



A Modern Guide to the Individualized Education Program (IEP)

Updated to Reflect IDEA 2004 and Subsequent
Regulations

by

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Empowering Parents. Supporting Students.

NOTICE: This guide is intended for parents and guardians of children who may qualify for or currently receive special education services. The contents of this guide are for informational purposes only; no legal advice is provided.

Introduction

At **Birch Hill Chambers**, we recognize the vital role parents and guardians play in ensuring that children with disabilities receive a high-quality education.

The Individualized Education Program (IEP) is a legally binding document that outlines the educational plan designed to meet the unique needs of a child with a disability, as mandated under the Individuals with Disabilities Education Act (IDEA), most recently reauthorized in 2004 (IDEA 2004, 20 U.S.C. § 1400 et seq.).

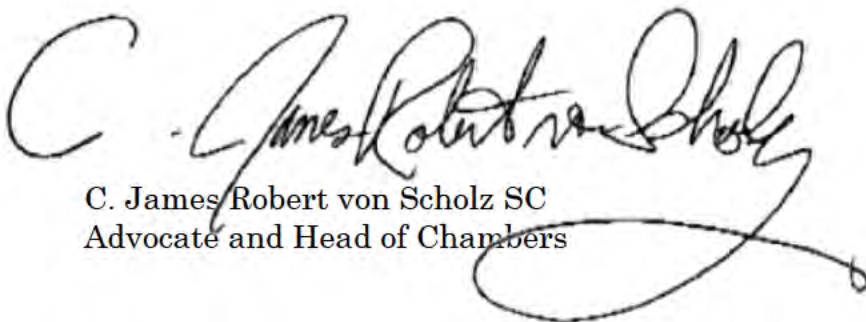
This updated guide reflects current law and best practices for the IEP process.

It explains how IEPs are developed, implemented, reviewed, and revised.

It also empowers families with knowledge about their rights and responsibilities throughout the special education process.

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Table of Contents

The Special Education Process	4
What’s Inside Your Child’s Individualized Education Program (IEP)?	7
IEP Team Members and Their Roles	11
Developing the IEP	15
Placement Decisions	17
Review and Revisions	20
Resolving Disagreements	21
Glossary of Terms	23
Resources and Contacts	25
Worksheet	27

The Special Education Process

THE special education process begins with identifying a child who may need extra support to succeed in school. This process is mandated by the Individuals with Disabilities Education Act (IDEA), which ensures all eligible children receive a Free Appropriate Public Education (FAPE) tailored to their individual needs.



Under IDEA's **Child Find** requirement (34 C.F.R. §300.111), public school districts are legally obligated to locate, identify, and evaluate all children with disabilities residing within the jurisdiction—regardless of whether they attend public, private, or are homeschooled. This includes children who are homeless, wards of the state, or highly mobile.

Step 1: Referral for Evaluation

A referral is the first formal step in the special education process. It may be initiated by:

- A parent or guardian,
- A teacher or school staff member,
- A physician or mental health professional,
- Early intervention program staff (for children transitioning from Part C to Part B services).

Parents have the right to request an evaluation in writing at any time. Upon receiving a referral, the school must obtain **written parental consent** before conducting any evaluations.

Step 2: Comprehensive Evaluation

The evaluation must be comprehensive and assess the student in **all areas related to the suspected disability**, such as:

- Academic achievement,

- Cognitive development,
- Communication,
- Emotional and behavioral development,
- Physical health,
- Social functioning.

The evaluation must be completed within the timeframe set by state law (typically 60 calendar days from the date of parental consent). It must use technically sound instruments and be administered by qualified professionals.

Step 3: Eligibility Determination

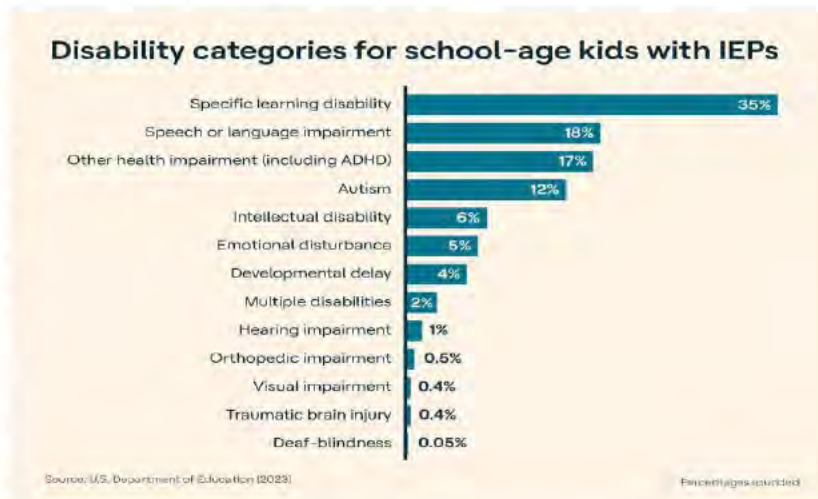
Following the evaluation, a team of qualified professionals and the parents meet to review the results and determine whether the child:

1. Has one or more of the 13 disability categories defined by IDEA (e.g., autism, specific learning disability, speech or language impairment), **and**
2. Requires special education and related services as a result of the disability.

If both criteria are met, the child is found eligible. If parents disagree with the results, they may request an **Independent Educational Evaluation (IEE)** at public expense.

Step 4: Development of the IEP

Once eligibility is confirmed, the school must convene an **IEP team meeting within 30 calendar days** to develop the student's Individualized Education Program (IEP). The IEP team



must include the child's parents, at least one general and special education teacher, a school district representative, and others as appropriate.



Step 5: Implementation of Services

After the IEP is developed and parents give consent for services, the school must implement the IEP **as soon as possible**.

All staff involved with the student must have access to the IEP and understand their responsibilities for implementation.

Step 6: Annual Review and Reevaluation

The IEP must be reviewed **at least once per year** to ensure the student is making progress. Every **three (3) years**, a reevaluation is required (known as a “triennial review”) unless the IEP team agrees that no additional data is needed.



What's Inside Your Child's Individualized Education Program (IEP)?

An Individualized Education Program (IEP) is a special plan made just for your child to support their learning and success at school. It's created by a team of teachers, specialists, and you—the parent or guardian. Every IEP must include some important pieces. Here's what they mean and why they matter for your child:



1. Present Levels of Academic Achievement and Functional Performance (PLAAFP)

This section is like a snapshot of where your child is right now. It talks about what your child is good at and what challenges they face—not just in schoolwork but in everyday skills too. For example, it might describe how your child reads, writes, or solves problems, and also how they manage tasks like following routines or interacting with classmates. This helps everyone understand how your child's disability affects their learning and participation in class.

2. Measurable Annual Goals

Goals are like stepping stones that guide your child's progress over the year. These goals are clear and specific, so everyone knows what success looks like. For example, instead of saying "improve reading," a measurable goal might be "read a grade-level story with 80% accuracy." This way, you and the teachers can easily see how your child is doing and celebrate their achievements.

3. Special Education and Related Services

This part explains all the extra help your child will get. It might include special teaching methods, speech therapy, physical therapy, or tools like computers or special seating. It also covers things like having a classroom assistant or breaks during the day. These services are designed to support your child's learning and help them participate as fully as possible.

4. Participation with Peers without Disabilities (Least Restrictive Environment – LRE)

This is about where your child will spend their school day. The goal is for your child to learn alongside classmates without disabilities as much as possible. This helps with social



skills, friendships, and feeling included. Sometimes, your child might need to spend some time in smaller groups or special classes if they need extra support. This section explains how much time your child will spend in each setting and why.

5. Participation in State and District-Wide Assessments

Your child will probably take tests like other students. This part tells you how your child will participate in these tests and what accommodations they might need. For example, they might get extra time, take the test in a quiet room, or use special tools. Sometimes, if the regular tests aren't a good fit, your child might take different tests that better measure their progress.

6. Service Delivery Information

This section answers important questions:

- When will your child start getting these services?
- How often will they happen (daily, weekly, monthly)?
- Where will they take place (in the classroom, therapy room, or elsewhere)?
- How long will each session last?

Knowing this helps you understand what your child's typical school day or week will look like.

7. Transition Planning (starting no later than age 16)

This part is all about preparing your child for life after high school. Whether they want to go to college, get a job, or live independently, the IEP team will help create goals and supports to get them ready. This can include learning daily living skills, exploring career interests, or connecting with community programs. It's like a roadmap for a successful future.

8. Progress Monitoring and Reporting

You'll want to know how your child is doing throughout the year. This section explains how the school will check your child's progress on their goals and how often they will share updates with you. Progress reports might come during parent-teacher meetings, report cards, or special progress notes. This helps you stay informed and involved in your child's education.



Why This Matters

Knowing these parts of the IEP can help you be a strong advocate for your child. It's your right to understand and ask questions about each section. The more you know, the better you can work with the school team to support your child's learning and growth.



If you ever feel unsure or need help, don't hesitate to ask the special education teacher or case manager—they're there to help you navigate this process.

IEP Team Members and Their Roles

The IEP (Individualized Education Program) team is a group of people who work together to create a personalized education plan that meets your child's unique needs. Each team member has a special role to help support your child's success. Below is a detailed list of who is on the team, examples of what they do, and tips for you as a parent to prepare for the meeting.

1. The Child's Parent(s) or Guardian(s)

- a. Role: You bring important knowledge about your child's strengths, challenges, and daily life outside of school. Your input helps shape the goals and services in the IEP. (*Example:* You might share how your child learns best at home, any concerns about behavior, or what motivates them.)
- b. How to Prepare:
 - i. Write down your concerns and questions ahead of time.
 - ii. Think about your child's progress and any changes you've noticed.
 - iii. Bring reports from outside therapists or doctors if relevant.
 - iv. Consider what your child enjoys and what goals you want to see in school.

2. At Least One General Education Teacher

- a. Role: This teacher knows the general education curriculum and helps figure out how your child can participate alongside classmates. (*Example:* The teacher might suggest classroom accommodations like extra time on tests or using visual aids.)



b. How to Prepare:

- i. Ask about how your child is doing in the general classroom.
- ii. Request examples of supports or accommodations that have helped or might help.
- iii. Be ready to discuss any challenges your child has faced in the classroom.

3. **At Least One Special Education Teacher or Provider**

- a. Role: This teacher or specialist works directly with your child and understands how to adapt teaching methods and provide special supports. (*Example:* They may explain how they use specialized reading programs or social skills training with your child.)



b. How to Prepare:

- i. Ask about specific teaching strategies used with your child.
- ii. Request updates on progress toward IEP goals.
- iii. Share any concerns about what is or isn't working.

4. **A School Representative**

- a. Role: Usually a principal or program coordinator, this person knows the school's resources and policies and can make decisions about services. (*Example:* They can explain what services the school can offer, like counseling or assistive technology.)

b. How to Prepare:

- i. Think about what resources your child might need (e.g., transportation, therapy).

- ii. Ask about school programs that could benefit your child.
- iii. Clarify any questions about school policies or placement options.

5. An Individual Who Can Interpret Evaluation Results

- a. Role: This might be a school psychologist or specialist who reviews your child's testing and assessments to explain what they mean. (*Example:* They can help you understand your child's strengths and areas needing support based on tests or observations.)
- b. How to Prepare:
 - i. Bring any previous evaluation reports you have.
 - ii. Ask for explanations if any test results are confusing.
 - iii. Discuss how evaluation results will guide your child's educational plan.

6. The Student (When Appropriate)

- a. Role: Especially as your child gets older, they can share their interests, goals, and what support they feel they need. (*Example:* A high school student might talk about their plans for college or work and what skills they want to improve.)
- b. How to Prepare:
 - i. Talk with your child before the meeting about their hopes and concerns.
 - ii. Encourage them to practice expressing their goals and needs.
 - iii. If your child will attend, prepare to support them during the meeting.

7. Others With Knowledge or Expertise

- a. Role: These may include therapists, counselors, or other professionals who know your child well and can suggest helpful

supports. (*Example:* A speech therapist might recommend specific communication tools or exercises.)

b. *How to Prepare:*

- i. Gather any reports or notes from outside professionals.
- ii. Ask if any additional experts should join the meeting.
- iii. Share information about services your child receives outside of school.

Suggestions for Parents to Prepare for the IEP Meeting

- **Review your child's current IEP and recent progress reports.** Look for areas where your child is succeeding or struggling.
- **Write down your questions and concerns.** It's easy to forget during the meeting, so bring a list.
- **Bring any relevant documents.** This can include medical or therapy reports, work samples, or notes from other professionals.
- **Talk with your child (if appropriate).** Find out what they think about their learning and what goals matter most to them.
- **Consider your priorities.** Think about what you want to see in the IEP — such as academic goals, behavior supports, or social skills development.
- **Bring a trusted friend, advocate, or family member for support.** Sometimes having someone with you can help take notes and provide emotional support.
- **Stay open and ask for clarification if something is unclear.** Remember, the meeting is a partnership focused on your child's success.

Developing the IEP

The Individualized Education Program (IEP) is a detailed plan designed to support your child's unique learning needs. It is developed through a team process that includes you (the parent or guardian), your child's teachers, school staff, and—when appropriate—your child. The goal is to work together to ensure your child receives the support they need to learn, grow, and succeed in school.

During the IEP meeting, the team collaborates to:

- **Review evaluations and current performance:** The team looks at recent assessments, classroom performance, and input from teachers and parents. This helps everyone understand your child's strengths, challenges, and current levels of academic and functional performance.
- **Set individualized, measurable goals:** Based on your child's needs, the team creates specific goals that are clear, achievable, and trackable. These goals focus on helping your child make progress in academics, behavior, communication, social skills, independence, or other areas identified through evaluation.
- **Identify services, supports, and accommodations:** The team determines what types of special education services and related supports (such as speech therapy, counseling, or assistive technology) your child may need. Accommodations—like extra time on tests or modified assignments—are also discussed to help your child participate meaningfully in their education.



- **Plan for access to the general education curriculum and school activities:** The IEP outlines how your child will take part in the same curriculum and school events as their peers, with the necessary support. This might include time in a general education classroom, participation in extracurricular activities, or modifications to ensure inclusion.
- **Incorporate parent input and student voice:** Your insights as a parent are a vital part of the IEP. You know your child best, and your observations and concerns help guide the team. When appropriate, your child's own goals, interests, and preferences are also included—especially as they grow older and begin to take more ownership of their learning journey.



The IEP is a living document. It is reviewed and updated at least once a year, or more often if needed. Open, ongoing communication between you and the school is key to making sure your child's IEP continues to reflect their progress and evolving needs.

Placement Decisions

Your child's **educational placement**—where and how they receive their education—must be decided **based on their Individualized Education Program (IEP)**. This decision must also follow the federal law's **Least Restrictive Environment (LRE)** requirement (20 U.S.C. § 1412(a)(5)).

The LRE rule means that your child should be educated **with students without disabilities as much as possible**, and **in a setting that supports their learning needs without unnecessarily separating them** from their peers.

Who Decides Placement?

The placement decision is made by your child's **IEP team**, which includes:

- You (the parent or guardian),
- Your child (if appropriate),
- General and special education teachers,
- A school administrator,
- And other professionals as needed (such as a speech therapist or school psychologist).

This team uses the goals and services in the IEP to decide **what environment will best support your child's success**.

When Is Placement Decided?

Placement is determined **after** the IEP has been written or reviewed—**not before**. This ensures that services and supports are designed first, and **then** the team considers the setting in which those supports can be provided effectively.

What Are the Placement Options?

The IEP team must consider a **continuum of placement options**—from least to most restrictive. These include:

- **General Education Classroom with Supports:** Your child is included in a regular classroom full-time, with help such as accommodations (like extra time on tests), assistive technology, modified assignments, or support staff like a paraprofessional or special education co-teacher.
- **Pull-Out or Resource Room Services:** Your child spends part of the day in a separate classroom for targeted instruction in subjects like reading, math, or social skills, while still participating in general education classes for the rest of the day.
- **Special Education Classroom:** Your child receives instruction in a smaller, specialized class for most or all of the school day. These classrooms have specially trained teachers and may follow a different curriculum, depending on the student's needs.
- **Separate School or Program:** In rare cases, a separate school designed for students with significant needs may be considered if public school programs cannot meet those needs.
- **Homebound or Hospital Instruction:** If your child cannot attend school for medical, emotional, or other serious reasons, they may receive



instruction at home or in a hospital setting. This option is used only when absolutely necessary.

Important Notes for Families:

- The **starting point** is always the **general education classroom**. More restrictive settings should be considered **only if** the IEP team determines that your child's needs **cannot be met** in a less restrictive setting, **even with supports and services**.
- You have the right to **participate in placement decisions** and ask for explanations of why a certain setting is being recommended—or not recommended.
- The placement decision must be **reviewed at least once a year**, but it can be revisited anytime if needed.

Review and Revisions

Your child's IEP (Individualized Education Program) must be reviewed **at least once a year**. This is called the **annual review**, and it's an important meeting where the IEP team—including you—looks at your child's progress, updates goals, and makes any needed changes to the plan.

However, the IEP can be reviewed **more often than once a year** if needed. For example, you or a teacher can request a meeting at any time if:

- Your child is **not making the expected progress** toward their IEP goals
- New evaluations suggest changes are needed
- Your child's **needs have changed**, such as new medical information or emotional/behavioral concerns
- You, as a parent or guardian, have **concerns or questions** about any part of the IEP

If any of these situations come up, the IEP team will meet to discuss updates or changes. These updates are called **revisions**, and they help keep your child's education plan up-to-date and effective.

In addition to the yearly review, the law also requires a **full reevaluation (called a "triennial review") every three years**. This helps the team determine whether your child still qualifies for special education services and whether the current supports and goals are still appropriate. You will be part of the decision-making process, and if both you and the school agree that the full reevaluation isn't necessary at that time, it can be skipped.



Resolving Disagreements

If you, as a parent or guardian, disagree with all or part of your child's IEP, there are several steps you can take to address your concerns. It's important to know that you have rights, and support is available throughout the process.



Here are your main options:

- **Request an IEP team meeting:** You can ask the school to meet again to discuss your concerns and try to resolve the disagreement. This is often the first and simplest step.
- **Ask for mediation (34 CFR §300.506):** Mediation is a free, voluntary process where a neutral third party helps you and the school come to an agreement. Both sides must agree to participate.
- **File a state complaint (34 CFR §300.153):** If you believe the school has violated special education law, you can submit a written complaint to your state's education agency. They are required to investigate and respond, usually within 60 days.
- **Request a due process hearing (34 CFR §300.507):** This is a more formal, legal process where both sides present evidence before an impartial hearing officer. It's similar to a court hearing and can result in a binding decision.
- **Request an Independent Educational Evaluation (IEE) at public expense:** If you disagree with the school's evaluation of your child,

you may ask for an IEE—an assessment done by a qualified professional who is not employed by the school district. In many cases, the school must pay for it, unless they can prove their evaluation is appropriate through a due process hearing.

Tip: You don't have to go through this alone. You can bring a support person or advocate to meetings, and many states have free parent training and information centers to help guide you through the process.

Glossary of Terms

IDEA – *Individuals with Disabilities Education Act*

A federal law that ensures students with disabilities receive special education and related services tailored to their individual needs. There are 13 **disability categories** that qualify children (ages 3–21) for special education services if the disability *adversely affects their educational performance*. These categories are:

1. **Autism** – A developmental disability affecting communication, social interaction, and behavior.
2. **Deaf-Blindness** – A combination of hearing and visual impairments causing severe communication and developmental needs.
3. **Deafness** – A severe hearing impairment that affects the ability to process linguistic information.
4. **Developmental Delay** – For children aged 3–9, significant delays in physical, cognitive, communication, social/emotional, or adaptive development.
5. **Emotional Disturbance** – Includes conditions like anxiety, bipolar disorder, and schizophrenia that impact learning.
6. **Hearing Impairment** – A hearing loss not classified as deafness that still affects educational performance.
7. **Intellectual Disability** – Below-average intellectual functioning and adaptive behavior.
8. **Multiple Disabilities** – Co-occurring impairments (e.g., intellectual disability and blindness) that require special education beyond what one disability would require.
9. **Orthopedic Impairment** – Physical disabilities such as cerebral palsy or amputations.
10. **Other Health Impairment** – Conditions like ADHD, epilepsy, or Tourette syndrome that limit strength, energy, or alertness.
11. **Specific Learning Disability (SLD)** – Difficulties in reading, writing, math, or processing information (e.g., dyslexia, dyscalculia).
12. **Speech or Language Impairment** – Challenges in articulation, fluency, voice, or language that affect communication.

13. **Traumatic Brain Injury (TBI)** – An acquired injury to the brain that affects learning or behavior.

14. **Visual Impairment (including blindness)** – Partial or total vision loss that impacts learning.

Yes, that's technically 14—but "Developmental Delay" is optional for states to use and **only applies to younger children.**

IEP – *Individualized Education Program*

A written plan developed for a student with a disability that outlines their learning needs, the services the school will provide, and how progress will be measured.

FAPE – *Free Appropriate Public Education*

The right of every eligible student with a disability to receive special education and related services at no cost, designed to meet their unique needs and prepare them for further education, employment, and independent living.

LRE – *Least Restrictive Environment*

A setting that allows students with disabilities to learn alongside their non-disabled peers to the maximum extent appropriate.

LEA – *Local Education Agency*

Typically the public school district responsible for ensuring that students with disabilities receive services outlined in their IEP.

IEE – *Independent Educational Evaluation*

An evaluation conducted by a qualified examiner who is not employed by the school district. Parents may request an IEE if they disagree with the results of the school's evaluation.

PLAAFP – *Present Levels of Academic Achievement and Functional Performance*

A section of the IEP that describes the student's current abilities, strengths, challenges, and how their disability affects participation and progress in the general education curriculum.

Resources and Contacts

If you need more support or information about your child's special education rights and services, then these trusted organizations can help:

State Education Agency (SEA)

Your state's Department of Education is responsible for overseeing special education services in public schools.

New York State Education Department (NYSED) *(For New York State Residents Only)*

Office of Special Education

89 Washington Avenue, Room 309 EB

Albany, NY 12234

Phone: (518) 473-2878 Email: speced@nysed.gov

Website: <http://www.nysed.gov/special-education>

To find your own state's SEA, search "[Your State] Department of Education Special Education" online.

Office of Special Education Programs (OSEP)

A federal resource providing guidance, tools, and information to support the education of children with disabilities.

<https://osepideasthatwork.org>

Wrightslaw

A leading source for legal information on special education, IEPs, IDEA, and advocacy strategies.

<https://wrightslaw.com>

Parent Training and Information Centers (PTIs)

Free, federally funded centers in every state that help families understand their rights, navigate special education systems, and prepare for IEP meetings.

 Find your local PTI: <https://www.parentcenterhub.org/find-your-center>

Birch Hill Chambers - Education Rights Advocacy (BHC-ERA)

www.birchhillchambers.com/education-rights

How to Use These Resources

1. **Start Local:** Contact your local school district's special education office or a Parent Training and Information Center for help with IEP meetings, services, and rights.
2. **Understand Your Rights:** Use **Wrightslaw** to learn about IDEA (Individuals with Disabilities Education Act) and stay informed about your legal rights and your child's entitlements.
3. **Reach Out for State-Level Support:** If issues aren't resolved at the school or district level, your **SEA** can help with state guidelines, complaint processes, or mediations.
4. **Explore Federal Tools:** Use **OSEP** for research-based practices, family resources, and support for improving educational outcomes.
5. **Don't Be Afraid to Ask for Help:** You don't have to do this alone. These organizations exist to support you and ensure your child gets the services they need.

Parent Checklist for IEP Meetings

Before the Meeting

- ☐ Review your child's current IEP and progress reports
- ☐ Gather any reports from doctors, therapists, or other professionals
- ☐ Write down questions, concerns, and things you want to discuss
- ☐ Talk with your child about their goals and how they feel about school (*if appropriate*)
- ☐ Consider your priorities for your child's education and supports
- ☐ Decide if you want to bring a friend, advocate, or family member for support
- ☐ Contact the school if you want to invite additional experts to the meeting

During the Meeting

- ☐ Take notes on what is discussed and any decisions made
- ☐ Ask for explanations if you don't understand something
- ☐ Share your observations about your child's strengths and challenges
- ☐ Discuss what supports and services will help your child succeed
- ☐ Make sure goals are clear, measurable, and meaningful
- ☐ Confirm how and when progress will be reported to you
- ☐ Speak up about any concerns or disagreements
- ☐ Request a copy of the finalized IEP and any evaluation reports

Tips for Communicating Effectively During the Meeting

- **Stay calm and focused.** Take deep breaths if you feel overwhelmed.
- **Listen carefully.** Everyone is working toward the same goal—helping your child succeed.
- **Ask questions if something is unclear.** There are no “dumb” questions when it comes to your child's education.
- **Use specific examples.** Share real-life stories or situations to explain your concerns or successes.
- **Be honest but respectful.** Share your feelings and opinions clearly and politely.
- **Take your time.** It's okay to ask for a break or to schedule another meeting if you need more time to decide.
- **Bring a notebook or device to take notes.** Writing down key points can help you remember later.
- **Request copies of all documents discussed.** Having paperwork in hand helps you review everything carefully.
- **Remember, you are an equal team member.** Your voice matters in decisions about your child's education.

After the Meeting

- ☐ Review the final IEP carefully once you receive it
- ☐ Keep a copy of the IEP and related documents in a safe place
- ☐ Follow up with the school if you have questions or if services are not being provided as agreed
- ☐ Monitor your child's progress and keep notes for the next meeting
- ☐ Stay involved and maintain open communication with teachers and providers