



How To Get an IEP

For children with disabilities (learning, emotional, functional)

This document is intended to help navigate the complicated IEP process so that children with disabilities will more quickly receive the accommodations they need.

An Individualized Education Plan (IEP) is a free resource provided by the public school system for children with disabilities. The IEP is designed to provide the child with Free Appropriate Public Education (FAPE)^[1] through appropriate accommodations and placement for disabilities. An IEP is mandated by the Individuals with Disabilities Education Act (IDEA)^[2]. IDEA legally requires public schools to develop an IEP for every student with a disability who is found to meet the federal and state requirements for special education.

- 1. Referral / Request for evaluation.** A referral for evaluation is made when a child's abilities are altered or deficient and affect their learning and development. As the primary advocate, the parent or guardian is responsible to see that an evaluation is performed to understand the problem and create a way for the child to become successful. A referral may also come from a teacher, doctor, or counselor that perceives the student is having difficulties at school, at home, or socially.
Reasons for referral may include: learning disabilities, attention problems, problems with organization, planning, or completing assignments, autism symptoms, traumatic brain injury, speech or language impairments, visual impairments, anxiety or emotional disturbance, or any other impairment that affects a student's ability to succeed.
- 2. Assessment is performed.** An evaluation must be performed to understand the child's strengths and weaknesses. The evaluation must assess the child in all areas that may affect their ability to learn (cognitive, functional, and emotional). The evaluation results are 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. For this reason, an independent Neuropsychological Evaluation performed by a doctoral level Neuropsychologist is highly recommended. This type of evaluation best defines specific and subtle neurological, developmental, or emotional issues that contribute to learning problems. Some assessment services are available through the public school system but these do not offer the same depth of analysis as a Neuropsychological exam.
See – www.neurodevelop.com
- 3. Eligibility is decided.** Professionals from the school look at the child's neuropsychological evaluation results and recommendations. Together, the team decides if the child is eligible for services as defined by IDEA. If eligibility is denied, parents may ask for a hearing to challenge the eligibility decision. The Neuropsychologist that performed the independent evaluation may be used as an advocate for the child.
- 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. This document will dictate accommodations and placement.



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5. **IEP meeting is scheduled.** The school system schedules and conducts the IEP meeting. School staff must: contact all 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. Parents may invite advocates and other professionals to the meeting, in person or by telephone.
6. **IEP meeting is held and the IEP is written.** The IEP team gathers to talk about the child's needs and to 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 provides special education and related services to the child for the first time, the parents must give consent for these services. Services may include: in-class accommodations, out-of-class or school placement, speech and hearing help, etc. See – [http:// idea.ed.gov](http://idea.ed.gov).
7. **Parents have a right to disagree.** If the parents do not agree with the IEP recommendations, they may discuss their concerns with 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. Educational lawyers and advocates are available for this purpose. See – www.copaa.com
8. **Services are provided.** The school implements the written plan set forth in 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.
9. **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.
10. **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.
11. **Triennial.** At least every three years the child must be reevaluated. This evaluation is called a "triennial." Its purpose is to find out if the child continues to meet criteria for services 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 new evaluation.

For more information, please see – www.neurodevelop.com

To schedule an Independent Neuropsychological Evaluation, please call – 801.649.5300.

1. 20 U.S.C. §1400(d)(1)(A) -- <http://www.fapeonline.org/>
2. Public Law 94-142 (IDEA) – <http://idea.ed.gov>

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