

# Chapter 6:

# Individualized Education Programs (IEPs)

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In this chapter you will:

- learn the parts of an IEP
- learn who is on an IEP team
- discover tips and things to remember when working on the IEP
- understand the additional requirements the team must consider when writing an IEP for a student who has a disability on the autism spectrum
- learn that changes can be made to an IEP without a meeting
- know what “prior written notice” is and learn when schools are required to provide it
- learn what happens if a parent revokes consent to provide special education to a student

## What is an IEP?

Once it is determined that a student meets the criteria to receive special education and related services, an Individualized Education Program (IEP) will be developed. An IEP is a written statement of the educational program designed to meet the student's needs and is developed by a team. The IEP includes a detailed description of what will be done to give the student the extra help needed. The IEP will change based on the student's needs—it is like a road map showing where the student is and where he or she is going.

## Who is on the IEP team?

The following individuals are required to attend all IEP meetings:

- **Parent(s)** - Parents are equal participants.
- **Student** – The student may attend and participate if the parent(s) decide he/she should be present.
- **General Education Teacher** - The IEP team must include a general education teacher who has knowledge of the curriculum and may be responsible for implementing the IEP, if the child is, or may be, participating in the general education environment.
- **Special Education Teacher** - There must be a special education teacher on the IEP team who is responsible for implementing the IEP.
- **School Administrator** - This person must know about the general education curriculum and be able to ensure that the IEP is implemented and has the authority to commit resources.
- **Evaluation Personnel** - This person must be someone who can explain evaluation and/or test results.
- **Others with knowledge or special expertise about the student** - The parents or the school may bring oth-

### Important Reminder

Required members may be excused from part or all of the meeting only if you and the school agree in writing. If you agree to excuse a member, that person must give written input to you and the team before the meeting.

er people to the IEP meeting such as community service providers, advocates, lawyers, a friend for support etc. The law says these people must have some knowledge or special expertise about your child, but the determination of whether the person has special knowledge is up to the parent.

### IEP Timelines to Remember

- The IEP meeting must occur within 60 school days from the date of the referral.
- The IEP meeting must occur within 30 days after the team determines that the student is eligible to receive special education and/or related services.
- The IEP must be reviewed at least once a year; however, an IEP meeting can be convened at any time to discuss changes or revisions.
- Parents must be informed of their child's progress on IEP goals *at least as often as parents of nondisabled children*.

#### Important Reminder

"Date of referral" means the date of written parental consent for evaluations.

### What an IEP Includes

- Present levels of academic and functional performance
- Annual goals
- Measurements of progress and how progress will be shared
- What special education and related services will be provided
  - » how often they will be provided (frequency)
  - » how long they will be provided (duration)
  - » where they will be provided (location)
  - » who will provide the services
- How the child will access the general education cur-

riculum

- The modifications or supports that will be provided
  - » in the classroom
  - » to and from school
  - » in the school building
  - » for school functions (field trips, sports, prom, playground, etc.)
- Assessment information (which assessments will be administered, any accommodations to the assessments)
- A description of any assistive technology, including training, the student or staff may need
- Special training or support that the student, the parent and school staff need in order to ensure the student is provided FAPE
- A discussion of whether the student needs additional help and support when school is not in session (Extended School Year Services [ESY]), and
- Beginning when the child turns 14½, appropriate transition services, including postsecondary services and supports.
- The placement of the child that will implement the IEP. (For more information on the proper factors to consider in the placement decision, please see Chapter 7, “Least Restrictive Environment.”)

## Specifics about IEP Components

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### **Present levels of academic and functional performance**

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These describe how the student is doing in different areas and how the student uses what he/she learned throughout the day. This part of the IEP should describe how the student’s disability affects his or her participation in the general education curriculum and how the student performs

in academic and nonacademic settings.

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### **Annual goals**

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A goal is something that can be obtained within a school year. Data should form the basis for instruction and the goals should be written to allow access to the general curriculum and other activities during or after school. Goals must be measurable, identify who will be responsible for working on them, and identify how progress will be reported to parents.

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### **Benchmarks or short-term objectives**

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Short-term objectives are the steps toward meeting the goals. A short term objective is something that can be attained within a reporting or grading period. Each benchmark or short-term objective should list the steps necessary to achieve the goal by the end of the school year.

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### **Progress toward goals**

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The IEP should include information about how the school will measure the student's progress and when reports to the parents will be issued. The measurement should be clear enough so that parents can understand whether their child is being successful or not.

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### **Special education and related services**

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These services and supports assist the student to advance toward the annual goals, progress in the general curriculum, participate in extracurricular and nonacademic activities, be educated and participate with all children. The IEP should include any additional training or support needed by the parents, educators, and paraprofessionals.

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### **Participation in the general curriculum**

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The IEP must explain how the child's disability affects

his/her participation in the general education setting and other school activities. If a student is removed from any part of the general curriculum, a statement explaining the reason(s) why must be part of the IEP. Adaptations or modifications can be used to support student success in the classroom.

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### Statewide assessment

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All children with disabilities must be part of state and districtwide assessments with appropriate accommodations, including English language proficiency, where appropriate. The IEP team decides whether the student should be given state and/or district assessments, with or without accommodations; or if the student should take the alternate assessment.

#### Worth a Look

A wide range of information on the Illinois Alternate Assessment is available on the ISBE website at: <http://www.isbe.net/assessment/iaa.htm>.

If the IEP team decides that the child should take the Illinois Alternate Assessment (“IAA”), the IEP must include:

- An explanation of why the child cannot take the regular test
- The participation criteria has been met by a “Yes” response to the two (2) statements in the IAA Participation Guidelines (see Appendix D)
- A statement explaining how the student will be assessed

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### Frequency, location, and duration of services

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This is the “what, when, where, and for how long: part of the IEP. Each of the services the student needs should be written into the IEP and indicate: 1) how long or how often each session will last (the number of minutes); 2) where the services will be provided (i.e., general education classroom, a resource room, or another setting such as the community); and 3) when the services will begin and end.

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## Transition

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For students who will reach the age of 14½ during the school year, the IEP must document a statement of transition service needs that focuses on the student's course of study and goals to address those needs. Transition services are a coordinated set of activities that focuses on improving academic and skill achievement to prepare for life after school. The goals should include the needs for: training, education, employment, and independent living, where appropriate. Transition services may include academic instruction, related services, postsecondary education, vocational training, supported employment, community experiences, daily living skills, and work evaluation. Transition plans must include the student's strengths, preferences, and interests. The student must be invited to the IEP meeting.

In preparing for the meeting, parents should:

- Think about what the child needs to learn to help them be successful after graduation
- Help students explore work and career options while still in high school
- Decide what skills the young person needs to live and work in the community after high school
- Make connections with education and training programs, colleges, agencies, and support services
- Assist in the selection of classes and services that might help the child be successful in his/her adult life
- Learn what agencies provide services to adults with disabilities in the community and invite them to the IEP meeting.

(Please see Chapter 8 for more information on transition.)

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## Transfer of rights at age of majority

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The rights and responsibilities for special education ser-

vices that are given to parents will belong (or transfer) to the student at age 18. The district must inform the parents and student of the student's right to delegate decision-making to another adult individual. At least one year before turning 18, the parents and the student will receive notices in writing from the school about the change. The district must document that the parents and the student received the notice and were told about the transfer of rights. The school must provide the student with a Delegation of Rights form (see ISBE form 34-57k located at [www.isbe.net/spec-ed/pdfs/nc\\_deleg\\_34-57k.pdf](http://www.isbe.net/spec-ed/pdfs/nc_deleg_34-57k.pdf)). The school must use the ISBE form or one that is substantively the same.

The Delegation of Rights:

- May be terminated by the student at any time
- Will remain in effect for one year
- Must be signed by the student and the designee
- Can be renewed each year

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### Extended school year services (ESY)

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These are special education and related services that 1) are provided to a student with an IEP beyond the normal school day/year, 2) are stated in the student's IEP, and 3) are provided at no cost to the parents of the student. The decision about what services will be provided should be individually based on the needs of the student. Loss of knowledge/skills or an extraordinarily long time in re-learning skills (regression/recoupment) can be part of, but not the only reason for determining ESY. No single factor can determine ESY, and ESY services may not be limited to particular categories of disability. ESY services may not be the same as services provided during the regular school year. The IEP team determines what services are provided during the ESY term. ESY services can be provided in school, at home, or in the community.



## Other IEP Considerations

In addition to the required parts of the IEP described in the previous section, the following components can also be part of the IEP. The decision to add one or more of the following pieces will depend on the nature of the child's disability and how it impacts the child's performance in school.

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### Behavior

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If a child's behavior gets in the way of his/her learning or the learning of other students, then the IEP team should consider the use of positive behavioral interventions and supports. (See also Chapter 9: "Behavioral Intervention Plans.")

The IEP of a student who requires a behavioral intervention plan (BIP) shall:

- summarize the findings of the functional behavioral assessment;
- summarize prior interventions implemented;
- describe any behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;
- identify the measurable behavioral changes expected and methods of evaluation;
- identify a schedule for a review of the interventions' effectiveness; and
- identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.

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### Limited English Proficiency (LEP)

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The language needs of a student who has difficulty understanding and speaking English must be considered by the IEP team. The IEP must include a statement as to the languages or modes of communication in which special

education and related services will be provided, if other than or in addition to English. The IEP should also note any English language learning services the student may require, along with necessary support services.

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### **Braille**

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For a student who is blind or visually impaired, the school shall provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, 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. For a child who is functionally blind or visually impaired to the extent that Braille instruction is determined necessary, the IEP team must consider the student's reading and writing skills, the student's communication needs, the student's use of reading and writing media, and the student's future needs for instruction in Braille or the use of Braille

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### **Communication needs**

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The communication needs of the student must be considered by the IEP team. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student's education. For students who are deaf or hard of hearing, the IEP team must consider the student's language and communication needs and opportunities for direct communications with peers and professional personnel. The needs must address the student's language and communication mode. The IEP team must consider the student's academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

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## Assistive technology

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The term “assistive technology” encompasses a broad range of devices from “low tech” (e.g., pencil grips, splints, paper stabilizers) to “high tech” (e.g., computers, voice synthesizers, Braille readers). These devices include the entire range of supportive tools and equipment from adapted spoons to wheelchairs and computer systems for environmental control. Assistive Technology is technology used by individuals with disabilities in order to perform functions that might otherwise be difficult or impossible. Consideration should be given to the needs of the student for assistive technology devices and services. The IEP team must decide if the student needs assistive technology devices and services in order to receive a Free, Appropriate, Public Education (FAPE).

### Additional Requirements for Students Who Have a Disability on the Autism Spectrum

Recent changes to the Illinois School Code now require IEP teams to consider additional factors for students who have a disability that falls within the Autism Spectrum. If the student has a disability on the autism spectrum (which includes autistic disorder, Asperger’s disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition [DSM-IV, 2000]), the IEP team shall consider all of the following factors:

- The verbal and nonverbal communication needs of the child.
- The need to develop social interaction skills and proficiencies.
- The needs resulting from the child’s unusual responses to sensory experiences.
- The needs resulting from resistance to environmental change or change in daily routines.

#### Worth a Look

The new requirements with regard to children with autism can be found in Section 14-8.02(b) (105 ILCS 5/14-8.02(b)).

- The needs resulting from engagement in repetitive activities and stereotyped movements.
- The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder.
- Other needs resulting from the child’s disability that impact progress in the general curriculum, including social and emotional development.

## Parent Tips

### IEP Questions—Things to Think About

- What has the student learned this year?
- What are the student’s strengths and interests?
- What are the concerns for the student’s education?
- What should the student learn next?
- What does the student want to learn next?
- What are the supports and services the student needs to make progress on her goals?

### What Parents Can Do Before the Meeting

- Make sure you know who will be at the meeting
- If the meeting time doesn’t work for you, request a different time or date
- Share any medical, psychological, or other assessment information
- Have a list of priorities
- Write down any questions you might have

Some districts offer special assistance (such as child care) so that parents can participate in the IEP meeting. If you need support to attend your child’s meeting, ask your principal, special education teacher, or administrator for help.

If you want to learn more about your rights and respon-

#### Tips for Parents

If someone you want isn’t on the list of attendees, ask (in writing) that the person participate.

sibilities, ask your school for information about organizations that offer support for parents of students with disabilities. Ask if your school offers training about special education issues. You can find information about special education on the ISBE website at <http://www.isbe.net/spec-ed/html/parents.htm>.

Your school should give you the help you need to play an active role in your child's education, including an explanation of what options you have if you disagree with a decision made by the IEP team.

### What You Need to Know About Excusal from IEP Attendance

Changes to IDEA in 2004 now make it possible for members of the IEP team to be excused from an IEP meeting. The important thing to remember is that excusal can only occur if the parent and the district agree to excuse the team member from the meeting.

- Team members do **NOT** have to attend if their area is not discussed **IF THE PARENTS AGREE IN WRITING**.
- Team members can be excused when the parent and the school agree.
- Team members may be excused if they submit their input in writing to the IEP team (including the parents) before the meeting.

#### Important Reminder

Excusal of a team member can only occur when the parent and the district agree.

#### Worth a Look

The rules regarding excusal of IEP team members from the IEP meeting can be found at 20 USC Sec. 1414(d)(1)(C) and 34 CFR 300.321(e).

### Changes to the IEP Without a Meeting

After the annual IEP meeting for a school year, parents and the school district can agree to make changes to the student's IEP without holding a meeting. A written document may be developed to amend or modify the child's current IEP. Parents should make sure they understand and agree to any proposed changes and insure that the change is documented.

If changes are made and the IEP is rewritten, the school

must ask parents to sign a form that states that they understand that the IEP has been changed. The school must make sure that the IEP team knows about the changes and must give an updated copy to the parent. 34 CRF 300.324(a)(4)(ii).

### Prior Written Notice

There are certain times when the school must put in writing its decisions about the child's education and state the reasons for those decisions. This written communication is called *prior written notice*. Parents have the right to receive prior written notice whenever the school wants to do something or refuses to do something such as:

- Evaluate the child
- Change the child's disability category
- Change the child's educational placement,
- Change the way in which the child is provided a free, appropriate public education (FAPE), or
- Terminate special education and related service in response to a parent's revocation of consent for special education placement.

Sometimes the school tells parents about its decision over the telephone, in a meeting, through an email, or in a conversation. However, even if the school informs the parent in one of these ways, the school still must provide the parents with prior written notice before it can proceed.

### Revocation of Consent

If the parent agrees to allow the school district to make the student eligible for special education and related services, the parent has the right at any time to revoke consent for special education services. However, it is very important for the parent to understand that if consent for special education is revoked, **the school district must terminate all special education services**. As a result, the student will be considered a general education student and will no longer receive any services set forth in the student's IEP.

In order to revoke your consent for special education, Illinois law permits the parent to do so either in writing or orally (Federal law only allows you to revoke in writing). But to ensure that the revocation is received by the district, it is highly recommended that the parent provide the revocation in writing, or follow up the oral revocation with a short letter confirming that the parent has revoked consent for special education. A sample letter showing how to provide revocation in writing is provided at the end of the book, in Appendix A. The parent's revocation of consent, whether orally or in writing, should be directed to either the district's superintendent, the district's director of special education or the person supervising the student's IEP team (e.g., the case manager).

Once the parent has provided revocation of consent to the district, the district must provide the parent with prior written notice to tell you exactly when the services for the student will end. Though the law does not explain the exact time when the district must provide the parent with its notice to end services, it's recommended that the parent follow up with the school district if the notice has not been provided to him/her within ten days of revoking consent for services.

### **The Big Picture: Revocation of Consent**

Once the district has provided the parent with written notice in response to revocation, the district must terminate all special education services to your child. Almost all the rights and protections the parent possessed as a parent of a student with a disability will also end.

If the parent later decides that the decision to revoke was a mistake and the district has already terminated special education services for the student, the district may need to evaluate the student all over again before the student's special education services can be re-started. There is no guarantee that the student will receive the same services that were in place before the parent revoked consent. (See Chapters 3 and 4 for more information on the steps required for evaluation.)

If a parent revokes consent for services, the school district may not take steps to override the consent or to reach an agreement with the parent to change the parent's mind. Thus, a district is prohibited from filing a due process hearing request or requesting state-sponsored mediation to address the parent's revocation.

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# Parent Participation in Meetings

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School districts are required to ensure parent participation in the discussions regarding their child's evaluation. School districts are also required to ensure parent participation in the meetings to determine eligibility and plan the child's IEP. This means that the local school district must contact parents in a timely manner to set a meeting time that is mutually convenient.

There are different types of meetings that are held for different reasons—evaluations, eligibility determination meetings, annual reviews to develop the IEP for the coming year, transition, change in placement, and others. You can read other sections of this guide to get more details about the specific type of meeting in which you are interested.

The following are some ideas parents can use to increase their involvement in school meetings:

## *Before the Meetings*

- Tell the school if you have difficulty speaking or understanding English or if you are deaf and could use an interpreter or translator to understand what is said at the meeting.
- Prepare a folder to take to the conference that contains: (a) your child's current IEP and progress report, (b) information you want to share about your child; (c) questions, (d) paper on which to take notes, and (e) any other information you want to discuss.
- Review your child's school records, reports, IEPs and any other information you have that will be helpful during the meeting. Ask your child about his/her concerns and suggestions too.
- Request and review copies of any evaluations or draft goals that may be discussed at the meeting.
- Write down questions, concerns, and any suggestions you have regarding special education, related services, or placement.
- Prepare a statement about your child, including positive things that he /she can do. Sometimes your child is able to do certain tasks at home that have not yet been demonstrated at school.
- Plan to have your child attend the meeting to speak about what he/she likes about school and what he/she would like to learn. If 18 years of age or older, your child has the right to decide if he/she will attend, unless you have obtained legal guardianship.
- Invite other people to the meeting who might help you feel at ease or who have im-



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# Parent Participation in Meetings

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portant information to share about your child. It often helps to have someone with you to take notes at the meeting, so that you can focus on the meeting itself. Let the school know whom you have invited.

## *During the Meetings*

- Introduce yourself and your child. Give your child a chance to talk about what is important to him/her. Make certain that you talk about your child's strengths and needs. You may want to read a prepared statement, mentioned above.
- Ask the other IEP team members to introduce themselves by name and job title. You have the right to ask that any person present who was not listed on the school district's meeting notice be excused from the meeting. *Please note that the district does not have to honor this request if the person is relevant to the discussion.*
- Maintain a positive attitude.
- Try to stay focused.
- Take notes on discussions, recommendations, follow-up items, and scheduled dates/appointments.
- Ask school personnel to explain terms, language or statements that are unclear.
- Set a regular time to contact the teacher to discuss your child's progress.
- Ask to schedule an additional meeting if your questions and concerns cannot be answered in one meeting.

## *After the Meetings*

- Follow through on any commitments you made during the meeting.
- Add documents from the meeting to your files.
- Contact the teacher periodically to see how the program is going.
- If you are not in agreement with what occurred at the IEP meeting, be certain to write a statement of disagreement to be attached to the IEP.

