental, corrective, and other supportive services in order for them to be able to benefit from the special education programming they are receiving.

These services are called related services. Related services under the IDEA include such things as transportation, speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), social work services, individualized school nurse services, counseling services (including rehabilitation counseling), orientation and mobility services, medical services for diagnostic and evaluation purposes only, and the early identification and assessment of disabling conditions in children. Related services do not include a medical device that is surgically implanted, or the replacement of such device.

Related services identified in your child's IEP cannot be denied or limited because they would be inconvenient or costly to a school district. If a district cannot provide the service itself, it must arrange for another agency or person to provide it. In either case, the service must be provided without charge to you.

■ Consider the need for assistive technology

Assistive technology (AT) is any device or service that helps a



person be more independent at home, at work, at school, or at play. During the IEP process, AT must be considered for every child and then provided by schools if required to access FAPE. AT devices may include everything from pencil grips to computers and wheelchairs.

Other examples of AT devices include: voice output devices, word processors, electronic books, talking calculators, alternate computer keyboards, switches, adapted chairs, sidelyers, standers, screen magnifiers, FM systems, adaptive sporting equipment, and walkers.

If the IEP Team is uncertain if your child needs AT, ask for an AT evaluation to see whether your child would benefit from AT and, if so, what type of AT is appropriate.

■ Discuss the need for support for personnel

The educational staff at your child's school may require special supports or training to assist them in meeting your child's unique and specific needs. For example, if the IEP Team determines that your child requires an AT device, her teacher may need to be trained to use the device appropriately. Content area workshops and training on the development of behavior intervention plans (BIPs) are also examples of personnel support.

Health Services and Transportation as Related Services

School health services must be provided to your child if they are needed for her to benefit from special education. These services may be as simple as administering a prescription drug to your child or they may be as complicated as providing one-on-one nursing services to her for the entire school day. The health services must be able to be provided by a nurse or other qualified person. Medical services, requiring a physician, do not have to be provided to your child except as needed as part of the evaluation and eligibility process. All health services agreed to by your child's IEP Team must be included in her IEP.

Transportation must be provided to your child if she needs it to benefit from the special education provided to her. Transportation services include:

- Travel to and from school and between schools (including travel to job sites for Community-Based Work training as part of a child's Alabama Occupational Diploma work experience);
- Travel in and around school buildings; and
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

If a school does not provide transportation to the general student population, the issue of transportation for students with disabilities must be decided on a case-by-case basis.

Neither the IDEA nor Section 504 impose a maximum travel time for students with disabilities, but your child's individual needs need to be considered.

It is illegal for school districts to schedule transportation for children with disabilities so that their school day is shorter than that of children without disabilities.

Helena rides a specially equipped bus. Because of the bus schedule, by the time she arrives at school she misses ten minutes of her first period class every day. In addition, she misses the breakfast served in the cafeteria under the school's federal nutrition program. School personnel bring breakfast to her in her classroom, further cutting into instructional time.

This schedule is illegal. Helena is entitled to the same amount of instructional time and access to programs like breakfast as a child without a disability.

■ Discuss how often your child's progress will be reported to you

The school must track and evaluate your child's progress towards reaching her IEP annual goals and report this information to you.

Your child's IEP must include a description of how the school will collect this information and when it will report it to you. You should receive these reports as often as parents of children without disabilities receive progress reports. Depending on your child's needs, more frequent reports may be appropriate.

Carefully monitor your child's progress on her IEP annual goals and benchmarks. A standard report card that reports letter grades in your child's different classroom subjects is not good enough — the reports must specifically reference your child's progress on her IEP goals so that you and other members of the IEP Team can make necessary adjustments in the IEP if it appears that she's not making adequate progress on her IEP goals.

■ Discuss involvement in statewide and local assessments

At least once a year, public school students in Alabama take state assessment tests.

If the IEP Team decides that your child needs accommodations to take these tests, this information must be written into the IEP.

All special education students are required to take the state assessments by taking either the regular assessments (with or without accommodations) or the Alabama Alternate Assessment (AAA). All decisions regarding assessments for students in special education must be made by the IEP team. The IEP Team must document its decision in the IEP.

■ Discuss your child's involvement in non-academic and extracurricular activities

Your child may require supports in order for her to participate in non-academic and extra-curricular activities at her school — things like after-school clubs, field trips, marching band, and sports. The IEP Team must discuss any needed supports and note them in the IEP.

■ Determine your child's placement — where will your child receive her education services?

The IDEA requires that your child attend school in her least restrictive environment (LRE). The LRE for your child is the school setting where she can successfully reach her IEP goals and, at the same time, be involved with students without disabilities to the maximum extent appropriate.

LRE decisions are as individualized as every other part of the IEP — your child's unique needs determine her classroom placement.

When deciding on your child's LRE, the IEP Team must first consider whether she can reach her IEP goals, with appropriate supplementary aids and services, in a regular classroom in the school she would attend if she did not have a disability (i.e. her home school). While the IDEA does not mandate regular class placement for every child with a disability, it clearly presumes it will be the first placement option that the IEP Team considers. Placement decisions must be based on your child's needs, and not on factors such as type of disability, the availability of special education and related services, the availability of space, or administrative convenience.

If the IEP Team decides that your child cannot reach her IEP goals in a regular classroom, then the Team can look at more restrictive placements, always considering how additional supports could be provided to support your child. Examples of other placements are: resource rooms or special education classrooms, a special education classroom in a separate school, a special education classroom in a private school, or a residential facility.

Your child's IEP must include an explanation as to why the Team decided that your child could not be educated in her home school in a regular classroom if it chooses another LRE placement.

■ Discuss extended school year services

In order to be provided with FAPE, some children must receive special education services beyond Alabama's 180-day school year. These services are called extended school year (ESY) services.

The most common time that ESY services are provided is over your school's summer vacation but, depending on your child's needs, ESY services may be necessary over shorter breaks.

One factor that may be used to determine your child's eligibility for ESY services is a regression/recoupment (R/R) standard. Under this standard, the IEP Team considers whether your child will lose skills related to her IEP goals over a school break (regression). Then, the Team determines whether it will take an unreasonable amount of time after the break for her to get those skill levels back to where they were when the break began (the recoupment period). If the recoupment period would be unreasonably long, then your child is eligible for ESY services. However, any decision regarding your child's right to FAPE must be individualized according to her needs and circumstances. Thus, it may be inappropriate to use a single criterion like R/R to determine your child's eligibility for ESY. There may be other factors unique to your child that the Team should consider when determining her need for ESY services.

Often, school personnel will simply comment, without a meaningful review, that your child doesn't need ESY. This is inappropriate. The IEP Team should explore your child's need for ESY services early and regularly every school year and devise a plan for how it is going to determine her need for the services. If you believe your child may need ESY, keep notes on any regression or other problems you notice with your child as a result of weekend, holiday, or summer breaks and share this information with the Team. Discuss with the Team how it should review your child's eligibility for ESY given her unique learning needs.

ESY services must be provided at no cost to you. They must be as individualized to your child's needs as any other IEP service; schools may not unilaterally limit the type, amount, or duration of the services.

All the due process protections which apply to the regular school year program apply to the ESY program. For this reason, discussions about ESY services should occur early enough in the school year so that you have enough time to resolve any disputes prior to the start of school breaks.

■ Sign the IEP

When you sign the IEP, you are recording your attendance and participation in the IEP Team meeting. Sometimes, parents do not agree with the IEP and do not want to sign it for fear their signature will be interpreted as a stamp of approval. If you choose not to sign the IEP, the district may still note your participation at the meeting

on the form. Some parents sign the form and make a notation next to their name or in an attachment that explains their position regarding the IEP.

Do all IEP team members always have to attend an IEP meeting?

No. An IEP Team member is not required to attend an IEP Team meeting if you and the school agree in writing that his attendance isn't necessary because his area of the curriculum (or related services) isn't being modified or discussed in the meeting.

A Team member also may be excused from attending an IEP Team meeting even when the meeting involves a modification to that Team member's area of expertise. However, the Team member may be excused only with your written consent. Prior to obtaining your permission, the Team member must submit his written input regarding the development of the IEP to the IEP Team. If you aren't satisfied with the provided information, you don't have to consent to the Team member's excusal.

If my child's IEP needs to be revised during the school year, can it be changed without having a meeting?

Once you've had an annual IEP Team meeting for a school year, you and your child's school may agree not to hold a meeting to make changes to the IEP. If changes are made to your child's IEP without a meeting of the Team, the school must obtain your written agreement to such changes and must ensure that your child's IEP Team is informed of those changes. You must be provided with a revised copy of the IEP with the incorporated changes.

When the IDEA was rewritten in 2004, policymakers sought to streamline the IEP meeting process by allowing Team members to be excused from meetings under certain circumstances and by allowing changes to be made to an IEP without the benefit of a meeting.

You should carefully consider any request to have Team members excused from meetings or to have changes made to an IEP without a meeting. Will the IEP meeting accomplish what you want it to accomplish without the presence of all the Team members? Do you understand what changes are being proposed or do you want to meet in person at an IEP meeting to discuss them? If you are uneasy about such requests, you can refuse to give your written consent.

May I audio or video tape my child's IEP meeting?

The IDEA does not address the use of audio or video recordings at an IEP meeting and Alabama law leaves it up to an individual school district to decide whether IEP meetings may be recorded.

However, if a school has a policy that prohibits or limits the use of recording devices at IEP meetings, the policy must provide for exceptions if the recordings are necessary to ensure that a parent understands the IEP or the IEP process.

Any recording of an IEP meeting that is maintained by the district becomes part of the child's education record within the meaning of the Family Educational Rights and Privacy Act (FERPA) and would be subject to the confidentiality requirements of FERPA and the IDEA.

How are draft IEPs used?

Parents and schools often find it helpful to share ideas and information, either verbally or in writing, before the IEP meeting takes place so that the actual meeting is more focused and productive.



Since writing a good IEP takes time, creativity and teamwork, these efforts at sharing and brainstorming can be tremendously useful. Some school districts use questionnaires, asking parents to note any particular concerns or suggestions they might have regarding services for the upcoming school year. These responses are then shared with the school members of the IEP Team so that they can think about them before the meeting.

Sometimes, parents or school members of the IEP Team will draft a proposed IEP and use it at the meeting as a jumping off point for discussion. Parents should not feel pressured into accepting a draft as the final IEP. You should feel comfortable discussing and making changes to a draft at an IEP meeting.

Who will receive a copy of my child's IEP?

The school must give you a copy of the IEP. Usually, you will get a copy at the end of the IEP meeting or by mail soon after. It's better to leave the meeting with a copy, even if it's in rough form. This will allow you to review the IEP right after the meeting when the discussions are fresh in your mind and to follow up with the school quickly if you have any concerns about its contents.



Keep the IEP handy and refer to it regularly to check on how the school is following it and how your child is progressing with her goals and benchmarks.

Since your child's IEP is part of her educational record, access to it at the school will be restricted. However, anyone at your child's school who will work or have contact with your child must understand the role he plays in helping your child reach her IEP goals and must have access to the IEP.

How should I prepare for my child's IEP meeting?

Although you may feel that you have little to contribute in an IEP meeting, and may see yourself as an amateur and school personnel as professionals, you play a vital role in writing your child's IEP.

Below are some suggestions for how you can prepare for and participate in your child's IEP meeting.

Before the IEP meeting

- Keep a file or notebook of all of your child's educational records. Things to include:
 - IEPs, progress reports and report cards, grade transcripts, standardized test scores, disciplinary notices;
 - Reports of evaluation results done by the school and private evaluators;
 - Meeting notices, rights forms or other official forms;
 - Copies of letters or e-mails you write and receive about your child;

- Names, addresses, and phone numbers of persons you talk to about your child;
- Dates of visits and phone calls, and subjects discussed.

■ Visit your child's classroom.

■ Make a list of all the things you would like to see in your child's IEP. Include skills you would like to see your child learn or behaviors you would like to see improve.

■ Make a list of things you observe about your child at home: interests, responsibilities, self-care skills.

■ Ask your child how she feels about school, what she likes and dislikes.

■ Make a list of questions you want to ask about your child's IEP.

■ Get a copy of the IDEA's procedural rights notice and read through it. If there is something that you do not understand, ask the school to explain it to you at, or before, the IEP meeting.

■ Ask a relative or friend to go to the IEP meeting if it would make you feel more confident to have someone with you.

■ Review your child's current IEP to see how far she has come towards reaching her annual goals. Note any problems you see.

■ Read the suggestions made by the people who tested or evaluated your child. If there is something that you do not understand, ask about it at the IEP meeting.

■ Learn about the roles of the other IEP Team members and their relationship to your child.



During the IEP meeting

- Discuss your child's educational and life goals. Involve your child as appropriate to her age. By the time she's 16 years old, your child should attend her IEP meetings so she can participate in transition planning. Given your child's needs, it may be appropriate for her to start attending earlier.
- Have the school explain the results and recommendations from any tests or evaluations conducted on your child.
- Speak up! Don't be afraid to disagree or ask questions.
- Take notes or tape record the meeting if you think it will be helpful.
- Keep focused on the issues, even if disagreements arise.

After the IEP meeting

- Check to see that the IEP is filled in correctly and that it accurately represents what the IEP Team decided.
- Ask for copies of any papers discussed at the meeting.
- Review the IEP regularly to check on your child's progress on her goals and benchmarks.