

Chapter 6: Individualized Education Programs (IEPs)

In this chapter you will -

- learn the parts of an IEP
- learn who is on an IEP team
- discover tips and things to remember when working on the IEP
- understand the additional requirements the team must consider when writing an IEP for a student who has an autism spectrum disorder
- learn that changes can be made to an IEP without a meeting
- know what “prior written notice” is and learn when schools are required to provide it
- learn what happens if a parent revokes consent to provide special education to a student

What Is an IEP?

Once it is determined that a student meets the criteria to receive special education and related services, an Individualized Education Program (IEP) will be developed. An IEP is a written statement of the educational program designed to meet the student's needs and is developed by a team. The IEP includes a detailed description of what will be done to give the student the extra help needed. The IEP will change based on the student's needs as it is like a road map showing where the student is and where he or she is going.

Who Is on the IEP Team?

The following individuals are required to attend all IEP meetings:

- **Parents** – Parents or guardians are required participants.
- **Student** – The student may attend and participate if the parent decides he or she should be present. A student who has reached 14½ must be invited to the IEP meeting when transition is discussed.
- **General Education Teacher** - The IEP team must include a general education teacher who has knowledge of the curriculum and the provided interventions and may be responsible for implementing the IEP if the child is or may be participating in the general education environment.
- **Special Education Teacher** - There must be a special education teacher on the IEP team who is familiar with the provided interventions and responsible for implementing the IEP.
- **Local Educational Agency (LEA)** - This person must know about the general education curriculum, be able to ensure that the IEP is implemented, and have the authority to commit resources.
- **Evaluation Personnel** - When evaluation information will be discussed at the IEP meeting, there must be someone present who can explain evaluation and/or test results.

Important Reminder

Required members may be excused from part or all of the meeting only if you and the school agree in writing. If you agree to excuse a member when the meeting involves discussing that member's area of knowledge, that member must give written input to you and the team for the meeting.

- **Others with knowledge or special expertise about the student** - The parents or the school may bring other people to the IEP meeting such as community service providers, advocates, lawyers, a friend for support, etc. The law says these people must have some knowledge of or special expertise regarding your child. The determination of whether the person has special knowledge must be made by the party who invited the individual to participate in the meeting.

Important Reminder

“Date of referral” means the date of written parental consent for evaluations.

IEP Timelines to Remember

- Both the eligibility and IEP meeting must occur within 60 school days following the date of parent/guardian consent for completion of the needed assessments. The meetings may occur separately as long as both are completed within the 60-school day timeline. Parents must receive a ten-day prior notice of an IEP meeting.
- At least three days before either an eligibility or an IEP meeting, parents must be given copies of all the written materials that will be reviewed at either meeting by mail, in-person, or other available method. This includes evaluation results, collected data, all IEP documents, etc. Parents may request to review logs regarding the delivery and minutes of related services provided to their child at any time.
- The IEP must be reviewed at least once a year; however, an IEP meeting can be convened at any time to discuss changes or revisions.
- Parents must be informed of their child’s progress on IEP goals *at least as often as parents of nondisabled children*.

Worth a Look

105 ILCS 5/14-8.02f provides that “beginning July 1, 2020 no later than 3 school days prior to a meeting to determine a child’s eligibility for special education and related services or to review a child’s individualized education program, or as soon as possible if an individualized education program meeting is scheduled within 3 school days with the written consent of the child’s parent or guardian, the local education agency must provide the child’s parent or guardian copies of all written material that will be considered by the individualized education program team at the meeting so that the parent or guardian may participate in the meeting as a fully-informed team member.”

What Does an IEP Include?

- Present levels of academic achievement and functional performance
- Annual goals
- Measurements of progress and how progress will be shared

- What special education and related services will be provided -
 - how often they will be provided (frequency)
 - how long they will be provided (duration)
 - where they will be provided (location)
 - who will provide the services
- How the child will access the general education curriculum
- The languages or modes of communication in which special education and related services will be provided, if other than or in addition to English
- The accommodations/modifications and/or supports that will be provided -
 - in the classroom
 - to and from school
 - in the school building
 - for school functions (field trips, sports, playground, etc.)
- Assessment information (which assessments will be administered, any accommodations to the assessments)
- A description of any assistive technology, including training the student or staff may need
- Special training or support that the student, the parent, and school staff need in order to ensure the student is provided a free appropriate public education (FAPE)
- A discussion of whether the student needs additional help and support when school is not in session, such as with Extended School Year (ESY) services
- Beginning when the child turns 14½, appropriate transition services, including postsecondary services and supports.
- The placement of the child where the IEP will be implemented. (For more information on the proper factors to consider in the placement decision, please see Chapter 7, “Least Restrictive Environment.”)

Specifics about IEP Components

Present Levels of Academic Achievement and Functional Performance (PLAAFPs)

PLAAFPs describe how the student is doing in different areas and how the student uses what he or she learned throughout the day. This part of the IEP should describe how the student's disability affects his or her participation in the general education curriculum and how the student performs in academic and nonacademic settings.

Annual Goals

Annual goals are statements that identify what knowledge, skills, and/or behaviors the student can acquire within a school year. Data should form the basis for instruction, and the goals should be written to allow access to the general curriculum and other activities during or after school. Goals must be measurable, identify who will be responsible for working on them, and identify how progress will be reported to parents.

Benchmarks and Short-term Objectives

Benchmarks and short-term objectives are the steps toward meeting the annual goals. A short-term objective is something that can be attained within a reporting or grading period.

Progress Toward Goals

The IEP should include information about how the school will measure the student's progress and when reports to the parents will be issued. The measurement should be clear enough so that parents can understand whether their child is being successful or not.

Special Education and Related Services

These services and supports help the student advance toward annual goals, make progress in the general curriculum, participate in extracurricular and nonacademic activities, be educated, and participate with all children. The IEP should include any additional training or support needed by the parents, educators, and paraprofessionals.

Participation in the General Curriculum

The IEP must explain how the child's disability affects his/her participation in the general education setting and other school activities. If a student is removed from any part of the general curriculum, a statement explaining the reasons why the removal is necessary must be part of the IEP. Adaptations or modifications can be used to support student success in the classroom.

Statewide Assessment

All children with disabilities must be part of state and districtwide assessments with appropriate accommodations, including English language proficiency, where appropriate. The IEP team decides whether the student should be given state and/or district assessments, with or without accommodations, or if the student should take the alternate assessment.

If the IEP team decides that the child should take the Illinois Alternate Assessment, the IEP must include -

- An explanation of why the child cannot take the regular test.
- A notice that the participation criteria has been met by a "Yes" response to the three (3) statements in the Alternate Assessment Participation Guidelines (see Appendix D).
- A statement explaining how the student will be assessed.

Worth a Look

A wide range of information on the Illinois Alternate Assessment is available on the ISBE website at:

<https://www.isbe.net/Pages/DLM-AA.aspx>

Frequency, Location, and Duration of Services

This is the “what, when, where, and for how long” part of the IEP. Each of the services the student needs should be written into the IEP and indicate three things: 1) how long or how often each session will last (the number of minutes); 2) where the services will be provided (i.e., general education classroom or special education classroom or another setting such as the community); and 3) when the services will begin and end.

Transition

For students who will reach the age of 14½ during the school year, the IEP must document a statement of transition service needs that focuses on the student’s course of study and goals to address those needs. Transition services are a coordinated set of activities that focuses on improving academic and skill achievement to prepare for life after school. The goals should include the needs for employment, education and/or training, and independent living, where appropriate. Transition services may include academic instruction, related services, postsecondary education, vocational training, supported employment, community experiences, daily living skills, and work evaluation. Transition plans should be based on the student’s strengths, preferences, and interests. The student must be invited to the IEP meeting.

In preparing for the meeting, parents should -

- Think about what the child needs to learn to help them be successful after graduation.
- Help students explore work and career options while still in high school.
- Decide what skills the young person needs to live and work in the community after high school.

- Make connections with education and training programs, colleges, agencies, and support services.
- Assist in the selection of classes and services that might help the child be successful in his/her adult life.
- Learn what agencies provide services to adults with disabilities in the community and invite them to the IEP meeting.

(Please see Chapter 8 for more information on transition.)

Transfer of Rights at Age of Majority

The rights and responsibilities for special education services that are given to parents will belong (or transfer) to the student at age 18. The district must inform the parents and student of the student's right to delegate decision-making to another adult individual. At least one year before turning 18, the parents and the student will receive notices in writing from the school about the change. The district must document that the parents and the student received the notice and were told about the transfer of rights. The school must also provide the student with a Delegation of Rights form (see ISBE form 34-57k located at https://www.isbe.net/Documents/nc_deleg_34-57k.pdf). The school must use the ISBE form or one that is substantively the same.

The Delegation of Rights -

- may be terminated by the student at any time.
- will remain in effect for one year.
- must be signed by the student and the designee.
- can be renewed each year.

Extended School Year (ESY) Services

These are special education and related services that are

provided to a student with an IEP beyond the normal school day/year, are stated in the student's IEP, and are provided at no cost to the parents of the student. The decision about what services will be provided should be individually based on the needs of the student. Loss of knowledge/skills or an extraordinarily long time in relearning skills (regression/recoupment) can be part of, but not the only reason for, determining ESY. No single factor can determine ESY, and ESY services may not be limited to particular categories of disability. ESY services might not be the same as services provided during the regular school year. The IEP team determines what services are provided during the ESY term. ESY services can be provided in school, at home, or in the community.

Other IEP Considerations

In addition to the required parts of the IEP described in the previous section, the following components can also be part of the IEP. The decision to add one or more of the following pieces will depend on the nature of the child's disability and how it impacts the child's performance in school.

Behavior

If a child's behavior disrupts his or her learning and/or the learning of other students, then the IEP team should consider the use of positive behavioral interventions and supports. (See also Chapter 9: Behavioral Intervention Plans.)

Before a Behavioral Intervention Plan (BIP) is developed to help a student manage classroom behaviors, a Functional Behavioral Assessment (FBA) is often completed. An FBA is a process for gathering data and information regarding a target behavior such as what causes it (what occurs immediately prior to the behavior occurring) and what could be done to modify the student's environment and

promote positive behavior. If the FBA is completed to inform the BIP, the FBA must be reviewed at the IEP meeting and included as part of the IEP.

The IEP of a student who requires a BIP shall -

- summarize the findings of the FBA.
- summarize prior interventions implemented.
- describe any behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors.
- identify the measurable behavioral changes expected and methods of evaluation.
- identify a schedule for a review of the interventions' effectiveness.
- identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.

Braille

For a student who is blind or visually impaired, the school shall provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child. For a child who is functionally blind or visually impaired to the extent that Braille instruction is determined necessary, the IEP team must consider the student's reading and writing skills, the student's communication needs, the student's use of reading and writing media, and the student's future needs for instruction in Braille or the use of Braille.

Communication Needs

The communication needs of the student must be considered by the IEP team. An IEP shall be considered “linguistically and culturally appropriate” if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student’s education. For students who are deaf or hard of hearing, the IEP team must consider the student’s language and communication needs and opportunities for direct communications with peers and professional personnel. The needs must address the student’s language and communication mode. The IEP team must consider the student’s academic level and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.

Assistive Technology Devices and Services

Assistive technology refers to devices used by individuals with disabilities to perform functions that might otherwise be difficult or impossible. Consideration should be given to the needs of the student for assistive technology devices and services. The IEP team must decide if the student needs assistive technology devices and services in order to receive a free appropriate public education (FAPE).

An assistive technology device means any piece of equipment that is used to improve the functional capabilities of a child with a disability. Assistive technology encompasses a broad range of devices from “low tech” (e.g., pencil grips, splints, paper stabilizers) to “high tech” (e.g., computers, tablets, communication devices, Braille readers). These devices include the entire range of supportive tools and equipment from adapted spoons to wheelchairs, from apps on a tablet to computer systems for environmental control.

Worth a Look

The federal legal provisions that address assistive technology are -
34 CFR 300.5
34 CFR 300.6

The term does not include a medical device that is surgically implanted or the replacement of such device.

An assistive technology service means any service that directly assists a child with a disability receive and use an assistive technology device. This service includes evaluating a child's need, acquiring and customizing the necessary device, and training the child, staff, and parents/guardians in the use of the device.

IEP for An English Learner

If your child is an English learner, his or her IEP must include specific components:

- A conference notice and a copy of the Procedural Safeguards must be provided to you in your dominant language (unless you have signed a waiver and requested these documents in English).
- Information on your child's and your primary language on page 1 of the IEP document must be accurate and consistent with the Home Language Survey.
- If your dominant language is other than English, the district must provide an interpreter for all IEP meetings and list the interpreter's name with other participants' information.
- If your child's dominant language is other than English, it is presumed that a bilingual specialist will participate in the IEP meetings.
- Your child's communication needs and present level of performance in English and in the dominant language must be included in the IEP document.

- If your child is an English learner, the IEP must address appropriate linguistic and cultural accommodations that your child might need.
- Your child's IEP must include information on ACCESS or Alternate ACCESS exam and list accommodations that your child should receive during testing.

Bilingual supports that your child receives at school are not related services and should not be listed as such. However; the IEP document should provide information on your child's EL programming. For example, it could state, "Math: 225 minutes per week (mpw) in general education with EL support."



Additional Requirements for Students Who Have a Disability on the Autism Spectrum

The Illinois School Code requires IEP teams to consider additional factors for students who have a disability that falls within the autism spectrum disorder (ASD) category. If the student has ASD (includes autistic disorder, Asperger's disorder, pervasive developmental disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett Syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition [DSM-V, 2013]), the IEP team shall consider the following factors:

- the verbal and nonverbal communication needs of the child
- the need to develop social interaction skills and proficiencies
- the needs resulting from the child's unusual responses to sensory experiences
- the needs resulting from resistance to environmental change or change in daily routines
- the needs resulting from engagement in repetitive activities and stereotyped movements
- the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder
- other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development

Worth a Look

The requirements with regard to children with autism spectrum disorder can be found in 105 ILCS 5/14-8.02(b) (Public Act 095-0257).

Parent Tips

IEP Questions – Things to Think About

- What has the student learned this year?
- What are the student's strengths and interests?
- What are the concerns for the student's education?
- What should the student learn next?
- What does the student want to learn next?
- What are the supports and services the student needs to make progress on his or her goals?

What Parents Can Do Before the Meeting

- Make sure you know who will be at the meeting.
- If the meeting time doesn't work for you, request a different time or date.
- Share any medical, psychological, or other assessment information.
- Have a list of priorities.
- Write down any questions you might have.

Some districts offer special assistance (such as child care) so that parents can participate in the IEP meeting. If you need support to attend your child's meeting, ask your principal, special education teacher, or administrator for help.

If you want to learn more about your rights and responsibilities, ask your school for information about organizations that offer support for parents of students with disabilities. Ask if your school offers training about special education issues.

Your school should give you the help you need to play an active role in your child's education, including an explanation of what options you have if you disagree with a decision made by the IEP team.

Tips for Parents

If someone you want to attend the IEP meeting is not on the list of attendees, you or the district may ask that person to participate.

Tips for Parents

You can find information about special education on the ISBE website at <https://www.isbe.net/Pages/Special-Education-Programs.aspx>

IEP Facilitation

IEP facilitation is a process that helps foster effective communication between parents and districts as they develop mutually acceptable IEPs. This process may be used as a preventative measure in which a trained facilitator promotes whole team participation, acknowledging and addressing differing opinions in a respectful and neutral manner. IEP facilitation can improve relationships between school districts and parents in order to effectively plan services to meet the needs of the student.

For more information about this free service, you may go to page 86 in this guidebook (Chapter 11, “Conflict Resolution”) or visit the ISBE website.

<https://www.isbe.net/Pages/IEP-Facilitation-System.aspx>

Important Reminder

IEP facilitation is a voluntary process. Both parties will need to agree that it would be valuable to have a neutral facilitator present at the IEP meeting to assist with the development of the IEP before a facilitator will be assigned to the case.

What You Need to Know About Excusal from IEP Attendance

Changes to IDEA in 2004 made it possible for members of the IEP team to be excused from an IEP meeting. The important thing to remember is that excusal can only occur if the parent and the district agree to excuse the team member from the meeting.

- Team members whose area of expertise will not be discussed do not have to attend if the parents agree in writing.
- Team members whose area of expertise will be discussed can be excused when the parent and the school agree, and if they submit their input in writing to the IEP team (including the parents) before the meeting.

Important Reminder

Excusal of a team member can only occur when the parent and the district agree.

Worth a Look

The rules regarding excusal of IEP team members from the IEP meeting can be found at 20 USC Sec. 1414(d)(1)(C) and 34 CFR 300.321(e).

Changes to the IEP Without a Meeting

After the annual IEP meeting for a school year, parents and the school district can agree to make changes to the student's IEP without holding a meeting. A written document may be developed to amend or modify the child's current IEP. Parents should make sure they understand and agree to any proposed changes and ensure that the change is documented.

If changes are made and the IEP is revised, the school must inform the parents of the changes and make sure they understand and agree to the changes. The school must make sure that the IEP team knows about the changes and must give an updated copy to the parent, according to the IDEA [34 CRF 300.324(a)(4)(ii)].

Prior Written Notice

There are certain times when the school must put in writing its decisions about the child's education and state the reasons for those decisions. This written communication is called *prior written notice*. Parents have the right to receive prior written notice whenever the school wants to do something or refuses to do something such as -

- Evaluate the child.
- Change the child's disability category.
- Change the child's educational placement.
- Change the way in which the child is provided a free, appropriate public education (FAPE).
- Terminate special education and related services in response to a parent's revocation of consent for special education placement.

Sometimes a school representative will tell a parent about

Important Reminder

Special education services cannot be chosen based on parent preference. If a student is deemed eligible to receive a variety of services through the evaluation process, all of the services will be provided. Parents cannot decline one service but maintain other services.

a decision over the telephone, in a meeting, through an email, or in a conversation. However, even if the school informs the parent in one of these ways, the school still must provide the parents with prior written notice before it can proceed.

Revocation of Consent

If the parent agrees to allow the school district to make the student eligible for special education and related services, the parent has the right at any time to revoke consent for special education services. However, it is very important for the parent to understand that if consent for special education is revoked, **the school district must terminate ALL special education services**. As a result, the student will no longer receive any services set forth in the student's IEP.

In order to revoke your consent for special education, Illinois rules permit the parent to do so either in writing or orally, although federal law only allows you to revoke in writing. To ensure that the revocation is received by the district, it is highly recommended that the parent provide the revocation in writing or follow up an oral revocation with a short letter confirming that the parent has revoked consent for special education. A sample letter showing how to provide revocation in writing is provided at the end of this guide in Appendix A. The parent's revocation of consent, whether orally or in writing, should be directed to either the district's superintendent, the district's director of special education, or the person supervising the student's IEP team (e.g., the case manager).

Once the parent has provided revocation of consent to the district, the district must provide the parent with prior written notice to tell the parent exactly when the services for the student will end. Though the law does not explain the exact time when the district must provide the parent

with its notice to end services, it is recommended that the parent follow up with the school district if the notice has not been provided to him or her within ten days of revoking consent for services.

The Big Picture: Revocation of Consent

Once the district has provided the parent with written notice in response to revocation, the district must terminate all special education services to the child. Almost all the rights and protections the parent possessed as a parent of a student with a disability will also end.

If the parent later decides that the decision to revoke was a mistake and the district has already terminated special education services for the student, the district may need to evaluate the student all over again before the student's special education services can be restarted. There is no guarantee that the student will receive the same services that were in place before the parent revoked consent. (See Chapters 3 and 4 for more information on the steps required for evaluation.)

Parent Participation in Meetings

School districts are required to ensure parent participation in the discussions regarding their child's evaluation. School districts are also required to ensure parent participation in the meetings to determine eligibility and plan the child's IEP. This means that the local school district must contact parents in a timely manner to set a meeting time that is mutually convenient.

There are different types of meetings that are held for different reasons – evaluations, eligibility determination meetings, annual reviews to develop the IEP for the coming year, transition, change in placement, and others. You can read other sections of this guide to get more details about the specific type of meeting in which you are interested.

The following are some ideas parents can use to increase their involvement in school meetings:

Before the Meetings

- Tell the school if you have difficulty speaking or understanding English or if you are deaf and could use an interpreter or translator to understand what is said at the meeting.
- Prepare a folder to take to the conference that contains the following items: (a) your child's current IEP and progress report, (b) information you want to share about your child, (c) questions, (d) paper on which to take notes, and (e) any other information you want to discuss.
- Review your child's school records, reports, IEPs, and any other information you have that will be helpful during the meeting. Ask your child about his or her concerns and suggestions too.
- Request and review copies of any evaluations or draft goals that may be discussed at the meeting.
- Write down questions, concerns, and any suggestions you have regarding special education, related services, or placement.
- Prepare a statement about your child, including positive things that he or she can do. Sometimes your child is able to do certain tasks at home that have not yet been demonstrated at school.
- Plan to have your child attend the meeting to speak about what he or she likes about school and what he or she would like to learn. If 18 years of age or older, your child has the right to decide if he or she will attend, unless you have obtained legal guardianship.
- Invite other people to the meeting who might help you feel at ease or who have

Parent Participation in Meetings

important information to share about your child. It often helps to have someone with you to take notes at the meeting, so that you can focus on the meeting itself. Let the school know whom you have invited.

During the Meetings

- Introduce yourself and your child. Give your child a chance to talk about what is important to him or her. Make certain that you talk about your child's strengths and needs. You may want to read a prepared statement, mentioned above.
- Ask the other IEP team members to introduce themselves by name and job title. You have the right to ask that any person present who was not listed on the school district's meeting notice be excused from the meeting. *Please note that the district does not have to honor this request if the person is not relevant to the discussion.*
- Maintain a positive attitude.
- Try to stay focused.
- Take notes on discussions, recommendations, follow-up items, and scheduled dates/appointments.
- Ask school personnel to explain terms, language, or statements that are unclear.
- Set a regular time to contact the teacher to discuss your child's progress.
- Ask to schedule an additional meeting if your questions and concerns cannot be answered in one meeting.

After the Meetings

- Follow through on any commitments you made during the meeting.
- Add documents from the meeting to your files.
- Contact the teacher periodically to see how the program is going.
- If you are not in agreement with what occurred at the IEP meeting, be certain to write a statement of disagreement to be attached to the IEP.