Understanding an IEP: (Individual Education Program)
As general education teachers involved with students with special needs you have been given a very important responsibility in the education of these children. Our experience has shown that the resistance to working with children with disabilities usually develops from a lack of understanding, education, and skill knowledge on the part of the teachers. Once general education teachers are provided these skills and knowledge they can offer a tremendous amount to students with special needs in an inclusion setting, a mainstream setting for a child in a special education class, or in collaboration with the resource room teacher who the child sees every day from your class.

The purpose of this course is to familiarize you with the Individual Education Plan (IEP) written for every child with special needs. While you may never be asked to write an IEP, you will provide certain information that will be included into the final version. In order to make this a very practical course we will assume nothing and explain everything that we feel you will need to know to have a working knowledge of this area of special education.

We hope you enjoy the course and gain the knowledge that you will need to become more confident in working with children with special needs.

**After taking this course you will:**

- Understand the history of the IEP in the law
- Know about IDEA 2004
- Know the parts of the IEP
- Understand why children with special needs receive an IEP
- Know when the IEP is developed
- Know who develops the IEP
- What the teachers responsibilities are to the IEP: Special Education, Inclusion Regular Teacher, Specialists, and General education teacher
- Know about related services
- Know about modifications and accommodations
- Know about transition services
- Know about reporting progress to parents
- Know about due process rights of parents in regards to the IEP
- Know about the Annual Review
- Know what happens if a parent disagrees with an IEP
Lets get started with some basic facts that you will need to know about the IEP:

- The IEP is the most important legal document written for children with disabilities;
- The IEP is developed together through discussion at a team meeting;
- The IEP is more than a collection of papers;
- The IEP is a process that is just as important as the product;
- The IEP is a communication tool between parents, school and others;
- The IEP is an opportunity for parents of children with special needs, guardians, and school personnel to work together as equals;
- The IEP is a method for joint planning, problem solving and decision-making.
- The IEP is developed for every child classified as having a disability under the law
- The IEP gets reviewed at least once a year
- The IEP is an unique program plan that is developed for the individual needs of each child

**Brief History of the IEP**

In 1975, the Education for All Handicapped Children’s Act (EHA) was passed and became the cornerstone for all the legislation that followed on special education. For the first time, this law required states to provide "a free, appropriate public education for every child between the ages of 3 and 21 (unless state law does not provide free, public education to children 3 to 5 or 18 to 21 years of age) regardless of how, or how seriously, he may be handicapped", clearly defined the rights of disabled children to free appropriate public education, required the school systems to include the parents when meeting about the child or making decisions about his/her education and mandated an individualized education program (IEP) for every student with a disability.

Since 1975 the law has gone through many changes and today all special education must abide by the laws included in The Individual with Disabilities Education Act of 2004 (IDEA 2004.)
What is IDEA 2004?

The Individuals with Disabilities Education Act (IDEA) is the nation’s special education law. First enacted three decades ago, IDEA provides billions of dollars in federal funding to assist states and local communities in providing educational opportunities for approximately six million students with varying degrees of disability who participate in special education.

In exchange for federal funding, IDEA requires states to provide a free appropriate public education (FAPE- no cost to parents) in the least restrictive environment (LRE- defined as the educational setting where a child with disabilities can receive a free appropriate public education (FAPE) designed to meet his or her education needs while being educated with peers without disabilities in the regular educational environment to the maximum extent appropriate.) The statute also contains detailed due process provisions to ensure the provision of FAPE. As previously mentioned, Originally enacted in 1975, the Act responded to increased awareness of the need to educate children with disabilities and to judicial decisions requiring states to provide an education for children with disabilities if they provide an education for children without disabilities.

Part A of IDEA contains the general provisions, including the purposes of the Act and definitions. Part B, the most frequently discussed Part of the Act, contains provisions relating to the education of school-aged and preschool children, the funding formula, evaluations for services, eligibility determinations, Individualized Education Programs (IEPs) and educational placements. It also contains detailed requirements for procedural safeguards (including the discipline provisions) as well as withholding of funds and judicial review. Part B also includes the Section 619 program, which provides services to children aged 3 through 5 years old.

Part C of IDEA provides early intervention and other services for infants and toddlers with disabilities and their families (from birth through age 3). These early intervention and other services are provided in accordance with an Individualized Family Service Plan developed in consultation between families of infants and toddlers with disabilities and the appropriate state agency. Part C also provides grants to states to support these programs for infants and toddlers with disabilities. Part D provides support for various national activities designed to improve the education of children with disabilities, including personnel preparation activities, technical assistance, and special education research.
Purpose of the IEP

Each public school child who receives special education and related services must have an Individualized Education Program (IEP). Each IEP must be designed for one student and must be a truly individualized document. The IEP creates an opportunity for teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities. The IEP is the cornerstone of a quality education for each child with a disability.

To create an effective IEP, parents, teachers, other school staff--and often the student--must come together to look closely at the student’s unique needs. These individuals pool knowledge, experience and commitment to design an educational program that will help the student be involved in, and progress in, the general curriculum. The IEP guides the delivery of special education supports and services for the student with a disability. Without a doubt, writing--and implementing--an effective IEP requires teamwork.

When is the IEP Developed?

The IEP is usually developed at the end of a process that determines whether or not a child has a documented disability and falls under the guidelines of special education outlined in IDEA 2004. This process which is called the Special Education Process (See Foundations of Special Education Series-Part II-Understanding the Special Education Process) involves several teams that are responsible for evaluation, classification, and placement and IEP development.
Who Develops the IEP?

Many people come together to develop the child's IEP. This group is called the IEP team and includes most of the same types of individuals who were involved in the child's evaluation. Team members will include:

- the parents;
- at least one general education teacher, if the child is (or may be) participating in the regular education environment; **General education teachers** are vital participants in the IEP meeting. At least one of the child's **general education teachers** must be on the IEP team if the child is (or may be) participating in the regular education environment. The general education teacher has a great deal to share with the team. For example, he or she might talk about:
  a) the general curriculum in the regular classroom;
  b) the aids, services or changes to the educational program that would help the child learn and achieve; and
  c) strategies to help the child with behavior, if behavior is an issue.

The general education teacher may also discuss with the IEP team the supports for school staff that are needed so that the child can:

  a) advance toward his or her annual goals;
  b) be involved and progress in the general curriculum;
  c) participate in extracurricular and other activities; and
  d) be educated with other children, both with and without disabilities.

- at least one of the child's special education teachers or special education providers;
- a representative of the public agency (school system) who (a) is qualified to provide or supervise the provision of special education, (b) knows about the general curriculum; and (c) knows about the resources the school system has available;
- an individual who can interpret the evaluation results and talk about what instruction may be necessary for the child;
- the child, when appropriate
• representatives from any other agencies that may be responsible for paying for or providing transition services (services provided to students with special needs over the age of 14 and not later than 16 to assist in the transition from school to adulthood); and
• other individuals (invited by the parent or the school) who have knowledge or special expertise about the child. For example, the parent may wish to invite a relative who is close to the child or a child care provider.

Together, these people will work as a team to develop the child's IEP.

What are the Parts of the IEP?

By law, the IEP must include certain information about the child and the educational program designed to meet his or her unique needs. In a nutshell, this information is:

**A-Current performance:** The IEP must state how the child is currently doing in school (known as present levels of educational performance). This information usually comes from the evaluation results such as classroom tests and assignments, individual tests given to decide eligibility for services or during reevaluation, and observations made by parents, teachers, related service providers, and other school staff. The statement about "current performance" includes how the child's disability affects his or her involvement and progress in the general curriculum.

**B-Annual goals:** These are goals that the child can reasonably accomplish in a year. The goals are broken down into short-term objectives or benchmarks. Goals may be academic, address social or behavioral needs, relate to physical needs, or address other educational needs. The goals must be measurable-meaning that it must be possible to measure whether the student has achieved the goals.

**C-Special education and related services:** The IEP must list the special education and related services to be provided to the child or on behalf of the child. This includes supplementary aids and services that the child needs. It also includes modifications (changes) to the program or supports for school personnel-such as training or professional development-that will be provided to assist the child. For more information on this topic see *Foundations of Special Education Series-Part VI-Understanding Modifications and Accommodations for Children with Special Needs*.)
A child may require any of the following related services in order to benefit from special education. Related services, as listed under IDEA, include (but are not limited to):

- Audiology services
- Counseling services
- Early identification and assessment of disabilities in children
- Medical services
- Occupational therapy
- Orientation and mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreation
- Rehabilitation counseling services
- School health services
- Social work services in schools
- Speech-language pathology services
- Transportation

If a child needs a particular related service in order to benefit from special education, the related service professional should be involved in developing the IEP. He or she may be invited by the school or parent to join the IEP team as a person "with knowledge or special expertise about the child."

**D-Participation with nondisabled children:** The IEP must explain the extent (if any) to which the child will not participate with nondisabled children in the regular class and other school activities.

**E-Participation in state and district-wide tests:** Most states and districts give achievement tests to children in certain grades or age groups. The IEP must state what modifications in the administration of these tests the child will need. If a test is not appropriate for the child, the IEP must state why the test is not appropriate and how the child will be tested instead.
F-Dates and places: The IEP must state when services will begin, how often they will be provided, where they will be provided, and how long they will last.

G-Transition service needs: Beginning when the child is age 14 (or younger, if appropriate), the IEP must address (within the applicable parts of the IEP) the courses he or she needs to take to reach his or her post-school goals. A statement of transition services needs must also be included in each of the child's subsequent IEPs.

Transition refers to activities meant to prepare students with disabilities for adult life. This can include developing postsecondary education and career goals, getting work experience while still in school, setting up linkages with adult service providers such as the vocational rehabilitation agency---whatever is appropriate for the student, given his or her interests, preferences, skills, and needs. Statements about the student’s transition needs must be included in the IEP after the student reaches a certain age:

- **Transition planning**, for students beginning at age 14 (and sometimes younger)--involves helping the student plan his or her courses of study (such as advanced placement or vocational education) so that the classes the student takes will lead to his or her post-school goals.

- **Transition services**, for students beginning at age 16 (and sometimes younger)--involves providing the student with a coordinated set of services to help the student move from school to adult life. Services focus upon the student’s needs or interest in such areas as: higher education or training, employment, adult services, independent living, or taking part in the community.

H-Age of majority: Beginning at least one year before the child reaches the age of majority, the IEP must include a statement that the student has been told of any rights that will transfer to him or her at the age of majority. (This statement would be needed only in states that transfer rights at the age of majority.)
I-Measuring progress: The IEP must state how the child's progress will be measured and how parents will be informed of that progress.

It is useful to understand that each child's IEP is different. The document is prepared for that child only. It describes the individualized education program designed to meet that child's needs.

J-Additional State and School-System Content
States and school systems have a great deal of flexibility about the information they require in an IEP. Some states and school systems have chosen to include in the IEP additional information to document their compliance with other state and federal requirements. (Federal law requires that school districts maintain documentation to demonstrate their compliance with federal requirements.) Generally speaking, extra elements in IEPs may be included to document that the state or school district has met certain aspects of federal or state law, such as:

- holding the meeting to write, review and, if necessary, revise a child's IEP in a timely manner;
- providing parents with a copy of the procedural safeguards they have under the law;
- placing the child in the least restrictive environment; and
- obtaining the parents' consent.

Special Factors to Consider with the IEP

Depending on the needs of the child, the IEP team needs to consider what the law calls special factors. These include:

- If the child’s behavior interferes with his or her learning or the learning of others, the IEP team will consider strategies and supports to address the child’s behavior.

- If the child has limited proficiency in English, the IEP team will consider the child’s language needs as these needs relate to his or her IEP.
• If the child is **blind or visually impaired**, the IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.

• If the child has **communication needs**, the IEP team must consider those needs.

• If the child is **deaf or hard of hearing**, the IEP team will consider his or her language and communication needs. This includes the child’s opportunities to communicate directly with classmates and school staff in his or her usual method of communication (for example, sign language).

• The IEP team must always consider the child’s need for **assistive technology** devices or services.

**What Happens after the IEP is Written?**

When the IEP has been written, parents must receive a copy at no cost to themselves. The IDEA also stresses that everyone who will be involved in implementing the IEP must have access to the document. This includes the child's:

- regular education teacher(s);
- special education teacher(s);
- related service provider(s) (for example, speech therapist); or
- any other service provider (such as a paraprofessional) who will be responsible for a part of the child's education.

Each of these individuals needs to know what his or her specific responsibilities are for carrying out the child's IEP. This includes the specific accommodations, modifications, and supports that the child must receive, according to the IEP.
How does the IEP get implemented?

Once the IEP is written, it is time to carry it out—in other words, to provide the student with the special education and related services as listed in the IEP. This includes all supplementary aids and services and program modifications that the IEP team has identified as necessary for the student to advance appropriately toward his or her IEP goals, to be involved in and progress in the general curriculum, and participate in other school activities. While it is beyond the scope of this guide to discuss in detail the many issues involved in implementing a student’s IEP, certain suggestions can be offered.

- Every individual involved in providing services to the student should know and understand his or her responsibilities for carrying out the IEP. This will help ensure that the student receives the services that have been planned, including the specific modifications and accommodations the IEP team has identified as necessary.

- Teamwork plays an important part in carrying out the IEP. Many professionals are likely to be involved in providing services and supports to the student. Sharing expertise and insights can help make everyone’s job a lot easier and can certainly improve results for students with disabilities. Schools can encourage teamwork by giving teachers, support staff and/or paraprofessionals time to plan or work together on such matters as adapting the general curriculum to address the student’s unique needs. Teachers, support staff, and others providing services for children with disabilities may request training and staff development.

- Communication between home and school is also important. Parents can share information about what is happening at home and build upon what the child is learning at school. If the child is having difficulty at school, parents may be able to offer insight or help the school explore possible reasons as well as possible solutions.

- It is helpful to have someone in charge of coordinating and monitoring the services the student receives. In addition to special education, the student may be receiving any number of related services. Many people may be involved in delivering those services. Having a person in charge of overseeing that services are being delivered as planned can help ensure that the IEP is being carried out appropriately.
• The regular progress reports that the law requires will help parents and schools monitor the child's progress toward his or her annual goals. It is important to know if the child is not making the progress expected—or if he or she has progressed much faster than expected. Together, parents and school personnel can then address the child's needs as those needs become evident.

**When does the IEP get reviewed?**

The IEP team must review the child's IEP at least once a year at a meeting called the Annual Review. One purpose of this review is to see whether the child is achieving his or her annual goals. The team must revise the child's individualized education program, if necessary, to address:

• the child's progress or lack of expected progress toward the annual goals and in the general curriculum;
• information gathered through any reevaluation of the child;
• information about the child that the parents share;
• information about the child that the school shares (for example, insights from the teacher based on his or her observation of the child or the child's classwork);
• the child's anticipated needs; or
• other matters.

Although the IDEA requires this IEP review at least once a year, in fact the team may review and revise the IEP more often. Either the parents or the school can ask to hold an IEP meeting to revise the child's IEP. For example, the child may not be making progress toward his or her IEP goals, and his or her teacher or parents may become concerned. On the other hand, the child may have met most or all of the goals in the IEP, and new ones need to be written. In either case, the IEP team would meet to revise the IEP.
What If Parents Don't Agree With the IEP?

There are times when parents may not agree with the school's recommendations about their child's education. Under the law, parents have the right to challenge decisions about their child's eligibility, evaluation, placement, and the services that the school provides to the child. If parents disagree with the school's actions—or refusal to take action—in these matters, they have the right to pursue a number of options. They may do the following:

- **Try to reach an agreement.** Parents can talk with school officials about their concerns and try to reach an agreement. Sometimes the agreement can be temporary. For example, the parents and school can agree to try a plan of instruction or a placement for a certain period of time and see how the student does.

- **Ask for mediation.** During mediation, the parents and school sit down with someone who is not involved in the disagreement and try to reach an agreement. The school may offer mediation, if it is available as an option for resolving disputes prior to due process.

- **Ask for due process.** During a due process hearing, the parents and school personnel appear before an impartial hearing officer and present their sides of the story. The hearing officer decides how to solve the problem. (Note: Mediation must be available at least at the time a due process hearing is requested.)

- **File a complaint with the state education agency.** To file a complaint, generally parents write directly to the SEA and say what part of IDEA they believe the school has violated. The agency must resolve the complaint within 60 calendar days. An extension of that time limit is permitted only if exceptional circumstances exist with respect to the complaint.