



Home
Current Issue
Archives
Search
Editorial Contact
Advertising
Family Shopping

## Columnists

# Save Your Child's Educational Future- Understand The IEP

by David Grey



Federal and state law mandate a free appropriate public education tailored to the unique needs of the student. Many parents have come to know this free appropriate public education as the painfully traumatic Individual Educational Plan, or IEP. The IEP is the agreement between student and school to help the child get the education to which they are entitled to under the law. All too often the IEP process becomes a nightmare, because the parents do not understand the process and their rights.

First and foremost, the IEP is supposed to be a team of which the parents are a necessary part. No one knows the child as well as the parents, and parental input is critical to arriving at an appropriate decision as to eligibility, placement and services.

The IEP process begins with a request for an assessment, usually by the parent that feels their child is challenged with a difference that is not met by the traditional education programs. Much to the lament of the parents, children with a disability that is not perceived as very severe may slip through the system for years, unnoticed, yet floundering for no apparent reason. Similarly, the severely disabled student may be cast aside with the attitude that nothing the school can do will matter because of the severity of the disability.

A request for an assessment and IEP needs to be made in writing. This writing can be as simple as a short handwritten note requesting assessment and a short explanation of why. The written request sets in motion a time line in which the child must be evaluated and an IEP meeting held to determine eligibility, placement and services.

Parents have a legal right to copies of all assessment reports, school records and written notice of the IEP meeting. The IEP meeting notice must be given with enough time to allow the parent to attend the meeting. The IEP team will usually consist of the teacher, school administrator, parent and those that performed the assessment. The parent may have a representative, advocate, or attorney at the IEP meeting, although it may not be necessary. The IEP team will discuss eligibility, placement and services. Eligibility means whether the child has been identified as having a qualified disability. Once eligibility is established the team will discuss what school placement and services are appropriate. Although the IEP is characterized as a team, there must be agreement of all to establish eligibility, or entitlement to a particular placement or services.

When the IEP team cannot agree, either the parent or school may request a due process hearing and go to court if necessary to compel the appropriate finding of eligibility, placement or services. The child's

placement, eligibility and service remain in place and unchanged until the due process complaint is resolved. The old adage about the squeaky wheel applies to the IEP and due process. The parent needs to be informed and push to help their child.

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