

## Six things you might not know about IEPs



*By Elaine Mulligan*

It's time to start a new school year, and that means familiarizing yourself with the IEPs of your students with disabilities. For most teachers, that means checking out each student's learning goals for the year and, if appropriate, the accommodations the student needs in the classroom. But there's so much more to the IEP! Here are six aspects of the IEP as prescribed by the Individuals with Disabilities Education Act (IDEA), all of them intended to support your students' learning:

**1. Each student's IEP includes a statement about his or her "present levels of academic achievement and functional performance."** Be sure to read this statement in each of your students' IEPs. It's a very important part of the IEP, because the student's learning goals are based on those "present levels." According to IDEA

### **§ 300.320 Definition of individualized education program.**

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include—

- (1) A statement of the child's present levels of academic achievement and functional performance, including—
  - (i) How the child's disability affects the child's involvement and progress in the general education 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;

**2. Many students with disabilities need accommodations when taking standardized assessments.** The IEP team determines if a student needs particular accommodations in order to participate in the standardized assessments given by your state or school district. If so, these will be listed in the student's IEP. Check out this part of the IEP for your students with disabilities. It's a sound practice to provide similar types of accommodations in classroom testing. IDEA says:

### **§300.320(a)(6) Definition of individualized education program.**

- (6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments consistent with section 612(a)(16) of the Act; and
- (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why—
  - (A) The child cannot participate in the regular assessment; and
  - (B) The particular alternate assessment selected is appropriate for the child;

**3. IDEA strongly supports educating students with disabilities in the regular education setting, with accommodations as needed.** The placement of students with disabilities (i.e., where they receive their special education services) is very much based on each student's individual needs. However, placement in a segregated setting should never be the default. IDEA says:

### **§300.320(a)(5) Definition of individualized education program.**

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

This is closely related to IDEA's provisions on educating students in the Least Restrictive Environment, which read:

### **§ 300.114 LRE requirements.**

- (2) Each public agency must ensure that—

- (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Since the IEP is driven by the child's needs, **the explanation of nonparticipation should reflect the child's needs and not be based on the needs or convenience of the school system.**

**4. The IEP can include supports for school personnel who work with students with disabilities.** If school personnel (including you!) need help meeting a student's needs (professional learning, special equipment, support from other school staff), it should be written into the IEP. IDEA says:

§300.320(a)(4) Definition of individualized education program.

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, 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 to enable the child—

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved in and make progress in the general education 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 non-disabled children in the activities described in this section;

**5. You have the right (and responsibility) to be familiar with the IEPs of your students with disabilities.** Every teacher who serves a student with disabilities has full access to the student's IEP. It's clearly important to know what the student's goals for the year are, what accommodations or supplementary services must be provided to support the student's learning, and any other particulars about the student's individualized education program (e.g., positive behavior supports). IDEA states:

**§ 300.323 When IEPs must be in effect.**

(a) *General.* At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.

(d) *Accessibility of child's IEP to teachers and others.* Each public agency must ensure that—

- (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- (2) Each teacher and provider described in paragraph (d)(1) 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.

**6. Revising the student's IEP doesn't necessarily require a formal meeting.** Students grow, learn, and change over the course of an academic school year. Fortunately, the IEP is a living document. so, as the needs of the student change, so should the IEP. But it's not always necessary to call a formal meeting. IDEA says:

**§ 300.324 Development, review, and revision of IEP.**

(4) *Agreement.* (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

Parents of the child must agree to revise the IEP without a formal meeting of the IEP team. Note that this approach to modifying a student's IEP can only occur after the annual IEP meeting for the school year. The changes must be written into the IEP and shared with all members of the IEP team. As the student's teacher, you, too, should be informed.

There are many more interesting provisions for ensuring student success embedded in the law. One important thing to remember is that the IEP is for everyone who participates in the academic life of the student. Each person has a responsibility in supporting the student's success at school.

The IEPs of your students with disabilities are as complex and interesting as the students they're written to support. Get to know those IEPs!

National Dissemination Center for Children with Disabilities