

The logo features a blue oval with the text "It's All About The Plan!" inside. To the left of the oval are several green, grass-like blades. The text "It's All About The Plan!" is in a black, sans-serif font, with "Plan!" in a larger, blue font.

It's All About The Plan!

The Parent's Guide to the Individual Education Program

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Fritz & O'Hare Associates

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About This Guide

This guide was developed as a supplement to the E-Learning course, "It's All About The Plan!" This online course contains four modules designed to provide information for individuals with disabilities, their families and guardians regarding the process of planning for services and supports. The four modules are:

- The Student and the Individualized Education Program (IEP)
- The Parent and the Individualized Education Program (IEP)
- The Individual and the Individual Support Plan (ISP)
- The Family/Guardian and the Individual Support Plan (ISP)

This particular guidebook is specific to the module for the Parent and the IEP. The purpose is to provide information to assist parents in meaningfully participating in the planning process and in supporting their child throughout this process.

Whether or not you choose to participate in the E-Learning course, we hope you will find information in this guide to be helpful as your child receives Special Education services in Nebraska.

Want to know more?

"It's All About The Plan!" is a course offered through Southeast Community College (SCC). The course was developed by Fritz & O'Hare Associates and SCC through a grant from the Nebraska Planning Council on Developmental Disabilities.

To register for the course:

E-mail Angela Brandt at: abrandt@southeast.edu

Or, call 402-323-3430

To contact Fritz & O'Hare Associates:

lloyafritz@windstream.net

maryohare7@gmail.com

The Individual Education Program (IEP)

The Law

Federal law spells out specific requirements to ensure that all children with disabilities receive a free appropriate public education to meet their unique needs. This law, [The Individuals with Disabilities Education Improvement Act \(IDEA\)](#), guides the services for students with disabilities.

The IEP is a written document for each student that spells out the special education and related services the child will receive.

In order to implement the requirements of IDEA, the Nebraska Department of Education (NDE) has established regulations, commonly referred to as [Rule 51](#). These regulations apply to all Special Education services in Nebraska.

Many of the requirements of both IDEA and Rule 51 focus upon the Individualized Education Program, commonly known as the IEP. The IEP is a written document for each student that spells out the special education and related services the student will receive. The IEP is developed through a team process and must be in place for the child to receive Special Education services.

Requirements

This guide does not attempt to provide a complete listing of requirements related to the IEP. However, here are a few basic pieces of information you may find helpful.

- The school is responsible for holding an IEP meeting at least once every 12 months and for revising the IEP as necessary.
- The parent(s) and the school must agree on where and when to have the IEP meeting. Usually, meetings are held at school during regular staff time. However, meetings can happen before, during, or after the regular school day. As a parent, you may ask that the meeting be re-scheduled if the time doesn't work for you.

- The school must notify you in writing regarding:
 - the purpose of the meeting;
 - the time and place for the meeting;
 - who will be there; and
 - your right to invite other people to the meeting who have knowledge or special expertise about your child.
- The IEP must be developed within 30 days of the determination that the child has a disability and needs special education services. It must be implemented as soon as possible following the IEP meeting and must be in effect at the beginning of each school year.

Team Membership

The law requires certain people to be a part of the IEP. This includes:

- **Parent(s):** If you cannot or choose not to attend the IEP meeting, the school district must document that they have attempted to include you (including records of phone calls made, correspondence sent, or visits to your home or place of employment). If necessary, you may participate by phone, Skype, videoconference, or other type of technology. While they may hold the meeting without you, they will need your consent before they can begin providing special education services.
- **School Administrator:** This is a school district staff member who knows about the general education curriculum (the same curriculum taught to children who do not have disabilities) and resources available to the school. This person must also be qualified to provide or supervise special education services.
- **General Education Teacher:** At least one general education teacher is required if your child is (or may be) participating in a general education class or classes.
- **Special Education Teacher:** At least one of your child's special education teachers must attend.
- **Evaluation Personnel:** This is someone who can interpret evaluation results. This could be a school psychologist, an administrator, or a teacher.
- **Student:** If the IEP team will be talking about how to prepare your child for life after high school (called *transition planning*), your child must be invited to the meeting. This begins no later than age 16. Otherwise, deciding when and how your child will participate is a decision you and your child can make.

A Tip for You!

There will likely be many people who attend your child's IEP. That's a lot of names and faces to remember. If the meeting doesn't begin with introductions, don't hesitate to ask for them!

- **Other members of the team:** In addition to the people listed above, you and the school can invite other people to the IEP meeting. This may include:
 - Translators or interpreters. If English is not the first language of you or your child, or if you or your child communicate by using sign language or another mode, the school must provide an interpreter, if you ask for one.
 - Adult agency personnel. If the IEP meeting will include planning for your child’s life after high school, staff from outside adult agencies may be invited to attend, with your permission. Examples of adult agencies include the Division of Developmental Disabilities or Vocational Rehabilitation.
 - Specialized personnel. An educator endorsed in hearing or visual impairments may be necessary, depending upon the needs of your child.
 - Others with knowledge or special expertise about your child. As a parent, you may invite anyone you believe is knowledgeable or has special expertise about your child, such as a relative, friend, advocate, child care provider, medical professional, other school personnel or anyone else knowledgeable about your child, their race, culture, or disability. You may also wish to invite someone to assist and support you in the process. It is a good idea to inform the school in advance if you are planning to bring someone with you.

Note that there doesn’t have to be a different person to fill each of these roles. Often, one person carries more than one responsibility on the team. Also, a team member may be excused from attending the meeting if the parent and school agree that attendance is not necessary or, if the member submits written input.

Want to know more?

There are many resources, both on a state and national level, to assist parents in understanding the requirements related to Special Education services. Throughout this document, you may access some of these resources by clicking on the links provided. Or, you will find information in the *Appendix* on how to locate these resources.

Rights

As a parent of a child with a disability, you have certain rights which are guaranteed by state (Rule 51) and federal (IDEA) laws. A [Technical Assistance Guide](#) has been developed by the Nebraska Department of Education that outlines these rights in detail, so you may wish to review those. A brief summary of rights is provided here to get you started.

Prior Written Notice: The right to receive written notice within a reasonable amount of time before certain actions are taken regarding the child's educational placement or services.

Parental Consent: The right to be fully informed of all information relevant to the proposed activity, in his or her native language or other mode of communication. The parent must understand and agree in writing to the proposed activity. Consent is voluntary and may be revoked at any time.

Access to Educational Records: The right to review educational records regarding their child.

Independent Educational Evaluations: The right to request an independent educational evaluation if the parent disagrees with the results of the evaluation conducted by the school district.

You Have the Right:

- *To a copy (at no charge) of the IEP or any other documents related to your child's education.*
- *To have information explained to you in understandable language.*
- *To have your concerns addressed related to your child's education.*

Mediation: The right to a process in which a qualified, impartial mediator meets with the parents, school district personnel, and others involved in a disagreement about any part of the special education process.

Due Process: The right to file a due process if parents do not agree with the school district's identification, evaluation, or proposed placement of their child.

State Complaint Procedures: The right to file a complaint with the Nebraska Department of Education regarding special education and related services if the parent(s) believe the school district is not complying with state or federal regulations.

Preparing for the Meeting

As we noted earlier, there are many requirements for what must be discussed and documented at the IEP meeting. While there are many things the educators around the table need to know and discuss, there are also many questions you may wish to have answered. Before you go to the IEP, it may be helpful for you to keep the following questions in mind to help ensure that you come away from the meeting with the answers you need and want.

QUESTIONS TO CONSIDER

- ✓ What happens with my child on a typical day in school?
- ✓ Does my child attend classes regularly?
- ✓ Does my child complete assignments on time?
- ✓ What is my child's learning style (i.e., how does she/he learn best)?
- ✓ What are my child's major strengths?
- ✓ What are my child's major weaknesses?
- ✓ Is my child meeting the requirements of the curriculum? If not, why not and what needs to be done about this?
- ✓ Is my child meeting the goals outlined in the IEP? If not, why not and what needs to be done to support him/her in meeting the goals?
- ✓ Are there specific strategies or supports that work well for my child? Are those being used consistently throughout the school day?
- ✓ Do we need to involve other specialists to assist my child (such as a speech-language pathologist, psychologist, assistive technology specialist, etc.)?
- ✓ Are there any social issues with my child that need to be addressed? In other words, does she/he interact appropriately with peers? Are there concerns about bullying?
- ✓ Are there any safety issues with my child that need to be addressed?
- ✓ What can we do at home to help support my child's learning?
- ✓ Is my child moving toward greater independence?

Effective Meeting Tips

Planning Ahead

A few tips before you go to the meeting:

- ❖ Prioritize any concerns you have for your child. Don't put off discussing what's important, but also try not to sweat the small stuff.
- ❖ Think ahead about any areas where you and the team might disagree and how you might handle it.
- ❖ Think about whether you'd like to invite someone to go with you to the meeting. Maybe someone who knows your child well or who could help support you? If you do invite someone else, as a courtesy, let the school know they'll be coming. And, be sure to talk ahead of time with this other person about what you'd like them to do during the meeting.

Building Positive Relationships

As a parent attending meetings, it is important that you do everything you can to keep positive relationships going between you and other members of your child's team. Here are some tips to help you:

- 1) Remember that, as a parent, you bring very important information to the meeting. You know your child's strengths and weaknesses and all the little differences that make him or her unique. Share this information!
- 2) Shift from being receiver of information to a true participant. It's a good idea to share your ideas as the meeting goes along. Don't wait until the end or until you are called upon to speak. If you have questions or concerns, speak up. The IEP meeting is a conversation and a dialogue.
- 3) If a team member says something you don't understand, ask the person to explain. You may need to remind them more than once to use simple language and avoid acronyms.
- 4) If someone says something you don't agree with or have a question about, ask for more details. What backup information supports the person's statement? If you have different information, be sure to share it. If you disagree with something you hear, respectfully say so. Explain why, or offer your point of view. Consider that your child may react differently in different circumstances, so that what they observe may be different than what you see.
- 5) There are many specific requirements for what must be discussed and documented during the meeting. You may need to remind the team that you're there to discuss your child, not just to fill out a form!

Resolving Conflict

Any time a group of people are working together, there is the possibility of conflict. If this happens, either during a meeting or at any other time, here is information that you may find helpful.

Assertive vs. Aggressive Communication

Your communication style is one that has developed over your lifetime. You may not even be aware of your style or maybe your style changes depending upon the situation. Awareness is the first step toward ensuring that you communicate in the best possible manner.

Communicators are often categorized as either assertive or aggressive. What type of communicator are you?

- An *assertive* person expresses their thoughts effectively and stands up for their point of view. You ask for what you want, not allowing others to walk over you while, at the same time, not walking over others.
- An *aggressive* person disregards or ignores the needs, feelings, or opinions of others. Often, an aggressive person may appear to be a bully, either through words or, in the most extreme action, through physical behavior.

Strive to be an assertive communicator. Being direct and respectful gives you the best chance of successfully delivering your message. If you communicate in a way that's too aggressive, your message may get lost because people are too busy reacting to your delivery. Making a conscious effort to be an assertive, rather than aggressive, communicator during your child's IEP meetings will result in better outcomes for all.

A Five Step Strategy for Conflict Management

Step 1: Listen first and talk second. After you've listened, try stating back to them what you heard to make sure you got it straight. Maybe you are more on the same page than you think.

Step 2: Focus on the facts. Sometimes, your team might not have enough facts to make the best decision. If you don't have all the information you need, focus on getting it before you make a decision.

Step 3: If all of the facts are on the table and you still disagree, agree to disagree. Call attention to the fact that there is a difference in opinion and try to agree on the problem, not the resolution.

Step 4: Explore options together, as a team, in a rational manner, using any brainstorming technique to identify possible solutions.

Step 5: Once you've gone through all of these steps, work on negotiating a solution.

Questions for Conflict Resolution

If the team is still having trouble resolving conflict, you may wish to ask some of the following questions to move things along.

"What will it take for us to reach an agreement on this issue?"

"Why don't we just try this for 6 weeks and see how it works?"

"I understand that you can't say yes to this request. Can you tell me who does have the authority? How do we get that person here?"

"We can all agree that this is not an easy issue. But, can we find a solution that we can all live with?"

"I just don't see this as being appropriate. Are there other options we haven't considered?"

Finalizing the IEP

As we wrap up, we have just a few things for you to remember:

1. Make sure you agree before the team finalizes the annual goals for your child. If you find that additional information is needed, have the team make a note of what is missing, specify who will get the information and when they will get it. Then you can agree to move on and come back to discuss the issue when the needed information is received.
2. Read the IEP document in its final version. This is a good time to review any questions or concerns you had noted before the IEP meeting and make sure the team has talked about all of those items.
3. It may take more than one meeting to write a complete IEP. If you find more time is needed, ask the team to schedule another meeting.
4. Ask for an IEP meeting at any time if you have concerns or feel that changes need to be made to your child's educational program.
5. Remember, you are the expert when it comes to your child!

Need assistance?

Nebraska Parent Training and Information (PTI)

PTI is a statewide organization that provides training, information and support to Nebraska parents and others who have an interest in children from birth through twenty-six with disabilities and special health care needs.

Contact PTI:
3135 North 93rd Street
Omaha, Nebraska 68134
(800) 284-8520 (toll free)
(402) 346-0525
E-mail: info@pti-nebraska.org

Appendix: Resources

ChildFind

Nebraska ChildFind provides referral assistance and information to parents, school personnel, and service providers on child development and special education for children from birth (or date of diagnosis) to age 21. ChildFind also helps parents access information on rights and resources to help them advocate for an appropriate education for their child.

Contact ChildFind:

(888) 806-6287 (toll free)

(402) 471-2447

Website: <http://www.childfind.ne.gov>

Disability Rights Nebraska

Formerly known as Nebraska Advocacy Services (NAS), Disability Rights Nebraska (DRN) was created to assist individuals with disabilities and their families in protecting and advocating for their rights. Operating as a federally funded Protection and Advocacy agency, DRN is independent of any public or private agency which provides treatment or services to people with disabilities.

Contact Disability Rights Nebraska:

134 S. 13th Street, #600

Lincoln NE 68508

(800) 422-6691 (toll free)

(402) 474-3183 (Lincoln)

Email: info@disabilityrightsnebraska.org

Website: <http://www.disabilityrightsnebraska.org>

Hotline for Disability Services

Nebraska's Hotline for Disability Services provides information and referral to Nebraskans who have questions or concerns related to a disability. This includes information about rehabilitation services, transportation, special parking permits, legal rights, and any other questions related to a disability.

Contact the Hotline at:

301 Centennial Mall South

Lincoln NE 68509

(800) 742-7594 (toll free)

(402) 471-3656 (Lincoln)

E-mail: victoria.rasmussen@nebraska.gov

Website: <http://www.cap.state.ne.us/>

Individuals with Disabilities Education Act (IDEA)

Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

<http://idea.ed.gov/download/statute.html>

IDEA 2004 Final Regulations (Federal Register 34 CFR Parts 300 and 301, Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities)

<http://idea.ed.gov/download/finalregulations.pdf>

Nebraska Department of Education

The Nebraska Department of Education (NDE) works with schools and institutions of higher education to develop, coordinate and improve educational programs in Nebraska. NDE is organized into teams that interact to operate the agency and carry out the duties assigned by state and federal statutes and the policy directions of the State Board of Education.

To view or obtain a copy of Rule 51, Regulations and Standards for Special Education Programs, go to:

http://www.education.ne.gov/legal/webrulespdf/CLEAN51_2010.pdf

Or contact:

Nebraska Department of Education/Office of Special Education
301 Centennial Mall South
P.O. Box 94987
Lincoln NE 68509-4987
(402) 471-2471

Nebraska Department of Education "Setting Goals...Achieving Results"

A Technical Assistance document, issued by the Nebraska Department of Education in 2011, provides guidance on the IEP process. This includes reviewing the requirements of the law, determining why those requirements are important, and deciding how each requirement can best be met.

To view or download the document:

<http://www.education.ne.gov/sped/technicalassist/IEP%20DOCUMENT.pdf>

Nebraska Department of Education Transition Website

This website is designed to provide information and resources for all stakeholders involved in assisting students with disabilities as they prepare to transition from school to adult living. Critical information is provided regarding the transition process, including requirements and mandates as well as best practices in the field of transition.

Website: <http://ndetransition.site.esu9.org>

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