



THE UPLIFT EDUCATIONAL SERIES: Individual Education Programs (IEP)



“As the parent of a child who may receive special education, you have certain rights which are guaranteed by federal law—the individuals with Disabilities Education Act (IDEA) as amended in 1997.” It is this law that guarantees your child a Free Appropriate Public Education (FAPE).

- You have the right to be informed (always in writing in your native language or with a translator provided by the school) of your procedural safeguards when your child is referred for evaluation for the first time, at each IEP, for reevaluation and if you wish to request due process hearing.
- You have the right to receive written notice before the school proposes or refuses to begin or change the identification, evaluation, educational placement and FAPE for your child. This must include notice of your rights, description and explanation of the action proposed or refused by the school district, other options considered and rejected by the school district based on testing, evaluations, reports and records, other information that is important to the decision and sources to help you understand your rights.
- You have the right to be fully informed in your native language of all the information needed to make an informed decision for your child. This is called informed consent. You give informed consent before the first school evaluation, before your child is placed in a special education program or the school conducts testing for reevaluation. It is your right to voluntarily consent or revoke your consent at any time. If you refuse to consent, the school district may choose to go to due process hearing.
- You have the right to see your child's records and ask the school to provide you copies of those records (possibly for copying costs). You also have the right to have someone of your choice review those records. The school should have a list of people that have looked at these records. You can request that information in the record be changed and may write an explanation to be included with the file record.
- You have the right to a full, individual evaluation of your child's needs before your child is placed in a special education program. Your child should be evaluated in all areas of suspected disability. Evaluation must be based on a variety of testing to find out if your child has a disability, your child's present level of performance and educational needs and whether your child needs special education and related services. The testing must be in the child's native language. The testing can only be given by trained personnel. The results must be considered by at

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least one person that is knowledgeable about your child, understands the test results and placement options and ensures that ALL testing information is carefully considered.

- You have the right to have your child reevaluated at least every three years or more frequently if needed.
- You have the right to request an independent evaluation at the school's expense if you disagree with the evaluation provided by the school. If the school disagrees, you have the option of proceeding to due process hearing. If the process officer finds cause for an independent evaluation, it would be at public expense. If the school district finds the current evaluation appropriate, you may have an independent evaluation, but must pay for it. Either way, the school district MUST consider the results.
- You have the right to have your child educated as much as possible with peers without disabilities. Your child may be taken from the regular education classroom only when his/her disability is such that regular education with supplementary aids and services would not enable them to receive FAPE. Your child has the right to attend the school they would attend if not disabled. Your child's placement is decided by the IEP team at least annually.
- You have the right to mediation, when assistance in solving disagreements between the school and parents is needed. A trained mediator works with both parties to guide them toward a mutually agreeable solution.
- You have the right to due process hearing on any matter relating to the proposal or refusal of the school district to initiate or change the identification, evaluation, educational placement or FAPE for your child. The hearing is conducted by an officer that is NOT employed by a public agency involved in your child's education. The hearing will be scheduled at a reasonably convenient time for you and your child. During the process, you have the right to bring support (lawyers, advocates, family, etc.) and people with knowledge or training in the disability. You will be able to present information on your child and your complaint and ask questions of the witnesses. Information that is not available to you five business days before the meeting may not be presented. You will receive a verbatim record of the hearing. You may open the hearing to the public. You WILL be informed of free or low-cost legal or other relevant services if you request the information or if the school begins due process. Your child will remain in the current placement (referred to as stay put) unless the school AND the parents agree otherwise.
- You have the right to appeal to a district court in the state of Wyoming if you are not satisfied with the due process hearing. This appeal must be filed within 30 days of receiving the certified hearing decision.
- You have the right to file your complaints alleging that a school district has failed to follow state and/or federal law in providing a student with disabilities a FAPE. To file a complaint, send a written and signed statement of the specific complaint and law violation. The complaint must be filed with the State Superintendent of

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Public Instruction, Hathaway Building Second Floor, 2300 Capitol Avenue, Cheyenne, WY 82002-0050. "If the disciplinary action the school district imposes results in a *change of educational placement of your child (or more than ten school days), you have the right to written notice and procedural safeguards under IDEA and prior to the tenth day of suspension and request an expedited hearing if you disagree with the determination that your child's behavior was not a manifestation of your child's disability or with any decision regarding placement." *as in suspension or expulsion for a behavior that is known to be a symptom of your child's disability.

- You have the right to request a functional behavior assessment and behavior plan. If this wasn't in place before your child's behavior that resulted in out-of-school suspension for more than ten school days WITHIN a school year, the district WILL have an IEP meeting to develop a plan to deal with that behavior. If such a plan is already in place, the team will modify that plan to address the behavior. The educational setting, to include participating in the curriculum, services and modification will be determined by the IEP team.
- Your child has the right to receive written notice and the transfer of rights at age 18. Your child may grant, in writing, you the authority to continue to make decisions on their behalf for educational purposes. If the parent has legal guardianship, they have the right to continue to make decisions without written consent from the student.

IEP Team Meeting Tips

- Request minutes be taken and ask for a copy of those minutes. Check them over carefully. If you need to have the meeting tape recorded to review at a later date, you have the right to do that.
- Keep a notebook of dates, phone calls, personnel you've talked with, doctor/specialist appointments, written correspondence, past IEP's, ideas for future IEP's, support contacts, etc.
- Request information, meetings, etc. in writing and keep copies of those letters in your child's file.
- Ask for test results and reports before the meeting. Take the time to review the reports and understand what they mean. Highlight included strategies for teachers to help your child.
- Tell school personnel what they do "right". It can become easy to dwell on the negative, but teachers, etc. like to hear what you appreciate.
- Try to present the facts only. IEP's can be an emotional time for parents, but an IEP meeting is not the time for hysterics.
- Take an advocate. An advocate can help with your understanding of the law and provide support during school meetings.

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- Related services are those services that enable your child to take advantage of a Free Appropriate Public Education. These services may include counseling, physical therapy, occupational therapy, teacher and aid training, etc.
- Write your ideas down BEFORE the meeting. It's not uncommon for parents to feel overwhelmed once they are in a school meeting. Jot down ideas and solutions to problems you are aware of. Know what goals you have for your child.
- Be an active team member. Parents have a perspective on their child that NO ONE else has. Share your child's strengths and help develop a plan that reflects those strengths. Know your rights under the law. Research strategies and accommodations that might work with your child. Attend support meetings, conferences and workshops on your child's disability to gain an understanding of what your child's disability means within his/her educational environment.
- Volunteer in your child's school. This enables you to see the environment first hand, as well as allowing the school personnel to get to know you.

Children that do NOT qualify under IDEA, may qualify for services and accommodations under Section 504, which is a civil rights statute that prohibits the discrimination against individuals with disabilities. It is particularly useful in cases where a child with Attention Deficit Hyperactivity Disorder is doing well academically, but would still benefit from certain classroom modifications such as reducing the length of homework assignments, allowing extra time on tests, providing instructions in writing, tape recording lectures to review later, providing copies of notes to read while the teacher is lecturing, school/home notebook, etc.

If you would like more information on IDEA or Section 504, contact UPLIFT for the Family Outreach Specialist nearest you.

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