

# What is an IEP?

In special (exceptional) education, each child has a different plan that says what they will learn. The plan is called an **Individualized Education Program** or **IEP**. The IEP says what will be done for your child at school. It shows what services and supports your child will get to learn. It shows what kind of class your child will be in.

The IEP should look at what your child can do and is good at. The IEP should look at what your child wants and needs to learn. The IEP helps your child reach his or her goals in school and get ready to be an adult.

An IEP is a legal paper. That means that the school **must** do what the IEP says. Your child **must** get the services and supports in the IEP. Is your child under age 3? Then he or she doesn't have an IEP. Instead he or she has an **Individualized Family Support Plan** or **IFSP**.



## How are an IEP and IFSP different?

In Tennessee, services for babies and toddlers come through TEIS, Tennessee's Early Intervention System. An IFSP is used for children under age 3. An IEP is used for children age 3 and older. Services for children 3 and older come from the school system. If the parent agrees, in some states a school can use an IFSP until the child is 5. In Tennessee, schools start using an IEP when the child is 3.

IEPs and IFSPs both say what services your child will get. An IFSP has things in it that the family wants and needs. The IEP has things in it that the child needs. If an IEP Team says that a child needs something, like help talking, it **must** be done. What if an IFSP Team says a child needs help talking? The child will only get help talking if the family wants it done.



Some children who get services from TEIS can also get services from the school system when they turn 3. Some children don't need special services anymore. If you have a TEIS Service Coordinator ask her/him what happens when your child turns 3. Your Service Coordinator will help you set up a meeting with the school before your child turns 3.

The rest of this brochure is about IEPs for children who are 3 or older.

## What is in an IEP?

The IEP says:

- What your child will be taught during the year
- What other help your child will get
- What kind of special equipment your child needs to learn
- What kind of report cards you will get
- If your child needs more tests



- Where your child will be taught
- If your child needs help from a special education teacher
- What other services your child will get

Your child won't get any special education help until the IEP is written. The IEP is a legal paper. **The school must do what the IEP says.** If they don't, they are breaking the law.

## Who writes the IEP?

The IEP is written by a group of people called an **IEP Team**. The IEP Team is different for each child. You are an important part of **your child's** IEP Team. It is important for you to go to IEP meetings. Here is who should be on the IEP Team and at the meetings.



1. **Your child** should come even if just for a short time. If your child doesn't come, bring a picture of your child. When your child is 16, the IEP Team must invite him or her to the meetings. What if your child doesn't want to come? Then the IEP Team must find out what your child likes and is interested in. The Team must use these to write the IEP.
2. **Parents** are on the IEP Team. You know the most about your child. It is important for you to be at the meetings.
3. **A special education teacher** must be on the IEP Team. Usually it is the one who is or will be working with your child.
4. **A general education teacher** must be there. This is true even if your child is in preschool or a special day school. Usually it is the one who is or will be working with your child. What if your child only has a special education

teacher? Then, a teacher who is trained to be a general education teacher must come. What if your child has more than one general education teacher? Only one must come to the IEP meeting. But each of your child's teachers must get a copy of the IEP.

### 5. A school person

who knows what is being taught must come. She or he must know how to make things easy to learn. She or he must also know what the school can do. This can be more than one person. Most of the time, this is a principal or vice principal.



6. **A person who can explain what your child's tests showed** must come. They need to be there even if there are no new tests. Their job is to make sure that tests results are used to help your child. Example: Tests show your child has visual-spatial problems. This means they will have trouble copying from the blackboard. The IEP needs to say what will be done about this.

7. **Anyone else the parents, student or school wants to invite** can come. You



can bring anyone you want, like a friend or an advocate. The school may ask if you are bringing someone. It is up to you if you tell them or not.

Who else can come to the meeting? You or the school can invite other people. They should have special knowledge or know-how about your child.

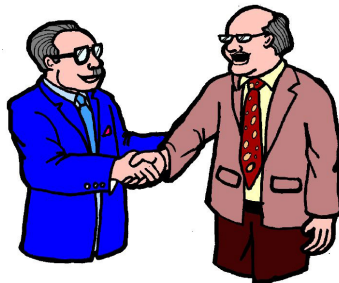
You may bring a lawyer to the meeting. **BUT** the school has the right to end the meeting if their lawyer is not there. What if the school brings a lawyer but you don't have one? You have a right to end the meeting. You will have to set up another meeting when both lawyers are there.

Most of the time, it is not a good idea to bring lawyers to IEP meetings. Do you think you need a lawyer because you disagree with the school? Then you may need to ask for a due process hearing. Ask for our brochure "If you and the school disagree" to learn more.

Most of the time, a probation officer or school police officer should not come. But they may be needed if they have special knowledge or know-how about your child.

**8. There may be someone there from another agency.**

They must come if they pay for services to get students ready to be adults. This must be done if your child is 16 or older. What if an agency is invited but doesn't come? The school must find other ways to get the agency to take part.



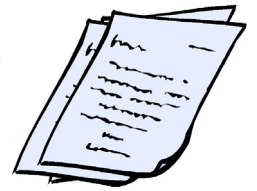
It is OK for a person to fill more than one spot.

**Example:** Some teachers have the training to teach both special education and general education. Or, the principal may be the school person and be a teacher.

**Does everyone on the IEP Team have to be at every meeting?** No. The school and you can agree in writing that someone can skip a meeting. You are agreeing not to talk about or change that person's part of the IEP.

**Example:** You and the school agree to let the speech therapist skip the meeting. At the IEP meeting, you can't talk about your child's speech. You can't make any changes to speech therapy or speech goals at this meeting.

What if you need to change something but the person over that part can't come? You and the school can agree to let that person skip the meeting.



**BUT** the person must give you a **written report** before the meeting. The report says what they think should be in the IEP.

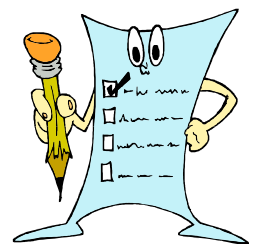
Do you think someone is needed at the meeting? You **don't** have to agree to let them skip the meeting. Tell the school that you want to wait and meet when that person can come.

Don't forget, a general education teacher must help write or change the IEP. This means:

1. Deciding how to help your child's behavior
2. Deciding what help and services your child needs
3. Deciding how to change programs to help your child learn
4. Deciding what school staff need to know to help your child and
5. Going over and changing the IEP

**Your job before the IEP meeting:**

- Know what your child is good at and can do.
- Know what is working for your child and what is not.
- Know what you want for your child.
- Make a list of things you want to talk about at the meeting.
- Ask your child what s/he thinks about school. This is very important if your child is 14 or older and doesn't want to come to the meeting.



- Ask for a copy of any test results they will talk about at the meeting. Sometimes the school will say no. Ask anyway and tell them you need time to read it before the meeting. Write down any questions you have about the tests.

## Rules about IEP meetings

The IEP Team **must meet once a year** to write the IEP. After that, if you and the school agree, the IEP can be changed without a meeting. But there must be a written paper that shows the changes. The school must make sure everyone on the IEP Team knows about the changes.

Anyone on the IEP Team can ask for a meeting at any time.

You can call a meeting any time you are worried about your child. Or if you think that something in the IEP should change. In Tennessee, they must meet within 10 school days after someone asks for the meeting in writing.



**The IEP Team must make changes to the IEP if your child is not learning.**

You are part of the IEP Team. You have a right to know what is said at the meetings. If you're deaf or you don't speak English, you may need an interpreter. If you ask, the school **must have an interpreter** at the IEP meetings. The school pays for the interpreter. If you have trouble reading, the school must help you understand the papers they give you.

## The school must tell you about IEP Team meetings

Any time the IEP Team meets, you must be told about the meeting ahead of time. In Tennessee, you must be told at least 10 days before the meeting. What if you don't want to wait 10 days to have a meeting? You can give the school an OK to meet sooner. Parents are the only ones

who can OK having the meeting sooner. You don't have to agree to meet sooner unless the meeting is about a behavior problem.

The school must send you a paper to let you know about IEP meetings. The paper must be in your native language. It must be in easy to read words.

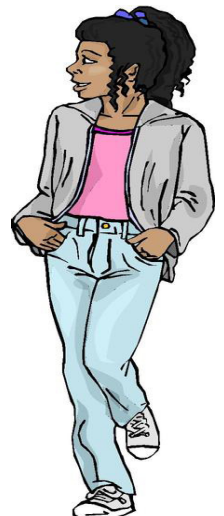
What if the way you communicate is not a written language? Then the school must make sure that:

- Someone tells you in your native language what the letter says and
- You understand what is in the letter.

## The letter must explain:

- When the IEP meeting will be
- Who will be there
- What the school is planning or refusing to do
- Why the school is planning or refusing to do it
- What other things the school thought about doing
- Why they decided not to do the other things
- Each test or paper the school used
- Anything else that helped the school decide
- That you can invite other people to the meeting
- That you have rights
- How to get a copy of your rights **AND**
- Where you can get help to understand your rights.

Is your child 16 or older? Then the letter must say what transition **services** your child will need. **Transition** is what help your child needs to get ready to live as an adult. **Your child must be invited to attend.** If another agency will pay for services, they must be invited to the meeting.



The letter tells you the time and place of the meeting. What if the time of the meeting is not good for you? Ask the school to change it. **Meetings must be at a time that is good for you and the school.**

The letter says who will be at the meeting. What if you go to the meeting and some of the people that were on the notice are missing? **You have a right to end the meeting and meet again when everyone can come.** If the school brings someone not listed in the letter, you can ask them to leave. But, **you** have a right to bring people to the meeting that are not in the letter.



What if you can't come to the meeting? Then the school must find some other way for you to take part. **You have a right to know what happened at the meeting even if you didn't go.** One way you could take part is by phone. **OR** they could call and tell you what happened at the meeting. Tell the school what works best for you. It is a very bad idea for you to skip the meetings.

### Can the school have an IEP meeting without you?

Yes, **IF** the school invites you and you don't come. The school must be able to prove how they let you know about the meeting. They must show they tried to reach you.

You have to give an OK or refuse in writing for:

- Testing your child for a disability **OR**
- Putting your child in special education the first time **OR**
- Deciding or changing the kind of class where your child will learn (called placement) **OR**
- Changing your child's services

### Can the school do any of these things without your OK?

The school **can't** test your child for a disability without your OK. The school **can't** give your child special education for the first time without your OK.

#### Is your child already in special education?

Then the school can decide or change where your child learns (placement). The school can also change your child's services. **BUT** the school can only make changes without your OK **if they can prove:**

- They told you about the meetings by phone, letter or in person **AND**
- You didn't answer.



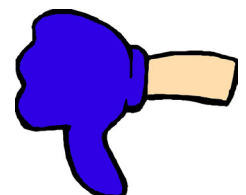
After the meeting, the school must send you a letter saying what was decided. In Tennessee, **if** parents have **not signed** the IEP the school must **wait 14 calendar days**. This gives you a chance to OK the IEP or refuse to OK it.

If you refuse to OK it, you can ask for another IEP meeting. **OR** ask the school to change the IEP parts you disagree with. **OR** you can ask a judge to decide. This is called asking for a **due process hearing**. You have rights if you disagree with the school. To find out more, ask for our brochure called "If you and the school disagree."

#### What if you don't sign the IEP and don't ask for a due process hearing?

Then the school can do whatever was decided at the meeting. You can only stop them by asking for a due process hearing. You have 14 calendar days to do this after the school asks you to sign the new IEP.

**What if you don't sign the IEP and don't tell the school anything?** The school can do what they decided at the



meeting. You can only stop them by asking for a due process hearing. You have 14 days to do this after the meeting.

## What happens at the IEP meeting?

Everyone says who they are. The person in charge of the meeting says what the IEP Team will talk about. You and anyone at the meeting can add more things to this list.

The IEP Team must:

1. Go over any new test results.
2. Go over how your child is doing in school now.
3. Decide:
  - What your child will learn
  - How they will measure what your child learns
  - What other help, services and supports your child will get
  - If your child needs help with behavior
  - If your child needs help speaking or understanding English
  - If changes are needed to help your child learn from general education curriculum
  - If your child is blind, if they will learn Braille or not
  - If your child needs help to talk or understand what others say
  - If your child can't hear, how they will talk and listen to others
  - If your child needs speech therapy, occupational therapy (help using his or her hands) or physical therapy (help moving)
  - What help your child's teachers and school staff will get
  - If your child needs help for sports and clubs
  - If your child gets regular PE (physical education) or needs changes



- If a Health Care Plan is needed
- If your child needs services in the summer (Extended School Year)
- If your child needs transportation
- If your child needs special equipment
- What kind of report cards you will get and when
- If your child will take State and District tests (assessments)
- If your child needs help to get ready to be an adult (must be done if your child is 16 or older).

4. Decide how much time your child will spend in the general education class.

Is this the **first** IEP meeting for your child? Then the Team has to talk about the test results. They have to say what disability your child has. They will also say how the disability makes it hard for your child to learn. The Team, including you, has to say if your child can get special education. They call this being **eligible** for special education. To find out more, see our brochure "Who can get special education?"

Is your child already in special education? If there are new test results, the Team will talk about them.

### Your job during the IEP meeting:

- Know what is being planned and written.
- Make sure everything is clear. Ask questions if you don't understand.
- Know who will do what and when they will do it.
- Write down what you are doing and when.
- Before you leave, get a copy of the IEP and the meeting notes.

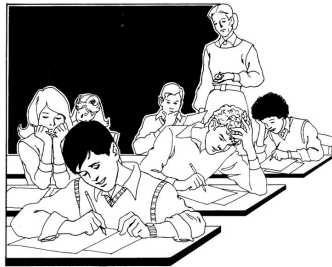


Sometimes in the meeting people may use words you don't know. If they do, ask them to

explain. It is important for you to know what is being said.

At least every 3 years, the IEP Team must decide if more tests are needed. These tests see if your child still has a disability and still needs help learning. Deciding if more tests are needed is called **re-evaluation**. The school must have your written OK to do more or new tests. Can they do it without your OK? Yes, **if** they can prove they tried to get an OK and you didn't answer.

The IEP Team decides how much your child needs to learn. Your child must study the same things as other kids their age and grade. This is true no matter what class your child is in. This is called **access to the general education curriculum**. What if your child is in a class just for children with disabilities? They still must learn the same subjects as students their age and grade without disabilities.



Some children with the most severe disabilities are taught things that other children their age have already learned. Goals like these are called **functional goals** or **life skills**, which means useful in daily life. This is different from the general education curriculum. Does your child have life skill goals? **They must still learn the same things as other students the same age**. Ask the IEP Team which of your child's goals come from the general education curriculum.

The IEP Team must decide what kind of extra help your child will get. The extra help is called services and support. Your child can get any services and support the IEP Team says is needed.



There is more you need to know about what goes in the IEP. Ask for our brochure "Writing an IEP."

## Your rights for IEP meetings

- You have a right to know and understand what is being said at the meeting.
- If you ask, you have a right to have an interpreter.
- You have a right to be told about meetings ahead of time. In Tennessee, it must be at least 10 days ahead of time.
- You have a right to have meetings at times good for you and the school.
- You have a right to OK or refuse some things.
- You have a right to help decide if any Team members can skip the meeting.
- You have a right to end the meeting if someone doesn't come.
- You have a right to know what happened at the meeting even if you didn't go.
- You have the right to change the IEP without a meeting. You and someone from the school must agree on the changes.
- You have a right to bring someone with you to the meeting.

## What if the school won't help your child?

One of the places below may help you. Or connect you with someone who can help you.

- In Metro Nashville Public Schools? Call **The Arc of Davidson County - 615-321-5699, ext. 35**. They may be able to help in other counties.
- **Legal Aid Society - 1-800-238-1443**. They help in some counties.
- **Nashville Prevention Partnership - 615-297-7635**
- Metropolitan Nashville Public Defender's Office, Juvenile Division, **The Kids' Rights Program - 615-880-3710**

### Ask for our other brochures:

- Is your child having trouble in school?
- Who can get special education?
- Writing an IEP
- Does your child get in trouble in school?
- If you and the school disagree
- Can't get special education? A 504 Plan may help
- Your rights as the parent of a child in special education

**NOTE:** This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice.

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