



# How to Fully Participate in Your Child's IEP

*IEP Basics*

*Consideration during Distance Learning*

*Advocacy Tips*

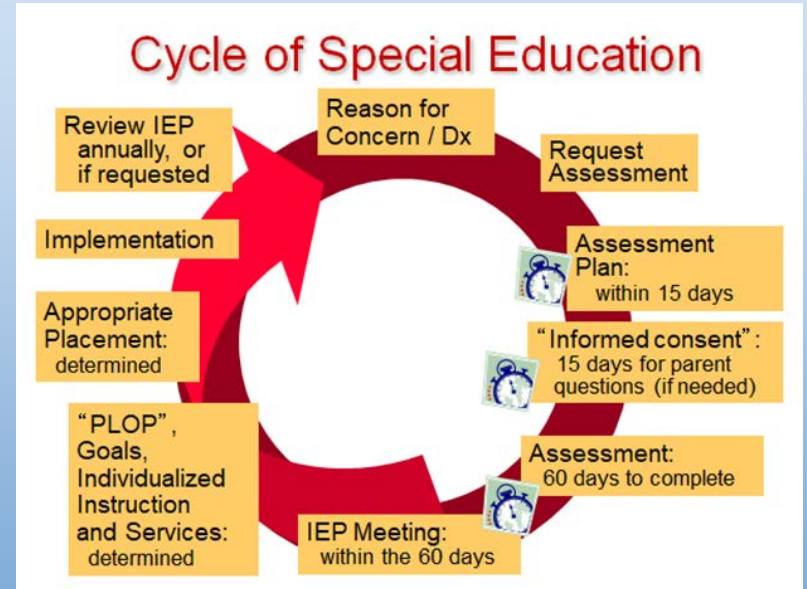
# Things to know about today's workshop

1. Please help us minimize distractions by keeping your mics muted and videos turned off during the presentation.
2. You may ask questions using the “Chat” feature. (or unmuting selves at end?)
3. There will be time for Q&A following the presentation.
4. If you would like a copy of the slide deck, please email us!

# IEP Basics: IDEA and Cycle of Special Ed

## Individual with Disabilities Education Act (IDEA)

- Districts must provide **free and appropriate education (FAPE)** to students with disabilities in the **least restrictive environment (LRE)**
- Annual IEP (or more often) that is individualized to meet student's **unique** needs



# IEP Basics: Parents' Rights

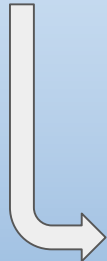
- Right to participate
- Right to Prior Written Notice (PWN)
- Right to consent
- Right to refuse consent
- Right to an assessment
- Right to be given a nondiscriminatory assessment
- Right to receive an independent educational assessment
- Right to access your child's educational records
- To Stay in the Current Program If There is a Disagreement About Placement ("Stay Put")
- Right to file a complaint against the school district
- Right to mediation and/or due process hearing

# IEP Basics: Free and Appropriate Public Education (FAPE)

- In a nutshell, FAPE is an individualized educational program that is designed to meet the child's unique needs and from which the child receives educational benefit, and prepares them for further education, employment, and independent living.

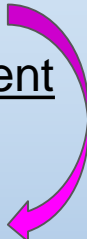


No sorting and grouping; no "one size fits all"



Transition plans beginning no later than the first IEP held after a student turns 16

Involvement in and progress in the general ed curriculum. Makes progress on IEP goals.



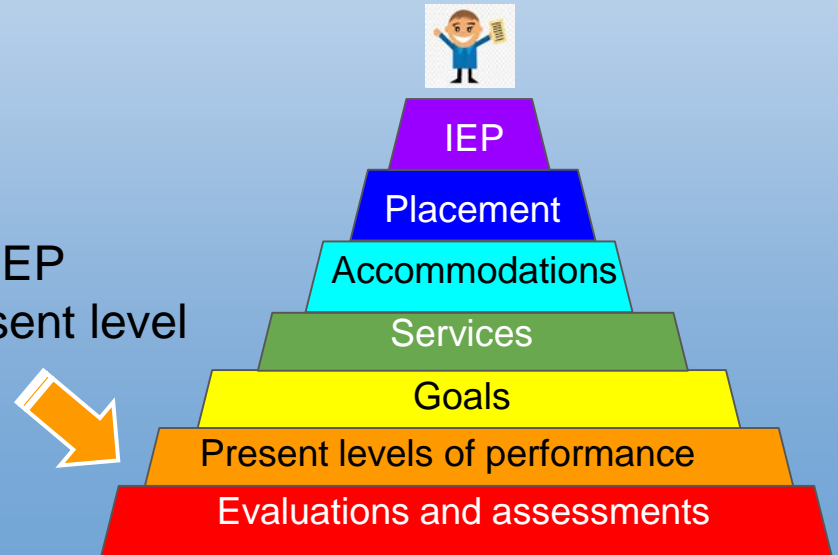
- U.S. Dept. of Ed Guidance on FAPE: IEP goals must be aligned with grade level state academic content standards. If a child is performing below grade level, s/he needs to receive specialized instruction and IEP team needs to develop annual goals to "close the gap."
- IEP must be reasonably calculated to enable the student to receive educational benefit (Endrew F. Decision: <https://u.org/3efJpm2>)

# IEP Basics: IEP Process

- Assessments
- Present Levels of Performance (PLOPs)
- Goals and objectives
- Services
- Accommodations and modifications
- Placement

Each one should lead to the next

Special education is delivered through the IEP to close the gap between the student's present level of performance (PLOP) and their expected level of performance

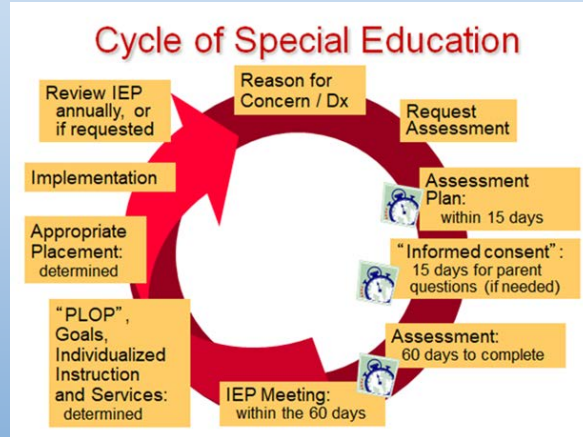


# IEP Basics: Assessments

- Assessments:
  - Identify and clarify student needs
  - Assist the team with developing IEP goals
- Written request triggers strict timeline:
  - 15 days after receiving request, district must provide parent with assessment plan for consent
  - After receiving parent consent, district has 60 days to assess student and hold an IEP meeting
- Assessments:
  - Must be in child's language or mode of communication
  - Must be done by qualified professional using a variety of tools and strategies and technically sound instruments
  - Independent outside assessments must be considered
  - (Reassessments) Occur every three years (triennial assessment) and more often as requested/needed
- Rights:
  - To request assessments
  - Review results in advance of IEP meeting
  - Request assessment be translated, when feasible
  - Disagree with district assessment and request an Independent Educational Evaluation (IEE)

# Considerations During Distance Learning: Assessments

- District must complete assessments during distance learning



- Timelines still apply!

- If District does not have staff available to perform assessment, they must contract with a private assessor who can perform the assessment



# Advocacy Tips: How to Prepare for the IEP

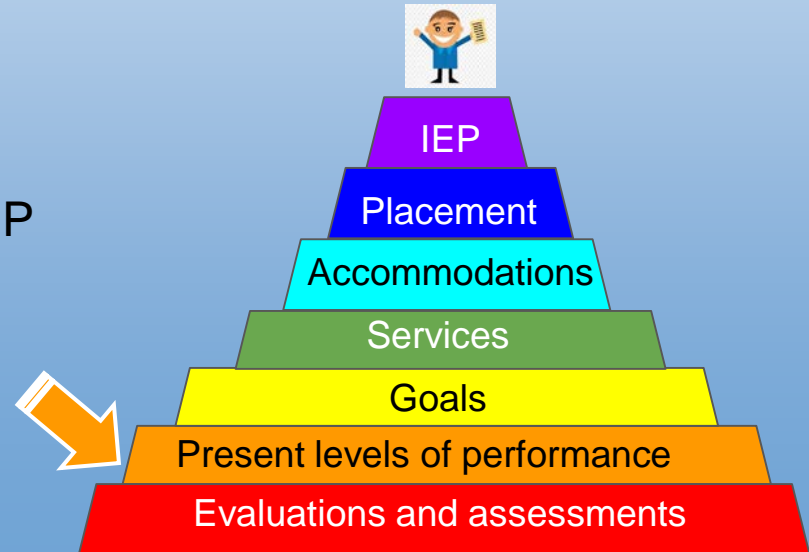
- Mutually agreeable time - notice of meeting sent to parents
  - If the IEP date/time proposed by the school doesn't work for you (and/or others you plan to invite), offer 2-3 alternative dates/times when you are available
- Provide at least 24 hours written notice to the district if you plan to audio record the IEP
  - Recording the meeting can assist you in better understanding what was discussed
  - Can be entered into evidence in due process as well
- Request (in writing) copies of any assessments and/or draft IEP, progress updates be provided to you at least 5 days prior to the IEP meeting
  - This will enable you time to review and understand the information which will help you to more fully participate in the IEP meeting and also help you draft your parent agenda
- Notify district if you need an interpreter, accommodations or if you are bringing someone else to the IEP
- Create and share your parent agenda
  - Review previous IEP, progress updates, copies of assessments, communication with school
  - Outline concerns and questions you would like to address at IEP meeting
  - Include any goals or goal areas you would like to see added or changed

# Advocacy Tips: During IEP Meeting


- Know your rights: <https://serr.disabilityrightsca.org/> \*
- Check for required meeting participants (gen ed teacher, special ed teacher, district administrator, and qualified professional(s) to interpret evals)
- Record the meeting (helpful to review later in order to fully understand)
- Listen. If you disagree, state your position and move on
- Ask questions
  - Questions are collaborative (accusations and yelling are not)
  - Help to encourage discussion
  - Can change the mind of the listener(s)
  - Help you gather information
- Take a 5 minute break during meeting, if needed
- Keep focused and on task
- Do NOT argue

# IEP Basics: Present Levels of Performance (PLOP)

- Should describe functional, developmental, and academic performance
  - What your student can and can't do
  - Strengths and areas of need
- Describes how student's disability affects involvement and progress in general curriculum (for preschool age: how disability affects participation in appropriate activities)
- Based upon what evaluations show
  - What does the data say?
- One of the most important parts of the IEP
  - Accuracy counts!
  - Goals are based on this information
  - **Because of distance learning, parents are often experts in this area**



# IEP Basics: Goals

- Goals are written for 12 months
  - What do you want your student to achieve one year from IEP?
- Goals drive services
- Goals should be based on the needs identified in the PLOPs
  - If there is no goal, there is no need
- Goals must be S.M.A.R.T. 
- California Content Standards
  - <http://tinyurl.com/cht18>

## SMART Goals

S -	Specific
M -	Measurable
A -	Action Words
R -	Realistic and relevant
T -	Time-limited

## How to read a goal:

*By 3/27/21, Jennifer will increase her comprehension of a variety of printed materials by identifying the beginning, middle, and end of a story, with 80% accuracy in 3 out of 5 trials, as measured by assessment and teacher collected data.*

# IEP Basics: Services

Special Education AND Related Services and any other individualized supports and services the student NEEDS to:

- Make progress toward annual goals
- Make progress in the General Ed curriculum
- Participate in extracurricular and non-academic activities  
(<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201301-504.html>)
- Be educated & participate with ALL children (inclusive!)
- Must be needed to provide FAPE

# Services include, but are not limited to:

- Audiology/Interpreter Services
- Braille
- Counseling Services
- Early Identification & Assessment of Disabilities
- Medical Services (To determine eligibility)
- School Health Services (for health-related needs)
- Occupational Therapy
- Orientation and Mobility Services
- Parent Counseling and Training
- Physical Therapy
- Psychological Services
- Recreation
- Rehabilitation Counseling Services
- Social Work Services in School
- Speech/Language Pathology Services
- Transportation
- Interpreter Services
- Transition Specialist
- Vocational Trainer/Counselor

# IEP Basics: Services

- The Service Page is part of the IEP contract so read carefully
  - Frequency and duration (Wording matters! “Up to” x amount of service?)
  - End dates (Goals are written for one year and services are there to support goals)
  - “Push-in” or “Pull-out”? Why?
  - Direct 1:1 or “group” or “consult”?

**Remember: Student needs drive the goals and Goals drive the services!**

- Extended School Year (ESY) - IEP team decision
  - Data or assessment shows child will regress without such services
  - Usually 4 weeks during summer

**Aren't sure what services your student has actually been receiving?**

**Request (in writing!) copies of service logs. This is generally part of your child's educational record.**



# Considerations During Distance Learning: Services

- Has there been a lack of progress or regression in goal(s)?
  - Data and documentation
  - Share what works/worked and what doesn't/didn't work with distance learning (the school only knows as much as you share)
- Were/are services in the IEP not being provided during distance learning?
  - Email special ed director and ask how compensatory services will be provided
  - Right to file a complaint (if strictly comp ed, easier than due process)
  - Right to file for due process (if not appropriate services, issue more complex)
- Are there new areas of concern?
  - Document and communicate in writing
  - Request assessment
  - Request IEP meeting



# IEP Basics: Testing Accommodations and Modifications

INDIVIDUALIZED for State and District standardized tests.

- “Accommodations”  
Remove barriers but do not alter what is being tested.  
Example: frequent breaks, math problem read aloud
- “Modifications”  
Modifications alter what is being tested.  
Example: calculator on tests
- If “Alternate Assessment” is needed,  
team must define why.  
(Ex: CAA for student w/severe disability)

# IEP Basics: Placement

- Placement of student must be in the “least restrictive environment”
  - “IDEA’s strong preference that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services.” - 34 C.F.R. Part 300; 64 Fed. Reg, 12470
  - “Before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that if provided would facilitate the student’s placement in the regular classroom setting must be considered.” - 34 C.F.R. 300; 64 Fed. Reg. 12471
- Special education is not a specific place but rather where services are delivered
- Services are provided in a continuum of placements. Examples:
  - Push-in General Education Supports
  - Pull-out Services in General Education
  - Special Day Class
  - Non public school

# Considerations During Distance Learning: Overall

- How will your student learn and benefit from their education?
  - Is there appropriate and accessible device and connectivity?
  - Does the student need training to use the technology/device/app/software?
  - Type of support (% of live instruction, % of 1:1 with teacher or aide, etc.)?
  - Accommodations needed? Examples: turning off camera during instruction to reduce anxiety, shortening of assignments to focus on mastery of key concepts, offering sensory breaks, etc.
  - How will the student's social/emotional needs be met?
- How will you, as the parent, be able to support your student?
  - Do you need training on how to utilize technology?
  - Do you need training on data collection and the tools the school uses?
  - What type of ongoing collaboration and/or communication with school would help?
  - Do you need training to provide positive behavioral interventions and supports, and understand the impact the student's disability on learning?
- How will related services be provided?
  - Any suggestions to improve efficacy?
  - Any assessments necessary to clarify this?

# Advocacy Tips: IEP Consent

- The IEP is a legally-binding document!
- Sign you are a participant
- But BEFORE signing consent to the IEP:
  - Ask for copies of the IEP and any other documents
  - Take these home and thoroughly review, listen to recording
- You may “consent with exception”:
  - If you only agree to part of the IEP (document this clearly on the IEP)
  - Components you consent to can begin right away
  - You may submit a parent addendum/attachment explaining what/why you are in disagreement
- After reviewing IEP at home:
  - If there are small changes you want made, this can likely be done by politely communicating via email
  - If there are bigger issues, politely document this in an email and request another IEP meeting to address

# IEP Basics: Disagreements

- Additional assessments needed?
  - Request additional assessment (if district hasn't done within the last year)
  - Request Independent Educational Evaluation (IEE)
- File a compliance complaint (<https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp>)
  - Usually procedural violations - Failure of District to comply with IDEA and/or any part of student's IEP
  - Examples: If District does not provide service minutes in Student's IEP for any service (RSP, Speech, OT, etc.); If District fails to implement accommodations; If District fails to follow or implement IEP in part or in whole.
  - Formal request for CDE to investigate noncompliance with special education laws.
  - Anyone can file (parent, student, teacher, agency representative)
  - File within one year of alleged violation

# IEP Basics: Disagreements cont.

- File for due process (<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>)
  - Substantive violation – IEP not sufficient to provide a FAPE
  - Must be filed within two years of alleged violation
  - File with Office of Administrative Hearings
  - Administrative Law Judge (neutral) hears case and makes decision based on evidence
  - Can file for mediation only, mediation and hearing, hearing only, and expedited case
  - Parents more likely to prevail or have a split decision if represented by an attorney
  - Similar to preparing for and going to trial

# Considerations During Distance Learning: Next Steps

Some or all of these may or may not apply to you/your student's IEP (not necessarily in this order):

- Organize your data (observations, videos, worksheets, whatever form it's in) to share with the IEP team
- Request any needed assessments (in writing)
  - These may be requested in a new area of concern, such as mental health/social-emotional; or
  - In an area of ongoing need where clarification and recommendations are needed
- Do you believe compensatory services are needed?
  - Outline reasoning (regression observed)
- Share what works/worked and what doesn't/didn't work for distance learning
  - The school only knows as much as you share
  - When you share, do it in writing (email) and request changes as necessary

# Advocacy Tips: Overall

*The best way to avoid special education due process is to assume it's going to happen and prepare for it*

- Documentation
  - Everything in writing! Concerns, requests (assessments, IEP meeting, and so on), disagreements, etc.
  - If it's not in writing, it didn't happen
  - If it was a phone call or other conversation, follow-up with a letter of understanding (polite, summarizing what was discussed and any outlining any next steps)
- Collaboration
  - At meeting, ask questions! Questions are collaborative and help you gather information
  - Be hard on the issues (focused, logical), soft on the people (polite and respectful)
  - "Letter to a stranger" ([https://www.wrightslaw.com/advoc/articles/Letter\\_to\\_Stranger.html](https://www.wrightslaw.com/advoc/articles/Letter_to_Stranger.html))
- Organization
  - Maintain a binder or folder where you keep your student's IEPs, evaluations, data, etc.
  - Tips and video on creating special education binder (including binder checklist) - <https://www.understood.org/en/school-learning/special-services/ieps/how-to-organize-your-childs-iep-binder>



## Advocacy Tip: ***Get Involved!!!***

- Join your local Community Advisory Committee (CAC)
  - Legally mandated group formed to focus and advise on issues that affect our children in special education, SELPA-wide.
  - The members are primarily parents of children with disabilities.
  - Public meetings
- Attend school board meetings
- Start or join a parent group to share resources, knowledge and/or support!

# Poll and Q&A



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