

*The IEP is at the heart of your child's right to a free appropriate public education.*

## The Individualized Education Program (IEP)

Parents know their child better than anyone else. The information parents share with their child's team not only helps them get a better picture of the child as a total person, it also helps the team develop an education plan that is based on the child's individual needs.

The Individualized Education Program (IEP) is a written education plan for your child that describes the special education and related services your child will receive. Each child, ages 3 through 21, who is eligible to receive special education and related services must have an Individualized Education Program (IEP). If a service or accommodation is included in the IEP, your child has the right to receive it.

Your child's first IEP must be written 30 days after he or she qualifies for special education. After the IEP is written, your child's services must be provided as soon as possible. You have the right to receive a copy of your child's IEP, and the IEP must be known to each teacher working with your child.

Before your child receives special education and related services for the first time, you must give written consent. You have the right to revoke your consent for special education services at any time, even after the IEP has been implemented.

### Who is responsible for developing the IEP?

Your child's IEP is developed by a team that includes:

- Parents, guardian, or educational surrogate parent.
- At least one of your child's regular education teachers.
- At least one of your child's special educators or special education service providers.
- An individual from the school district who knows about the district's resources, can provide or supervise special education services, and is knowledgeable about regular education. This individual is referred to as the local agency representative (LEA).
- Your child whenever appropriate.
- Other individuals at your request or at the school's request.

One member of the IEP team should also be able to explain evaluation results. At age 16, your child will be invited to attend IEP meetings when the team discusses transition services. However, you, your child and/or the

school may wish to have your child participate in meetings before 16.

### **When does the IEP team meet?**

Parents have the right to request an IEP meeting any time they believe the IEP should be changed. The school may either honor or refuse your request. If the school refuses to hold a meeting, it must notify you in writing about its reasons for the refusal and provide information about parents' rights to disagree.

The school is responsible for scheduling IEP meetings at a time and place that is agreed upon by you and the school. If agreement cannot be reached, the school must use other means to ensure your participation in the IEP meeting, such as an individual or conference call or video conferencing. The school can hold an IEP meeting without your participation when unable to arrange a meeting after multiple unsuccessful attempts. The school must document all of the attempts made to include you in the IEP meeting.

### **When can a team member be excused from an IEP meeting?**

If you and the school agree in writing, a team member may be excused from attending all or part of your child's IEP meeting when:

- Their area of the curriculum or related services is not being discussed or changed.
- The team member whose curriculum or related service area is being discussed provides written information about IEP services to you or other team members before the meeting.

### **What should be included on an IEP?**

The IEP is a road map of the educational services and support your child will receive. The information below describes IEPs for children from kindergarten through 12th grade. The Early Childhood Special Education IEP for children ages 3 to 5 looks slightly different.

- On the first page, your child's name, date of birth, and grade are included. You will find time frames for IEP services, summer services, if provided, annual review, and

reevaluation. A list of IEP team members and their roles also appears on the first page.

- The next page of the IEP describes your child's present levels of educational and functional performance. These skills include communication, behavior, social skills, self-care skills, motor development, language development, vocational skills, or recreation skills. Information gathered through an evaluation and from you, teachers, and others should be used to complete this section of the IEP. Other considerations, such as health/safety concerns, mobility, transportation, disability awareness, self-advocacy needs and family concerns or input should also be addressed here, as well as information about how your child's disability affects progress in regular education.
- The next section addresses the educational areas your child needs services for. It identifies the level at which your child is performing, and contains annual goals, short-term objectives, and procedures and dates for evaluating progress. Annual goals and objectives should be written in a way that allows the school to measure progress. IEP goals and objectives should also allow your child to participate in the same curriculum or activities as other children without special needs.
- For students age 16, or younger if appropriate, the post-secondary transition plan comes next. This addresses goals for the transition from high school to adult life. Information from age-appropriate transition assessments should be used to develop measurable goals to prepare your teenager for work, education/training, and independent living.
- Special education services and related services are next. Special education is specialized instruction designed to meet your child's individual needs, such as one-to-one instruction in reading or math. Related services help a child benefit from

special education. Examples include speech and language help, physical therapy, transportation, and therapeutic recreation. If the team decides that your child needs extended year services during the school year or over the summer, a description of those services is included in this section of the IEP. There are details on how often and how long services will be provided, where services will take place, and who will provide them. The school is only required to list the type of provider that will be working with your child, not the person's name.

- The next section provides details on the percentage of time your child will spend in their educational placement and the type of placement in which he or she will receive services. Special education class, regular education class, and residential facility are some examples of educational placements. Children receiving special education services should be educated in the "least restrictive environment" (LRE). LRE means that a child must be included in regular classes and in their neighborhood school to the extent that it is appropriate for that child.

The IEP should include accommodations, support, and services to allow the child to be successful in typical educational environments. If your child cannot participate fulltime in the regular education environment, the school must document the reasons on the IEP.

This section also details how your child will participate in state-level assessments. Your child's IEP team will decide whether your child is able to participate in regular assessments or will need alternate assessments.

The last section of the IEP describes accommodations, program changes, aids, and support your child will receive as part of special education. Examples include digital text books, preferential seating, extended time on tests, assistive technology, training of personnel working with your child, and a home-school communication log.

### **In developing the IEP, is there other information the team should consider?**

To ensure that all children receive an appropriate education, there are several areas the team should discuss. These areas include:

- The language needs of a child with limited English proficiency.
- Instruction in Braille and the use of Braille for a child who is blind or visually impaired.
- The communication needs of a child who is deaf or hard of hearing.
- The child's needs for assistive technology devices and services.
- The child's need for instruction and support to learn positive behavior skills.

### **How often does the team have to review an IEP?**

The IEP team must meet at least once a year to review your child's current IEP and develop a new IEP for the coming year. Changes to the IEP should also occur when your child is not making progress towards goals or in the general education curriculum, after a reevaluation is completed, or when there is new information to share about the child.

### **Can the IEP be changed without a formal meeting?**

After the yearly review, you and the school may agree to make changes to the IEP without holding a meeting. Any changes made to the IEP will be in writing and the school should give you a copy of the amendments you agreed upon.

To document the agreement, the school will ask you to sign a consent form agreeing to change your child's IEP through an informal discussion rather than a team meeting. You are entitled to a copy of this written agreement.

### **What role do parents play on the IEP Team?**

Parents should be involved in all steps of the IEP process. You have specific rights, including the right to:

- Participate in any meetings to develop the IEP.
- Be notified of IEP meetings early enough to make arrangements to attend.

- Be notified about the time, place, and purpose of IEP meetings and who will attend.
- Have meetings at times and places that are convenient for you and the school.
- Participate in meetings by other means, such as by telephone or videoconferencing if you cannot attend in person.
- Receive a copy of your child's written evaluation report and review your child's records before IEP meetings.
- Bring a friend or advocate for support or bring someone to the meeting who you believe has special knowledge about your child's special education needs.
- File an administrative complaint if you believe the school has not complied with special education rules regarding your child's education plan. You must write your complaint to the Vermont Secretary of Education.
- File a due process complaint against the school with the Vermont Secretary of Education. A hearing will be scheduled by a hearing officer to decide on the complaint unless you and the school resolve your differences at a resolution session or mediation.

#### Resources

##### [Vermont Agency of Education](#)

Help for families navigating the education system.  
802-479-1030

##### [Vermont Assistive Technology Program](#)

AT device demonstrations, device loans, technical assistance, training, AT Reuse Project  
800-750-6355

##### [Vermont Federation of Families for Children's Mental Health](#)

Support for families experiencing or at risk to experience emotional, behavioral, or mental health challenges  
800-639-6071

##### [Vermont Legal Aid: Disability Law Project](#)

The project provides counsel and advice, brief service, and full representation to eligible clients and their family members.  
800-889-2047

##### [WrightsLaw](#)

Information about special education law, education law, and advocacy for children with disabilities.  
877-529-4332

#### **If my child is not making progress, what can I do to change the IEP?**

You may request an IEP meeting to discuss your concerns and request changes to the IEP.

You may also request a reevaluation of your child to gather new information about current levels of academic achievement and functional skills in the areas in which you feel your child is not making progress. If you disagree with the school's evaluation, you have the right to request an independent evaluation at the school's expense. The school must consent to this evaluation or initiate a due process hearing to prove that its evaluation was accurate.

#### **What can we do if we cannot resolve a disagreement with the school over our child's IEP?**

The special education process provides the following options to resolve disputes between parents and schools.

You can:

- Request mediation with an impartial, trained mediator. Mediation is voluntary and you and the school both have to agree to it. The Vermont Agency of Education provides mediation services free of charge to parents and schools.



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