

Chapter 1

IEP Rundown

Objective 1	Learner will glean information about the history of the federal IDEA law and how it came to be.
Objective 2	Learner will understand what an Individualized Education Program (IEP) is and how an individual may qualify for services.
Objective 3	Learner will discover the similarities and differences between IEPs and 504 Plans.

You are here reading this because you're a teacher or an Individualized Education Program (IEP) team member. That means you are providing a service to your students, more specifically, you are providing special education services that are mandated through federal and state laws.

The purpose of this chapter is to offer you background knowledge of the history of special education and what special education services are, with hopes that by understanding the reasons why these laws were enacted, you will better understand your role at a child's IEP meeting and in their education.

History of the Individuals with Disabilities Education Act

If we want to learn the history of special education services in schools, we have to go back before the Individuals with Disabilities Education Act (IDEA) was enacted. The fate of many individuals with disabilities prior to the 1950s and 1960s was many were shunned or institutionalized, of which the majority in institutions were placed in severely restrictive settings. These individuals were kept rather than taught or rehabilitated, and the families of these individuals had little to no say. More so—there weren't many resources available for families and individuals with disabilities to live at home, let alone attend school with their neighboring peers.

It wasn't really until the 1950s and 1960s that the federal government started to step in, passing the National Defense Education Act (PL 85-864). This was the first act obtained that gave federal funding for teachers to be trained to work with disabled children.

Many of these new practices and improved programs and services from the 1950s and 1960s laid the foundation for the future . . . or the services that are available today.

Here are some of the wave-making acts from during this time that helped pave the way for today's services:

- Training of Professional Personnel Act of 1959: Helped train educational leaders on how to educate children with disabilities.
- Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963:¹ Provision for funding of construction on facilities related to the prevention, care, and treatment of disabled individuals.
- Elementary and Secondary Education Act of 1965 (which is now Every Student Succeeds Act [ESSA] of 2015): The start of state provided grants.
- Economic Opportunities Amendments of 1972, now known as Head Start.
- Handicapped Children's Early Education Assistance Act of 1968.
- Rehabilitation Act of 1973.

It's important to know where we came from so we can understand why we have the services, programs, and supports available today, and so we know what services, programs, and supports are available for our students when making IEP recommendations.

Moving into the 1970s, only about one in five² students with a disability were educated in schools. Much of this was because school districts were not legally required to educate disabled children, and there were many laws that prevented and prohibited disabled children from attending school altogether . . . until 1975.

In 1975, the United States saw the landmark development and signing of the Education for All Handicapped Children Act (EHA) (Public Law 94-142).

Signed by President Gerald Ford on November 29, 1975, the four purposes of the EHA were:

1. "To assure that all children with disabilities have available to them . . . a free appropriate public education (FAPE), which emphasizes special education and related services designed to meet their unique needs,
2. To assure that the rights of children with disabilities and their parents . . . are protected,
3. To assist States and localities to provide for the education of all children with disabilities, and
4. To assess and assure the effectiveness of efforts to educate all children with disabilities."³

After being signed into law, the EHA gave and guaranteed each student with a disability access to a FAPE. FAPE is pivotal to our purpose as special education teachers because all children deserve the opportunity to attend public schools and have a right to an education.

Not only was Public Law 94-142 the first to clearly define FAPE, it also:

- Required school districts to include the parents and guardians.
- Mandated IEPs for each student with a disability.
- Required placement in the Least Restrictive Environment (LRE).

- Ensured disabled students are given nondiscriminatory tests (think: native language and tests that take the disability into consideration).
- Required due process procedures be in place.

The EHA took the necessary steps to protect students with disabilities and their families, giving them the right to an equal, yet individualized, education, but it also provided support to the states to help them meet each student's individual needs.

In the 1980s and 1990s, there was a huge push for more opportunities for children with disabilities. Children in institutions were now being serviced under EHA and many were integrated with their nondisabled peers in public schools.

During this time we also saw:

- The U.S. Supreme Court address FAPE for the first time.
- More support for improved transition programs (think: vocational skills).
- Transition from high school to adult living.

In 1982, a landmark Supreme Court Case (*Board of Education v. Rowley*)⁴ ruled that the law was to provide “a basic floor of opportunity to learn,” as opposed to the achievement of maximum potential. It's important to remember this: FAPE is an opportunity as opposed to an unmeasurable outcome (i.e., maximum potential). The ruling also said that the state must provide sufficient supports and services to allow the child to benefit educationally from instruction, which you may now hear called “The Rowley Standard.”

In 1984, in *Irving Independent School District v. Amber Tatro*,⁵ the courts determined that if a service can be performed by someone other than a physician and the service does not involve a medical diagnosis or evaluation, the service is a “related service” and would be included in a child's IEP.

In 1988, in *Honig v. Doe*, the court ruled a disabled student may not be expelled “for an indiscriminate amount of time,” and the student may not be suspended for more than 10 days at a time. During the temporary suspension, the IEP team may meet to determine

a new placement. It also ruled that if the student's misconduct is related to the student's disability, an alternative placement should be considered instead of a suspension or expulsion. More changes to disciplinary procedures arose in 1997.

Another pivotal court proceeding in 1989, *Timothy vs. Rochester School District*, resulted in the Zero Reject principle. The Zero Reject principle is one of the core principles of IDEA that states that a child cannot be denied an education due to the severity of their disability.

During the 1976–1977 school year, the EHA serviced more than 3.5 million children with disabilities, aged 3–21. During the 1980–1981 school year, the number of students serviced increased to over 4 million. During the 1990–1991 school year, the IDEA serviced 4.7 million children with disabilities.⁶

In 1990, the EHA was reauthorized and became known as the Individuals with Disabilities Education Act (IDEA), or Public-Law 102-119.

There were three main amendments to the law in following years—1983, 1990, and 1997—that supported the transition initiatives, which lead to IEPs, including transition plans:

- Identifying appropriate employment and other post-school adult living objectives for the student.
- Referring the student to appropriate community agencies.
- Linking the student to available community resources, including job placement and other follow-up services.

Other notable changes in the 1997 amendment to IDEA were:

- An emphasis on a disabled child's access to the general education curriculum.
- Changes to disciplinary procedures.

The latter was due to an increase of student drug use and possession of dangerous weapons. The amendment outlined the following:

1. School personnel are allowed to change the placement of a disabled student in certain situations, such as possession of illegal drugs or weapons.
2. A change of placement to an interim setting or suspension must not be longer than 10 days.
3. A change of placement to an alternative educational setting may be considered, but only for the same amount of time that a non-disabled peer would be subject to the discipline, and not more than 45 days.
4. An interim alternative placement may only be considered when the child's current placement could cause harm to the student or others, the current placement is inappropriate, and the school has made an effort to minimize the current risk with supplementary aids and other services and supports.
5. If disciplinary action is required, a manifestation review is required.

In 1997, the amendments also restructured IDEA into four parts:

- Part A addresses general provisions.
- Part B covers assistance for education of all students with disabilities.
- Part C covers infants and toddlers with disabilities.
- Part D addresses national activities to improve the education of students with disabilities.

It's important to note that during this time too, Part H of the EHA was amended and changed to Part C of the IDEA. This is the section of the law that includes and helps states develop early intervention programs for infants and toddlers with disabilities. This section requires the development of Individualized Family Service Plans (IFSP) for each student, age birth to three.

All of these impactful revisions to the EHA and IDEA laws have helped you, as a special education teacher and IEP team member, better service your students to prepare them for further education, employment, and independent living. And all of these changes continue into the 2000s.

In 2004, the reauthorization of the IDEA aligned it with the No Child Left Behind Act requirements. This reauthorization and alignment called for:

- Early intervention for students
- Greater accountability and improved educational outcomes.
- Raised standards for instructors who teach special education classes.
- Requirement of the development of alternate standards.
- More specifics on the allocation and use of special education funds.⁷

In 2006, we also saw more revisions to the IDEA, including:

- Schools being required to use research-based interventions.
- What the resolution process looks like when a parent files a due process complaint.
- More details on how students in a private school are serviced.

In 2008, the law brought more clarity to parental consent, state monitoring, allocation of funds, and positive efforts for employment of individuals with disabilities.

The years of 2011, 2013, and 2015 (Every Student Succeeds Act) brought more revisions, and one of the most notable changes to the law was enacted in 2017 with Rosa's Law, which replaced the term *mental retardation* with *intellectual disability*.

All in all, during the 2018–2019 school year, over 7.5 million students with disabilities from birth to age 21 were serviced under the IDEA. When you compare those numbers to the 1950s, a time when students with disabilities were not receiving any services or supports, the fact that 66% of students with disabilities that are

served in a general education classroom for at least part of the day is a huge cause for celebration.⁸ There is still work to be done, but the historical path shows us moving in a positive direction.

IDEA Is Meant to Be Interpreted by Schools and Districts

When Congress enacted the IDEA, it placed more emphasis on the process rather than specifics. This means that it was left up to the schools and districts to make decisions too. For example, the IDEA tells us the rules for evaluating a child, but does not provide specific eligibility information for each disability category. These determinations are left up to the states to determine. While some states use wording verbatim from the IDEA, many parallel the law, but also add in their own requirements that provide greater protection and more rights for a child with a disability.

It's important to know that the laws, regulations, and policies by which you teach can change at any moment—as special education teachers are all too well aware of. You should familiarize yourself with your state's department of education website and the IDEA website, along with other notable special education websites like Wright's Law and The Intentional IEP.

Homework: Locate your state's Department of Education website and bookmark it. Then locate and bookmark the websites for the IDEA, Wright's Law, and The Intentional IEP.

What Is an IEP?

For the first time in history, with the 1975 signing of the Education for All Handicapped Children Act (EHA), schools experienced the legal obligation of each disabled child receiving an IEP. An IEP lays

out the special instruction, services, and/or supports that a child with a disability will receive. IEPs act as a product that helps process and guide the instruction of students with disabilities.

In other words, an IEP is a legally bound document created by a team of professionals (and the child's parent or caregiver!) that work with a child who is experiencing struggles in school. But more than that, it's a map for a child's education program that includes special education instruction, services, and supports.

And similar to snowflakes and fingerprints, no two IEPs are the same, and no two IEPs *should* be the same. That's why the *I* in *IEP* stands for *individualized*.

Congress reauthorized the IDEA in 2004, and most recently, amended the IDEA through Public Law 114-95, also known as the Every Student Succeeds Act, in December 2015 . . . to which it says that an IEP is “. . . designed to meet [a student's] unique needs and prepare them for further education, employment, and independent living.”

As a special education teacher and service provider, you know that an IEP is a legal document. And this goes without saying, but you also know that an IEP is not a recommendation or a suggestion. What's in the IEP *must* be provided to the student.

Who Can Have an IEP?

IEPs are a part of public education and are covered under the special education law IDEA. Any child with a disability, aged 3 to age 21, who attends a public school, inclusive of charter schools, is eligible for an IEP under the IDEA.

To qualify for special education services under the IDEA law, a child must meet two requirements:

- The child must be formally diagnosed with having a disability that is one of the 13 categories outlined in the federal law.

- The school must determine that, as a result of the disability, the child needs special education services to make progress in school and learn the general education curriculum.

Not all students who struggle in school qualify for special education services.

To determine eligibility, a child must go through the evaluation process and will be assessed by a qualified examiner, in school with an educational evaluation or through an outside Independent Educational Evaluation (IEE).

In schools, the initial evaluation may occur only if the parent or caregiver has given written permission. Once the request for evaluation is received and the parent or caregiver has provided consent for testing, the school entity has 60 days to conduct the evaluation, per IDEA regulations.

The evaluation includes formal tests, informal assessment measures, observations, interviews with multiple members on the team, and any other assessments deemed necessary. Comprehensive evaluations may include, but are not limited to:

- An individual psychological evaluation.
- Social history.
- Physical examination (think: specific assessments for vision, hearing, and health).
- Observation(s) of the student in their current educational setting.
- Educational evaluation.
- Vocational assessments at transition age.

Don't forget that any evaluations and assessments must be given to the student in their native language.

A child's parent or caregiver also has a right to ask for the IEE if they decide the evaluations recommended or completed by the school are not appropriate or sufficient. However, the district does not have to agree, at which time the district will initiate an impartial hearing. Either way, the IEP team is provided with the outside evaluation and determines if the information in the evaluation is permitted and/or sufficient for determining eligibility.

After the educational evaluation, the IEP Team, which includes the child's family, reviews the evaluation results and determines if the child is eligible to receive special education services.

It's important to mention that a doctor provides a diagnosis. Educators determine eligibility and cannot provide a diagnosis.

Again, to be eligible, the child must meet both eligibility criteria:

1. The child must have a disability that adversely affects their educational performance.
2. The school must determine that, as a result of the disability, the child needs special education services to make progress in school and learn the general education curriculum.

As previously mentioned, there are 13 disability categories outlined in the IDEA that may qualify a student for special education services. Think of the categories as doors that open a pathway to special education services.

The 13 categories are:

- Autism Spectrum Disorder.
- Deafness.
- Deaf-blindness.
- Emotional Disturbance.
- Hearing Impairment.
- Intellectual Disability.
- Orthopedic Impairment.
- Other Health Impairment.
- Specific Learning Disability.
- Speech or Language Impairment.

- Traumatic Brain Injury.
- Visual Impairment (including Blindness).
- Multiple Disabilities.

A child can be diagnosed with one or more than one disabilities. Typically, if a child is diagnosed with multiple disabilities, one of the diagnoses is determined the most prevalent, followed by the child's secondary disability, tertiary disability, and so on.

Did you know? During the 2020–2021 school year, 15% of students attending public schools required special education services under the federal law.⁹

Once a child is determined to be eligible for services, the IEP team writes the child's IEP. If the child is an infant from birth to 3 years old, the information is used to create the child's IFSP, which helps the child work toward meeting developmental milestones.

Other important things to note about IEPs:

- Students younger than age 3 can receive services through early intervention.
- Private schools do not offer IEPs, but students may still be able to receive services through what is called an Individual Service Plan.
- Students beyond age 21 do not receive services; however, students may still receive accommodations through disability services at the college level or at their place of work under the Americans with Disabilities Act (ADA), which provides individuals with disabilities freedom from discrimination at work.

Who Is on the IEP Team?

Each child's IEP team is different, and each member of the IEP team plays a vital role. An IEP team includes:

- The child's parent, guardian, or caregiver.
- One general education teacher.

- One special education teacher.
- A representative of the public agency (the Local Education Agency, or LEA).
- Someone who can interpret data.
- When appropriate, the student.

The IEP team may also consist of other individuals who have knowledge or expertise regarding the student, at the discretion of the parent or caregiver and the school district. These other persons may include related service providers, school social worker or guidance counselor, outside therapists, school physician, or others.

In elevated situations, you may also be in attendance of a lawyer or advocate at an IEP meeting, along with other higher-up school personnel.

Each member of the IEP team holds a different role, and their knowledge and expertise are highly needed at the IEP table. The following sections look at key team members and their roles and responsibilities as a vital part of the IEP team.

Parent, Guardian, or Caregiver

Parents are key members on the IEP team and are experts on the child. They can offer insights into the child's life outside of school, what works well at home and what doesn't, past or current struggles and victories, and so many other things that only a parent would know.

Parents should share their thoughts and concerns with the team and offer suggestions as well. They should report back to the IEP team with any changes noticed at home.

Special Education Teacher

The special education teacher is often the student's caseload manager. This individual is the special education expert on the team who has expertise on the child's disability and its impact on the student's development and educational progress. This teacher can provide insight on the long list of services and supports a child may benefit from, and they ensure that the services outlined in the child's IEP are being provided.

Typically, the special education teacher is the one who writes the IEP, collects data, and provides reporting information as outlined in the IEP. Other job duties vary depending on where a teacher works, including scheduling and running the IEP meeting and finalizing the IEP.

General Education Teacher

The general education teacher is a vital component of the IEP team. This person is a grade level content knowledge expert, and part of their role includes sharing academic expectations for the child's grade or a particular subject with the IEP team. This knowledge and expertise help the team establish goals and objectives for the child's IEP that directly relates to the grade level content standards and the child's same-aged, nondisabled peers.

General education teachers should help write the IEP by providing knowledge and suggestions. They should ask questions if help is needed, advocate for and attend professional development as needed, advocate for student needs in their classroom, work with and include the student in their classroom, accommodate and modify lessons and materials as needed, and collect data on appropriate goals and the use of services and supports in their classroom.

Local Education Agency (LEA)

The LEA must be qualified to provide or supervise the provision of instruction, must know about and be knowledgeable with the general education curriculum, and must be knowledgeable about the availability of resources the school can provide. This person also needs to be capable of authorizing school funds to provide necessary services within the student's IEP, and ensure the team that the services outlined in the child's IEP will be fulfilled.

Data Interpreter

This individual must be able to explain evaluation results to the team and interpret evaluation results to help design the child's IEP. If it is an evaluation year, this might be a diagnostician or other

evaluator. Often times, this is a dual role with the child's special education teacher.

Student

According to the IDEA, a student reaches transition age at the age of 16. This age varies, and can be as early as age 12. This is when the student must be invited to their own IEP meetings and be a part of their educational plan. Students can participate in all or part of the meeting, as deemed applicable by team members, as participation is an important step in developing self-advocacy skills. Younger students may also participate, and you will learn more about student-led IEP meetings later in this chapter.

Transition services extend to age 21 and are a coordinated set of activities monitored by the school that are designed to prepare the student for adult life. I talk more about transition services in Chapter 3.

At the age of 18, a student is at the age of majority. This age varies state to state, and means that the parent or caregiver is no longer the key decision-maker. At this point, the student is transferred the rights to make educational decisions for themselves. I talk more about this in Chapter 3 too.

The Art of Team Collaboration

It's also important to remember that each child's team has its own unique culture. How the meeting is structured, the complexity of the language and documents, the meeting room environment, the team's values . . . all of these nuances create the dance that is a truly collaborative IEP process. To begin this collaborative process, each team member must believe they are there for the student's benefit.

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To read more specifics within the IDEA law on IEP team members, you can search for Section 300.321. Ultimately, IDEA defines the key players on the IEP team, but does not provide a roadmap for collaborative IEP team success. I discuss team collaboration more in Chapters 4 and 5.

What Does the IEP Team Do?

The IEP team meets to talk about the child's needs and write the student's IEP. Parents and the student—again, when appropriate—are a vital part of the IEP team. Parents hold valuable information that school professionals may not know or be aware of, and when parents feel like a valuable part of the IEP team, you can use this information to craft bigger success for the student.

When it comes to writing the IEP document, it really depends on what and how your school does this. The IEP writing process itself is not something that is outlined in IDEA, and you may find that three different schools may write IEPs the same exact way, or each a different way. It's important to note, too, that there is no one right or wrong way to write an IEP as long as the law, your state's regulations, and your school's policies are being followed.

Examples of different ways school teams write IEPs:

- Some schools write the IEP at the IEP meeting.
- Some schools hold an IEP meeting, discuss the IEP details, and write the IEP after the meeting.
- Some schools write portions of the IEP prior to the IEP meeting, and then discuss and make changes to the proposed IEP at the meeting.

In a perfect world, the entire IEP team would be writing the IEP at the meeting because all members of the IEP team are actively involved in writing the student's IEP. More importantly, parents

feel like active, involved members of the IEP team when this occurs. This is not to say you cannot have a collaborative IEP writing process any other way; you can read more about collaboration in Chapters 4 and 5.

All of the schools I have worked in across multiple states and districts wrote the proposed IEP prior to the meeting and made changes at the meeting. When I polled IEP teams, I found that 90% write IEPs in this manner.

The Referral Process

It is important to know that any child may be referred for special education services and supports, but not all children who struggle will be determined eligible for services under the IDEA.

The referral process starts in one of two ways, through Child Find or with the parent or public agency making an initial referral.

Child Find is the process that school districts must follow to look for, find, and evaluate individuals who need special education services and supports, age birth to 21; it is also termed for students who are deemed “at risk.” Both state and local education agencies, or schools, are given the responsibility by federal and state laws to conduct Child Find activities so that children who need special services have the opportunity to receive those services.

This obligation to identify all children who may need special education services exists even if the school is not providing special education services to the child, including children who attend private schools and public schools, highly mobile children, migrant children, homeless children, and children who are wards of the state.

Child Find is mandated by the IDEA and its purpose is:

- To promote public awareness of disabilities.
- To alert parents, professionals, and the public to children who may have a disability.

- To assist public agencies in finding children who may have disabilities and who otherwise may not have come to their attention.
- To enable children and families to receive the special education and related services that are needed.

Essentially, the Child Find mandate requires each state to devise a practical method to determine which children are receiving the needed special education services, and which children are not. This can be done through public outreach efforts, local media campaigns, public notices, and so on.

After identifying a student who may need special education services, the Child Study Team (CST) will make a referral for a comprehensive evaluation.

This means that an adult who works with the child is making an initial request for the child to be evaluated for special education.¹⁰ This request can be done verbally or in writing, but I do recommend the request to be in writing and it should be dated.

This referral may also come from the Child Study Team.

As a parent or teacher who is advocating for something you believe a disabled child may need, I recommend always writing a letter and delivering it to the appropriate administrator, and date the document. You can then follow up via email or phone to check on the progress of the concerns outlined in the hand-delivered letter.

Once the written referral is received, the school has a specific number of days to respond to the request, which is outlined in the state's Procedural Safeguards. The school does not have to agree to a request for evaluation if they have no reason to believe the child has a disability that requires services. But if the public agency has reason to suspect a disability, they must evaluate the child. If the agency accepts the request, the school must conduct the initial evaluation within 60 days of receiving parental consent. The public

agency may also recommend additional screening prior to a comprehensive evaluation.

If the public agency initiated the referral, it will be important to include any documentation and data collected prior to the referral request.

Also, if the public agency has initiated the request, not only must they immediately notify the parent or caregiver that the child has been referred for an evaluation, but they must also receive parental consent to move forward with the evaluation. Even if the parent has initiated the request, the parent must still sign the consent form for a full, comprehensive evaluation. Consent means that the parent has full knowledge of the district's actions, and the parent may request an informal meeting to discuss the referral in more depth.

The parent does not need to agree to the referral, but the public agency does have legal obligations to uphold. If the parent does not agree, the public agency will usually try to hold multiple meetings with the CST, administrators, and the IEP team. If no agreements can be made, parents and the public agency have due process rights to explore.

However, in most cases, parents do provide consent for full comprehensive evaluations. Evaluations are done at no cost to the parent or guardian, and all evaluations must be completed within 60 days of the consent to evaluate. After the evaluation is complete, the team will hold an eligibility meeting. Once a student has been determined eligible for special education services, the school has 30 days to write the IEP and hold the initial IEP meeting. (This is per IDEA. States and districts may use different timelines.) This means it's time to write the student's IEP.

For students eligible under the category of Developmental Delay, a reevaluation must be completed 30 days prior to the student's ninth birthday. The age requirement varies state to state.

The IEP Writing Timeline

Before you can begin writing a child's IEP, it is important to follow through with best practices and timelines to ensure IEP process effectiveness. This is where the IEP Writing Timeline, shown in Figure 1.1, becomes your new best friend.

The Best Time to Start

Believe it or not, starting an IEP 45 days from the date of the actual meeting is the best time to start. This gives you enough time to communicate and schedule with all the crucial stakeholders and team members, gather your data, write a quality IEP, ask for needed feedback, and be ready to present at the meeting.

Start by looking at the expiration date of the student's most recent IEP document, and then 45 days prior to this is the day to start. At the beginning of the school year, when you receive your caseload, determine the start date for all of your IEPs and add them to your calendar. This way you can begin the process at the right time for every student, no questions asked.

When you've reached your 45-day date, begin connecting with families and staff members to determine the meeting date. Be sure it is in compliance so the IEP doesn't expire before the meeting is held.

Once you have your IEP meeting date determined, send out formal invitations.

About 30 days out from your scheduled meeting, reach out to the team members (including general education teachers and student families) to gain input on the content of the IEP. This helps with communication and relationship building, as well as helps you get important insight and write the IEP.

Once you have this information, get writing! Spend the next week or two carving out time here and there to write the text-heavy sections of the IEP, like the Present Levels of Academic and Functional Performance.

IEP Writing Timeline

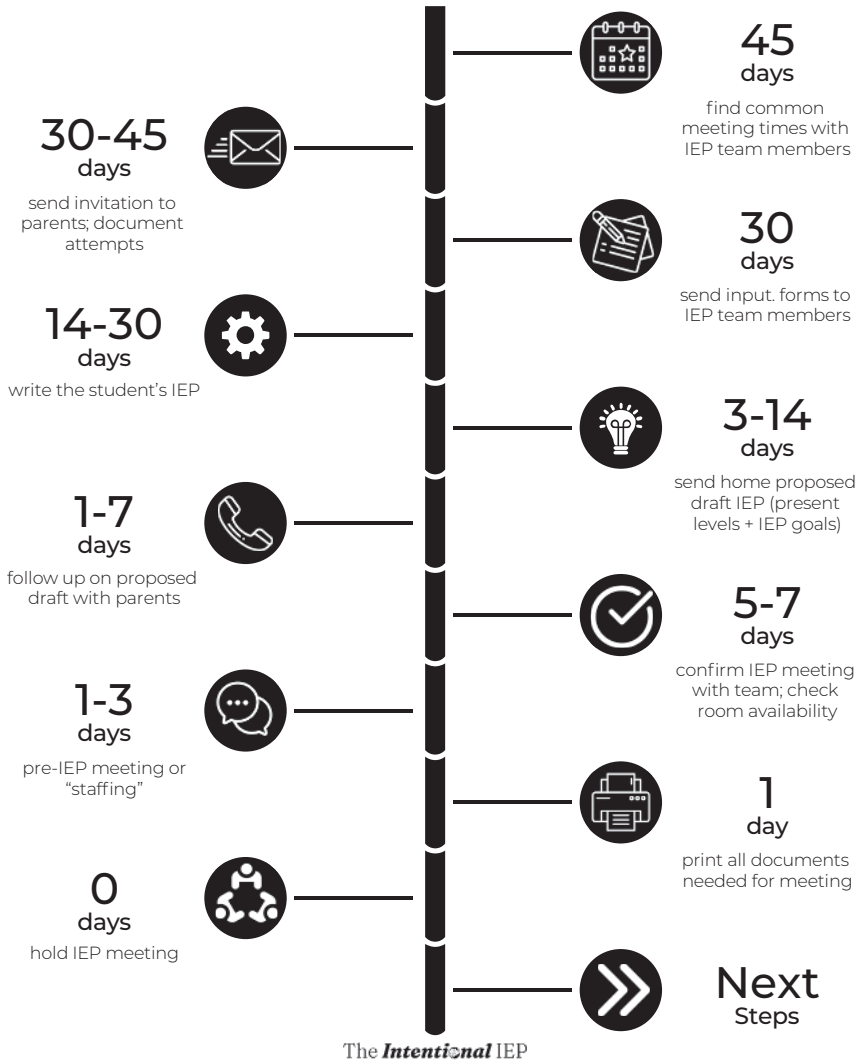


Figure 1.1 The IEP Writing Timeline.

When you start with writing instead of clicking boxes or entering other information, it gives you more time to go back and edit later, when you have a fresh perspective and other team members at the table.

Anatomy of an IEP

An IEP lays out all of the student's needs and services, and depending on where you work (such as district or state) or what IEP writing system your school uses, your IEP format may look very different from the school or state next door. But all IEPs have common parts, or sections, and once you know what information goes into each section of an IEP, you'll be best suited to navigate through any transfer IEP you receive.

Later in this chapter, I dive deeper into the anatomy of an IEP and all of an IEP's sections, but for now, all IEPs must contain these parts:

- Student information.
- Present levels of academic and functional performance.
- Goals and objectives or benchmarks.
- Related services.
- Supplemental supports.
- Progress reporting.
- Testing.
- Least restrictive environment determination.
- Transition.
- Parental consent.

IEP documents can be tens of pages long, so keep in mind that these parts are not the only sections in a child's IEP.

Evaluations are performed at a minimum of every three years to determine whether the child is still in need of special education services. The parent or caregiver may request additional testing every year, once a year, but it is left up to the discretion of the school to provide additional testing on non-reevaluation years.

Subsequent evaluations, or reevaluations, are to be conducted every three years, but parents may request one evaluation per year under the IDEA. Schools can deny the additional testing each year, within guidelines under the IDEA. This is also where the Procedural Safeguards come into play for parent and student rights.

At a minimum, IEPs are reviewed annually, but changes and additional amendment meetings can take place at any time throughout the year, as requested by any individual on the IEP Team.

Once You've Written Parts of the IEP

When you are two weeks, or 14 days, away from the meeting date, send home a drafted IEP to the student's family. At a minimum, a proposed draft IEP should be sent three school days prior to the student's IEP meeting.

When you're one to seven days away from the big meeting date, depending on when you sent the proposed draft IEP home, reach back out to the family if you haven't heard from anyone yet. You will want some time to converse about their input as well as incorporate their feedback into the document as needed.

Now you're one step ahead for the upcoming IEP meeting!

Around five to seven days before the meeting, confirm the date with everyone. Many related service providers have very large case-loads, and things can get lost in translation. This is also the time to ensure you have a room ready for the meeting. Some schools require you to secure a room, while others have a room specifically for IEP meetings. Be sure you have a space to meet.

Who will be covering your classroom while you're in the IEP meeting? Check with your administration and/or school secretary to be sure there is coverage for your class if needed. Start ensuring you have work and a plan for this person to engage in with your class while you're in the meeting.

If I have learned anything in my years as a special educator, it's not to trust technology the day you need it, and always have a backup plan. So the day before the meeting, start printing needed

documents (the IEP!). There are a lot of papers to sign and hard copies to hand out, so make sure all of the needed paperwork is printed and stapled.

Any data, student work, or informational handouts you want for the meeting should be gathered and organized so you have it all ready when you need the information in the meeting.

The IEP Meeting

All of your hard work and preparation over the last few weeks have led up to this day: the IEP meeting. Depending on where you work, you may or may not be the facilitator of the IEP meeting.

Types of IEP Meetings

Before you can learn about what to do at an IEP meeting, you need to know about the different types of IEP meetings.

Eligibility Meeting

The purpose of an eligibility meeting is to determine if the child qualifies for special education services. At this meeting, the IEP team will review all of the data, including testing and evaluation reports from the school and outside the school, to make a decision. If a child is found eligible for special education services, then that the team will develop the child's IEP.

Any determination made ahead of time is known as *predetermination* and is against the federal IDEA law. The decision needs to be made by the team at the eligibility meeting.

Remember that the parent must provide consent for an initial evaluation and any assessment or placement decision.

Initial IEP Meeting (and Initial Reviews)

An initial IEP meeting occurs when a child is first found eligible for special education services and the team begins writing the child's first IEP. This is the child's first IEP.

Holding the eligibility meeting and initial IEP meeting back-to-back may not be best practice for many IEP teams. Eligibility meetings are often information overload for families; this is uncharted waters for them and they are probably feeling a lot of different emotions. If you want the parents to be active participants in the IEP process, it is best practice to hold the initial IEP meeting on a separate day. You can read more about supporting parent participation in Chapter 5. This also allows other IEP team members to provide thoughtful input and data that is needed for making these important decisions.

Annual IEP Meeting

IEP meetings are required by IDEA law to happen a minimum of no less than once every calendar year. This meeting is generally called the annual IEP meeting, and its purpose is to provide the IEP team with the opportunity to discuss and analyze relevant data to make changes to the child's current IEP. This involves looking at the child's progress reports, grade reports, attendance, classroom work samples and test results, diagnostic test results, and so on to discuss current concerns and successes the team has noticed over the last year.

Student-Led IEP Meeting

Any child with special education services has IEP meetings, and in most cases, the child doesn't attend or have a say in the meeting until middle school, when transition services come into play. However, you may have noticed the positive trend in general education classrooms where students are leading parent-teacher conferences and taking

ownership of their education. But what about our students with disabilities? Why aren't we preparing our students for taking ownership of their learning, education, and future when they are in elementary school? Why are they not involved sooner, and what about our students who are nonverbal or moderately to severely disabled? How can we get them involved, and what does it even look like?

Many times teachers are left to translate student actions and approximations into data, which in turn becomes a progress update or a new IEP goal. And an IEP is the most important document any disabled child has in regard to further education, employment, and independent living. So why not give the student a chance to tell the IEP team what they want?

Involve the Student as Early as Appropriate

Research shows that when students participate in IEP meetings, they have greater self-advocacy skills, greater self-determination skills, better transition outcomes, and a higher quality of life. Having students involved at an earlier age is only going to increase that confidence and the student's communication and presentation skills as they move forward. There are many ways a student can be a part of the IEP meeting, regardless of disability or age. You know the transition age per the IDEA is age 16, but students should be involved in their IEPs before this age. So how do you do that? When students are younger, involvement might look like sharing information. What they like about school, what they feel like they are good at, what they like doing, something they'd like to learn or learn how to do, and so on.

As students get older, involvement can be more detailed and intentional in their IEP role. This might look like leading discussions about what the student feels has worked for them, helping the team plan for the student's future, determining goals for the student's IEP, and so on. Having students be a part of their IEP process comes down to student and parent buy-in. Both parties have to see and believe in the messaging and hype behind student-led IEPs and student-centered IEPs for them to be successful.

Before implementing student-led IEPs or teaching the student more about their own IEP or disability, it is best practice to have a conversation with the child's parents.

During the preparation phase, once an IEP meeting date has been agreed on by all adult parties, it all starts with an invitation to the IEP meeting—an invitation to the student and an invitation from the student. As the teacher, you can create an invitation to the student to ask them to attend or be a part of the IEP meeting.

In addition to the formal invitation sent home, have the student write or fill out a personalized invitation for team members. Depending on your student's age and disability, this might look very different. For younger students or students who need more support, this might look like a tracing activity of the student tracing the words on the invitation page or a cut-and-paste activity that fills in the blanks of when and where the meeting will take place. For older students or students who need less support, this might look like the student creating and writing the IEP invitation independently. Table 1.1 outlines some age-appropriate tasks that you can help students with so that they are an active part of the process.

Table 1.1 Age-Appropriate IEP Student Responsibilities

Elementary School	Middle School	High School
Help set goals	Help set goals	Help set goals
Share what works well in helping them learn	Fill out questionnaires and input forms	Fill out questionnaires and input forms
Share about friends	What inspires them	What inspires them
Share likes and dislikes and what inspires them	Help write Present Levels	Help write Present Levels
Share favorites (in and out of school)	Get ready for transition	Transition

As the child's teacher, I also recommend sending home a parent letter, letting the parent know that their child is working on a student portfolio that will be shown and discussed at the IEP meeting.

Prepare the Student Portfolio with the Student

During the waiting period between invitations and the actual meeting, you and the student will work on the student portfolio. Inside the student's portfolio might be:

- **Student questionnaire:** This input form will give the team information on the student's likes and dislikes, what goals the student wants to work toward, how the student feels about school and their classes, things the student feels good at or things they feel they need more help with, the student's vision statement, and other important information only the student can provide. Depending on student supports and age, the delivery method of this questionnaire may look different and will vary for each student on your caseload.
- **Interest inventory or self-assessments:** The purpose of these documents is to help you determine a student's strengths, preferences, and interests in relation to employment and job skills, continuing education and training, independent and supported living, community involvement, and recreation and leisure. While this may seem more appropriate for older students, remember that your younger students already have an idea in their head about what they want to be when they grow up, and even in elementary school we can prepare a student for further education, employment, and independent living. For example, if a younger student says they want to be a basketball player when they grow up, this may be the opportunity to get the student involved in the school or community's basketball program, teach the student about good sportsmanship and social skills for being a team player and working as a team, and using basketball analogies to get the student excited and engaged in non-preferred tasks. All of

this information can be used to your advantage when writing and implementing IEPs!

- **Work samples chosen by the student:** Was there a lesson the student really enjoyed, or a craft the student made that they are really proud of? Or maybe the student wants to show the team a lesson they really didn't enjoy or have fun with. Showcase that data at the meeting and allow the student to share why they chose to include different work samples.
- **Pictures of the student learning in the classroom:** All of the preceding is great information and data for the team to use in making data-driven decisions, but you know that pictures also speak a thousand words. You might even allow the student to take pictures of their favorite parts of the school, with their friends, or of their work.
- **Student progress and grade reports:** You might even have the student graph their IEP progress monitoring data or have the student self-monitor a goal or two. Students can then showcase their progress at the IEP meeting.
- **Any other items of the student's choosing.**

There is more prep for you as the teacher in this phase of conducting student-led IEPs, and my advice to you is to find what works best for you, your classroom, and your students. Find ways to integrate these advocacy activities into your daily schedule and work on different pieces of the student's portfolio throughout the school year, not just before an IEP meeting is scheduled.

And how a student participates in their IEP meeting will vary, especially before transition age. It might look like the student attending the first 10 minutes of the meeting to share their portfolio, a quick 5-minute prerecorded video of the child sharing their portfolio, the student attending during only a specific part of the discussion, or the student attending for the whole IEP meeting. In conversations with your student's parents and the IEP team, you will find what works best for that individual student.

One of the most fun ways to present a student portfolio at the IEP meeting is by creating a PowerPoint or Google Slides presentation. Students can aid in the creation of the slide deck and even present it at the beginning of their IEP meeting, or record themselves presenting the slide deck, and the prerecorded video can be shared at the meeting.

Amendment IEP Meeting

You may have worked with a student who mastered an IEP goal or goals quicker than expected, and you want to write a new IEP goal or goals for the child.

Other scenarios an amendment IEP meeting might be held include, but are not limited to:

- Addition or removal of services or supports.
- IEP team member requests change of services, supports, or placement.

You may hear the title “revision meeting” in your professional world, and it is important to know that a revision meeting is held to make updates to current IEP goals, while amendment meetings serve to make changes to the current IEP before the annual IEP meeting due date. In some states, these two meeting names are used interchangeably.

Amendment meetings may also occur without an official meeting. Outlined in Section 300.324,¹¹ the school and parent may agree to not convene a meeting to amend or modify the child’s IEP, and if changes are made to a child’s IEP, the public agency (school) must ensure that the child’s IEP team is notified of the changes.

A revision or amendment IEP meeting does not take the place of an annual IEP meeting or change the due date of the child’s upcoming annual IEP.

Reevaluation IEP Meeting

At a minimum, a child must be reevaluated for special education eligibility every three years. The purpose of the reevaluation is to see if the child's needs have changed, and also to see if the child still requires special education services to access the general education curriculum. This three-year reevaluation needs to be comprehensive, and typically includes the same evaluations that were completed during initial eligibility or the previous evaluation.

You may also hear this called the student's Triennial Review or Triennial Evaluation.

Discipline Review Meeting

This type of IEP meeting occurs when a student has been suspended or expelled from school, or received disciplinary action against them, like being sent home early due to a behavioral incident.

You also need to write a Manifestation Determination on the incident to determine:

- Was the behavior caused by, or have a direct and substantial relationship to, the child's disability?
- Was the behavior the direct result of the school's failure to implement the child's IEP?¹²

If the IEP team answers "yes" to either question, then it is determined that the child's behavior was a manifestation of their disability.

The purpose of this IEP meeting is to review the incident and any disciplinary action taken, discuss how to prevent the same type of incident from happening in the future, and create a plan for responding to similar incidents should they occur again. It may also be determined that a Functional Behavior Assessment (FBA) will need to be conducted to write a Behavior Intervention Plan (BIP) for the student, or that a new FBA/BIP will need to be done or the current FBA/BIP reevaluated.

Manifestation meetings must be held within 10 school days if the child has been suspended for 10 consecutive days, has been

suspended for more than 10 days total in one school year for similar behaviors, or the school is considering expulsion.

Dismissal IEP Meeting

This type of meeting occurs when it is believed and backed up with data that a child can be dismissed from special education services. During a dismissal IEP meeting, parents should be encouraged to provide input regarding their child's progress.

The result of a dismissal IEP meeting does not automatically mean the child will be dismissed from special education services. It may be found and determined by the IEP team that the child will continue with the same program or changes to the child's IEP may be deemed more appropriate. Regardless of the outcome, it is important that parents have their voices heard throughout the process.

Any member of the IEP team can call for an IEP meeting at any time throughout the school year for any reason. The best course of action is to put the request in writing for school professionals or parents.

Amendments, or revisions, to the IEP can happen at any time during the calendar year, and as many times as needed throughout the year. Amendments can happen for a variety of reasons, including but not limited to mastery of goals, limited progress made on goals, or changes to services or supports.

Remember that amendment meetings do not take the place of the annual IEP meeting, or extend the dates of the annual IEP. For example, if a child's annual IEP meeting is December 1 and the team had three amendment IEP meetings, with the last being on September 15, the team will still meet to review the IEP at the annual IEP meeting on or before December 1 of the following year.

An IEP versus a 504 Plan

IEPs are protected under the Individuals with Disabilities Act and are for students who are found eligible for special education services. However, some students may receive supports under a 504 plan. These plans are covered under Section 504 of the Rehabilitation Act of 1973, which is a federal civil rights law enacted to stop discrimination against people with disabilities.

Remember, to be eligible for an IEP under IDEA, the child must meet two criteria:

- The child must have a disability that adversely affects their educational performance.
- As a result of the disability, the child needs special education services to make progress in school and learn the general education curriculum.

To be eligible for a 504 plan, the student must be determined to:

- Have a physical or mental impairment that substantially limits one or more major life activities.
- Have a record of such an impairment.
- Be regarded as having such an impairment.

When this determination is made, the student must also meet the following two requirements:

- Have any disability.
- The disability must interfere with the child's ability to learn in the general education classroom.

When it comes to IEPs, the IDEA law is super-specific. Section 504 has a broader definition of a disability than IDEA does. Section 504 of the Rehabilitation Act says, "a disability must substantially limit one or more major life activities." This can include caring for one's self, walking, seeing, hearing, speaking, breathing, learning, working, and so on. This is why a child who doesn't qualify for an IEP might still be able to get a 504 plan.

Decisions about which educational and related services are appropriate for a student under Section 504 must be made by a team of individuals who are knowledgeable about the student, the evaluation data, and placement options. Table 1.2 outlines more of the differences between IEPs and 504 plans.

IEPs are written documents that set annual learning goals for a student and include many different sections. A 504 plan varies widely, and generally only includes accommodations, supports, and services. These regulations vary by state. It's also important to note that a 504 plan does not need to be written down, unlike an IEP.

Table 1.2 Some Differences between an IEP and a 504 Plan

IEP	504 Plan
From IDEA; a written document that sets annual learning goals and includes many sections.	From Section 504 of the Rehabilitation Act of 1973; generally only includes accommodations, supports, and/or services.
To qualify, a child (1) must be formally diagnosed with having a disability that is one of the 13 categories outlined in the federal law, and (2) as a result of the disability, the child needs special education services to make progress in school and learn the general education curriculum.	To qualify, a child (1) can have any disability, and (2) the disability must interfere with the child's ability to learn in the general education classroom.
Documentation includes a written document that sets annual learning goals and includes many sections.	Documentation includes only accommodations, supports, and/or services, and these vary by state.
A parent or guardian must provide consent, and they must be notified in writing of any proposed changes.	A parent or guardian must provide consent. Proposed changes do not need to be in writing.
Service plan is reviewed annually.	Service plan is reviewed annually.
No cost, as the funds come from IDEA.	No cost. There is no additional state funding for 504 plans. IDEA funds may not be used on 504 plan services.

When it comes to consent of and for a 504 plan, the child's parent or caregiver must provide consent, and any time a change is proposed the family must be notified. A key difference here is that this notification does not have to be in writing, as with an IEP, although many schools do provide a written proposal for changes.

Each child will have a 504 team, but the regulations on this team are much looser than the requirements of who is on a child's IEP team. Most times, a child's 504 team includes the parent or caregiver, the child's teachers, and an administrator.

Like an IEP, 504 plans are typically reviewed annually, as with IEPs, but the regulations may vary by state.

Just like IEPs, 504 plans are provided to students at no cost. And unlike IEPs where states receive additional funding for students with disabilities, the states do not receive funding for 504 plans and any IDEA funds provided to a state may not be used to provide 504 plan services.

Summary

Laws and policies that are in place today were set to protect individuals with disabilities, and provide them with services and supports that will carry them through their lifetime. In a perfect world, IEP teams would not need to fight so hard for rights that disabled individuals deserve, but with the knowledge you have learned so far you are well on your way to becoming a very strong advocate for your students and their families. Your advocacy will help shape the future, and that's pretty stinkin' cool!

Notes

1. <https://www.govinfo.gov/content/pkg/STATUTE-77/pdf/STATUTE-77-Pg282.pdf>
2. <https://sites.ed.gov/idea/IDEA-History>
3. <https://sites.ed.gov/idea/IDEA-History>

4. *Board of Education of the Hendrick Hudson Central School District v. Amy Rowley*, 458 U.S. 176 (1982), <https://supreme.justia.com/cases/federal/us/458/176/>
5. <https://case-law.vlex.com/vid/irving-independent-school-district-893158613>
6. <https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities>
7. https://sites.ed.gov/idea/files/Alignment_with_NCLB_2-2-07.pdf
8. <https://sites.ed.gov/idea/IDEA-History>
9. <https://health.wusf.usf.edu/health-news-florida/2022-12-06/many-kids-are-struggling-is-special-education-the-answer>
10. Section 300.301.
11. law.cornell.edu/cfr/text/34/300.324
12. <https://www.pacer.org/parent/php/PHP-c285.pdf>