

KNOW YOUR RIGHTS: INDIVIDUALIZED EDUCATION PROGRAMS (IEPS)



Students with difficulties learning at school because of disabilities, mental health, and/or behaviors may receive accommodations and services under and Individualized Education Program (IEP). Caregivers, the student, and members of the special education and general education teachers and staff work as a team to identify goals, accommodations, and related services to ensure the student has access to their education. Services may include transportation, post-secondary goals, specialized instruction, or counseling. The IEP must be based on a student's current academic and functional strengths and areas of growth, and the team must meet to update the IEP at least once every year. Below is some information on legal rights, responsibilities, and processes for families of students with IEPs.

Identification

- If you are concerned about a student's academic progress, attendance, or behaviors in school, you can request an evaluation for special education. Anyone can refer a student for special education, including a caregiver or teacher.
- The request for an evaluation should be in writing – like an email or a letter – to the special education administrator in your division. You can also send it to your school principal but it may take more time.

Referral

- A school division has 65 business days from when the special education administrator receives the referral to determine if a student is eligible for special education services. The parents or caregiver will receive a Prior Written Notice that a referral for special education was made.
- The school division may agree to or deny the referral for an evaluation for special education services and must provide the reason for granting or denying the referral in writing.

Evaluations

- Before evaluating or re-evaluating a student for special education, a parent must provide written consent for the evaluations.
- After the evaluation is complete, the school must hold a meeting to discuss the results and determine a student's eligibility or continuing eligibility for special education. Schools must provide parents with a copy of the evaluation results and other reports at least 2 business days before the meeting.
- If the parent or caregiver disagrees with an evaluation from the school, they may ask for an evaluation from a qualified independent evaluator at no cost to the parent.

IEP Meeting

- After an evaluation or re-evaluation, the school must hold a meeting within 30 calendar days to determine if the student is eligible for special education. If the student is eligible, the student will receive an Individualized Education Plan (IEP). To create this plan, the school must invite the student's parent or caregiver as a member of the IEP team making decisions about the goals and services a student needs to learn. Schools must provide a draft of the IEP at least two business days before the IEP meeting.
- The IEP team should include different members of the school division: the student's regular education and special education teachers; a principal or assistant principal; a special education administrator; service providers (like a speech or occupational therapist); a school psychologist; and others. The student is also invited to participate in the special education meeting.
- The IEP team must meet at least once every year to review and revise a student's Individualized Education Plan, which should include information about the student's strengths, areas of growth, and progress made towards annual goals that the team creates. The plan must also include the related accommodations and services needed for the student to make progress on their annual goals, which may include accommodations for assessments.
- If there are concerns about a student's progress on their IEP goals during the school year or changes to a student's learning needs that require modifications to the IEP, a parent or caregiver can request an IEP meeting to consider changes at any time.
- If there is a disagreement among the IEP team about an evaluation, eligibility determination, the goals or services in the IEP, or a student's educational placement, there are several options to resolve the dispute.
 - To disagree with special education decisions, do not sign documents that require parental consent to proceed.
 - Signed consent is required for evaluation, to confirm or deny eligibility for special education, and changes in the student's educational placement.
 Visit bit.ly/IEPDisputes for more information on resolving disputes.

IEPs vs. 504 Plans

- Section 504 Plans stem from a different civil rights law protecting individuals with disabilities. The main purpose of Section 504 Plans is to ensure individuals with disabilities have access to organizations receiving federal funds, like public schools. A 504 plan allows children with disabilities who don't want or qualify for an Individualized Education Program to receive accommodations that support their access to learning experiences at school.
- There is no standard 504 plan. Unlike an IEP, a 504 plan doesn't have to be a written document. A 504 plan generally includes the following:
 - Specific accommodations, supports, or services for the child
 - Names of who will provide each service
 - Name of the person responsible for ensuring the plan is implemented

For more information and additional resources on IEPs and the rights of students with disabilities, please visit



The Parent Educational Advocacy Training Center offers additional information and support services for families of children with disabilities.

Visit peatc.org for more info.