

What is an IEP (Individualized Education Program)?

An IEP is an Individualized Education Program that develops the educational program for the student.

Special education programs in California are governed by a combination of State and Federal laws that require school districts to provide every child with a disability between the ages of 3 and 22 years old with a free and appropriate public education.

This education must be provided in the least restrictive environment possible for the child. This means that, to the extent possible, children with disabilities must be educated with children who do not have disabilities. In addition, the school district must provide whatever additional services (such as speech therapy or occupational therapy) the child needs in order to benefit from his or her education.

Who is eligible for an IEP?

Children between the ages of 3 and 18 years old who have a handicapping condition and who need special education in order to benefit from their education qualify for an IEP. Some young adults older than 18 may also qualify.

Special education services must be provided without regard to the child's immigration status. This means that **children who are undocumented must be provided with special education services** by the school district if such services are needed by the child in order to benefit from his or her education.

Typical problems that might be addressed by an IEP include the following:

- **Disabling health impairments.** These involve any medical condition that requires changes in the school or classroom environments in order for the child to benefit from his or her education.
- **Specific learning disabilities.** For some children, learning is more difficult because of the natural ways their brains organize and process information. This is called a learning disability. For a child's learning problems to be eligible for special education services as a learning disability, the problems must meet certain criteria:
 - There must be a significant difference between the child's intellectual potential (intelligence) and academic achievement.
 - The learning problems must be determined to be the result of "cognitive processing deficits," meaning that the problems result from how the child's brain is naturally processing information.
 - These cognitive processing deficits can include problems with visual organization (how the brain organizes what it sees), auditory processing (how the brain handles information it hears), memory storage and retrieval, and sometimes attention and concentration.

- **Emotional disabilities.** Some children may qualify for special education services because of significant emotional problems that limit their ability to benefit from their education. These emotional problems often present as: Intense anxiety, intense sadness, depression, and social withdrawal, behavioral problems, such as defiance fighting, or oppositional behavior, or hyperactivity and extreme difficulty attending to instruction.
- **Cognitive delays and mental retardation.** These involve significant mental deficiency as defined by professionally administered tests of intellectual ability and adaptive behavior. School psychologists and qualified psychologists in the community can identify these delays.

How do parents request an IEP for their child?

A **written** request should be made to the school district where the child lives. Any person can make a request for an IEP, although this usually comes from the child's parents or teacher.

- The request for an IEP evaluation should always be made in writing.
- The written request should contain a specific statement that you are asking for an evaluation for the purposes of qualifying the child for special education services.
- The written request for evaluation should be sent to the principal of the public school the child attends or to the director of special education for the school district.

What types of services or placements are available?

Many types of service and placement options exist. Some examples include:

- **Modifications to the general education classroom.** These modifications are developed individually for each child based on the special needs of the child. For example, classroom modifications might include having the child sit closer to the front of the class and to the teacher or giving the child written handouts to follow during lectures.
- **Resource Specialist Program (RSP).** Resource Specialist teachers provide additional help to the child outside the general education classroom. They also provide consultation to parents and to the child's general education teacher. When not receiving Resource help, the child participates in the general education classroom.
- **Additional Support Services.** These include whatever additional services are needed by the child to benefit from his or her education. Examples include services such as speech and language therapy, occupational or physical therapy, nursing assistance, or psychological counseling.

- **Special Day Class (SDC).** A special day class provides instruction for children with more extensive educational needs that cannot be met in the general education classroom. Children in a special day class may be “mainstreamed” in a general education classroom for portions of their instruction and daily schedule.
- **Non-public School.** A non-public school is a special school designed to help children with special needs.

Who attends the IEP meeting?

The IEP is developed by a team of people that must include:

- The parent
- A school administrator
- A general education teacher (if the child attends a general education classroom)
- A special education teacher
- The school psychologist

Other people who sometimes attend an IEP might include:

- A speech and language specialist
- An occupational or physical therapist
- An adaptive physical education teacher
- Other service providers or professionals involved with the child

Parents may also bring a representative to the IEP meeting, such as:

- A trusted relative
- A family friend
- The child’s counselor or therapist
- An attorney
 - If parents bring an attorney to the IEP meeting they must notify the school district 5 days prior to the meeting. Also, bringing an attorney to an IEP meeting is generally NOT recommended unless an issue is in dispute.

If the child’s parents do not speak English, the school district must provide an interpreter at the IEP meeting. The school district must also offer to have the written IEP translated into the language of the child’s parents upon request.

IEP Timetable

The school district must follow certain time guidelines in response to a written request for an IEP evaluation:

Day 1 Official Special Education Referral

By **Day 15** Parents receive a written assessment plan

- After the parents sign and return the assessment plan, the school has 50 days to assess the student and hold an IEP meeting.
- Parental consent is necessary for the IEP assessment.
- Parental consent is also necessary before the IEP can be put into effect.

The IEP is a legal document.

- If parents are uncertain about anything, or if they do not agree with the IEP findings and recommendations, they can choose not to sign the IEP.
- Those parts of the IEP that are agreed to by the parents can be started while other parts can be rewritten or appealed.
- Parents can take a copy of the written IEP home before they sign it in order to review it and think about it.
- Parents can request an IEP meeting anytime it is appropriate to change the plan.

Sample Letter

Request for Special Education Assessment and I.E.P. Meeting

(Date)

(Person in District Responsible for Special Education)

(District Street Address)

(District City, State, and Zip Code)

Re: (Student's name and Date of Birth)

Dear (Name of Person in District Responsible for Special Education):

I am requesting a full assessment of my child in all areas of the child's suspected disabilities for the purposes of determining whether or not **(name of child)** qualifies for special education services. I understand that I am to be given an assessment plan authorizing this assessment within fifteen days of your receipt of this request.

I am also requesting that an I.E.P. meeting be set within the time required by law so that we may discuss the results of the assessment and the type of educational program my child requires.

My child attends the **(insert name of school)**. You may call me at **(insert telephone number where you can be reached during the day)** during the day or at **(insert evening telephone number)** in the evening if you have any questions regarding this request.

Sincerely,

(Signature)

(Type or print your name)

cc: (Principal of local school)