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A Guide to the Individualized Education Program

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Credits

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Introduction

Each public school child who receives special education and related services must have an Individualized Education Program (IEP). Each IEP must be designed for one student and must be a truly *individualized* document. The IEP creates an opportunity for teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities. The IEP is the cornerstone of a quality education for each child with a disability.

To create an effective IEP, parents, teachers, other school staff--and often the student--must come together to look closely at the student's unique needs. These individuals pool knowledge, experience, and commitment to design an educational program that will help the student be involved in, and progress in, the general curriculum. The IEP guides the delivery of special education supports and services for the student with a disability. Without a doubt, writing--and implementing--an effective IEP requires teamwork.

This guide explains the IEP process, which we consider to be one of the most critical elements to ensure effective teaching, learning, and better results for all children with disabilities. The guide is designed to help teachers, parents, and others--in fact, anyone involved in the education of a child with a disability--develop and carry out an IEP. The information in this guide is based on what is required by our nation's special education law--the Individuals with Disabilities Education Act, or IDEA.

The IDEA requires certain information to be included in each child's IEP. It is useful to know, however, that states and local school systems often include additional information in IEPs in order to document that they have met certain aspects of federal or state law. The flexibility that states and school systems have to design their own IEP forms is one reason why IEP forms may look different from school system to school system or state to state. Yet each IEP is critical in the education of a child with a disability.

The Basic Special Education Process Under IDEA

The writing of each student's IEP takes place within the larger picture of the special education process under IDEA. Before taking a detailed look at the IEP, it may be helpful to look briefly at how a student is identified as having a disability and needing special education and related services and, thus, an IEP.

Step 1. Child is identified as possibly needing special education and related services.
"*Child Find*." The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct "Child Find" activities. A child may be identified by "Child Find," and parents may be asked if the "Child Find" system can evaluate their child. Parents can also call the "Child Find" system and ask that their child be evaluated. Or--

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a reasonable time after the parent gives consent.

Step 2. Child is evaluated.
The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

Step 3. Eligibility is decided.
A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

Step 4. Child is found eligible for services.
If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

Once the student has been found eligible for services, the IEP must be written. The two steps below ***summarize*** what is involved in writing the IEP. This guide will look at these two steps in much greater detail in the following section.

Step 5. IEP meeting is scheduled.
The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;

- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Step 6. IEP meeting is held and the IEP is written.
The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

Here is a brief summary of what happens after the IEP is written.

Step 7. Services are provided.
The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Step 8. Progress is measured and reported to parents.
The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

Step 9. IEP is reviewed.
The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Step 10. Child is reevaluated.
At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a reevaluation.

A Closer Look at the IEP

Clearly, the IEP is a very important document for children with disabilities and for those who are involved in educating them. Done correctly, the IEP should improve teaching, learning, and results. Each child's IEP describes, among other things, the educational program that has been designed to meet that child's unique needs. This part of the guide looks closely at how the IEP is written and by whom, and what information it must, at a minimum, contain.

Contents of the IEP

By law, the IEP must include certain information about the child and the educational program designed to meet his or her unique needs. In a nutshell, this information is:

- ***Current performance.*** The IEP must state how the child is currently doing in school (known as *present levels of educational performance*). This information usually comes from the evaluation results such as classroom tests and assignments, individual tests given to decide eligibility for services or during reevaluation, and observations made by parents, teachers, related service providers, and other school staff. The statement about "current performance" includes how the child's disability affects his or her involvement and progress in the general curriculum.

- ***Annual goals.*** These are goals that the child can reasonably accomplish in a year. The goals are broken down into short-term *objectives or benchmarks*. Goals may be academic, address social or behavioral needs, relate to physical needs, or address other educational needs. The goals must be measurable-meaning that it must be possible to measure whether the student has achieved the goals.

- ***Special education and related services.*** The IEP must list the special education and related services to be provided to the child or on behalf of the child. This includes supplementary aids and services that the child needs. It also includes modifications (changes) to the program or supports for school personnel-such as training or professional development-that will be provided to assist the child.

- ***Participation with nondisabled children.*** The IEP must explain the extent (if any) to which the child will *not* participate with nondisabled children in the regular class and other school activities.

- ***Participation in state and district-wide tests.*** Most states and districts give achievement tests to children in certain grades or age groups. The IEP must state what modifications in the administration of these tests the child will need. If a test is not appropriate for the child, the IEP must state why the test is not appropriate and how the child will be tested instead.

- ***Dates and places.*** The IEP must state when services will begin, how often they will be provided, where they will be provided, and how long they will last.

- ***Transition service needs.*** Beginning when the child is age 14 (or younger, if appropriate), the IEP must address (within the applicable parts of the IEP) the courses he or she needs to take to reach his or her post-school goals. A statement of transition services needs must also be included in each of the child's subsequent IEPs.

- ***Needed transition services.*** Beginning when the child is age 16 (or younger, if appropriate), the IEP must state what transition services are needed to help the child prepare for leaving school.

- ***Age of majority.*** Beginning at least one year before the child reaches the age of majority, the IEP must include a statement that the student has been told of any rights that will transfer to him or her at the age of majority. (This statement would be needed only in states that transfer rights at the age of majority.)

- ***Measuring progress.*** The IEP must state how the child's progress will be measured and how parents will be informed of that progress.

More information will be given about these IEP parts later in this guide. A sample IEP form will be presented, along with the federal regulations describing the "Content of the IEP," to help you gain a fuller understanding of what type of information is important to capture about a child in an IEP. It is useful to understand that each child's IEP is different. The document is prepared for *that child only*. It describes the *individualized* education program designed to meet *that* child's needs.

Additional State and School-System Content

States and school systems have a great deal of flexibility about the information they require in an IEP. Some states and school systems have chosen to include in the IEP additional information to document their compliance with other state and federal requirements. (Federal law requires that school districts maintain documentation to demonstrate their compliance with federal requirements.) Generally speaking, extra elements in IEPs may be included to document that the state or school district has met certain aspects of federal or state law, such as:

- holding the meeting to write, review, and, if necessary, revise a child's IEP in a timely manner;
- providing parents with a copy of the procedural safeguards they have under the law;
- placing the child in the least restrictive environment; and
- obtaining the parents' consent.

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IEP Forms in Different Places

While the law tells us what information must be included in the IEP, it does ***not*** specify what the IEP should look like. No one form or approach or appearance is required or even suggested. Each state may decide what its IEPs will look like. In some states individual school systems design their own IEP forms.

Thus, across the United States, many different IEP forms are used. What is important is that each form be as clear and as useful as possible, so that parents, educators, related service providers, administrators, and others can easily *use* the form to write and implement effective IEPs for their students with disabilities.
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The IEP Team Members

By law, certain individuals must be involved in writing a child's Individualized Education Program. These are:

- the child's parents;
- at least one of the child's special education teachers or providers;
- at least one of the child's regular education teachers (if the student is, or may be, participating in the regular education environment);
- a representative of the school system;
- an individual who can interpret the evaluation results;
- representatives of any other agencies that may be responsible for paying for or providing transition services (if the student is 16 years or, if appropriate, younger);
- the student, as appropriate, and
- other individuals who have knowledge or special expertise about the child.

Note that an IEP team member may fill more than one of the team positions if properly qualified and designated. For example, the school system representative may also be the person who can interpret the child's evaluation results.

These people must work together as a team to write the child's IEP. A meeting to write the IEP must be held within 30 calendar days of deciding that the child is eligible for special education and related services.

Each team member brings important information to the IEP meeting. Members share their information and work together to write the child's Individualized Education Program. Each person's information adds to the team's understanding of the child and what services the child needs.

Parents are key members of the IEP team. They know their child very well and can talk about their child's strengths and needs as well as their ideas for enhancing their child's education. They

can offer insight into how their child learns, what his or her interests are, and other aspects of the child that only a parent can know. They can listen to what the other team members think their child needs to work on at school and share their suggestions. They can also report on whether the skills the child is learning at school are being used at home. (See the information at the end of this section about parents' possible need for an interpreter.)

Teachers are vital participants in the IEP meeting as well. At least one of the child's ***regular education teachers*** must be on the IEP team if the child is (or may be) participating in the regular education environment. The regular education teacher has a great deal to share with the team. For example, he or she might talk about:

- the general curriculum in the regular classroom;
- the aids, services, or changes to the educational program that would help the child learn and achieve; and
- strategies to help the child with behavior, if behavior is an issue.

The regular education teacher may also discuss with the IEP team the supports for school staff that are needed so that the child can:

- advance toward his or her annual goals;
- be involved and progress in the general curriculum;
- participate in extracurricular and other activities; and
- be educated with other children, both with and without disabilities.

Supports for school staff may include professional development or more training. Professional development and training are important for teachers, administrators, bus drivers, cafeteria workers, and others who provide services for children with disabilities.

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Extra Information: The Regular Education Teacher as Part of the IEP Team

Appendix A of the federal regulations for Part B of IDEA answers many questions about the IEP. Question 24 addresses the role of the regular education teacher on the IEP team. Here's an excerpt from the answer:

"...while a regular education teacher must be a member of the IEP team if the child is, or may be, participating in the regular education environment, the teacher need not (depending upon the child's needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. For example, the regular education teacher who is a member of the IEP team must participate in discussions and decisions about how to modify the general curriculum in the regular classroom to ensure the child's involvement and progress in the general curriculum and participation in the regular education environment.

"Depending upon the specific circumstances, however, it may not be necessary for the regular education teacher to participate in discussions and decisions regarding, for example, the physical therapy needs of the child, if the teacher is not responsible for implementing that portion of the child's IEP.

"In determining the extent of the regular education teacher's participation at IEP meetings, public agencies and parents should discuss and try to reach agreement on whether the child's regular education teacher that is a member of the IEP team should be present at a particular IEP meeting and, if so, for what period of time. The extent to which it would be appropriate for the regular education teacher member of the IEP team to participate in IEP meetings must be decided on a case-by-case basis."
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The child's ***special education teacher*** contributes important information and experience about how to educate children with disabilities. Because of his or her training in special education, this teacher can talk about such issues as:

- how to modify the general curriculum to help the child learn;
- the supplementary aids and services that the child may need to be successful in the regular classroom and elsewhere;
- how to modify testing so that the student can show what he or she has learned; and
- other aspects of individualizing instruction to meet the student's unique needs.

Beyond helping to write the IEP, the special educator has responsibility for working with the student to carry out the IEP. He or she may:

- work with the student in a resource room or special class devoted to students receiving special education services;
- team teach with the regular education teacher; and
- work with other school staff, particularly the regular education teacher, to provide expertise about addressing the child's unique needs.

Another important member of the IEP team is the ***individual who can interpret what the child's evaluation results mean*** in terms of designing appropriate instruction. The evaluation results are very useful in determining how the child is currently doing in school and what areas of need the child has. This IEP team member must be able to talk about the instructional implications of the child's evaluation results, which will help the team plan appropriate instruction to address the child's needs.

The ***individual representing the school system*** is also a valuable team member. This person knows a great deal about special education services and educating children with disabilities. He or she can talk about the necessary school resources. It is important that this individual have the authority to commit resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

The IEP team may also include additional ***individuals with knowledge or special expertise about the child***. The parent or the school system can invite these individuals to participate on the team. Parents, for example, may invite an advocate who knows the child, a professional with special expertise about the child and his or her disability, or others (such as a vocational educator who has been working with the child) who can talk about the child's strengths and/or needs. The school system may invite one or more individuals who can offer special expertise or knowledge

about the child, such as a paraprofessional or related services professional. Because an important part of developing an IEP is considering a child's need for related services (see the list of related services at the end of this section), related service professionals are often involved as IEP team members or participants. They share their special expertise about the child's needs and how their own professional services can address those needs. Depending on the child's individual needs, some related service professionals attending the IEP meeting or otherwise helping to develop the IEP might include occupational or physical therapists, adaptive physical education providers, psychologists, or speech-language pathologists.

When an IEP is being developed for a student of transition age, ***representatives from transition service agencies*** can be important participants. (For more information about transition, see the information provided at the end of this section.) Whenever a purpose of meeting is to consider needed transition services, the school must invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. This individual can help the team plan any transition services the student needs. He or she can also commit the resources of the agency to pay for or provide needed transition services. If he or she does not attend the meeting, then the school must take alternative steps to obtain the agency's participation in the planning of the student's transition services.

And, last but not least, the ***student*** may also be a member of the IEP team. If transition service needs or transition services are going to be discussed at the meeting, the student *must* be invited to attend. More and more students are participating in and even leading their own IEP meetings. This allows them to have a strong voice in their own education and can teach them a great deal about self-advocacy and self-determination.

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Will Parents Need an Interpreter in Order to Participate Fully?

If the parents have a limited proficiency in English or are deaf, they may need an interpreter in order to understand and be understood. In this case, the school must make reasonable efforts to arrange for an interpreter during meetings pertaining to the child’s educational placement. For meetings regarding the development or review of the IEP, the school must take whatever steps are necessary to ensure that parents understand the meetings--including arranging for an interpreter. This provision should help to ensure that parents are not limited in their ability to participate in their child’s education because of language or communication barriers.

Therefore, if parents need an interpreter for a meeting to discuss their child’s evaluation, eligibility for special education, or IEP, they should let the school know ahead of time. Telling the school in advance allows the school to make arrangements for an interpreter so that parents can participate fully in the meeting.
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Transition Services

Transition refers to activities meant to prepare students with disabilities for adult life. This can include developing postsecondary education and career goals, getting work experience while still in school, setting up linkages with adult service providers such as the vocational rehabilitation agency--whatever is appropriate for the student, given his or her interests, preferences, skills, and needs. Statements about the student's transition needs must be included in the IEP after the student reaches a certain age:

- ***Transition planning***, for students beginning at age 14 (and sometimes younger)--involves helping the student plan his or her courses of study (such as advanced placement or vocational education) so that the classes the student takes will lead to his or her post-school goals.

- ***Transition services***, for students beginning at age 16 (and sometimes younger)--involves providing the student with a coordinated set of services to help the student move from school to adult life. Services focus upon the student's needs or interest in such areas as: higher education or training, employment, adult services, independent living, or taking part in the community.

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Related Services

A child may require any of the following related services in order to benefit from special education. Related services, as listed under IDEA, include (but are not limited to):

- Audiology services
- Counseling services
- Early identification and assessment of disabilities in children
- Medical services
- Occupational therapy
- Orientation and mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreation
- Rehabilitation counseling services
- School health services
- Social work services in schools
- Speech-language pathology services
- Transportation

If a child needs a particular related service in order to benefit from special education, the related service professional should be involved in developing the IEP. He or she may be invited by the school or parent to join the IEP team as a person "with knowledge or special expertise about the child."

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Writing the IEP

To help decide what special education and related services the student needs, generally the IEP team will begin by looking at the child's evaluation results, such as classroom tests, individual tests given to establish the student's eligibility, and observations by teachers, parents, paraprofessionals, related service providers, administrators, and others. This information will help the team describe the student's "present levels of educational performance" -in other words, how the student is currently doing in school. Knowing how the student is currently performing in school will help the team develop annual goals to address those areas where the student has an identified educational need.

The IEP team must also discuss specific information about the child. This includes:

- the child's strengths;
- the parents' ideas for enhancing their child's education;
- the results of recent evaluations or reevaluations; and
- how the child has done on state and district-wide tests.

In addition, the IEP team must consider the "special factors" described between the lines below. It is important that the discussion of what the child needs be framed around how to help the child:

- advance toward the annual goals;
- be involved in and progress in the general curriculum;
- participate in extracurricular and nonacademic activities; and
- be educated with and participate with other children with disabilities and nondisabled children.

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Special Factors To Consider

Depending on the needs of the child, the IEP team needs to consider what the law calls *special factors*. These include:

- If the child's *behavior* interferes with his or her learning or the learning of others, the IEP team will consider strategies and supports to address the child's behavior.

- If the child has *limited proficiency in English*, the IEP team will consider the child's language needs as these needs relate to his or her IEP.

- If the child is *blind or visually impaired*, the IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.

- If the child has *communication needs*, the IEP team must consider those needs.

- If the child is *deaf or hard of hearing*, the IEP team will consider his or her language and communication needs. This includes the child's opportunities to communicate directly with

classmates and school staff in his or her usual method of communication (for example, sign language).

- The IEP team must always consider the child's need for *assistive technology* devices or services.

For more information about these special factors, see §300.346, presented in Attachment A.
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Based on the above discussion, the IEP team will then write the child's IEP. This includes the services and supports the school will provide for the child. If the IEP team decides that a child needs a particular device or service (including an intervention, accommodation, or other program modification), the IEP team must write this information in the IEP. As an example, consider a child whose behavior interferes with learning. The IEP team would need to consider positive and effective ways to address that behavior. The team would discuss the positive behavioral interventions, strategies, and supports that the child needs in order to learn how to control or manage his or her behavior. If the team decides that the child needs a particular service (including an intervention, accommodation, or other program modification), they must include a statement to that effect in the child's IEP.

Deciding Placement

In addition, the child's *placement* (where the IEP will be carried out) must be decided. The placement decision is made by a group of people, including the parents and others who know about the child, what the evaluation results mean, and what types of placements are appropriate. In some states, the IEP team serves as the group making the placement decision. In other states, this decision may be made by another group of people. *In all cases, the parents have the right to be members of the group that decides the educational placement of the child*.

Placement decisions must be made according to IDEA's least restrictive environment requirements--commonly known as LRE. These requirements state that, to the maximum extent appropriate, children with disabilities must be educated with children who do not have disabilities.

The law also clearly states that special classes, separate schools, or other removal of children with disabilities from the regular educational environment may occur only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

What type of placements are there? Depending on the needs of the child, his or her IEP may be carried out in the regular class (with supplementary aids and services, as needed), in a special class (where every student in the class is receiving special education services for some or all of the day), in a special school, at home, in a hospital and institution, or in another setting. A school system may meet its obligation to ensure that the child has an appropriate placement available by:

- providing an appropriate program for the child on its own;

- contracting with another agency to provide an appropriate program; or
- utilizing some other mechanism or arrangement that is consistent with IDEA for providing or paying for an appropriate program for the child.

The placement group will base its decision on the IEP and which placement option is appropriate for the child. Can the child be educated in the regular classroom, with proper aids and supports? If the child cannot be educated in the regular classroom, even with appropriate aids and supports, then the placement group will talk about other placements for the child.

After the IEP is Written

When the IEP has been written, parents must receive a copy at no cost to themselves. The IDEA also stresses that everyone who will be involved in *implementing* the IEP must have access to the document. This includes the child's:

- regular education teacher(s);
- special education teacher(s);
- related service provider(s) (for example, speech therapist); or
- any other service provider (such as a paraprofessional) who will be responsible for a part of the child's education.

Each of these individuals needs to know what his or her specific responsibilities are for carrying out the child's IEP. This includes the specific accommodations, modifications, and supports that the child must receive, according to the IEP.

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Parents' Permission

Before the school can provide a child with special education and related services *for the first time*, the child's parents must give their written permission.
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Implementing the IEP

Once the IEP is written, it is time to carry it out--in other words, to provide the student with the special education and related services as listed in the IEP. This includes all supplementary aids and services and program modifications that the IEP team has identified as necessary for the student to advance appropriately toward his or her IEP goals, to be involved in and progress in the general curriculum, and participate in other school activities. While it is beyond the scope of this guide to discuss in detail the many issues involved in implementing a student's IEP, certain suggestions can be offered.

- Every individual involved in providing services to the student should know and understand his or her responsibilities for carrying out the IEP. This will help ensure that the student

receives the services that have been planned, including the specific modifications and accommodations the IEP team has identified as necessary.

- Teamwork plays an important part in carrying out the IEP. Many professionals are likely to be involved in providing services and supports to the student. Sharing expertise and insights can help make everyone's job a lot easier and can certainly improve results for students with disabilities. Schools can encourage teamwork by giving teachers, support staff, and/or paraprofessionals time to plan or work together on such matters as adapting the general curriculum to address the student's unique needs. Teachers, support staff, and others providing services for children with disabilities may request training and staff development.

- Communication between home and school is also important. Parents can share information about what is happening at home and build upon what the child is learning at school. If the child is having difficulty at school, parents may be able to offer insight or help the school explore possible reasons as well as possible solutions.

- It is helpful to have someone in charge of coordinating and monitoring the services the student receives. In addition to special education, the student may be receiving any number of related services. Many people may be involved in delivering those services. Having a person in charge of overseeing that services are being delivered as planned can help ensure that the IEP is being carried out appropriately.

- The regular progress reports that the law requires will help parents and schools monitor the child's progress toward his or her annual goals. It is important to know if the child is not making the progress expected-or if he or she has progressed much faster than expected. Together, parents and school personnel can then address the child's needs as those needs become evident.

Reviewing and Revising the IEP

The IEP team must review the child's IEP at least once a year. One purpose of this review is to see whether the child is achieving his or her annual goals. The team must revise the child's individualized education program, if necessary, to address:

- the child's progress or lack of expected progress toward the annual goals and in the general curriculum;
- information gathered through any reevaluation of the child;
- information about the child that the parents share;
- information about the child that the school shares (for example, insights from the teacher based on his or her observation of the child or the child's classwork);
- the child's anticipated needs; or
- other matters.

Although the IDEA requires this IEP review at least once a year, in fact the team may review and revise the IEP more often. Either the parents or the school can ask to hold an IEP meeting to

revise the child's IEP. For example, the child may not be making progress toward his or her IEP goals, and his or her teacher or parents may become concerned. On the other hand, the child may have met most or all of the goals in the IEP, and new ones need to be written. In either case, the IEP team would meet to revise the IEP.

****

Look at Those Factors Again!

When the IEP team is meeting to conduct a review of the child's IEP and, as necessary, to revise it, members must again consider all of the factors discussed under the section "Writing the IEP." This includes:

- the child's strengths,
- the parents' ideas for enhancing their child's education,
- the results of recent evaluations or reevaluations, and
- how the child has done on state and district-wide tests.

The IEP team must also consider the "special factors," as listed in that section.
****

What If Parents Don't Agree With the IEP?

There are times when parents may not agree with the school's recommendations about their child's education. Under the law, parents have the right to challenge decisions about their child's eligibility, evaluation, placement, and the services that the school provides to the child. If parents disagree with the school's actions--or refusal to take action--in these matters, they have the right to pursue a number of options. They may do the following:

- ***Try to reach an agreement.*** Parents can talk with school officials about their concerns and try to reach an agreement. Sometimes the agreement can be temporary. For example, the parents and school can agree to try a plan of instruction or a placement for a certain period of time and see how the student does.

- ***Ask for mediation.*** During mediation, the parents and school sit down with someone who is not involved in the disagreement and try to reach an agreement. The school may offer mediation, if it is available as an option for resolving disputes prior to due process.

- ***Ask for due process.*** During a due process hearing, the parents and school personnel appear before an impartial hearing officer and present their sides of the story. The hearing officer decides how to solve the problem. (Note: Mediation must be available at least at the time a due process hearing is requested.)

- ***File a complaint with the state education agency.*** To file a complaint, generally parents write directly to the SEA and say what part of IDEA they believe the school has violated. The agency must resolve the complaint within 60 calendar days. An extension of that time limit is permitted only if exceptional circumstances exist with respect to the complaint.

****

OSEP Monitoring

The U.S. Department of Education's Office of Special Education Programs (OSEP) regularly monitors states to see that they are complying with IDEA. Every two years OSEP requires that states report progress toward meeting established performance goals that, at a minimum, address the performance of children on assessments, drop--out rates, and graduation rates. As part of its monitoring, the Department reviews IEPs *and* interviews parents, students, and school staff to find out:

- whether, and how, the IEP team made the decisions reflected in the IEP;
- whether those decisions and the IEP content are based on the child's unique needs, as determined through evaluation and the IEP process;
- whether any state or local policies or practices have interfered with decisions of the IEP team about the child's educational needs and the services that the school would provide to meet those needs; and
- whether the school has provided the services listed in the IEP.

This guide is intended to help states and school districts write IEPs that comply with IDEA. Writing effective IEPs is a very important first step in improving educational results for children with disabilities.
****

Summary

The IEP is the cornerstone of special education. Writing and implementing an effective IEP involves many people, many different steps, and collaborative decision making.

The information provided in this guide about the IEP has been fairly general. To help you get better acquainted with the various parts of the IEP, a sample IEP form is presented on the next pages. The sample IEP form includes space for all of the information that an IEP must contain under federal law. (Remember that IEP forms in your area may require more information that may be of value to the student and those implementing the IEP.) The different parts of the sample are paired with direct quotes from the law, so that you can easily see:

- how the law defines what type of information goes into the various parts of a child's IEP, and
- how this information goes together to create an educational program for a particular child.

Attachment A presents the IDEA's regulations for "Individualized Education Programs" (§§300.340-300.350). Under §300.347, where "IEP content" is described, we have included

additional information primarily from Appendix A and Attachment 1 of the regulations. This information can be very useful in developing a fuller understanding of what type of information is important to capture about a child in the IEP.

Use of this IEP form, or any other form, will not, in and of itself, ensure compliance with IDEA's Part B requirements. Whether or not a state or local education agency chooses to require or recommend that teams use this form for IEPs, all IEP team participants including parents need to receive clear guidance and training regarding Part B requirements and to understand the importance of the IEP in focusing instruction to meet the unique needs of each child with a disability.

Sample Form
Individualized Education Program (IEP)

Student Name [Space to write]

Date of Meeting to Develop or Review IEP [Space to write]

Note: For each student with a disability beginning at age 14 (or younger, if appropriate), a statement of the student's transition service needs must be included under the applicable parts of the IEP. The statement must focus on the courses the student needs to take to reach his or her post-school goals.

****

From the Regulations:
Statement of Transition Service Needs--34 CFR §300.347(b)(1)

"The IEP must include...[f]or each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced- placement courses or a vocational education program);"
****

Present Levels of Educational Performance

[Space to write]

****

From the Regulations:
Statement of Present Levels of Educational Performance--34 CFR §300.347(a)(1)

"The IEP for each child with a disability must include . . . a statement of the child's present levels of educational performance, including

"(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

"(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;"
****

Measurable Annual Goals (Including Benchmarks or Short-Term Objectives)

[space to write]

****
From the Regulations:
Statement of Measurable Annual Goals, Including Benchmarks or Short-Term Objectives--34 CFR §300.347(a)(2)

"The IEP for each child with a disability must include . . . a statement of measurable annual goals, including benchmarks or short-term objectives, related to

"(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

"(ii) Meeting each of the child's other educational needs that result from the child's disability;"
****

Special Education and Related Services [space to write]
- Start Date [space to write]
- Location [space to write]
- Frequency [space to write]
- Duration [space to write]

Supplementary Aids and Services [space to write]
- Start Date [space to write]
- Location [space to write]
- Frequency [space to write]
- Duration [space to write]

Program Modifications or Supports for School Personnel [space to write]
- Start Date [space to write]
- Location [space to write]
- Frequency [space to write]
- Duration [space to write]

****

From the Regulations:

Statement of the Special Education and Related Services, Supplementary Aids and Services, Program Modifications, and Supports For School Personnel--34 CFR §300.347(a)(3)

"The IEP for each child with a disability must include... a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child

"(i) To advance appropriately toward attaining the annual goals;

"(ii) To be involved and progress in the general curriculum in accordance with 34 CFR §300.347(a)(1) and to participate in extracurricular and other nonacademic activities; and

" (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;"

--ALSO--

Beginning Date, Frequency, Location, and Duration of Services and Modifications--34 CFR §300.347(a)(6)

"The IEP for each child with a disability must include . . . the projected date for the beginning of the services and modifications described in 34 CFR §300.347(a)(3), and the anticipated frequency, location, and duration of those services and modifications;"

****

[Page 3 of 5]

Explanation of Extent, if Any, to Which Child Will Not Participate with Nondisabled Children

[space to write]

****

From the Regulations:

Explanation of Extent, if Any, to Which Child Will Not Participate with Nondisabled Children
34 CFR §300.347(a)(4)

"The IEP for each child with a disability must include . . . an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in 34 CFR §300.347(a)(3);"

****

Administration of State and District-wide Assessments of Student Achievement

Any Individual Modifications In Administration Needed For Child To Participate In State Or District-wide Assessment(s)

[space to write]

****

From the Regulations:
Statement Of Any Individual Modifications in Administration of State or District-wide Assessments 34--CFR §300.347(a)(5)(i)

"The IEP for each child with a disability must include . . . a statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment;"
****

If IEP Team Determines That Child Will Not Participate In A Particular State Or District-Wide Assessment

- Why isn't the assessment appropriate for the child? [space to write]

- How will the child be assessed? [space to write]

****

From the Regulations:
If Child Will Not Participate in State or District-wide Assessment--34 CFR §300.347(a)(5)(ii)

"If the IEP team determines that a child with a disability will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), the IEP must include a statement of

"(A) Why that assessment is not appropriate for the child; and

"(B) How the child will be assessed;"

****

How Child's Progress Toward Annual Goals Will Be Measured
[space to write]

****
From the Regulations:
How Child's Progress Will Be Measured--34 CFR §300.347(a)(7)(i)

"The IEP for each child with a disability must include . . .
a statement of how the child's progress toward the annual goals described in 34 CFR §300.347(a)(2) will be measured;"
****

How Child's Parents Will Be Regularly Informed Of Child's Progress Toward Annual Goals And Extent To Which Child's Progress Is Sufficient To Meet Goals By End of Year

[space to write]

****
From the Regulations:
How Parents Will Be Informed of Their Child's Progress--34 CFR §300.347(a)(7)(ii)

"The IEP for each child with a disability must include . . . a statement of how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of
"(A) Their child's progress toward the annual goals; and
"(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year."
****

(Beginning at age 16 or younger if determined appropriate by IEP team)
Statement of Needed Transition Services, Including, If Appropriate, Statement Of Interagency Responsibilities Or Any Needed Linkages

[space to write]

****
From the Regulations:
Statement of Needed Transition Services--34 CFR §300.347(b)(2)

"The IEP must include . . . for each student with a disability beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the

student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages."

Definition of "Transition Services"--34 CFR §300.29

"(a) As used in [Part B], "transition services" means a coordinated set of activities for a student with a disability that:

"(1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

"(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and

"(3) Includes: (i) Instruction; (ii) Related services; (iii) Community experiences; (iv) The development of employment and other post-school adult living objectives; and (v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

"(b) Transition services for students with disabilities may be special education, if provided as specially designed instruction or related services, if required to assist a student with a disability to benefit from special education."

****

(In a state that transfers rights to the student at the age of majority, the following information must be included beginning at least one year before the student reaches the age of majority)

The student has been informed of the rights under Part B of IDEA, if any, that will transfer to the student on reaching the age of majority. **Yes** [box to check]

****

From the Regulations:

Age of Majority--34 CFR §300.347(c)

"In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with 34 CFR §300.517."

****

Information Resources

If you would like more information about special education, children with disabilities, the IEP process, or the IDEA, contact your state education agency or your local education agency. Additional sources of information include the following:

Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education
Mary E. Switzer Building
330 C Street SW
Washington, DC 20202
(202) 205-5507 (Voice/TTY)
Web: www.ed.gov/offices/OSERS/OSEP

National Information Center for Children and Youth with Disabilities (NICHCY)
P.O. Box 1492
Washington, DC 20013
(800) 695-0285 (Voice/TTY); (202) 884-8200 (V/TTY)
E-mail: nichcy@aed.org
Web: www.nichcy.org

ERIC Clearinghouse on Disabilities and Gifted Education (ERIC EC)
1920 Association Drive
Reston, VA 20191-1589
(800) 328-0272
E-mail: ericec@cec.sped.org
Web: http://ericec.org

Technical Assistance for Parent Centers--the Alliance
PACER Center
4826 Chicago Avenue South
Minneapolis, MN 55417-1098
(888) 248-0822; (612) 827-2966
(612) 827-7770 (TTY)
E-mail: alliance@taalliance.org
Web: www.taalliance.org

The IDEA Partnership Projects

Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE)
The Council for Exceptional Children

1920 Association Drive
Reston, VA 20191-1589
(888) 232-7733; (703) 264-9456
(703) 264-9446 (TTY)
E-mail: ideapractices@cec.sped.org
Web: www.ideapractices.org

Families and Advocates Partnerships for Education (FAPE)
PACER Center
4826 Chicago Avenue South
Minneapolis, MN 55417-1098
(888) 248-0822; (612) 827-2966; (612) 827-7770 (TTY)
E-mail: fape@pacer.org
Web: www.fape.org

IDEA Local Implementations by Local Administrators (ILIAD)
The Council for Exceptional Children
1920 Association Drive
Reston, VA 20191-1589
(877) CEC-IDEA; (703) 264-9418; (703) 264-9480 (TTY)
E-mail: ideapractices@cec.sped.org
Web: www.ideapractices.org

The Policy Maker Partnership (PMP) for Implementing IDEA 97
National Association of State Directors of Special Education
1800 Diagonal Road, Suite 320
Alexandria, VA 22314
(703) 519-3800; (703) 519-7008 (TTY)
E-mail: nasdse@nasdse.org
Web: www.nasdse.org

Regional Resource Centers

Northeast Regional Resource Center (NERRC)
Learning Innovations
20 Winter Sport Lane
Williston, VT 05495
(802) 951-8226; (802) 951-8213 (TTY)
E-mail: nerrc@aol.com
Web: http://www.trinityvt.edu/nerrc

Serving: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

Mid-South Regional Resource Center (MSRRC)
Human Development Institute
University of Kentucky
126 Mineral Industries Building
Lexington, KY 40506-0051
(859) 257-4921; (859) 257-2903 (TTY)
E-mail: msrrc@ihdi.uky.edu
Web: http://www.ihdi.uky.edu/msrrc

Serving: Delaware, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, Washington, DC, and West Virginia.

Southeast Regional Resource Center (SERRC)
School of Education
Auburn University Montgomery
P.O. Box 244023
Montgomery, AL 36124
(334) 244-3100; (334) 244-3800 (TTY)
E-mail: bbeale@edla.aum.edu
Web: http://edla.aum.edu/serrc/serrc.html

Serving: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Puerto Rico, Texas, and the U.S. Virgin Islands.

Great Lakes Area Regional Resource Center (GLARRC)
OSU Center for Special Needs
700 Ackerman Road, Suite 440
Columbus, OH 43202
(614) 447-0844; (614) 447-8776 (TTY)
E-mail: daniels.121@osu.edu
Web: http://www.csnp.ohio-state.edu/glarrc.htm

Serving: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin.

Mountain Plains Regional Resource Center (MPRRC)
Utah State University
1780 North Research Parkway, Suite 112
Logan, UT 84341
(435) 752-0238; (435) 753-9750 (TTY)
E-mail: cope@cc.usu.edu
Web: http://www.usu.edu/mprrc

Serving: Arizona, Bureau of Indian Affairs, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.

Western Regional Resource Center (WRRC)
1268 University of Oregon
Eugene, OR 97403-1268
(541) 346-5641; (541) 346-0367 (TTY)
E-mail: wrrc@oregon.uoregon.edu
Web: http://interact.uoregon.edu/wrrc/wrrc.html

Serving: Alaska, American Samoa, California, Commonwealth of the Northern Mariana Islands, Federated states of Micronesia, Guam, Hawaii, Idaho, Nevada, Oregon, Republic of the Marshall Islands, Republic of Palau, and Washington.

Attachment A
Final Regulations for IEPs:
§§ 300.340--300.350

Attachment A presents the Federal regulations for Individualized Education Programs (IEP). These regulations cover areas such as IEP meetings; the IEP team; parent participation; and the development, review, and revision of the IEP.

Under §300.347**--**"Content of IEP"--we have included additional guidance on the various parts of the IEP. Generally, this guidance comes from Appendix A and Attachment 1 of the federal regulations for IDEA, which were published March 12, 1999, in the *Federal Register*.

This extra information is intended to highlight and clarify what information needs to be included in a child's IEP.

Individualized Education Programs

§ 300.340 Definitions related to IEPs.

(a) *Individualized education program*. As used in this part, the term *individualized education program or IEP* means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.341-300.350.

(b) *Participating agency*. As used in § 300.348, *participating agency* means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.
(Authority: 20 U.S.C. 1401(11), 1312(a)(10)(B))

§ 300.341 Responsibility of SEA and other public agencies for IEPs.

(a) The SEA shall ensure that each public agency--
(1) Except as provided in §§ 300.450-300.462, develops and implements an IEP for each child with a disability served by that agency; and
(2) Ensures that an IEP is developed and implemented for each eligible child placed in or referred to a private school or facility by the public agency.

(b) Paragraph (a) of this section applies to--
(1) The SEA, if it is involved in providing direct services to children with disabilities, in accordance with
300.370(a) and (b)(1); and
(2) Except as provided in § 300.600(d), the other public agencies described in § 300.2, including LEAs and other State agencies that provide special education and related services either directly, by contract, or through other arrangements.
(Authority: 20 U.S.C. 1412(a)(4), (a)(10)(B))

§ 300.342 When IEPs must be in effect.

(a) *General.* At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.

(b) *Implementation of IEPs.* Each public agency shall ensure that--
(1) An IEP--
(i) Is in effect before special education and related services are provided to an eligible child under this part; and
(ii) Is implemented as soon as possible following the meetings described under § 300.343;
(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and
(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of--

(i) His or her specific responsibilities related to implementing the child's IEP; and
(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(c) *IEP or IFSP for children aged 3 through 5*.
(1) In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA a 2-year-old child with a disability who will turn age 3 during the school year), an IFSP that contains the material described in section 636 of the Act, and that is developed in accordance with 300.341- 300.346 and 300.349-300.350, may serve as the IEP of the child if using that plan as the IEP is--
(i) Consistent with State policy; and
(ii) Agreed to by the agency and the child's parents.
(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall--
(i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
(ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(d) *Effective date for new requirements*. All IEPs developed, reviewed, or revised on or after July 1, 1998 must meet the requirements of §§ 300.340- 300.350.
(Authority: 20 U.S.C. 1414(d)(2)(A) and (B), Pub. L. 105-17, sec. 201(a)(2)(A), (C)

§ 300.343 IEP meetings.

(a) *General.* Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with § 300.342(c), an IFSP).

(b) *Initial IEPs; provision of services*. (1) Each public agency shall ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation of a child--
(i) The child is evaluated; and
(ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.
(2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services.

(c) *Review and revision of IEPs*. Each public agency shall ensure that the IEP team-
(1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
(2) Revises the IEP as appropriate to address--
(i) Any lack of expected progress toward the annual goals described in § 300.347(a), and in the general curriculum, if appropriate;
(ii) The results of any reevaluation conducted under § 300.536;

(iii) Information about the child provided to, or by, the parents, as described in 300.533(a)(1);
(iv) The child's anticipated needs; or
(v) Other matters.
(Authority: 20 U.S.C. 1413(a)(1), 1414(d)(4)(A))

§ 300.344 IEP team.

(a) *General.* The public agency shall ensure that the IEP team for each child with a disability includes-
(1) The parents of the child;
(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
(4) A representative of the public agency who--
(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
(ii) Is knowledgeable about the general curriculum; and
(iii) Is knowledgeable about the availability of resources of the public agency;
(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;
(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
(7) If appropriate, the child.

(b) *Transition services participants*. (1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of-
(i) The student's transition services needs under § 300.347(b)(1);
(ii) The needed transition services for the student under § 300.347(b)(2); or
(iii) Both.
(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.
(3)(i) In implementing the requirements of 300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.
(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) *Determination of knowledge and special expertise.* The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) *Designating a public agency representative.* A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.
(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

§ 300.345 Parent participation.

(a) *Public agency responsibility-general.* Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including--

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) *Information provided to parents.* (1) The notice required under paragraph (a)(1) of this section must-

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in 300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also--

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in 300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must--

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in § 300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) *Other methods to ensure parent participation*. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) *Conducting an IEP meeting without a parent in attendance*. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as--

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) *Use of interpreters or other action, as appropriate*. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) *Parent copy of child's IEP*. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.
(Authority: 20 U.S.C. 1414(d)(1)(B)(i))

§ 300.346 Development, review, and revision of IEP.

(a) *Development of IEP. (1) General*. In developing each child's IEP, the IEP team, shall consider-

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) *Consideration of special factors*. The IEP team also shall-

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) *Review and Revision of IEP*. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) *Statement in IEP*. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) *Requirement with respect to regular education teacher*. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with
300.347(a)(3).

(e) *Construction.* Nothing in this section shall be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.
(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

§ 300.347 Content of IEP.

"(a) *General*. The IEP for each child with a disability must include-

"(1) A statement of the child's present levels of educational performance, including-

"(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

"(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

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Additional Guidance

An IEP must include measurable annual goals that relate to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, and to meeting each of the child's other educational needs that result from the child's disability [34 CFR §300.347(a)(2)]. Thus, if a child's unique needs require goals that address the child's present levels of educational performance in nonacademic areas of instructional need, such as behavioral skills, communication and language skills, self-determination skills, job-related skills, independent living skills, or social skills, the statement of present levels of educational performance in the child's IEP should provide information regarding the child's present levels of educational performance in those areas.

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"(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to-

"(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

"(ii) Meeting each of the child's other educational needs that result from the child's disability;

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Additional Guidance

Each annual goal must include either short-term objectives or benchmarks. The purpose of both is to enable a child's teacher(s), parents, and others involved in developing and implementing the child's IEP, to gauge, at intermediate times during the year, how well the child is progressing toward achievement of the annual goal. [Appendix A to 34 CFR Part 300--Notice of Interpretation (Appendix A), Response to Question 1, 64 *Federal Register*, page 12471 (March 12, 1999).]

An IEP team may use either short-term objectives (that generally break the skills described in the annual goal down into discrete components) or benchmarks (which can be thought of as describing the amount of progress the child is expected to make within specified segments of the year), or a combination of the two, depending on the nature of the annual goals and the needs of the child. [Appendix A to 34 CFR Part 300--Notice of Interpretation (Appendix A), Response to Question 1, 64 *Federal Register*, page 12471 (March 12, 1999).]

A child's IEP must include measurable annual goals that relate to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, and to meeting each of the child's other educational needs that result from the child's disability [34 CFR §300.347(a)(2)]. This may, depending on the child's needs, include annual goals that relate to the child's needs in such areas as behavioral skills, communication, self-determination skills, job-related skills, independent living skills, or social skills.

A public agency is not required to include in an IEP annual goals that relate to areas of the general curriculum in which the child's disability does not affect the child's ability to be involved in and progress in the general curriculum. If a child needs only modifications or accommodations in order to progress in an area of the general curriculum, the IEP does not need to include a goal for that area; however the IEP would need to specify those modifications or accommodations. [Appendix A, Response to Question 4, 64 *Federal Register*, page 12472 (March 12, 1999).]

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"(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child--

"(i) To advance appropriately toward attaining the annual goals;

"(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

"(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

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Additional Guidance

The type and amount of services to be provided must be stated in the IEP, so that the level of the agency's commitment of resources will be clear to parents and other IEP team members. [Appendix A, Response to Question 35, 64 *Federal Register*, page 12479 (March 12, 1999).]

The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service and stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP. [Appendix A, Response to Question 35, 64 *Federal Register*, page 12479 (March 12, 1999).]

The amount of a special education or related service to be provided to a child may be stated in the IEP as a range (e.g., speech therapy to be provided three times a week for 30-45 minutes per session) only if the IEP team determines that stating the amount of the services as a range is necessary to meet the unique needs of the child. For example, it would be appropriate for the IEP to specify, based upon the IEP team's determination of the student's unique needs, that particular services are needed only under specific circumstances, such as the occurrence of a seizure or of a particular behavior. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff. [Appendix A, Response to Question 35, 64 *Federal Register*, page 12479 (March 12, 1999).]

The term "on behalf of the child" includes, among other things, services that are provided to the parents or teacher of the child with a disability to help them to more effectively work with the child. . . Supports for school personnel could also include special training for a child's teacher. However, in order for the training to meet the requirements of §300.347(a)(3), it would normally be targeted directly to on assisting the teacher to meet a unique and specific need of the child, and not simply to participate in an inservice training program that is generally available in a public agency. [Attachment 1-Analysis of Comments and Changes (Attachment 1), 64 *Federal Register*, page 12593 (March 12, 1999).]

If the IEP team determines that a child with a disability needs extended school year services to receive a free appropriate public education , the public agency must ensure that the child receives those services. A public agency may not-(i) Limit extended school year services to particular categories of disability; or (ii) Unilaterally limit the type, amount, or duration of those services. 34 CFR §300.309(a).

Section 300.346(a)(1) requires that, in developing each child's IEP, the IEP team, shall consider-(i) The strengths of the child and the concerns of the parents for enhancing the education of their child; (ii) The results of the initial or most recent evaluation of the child; and (iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

Section 300.346(a)(2) requires that the IEP team also:

i. In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

ii. In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

iii. In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

iv. Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

v. Consider whether the child requires assistive technology devices and services.

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"(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

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Additional Guidance

The IEP team must consider the extent, if any, to which the child will not participate with nondisabled children in the regular class; the general curriculum; and in extracurricular and other nonacademic activities. If the IEP team determines that the child cannot participate full time with nondisaled children in the regular classroom, the general curriculum, and in extracurricular and other nonacademic activities, the IEP must include a statement that explains why full participation is not possible. [Attachment 1, 64 *Federal Register*, page 12593 (March 12, 1999).]

The IEP team must consider whether or not the child's education can be achieved satisfactorily in the regular classes with the use of supplementary aids and services. The IEP team must consider the full range of supplementary aids and services that if provided, would facilitate the student's placement in the regular classroom. [Appendix A, Response to Question 1, 64 *Federal Register*, page 12471 (March 12, 1999).]

In determining the extent, if any, to which a child with a disability will be removed from the regular educational environment, a public agency must ensure that:

(1) such removal occurs only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily [34 CFR §300.550(b)(2)];

(2) a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum [34 CFR §300.552(e)]; and

(3) each child with a disability participates with nondisabled children in nonacademic and extracurricular services and activities to the maximum extent appropriate (34 CFR §300.553).

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"(5)(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

"(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of--

"(A) Why that assessment is not appropriate for the child; and

"(B) How the child will be assessed;

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Additional Guidance

The IEP for a child with a disability must include a statement of any needed modifications in the administration of State or district-wide assessments, and must, if the IEP team determines that it is not appropriate for the child to participate in a particular assessment, provide a statement of why the particular assessment is not appropriate for the child and how the child will be assessed [34 CFR §300.347(a)(5)]. If the IEP does not indicate any needed modifications or that the particular assessment is not appropriate for the child, this is an indication that the IEP team has determined that the child will participate without modifications in the assessment.

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"(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

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Additional Guidance

An IEP that clearly states how often, how long and in what location the public agency will provide the specified services and modifications, and when services and/or modifications will begin meets the requirements of 34 CFR §300.347(a)(6).

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"(7) A statement of--

"(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

"(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of--

"(A) Their child's progress toward the annual goals; and

"(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

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Additional Guidance

Each public agency may determine the appropriate method for informing parents of their child's progress. However, the agency "must ensure that whatever methods, or combination of methods, is adopted provides sufficient information to enable parents to be informed of (1) their child's progress toward the annual goals, and (2) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year." [Attachment 1, 64 *Federal Register*, page 12594 (March 12, 1999).]

Generally, reports to parents are not expected to be lengthy or burdensome. The statement of the annual goals and short-term objectives or benchmarks in the child's current IEP could serve as the base document for briefly describing the child's progress. [Attachment 1, 64 *Federal Register*, page 12594 (March 12, 1999).]

The IEP team must revise the IEP to address any lack of expected progress toward the annual goals and in the general curriculum [34 CFR §300.343(c)(2)(i)].

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"(b) *Transition services*. The IEP must include--

"(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

"(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

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Additional Guidance

The IEP team, in determining appropriate measurable annual goals (including benchmarks or short term objectives) and services for a student, must determine what instruction and educational experiences will assist the student to prepare for transition for secondary education to post-secondary life. [Appendix A, Response to Question 11, 64 *Federal Register*, page 12474 (March 12, 1999).]

Although the focus of the transition planning process may shift as the student approaches graduation, the IEP team must discuss specific areas beginning at least at age of 14 years, and review these areas annually. [Appendix A, Response to Question 11, 64 *Federal Register*, page 12474 (March 12, 1999).]

If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with 34 CFR §300.347(b)(1), the public agency shall

reconvene the IEP team to identify alternative strategies to meet the transition objective for the student set out in the IEP [34 CFR §300.348(a)].

Nothing in Part B relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency [34 CFR §300.348(b)].

If during the course of the IEP meeting, the team identifies additional agencies that are likely to be responsible for providing or paying for transition services for the student, the public agency must determine how it will meet the requirements of §300.344. [Appendix A, Response to Question 13, 64 *Federal Register*, page 12475 (March 12, 1999).]

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"(c) *Transfer of rights*. In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with § 300.517.

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Additional Guidance

If the public agency receives notice of the student's legal incompetence, so that no rights transfer to the student at the age of majority, the IEP need not include this statement. Attachment 1, 64 *Federal Register*, page 12594 (March 12, 1999).

The IEP could include a description of the rights that have been transferred, but it need not.

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"(d) *Students with disabilities convicted as adults and incarcerated in adult prisons*. Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in § 300.311(b) and (c).
(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

§ 300.348 Agency responsibilities for transition services.

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with § 300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(Authority: 20 U.S.C. 1414(d)(5); 1414(d)(1)(A)(vii))

§ 300.349 Private school placements by public agencies.

(a) *Developing IEPs*. (1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency shall initiate and conduct a meeting to develop an IEP for the child in accordance with §§ 300.346 and 300.347.

(2) The agency shall ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

(b) *Reviewing and revising IEPs*. (1) After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.

(2) If the private school or facility initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative-

(i) Are involved in any decision about the child's IEP; and

(ii) Agree to any proposed changes in the IEP before those changes are implemented.

(c) *Responsibility*. Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA.
(Authority: 20 U.S.C. 1412(a)(10)(B))

§ 300.350 IEP-accountability.

(a) *Provision of services*. Subject to paragraph (b) of this section, each public agency must--

(1) Provide special education and related services to a child with a disability in accordance with the child's IEP; and

(2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

(b) *Accountability.* Part B of the Act does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and benchmarks or objectives. However, the Act does not prohibit a State or public agency from establishing its own accountability systems regarding teacher, school, or agency performance.

(c) *Construction-parent rights*. Nothing in this section limits a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent feels that the efforts required in paragraph (a) of this section are not being made.
(Authority: 20 U.S.C. 1414(d)); Cong. Rec. at H7152 (daily ed., July 21, 1975))