

# **Lincoln Public Schools**



## **A Question and Answer Guide to Understanding the Individual Education Program (IEP) Process**

**2009-2010**

## **What is FAPE?**

“Free Appropriate Public Education,” or FAPE, is an educational right of children with disabilities in the United States that is guaranteed by the Individuals with Disabilities Education Act (IDEA). Under the IDEA, FAPE is defined as an educational program that is individualized to a specific child, designed to meet that child's unique needs, provides access to the general curriculum, meets the grade-level standards established by the state, and from which the child receives educational benefit. IEPs are developed to provide FAPE.

## **What is LRE?**

“Least restrictive environment,” or LRE, means that a student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent possible. They should have access to the general education curriculum, extracurricular activities, or any other program that non-disabled peers would be able to access. Should the nature or severity of a child’s disability prevent the student from achieving these goals in a general education setting, then the student would be placed in a more restrictive environment, such as a special classroom or a private special education school. Usually, the less opportunity a student has to interact and learn with non-disabled peers, the more that the setting is considered to be restricted.

## **What is special education?**

Special education is specially designed instruction. Special education providers adapt instruction, as appropriate to the needs of the child, the content, methodology, or delivery of instruction, to address the unique needs of the child that result from the child's disability. The purpose of special education is to ensure the child’s access to the general curriculum, so that the child can meet the educational standards that apply to all children.

To learn more about the special education services available in the Lincoln Public Schools, please refer to the Special Education Services Guide. You can obtain a copy from Karen Kanter, Special Education Coordinator at the Hanscom Schools, at [kanterk@lincnet.org](mailto:kanterk@lincnet.org) by phone at 781.274.6178 extension 272, Virginia Flaherty, Special Education Coordinator at the Lincoln School, at [vflaherty@lincnet.org](mailto:vflaherty@lincnet.org) or by phone at 781.259.9404 extension 2209 or Lynn Fagan, Lincoln Preschool Coordinator, at [lfagan@lincnet.org](mailto:lfagan@lincnet.org) or by phone at 781.259.9889.

## **What is a related service?**

Related services are services provided to children with disabilities to benefit from special education and to assist in their ability to learn and function in the least restrictive environment. Such services may include:

- speech-language pathology and audiology services
- interpreting services
- psychological services

- physical and occupational therapy
- recreation, including therapeutic recreation
- counseling services, including rehabilitation counseling
- orientation and mobility services
- school health services and school nurse services
- social work services
- parent counseling and training
- transportation

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**What is an Individualized Education Program or IEP?**

An Individualized Education Program (IEP) is a legal written document designed by a team of educators, specialists, and the child’s parent(s)/guardian(s) that describes the unique special education and related services for each student. All students who receive special education and related services must have an IEP.

**Is an IEP required by law?**

The Lincoln Public Schools acts in accordance with state (Chapter 766 of the Acts of 1972) and federal laws (Individuals with Disabilities Education Improvement Act of 2004 known as IDEA), regulations and policies. Under these laws, all eligible children with disabilities are provided with FAPE through the process of identification, evaluation, eligibility determination, Individualized Educational Program (IEP) development and re-evaluation.

**Who is eligible for an IEP?**

For a student to have an IEP they must fulfill the following eligibility three-part criteria:

- 1) The student is identified as having one or more the following disabilities:
  - Autism
  - Intellectual
  - Emotional
  - Physical
  - Health
  - Developmental Delay
  - Neurological
  - Communication
  - Specific Learning
  - Sensory: Hearing, Vision, Deaf-Blind

2) The student is determined to not be making effective progress and the lack of progress is a direct result of the student's disability.

3) It is determined that the student requires special education (specially designed instruction) or related services support in order to make effective progress.

### **What are IEP Team Meetings?**

The IEP Team Meeting is an opportunity for teachers, parents, school administrators, related service providers, and students (usually at age 14 and older) to work together to develop an IEP to effectively address a student's lack of progress as a result of their disability. There are many purposes of IEP Team Meetings: Initial, Annual Review, Re-Evaluation and Amendment. At an Annual Review IEP Team Meeting and/or at an Amendment IEP Team Meeting, the team will talk about progress toward the goals in the current IEP, what new goals should be added, and whether any changes need to be made to the specialized instruction and related services your student receives. Initial and Re-Evaluation IEP Team Meetings require additional components, such as summation of initial evaluations or re-evaluations by the specialists who conducted the evaluations, and eligibility determination. If your student is found eligible for special education services at an Initial or Re-Evaluation IEP Team Meeting, appropriate goals will be discussed, in addition to the specialized instruction or related services your student requires in order to make effective progress.

### **How often does the IEP Team meet?**

IEP Team Meetings must occur at least once a year, to review your student's progress and develop your student's next IEP. Parents/guardians do not have to wait for this annual review meeting to address a concern. You (or any other team member) may ask to have your student's IEP reviewed or revised at any time. In making changes to a student's IEP after the annual meeting, parents and district may agree to re-convene the team, or parents and the district can choose not to re-convene the team and, instead, amend or modify the student's IEP via a phone conversation or written exchange of information. IEP Re-Evaluation Team Meetings must occur at least every three years. IDEA requires re-evaluation every three years or sooner, to determine continued eligibility for special education services and/or if it is suspected that a child has made effective progress and can be terminated from receiving services per an IEP. Regardless of the meeting type, parents will be provided with a revised copy of the IEP with amendments incorporated.

### **Where are IEP Meetings held?**

Due to the need to protect confidentiality, your student's IEP Team Meeting will be held in a conference room, classroom, or office where privacy can be assured. When you come to the school to participate in an IEP meeting, please sign in at the

main office and receive a visitors badge. Typically someone from the IEP team will meet you in the office and escort you to the meeting location.

### **What is the process prior to an IEP Team Meeting?**

In most cases, the IEP team chairperson will contact you to attempt to schedule a time and place that are mutually agreeable to hold the meeting. The school staff has a variety of blocks of time available during the school day for meetings. In advance you will receive written notice of the meeting. This written notice will also include who will be in attendance. You and the school may agree to waive the written notice to hold the meeting as soon as possible, if there is need to do so, or alternative means of participation can be agreed upon, such as the parent and the district agreeing to use video conferencing or conference calls, to conduct the Team Meeting.

### **How do you prepare for an IEP Team Meeting?**

Learning how to prepare for an IEP Team Meeting in advance is important for your active and effective participation. Before the meeting:

- Know the purpose of the meeting.
- Find out who will attend the IEP team meeting and their roles.
- Be as informed as possible about your student's educational abilities.
- Review your student's report cards, progress reports, the results of any assessments, grades and homework to identify areas of strength and weakness that you want to be addressed on the IEP.
- Make your own notes about what you would like to discuss. Refer to your notes during the meeting to help you ensure your concerns are addressed.
- Know your parental rights. If you have a copy of your rights, it can be helpful to review them before the meeting. If you have questions about your rights, talk with the Special Education Coordinator.

### **Who will be at the IEP Team Meeting?**

IDEA defines the IEP Team as "a group of people who are responsible for developing, reviewing, and revising the IEP for a student with a disability." By law, these people include:

- Parent(s) of the student with a disability
- The student with a disability, when age-appropriate
- Not less than one general education teacher (if the student is, or may be, participating in the regular education environment)
- Not less than one special education teacher
- A representative of the Local Education Agency (LEA) who has the authority to commit resources
- An individual who can interpret evaluation results
- Other individuals who have knowledge of the student
- Parents may bring a support person

### **What if someone can not attend the meeting?**

Per IDEA, "A member of the IEP Team is not required to attend an IEP Team Meeting, in whole or in part, if the parent of a student with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent and the public agency, in writing, consent to the excusal; and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting."

### **What is a typical IEP Team Meeting Format?**

IEP Team Meetings typically follow the following agenda:

- Introductions with a brief explanation of participant's role in the school and their involvement with your student
- The purpose of the meeting will be discussed (i.e., initial referral to discuss evaluation results and determine eligibility, annual review to discuss educational progress, three year re-evaluation to discuss evaluation results and determine eligibility, to plan for a transition from one program or school to another, etc...)
- Sharing of information from each participant regarding your student's evaluation-based or school-based present level of performance, as well as how your student is progressing in your home
- A discussion of your student's educational needs (goals/benchmarks)
- A discussion of the most appropriate way to meet your student's educational needs (service delivery, accommodations)

### **What happens upon completion of the IEP Team Meeting?**

At the completion of the IEP Team Meeting, you will receive either a written summary of the meeting or a draft of your student's actual IEP is prepared. The summary should clearly state:

- your student's identifying information (name, address, etc...)
- your student's service coordinator
- your student's strengths and concerns
- the decisions made by the team regarding how services will be implemented
- who, by title rather than name, is responsible for implementation
- any accommodations your student requires

### **What can I expect in terms of timelines?**

Three to five (3-5) school days after your student's IEP Meeting, you will receive a

proposed IEP in the mail. You have thirty (30) calendar days to review the IEP from the date you receive the proposed in the mail. After the month has passed the school district is required to assume that the IEP is not accepted and will contact the Department of Elementary and Secondary Education's (DESE) Bureau of Special Education Appeals (BSEA) as rejected. If the IEP clearly reflects what was discussed at your student's IEP meeting and you have no questions, please sign and return the document promptly. If there are concerns or questions with the IEP you receive, many of these questions or concerns can be easily addressed and resolved without needing to reject your student's IEP. Please first call your school appropriate representative to discuss your concerns or questions. Karen Kanter, Special Education Coordinator at the Hanscom Schools, at [kanterk@lincnet.org](mailto:kanterk@lincnet.org) by phone at 781.274.6178 extension 272, Virginia Flaherty, Special Education Coordinator at the Lincoln School, at [vflaherty@lincnet.org](mailto:vflaherty@lincnet.org) or by phone at 781.259.9404 extension 2209 or Lynn Fagan, Lincoln Preschool Coordinator, at [lfagan@lincnet.org](mailto:lfagan@lincnet.org) or by phone at 781.259.9889.

### **When will IEP services begin?**

By law, services may not begin until a signed IEP document is received, and no changes to the service delivery schedule or groupings for services can be made until the document is received. Delays in receipt of IEP can limit a student's grouping options. Therefore, it is best to sign and return the document as soon as possible.

### **What does it mean if I completely reject my student's IEP?**

If you completely reject your student's IEP, the rejected IEP will be sent to the Department of Elementary and Secondary Education's (DESE) Bureau of Special Education Appeals (BSEA) no later than five (5) days after receipt of the rejected IEP. In this case, the last agreed upon IEP will generally remain in effect until an agreement has been made regarding the appropriate services for your student (often referred to as "pendency" or "stay put"). If your student was not previously receiving special education services, no special education services will be provided until an IEP is agreed upon and signed by the parent. For this reason, it may be best to accept an IEP in part, in order that some services can begin (see below).

### **What does it mean if I partially reject my student's IEP?**

If you partially reject your student's IEP, those portions accepted will be implemented immediately. Those portions rejected will not be implemented. Your student's partially rejected IEP will be sent to the Department of Elementary and Secondary Education's (DESE) Bureau of Special Education Appeals (BSEA) no later than five (5) days after receipt of the partially rejected IEP.

### **What is the BSEA process?**

The BSEA conducts *mediations*, *advisory opinions* and *due process hearings* to resolve disputes among parents, school districts, private schools and state

agencies. The BSEA derives its authority from both federal law and regulations (IDEA) and Massachusetts law and regulations.

*Mediation:* When school personnel and parents disagree about the educational needs of a student with disabilities, either party may request mediation. Mediation is a voluntary and confidential dispute resolution process available at no cost through the BSEA. In mediation, an impartial mediator helps parents and school staff clarify the issues and underlying concerns, explore interests, discuss options and collaborate to reach mutually satisfying agreements that address the needs of the student. The mediator does not decide how to resolve the dispute. When the parties resolve all or some of the issues, they work together with the mediator to put their agreement(s) in writing.

*Advisory Opinion:* A process where the parent and the school agree to present information in a limited amount of time to an impartial Hearing Officer, who will give an opinion as to how the law would apply to the situation as presented. An advisory opinion is not written, nor is it binding, and allows either the parent or the district to proceed to a hearing if either party is dissatisfied.

*Hearing:* A process where you and the district each present your case to an impartial Hearing Officer for a written binding decision on the best outcome for the student. The decision of the hearing officer is implemented immediately and is not subject to reconsideration by the BSEA, but may be appealed to a court of competent jurisdiction. A hearing is a fairly complex legal proceeding and averages three to five days in length.

For more information, please refer to <http://www.doe.mass.edu/bsea/>

### **Can I decline services without the document being considered rejected?**

There are situations when a parent/guardian may want to accept the IEP but decline the services. When this happens the IEP should be signed as accepted with a notation to decline the services as offered. The school system will keep the IEP in its files and contact the parents/guardian on an annual basis to offer an IEP meeting and/or on a three year basis to offer a re-evaluation to determine eligibility.

### **References**

Information contained within this document cited from:

- Department of Elementary and Secondary Education <http://doe.mass.edu>
- Department of Elementary and Secondary Education's (DESE) Bureau of Special Education Appeals (BSEA) <http://www.doe.mass.edu/bsea/>
- <http://learningdisabilities.about.com/od/publicschoolprograms/a/iepteameetings.html>