



Individualized Education Program (IEP)

Summary, Process and Practical Tips

 **AUTISM SPEAKS**® FAMILY SERVICES

PREPARED BY

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A Note from Goodwin Procter LLP

This information was prepared as of August 19, 2011. This is not intended as legal advice. Answers to your questions and courses of action will depend not only on the federal laws referenced, but also on state and local laws, rules, regulations, customary practices, policies and procedures, and actual recommendations and courses of action will be based on your specific factual circumstances and locale. While this is intended to provide a general overview, you are strongly encouraged to speak with an experienced lawyer in your locale about your specific circumstances.

A Note from Autism Speaks

Individualized Education Programs play a critical role in ensuring that students with autism and other special needs have access to the education that they deserve and to which they are entitled. It is important to understand your rights, as well as the IEP process, to become the best advocate for your child's education. And this guide is a great place to start!

We want to thank the team of lawyers at Goodwin Procter LLP for their hard work in putting together this critical resource for families of students with special needs. We hope it provides you with much of the information you need to work with your school district to develop the best possible IEP for your child, so he or she can get the best possible education and achieve the best possible outcomes!

As always, if you are looking for any additional information and resources on school-related topics and others, feel free to reach out to the Autism Speaks Autism Response Team at 888-288-4762 (en español 888-772-9050) or FamilyServices@AutismSpeaks.org. We are happy to help!

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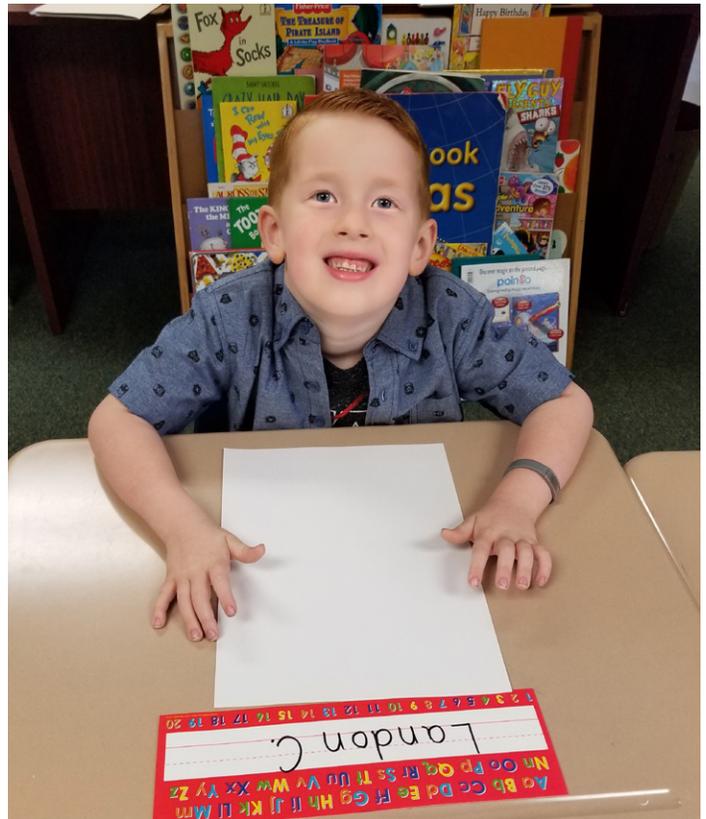
I. What is an IEP? What are the basic requirements for an IEP?

a. Defining an IEP

An individualized education program (“IEP”) is the process put in place under the Individuals with Disabilities Education Act¹ (“IDEA”) to determine the programs and services that should be provided to meet the education needs of a child with disabilities. An IEP must be developed to address a child’s specific and unique needs and is not a “one size fits all” program.

b. Understanding What the IDEA Requires

Under the IDEA your child is entitled to a “free appropriate public education” in the “least restrictive environment.” A “free appropriate public education” may include placement in a mainstream and/or special education classroom at a public school with appropriate modifications or accommodations to meet a child’s specific needs, placement at a private school (at public expense, if your school district cannot provide an appropriate placement in a public school) and/or the provision of related services (such as speech, occupational therapy, physical therapy, counseling services, mobility services and/or transportation). In addition, the “least restrictive environment” requirement is intended to



ensure that a child is not unnecessarily removed from non-disabled peers and is integrated into mainstream classroom environments (with appropriate modifications and accommodations) to the extent possible. Generally, the IEP process is intended to allow you and the school district to determine what a “free appropriate public education” in the “least restrictive environment” means for your child.

If, at any time, you either disagree with the IEP developed for your child or you believe that the school district has not complied with its legal obligation under the IDEA (i.e., to provide your child with a “free appropriate public education” in the “least restrictive environment”) or Section 504 of the Rehabilitation Act of 1973,² there are several remedies available for you to pursue. These remedies are discussed in further detail in Sections V and VI below.

¹ 20 U.S.C. § 1400, et seq.

² Section 504 of the Rehabilitation Act of 1973 is a federal disability rights law that requires all agencies that receive federal financial assistance (e.g. school districts) to provide “access” to individuals with disabilities. In the context of a school district this generally requires that children with disabilities be provided with access to education with any necessary modifications.

c. IEP Requirements

Your child's IEP should include:

i. a description of your child's current status in school in the areas of cognitive skills, linguistic ability, emotional behavior, social skills and behavior and physical ability;

ii. an annual meeting to discuss your child's needs and progress, unless you or the school district determine that changes to your child's IEP are necessary prior to the next annual IEP meeting, in which case, you and the school district may either meet to update your child's IEP or agree to modifications in writing;

iii. a written plan developed based on those meetings, which should detail the (a) measurable annual academic and functional goals for your child, (b) appropriate instructional setting or placement for your child (including a particular school class or classroom setting), (c) related support services, such as developmental, corrective or supportive services, necessary for your child and the details of how such services will be provided (i.e., amount, duration, student to provider ratio and qualifications of provider), (d) any accommodations your child will receive for testing or other assessments, (e) a transition plan (if your child is entering high school or perhaps in connection with significant IEP changes), and (f) any other pertinent items, such as particular curriculum or methodology to be utilized;

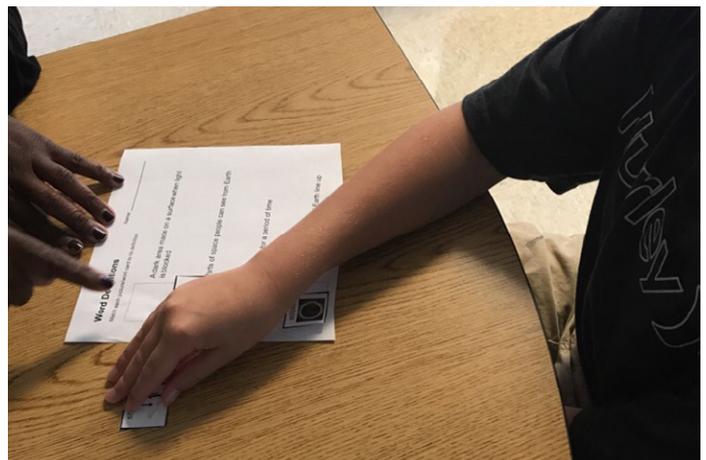
iv. a summary of how your child's disability affects his or her participation in the general curriculum, how your child will be involved in the general curriculum, extracurricular and non-academic activities and with children with and without disabilities;

v. how you will be regularly informed of your child's progress;

vi. your child's participation in district or state-wide assessments of student achievement and any necessary modifications or accommodations;

vii. transition services to be provided for your child once your child is 16 years old; and

viii. how the school district will meet your child's need for any assistive technology or any specific teaching methods or particular class subjects.



d. Process Participants

i. The following individuals should be involved in the IEP meetings:

1. you;

2. your child (if appropriate);

3. your child's teacher (regular education and/or special education)³;

4. a representative of the school district⁴ who is qualified to provide or supervise your child's special education and is knowledgeable about the general curriculum;

5. school specialists, if appropriate and your child's school has such resources (e.g., school psychologist, speech or occupational therapist, communications therapist or physical education specialist); and

³ Either your child's current teacher or teacher for the upcoming year should participate in any IEP meeting. You should note in your files if your child's teacher does not participate.

⁴ The school district in which you reside has the ultimate responsibility for your child's IEP.

6. other participants as determined by you or the school, such as your child’s physician, your lawyer, the school’s evaluator or an outside independent evaluator you select. The mandatory attendees at the IEP will differ from state to state.



ii. Any of the individuals listed above may be excused from attending an annual IEP meeting if both you and the school district agree.

Generally, in making a decision to excuse a particular participant you should consider if the participant’s area of curriculum or related services will be modified or discussed and/or if such participant has submitted meaningful and comprehensive written input into the development of your child’s IEP, such that participation at the meeting is not necessary.

iii. At the beginning of any IEP meeting, you should ask each participant about their experience in working with students with needs similar to your child, the extent of such experience and how current such experience is. If you have concerns regarding the participants’ qualifications or experience as it relates to your child’s specific needs, raise these concerns and request the school district address your concerns

by involving more appropriate participants. You should keep a record of all concerns raised. If the school district does not address your concerns, document this in writing.

II. What is the process and timeline for developing an IEP for your child?

a. Request a Special Education Eligibility Evaluation

If you or your child’s pediatrician know or believe that your child may have an autism spectrum disorder or if you otherwise believe your child is having difficulty in school, then you can formally request for your child to have a special education evaluation through the special education administrator of your child’s school. Your school district may also initiate a special education eligibility evaluation, however, you do not need to wait for this to occur. In advance or in addition you may decide to pursue a private evaluation (i.e., one conducted by a private practitioner and not through the school district), particularly if you have requested a special education eligibility evaluation and your school district has not accommodated this request in a timely manner. If you pursue a private evaluation, be sure to check with your insurance provider to determine if the cost of such private evaluation will be covered. Your consent is required prior to any evaluation. Your school district should send you an evaluation plan including the names of any tests that will be used in the evaluation, an area for you to suggest additional methods of evaluation and a space for you to provide written approval or disapproval of the evaluation plan.

b. Initial Eligibility Evaluation

i. To prepare for the initial eligibility evaluation, you should gather all relevant information, including:

- 1. feedback from your child’s teacher regarding your child’s development and behavior in the classroom*** and any recommendations your child’s teacher may have to address your child’s needs;
- 2. input and medical records from your child’s pediatrician*** relating to your child’s development;
- 3. speak with other parents that have children with autism spectrum disorders*** to find out information on how your school district is addressing the needs of other similarly situated children; and
- 4. obtain your child’s school records*** (i.e., report cards, medical data, attendance records, disciplinary reports, testing data, evaluations, teacher comments, school photos) – make this request in *writing* and retain a copy for your

ii. Under the IDEA, your school district must complete your child’s initial eligibility evaluation within 60 calendar days of receiving your consent to do the evaluation, however, your school district may impose a shorter deadline. You have a right to propose modifications to the proposed evaluation plan and if your modifications are not accepted by the school district evaluator, then send a letter to your school district’s special education administrator expressing your proposed modifications and keep a copy for your records. If you reject the proposed evaluation plan, you should explain in writing why you are rejecting the proposed evaluation plan. School districts will typically attempt to modify the plan to get your approval; however, the school district may also look to proceed to mediation or a due process hearing.

iii. Although not required by the IDEA, you may request to meet with the assigned evaluator prior to the evaluation. This will give you an opportunity to ask questions about the tests to be performed and the other evaluation methods to be utilized.

iv. An evaluation should include the following:

- 1. objective tests to evaluate your child*** in areas such as general intelligence, reading comprehension, psychological states, social development and physical abilities, an explanation of such test and your child’s test results. *If possible, research these tests to determine if the tests the school district has proposed to utilize during your child’s evaluation are the most appropriate tests and how the results will provide a basis for developing an IEP for your child;*
- 2. informative information such as teacher and parent reports***, evaluations by experts specializing in your child’s disability, letters from your child’s pediatrician or counselor and evidence of school performances; and
- 3. a conclusion regarding your child’s eligibility for special education and recommendations*** to meet your child’s specific needs. *If you disagree with this conclusion, you may exercise your due process rights (as described in further detail in Section V below).*

c. Periodic Re-evaluations

You have a right to have your child re-evaluated once per year and the IDEA requires that your child be evaluated at least every 3 years.

⁵ You have the right to access this information under the IDEA or the Family Educational Rights and Privacy Act (prior to a determination your child is eligible for special education).

d. Initial IEP Meeting

Once a determination is made that your child is eligible for special education, an initial IEP must be developed. At your child's initial IEP meeting, your child's initial IEP will be discussed by you and the other IEP team participants and prepared based on the school district's IEP form. Make sure to bring all of your child's school and medical records, all written materials (including correspondence) you have received from the school and the school district and any independent research you have conducted regarding programs, types of placement and related services that you believe may be appropriate for your child. Take notes during the IEP meeting or tape record the IEP meeting for your future reference. Your child's IEP must be set forth in writing and signed by you and the school district, which can either be done at the end of the meeting (if, and only if, you are comfortable and agree with the IEP prepared) or shortly after the meeting (if you would like to further review the IEP prepared and document any objections you have to the IEP). Implementation of your child's initial IEP should commence promptly after you and the school district have signed the IEP.

i. The IEP should include all of the information described Section I(c) above.

ii. Prior to the initial IEP meeting, research the programs, placement options, related services and supplementary aids that may be available or appropriate to meet your child's needs.

Parent organizations, parents with children with needs similar to your child's, the internet, special education lawyers and special education professionals in your area can all be good resources to research the options available to your child. Also, take time to prepare notes or a draft of your child's IEP prior to the meeting, including the goals, program(s), type(s) of placement, related services, supplementary aids, accommodations and any other items you believe should be incorporated into your child's IEP.



iii. Goals should be specific and measurable

and can relate to academic, cognitive, social-behavioral or other skills. The related services or supplementary aids that will be provided to your child should be detailed and address the frequency, duration and manner (e.g., provider to student ratio and provider qualifications) in which such services and aids will be provided.

iv. Make sure you and the school district have had time to review all pertinent information, including evaluations and progress reports. If not, suggest that all participants take time at the beginning of the IEP meeting for such review.

v. During the meeting, voice any objections or concerns with the IEP being formulated for your child and make sure that a record is kept of these objections and concerns, such as on the parent addendum portion of the IEP form, or in a place to record minutes. You should carefully review all notes and minutes and request to correct any inaccuracies or the failure to include material points raised, and keep notes or a record of all objections. This will permit you to later challenge a determination made that you disagree with through your due process rights.

e. Annual IEP Meeting/Update IEP Without Meeting

At least once per year, a meeting must be held to update your child's IEP, unless your school district is required to participate in a pilot program that requires establishing multi-year IEPs that are updated at a meeting held every 3 years.⁶ You are entitled to more frequent IEP meetings to the extent you or your school district feel your child's IEP needs to be updated or specific issues need to be addressed. Also, in lieu of a meeting you and your child's school district may agree in writing to make changes to your child's IEP. In addition to in-person meetings, IEP meetings may be held by video conference or conference call.

III. How can you be an effective participant in developing and managing your child's IEP?

a. Be Organized

You should maintain a calendar that tracks your child's annual IEP process, including all important deadlines and meetings. In addition, one of the most important ways you can be an effective participant

in your child's IEP is to retain and organize all of the information relating to your child's school and medical records. Organization tools such as a three-ring binder or a file drawer can be useful to allow for easy access to important documents as you need it during the IEP process. You should retain and organize the following information:

- i. all school records**, including report cards, attendance and disciplinary records, and evaluations;
- ii. your child's IEP and your notes** from all IEP meetings;
- iii. all correspondence to and from your child's school** and the school district, *including the envelopes with date stamps*;
- iv. forms and informational materials** sent to you by the school district;
- v. your child's health and medical records** and any letters from your child's health professionals;
- vi. any evaluations** conducted outside the IEP process (e.g., by private practitioners);
- vii. any research you gather regarding programs and services** that may be appropriate to incorporate into your child's IEP program;
- viii. information on any private programs** or service options you research that may meet your child's specific needs;
- ix. contact information** for all individuals with whom you interact during the IEP process; and
- x. a journal to track all meetings**, telephone and in-person conversations and other correspondence with individuals involved in the IEP process, including the date and time, the participants, the substance of the meeting, conversation or correspondence and any necessary follow-up actions and attempts.

⁶ 20 U.S.C. §1414(d)(5).

b. Track Your Child's Process

Over the course of the year, you should track your child's progress in school to help identify the areas in which your child is excelling and struggling. This will be particularly helpful as you and the IEP team draft goals for your child's annual updated IEP program. Keep in regular contact with your child's teacher and make sure you regularly review your child's school work.

c. Research School Programs

Do not only rely on your school or school district to provide information regarding programs and services that may be effective to meet your child's particular educational needs. Conduct your own research on the programs and services that may be appropriate for your child and be prepared to raise these with your child's IEP team.

d. Prepare For and Attend IEP Meetings

Take time to prepare for your child's IEP meetings by reviewing the files and materials you have gathered. Based on this review, prepare notes or a draft of what you believe should be incorporated into your child's IEP. In particular, take time to identify what goals and objectives you believe should be incorporated into your child's IEP program. If your child has an existing IEP, review its goals, consider progress to date, the appropriateness of placement and/or services provided to achieve such goals, and your views on portions of the existing IEP to be changed or maintained. Also, be sure to identify and vocalize any particular concerns you have about your child's current IEP program.



IV. What resources are available to help you navigate the IEP process?

a. Parent Organizations

In many school districts there is a parents' organization dedicated to special education matters. You may contact your school district or your PTA for information on local parent organizations. If your school district does not have a parents' organization dedicated to special education matters, consider either looking for a state-level parent organization or forming a parents' organization with other parents in your area with children with similar special education needs to your child.



V. What can you do if you disagree with the IEP developed for your child or your child's eligibility determination?

If you have a factual dispute regarding your child's IEP (i.e., not a dispute that the school district has violated its legal duties to your child, which disputes are covered in Section VI below), you may file a due process complaint. Typical factual disputes include: eligibility for special education; the results of an evaluation; the goals of the IEP; the adequacy of related services; and proposed changes to the IEP. IDEA provides that you have up to two years to file and exercise your right to due process from the date you know or should have known of such factual dispute.

b. Special Education Lawyers

Lawyers with an expertise in special education law can be a valuable resource during the IEP process and particularly if a dispute arises with respect to your child's IEP. The main considerations when determining whether (or when) to consult or hire a special education lawyer include cost, the complexity of your child's IEP process and the fact that involving an attorney may make the IEP process more adversarial with the school district.

c. Guides and Other Helpful Resources

There are a number of guidebooks available for purchase that will help parents navigate the IEP process. The internet may also be a good starting place as there are many articles, websites and organizations dedicated to the IEP process, however, it is important to be more discriminating with internet resources and to verify that the authors or providers of the information have reliable credentials in the area of special education.

a. Request an Informal Resolution Meeting

Prior to filing a due process complaint or to the extent your dispute is not one of due process, you may request an informal meeting with your school district to resolve your dispute. This is the most cost-effective and simple approach to resolving a dispute, but may not end with a satisfactory resolution of the dispute. If you are unable to resolve the dispute with an informal resolution meeting, send a letter to your school district describing the dispute and the solution you have proposed.



b. Consult a Lawyer

You may elect to consult or hire a lawyer to represent you in connection with a mediation session and/or due process hearing. It is important to consult or hire an attorney that is familiar with the IDEA and the IEP process in your state and your school district. Often, the main consideration with consulting or hiring an attorney is the cost; you may want to explore whether one is available on a pro bono basis. For a mediation session, you can negotiate for the school district to pay your attorney fees as part of the settlement, but the school district is not required to do so. If you proceed to due process hearing and you are successful at such hearing, by law you will be entitled to reimbursement of your attorney fees by the school district. If you are not successful at the due process hearing you will, however, be responsible for your attorney fees. Depending on the complexity of the issue, some families also report success working with advocates, who normally will charge less than an attorney will.

c. File a Due Process Complaint

To commence a due process proceeding, you must file a written due process complaint with the school district and send a copy of this due process complaint to the state department of education responsible for special education. A due process complaint must include the information set forth in [4 C.F.R. § 300507\(b\)](#), including you and your child's names and addresses, the name of your child's school, a description of the issue you are disputing, your desired resolution and whether you wish to mediate or proceed to a due process hearing.

d. Mediation

As a first step after filing a due process complaint, you may request a mediation session or elect to proceed immediately to a due process hearing. A mediation session is less formal and confrontational than a hearing. A neutral third party familiar with the IDEA and IEP process will preside over the mediation and will help both sides explore compromises to resolve the dispute. If the parties are able to resolve the dispute during a mediation session, then the settlement of the dispute will be documented in writing and binding on you and the school district.

e. Due Process Hearing

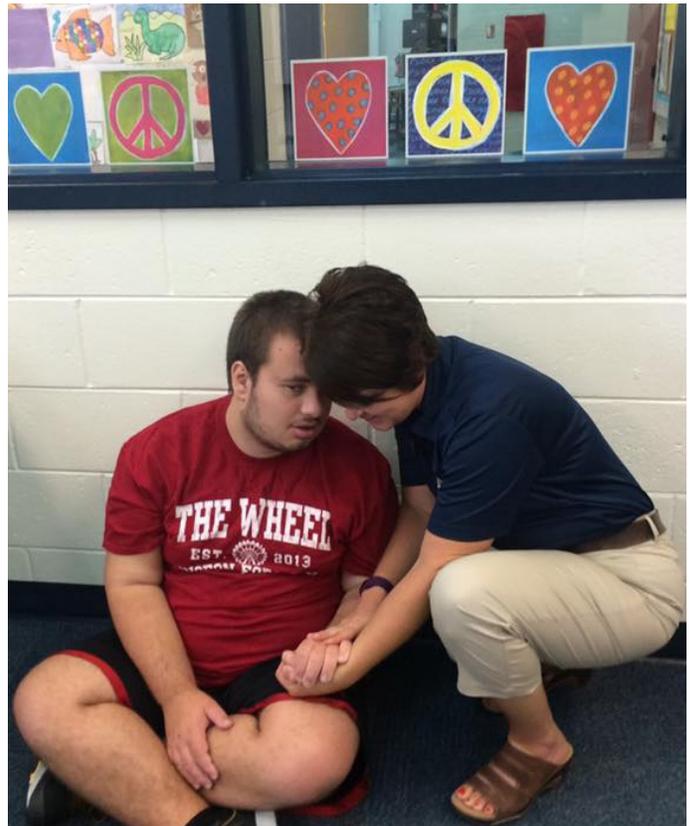
A formal due process hearing allows you and the school district to make opening and closing statements and present written evidence and witness testimony. Witnesses will be questioned by both you and the school district, so make sure to prepare your witnesses to answer questions that may be asked by the school district and also prepare questions to ask the school district's witnesses. A neutral third party, a hearing officer, will preside over the hearing and will make a final, binding, written determination regarding the dispute. Both you and the school district have

the right to appeal the written determination to a state or federal court. You should consider the strength of your case, the time and costs related to filing an appeal prior to proceeding. This may be an appropriate time to consult with an attorney, if you have not done so already.

IV. What can you do if you believe that the school district has not complied with its legal obligations to develop and administer your child's IEP?

If you believe the school district has violated the IDEA or Section 504 of the Rehabilitation Act of 1973, you may file a complaint. This is a different complaint than the due process complaint described above. If you are unsure whether the dispute you have is a factual due process complaint or a legal complaint, you should file both or consult a lawyer to help make the determination.

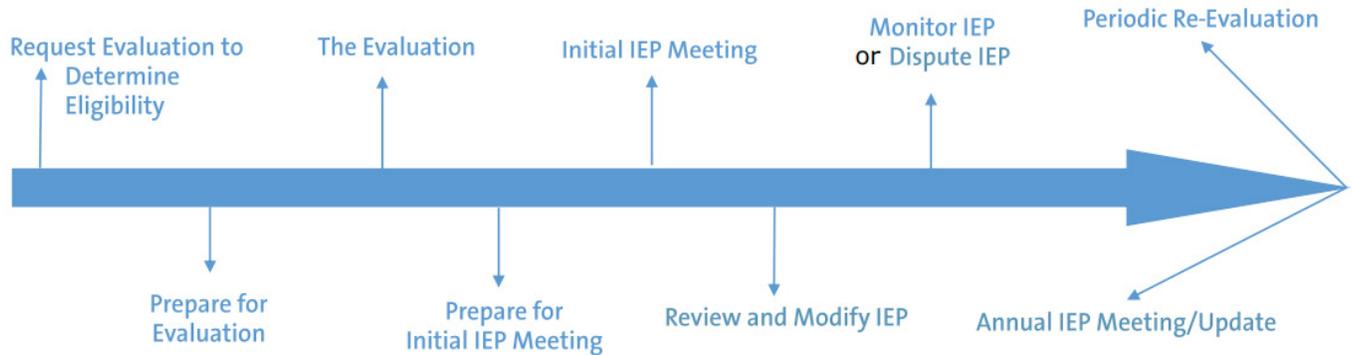
A complaint alleging a violation of IDEA law must be filed within one year after the violation occurs. A complaint alleging violation of Section 504 of the



Rehabilitation Act of 1973 must be filed within 180 days of the last alleged act of discrimination against your child. You may obtain a complaint form from your state department of education or the U.S. Department of Education, Office for Civil Rights.

Upon filing a complaint, the applicable government agency will investigate the complaint, which will likely entail meeting with you and providing you an opportunity to present additional information, reviewing the evidence and records and then issuing a decision. IDEA requires a decision to be issued within 60 days after the complaint is filed. However, especially in “autism” proceedings, and depending upon each state’s administrative procedures, that deadline is sometimes extended by agreement of the parties.

IEP Timeline



Note: The information in this presentation is meant to provide a general overview of the IEP process from a national perspective. Answers to your concerns will depend on state, as well as federal, laws and customs. Please visit our Resource Guide for more information at AutismSpeaks.org/Resource-Guide.

Request an Evaluation to Determine Your Child's Eligibility to Receive Special Education Services

Ask school for information about the evaluation process and make a formal written request to the special education administrator.

You can also have a private evaluation done.

Check with your insurance provider before doing a private evaluation to see if this is covered.

The school can decide to do an evaluation on its own.

Your consent is required prior to any evaluation.

Note: While your consent is required, parents should normally err on the side of providing consent for evaluations and assessments. Contact the Autism Response Team for more information.



Prepare for Evaluation

You are allowed to request a meeting with the evaluator prior to the evaluation.

If possible, research the tests that will be used and ask and consider whether they are appropriate for your child.

Begin to gather helpful information, including:

Feedback from your child's teacher

Input and medical records from your child's pediatrician

Your child's school records

The Evaluation

Must be completed within 60 days after your consent.

Evaluators will use objective tests to assess certain characteristics, including:

- *Measurable intelligence*
- *Reading comprehension*
- *Psychological states*
- *Social development*
- *Physical abilities*
- *Interfering behaviors*

You will be given an explanation of these tests and your child's results.

The evaluation will also include informative information, including:

- *Teacher and parent reports*
- *Evaluations by experts*
- *Letters from your child's doctor or counselor (including any private practitioner)*
- *Evidence of school performance*
- *Collect and share prior assessments and evaluations*

The evaluation ends with a conclusion regarding your child's eligibility for special education and a recommendation for how to meet your child's needs.

If you are dissatisfied with the school district's evaluations, you have the right to request an 'independent evaluation' at the school district's expense. Be sure to make this request in writing and keep a dated copy.

Prepare for Initial IEP Meeting

Prior to the initial IEP meeting, be sure to do some research about the programs, placement options and supplemental aids that may be appropriate to meet your child's needs.

Don't expect to become an expert overnight, but you are an expert on your child. The goal is to match your child with available resources, and some background knowledge will help you do that.

You can consult the [Autism Speaks Resource Guide and Resource Library](#) for helpful sources of information, including:

- *Local autism organizations*
- *Attorneys and advocates*
- *Support groups*
- *Online resources*

Write out a list of goals and possible programs you'd like to see on your child's IEP. This will help you put all your thoughts in one place and give you something concrete to bring to the meeting. An outline that includes goals, programs, placement options, related services and supplementary aids will help you communicate effectively with your school district.

You can obtain a form IEP from your school or school district.

You may want to consider consultation with a private educational consultant and/or a behavior analyst and if you choose to speak with one, bring him or her to the initial meeting.

Initial IEP Meeting

Try your best to be positive during the initial meeting. Assume that everyone in the room has the same goal – to provide your child with the education that is in his or her best interest.

Bring the list/draft IEP you worked on and check off items as they are discussed.

Take notes during the meeting (or openly tape record it) and keep these notes for your records.

Voice any concerns you have and make sure a record of your concerns is being kept.

Share any recent private evaluations or assessments.



If you reject the plan, send a letter to the school and the school district that explains why. Keep a record of the timing. Get a written receipt if you drop off the letter in person. If you mail it, get delivery confirmation.

Review and Modify IEP

The initial IEP meeting should result in a written plan. For the plan to take effect, both you and the school district must sign it.

Do not feel pressured to sign the plan immediately – or ever if you disagree with the plan. Take the time to review and understand it. When you have questions, ask. No one expects you to understand everything without help from the IEP team.

While parents should sign the “attendance” page of the IEP and generally consent to any further evaluations requested by the school district, **there is no obligation to sign the actual IEP at the meeting, or even thereafter, if there is disagreement.**

Suggest modifications if you have any concerns.

If the school rejects your proposed modifications, send a letter to the special education administrator explaining your revisions. As always, keep a copy of the letter for your records.

Monitor IEP

At any time, you and the school district can agree in writing to make changes to your child’s IEP.

Track your child’s progress.

- Regularly review your child’s work.
- Keep in contact with your child’s teacher.
- Identify areas where your child is excelling or struggling.

Continue to add to your binder to keep track of important documents, including:

- School records (report cards, attendance and disciplinary records, evaluations)
- Correspondence between you and the school (including all envelopes with post-mark dates)
- Forms and informational materials sent to you by the school
- Health and medical records

Keep a calendar of important deadlines and meetings.

Annual IEP Meeting/Update

There must be a meeting at least once a year to update your child's IEP, unless your school district is in a pilot program that requires a meeting every three years.

The purpose of the meeting is to assess progress by comparing your child's actual performance to the goals stated in your child's IEP. Based on that comparison, you and the school district will work together to modify the plan accordingly.

You can have more frequent meetings if you or the school feels your child's IEP needs to be updated or specific issues need to be addressed.

From time to time, request the school district's "data" or other assessment measures reflecting your child's performance against the then existing IEP goals.

IEP meetings can be done in person, by video conference or a conference call.

Consider having an educational consultant or behavior analyst observe and assess your child's performance and appropriateness of IEP.

Timely document and communicate problems in IEP performance (e.g. missed sessions, etc.).

Write the school district to request further IEP meetings to try to iron out any significant problems that arise.

Depending on the situation, it might be appropriate to conduct additional or different types of evaluations or assessments (e.g. ABLLS assessment, Functional Behavior Analysis, etc.). Don't be afraid to ask for the other team members' thoughts on the subject.

Periodic Re-Evaluation

You have the right to have your child re-evaluated once a year.

Under federal law, the school district must re-evaluate your child for eligibility at least once every three years.

If you are dissatisfied with the school district's evaluation, you have the right to request an independent evaluation at the school district's expense. Make this request in writing and keep a dated copy.

IEP-Related Dispute

There are two main categories for IEP-related disputes.

I disagree with the IEP developed for my child and my problem is with a specific program, evaluation or eligibility determination.

First, I should try to negotiate a settlement with the school informally (this is the simplest, least costly option).

I can proceed to a mediation or directly to a due process hearing. (It is important to keep in mind that hiring an attorney and filing a formal complaint can be slow and costly processes.)

I do not think my school district has complied with its legal obligations to develop and administer my child's IEP.

In this case, I can file a complaint with my state's department of education or the U.S. department of education. (Complaint forms available from either department.)

Note: This is a broad outline of your choices in resolving a dispute related to your child's IEP. Your legal options will depend on state, local and federal laws. Consult with trusted members of your team in pursuing dispute resolution.

Questions to Consider in Developing Your Child's Draft IEP

Classroom and Peers

- Should my child be in a mainstream or special education class? Both?
- Should he/she be partially or fully mainstreamed?
- What transition plan should be in place for mainstreaming?
- What type of special education class would be ideal?
- If special education is appropriate, what are the educational classifications and cognitive and maturity levels of fellow classmates?
- How many other students should be in the classroom?
- How old should the other students be? What range of skill level should they have?
- What extra-curricular activities should be available?
- How far is the class from home? What distance am I comfortable with?
- What type of classroom or behavioral or teaching support(s) and accommodations my child needs to be supported in the least restrictive environment (whether in a self-contained, mainstream, or hybrid inclusion classroom)

Class Content

- What specific topics do I want in the curriculum? What don't I want?
- Are there specific known programs that would work for my child?
- Will my child take any statewide assessment exams? What accommodations will be necessary?

Related Services

- What specific support services does my child need?
 - *Transportation*
 - *Development services*
 - *Corrective services*
 - *Artistic services, art therapy*
 - *Music or dance therapy*
 - *After school or weekend services*
 - *Assistive (augmentative) technology and consultative support*
 - *The "transition services" point should add a parenthetical qualifier: "(generally at age 14 and older)"*

Goals

- What specific measurable goals are appropriate?

Transition Services

- What services does my child need to be ready to (consider if appropriate)...
 - Live on his/her own?
 - Go on to higher education?
 - Work?

Sample Request for Information on Special Education from School

Date:

To:

Re: Request for Special Education Information

Hello,

My name is _____ and I am writing to you because my child, _____, is experiencing difficulties in school. I understand there is a process to evaluate a child and determine his/her eligibility for special education programs and services. Please send me any written information you have about this process. Please also send me any information you have that could put me in touch with other parents and local support groups involved in special education.

Thank you for your time and your help. I look forward to working together to help _____ get the education to which he/she is entitled.

Sincerely,

Sample Request for Special Education Eligibility Evaluation

Date:

To:

Re: [Child's Name], Request for Evaluation

Hello,

My name is _____ and I am writing to you because my child, _____, is having some troubles in school. I believe that special education programs could help with his/her difficulties.

I am formally requesting that the school immediately begin process for instituting a special education program. I understand that this process begins with the initial evaluation to determine eligibility and that you will send me an evaluation plan that explains the tests you will administer to _____. If possible, I would like to receive the plan within 10 days so that I have time to prepare for the process. Once I have given my consent for the plan, please let me know the date you set for the evaluation. I would greatly appreciate any other information you have regarding the evaluation process, including your criteria for determining eligibility and your general IEP framework.

Thank you for your time and your help in this matter. I look forward to working with the school to make sure _____ gets the education he/she needs.

Sincerely,

Helpful Websites

A Guide to the Individualized Education Program

U.S. Department of Education

www2.ed.gov/parents/needs/speced/iepguide/index.html

Individuals with Disabilities Education Act (IDEA)

U.S. Department of Education

sites.ed.gov/idea

Understanding Individualized Education Programs

Understood.org

www.understood.org/en/school-learning/special-services/ieps/understanding-individualized-education-programs

Wrightslaw

Accurate, reliable information about special education law, education law, and advocacy for children with disabilities.

www.wrightslaw.com

Council of Parent Attorneys and Advocates

Protecting the legal and civil rights of students with disabilities

www.copaa.org

Autism Speaks School Community Tool Kit

A guide to promote inclusion and acceptance at school

www.autismspeaks.org/school

Autism Speaks Resource Guide

Find resources in your local area

www.autismspeaks.org/resource-guide

**Have more questions or need assistance?
Please contact the Autism Response Team for
information, resources and tools.**

TOLL FREE: 888-AUTISM2 (288-4762)

EN ESPAÑOL: 888-772-9050

Email: FAMILYSERVICES@AUTISMSPEAKS.ORG

AUTISMSPEAKS.ORG/ART



Autism Speaks is dedicated to promoting solutions, across the spectrum and throughout the life span, for the needs of individuals with autism and their families. We do this through advocacy and support; increasing understanding and acceptance of people with autism; and advancing research into causes and better interventions for autism spectrum disorder and related conditions.

To learn more about Autism Speaks, please visit AutismSpeaks.org.