



Education Law Center

Making sure that all of Pennsylvania's children
have access to quality public schools

DEVELOPING THE SPECIAL EDUCATION PROGRAM

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

WHAT IS AN IEP?

An IEP, or "**Individualized Education Program**," is a written plan that describes the unique needs of a child who is eligible for special education and explains the specific services that the school will give the child.

The IEP lists the special education, related services, and other supports the child needs to make real progress in school. The IEP should explain *when* the services will begin, and *how frequently* and for *how long* they will be given (for example, two half-hour sessions of physical therapy every week). The IEP must also state *where* the services will be provided (for example, in a regular or special education classroom or a special school), and tell you what special training and equipment will be given to the school staff (teachers and aides) who work with the child. The IEP also tells you how much of the school day the child will spend with classmates who do not have disabilities.

The IEP is written by a Team of people, including the parents. School districts and charter schools *must* give the child all of the special education, related services, and other supports listed in the IEP. The IEP is the "**contract**"

between you and the school for the services your child needs to make progress. If the school does not follow the IEP, you can file a complaint with Pennsylvania's Bureau of Special Education (BSE).

WHO WRITES THE IEP?

The IEP is written by a Team of people. The IEP Team must include:

- The child's parents;
- At least one special education teacher or special education provider (for example, the child's learning support teacher or speech therapist);
- At least one regular education teacher (if the child is, or may be, in any regular education classes);
- A school official qualified to provide or supervise specially designed instruction, who knows about the school's resources, and who is familiar with the general education curriculum (usually this is the special education director and this person is called the "LEA representative");
- Someone who can interpret the child's evaluations (this does not have to be a separate person, so the special education director might fill this role — if it is a separate person, it is usually the school psychologist);
- A gifted education teacher if the IEP is being written for a child with a disability who is also gifted; and
- The child, when appropriate.

The child must be invited to the meeting if her postsecondary goals and transition needs will be discussed at the meeting (this is required if the child will turn 16 during the next school year). If transition needs are not going to be discussed, then it is up to the parent to decide whether the child should attend the meeting.

While the people listed above must attend IEP meetings (unless they are excused by the parent), **other people** can come to the meetings. The IEP Team can include *anyone* the parent or the school believes has knowledge or expertise about the child. This means that a parent can invite an advocate (either a lawyer or a non-lawyer) to attend the IEP meeting. In addition, the school or the parent can ask an occupational therapist (OT), physical therapist (PT), or speech therapist who is working with the child to attend the IEP Team meeting. If the child has just turned three and was receiving early intervention services, the parent can ask the school to invite someone from the Infants and Toddlers Early Intervention Program.

CAN IEP TEAM MEMBERS BE EXCUSED FROM ATTENDING A MEETING?

A parent can agree in writing to excuse one (or more) of the IEP Team members listed above. If the IEP Team member's area of expertise will not be discussed at the meeting, then the parent and school may sign an agreement that the Team member can miss the meeting. If the Team member's area of expertise is going to be discussed at the IEP meeting, before that Team member can miss the meeting: (1) a parent must agree in writing and (2) the Team member must give the parent written input about the child before the meeting. It is important for the parent to read this information before the meeting - if you have questions about what the Team member has written you can always ask the school district to schedule a new IEP meeting so that the Team member can attend.

Remember that the school CANNOT force you to allow a Team member to miss the IEP meeting. You should only agree to excuse a Team member from the meeting if you believe that that person does not need to be at the meeting for you to understand your child's needs or to develop an appropriate IEP for your child.

WHAT STEPS MUST THE SCHOOL DISTRICT OR CHARTER SCHOOL TAKE TO MAKE SURE THAT THE PARENTS CAN ATTEND THE IEP MEETING?

The law places great emphasis on parents' participation in the IEP Team meeting. The school must take steps to get one or both of the child's parents to attend the IEP meeting. That means the school must notify parents of the meeting early enough so that they can attend, and schedule the meeting at a time

and place that is convenient for all parties. The notice of the meeting must tell the parent the time, date, location, and purpose of the meeting.

The meeting notice must also explain who will be at the meeting and tell the parent that she can bring anyone with her whom she thinks has expertise or knowledge about the child. The school must also provide interpreters for parents with deafness or parents whose native language is not English if an interpreter is necessary for the parent to understand what is being discussed at the IEP meeting. The parents should let the school principal and the Director of Special Education know as soon as possible that they will require the services of an interpreter at the IEP Team meeting. Interpreters should have the training needed to help the parent participate in IEP Team meetings to the fullest extent possible (which means an untrained bilingual school secretary should not be used as an interpreter).

If the parents cannot attend the meeting in person, the school must offer the family other ways of participating in the meeting, including conference calls. If the family does not participate in person or by phone, the school can hold the meeting without the parent - but it must keep a detailed record of its efforts to get the parent to attend.

WHAT SHOULD HAPPEN AT THE IEP TEAM MEETING?

The school may give the parents a *draft* IEP at the meeting (or before the meeting), but it cannot ignore the parents' input or refuse to make changes that the parents and the school agree are needed. When it is finished, the IEP should reflect the information discussed and decided by the Team at the meeting.

During the meeting, the IEP Team must consider the child's strengths, the parents' concerns for enhancing the education of their child, the results of the most recent evaluation, and the child's academic, developmental, and functional needs in determining what services and placement are appropriate for the child.

TIP: When you go to an IEP Team meeting, the school will ask you to sign the IEP form to show that you attended the meeting. Signing the IEP *only* shows you attended the meeting, *not* that you agree with the IEP. You need to sign a separate document - called a Notice of Recommended Educational Placement/Prior Written Notice - to show whether or not you agreed with the IEP.

WHAT SHOULD BE WRITTEN IN THE IEP?

You should print out the Pennsylvania Department of Education's (PDE) sample "**annotated**" IEP form for children in Kindergarten through 12th grade to help you understand what should be in your child's IEP. **It is a very useful form!** The form can be found at: <http://www.pattan.k12.pa.us/files/Forms/English/IEP-ANN070108.pdf>. (If you don't have access to the Internet, call the Special Education ConsultLine at 1-800-879-2301 for a copy.) You can use this form to follow along as we explain the sections of the IEP. The sample form also has helpful comments that explain to the IEP Team what should be written in the different sections of the IEP. Your school is not required to use PDE's IEP form, but, if a different form is used, it must contain all of the types of information we list below. (The sample annotated IEP form for children from age three until they enter school can be found at:

<http://www.pattan.k12.pa.us/files/Forms/English/EI/IFSP-IEP-Ann070108.pdf>.)

Remember, an IEP can be of any length and can contain any amount of information. However, what is really important is whether the information in the IEP is genuinely useful to parents and school staff. Here is a quick review of the major sections of an IEP and some of the questions that the IEP Team members should ask as they write those sections.

A WALK THROUGH THE IEP

1. SPECIAL CONSIDERATIONS: In the first section of the IEP, the IEP Team must ask whether the child is blind or visually impaired, deaf or hearing impaired, if the child has needs in the areas of communication, if the child needs assistive technology (AT) devices and/or services, if the child has limited English skills, or if the child has behaviors that get in the way of her learning or that of others. The Team should keep these "special considerations" in mind when it writes the child's IEP. PDE's annotated IEP form explains these considerations in detail.

TIP: Assistive technology is a "special consideration" that is often overlooked by IEP Teams. Assistive technology devices include devices or special equipment that improve the child's functional or communication skills (for example, a special computer that the child uses to "talk"). Assistive technology services include help in choosing the device, and training for the child, school staff, and possibly the child's family on how to use the device. Pennsylvania's Initiative on Assistive Technology (PIAT) can provide help to parents on finding and funding AT devices (PIAT can be reached at 800-204-7428), and the Pennsylvania Training and Technical Assistance Network's (PaTTAN's) website also has information on AT resources (go to www.pattan.k12.pa.us and click on "Assistive Technology" under "Supporting Students"). ELC also has a fact sheet entitled *Assistive Technology for Students with Disabilities* at www.elc-pa.org.

TIP: Positive Behavior Supports (PBS): If the IEP Team decides that the child's behaviors are getting in the way of her learning or that of others, the IEP Team must consider and include in the IEP strategies to help the child. These strategies must reflect individual student's needs (not a "one size fits all" behavior plan) and be based on **positive** - not punitive - approaches. This could mean that behavior goals and support services are included in sections 5 and 6 of the IEP. Or, the IEP Team might write a positive behavior support plan as part of the IEP. Questions to ask include: What sets off the child's bad behaviors at school? What skills should be taught to the child so she can behave more appropriately? If problems do occur, how will they be handled?

2. CURRENT EDUCATIONAL LEVELS: The second section of the IEP contains information on the child's **present levels of academic achievement** and **functional performance** (including social and daily living skills). It is important for this section to be completed because knowing where the child is currently helps the Team decide where the child should be going - meaning what goals should be written for the child.

Questions that this section of the IEP should answer include: What can we learn about the child's strengths and needs from the latest school district and

private evaluations? What insight can the parents or the other Team members contribute from their experiences or training? This section should include the child's present levels related to current postsecondary transition goals (such as results of vocational evaluations, career surveys, etc.). Information from any Functional Behavioral Assessment (FBA) should also be part of this section. This section should include information on how the **child's disability affects her involvement and progress in the general education curriculum** (or, for preschoolers, her participation in age-appropriate activities). Once again, PDE's annotated IEP provides greater detail about this section.

3. TRANSITION: The third section of the IEP lists the child's postsecondary goals (these are goals for life after high school) and the transition services that the school will give the child to help her reach those goals. The point of "transition planning" is to build a bridge between school programs and the opportunities of adult life, including higher education, employment, independent living and community participation, and to make sure the child is being prepared for life beyond high school.

This section *must* be filled out for **all children who are age 14** or older during the school year that the IEP will cover. The school and parent can agree to fill this section out earlier if that is appropriate for the child.

Questions to ask include: What academic and other skills will the child need for adult living? Are the needed skills being taught? What does the IEP Team think should be the child's measurable postsecondary goals related to training, education, employment, and, where appropriate, independent living skills? Are these goals based on age-appropriate transition assessments and the child's own preferences? (If not, why not?) What transition services (including courses of study) are needed to help the child achieve the transition goals? Check out PDE's annotated IEP for more details about transition planning. More information about transition can also be found in ELC's fact sheet entitled *Transition to Adult Life for Children with Disabilities* at www.elc-pa.org and at the Pennsylvania Training and Technical Assistance Network's website (go to www.pattan.k12.pa.us and click on "Secondary Transition" under "Evidence-Based Practices").

TIP: Even if your child is not about to turn 14, it is often important to have the IEP Team fill out this section. For example, if your child is in eighth grade but not yet 14, and wants to go to a vocational/technical program or high school next school year, you should have the IEP Team fill out this Transition section. The Team should make sure the school helps your child take the right classes and then helps her apply to the right high school vocational/technical programs as part of her transition services! Why? By the time she is 14, it may be too late to apply!

4. PARTICIPATION IN ASSESSMENTS: In the fourth section of the IEP, the IEP Team decides whether the child can participate in state-wide (the Pennsylvania System of School Assessment or PSSA) and district-wide (local) achievement testing and whether the child needs accommodations while taking the test. A list of allowable accommodations can be found on PDE's website at: http://www.pde.state.pa.us/a_and_t/cwp/view.asp?a=108&Q=45132&a_and_tNav=|678|&a_and_tNav=|. If the Team decides that the child has such significant cognitive disabilities that taking the PSSA would not be appropriate, the child will take the Pennsylvania Alternate System of Assessment or PASA test. The Team's decision to have a child take the PASA instead of the PSSA must be explained in the IEP.

5. MEASURABLE ACADEMIC AND FUNCTIONAL GOALS: The fifth section of the IEP explains what the IEP Team, including the family, wants the child to learn this year. The IEP must list annual (year-long) functional and academic goals for the child. These goals must be "**measurable**," and must be designed to meet the child's needs. For guidance on writing measurable goals, Dr. Barbara Bateman has written several extremely useful books, including *From Gobbledygook to Clearly Written Annual IEP Goals* and *Better IEPs: How to Develop Legally Correct and Educationally Useful Programs*, which can be purchased at www.amazon.com.

The child's goals should be designed in a way so that her needs can be met to allow her to make progress and be involved in the **general education curriculum**. The "general education curriculum" means the curriculum that your school follows for all children at your child's grade level. The school's curriculum must line up with the state standards that describe what all children at the same grade level are expected to know. You can review Pennsylvania's state standards at: <http://www.pacode.com/secure/data/022/chapter4/chap4toc.html>.

Children with disabilities should be taught what all other children at their grade level are taught unless there is a good, disability-based reason why they should be taught at a different level. The school cannot refuse to include the child in the general curriculum solely because the general education curriculum would need to be modified for the child.

In order to help school districts prepare their children for statewide assessments, the Pennsylvania Department of Education has developed "assessment anchors." Assessment anchors tell schools which parts of the state standards are most important for children to learn. The assessment anchors are also helpful because they explain what children are expected to learn in simpler terms than the state "standards" and include helpful examples on what to teach the children and how. For more information on assessment anchors and to get a copy of the Department's assessment anchor "tool kit," visit:

http://www.pde.state.pa.us/a_and_t/cwp/view.asp?a=108&Q=108454&a_and_tNav=|6404|&a_and_tNav=|.

TIPS: The "assessment anchors" are a great place for a parent to start if she wants to make sure her child's IEP lines up with the general curriculum. For example, you may want to ask the IEP Team to write IEP goals that are based on these anchors (since they are considered the most important concepts in the general curriculum). However, the IEP Team should focus on the anchors that are most essential to the child's ultimate functioning because there are a lot of anchors, and the IEP could become unmanageable if the Team tried to develop goals for all the reading and math anchors.

Remember that the IEP Team must include someone who is "knowledgeable about the general education curriculum." You should ask this person to take the lead in making sure your child's IEP goals line up with the general curriculum.

Even though it is the school's job to make sure that each child's IEP is designed to help the child progress in the general curriculum, it is important for a parent to advocate forcefully for her child's inclusion in the general education curriculum. After all, the general education curriculum is what educators have decided is important for all children to know so they can succeed in their post-school life.

For children who will take the PASA or another alternative assessment test (see section 4 above), the law requires that the IEP includes short term objectives in addition to annual goals. The short term objectives break down the yearly goals into smaller bites about what the child is expected to learn during the year to achieve the annual goals. Short term learning outcomes are also required for children who are gifted. Short term objectives are not required for other children, but the IEP Team can choose to include them.

This section of the IEP must explain how the child's progress towards her IEP goals will be **measured** and when **progress reports** will be issued (for example, the IEP might say that the school will report the child's progress every six weeks when report cards are normally handed out). More information about progress reporting can be found in PDE's annotated IEP and on PaTTAN's website (go to www.pattan.k12.pa.us and click on "Progress Monitoring" under "Evidence-Based Practices").

TIP: A "measurable annual goal" must contain the following information:

- **Condition:** The situation or setting in which the behavior is to be performed.
- The **child's name**.
- **Clearly defined behavior:** The specific action the child will be expected to do.
- **The performance criteria desired:** The level the child must show for mastery (**that is, that the skill has been learned and can be used at school and elsewhere**), the number of times the student must show the skill for mastery, and how often the teacher tests the child's mastery of the skill.

Examples of measurable annual goals are:

- Given controlled passages at the third grade level, Bobby will apply learned decoding and word analysis strategies to read 120 words correctly per minute with 94% accuracy as measured by weekly timed reading problems.
- During group discussions in her academic classes, Jane will contribute appropriately (raise hand, ask and answer questions, contribute relevant ideas) with no more than two reminder cards for 80% of daily probes for two consecutive weeks by the end of the semester.

These are NOT measurable goals:

- Bobby will improve his reading this year.
- Jane will not act out in class.

6. SPECIFIC SPECIAL EDUCATION TO BE PROVIDED:

a. Program Modifications and Specially Designed Instruction:

The sixth section of the IEP lists the **modifications and supports** the child needs to receive an appropriate education. *This is one of the most important parts of the IEP because it must tell you exactly what school personnel will do to help your child learn.*

The IEP Team should ask: What **specialized instruction, methods, and strategies** will be used by the school this year to help the child **advance toward reaching her IEP goals, be involved and make progress in the general education**

curriculum, and participate in extracurricular and nonacademic activities? Are special gym classes (called "adaptive physical education") needed? This section should state what **specially designed instruction (SDI), supports, and services** the school will provide to the child.

Examples of specially designed instruction include:

- Special education teacher will provide child with reading instruction using lower level materials for the same piece of literature that others are reading.
- Counselor will give child one-on-one instruction on anger management and self-advocacy skills.

It is *not appropriate* for this section to contain only things the child will do (such as, "Johnny will go find the guidance counselor when he feels anxious").

In general, the school has the right to pick the instructional approach and method that will be used to teach your child. But, special education law requires that special education, related services, and supplementary aids and services (supports the child needs to be successful in a regular or special education classroom) included in the IEP be "based on **peer-reviewed research** to the extent practicable." This means that if there are strategies that research studies show are successful in helping children with similar learning needs learn successfully, those strategies must be included in the child's IEP - instead of approaches that do not have a proven track record of success.

For example, if your child has dyslexia, the school should choose teaching programs and strategies that have been proven to work for improving the reading skills of children with dyslexia. You should ask your school for the research that supports its choice of a reading program. If there is no research supporting the program, you can ask the school to pick a program that has been proven by research. Even if the school's program is based on research, if it is not working for your child, a new approach may be needed for your child's IEP to be appropriate.

<p>TIP: If you are working with a private evaluator or expert, ask her to look at the research on what programs work for other children with your child's disability.</p>

For more information on research-based practices and effective instruction, visit the Pennsylvania Training and Technical Assistance Network's website at www.pattan.k12.pa.us. Another site to check out is the "What Works Clearinghouse" (WWC) at <http://ies.ed.gov/ncee/wwc/>.

This section also includes the **supplementary aids and services (SAS)** the child will receive. If your child will be taught in a regular education classroom, the IEP Team should decide what services and supports the child will need to succeed there. A child with a disability should not simply be "dumped" into a regular education class without supports. All aids and services needed for the child to succeed in the regular education class must be listed on the child's IEP and provided by the school. Questions to ask about supplementary aids and services include: Are changes to the regular education program needed to help the child succeed in regular education classes? For example, does the child need more time to take tests? Are extra supports needed for the child in the regular education classroom? For example, does the child need a one-on-one aide or assistive technology? Does the special education teacher need to help the classroom teacher modify or adapt the curriculum for the child?

b. Related Services:

This section of the IEP also lists the **related services** the child will receive. Related services are support services that will help your child benefit from her special education program. Examples of related services a child can receive include transportation, therapies (speech, physical, occupational, or psychological therapy), interpreting services for children who are deaf, parent training and counseling, and school health services (such as school nurse services).

The IEP must tell you **how often** these services will be provided and **how long** each session will last. (For instance, instead of just stating "speech therapy," an IEP should state: "Johnny will receive two 30-minute sessions of individual speech therapy per week.") See ELC's Fact Sheet entitled *When Is Your Child Entitled to Therapies or Other Related Services from Your School District?* at www.elc-pa.org for more information. PDE's annotated IEP also lists examples of related services.

c. Supports for School Personnel:

This section of the IEP also tells you what help the school will give to the staff who will be teaching the child (called "**supports for school personnel**"). Staff that may need support include: administrators, regular education teachers, special education teachers, related service providers, bus drivers, and paraprofessionals (such as aides). Questions the IEP Team should ask include: Does the staff require special training to work with the child? Is a special education teacher needed to help the regular education teacher modify the curriculum or to provide extra support to the child in the regular education classroom?

d. Gifted Support Services:

This section of the IEP must also list any **support services** that are needed to help a **gifted child** who is also a child with a disability benefit from gifted education. Examples of such support services included counseling services, career guidance, flexible grouping, and transportation.

e. Extended School Year (ESY):

The last question that the IEP Team must answer in Section 6 of the IEP is whether the child needs **extended school year (ESY) services**. All children with a disability must be considered for ESY as part of their annual IEP meeting. ESY services are particularly appropriate for a child who regresses (loses skills) over the summer or a child who needs the extra time in the summer to learn skills that are crucial for the child to receive an appropriate education. **For school-aged children with severe disabilities** such as autism, serious emotional disturbance, severe mental retardation, and severe multiple disabilities, the IEP Team must meet by **February 28 of each school year** to review the child's need for ESY. **The ESY eligibility question must be answered by March 31 for those children and the parents must be given a NOREP/PWN so that the IEP Team can plan for the child's summer program.** If an IEP Team meeting has not been scheduled by the beginning of February to discuss ESY eligibility, you should write to the school district's Director of Special Education and ask for a meeting to be held as soon as possible. For all other children, the school must decide whether the child is eligible and what program will be offered in a "timely manner." See ELC's Fact Sheet entitled, *When Is Your Child with a Disability Entitled to Extended School*

Year (ESY) Services" at www.elc-pa.org for more information on this topic. PDE's annotated IEP also has several pages explaining ESY.

7. EDUCATIONAL PLACEMENT: The final two sections of the IEP (sections 7 and 8) explain *where* the child will receive services. The IEP must tell you if the child will be included in regular education classes and activities and, if so, for how much of the school day. The IEP Team must begin by deciding if the child can make progress in a regular class with **supplementary aids and services**.

The Team must then decide what amount and type of special education support the child needs. The "**amount**" of **special education support** tells you the total amount of time in a typical school day that the child receives special education supports from special education staff:

- "Itinerant support" (special education support provided for 20% or less each day);
- "Supplemental support" (special education supports provided for more than 20% of the day but less than 80% of the day); or
- "Full-time" support (supports provided for 80% or more of the day).

The "**type**" of **support** listed in the IEP tells you the child's most important learning needs - to learn academic skills (learning support), to control behaviors (emotional support), to acquire basic living skills (life skills), etc. If a child needs a high amount of support or a particular type of support, such a need does not necessarily mean that the child will be placed outside of the regular classroom.

TIP: Remember that children with disabilities must be taught with children who do not have disabilities to the maximum extent appropriate (called the "least restrictive environment" requirement). If the child cannot be in regular education classes for the whole school day, the IEP Team must consider what part of the child's program (including academic classes, non-academic classes, lunch, recess, and extracurricular activities) the child can attend with children who are not disabled.

The "**location**" of the program is also found in this section of the IEP. If the child will not be in her home school, the IEP must explain why the child's needs cannot be met in that school. The law prefers (but does not require) that children

with IEPs be educated in the classes and schools they would attend if they did not have disabilities, and that they attend a school that is as close to home as possible.

8. PENN DATA REPORTING: Section 8, the final section of the IEP, contains information that the state uses to track whether school districts are placing children with disabilities in programs with children who are not disabled, as opposed to separate special education programs. The IEP Team must figure out how much time a child with a disability is being educated in a regular education classroom.

WHEN MUST THE IEP BE WRITTEN?

An IEP must be in place for each child receiving special education services at the **beginning of each school year**. If your child has just been evaluated for the first time, an IEP Team meeting must be held within **30 calendar days** of the date listed on the Evaluation Report. The law requires the school to give the parent **10 calendar days** to review the Evaluation Report before this first IEP meeting, but many parents choose to waive (give up) this right in writing and to have the meeting sooner.

WHAT HAPPENS AFTER THE IEP HAS BEEN WRITTEN?

After the IEP has been finalized, the school must give the parents a **free copy of the IEP** along with a form called a **Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)**. The NOREP/PWN form asks the parents to say (in writing) whether they approve the IEP. If the IEP Team has just written the child's first IEP, special education services cannot start unless the parent approves the IEP in writing on the NOREP/PWN. For later IEPs, the new IEP can start if the parent returns a signed NOREP/PWN that has the "I approve" box checked **or if the parent does not return the NOREP at all within 10 calendar days.**

When the IEP is approved, the school must explain to its staff their responsibilities and the specific supports, modifications, and accommodations that they must give the child under the IEP. The IEP document itself must also be available for the staff to review. "Staff" includes: the child's regular and special education teachers, her related service providers, and any other person who is

responsible for following the IEP. Don't assume that all the people who are working with your child have access to the most recent copy of your child's IEP. You should check with all educators, therapists, and anyone else who may have a role to play (such as a school bus driver or an aide), to make sure that they have a copy of your child's most recent IEP. If they do not, make sure the school provides them with access to a copy.

WHAT IF I DON'T AGREE WITH THE IEP OFFERED BY THE DISTRICT?

If you do not agree with the proposed IEP and placement, you should check the "I do not approve," box on the NOREP/PWN. You then have a number of options - requesting a meeting, mediation, or a special education hearing. If your child has not been in special education before, unless you and the school agree otherwise, your child will stay in regular education classes while you are resolving your disagreement with the school. If your child is already receiving special education services, your child will continue to receive the services in her last IEP until the disagreement about the new IEP is resolved.

If you like parts of the new IEP but not all of it, you can ask the school to start some of the new IEP services while you work out your areas of disagreement. For example, if you and the school agree on your child's new academic goals and services, but disagree about the amount or type of related services that your child needs, then the school should agree to begin providing the academic services to the child while you use mediation or a hearing to figure out what should be included in the related services part of the new IEP.

WHEN MUST THE SCHOOL START FOLLOWING THE NEW IEP?

A child in any public school (including charter schools) must be given the services in her IEP (at the location listed on the IEP) no later than **10 school days** after the IEP is completed. For preschoolers with disabilities (between age three and school-age), the services must be given to the child within **14 calendar days** of the parents' agreement with the IEP.

HOW OFTEN MUST A CHILD'S IEP BE REVIEWED AND CHANGED?

The IEP Team must meet at least **once every year** to review and revise the IEP based on: the child's progress on her annual goals, the child's progress in the

general education curriculum, any reevaluations that have been done, and parent or teacher concerns.

If the parent agrees, the IEP can also be amended (changed) between the yearly meetings without holding an IEP Team meeting. The IEP amendment must be in writing. The school must tell all of the IEP Team members about the change. A parent should always request a copy of an IEP amendment - the school does not have to give you a copy unless you ask for it.

While the school must make sure the IEP Team meets every year, **parents have the right to ask for more frequent IEP Team meetings.** The law does not limit the number of IEP meetings parents can request. If your child is having problems, and you believe that her IEP should be reviewed, send a letter to the school and ask for an IEP Team meeting. A *Sample Letter Requesting an IEP Team Meeting* can be found at www.elc-pa.org. If the school does not have the meeting quickly, the parent can ask for IEP Team Facilitation, request mediation, or request a special education hearing.

WHAT HAPPENS IF MY FAMILY MOVES TO A NEW DISTRICT OR MY CHILD DECIDES TO ENROLL IN (OR LEAVE) A CHARTER SCHOOL?

If a child with an IEP from a public school district or a charter school moves to a new school district or charter school, the new school must provide the child with a free appropriate public education. This means that the child must be given services comparable to those in the last IEP until the new school either (1) adopts the old school's IEP as its own, or (2) implements a new IEP that has been written at an IEP Team meeting with the family at the new school. This rule applies whenever a child moves from one public school or charter school to another public school or charter school during the school year - even if the child moves to Pennsylvania from another state! However, if the child is coming from another state, the school may ask the parents for permission to evaluate the child before writing a new IEP. But in the meantime, the child must be given services comparable to those in the last IEP.

Whenever a child changes school districts (or goes to a new charter school), the new school must request the child's school records, including the IEP and other special education records, from the old school. The law says the new school has to make this request "promptly." The old school must respond to this request by

sending the records. If the old school is in Pennsylvania, then it has **10 school days** to send the records to the child's new school. (If the old school is out of state, it must respond "promptly.") The new school must enroll your child right away, but at least within **five (5) business days**, even if the old school has not yet sent the child's records.

TIP: The new school *cannot* refuse to enroll your child because it does not have your child's IEP or other records from the old school district. For more information about school enrollment in Pennsylvania, see ELC's website at www.elc-pa.org.

WHAT IF THE CHILD LIVES IN A RESIDENTIAL FACILITY, HOSPITAL, A GROUP HOME, OR A FOSTER HOME?

The school district where the foster home, residential facility, or group home is located is responsible for the child's regular and special education services. Just like children who live with their parents, children in residential facilities have a right to be educated in the "least restrictive" setting that is appropriate for the child, including the local public schools. If the child's IEP cannot be provided in the local school system, or there is another reason why the child cannot attend the public schools (for example, a court has ordered that the child stay on-site for her education), the local district must still make sure that the child receives all needed special education services. This could include contracting with the local Intermediate Unit to operate a program for that child on the facility's grounds.

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