

UNDERSTANDING THE IEP PROCESS AND SOLVING PROBLEMS WHEN YOU DON'T AGREE

What you should know to be an involved parent participant



What we will learn about the Individual Education Program (IEP)

- Policies
- IEP Process
- IEP Document
- Participation in the IEP
- Solving Problems when you do not agree

Policies of the IEP



Individuals with Disabilities Education Act (IDEA)

- IDEA is a Federal Law
 - Guarantees your child is entitled to a **Free Appropriate Public Education** (FAPE)
 - Your school district must provide **services** to eligible children with disabilities
 - Includes **pecially designed instruction** to meet their unique needs (special education)
 - Guarantees you and your child **rights**

State and Local Policies

- **Alabama Administrative Code** (AAC) provides law for how Alabama will comply with IDEA and provide special education services
- **Local policies** of your school district can be found in your district handbook/student handbook
- All AAC and Local policies must comply with IDEA
- Find information on www.alsde.edu



IEP Process

What's Involved in Developing My Child's IEP

- Developing your child's IEP involves two main things:
 - The IEP *meeting(s)*, where you, your child (when appropriate), and school staff members together decide on an educational program for your son or daughter, and
 - The IEP *document*, which puts the decisions from that meeting in writing

Where and When Do IEP Meetings Take Place?

- You and the school agree on ***where and when*** to have the IEP meeting.
- You will be told by the school in writing:
 - The ***purpose*** of the meeting,
 - The ***time and place*** of the meeting,
 - ***Who*** will be at the meeting, and
 - That ***you may invite other people*** who have knowledge or special expertise about your child.
- You must agree to the IEP in writing before the implementation of the IEP.
- IEP will be ***reviewed*** at least once a year or more often as needed.

Who Attends the IEP Meeting

Required Members

- You the parent
- School Administrator (Local Education Agency Representative)(LEA)
- General Education Teacher
- Special Education Teacher
- Evaluation Personnel
- Your Child (when appropriate)

Other Members

- Translators or Interpreters
- Transition Personnel
- Others with Knowledge of Your Child or Special Expertise About Your Child

Can Someone Be Excused From the IEP Meeting

- **Yes**, but written permission is required from the parent and the school
 - **Yes** if their area of curriculum or related service is not going to be discussed or modified at the meeting
 - **Yes** if their area of curriculum or related services is going to be discussed they can provide written input prior to the meeting to members
- Members can also participate by phone if considered necessary.

What Happens At the IEP Meeting

- The IEP team will develop, review, and/or revise the IEP document for your child.
- The IEP team will talk about:
 - Your child's strengths,
 - Your concerns for enhancing your child's education,
 - Results of the most recent evaluation or testing of your child, and
 - Your child's academic, developmental, and functional needs.

What Happens At the IEP Meeting

- The team will talk about *special factors* or *special consideration*:
 - Does your child have *communication needs*?
 - Does your child need *assistive technology and/or devices*?
 - Does your child have a visual impairment and needs instruction in or the use of *Braille*?
 - Is your child deaf or hard of hearing and has *language and other communication needs*?
 - Does your child have language needs related to his or her IEP because of *limited English proficiency*?

INDIVIDUALIZED EDUCATION PROGRAM

STUDENT'S NAME			
DOB	SCHOOL YEAR	-	GRADE
IEP INITIATION/DURATION DATES		FROM	TO
<p>This IEP will be implemented during the regular school term unless noted in extended school year services.</p> <p>EXTENDED SCHOOL YEAR SERVICES (ESY) The IEP Team has considered, for the child, based on AAC 290-8-9.05(6)(9), if ESY services are necessary for the provision of FAPE. ESY services will be provided: <input type="checkbox"/>] ESY services are not necessary for the child: <input type="checkbox"/>]</p>			
STUDENT PROFILE – WILL INCLUDE GENERAL STATEMENTS REGARDING:			
Strengths of the student – Include information regarding the student's strengths in academic and functional areas.			
Parental concerns for enhancing the education – Include all information regarding the parental concerns for enhancing the education of their child.			
Student Preferences and/or Interests – This area includes information obtained from parent, teacher(s), and the student regarding preferences and interests. Include all information concerning student preferences and/or interests including transition information.			
Results of the most recent evaluations – Include all information concerning evaluation results. This information should be written in meaningful terms so that the parent and service providers have a clear understanding of the evaluation results.			
The academic, developmental, and functional needs of the student – Include all information concerning how the student's disability affects his/her involvement and progress in the general education curriculum, and, for preschool age children, how the disability affects his/her participation in age-appropriate activities.			
Other – Include any information pertinent to the development of the IEP that was not included anywhere else on the Student Profile page.			
For the child transitioning from EI to Preschool, justify if the IEP will not be implemented on the child's 3rd birthday – This should only be completed if the child is not being served under IDEA on the child's third birthday. (e.g., if a child's birthday is during the summer or holiday(s) justification is required).			

IEP Document

IEP Document Parts

- Extended School Year Consideration
 - Student Profile
 - Special Instructional Factors
 - Transportation
 - Nonacademic and Extracurricular Activities
 - Parent Progress Reporting
 - Transition
 - Present Level of Academic Achievement and Functional Performance
 - Measurable Annual Goals
 - Types of Evaluations for Goals
 - Benchmarks for Extended Standards
 - Special Education and Related Service(s)
 - Transfer of Rights
 - Least Restrictive Environment
 - Copy of IEP
 - Copy of Special Education Rights
 - People in Attendance and Participation
 - Information from People Not in Attendance
- Other Parts
- Selecting the Most Appropriate Pathway to Graduation (Transition)
 - Modification or Accommodation on District and State Testing



Participating in the IEP Meeting

What To Do Before the Meeting

- Sign and return the meeting notice
- Review the information on your child
- Talk with your child about the upcoming IEP meeting
- Think about your child's involvement in general education classes
- Prepare your child to participate in the meeting
- Think and share about all the strengths of your child
- Be proactive and write a letter to your child's teacher about your requests and concerns
- Have a conversation about how your child's progress has been affected through the pandemic and what supports or instruction is needed to address loss or new issues
- Request a DRAFT IEP

What to Do During the Meeting

- Stay focused
- Ask questions
- Be thorough

What Can I Do If I Don't Agree

If We Don't Agree

- If the team cannot agree after several minutes of discussion add the item to a parking lot and come back to it later during the meeting.
- Avoid getting stuck debating a particular point over and over.
- Be clear in your mind on where you can and cannot compromise.
- Communicate in a clear, calm, and reasonable way.

If I Get Emotional

- Be respectful even if you don't agree.
- Take a break if you need one.
- Remind yourself of the purpose of the meeting; to develop an appropriate IEP for your child.



What If We Still Don't Agree

Refuse Permission to Implement the IEP

- Ask for written notice on the issue under disagreement; which includes:
 - Options the school considered and why they were rejected,
 - Evaluation procedures, tests, records, or reports used as a basis for the schools proposal or refusal,
 - Describe any other facts that are relevant to what the school is proposing or refusing.

Formal IDEA Conflict Resolution Options

- Facilitated IEPs
- Request Mediation
- Request Due Process
- State Complaint



Facilitated IEP

- Either parent or school may request the meeting; both parties must agree
- Purpose is to resolve disagreements concerning the student's IEP
- Process utilizes the skills of an independent, state-approved, trained facilitator
- Facilitators are trained in skills of communication and listening
- Facilitators find common grounds and builds; keeps focus on student's needs
- No cost to parents

Mediation

- Parents and school meet with third party
- Can be initiated by either party
- Must be conducted by a qualified, impartial mediator who is:
Knowledgeable of the laws and regulations relating to special education
- Schedule convenient to parties
- Must be voluntary to both parties
- Mediator doesn't render a decision but if a decision is made at the end of the meeting it is final.
- No cost to parent/guardian

State Complaint

- Can be filed by parent, organization, or individual alleging that school district has violated IDEA rights
- No charge to parents/individual to file
- Must be filed within one year of alleged violation
- Must state the facts of the violation
- Must be sent to the Special Education department, with copy to school serving the child
- Parents may use their own letter, or form provided on Ala. State Dept. of Ed. website: <https://www.alabamaachieves.org/>

Due Process Complaint

- Must be filed within two years of when the party knew, or should have known of the problem or issue
- Can be filed by parent or school district
- Must relate to identification, evaluation, or educational placement, or the provision of a Free Appropriate Public Education (FAPE)
- The Complaint will be heard by a hearing officer
- There may be fees associated

When the IEP is Completely Written

- You will be asked to sign/e-sign the IEP
 - Your signature documents that you participated not necessarily that you agreed
- Get a copy of the IEP before leaving or clarify when you will receive the copy

Final Words

Keep in mind that developing an IEP is a learning process. With time it gets easier. Maintain your sense of humor and try to relax. When parents and schools truly work together, the process works well, and the best results for your child can be realized.

Resources

Forms and Documents

- Information to Share About My Child (APEC)
- IEP forms (ALSDE)
- Student Assessment Program Policies and Procedures of Special Populations (ALSDE)
- Alabama Administrative Code (ALSDE)
- Curriculum and Standards Guides (ALSDE)

Places to Get Information

- www.alabamaparentcenter.com
- <https://www.alabamaachieves.org/>



For Additional Help

Alabama Parent Education Center's
AL Parent Training and Information Center

www.alabamaparentcenter.com

334-567-2252 or 866-532-7660

PO Box 118 * Wetumpka, AL 36092



Alabama Parent Education Center



The contents of this website were developed under a grant from the US Department of Education, #H328M150012. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer, Gregory Knollman.

