

Introduction

As a resident physician in pediatrics at St. Louis Children's Hospital, I have had the opportunity to treat many children with disabilities and learn about their special education needs. I now understand that obtaining appropriate special education services can be stressful for parents and child alike. By consulting with advocates, school administrators, lawyers, and doctors in writing this information packet, I hope to help families understand and become involved in the IEP process. This document is not meant to explain everything about getting your child special education services but rather is a good starting point on the journey to understanding the basics. In addition, a list of resources in the last section will help continue your own education. My hope is that providing straightforward information about the IEP process will give parents a place to begin.

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What is an IEP?

An IEP, or individualized education plan, is a written document that spells out how modified or special education is provided for each child in the public school system. Every child who receives special education services has an IEP document that should address his or her unique abilities and learning needs. Children qualify for special education and related services through an evaluation done by the school system. If your child is found to meet specific criteria for a disability, an IEP will then be written in order to provide services. As a parent, you can take an active role in the IEP process and work to improve your child's education.

Who qualifies for an IEP?

Children who meet criteria for an educational diagnosis of disability qualify for special education and related services. This means that the school evaluates your child in certain areas such as cognitive ability, academic performance, behavior and others to determine if he or she has difficulties significant enough to be defined as a disability by educational diagnostic criteria. Disabilities that can qualify a child for special education services include:

- Autism
- Speech or language impairment
- Emotional disturbance
- Mental retardation
- Other health impairments (ex: ADHD, other medical diagnoses)
- Visual impairment (including blindness)
- Hearing impairment (including deafness)
- Orthopedic impairments
- Traumatic brain injury
- Specific learning disabilities

The State has very specific criteria for all of these disabilities. If your child qualifies for an educational diagnosis, then you and school personnel will collaborate to write an IEP that meets your child's unique needs for services at school.

Often the most challenging part of the special education process is actually qualifying for an educational diagnosis and, therefore, an IEP. Many children fall in the range of "almost" or "not quite" qualifying in one or several areas. In these cases, the

school may contend that these children do not qualify for special education eligibility. If you find your child in this situation, it is important to have information from your child's health providers to give to the school. When a doctor or psychologist states *in writing* that your child's ability to learn is affected, you are providing evidence of a disability requiring special education services. When this information is presented to the school, it typically qualifies under the category of "Other Health Impaired." It is important to provide this kind of information for the school district, but it does not guarantee that the school will intervene. Outside information such as medical assessments will not take the place of the school's evaluation but should be considered by the school. Providing all the information that you can about your child's learning problems increases the likelihood that he or she will qualify for an IEP.

What services is my child entitled to?

The Federal law that requires public schools to identify children with special needs is called the IDEA 2004 (Individuals with Disabilities Education Improvement Act). This law says that public schools are required to provide a free and appropriate public education (FAPE) for children who qualify for special education and related services.

An IEP determines how a child receives special education. Individually designed education for the child with an IEP must be developed in a way that is specific to the child's needs. Related services such as transportation or counseling may also be included. These services should be provided free of charge by the public school system. Also, public schools are required to provide special education in the least restrictive environment (LRE), meaning that children with disabilities are educated as much as possible in general education classrooms along with their peers.

There are several components that are expressly written into the IEP document. The language used in the IEP should be easy to understand and should be *as specific as possible*. The essential components of an IEP document are listed below along with examples of possible accommodations.

- **Present Level of Academic Achievement and Functional Performance:** includes information about the child's level of education and functional skills, strengths of the child, parental concerns (can be in *any area*), summary of initial or most recent evaluation (includes educational diagnoses, summary of state and district-wide testing, and child's baseline performance in areas of concern).
- **Measurable Annual Goals and Objectives:** should be specific, measurable, attainable, and time-bound and should include both academic and functional goals.
- **Special Education and Related Services:** includes specific services unique to each child and can involve limitations in class size, co-teaching classes, time in resource room, self-contained special education curriculum, etc.
- **Supplementary Aids and Services:** considers the need for such things as extra materials for home, having a full-time 1:1 aide ("paraprofessional"), specialty services such as occupational therapy, physical therapy, or speech therapy, etc.
- **Program Modifications and Accommodations:** includes specific modifications to the teaching program such as an individualized curriculum, a behavior

intervention plan, attending school for a shortened day, opportunities for sensory learning, etc.

- **Testing Modifications and Accommodations:** includes specific modifications to the way a student is tested, such as untimed or alternative testing forms, etc.
- **Support for School Personnel:** support services provided that help teaching staff meet the specific needs of the child, including training and consultation.
- **Transportation Needs:** specifics related to transportation are addressed, such as having door-to-door busing services, etc.
- **Participation in General Education:** description of how much time the child is in general education classes, how much time is spent outside of a regular education environment, and why that is appropriate.
- **Participation in Non-Academic and Extra-Curricular Activities:** a statement that addresses equal opportunity for participation in areas such as clubs, extra-curricular activities, plays, school parties, etc.
- **Participation in State and District-wide Testing:** includes plan for participation, modifications, or alternatives to testing.
- **How Student Progress Will Be Measured:** includes specifics and timing of progress evaluation, such as report cards, teacher evaluations, etc.
- **Initiation and Duration of Services and Modifications:** includes when modifications will start and end, the amount of services (in minutes) the child will receive each week, etc.
- **Transition Services:** beginning at least by age 16 and updated every year, this section includes services that help the student plan a future after high school, such as post-secondary education planning, vocational rehabilitation referral, etc.
- **Placement Options Considered:** addresses appropriate placement options for the child and why a certain placement was chosen. Options include regular school with special education class time, special education school, home-bound schooling, etc.

How do I obtain an IEP for my child?

The process of obtaining an IEP for your child can be a long one. It takes patience and determination, but *you can help* your child receive the services he or she needs at school.

Child Find The first step, called Child Find, is a referral for a child to be evaluated by the school system. This referral may come from a parent, teacher, First Steps provider, or other state agency member. If a parent makes a referral, the request for evaluation should be made *in writing* to the school, and the letter should include the specific areas in which the child is having difficulties. After a referral is made, the school district will begin the process of reviewing information about the child. During this time, parents should provide the district with more information regarding their specific concerns as well as any outside information such as education testing or medical information.

Notice of Action – Intent to Evaluate If the school district finds that more testing is needed to determine if the child qualifies for special education services, they provide the parent with a document called a *Notice of Action – Intent to Evaluate*. Generally, parents

are provided this Notice of Action at a meeting where they also give *Informed Consent*, or written permission, for the district to proceed with evaluation. Alternatively, parents may be notified in writing. The Notice of Action and Informed Consent must take place within *30 calendar days* after a child is referred for evaluation. If the school district decides that the child does not qualify for special education services and does not need further evaluation, they will issue a *Notice of Action – Refused* document to the parents.

Evaluation Conference/Meeting After obtaining Informed Consent, the school district has *60 calendar days* to evaluate a child and hold an “eligibility conference” or “evaluation meeting”. This is a meeting between parents and members of the school district to discuss the outcome of evaluations and to determine if the child qualifies for special education and related services. Often, results of the child’s educational and behavioral testing are discussed. The evaluation must prove that the child meets requirements for an educational diagnosis of disability in order to qualify the child for an IEP. After this meeting, the district has *20 calendar days* to provide parents with a written copy of the evaluation report.

IEP Meeting If at the evaluation meeting it is determined that the child qualifies for special education and related services, the school district has *30 calendar days* to convene an IEP meeting. In order for parents to be true participants and make informed decisions, they need time to read and understand the evaluation report. Therefore, it is best practice for the evaluation meeting and the IEP meeting to be held on separate days. The IEP meeting is *the most important* opportunity for parents to discuss specific educational concerns about their child. The meeting is made up of the parent(s), several members of the school including a case manager or someone who is responsible for special education services at the school, special education teacher(s), regular education teacher(s), and the child, if appropriate. In addition, the parent has the option of inviting anyone they choose, such as a private therapist, friend, or advocate who knows the special education process. After the IEP meeting that defines the child’s special education services, the school must implement services *within 1-5 days*. The final IEP document will be written after the meeting by the special education case worker assigned to the child.

IEP timeline

Referral for Evaluation (Child Find)

- School district reviews existing information and determines if more information is needed
- Parents should supply relevant information



Notice of Action – Intent to Evaluate Informed Consent

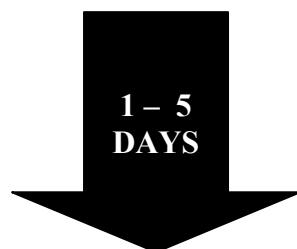


Evaluation Meeting with parents

- Determines if child qualifies for special education and related services by meeting criteria for a specific educational diagnosis
- Evaluation must be provided to parent(s) in writing within 20 calendar days



IEP meeting to determine specifics of special education and related services



IEP implementation

How often is my child's IEP reviewed?

IEPs must be reviewed at least once a year to ensure that services are being provided appropriately and that goals are being achieved. The IEP should then be revised with new goals and additional services if needed. Children in the special education system must also be re-evaluated every three years, although educational testing may or may not be repeated.

A parent or school member may request an IEP review meeting any time they think a concern needs to be addressed. *Make sure to ask for an IEP review meeting in writing.* A review of the IEP is especially important as a child changes in academic and/or functional ability. Common reasons for revision of IEPs include updating goals to reflect the child's current level of academic skill or modifying the behavior intervention plan for a child who is having more problems with behavior.

What if I don't agree with my child's evaluation or IEP?

If you have concerns that are not recognized by teachers or case workers, speak up! You have the opportunity to voice your concerns and request evaluation in specific areas during the time your child is being evaluated. Take advantage of this opportunity, and put your concerns *in writing*. You should provide a letter outlining your concerns to the head of special education at your school and also to the person actually evaluating your child.

If you do not agree with the quality of your child's evaluation or the results, you have several options. You can provide outside information, such as a medical evaluation or testing done by health care professionals or private therapists, to support your case. Alternatively, *you can request an independent education evaluation (IEE)*. This is an additional evaluation done by a professional not employed by the school, yet paid for by the school district. When writing a request for an IEE, state specifically why you disagree with the outcome of the school district's evaluation. The IEE can only be requested for areas in which the district has already evaluated the child. The school district then has two options: agree to pay for the IEE or file a due process document stating why the IEE is not warranted.

Ideally, an IEP is designed by parents and school officials to meet all aspects of a child's educational needs. There are times when parents feel that an IEP is not written well or needs adjustment. If you want your child's IEP revised, again, speak up! Request an IEP meeting from the school in writing. Before the meeting, review your child's IEP and find the things that need to be changed. Come to the meeting with exact ideas on how to update the IEP so that your child's needs will be met. Have specific goals in mind. If you request a modification or service that the school members do not feel is appropriate, *ask for a Notice of Action – Refused document* that details why the specific intervention was not deemed appropriate. The actual IEP document will not be produced during the meeting but will be written by your child's case manager after the meeting takes place. Make sure to review the IEP after it is composed. Follow up with your child's case manager and teachers at regular intervals to make sure the IEP is being followed.

After going through the steps detailed above, if you feel that your child is still not receiving services that are required under the IDEA, *you may choose to file a Child*

Complaint or Due Process Complaint. If you are considering this option, it is advisable to seek the advice of a well-trained advocate or other professional who knows how to navigate this process.

At what ages are services provided by an IEP?

As long as your child is eligible, an IEP will provide special education services from age three through twenty in the state of Missouri. Public school districts are required to provide early childhood education for children age three or older who meet criteria for a disability. The initial referral for evaluation may come from a parent, from a First Steps provider, or through a different state agency. For children who are involved in First Steps, the provider should arrange an evaluation with the local school district starting at age two and a half so that an IEP will be in place by the time First Steps services end at age three. Revision of the IEP as the child gets older should adjust the special education and related services provided to reflect academic and functional needs.

Starting at least by age 16 (and ideally much earlier), your child's IEP should begin to have a specific section related to *Transition Services*. This section should be updated every year and includes measurable goals and services that will help your child plan for a future after high school. As with all aspects of an IEP, this section is unique based upon your child's abilities. Transition services should focus on improving academic and functional skills. This may include, but is not limited to, community job experience, post-secondary education planning, or referral to the Department of Vocational Rehabilitation. Involvement in Vocational Rehabilitation services, which includes job training, career counseling, and case coordination, is an important part of many student's transition into adulthood. It is essential that your child's IEP addresses these concerns as early as is appropriate.

The 504 Plan

Unfortunately, not all children with unique learning needs qualify for IEPs. If your child does not meet an educational diagnosis of disability, he or she may be entitled to a 504 Plan. The definition of disability under Section 504 is broader than under the IDEA. A 504 Plan does not provide unique programming for students with disabilities as an IEP does and is therefore much more limited in terms of services provided. It usually includes a predetermined set of classroom accommodations and modifications to help your child receive the same educational services as non-disabled students. Remember that a 504 Plan is another option if the school evaluation determines that your child is not eligible for an IEP, but it will be more limited.

Tips for successfully navigating the IEP process

- **Stay calm.** Dealing with issues involving your child's education can be difficult and emotional. Often parents feel at a disadvantage because they do not fully understand the IEP process. Remember, becoming angry or aggressive during IEP meetings takes the focus off your child. Try to stay calm to help your child get the educational services they need and deserve. You have the option of bringing someone with you to take notes and to help you stay focused.
- **If you don't understand something, ask.** The IEP meeting should create a partnership between you and school district personnel to develop a specific

education plan for your child. If you do not understand the language the school officials are using, stop and ask them to explain. You are your child's best advocate, and you are most effective when you are included in and understand all parts of the IEP process. It is your right to have school district officials explain in understandable language all aspects of the IEP procedure.

- **Come prepared to all meetings with the school district.** Before meetings, read over your child's evaluation report and previous IEPs. Research the testing that was given to your child and understand the results. Have ideas for writing or updating goals, services, accommodations, and other areas you think need adjustment. Write your ideas down and bring them with you to help stay focused. Some advocates even suggest writing a sample IEP to give to school representatives at the start of the meeting. Speak up and give your opinion about all aspects of the IEP. Bring someone with you to take notes, even if it's just a friend. Push for things you think are important, and request written documentation of refused services.
- **Be specific.** For your child's IEP to be effective, it needs to be as specific as possible. For example, a goal that is hard to reach and harder to assess is "Joe will improve his reading skills." A better goal would be "Joe's reading comprehension skills will improve from a 5th grade level to a 7th grade level as measured by standard evaluation testing." Each child's goals are unique, and there is no easy formula for writing an effective IEP. That being said, push for detailed goals and service descriptions whenever possible.
- **Make sure your child's IEP is updated to reflect his or her increasing abilities.** As a parent, you know your child's abilities. Creating a partnership between you and school staff will help your child receive the services he or she needs through an updated and accurate IEP. Attend your child's yearly IEP meeting and request additional meetings if you think services or goals need adjustment before then.
- **Follow up.** Make sure to read your child's IEP after it is written. Check that the wording of the IEP accurately reflects what was discussed and decided during the meeting. Speak with your child's case manager or the school employee who wrote the IEP to give feedback about the end result and follow that with a written letter. Periodically check in with your child's teachers and special education providers to make sure the IEP is being followed effectively.
- **Document.** In addition to keeping copies of evaluations and IEPs, you should write follow-up letters to teachers or school officials summarizing any conversations you have had about your child's IEP or special education services. Remember to make all requests in writing. Keep copies of all letters and requests in a home file so you can refer to them in the future as needed.
- **Remember that this is a process.** Just as your child will be growing and changing, his or her IEP will also need to grow and change. It is an ongoing process. Help the school help your child by continuing to check with teachers and special education providers to make sure modifications are effective and goals are being achieved.
- **Educate yourself.** Understanding the IEP and Special Education process is a difficult undertaking. Educate yourself by attending training workshops on IEPs

and advocacy, using resources on the internet, becoming involved with advocacy organizations, talking with school officials, and talking with other parents.

Additional Resources

- **MPACT: Missouri Parents ACT.** www.ptimpact.com. Tel 1-800-743-7634. Dedicated to helping parents effectively advocate for their children's educational rights and services with educational and mentoring programs. MPACT also offers a diverse range of helpful information and links on their web site.
- **Missouri Department of Elementary and Secondary Education.** <http://dese.mo.gov>. Tel (573) 751-4212. Provides information on special education, resources for further learning about the IEP process, and specific educational definitions of different disabilities. Blank documents including IEP forms are available. Includes the Department of Vocational Rehabilitation.
- **Child Legal Alliance.** www.lsem.org. Tel (314) 534-4200 or 1-800-444-0514. As part of Legal Services of Eastern Missouri, this organization provides collaborative legal services and advocacy for children of low income families in Eastern Missouri. They often provide services for children in the special education system.
- **MRDD: St. Louis Office for Mental Retardation and/or Developmental Disability Resources.** www.mrdd.org. Tel (314) 421-0090. This organization offers a variety of services and resources for city residents with MR or developmental disabilities.
- **Department of Mental Health St. Louis Regional Center.** www.dmh.missouri.gov or <http://stlouis.mo.networkofcare.org>. Tel St. Louis City (314) 301-3900, tel St. Louis county (314) 340-6500. Provides a range of services including case management, funding, and transition services for children with disabilities as well as resources and information.
- **Family and Community Resource Center at the Special School District.** www.ssd.k12.mo.us/Parents/fcrc/ Tel (314) 989-8438. Books, videos, articles, brochures, and pamphlets on disabilities and disability-related topics are available. Other services include referrals and parent workshops.
- **Family Resource Center at St. Louis Children's Hospital.** www.stlouischildrens.org. Tel (314) 454-2350. Provides literature on diverse topics related to parenting, medical conditions, and disabilities affecting children.