

Introduction

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Do you have questions about IEPs? You aren't alone! Every week, the staff at Wrightslaw.com receive dozens of questions about IEPs.

Imagine these scenarios:

“I don't agree that the proposed IEP is sufficient, but it is better than nothing. The IEP team says I have to 'take it or leave it.' Can't the school implement parts of the IEP while we continue to negotiate the issues where we don't agree?”

“The school board attorney attended our last IEP meeting. The notice we received did not include the attorney on the list



of people who would attend. We felt blindsided. How should we handle this in the future?”

“My child has autism and is nonverbal. He gets angry and frustrated because he cannot communicate what he wants and needs. I want the school to teach him a way to communicate. The school claims that he cannot be taught. What can I do?”

“My 16 year-old needs to learn daily living skills, problem solving, and survival skills before he leaves school. When I asked the IEP team to develop a transition plan that includes these skills, they said they focus on academic skills only.

“We had a comprehensive evaluation of our child by a psychologist in the private sector. We provided the evaluation to our child’s IEP team. The team said they ‘considered’ the evaluation but refused to use any information or recommendations from it.”

What would you say? What would you do? What are your child’s rights? Do you have rights?

What Is in This Book?

In *Wrightslaw: All About IEPs*, we answer more than 200 questions and guide you through dozens of scenarios. We introduce key legal issues that you are likely to encounter if you have a child with a disability who receives special education services. We outline your rights and responsibilities, and explain the law in plain language you can understand.

We introduce some legal terms because parents, teachers, service providers, and advocates need to be familiar with these terms. We want to demystify the law so it is less intimidating.

As you read the answers to these questions and scenarios, you will learn that the law varies from state to state. You may find answers to your questions in your state special education regulations. You may need to contact the Parent Training & Information Center (PTI) or Disability Rights organization in your state. You may need to consult with an attorney who has expertise in special education law and litigation.

Although you will receive guidance from *Wrightslaw: All About IEPs*, this book is not a substitute for professional legal advice. We suggest strategies to resolve problems. We do not advise you to pursue litigation without assistance from an attorney.

We urge you to find creative ways to resolve parent-school disputes without litigation. Litigation is expensive, time-consuming, stressful, and should be reserved for serious disputes that cannot be resolved in other ways. We advise you to deal with conflict directly and try to negotiate an acceptable solution.

Wrightslaw: All About IEPs includes scenarios and questions, including these:

- Is the IEP team required to consider information and input provided by parents? (Chapter 2 – Your Child’s IEP Team and IEP Meetings)

All About IEPs

- As a parent, do I have to give my consent before the school can implement the IEP? (Chapter 3 – Parental Participation and Consent)
- What are measurable IEP goals? (Chapter 4 – Present Levels, Measurable IEP Goals, Special Education Services)
- Are there limits on the speech, physical, and occupational therapy a child can receive? (Chapter 5 – Related Services, Supplementary Aids and Services)
- What is the difference between accommodations and modifications? (Chapter 6 - Progress, Accommodations and Modifications, Alternate Assessments)
- When should the IEP team refer a child for a functional behavioral assessment? (Chapter 7 – Special Factors in the IEP)
- Some of my students with IEPs need assistive technology. When should the IEP team provide a technology device or service? (Chapter 8 – Assistive Technology)
- My child is 14. When I requested transition services and a transition plan, the IEP team said they don't have to provide transition services until he is 16. Is this correct? (Chapter 9 - Transition)
- The IEP team plans to change our child's placement over our objections. What can we do? (Chapter 10 – Placement)
- If my child's IEP is reviewed and revised, does the entire IEP team have to attend the meeting? (Chapter 11 – Review and Revising IEPs)
- What factors must the team consider in deciding if my child will receive ESY services? (Chapter 12 – ESY Services)
- In a staff meeting our principal said, "We have a 90 day reprieve before we have to look at a transfer student's IEP." Is this right? (Chapter 13 – Transfers and Education Records)
- I attended the first IEP meeting for my child. I don't agree with the school's proposed IEP. What should I do? (Chapter 14 – Resolving Parent-School Disputes)

Wrightslaw: All About IEPs is not an encyclopedia of every question a parent, teacher or advocate could ask. The book is not a manual about how to write SMART IEPs.

Who Should Read This Book?

If you are the parent of a child with a disability, you represent your child's interests. To effectively advocate for your child, you need to know your child's rights, and your rights and responsibilities. When you negotiate for special education services, you have two goals: to get quality services and to maintain healthy working relationships with school personnel.

If you are a teacher, related service provider, or school administrator, you may receive confusing, conflicting information about IEPs. You need reliable information about the legal requirements for IEPs.

If you teach special education, school psychology, school administration, or education law courses, your students need to learn how to find answers to their questions about what the law requires of them.

If you are an attorney or advocate who represents children with disabilities, you need to have *Wrightslaw: All About IEPs* on your desk and in your briefcase.

How This Book is Organized

The questions and scenarios in this book are organized by topic into fourteen chapters. The book includes a table of questions, two appendices, a glossary of terms, a bibliography of references, and an index.

How to Use This Book

As you read these questions and answers, you may feel like you are having a conversation with Pete, Pam and Sue. Or you may feel like you are reading an advice column. When you read a question that captures your interest, you wonder what advice we will give.

You will find endnotes at the end of each chapter. These endnotes are the authority we relied upon in the answers. If you take this book to school meetings (and we hope you will), you will know the law, regulation, commentary, or government publication that supports each answer.

Appendix A includes the law about IEPs from the Individuals with Disabilities Education Act. Appendix B includes the federal regulations about IEPs.

If you go to an IEP meeting and are told, “We don’t do things that way in this district,” you will know that the federal law and regulations are the minimum standards that all schools must comply with. Compliance with the law is not optional.

Wrightslaw: All About IEPs includes advocate’s tips, checklists, and recommended resources.

Are You Ready?

You can’t loiter in the introduction forever. It’s time to learn about IEPs. Grab a highlighter or a pen.

If you are ready to learn, turn this page.