FAQs - Parents

Q: What are the main things to know about the IEP process? How long does the IEP process generally take?

There are a few important tips to know when going into the IEP process. For starters, parents should be aware of the laws such as **IDEA**, **FAPE**, and **LRE** (these laws will be explained in more detail throughout this brochure), as well as become aware of their rights within the education system. They should also know that there will be an entire IEP team dedicated to the progress of your child. An IEP team could include any individual that works directly with your child including a speech therapist, counselor, general education teacher, etc. You will be collaborating on your child's IEP meeting with professionals who most likely have a special expertise on your child and their skills so it is important to be open-minded to their suggestions.

Once eligibility is determined, an initial IEP meeting must be scheduled within 30 days and an annual IEP meeting must take place every year (NICHCY, 2007). The agency must arrange a time and place for the meeting, as well as provide parents with all of the relevant information. An interpreter must be present as well if the parent is deaf or speaks another language. All necessary actions must be taken to ensure that the parent understands the IEP process.

Q: How do I know if my child is eligible for an IEP?

The **Individuals with Disabilities Education Act (IDEA)** has a **"special rule"** for determining a student's eligibility for an IEP which is based upon their ability to learn reading and math. A public agency can use a variety of sources to measure a student's performance, such as aptitude tests, achievement tests, and teacher recommendations (NICHCY, 2007a). There are also procedures for determining the level that a child's disability interferes with their education. Sometimes, an IEP is not necessary and a student's performance can improve through Response to Intervention (RTI) which are strategies that a teacher can use when a child is failing to be successful academically. By law, every student is entitled to a **Free and Appropriate Public Education (FAPE)** and a classroom placement that is the **Least Restrictive Environment (LRE)** for them to become successful. Under **FAPE**, an "appropriate" education refers to the amount of meaningful success that a student has considering their circumstances. The IEP process also aims for the student to be in the **LRE** so that the student does not miss out on other nonacademic opportunities to learn such as social skills.

Q: What are the components of the IEP process?

IDEA requires an IEP to contain the following items:

1. **Present Levels** of academic achievement and functional performance - this information is collected using data, observations, and schoolwork
    - How the child's disability interferes with their ability to perform academically in a general education setting
    - How the child's disability impacts their participation levels in age-appropriate activities
2. **Measurable goals**
    - Annual goals - academic, functional, measurable, attainable
    - Benchmark goals - short-term objectives

3. **Progress**
    - Measuring progress
    - Reporting progress - set dates to give out reports
4. **Service**
    - Supplementary services (speech, occupational therapy, etc.)
    - Accommodations/modifications
5. **Extent of Nonparticipation**
    - If necessary, the extent that the child will not participate
6. **Assessment Accommodations**

- Appropriate testing accommodations, alternate assessments, reasoning for accommodations

7. Service Delivery

- When, where, how often, and how long

8. Transition Planning

- IEP planning for after high school; effective when child turns 16

Q: What items should I have prepared for the IEP meeting?

Parent checklist:

- ➔ Educational records
- ➔ All IEP documents so far
- ➔ Most recent evaluation report
- ➔ Medical records/diagnoses
- ➔ Psychological records/diagnoses
- ➔ Questions and concerns

Q: What is my overall role in the IEP process? How much influence do I have over my child's transitional IEP?

Under **IDEA**, you have every right to be actively involved in the IEP process. You are encouraged to attend all IEP meetings, provide documentation of diagnosis/diagnoses, as well as advocate for the best possible placement for your child. Parents are active members of the IEP process as they know their child the best out of anyone. Parents are also encouraged to be part of the transitional IEP so that you will be able to support your child meet these goals by the time they finish high school.

Q: What procedural safeguards do I have that protect me in the IEP process? What are my rights as a parent in the IEP process?

Under **IDEA**, parents have many procedural safeguards in the IEP process. According to the law, parents have a right to

- "their child's identification, evaluation, and educational placement;
- the provision of **FAPE** to their child;
- the right to a response from the school to the parents' reasonable request for explanation and interpretations of the records;
- the right to request copies of records;
- and the right to have a representative inspect and review the records (NICHCY, 2007b)."

There are many other laws to protect parents in the IEP process as well. The Family Educational Rights and Privacy Act **(FERPA)** prevents educational records from being shared without permission and ensures a family's rights to view their child's educational records at any time. This way, a parent can be provided proof that their child is making meaningful academic progress and that the IEP goals are being met. If there is any issue with your child's academic progress, you are also protected under the Handicapped Children's Protection Act **(HCPA)** to be reimbursed any legal fees that may come when disputing an IEP. These are just a few of the many laws that protect families within the education system.

FAQs - Teachers

Q: What are the main things that teachers should know about the IEP process?

The IEP process can be a long one and is challenging at times. As a teacher on the IEP team, you will be responsible for communicating and collaborating with a group of people who are focused on the success of your student. This may include speech therapists, occupational therapists, parents, special education teacher, etc. You are also responsible for knowing about laws like **IDEA**, **FAPE**, and **LRE**. You should know about Response to Intervention **(RTI)** and accommodations and modifications. It is also important to know about timelines and transition services.

Q: How do I know if my student is eligible for an IEP?

Teachers and school staff are responsible for identifying a child's disability if it is interfering with their education. IDEA has a **"special rule"** for determining eligibility. Eligibility is determined based on the level that the student's disability impacts their performance in reading and math. Teachers can also use a variety of resources such as aptitude tests, performance tests, and schoolwork to prove eligibility (NICHCY, 2007). Once eligibility is determined, an IEP meeting must take place within 30 days. Teachers can also use Response to Intervention (RTI) strategies during instruction with their student.

Teachers should be aware of the Free and Appropriate Public Education **(FAPE)** and Least Restrictive Environment **(LRE)**. Students with disabilities are protected under these laws to ensure that they receive the most beneficial level of education. Under **FAPE,** a student is to make meaningful progress with their IEP modifications and accommodations. This means that the progress must show growth through data and records. Under **LRE**, a student is to receive the best possible placement for their disability. This means that if they are able to succeed academically in a general education setting with modifications, then the student deserves that right as there are many nonacademic skills that can be acquired in the general education setting. You want to make sure that your student is not missing out on learning social and functional skills.

Q: What goes into an IEP document?

IDEA requires the following to be present in an IEP document:

1. **Present Levels** of academic achievement and functional performance - this information is collected using data, observations, and schoolwork
    - How the child's disability interferes with their ability to perform academically in a general education setting
    - How the child's disability impacts their participation levels in age-appropriate activities
2. **Measurable goals**
    - Annual goals - academic, functional, measurable, attainable
    - Benchmark goals - short-term objectives
3. **Progress**
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Q: What do I need to bring to an IEP meeting?

Under **IDEA,** teachers are required to bring the following materials to the IEP meeting:

- Student File
- Drafts and copies
- Data if needed
- Samples of the child's work
- Input from team members not in attendance (Rothstein & Johnson, 2014)."

Q: What is my role on the IEP team? Transitional IEPs?

IDEA requires that the teacher must be present in the IEP meeting. Your role as a teacher on the IEP team is to be collaborative, to identify your student's strengths and weaknesses, and to provide documentation of your student's progress. You are to discuss your student's present levels of academic performance in reading and math and how they compare to that of the other students. It is also good to mention the student's functional skills such as organization and transition. You will discuss the goals you believe that the student will be able to meet within the next year. Services, modifications, accommodations and the possibility of the child attending ESY are topics to touch on as well. You want to make sure that the parent is aware of LRE, Medicaid information, and their parental rights. For transitional IEPs, you want to make sure that your student's curriculum is based on goals that will help them prepare for the "real world" after high school.

Q: What should I know about program planning?

FAPE requires that every student receives an appropriate education. This means that you should be able to provide the proper modifications, accommodations, and RTI strategies for your student. This means that you should be implementing the proper programs in your student's curriculum that is appropriate for their skill level.

Q: What procedural safeguards do I have in the IEP process?

Under **IDEA part b,** teachers have several procedural safeguards such as prior written notices, mediation, and due process.

Q: Description of the use of technology in IFSP/IEPs

LRE requires that a student be placed in their least restrictive environment. If the student is able to be in a mainstream general education setting, then all necessary accommodations may be implemented in order for that to be possible. Assistive technology such as iPads, headphones, assistive hearing technology (for deaf or hard of hearing), and other materials may be used. Students may also get the privilege to test on a computer if that will help them perform better.

Q: Should I be aware of my cultural diversity and how it may impact my goals for my students as well as my ability to collaborate on an IEP team?

Absolutely. Each individual has different communication styles. It is important to be aware of your background and how that relates to your teaching style as well. You may have more realistic goals for a student than a parent does, and vice versa. **FAPE** suggests that you make sure that you identify the strengths of a child when discussing their weaknesses.