

# Individualized Education Program (IEP)

## What is an IEP?

An IEP is a written plan specifically designed to meet a child's learning needs. Before a child can get an IEP, a group of people, referred to as the IEP Team, must first determine that the child is in need of special education services.

## Who can get an IEP?

The law states that any child between the ages of 3 and 21 who meets the definition of a “**child with a disability**” and, as a result of that disability, needs “**special education and related services**” is eligible for an IEP.<sup>i</sup> Basically, in order to get an IEP, your child's disability must be having a negative impact on her performance in school.

## What does a “child with a disability mean?”

There are **13 categories** that a child could fit under in order to qualify for an IEP:

- Autism
- Deaf-Blindness
- Deafness
- Emotional Disturbance
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- \* Hearing Impairment
- \* Intellectual Disability
- \* Multiple Disabilities

Visual Impairment (including blindness)<sup>ii</sup> It is important to note that it is not enough for your child to have one of the above disabilities in order to qualify for an IEP. Her disability must also be having a negative impact on her educational performance, which is causing her to need special education and related services.

## What does “special education and related services” mean?

The law defines special education as specially designed instruction, at no cost to parents, to meet the

unique needs of a child with a disability. This means that there are specially designed programs for children who are mentally, physically, emotionally, and/or socially delayed. These services are available to children **at no cost** to their parents and are available to them until they reach the age of 21.

**Related services** help a child with a disability benefit from special education. Some examples of these services are counseling services, audiology services, occupational therapy, physical therapy, speech-language therapy, transportation services and school nurse services. Your child can receive these “related services” without actually being in separate special education classes. In fact, the law requires that children who are receiving special education services do so in the “**Least Restrictive Environment.**” This means they must be included as much as possible with children in the general education classroom.<sup>iii</sup>

## How does my child get an IEP?

If you think your child might need an IEP, make a **special education referral** to the school principal. Make this referral in writing and tell the principal the reasons why your child should be evaluated for special education. You will also want to send a copy of your letter to the special education coordinator for the school district. You can look in your child's student handbook or ask the principal for the special education coordinator's name. Also, be sure to keep a copy for your records. **A copy of a sample referral is attached to this fact sheet.** You should also submit a copy of any recent evaluations, hearing tests, or samples of your child's work along with the referral that show that your child needs an IEP.

Once you make the referral, the school district must schedule a referral conference within **7 days**. The conference must be held **no later than 21 days** from the date you made the referral.<sup>iv</sup>

## What happens at the referral conference?

The following 3 people must attend the referral conference: the principal or her designee; the teacher directly involved with your child's education; and you, the parent. You can also invite other people to the conference who might have relevant information about your child.

At the conference you will review all existing information related to your child to decide if your child needs a special education evaluation.

### **What if the school agrees that my child should be evaluated?**

If the school agrees that your child might qualify for special education services, then they may provide a temporary placement for your child until they have finished all of their evaluations. Your child will get special education and related services through a temporary IEP until the school district finishes your child's evaluations and drafts a final IEP. The temporary placement will only last for 60 days.

After the IEP Team decides to evaluate your child, the school district must complete the evaluation within **60 calendar days**. You will have another conference with the IEP Team to draft the IEP and to discuss what services your child needs to be successful in school. **This conference must take place within 30 days from the completion of the evaluation,**

### **What if the school does not think my child qualifies after the evaluation is done?**

If the IEP Team does not think that your child is eligible for special education then and IEP will **not** be drafted. The IEP Team will discuss this with you at the conference held within 30 days of the completion of the evaluation.

If you disagree with this decision, then you have the right to request an **Independent Educational Evaluation (IEE)** at no cost to you. If you request an IEE, the school must give you information about how to get this evaluation. You are only entitled to one IEE at no cost. If there is still disagreement between you and the school as to whether or not your child should receive special education services, then you might also file a due process complaint. At that time, you should contact the HELPLINE for further assistance.

### **Important Reminders.**

- If the school agrees that your child is in need of special education services and drafts an IEP, then the school will schedule an IEP Team meeting at least once a year to review the IEP and to plan the IEP for the next school year. You will be notified before each meeting is scheduled. You have a right to participate at this meeting and any other IEP meetings.
- The school district is required by law to reevaluate your child every three (3) years to see if she is still eligible for special education services.
- If you have any concerns about your child's IEP at any time, then you can request a Team meeting by writing a letter to the school principal, telling her why you want the meeting. Send a copy to the special education coordinator for the school district, and keep a copy for your records.
- The school **MUST** follow the IEP. If you believe the school is not following the IEP, then call the HELPLINE for further assistance. You can always bring up these concerns by asking for an IEP meeting at any time.
- Be sure to keep a copy of the IEP in a safe place.

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*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

<sup>i</sup> 20 U.S.C. §1401(3).

<sup>ii</sup> 20 U.S.C. §1401(3)(A)(i).

<sup>iii</sup> 20 U.S.C. §1412(a)(5)

<sup>iv</sup> Arkansas Department of Education—Special Education and Related Services Policy 4.03.1 and 4.03.4