

### Who develops the IEP?

Parents, acting as equal partners and full participants develop the IEP with school personnel. When IDEA was conceived, Congress believed that no one understood a child's needs better than its' parents.



### What's in the IEP?

#### Present Level of Performance

The first section of the IEP includes both demographic information about the child and a description of the child's weaknesses as well as their strengths. Parents should be sure to include information about what the child can do, what his or her strengths are, and what learning style he or she presents (e.g. He needs visual cues for directions; he works best in small, quiet spaces). This section also includes results of the initial observations and testing.

#### Goals and Objectives

Goals are written for the results that the team would like to see the child achieve during that year (annual goals). They are to be written in a positive, measurable way (e.g. Given a picture board, Sean will make his needs clear to his teachers). Objectives are shorter term benchmarks, designed to measure progress along the way to the goal. They may include how much assistance the child is to be given, how accurate the child must be, how often a behavior is to be shown, etc.

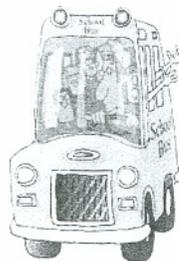
#### Special Education Placement

This section can be divided into two parts. The first describes the educational program most appropriate to reach your child's goals and objectives. The second part details the educational setting in which your child can best achieve those same goals and objectives. The law says that setting should be in the Least Restrictive Environment (LRE). That means that students with disabilities must be educated, to the maximum extent possible, with children who are not disabled, as close to home as possible, and unless it is specified differently in the IEP, in the school the student would normally attend.



### Related Services

Related services supplement the activities provided in the classroom. These may include: Assistive technology (e.g., communication boards, computer-ized language devices, padded supportive chairs), audiology, counseling services, medical services (limited to certain diagnostic services), occupational therapy, parent counseling and training, physical therapy, psychological services, recreation, rehabilitation counseling services, school health services, school social work services, speech-language pathology, and transportation.



#### Time and Duration of Services

This section is where the starting time and term of your child's program will be determined. The school division must activate the IEP without any undue delay. A date will be indicated for the beginning of each of your child's services. Each service could have a different duration. For instance, if the IEP calls for Occupational Therapy as a Related Service, that might only have a duration of six months. The Educational goals might have a duration of one year. In no case can the duration of services be projected for longer than one year. The law says that prior to the annual anniversary of the IEP, the team members will meet to review the program to determine if it is still appropriate for the child, and set new goals and objectives for the coming year.

#### Evaluating the IEP

The only way you and your child's teachers can tell if the program is working, is by having periodic reviews to determine if the short-term objectives are being met. This section contains pre-set dates for those evaluations. Obviously it is best always to have clear, measurable, observable goals and objectives in the IEP in order to simplify evaluations. You can request an IEP team meeting as often as you feel it is necessary. Don't forget you are a team member! The law requires that a formal review take place at least once a year, and every three years the school division can conduct a complete evaluation of your child. This evaluation is called the triennial review.

#### What happens if the School Division and I disagree about anything involving my child's special education situation?

There is a procedure called a Due Process Hearing that can be utilized to settle major disagreements between parents and the school division. An impartial hearing officer is selected to hear both sides of the issue. It is extremely formal, and can be quite costly both emotionally and financially. You should attempt settling the conflict as informally as possible before resorting to a Due Process Hearing.

### Who Do I Contact to Resolve My Disagreement Without Resorting to a Due Process Hearing?

Always try to negotiate informally with an individual who has the authority to commit the resources of the school division. In many instances there can be a negotiated solution. Special Education Mediation is always a viable, user-friendly option. Mediation cannot be used to delay a Due Process request and you just might get the result you are looking for!

#### My Child's teacher suggested a 504 Plan. What is that?

She is referring to Section 504 of the Rehabilitation Act of 1973, a federal civil rights law. It says, "No otherwise qualified individual with a handicap in the United States...shall solely on the basis of his or her handicap, be denied participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Any individual with a disability is someone who: (1) has a physical or mental impairment that substantially limits one or more life activities (such as learning, thinking, caring for oneself); or (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Section 504 is a civil rights law. Section 504 prohibits discrimination against individuals with disabilities. Section 504 ensures that the child with a disability has equal access to an education. The child may receive accommodations and modifications under a plan similar to an IEP.

A child Study Evaluation Eligibility IEP procedure almost identical to the methods used during the Special Education process would be utilized as information gathering and planning tools. Most school divisions will use the information gathered in the Special Education process to satisfy the components of 504...some will not! They may require you to go back to square one and start all over again!

Since 504 has an extremely broad meaning of "disabled", your child may be found eligible for services under 504, but not under Special Education.

Each school division is required under federal law to have a 504 Coordinator. That individual must ensure that the school division is in compliance with this very special federal law. The 504 Coordinator is the person you need to contact to initiate the process that will determine if your child is eligible for a 504 plan. Timelines vary under 504, and the school does not have to include your input into the 504 Plan, however, most school divisions should welcome it. Finally, you do have Due Process rights under Section 504.



## YOUR POCKET ADVOCATE

*A parent & caregiver's simplified guide to participating in the special education process*

*This guide is produced and distributed by PADA which is funded in part by grants from the U.S. Department of Education's Office of Special Education Programs and the Virginia Law Foundation*



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*What is the law that deals with Special Education called?*



The law that governs Special Education is called IDEA, the Individuals with Disabilities Education Act.

*How do I find out if my child is eligible for Special Education?*

If you think your child needs Special Education services, you can either ask your child's school principal to make a referral, or you can write a letter to the principal asking that your child be "referred" for a Special Education evaluation.

*Am I the only one who can make a referral?*

A referral can be made by any interested party. It could be a parent, a neighbor, a teacher, school counselor or any school personnel. Even the student can make the referral.

*What happens then?*

In Virginia after the school receives your request for a Special Education evaluation, they then have 65 administrative days to complete their evaluations of the child and convene an Eligibility Committee meeting. They may opt to convene a Child Study Committee (CSC). The CSC's main purpose is to determine whether a "suspected disability" exists. They must convene their Child Study Committee within 10 administrative days of your request. An administrative day is any day the school division's administrative offices are open. If the Child Study Committee determines that they "suspect" an educational disability, they must refer your child to the Administrator of Special Education for a formal assessment. Keep these three things in mind:



1. SUSPECT in this case means to imagine or fancy something about someone with slight or no proof!

2. The "65 day clock" began ticking the day the school received the "referral" or request for evaluation!

3. School divisions are large and can lose things like referral letters, so it is important to mail your request - Certified...Return Receipt Requested!

*Can I attend the Child Study Committee meeting?*



Since 1997, the IDEA has mandated FULL PARENTAL PARTICIPATION in all Special Education meetings. In Virginia if you are the

"referring source" the school division must invite you to fully participate. Most school divisions will invite you and welcome your presence even if you are not the "referring source". School divisions will need to obtain your written permission to facilitate the initial evaluation of your child. In any case, you should request in writing, that you be notified of the meeting date and time, and that you be allowed to participate in the meeting.

*Can the Child Study Committee refuse to refer my child for an evaluation?*



The Child Study Committee can refuse to refer your child for an evaluation, however if they do they must provide you with their reasons in writing...at that time. You then have an absolute right to disagree with their decision. Remember...The Child Study Committee may not recommend strategies and or interventions in place of an evaluation.

They can however recommend strategies and or interventions to run alongside an evaluation.

**THE CHILD STUDY COMMITTEE MAY NOT IDENTIFY A DISABILITY! ONLY THE ELIGIBILITY COMMITTEE MAY IDENTIFY A DISABILITY !!!**

*What is a "formal evaluation or assessment"?*

The evaluation is a mechanism for determining whether your child has an "educational disability". It should also determine your child's present developmental level as well as any learning abilities. There are many different tests and materials used by schools to evaluate children. Initial pre-placement testing cannot be done without your written permission!

*What kind of tests will my child be given?*

There are usually (5) five components or evaluation areas that comprise a formal assessment. They are:

1. The Educational Assessment

These are tests that will analyze your child's current academic performance and specific instructional needs in reading, math, spelling, and oral and written expression. A Special Educator or the School Psycholoaist generally administers these tests.

2. The Medical Examination

This is an assessment from a physician that describes the child's general health and medical history. It should describe any current health problems that might impact on your child's educational performance. You have an option of having this done by your child's doctor at your expense or the school physician at no cost. Obviously, if your child is currently being treated by their doctor for an educationally impacting condition, it would be best to have your child's physician complete the report.



3. The Sociocultural

This is a report based on interviews with parents, teachers, and others that describes your child's developmental background and behavior at home and at school. This report is prepared by a school social worker who can interview you at your home or business or their office... whichever setting you are most comfortable with.

4. The Psychological Evaluation

The psychological testing will assess your child's general intelligence, social skills, emotional development, thinking skills, and coordination of eye/hand movement. A school psychologist administers the testing and interprets the results.



5. Others

If it is indicated, speech, language, motor abilities including physical and or occupational therapy assessments should be made. The school nurse will usually complete vision and hearing assessments.

*What about the Eligibility Committee?*

At or sometime before the 65 administrative days that IDEA prescribes, the Eligibility Committee will convene to discuss and examine the various components of the formal evaluation. The Committee consists of the school folks who provided the assessments, (the school psychologist, social worker, school nurse, etc) as well as a principal designee and most importantly...**YOU!** The committee members are responsible for coming to a consensus ( not a vote) as to whether or not your child is eligible for special education. Any other clinical information you can provide to the committee must be considered in the consensus.

*What happens if I don't agree with the Committee's decision?*

You have an absolute right to disagree at any step in the special education process. In this case you should ask for an Independent Educational Evaluation (IEE) at school expense. This can be an educational, psychological, speech, or whatever component you are in disagreement with. The school division maintains a list of approved clinical evaluators and will supply you with that list...however keep in mind that you can bring your child to any outside evaluator that you choose...as long as that clinician holds at least the same level of professional education as the school based evaluator. Once the IEE is completed and a report is generated to you and the school, the eligibility committee will be reconvened. The new information will be considered and another consensus will be reached. If you still disagree there are a number of dispute resolution options that you can access such as mediation. If you cannot resolve your disagreement, then in the worst case you can always request an Impartial Due Process Hearing.



*Well...what happens after the Eligibility Committee reaches a consensus that my child does require special education?*

The school division is required to provide your child with a Free Appropriate Public Education (FAPE). A document needs to be developed that will address your child's unique needs. That document is called the Individualized Education Plan (IEP). The IEP is the document that makes your child's education appropriate! In Virginia school divisions have 30 calendar days from the date your child was found eligible for special education to develop an IEP.



*Remember These are Calendar Days Not Administrative Days!*