

IEPs for Students with Disabilities

IEP = Individual Education Program (often called an Individual Education Plan)

A Self-Advocacy Fact Sheet from the Minnesota Disability Law Center

The **Individuals with Disabilities Education Act (IDEA)** is a federal law. The IDEA tells what the schools must do for students with disabilities. The information in this fact sheet is based on the most recent amendments to the IDEA, and to laws in the State of Minnesota. The information in this fact sheet is not legal advice. Every student is different, and the laws change all the time. Some of the laws may be different in other states.

*Look at the end of this fact sheet for the meaning of terms printed in bold and italics, such as *IEP*.

1. What is an *IEP*? (an individual education program, often called an individual education plan)

The IDEA and other education rules say that all students who get special education services must have an IEP. An IEP has two parts:

IEP meeting

The IEP meeting is a meeting of people who are involved with the student's education. These people are the *IEP team*. At this meeting, the IEP team talks about what the student needs. The team works together to write the IEP document.

IEP document

The IEP document describes everything the student needs to get a *free appropriate public education (FAPE)*. It says, in writing, what the goals are for the student in that school year. It tells what the student will need to meet those goals, and it tells what the school has agreed to do for the student.

The IEP team uses the IEP document to see if the plan is working well. The IEP document shows where the student started (the baseline), and what the team thinks the student should learn during the school year. The IEP team can look at the baseline and the progress reports to see if the student is learning. If the student is not making progress, then the IEP team knows they need to make changes or try something different.

2. What is an annual IEP meeting?

The IEP team has to meet at least once a year. This is called the annual IEP meeting. The meeting is a chance for the parents to work with the school. By being a part of the team, the parents help decide what is best for their child's education. If the school and the parent disagree about what the school is doing, they can talk about their differences at the IEP meeting. Hopefully, this will help

everyone to understand what the child needs. The school and parents can work together for the best education plan possible.

3. Who comes to an IEP meeting?

Some people should be at every IEP meeting. These people are:

- The student's parent(s) or guardian(s).
- The student's special education teacher.
- If the student spends or might spend any time in the regular education classroom, then at least one regular education teacher must come.
- Someone from the school district who is not the student's teacher. This person speaks for the school district administration. S/he has to know about special education and regular education. This person should understand what the school has to do for students with disabilities. S/he must also know about the school's resources, and be able to say what the school will provide.
- If the student was just tested for special education for the first time, then at least one person from the assessment team must come. If it is not the first time, then someone who understands the student's test results should be a part of the team.
- The student. The school should always invite the student to the meeting. Usually the parents decide if the student will come (see Question #6).
- The team should also include anyone who is involved in the child's education. Examples of those people are:

Anyone who knows special things about how the student learns.

Someone who is an expert on the student's disability.

Someone who knows about any *assistive technology (AT)* (AT is using or learning to use equipment or tools such as special computers or communication devices) the student could use to help them learn.

A person of the same type of background as the student, or anyone who understands the student's special cultural needs. For example, if the student's first language is not English, the team should include someone other than the parents and the student who speaks that language.

4. Do all of my child's teachers need to come to the IEP meeting?

No. Only one teacher from your child's general education program has to come. But if you want a certain teacher there, you can ask them to come to the meeting and be a part of the team.

5. Why does the general education teacher come to the IEP meeting?

A general education teacher needs to come because they know how the student does in the regular classroom. They can describe what works to help the student get along with others. They can also say if the student needs aids or services to learn in the regular classroom. They can talk about the student's special needs, and how the student and teachers can work together to make sure the student is learning.

6. Who decides if the student should come to the IEP meeting?

Usually, the parents decide. If the student can help in writing the IEP, or if it would be good for him/her to be part of the team, then s/he should come.

When the student is 14 or older, his/her input is especially important. This is the age when the team will start to talk about the student's transition from school to work or the community. The team needs to know what the student is interested in. If the student isn't there, the team has to find another way to get information about what the student needs and wants. If the student is 18 years old and not on guardianship, s/he should come to the meeting.

7. What has to be in the IEP document?

- The IEP must tell the student's *present level of educational performance (PLEP)*. See Questions #8-10.
- The IEP must have *annual goals* and *short-term instructional objectives*. See Questions #11-13.
- The IEP must say what *adaptations* (see Question #14) or *related services* (see Question #15) the student needs.
- If the student has *limited English proficiency (LEP)*, the IEP must say how the school will help them to communicate.
- If the student needs *AT devices* or *AT services*, the IEP must describe the AT. The IEP should also say when the student will use the AT, for how long, and how often. If the student shares an AT device with another student, the IEP must say exactly when each student can use it.
- If the student's behavior makes it hard for anyone to learn in the classroom, including the student him/herself, the IEP must tell exactly what kind of help the student will need to get along and learn with the others.

- The IEP must be very specific. It should tell when all services will start, where and how they will be provided, how often, and for how long.
- If the student will not be in regular classes or activities with non-disabled students, then the IEP must say when and how often the student will be in a special class or activity.
- If the student needs *extended school year services*, the IEP must say so (see Questions #16-17).
- When the student reaches the age of 14, the IEP must tell what the student needs to make the transition from school to work or community life.
- Starting at least one year before the student turns 18, the IEP must tell the student what rights s/he has once s/he reaches 18.
- The IEP must tell how the school will measure the student's progress toward goals. It must also say exactly when and how the school will let the parents know about the student's progress. Parents of students with disabilities must get progress reports as least as often as parents of other students. The school must tell the parents if the student will be able to reach their goals by the end of the school year.
- The team must decide if the student will take the same standardized state or district test that other students take. If the student does take the tests, the IEP must say if the student needs AT or special help to take the tests. If the team decides that the student will not take the tests, the IEP must say why the student will not take them, and what other way the school district will use to measure the student's progress.

8. What is the Present Level of Educational Performance (PLEP)?

The *PLEP* is part of the IEP. It is a description of the student's strengths and needs. The PLEP should give all of the details that the team needs to write the student's annual goals.

9. Who decides what goes in the PLEP?

The IEP team should use many kinds of information to write the PLEP. Some of these might include:

- Progress on earlier IEPs
- Things the teachers notice in the classroom
- Test scores
- Reports from the parents
- Medical reports.

10. What should be included in the PLEP?

The PLEP should include all kinds of very detailed information about the student. It should have information about how the student thinks and learns, how well s/he talks, listens, writes and reads, and how s/he moves around. It should have information about the student's health and his/her behavior, how s/he gets along with other students, and how s/he deals with feelings. This

information is based on tests and on the observations of team members. It should be more than a list of test scores.

If the student is 14 years old or in grade nine, the PLEP should talk about what the student will do when s/he is done with school. It should consider jobs and job training, and if the student wants to go on for more schooling. The PLEP should also talk about where the student will live, and what kinds of sports or community activities the student can be involved in.

The PLEP should tell how the student's disability affects his/her education. If the disability makes it hard for the student to learn with other students, the PLEP should describe exactly how and why. The PLEP should include information about school subjects and extracurricular activities.

11. What are annual goals?

The *annual goals* make a framework for the student's education for that year. They should include skills, school subjects to be learned, and behavior to be changed.

The goals must be easily measured. They must be positive. They must be written especially for that student. If the student has trouble listening in class, the goal cannot be "Student must stop yelling in class."

Sample annual goal:

Current Level – John yells out questions and interrupts other children several times during each class period.

Goal – John will raise his hand and wait until the teacher calls on him before he talks.

12. What are short-term instructional objectives?

Short-term instructional objectives are smaller steps the student can take on the way to reaching an annual goal.

Sample short-term instructional objective:

By the end of the first quarter, John will raise his hand 3 out of 4 times when he wants to ask a question.

13. What should be included in short-term instructional objectives?

The instructional objective should:

- Tell exactly what skill needs to be learned;
- Describe when the skill will be used; and
- Tell how the student's progress on the skill will be measured.

This way, the team will know when the student has learned the skill.

14. What are adaptations?

Sometimes, because of a disability, a student can't do the same things as other students. Instead of taking the student out of the classroom, the school can make adaptations. For example, the student might get less homework. They might have a book with larger print, or they might have an aid work with them in the regular classroom. These are adaptations that can help the student to learn and get along in the regular classroom. Any adaptations listed in the IEP should be very specific.

15. What are related services?

Some students will need extra help to get an appropriate education. These are services that are not part of the school day for other children. For example, a student might need help to get to school, or they might need to have regular therapy. These related services must be described on the IEP. The school district has to make sure that the student gets the extra services they need for FAPE. If the district doesn't have what they need (for example, a speech therapist or a bus with a wheelchair lift), they have to get it.

16. What are extended school year (ESY) services?

Extended school year services are services in the summer or any other time when school is closed. The IEP team decides if the student needs extended school year services to get FAPE. ESY services do not cost the family anything. They must be based on the student's needs and not on the school's summer schedule. ESY services have to follow the IEP, like during the regular school year.

17. What if the school says that only students with a certain kind of disability can get ESY services? Can they do that?

No. If a student needs ESY, then they should get it. The school can't put any limits on ESY services. They have to give the services that the students need to reach their goals, just like during the regular school year.

18. When the IEP team writes the IEP, what else do they have to think about?

The IEP team has to think about everything that might come up for the student in school. Here are some examples:

- If the student has problems following rules or getting along with others, how can the school help him/her with those problems?
- Does the student speak English? If not, what language help does s/he need?
- If the student cannot see, will s/he need instruction in Braille?
- Students who are deaf or who have trouble hearing or speaking will need help with

communication. Deaf students should have instruction in the language that is easiest for them to understand.

- Does the student need AT? If so, what kind?

19. Is there some particular way the IEP has to be written?

No. Every school district can decide what their IEP form will look like. As long as the IEP has all the information that federal and state laws say it needs, it can be in any form. The state of Minnesota has made an IEP form, and many districts use that.

20. If the school uses the state form, can they add extra pages?

Pages can always be added if the form doesn't have enough room. Sometimes, the team wants to include information about something that isn't on the regular form. They can always add pages to do that.

21. How does the team decide if the student is making progress?

The IEP team looks at each goal on the IEP, and they look at the progress reports. The description of progress on reports should be very specific.

Using the example in Question #11, the progress report should say something like: "John raises his hand 63% of the times he asks questions." It should NOT say: "John is doing better at raising his hand."

With specific and detailed reports, the team can compare the progress reports with the PLEP described at the beginning of the school year. That is how they know if the student is making progress. If the student is not making progress, then the goals need to be changed.

22. Do regular classroom teachers have to pay attention to the student's IEP?

Yes. All teachers and school staff must know what is in the IEP, and they must follow the instructions in it.

23. When does the IEP team decide where the student will go to school?

After describing the student's needs and writing the goals and objectives, the IEP team decides where the student can get the services that s/he needs.

24. What does the IEP team need to think about when deciding where the student will go to school?

The student should learn in the *least restrictive environment*. That means s/he should be in a regular classroom whenever possible. If the student can get along in the regular classroom with a little extra help, then they should get that help. The ONLY time a student should be moved to a different room or

school is if they can't make any progress toward their goals in a regular classroom. The IEP team must think about what the student needs, and then choose the best learning place for that student.

25. Can the district change the length of my child's school day?

If the IEP team decides that it would be better for the student to have a shorter school day, then they can write that into the IEP. But the district CANNOT shorten the school day because it would be better for the teacher, or because it helps schedule bus rides. They can only shorten the day if it is better for the student.

26. Can a teacher come to an IEP meeting with the IEP document already written?

No. The IEP has to be written by the IEP team. A teacher can write some sections ahead of time and ask the team to approve what they wrote. The team may decide to use some or all of that, but they should think carefully about each section. One person cannot write the IEP.

27. What does a student with a disability have to do in order to get a diploma? Are there certain standards?

Starting at grade 9 or at age 14, every IEP should tell what the student has to do to get a high school diploma. Special education students might not have to do the same things that non-disabled students do. If the student meets all of the goals that the IEP team says are needed to graduate, then the student will get a regular high school diploma.

If the student meets the regular education requirements of the school, then they can get a diploma, no matter what was on their IEP.

28. What if the parents are divorced and have joint legal custody? Which parent should go to the IEP meetings?

The district must tell both parents about IEP meetings. Both parents can see any school records and go to all meetings about their child's education, unless a court order or agreement says they can't.

29. What if I can't get to the IEP meeting? Can I ask the school to have the meeting at a different time?

Yes. The school has to hold the meeting when you can go. You should be told about the meeting well ahead of time. The meeting has to be at a time and place that works for you.

30. If I can't get to the meeting, can I still be a part of writing the IEP?

Yes. If you can't come to the meeting, the school still has to try and find out what you want for your child's education. They should offer to have a conference call or a private meeting. If you write something about what you want and give it to the school, they have to use that in the IEP meeting.

31. Can the IEP team have the meeting if no parent is there?

Yes, but only if the school district has tried to get you there. They have to invite you to come and work around your schedule. They must show, in writing, everything they did to get you to the meeting.

32. What is in a notice of an IEP team meeting?

The notice of an IEP team meeting must tell you the time and place of the meeting. It must say what the meeting is for. It should tell you who will be at the meeting.

33. When can I get a written copy of the IEP?

At the end of an IEP meeting, ask the teacher when you can get a copy. You should be able to get it within a week or two. If you don't get one, call the special education teacher.

34. When I get the copy of the new IEP, what should I do?

When you get the new IEP, you will also get a notice form. On that form, you can say if you agree with the new IEP, or if you have questions about it. Maybe you disagree with the new IEP and want another meeting. The form also has a place for you to say that. You can say if you want a *conciliation conference* or a *due process hearing*. If you would like more information about these options, ask for a copy of our *Identifying and Evaluating Students for Special Education Services* fact sheet.

You have to make some response to the school district within 14 days. If you don't say anything or send anything in and this is not your child's first IEP, the school will use the new IEP after 14 days.

You should always tell the school what you think about a new IEP. If you have questions, or you agree or disagree, it is very important for the school to know that.

35. What if I don't have a copy of my child's IEP?

Ask your child's special education teacher for a copy. The IEP document is very important, and you should know what is written in it. Any time you have a meeting with someone from school, take your copy of the IEP with you.

***** Definitions *****

Adaptations – Changes to school rules or expectations that a student with a disability might need in order to learn in the regular classroom.

Advocate – Someone who is on your side and will help you understand the law and fight for your rights. An advocate can be a lawyer or anyone else who understands your problem and can help you.

Annual goals – Educational goals in a student’s IEP. They should be positive, easily measured, and specific to the student. They are the framework for the student’s educational plan for that year.

Assistive technology (AT) – AT can be used to mean both AT devices and AT services.

Assistive technology devices – Equipment or tools that can help a person with a disability to work, learn, or move through their life more easily.

Assistive technology services – Help or instruction to find, make, repair, or learn to use an AT device.

Conciliation conference – A meeting or series of meetings between school staff and parents to settle a problem about the student’s education.

Due Process Hearing – When a person files a complaint, the next step is a due process hearing. A hearing officer will listen to both sides of a conflict, and give a written decision.

Educational evaluation – A series of tests to find out how a student’s disability affects their ability to learn, and to figure out what the student needs to get a good education.

Evaluation summary report - When a student is tested for special education services, the evaluation summary report describes and explains the results of the testing.

Extended school year (ESY) services – School services for students with disabilities that take place when school is closed – after school, or during the summer months.

Facilitated IEP meeting – A voluntary meeting of parents and school staff with a trained facilitator to work out problems with a student’s IEP.

Free appropriate public education (FAPE) – This is the main idea behind the IDEA. Every student, whether or not they have a disability, has a right to an education, free of charge, which fits the student’s special needs.

Functional behavior assessment – A test that looks at a student’s behavior to figure out what types of things are causing problems.

IEP document – The written plan for a student in special education. It describes what the school will do for the student to help them reach their educational goals.

IEP meeting – A meeting of the IEP team. At the meeting, the IEP team talks about the student’s needs and educational goals, and they write the IEP document.

IEP team – A group of people (including the parents and special education teacher) who are involved in a student’s education. This team decides on an education plan for the student, and writes the IEP document.

Individual education program (IEP- often called an individual education plan) – IEP can mean either the IEP document or the IEP meeting. The document, which describes the educational plan for a student with a disability, is written at the meeting.

Individual family services plan (IFSP) – A written plan that describes the early intervention services a school district will give to a child before the child reaches school age. Basically, an IEP for infants and toddlers.

Individuals with Disabilities Education Act (IDEA) – A federal law that tells what schools must do for students with disabilities.

Least restrictive environment (LRE) – Whenever possible, a person with a disability should be able to learn, live and work everyone else. The least restrictive environment is the setting which is most like the mainstream.

Limited English proficiency (LEP) – When someone grows up speaking a language other than English, it takes time to speak and understand English clearly and easily. LEP means a person is still learning and may need help to understand some things.

Mediation – A voluntary meeting between two parties who are having a disagreement. A trained mediator helps the two parties come to an agreement.

Present level of educational performance (PLEP) – A description of a student with a disability, which tells how the student is doing in school at the present time. The PLEP should give detailed information about the student’s disability and the student’s strengths.

Related services – Extra services that disabled children need in order to get FAPE, such as a bus with a lift or speech therapy.

Short-term instructional objectives – The smaller steps that a student will make on the way to reaching an annual goal in their IEP.

Special education services – Special planning for the extra help or equipment a student with a disability needs to get an education.

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