

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

This is basic information and does not constitute legal advice.

Individualized Family Service Plan (IFSP)

What is an Individualized Family Service Plan (IFSP)?

An IFSP is a written document for an infant or toddler with a disability, age birth through two (2) years and the child's family¹. Early intervention services are designed to meet the developmental needs of your child as well as your family's needs that are related to your child's development. For example, early intervention services may include access to medical and community services to help your child and your family.

An IFSP must specifically list the special education and related services that are necessary to ensure your child receives a "free appropriate public education" (FAPE)². In addition, early intervention services are at no cost to you³.

Who is eligible for an IFSP?

Your child must first be evaluated through the school district's Multidisciplinary Team (MDT) Evaluation or the Independent Educational Evaluation processes (see "Multidisciplinary Team Evaluation" and "Independent Educational Evaluation" materials)⁴. The MDT decides whether your child has a disability. If your child is found to be "a child with a disability" as defined under the Individuals with Disabilities Act (IDEA), he or she is eligible for an IFSP⁵. As a parent, you may request an MDT evaluation for your child.

Once a referral for a MDT evaluation has been made, the school district must complete a MDT evaluation and hold an IFSP Team meeting within forty-five (45) calendar days⁶.

Why would I want an IFSP for my child?

Generally, having an IFSP for your child means that your child will get the appropriate educational services necessary for his or her specific needs. An IFSP gives both you and your child certain rights.

¹ Rule 51 sec. 003.30

² Rule 51 sec. 007.071 (2006)

³ Rule 51 sec. 003.16

⁴ Rule 51 sec. 006.02D (2006)

⁵ Rule 51 sec. 007.01 (2006)

⁶ Rule 51 sec. 007.14 (2006)

- Through an IFSP, the school district agrees that your child will receive a “free appropriate public education” (FAPE)⁷.
- As a parent of a child with a disability you have the right to be notified of, and to participate in, an IFSP meeting⁸. IFSP meeting must be held at a place and time that is convenient for you. Meeting arrangements must be made with you in advance of the meeting date to make sure you can attend.
 - The school district must fully explain the IFSP to you and that your consent to services is required before your child can begin receiving early intervention services⁹. As long as you have given your consent, the school is responsible for giving your child those services¹⁰.
 - If you are not able to attend, the meeting may still be held, but the school district must ensure your participation by using individual or conference telephone calls¹¹.
- If your child has an IFSP, he or she can receive early intervention services throughout the year. Such services cannot be interrupted or changed for reasons that are not related to your child’s needs.

What must be in an IFSP?

An IFSP must be in writing and include the following sections:

- **Present levels of your child’s abilities.** This includes several areas of development such as physical, cognitive, communication, social or emotional, and adaptive development.
- **Measurable results.** This includes developmentally appropriate timelines to guide your child’s progress. It also includes how the school personnel will measure your child’s progress toward annual goals.
- **A statement of your resources, priorities, and concerns relating to your child’s development.** This includes things you feel are necessary to increase your child’s progress.
- **A statement of the specific early intervention services.** This includes specifically listing all services to be given to your child including supplemental aids, such as assistive technology and services.
- **Dates and locations.** This includes when the services will begin, how often they will be provided, where they will be provided, and how long the services will continue.
- **A statement of the natural environments.** Early intervention services should be given to your child in a “natural environment.” “Natural environments” means settings and

⁷ Rule 51 sec. 007.01 (2006)

⁸ Rule 51 sec. 007.14C (2006)

⁹ Rule 51 sec. 007.14E (2006)

¹⁰ Rule 51 sec. 007.14E2 (2006)

¹¹ Rule 51 sec. 007.16A7a (2006)

activities that are normal for children the same age as your child who does not have disabilities or developmental delays. If the services will not be given in your child's "natural environment," a statement must be included explaining the reason.

- **Service coordinator contact information.**
- **Transition services to preschool services.** These include services to help your child move from home to preschool programs. Transition services should be completed at least ninety (90) days before your child's third birthday or at least ninety (90) days before completion of the early intervention program. If you and the school district agree, transition services can be completed up to nine (9) months before your child's third birthday¹².

Can anyone else request an IFSP?

Yes. Any person who thinks that an infant or toddler may have a developmental delay may make a referral, even without your permission. The referral can be made to a public agency such as a hospital or public school.

Referrals or questions should be directed to:

- The local Early Development Network Referral Agency of the child or family (see Additional resources), or
- Nebraska Child Find at 1-888-806-6287 or visit the web site at <http://www.nde.state.ne.us/ATP/childfind.asp>.

What happens after a referral is made?

A Service Coordinator will be assigned to your child and family. The service coordinator has seven (7) calendar days to contact you. The service coordinator will contact you to:

- Give you information about the System of Early Development Network services;
- Offer referrals for immediate needs you may have;
- Determine if you are interested in continuing the IFSP process;
- Identify your daily routines, activities, and support;
- Ask information in order to address your concerns and questions about your child's health and development;
- Begin the evaluation process of determining whether your child is eligible for special education services.

Who participates in an IFSP meeting?

The IFSP Team includes:

- You, the parent(s);
- Other family members at your request;
- The service coordinator;
- An advocate or person outside the family at the parent's request;
- A representative of the school district who has the authority to commit district resources;

¹² Rule 51 sec. 007.13B (2006)

- A representative of any other agency that may be responsible for providing services to the child;
- A member of the MDT¹³.

What happens during an IFSP meeting?

At an IFSP meeting, the IFSP Team will consider numerous factors when deciding which early intervention services your child needs. Examples of such factors include, but are not limited to:

- Your child's abilities beyond test scores and developmental levels;
- Understanding your child's and family's daily routines and your child's role in these daily routines;
- Your family's and care provider's challenges in caring for your child;
- Your child's "natural environments" for family and community activities;
- Learning opportunities within each environment (crawling on grass, sitting in sandbox, sorting food boxes, talking with peers, selecting songs/videos/toys, shaking musical instruments, eating with utensils, etc.);
- Strategies that may be used to address your child's and family's concerns and needs;
- Your child's and family's strengths and resources to address your concerns and needs.

The IFSP Team will write the child's IFSP which will include the appropriate services to be provided. The school must give you a copy of the IFSP at no cost and within seven (7) days after the IFSP meeting¹⁴. It is the school's responsibility to make sure that you understand and are able to participate in the IFSP process¹⁵.

What if I do not agree with the IFSP?

If you disagree with an IFSP, you have two options. You can:

- Sign the IFSP, and make a note near your signature that you "do not agree with the IFSP," or
- Choose not to sign the IFSP.

How often are IFSP meetings held?

An IFSP meeting must be held at least once a year. The purpose of these annual meetings is to evaluate the IFSP, your child, your family, and to revise the IFSP, if necessary¹⁶.

What is an IFSP Periodic Review?

An IFSP Periodic Review is a review of your child's IFSP that must occur every six (6) months. A periodic review can happen more often if the need arises or if you request a review. The purpose of the periodic review is to decide how much your child is progressing toward the

¹³ Rule 51 sec. 007.16 (2006)

¹⁴ Rule 51 sec. 007.14B (2006)

¹⁵ Rule 51 sec. 007.14E (2006)

¹⁶ Rule 51 sec. 007.14 (2006)

IFSP goals and whether changes to the IFSP should be made. The periodic review can be completed by an IFSP Team meeting or in any other way that you agree¹⁷.

What parental rights do I have regarding the IFSP?

You have the right to:

- **Receive procedural safeguards notice.** You have the right to receive a procedural safeguards notice from the school district which describes all rights of a parent of a child with a disability. You may request the notice if the school district has not furnished one¹⁸.
- **Inspect and review education records.** You have the right to inspect and review any education records relating to your child within forty-five (45) days after you have requested the records. It is best to make your request in writing. You may be responsible for copying costs. This also includes a right to request and receive explanations and interpretations of the records¹⁹.
- **Prior written notice.** You have the right to be notified within a reasonable time before a school district denies or decides to initiate or change an evaluation, placement, or services of your child²⁰.
- **Give informed parental consent.** You have the right to limit the initial placement of your child in early intervention services until you give your consent²¹.
- **Participate in the IFSP meeting.** The school district should take steps to ensure that one or both parents are able to participate in and attend the IFSP meeting by giving adequate advance notice of the meeting as well as arranging the time and place with you²².
- **A copy of the IFSP.** You have a right to receive a copy of your child's IFSP at no cost and within seven (7) days after the IFSP Team meeting²³.
- **Due Process Hearing.** You have the right to request a due process hearing (see "How to File a Due Process Petition with the Nebraska Department of Education" material)²⁴.
- **File a complaint with the Nebraska Department of Education.** You have the right to file a complaint if the school district has violated the special education rules (see "How to File a Complaint with the Nebraska Department of Education" materials)²⁵.
- **File a civil action.** If you are dissatisfied with any decision made by the Nebraska Department of Education, you have a right to file a civil action. It must be filed (in a state court or district court) within ninety (90) days after you receive its decision²⁶.

¹⁷ Rule 51 sec. 007.15 (2006)

¹⁸ Rule 51 sec. 009.04 (2006)

¹⁹ Rule 51 sec. 009.01 (2006)

²⁰ Rule 51 sec. 009.03 (2006)

²¹ Rule 51 sec. 007.14E (2006)

²² Rule 51 sec. 007.14E (2006)

²³ Rule 51 sec. 007.14B (2006)

²⁴ Rule 51 sec. 009.13 (2006)

²⁵ Rule 51 sec. 009.09 (2006)

²⁶ Rule 51 sec. 009.04B11 (2006); Rule 51 sec. 009.05 – 009.08 (2006)

How do I request an IFSP Periodic Review?

You may want to request an IFSP Team meeting to discuss whether your child is making progress toward the IFSP and if any changes need to be made. It is a good idea to put all communications regarding your child's special education services between you and school administrators and staff in writing. Make sure to write down conversations and events that affect your child's schooling. Note the date, who was involved, what was said, and the resolution. You may want to create and maintain a file with all of your child's school information such as report cards, evaluation reports, and Individual Education Programs (IEPs).

All requests for evaluations or meetings should be made in writing to your child's school principal. You should keep a copy for your own records. Send your written request to the school via certified, return receipt requested mail. Attach the return receipt to your copy of the request and keep this in your file.

Additional resources:

- Multidisciplinary Team Evaluation. Disability Rights Nebraska (2006).
- Independent Educational Evaluation. Disability Rights Nebraska (2006).
- Individual Education Program. Disability Rights Nebraska (2006).
- How to File a Complaint with the Nebraska Department of Education. Disability Rights Nebraska (2006).
- How to File a Due Process Petition with the Nebraska Department of Education, Disability Rights Nebraska (2006).
- IFSP Flowchart, Disability Rights Nebraska (2006).
- Nebraska Early Developmental Network Directory.
Nebraska Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
(402) 471-2598 or 1-888-806-6287
- Nebraska State Resources. NICHCY 2006. This is a list of organizations in Nebraska that you can contact for more information and to advocate for your child with a disability.
- Nebraska's Individual Family Services Plan at <http://answers4families.org/ifspweb/index2.html>. This web site is filled with detailed information. It also includes contact information of various organizations that may be able to help you advocate for your child.
- Parental Rights in Special Education. Nebraska Department of Education Special Populations Office (August 2005).

Sample Letter

You may wish to use similar language when requesting Individualized Family Service Plan (IFSP) Periodic Review for your child:

[Principal's Name]
[School's Name]
[School Address]
[City, State, Zip code]

Re: [Your child's name] – Request for an Individualized Family Service Plan Periodic Review

Dear [Principal's Name]:

Please consider this letter as a formal request for an Individualized Family Service Plan Periodic Review, [Your child's name]. It is my understanding that I have a right to obtain a periodic review pursuant to the provisions of 92 NAC 51-007.15 (Nebraska Department of Education, Rule 51).

I believe my child may have [suspected disability], and may therefore be entitled to receive early intervention services and assistance. If necessary, I would be happy to discuss my reasons with you in detail. I am willing to sign any authorization form necessary.

I appreciate your prompt attention to this request and ask that you respond in writing by [insert a date two (2) weeks from the time mailed]. Thank you.

Sincerely,

[Your Name]
[Your Address]
[Your City, State, Zip]
[Your Phone number]



IFSP Flowchart

Referral	The Service Coordinator is assigned and contacts you within seven (7) days.
MDT Evaluation	<p>After the MDT evaluation, the MDT Team writes a report that states:</p> <ul style="list-style-type: none"> • Whether your child qualifies as a “child with disability” and is eligible for free, appropriate early intervention services; • The basis for that decision; and • A list of the MDT team members. <p>The MDT findings are shared with you and the services coordinator.</p> <p>If your child is found not to be eligible for services or you choose not to pursue services through the MDT process, the services coordinator continues to give you referrals to other agencies according to your family's needs.</p>
IFSP Team	<p>Pre-IFSP Team Assessment. Once the IFSP Team is established, they will begin gathering information before they actually meet. This information is later used to complete the IFSP.</p> <p>IFSP Team Meeting. The IFSP Team will arrange and meet with you and the service coordinator to complete the IFSP. You will need to give your consent in order for your child to receive the services discussed.</p>
Services Begin	IFSP Periodic Reviews must be completed every six (6) months. They can be held more often if the need arises or if you request one. You may want to request a periodic review if there is a major change in your child’s life.
IFSP Exit	Transition Services. Early intervention services are temporary. Before your child exits the IFSP process, transition services to preschool should be in place. Transition services should be listed in the IFSP and be completed at least ninety (90) days before your child’s third birthday.