Individualized Education Programs (IEPs)

A brief guide to IEP (or ARC) meetings for parents, guardians, and advocates

What is an IEP?

When a child (up to age 21) has a **disability** that negatively affects their educational performance, an Individualized Education Program (IEP) can help. The IEP is a written document describing the **accommodations and services** that the child should receive from the school for **free**. The IEP contains the child's diagnoses, academic performance, measurable educational and functional goals, and a description of the special education and related services needed to achieve those goals. IEPs can include extended school year services, which continue beyond the regular school year to prevent the loss of skills already learned. For a child of any age, the IEP may also include transition services to prepare the child for success after high school. The IEP *must* include transition services when a child reaches a certain age or grade—in Ohio once the child turns 14, and in Kentucky once the child enters 8th grade or turns 14, whichever comes first. The IEP can be developed with input from teachers, school administrators, services personnel, parents/guardians, and the child (when appropriate). The group that makes and reviews the IEP is called the IEP Team in Ohio or the Admissions and Release Committee (ARC) Team in Kentucky.

Who is eligible for an IEP?

To be eligible for an IEP, a child must have at least 1 of 13 legally-defined disabilities that a qualified specialist determines through an evaluation. The qualifying disabilities are:

- Autism
- Deaf-blindness
- Hearing impairment
- Visual impairment
- Emotional disturbance/emotional-behavior disability
- Speech or language impairment
- Traumatic brain injury
- Multiple disabilities
- Other health impairment
- Specific learning disability
- Developmental delay
- Orthopedic impairment
- Intellectual/mental disability

A child with a developmental delay can only qualify for an IEP based on this disability when the child is in a certain age range.

Ohio: ages 3-5
Kentucky: ages 3-8

What is compensatory education?

If a child with a disability did not previously receive the services to which the child was legally entitled, a parent can request "compensatory education." The goal of the compensatory education is to help the child progress to a level where they would have been if they had received the necessary services. The IEP (or ARC) Team will determine if the child qualifies for compensatory education on an individual basis. The Team can consider various factors including how much instruction/service was missed, previous rate of progress vs. current performance, results of evaluations, etc. For example, a school may need to provide compensatory services for a student who did not receive physical therapy during school closures or for a student who did not receive a timely evaluation.

504 Plan

If a child is not eligible for an IEP, they may still be eligible for educational accommodations under a 504 Plan. Check out our handout on 504 Plans at https://bit.ly/504_guide.

Note: The blanket term "parent" is used to represent the person who can legally advocate for a child's educational needs

For more information visit www.childrenslawky.org or contact us at info@childrenslawky.org

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IEP Process Steps

Step 1: Identification

Schools are required to identify children who have disabilities. Parents or guardians can also identify concerns with their child and require the school to evaluate their child. The school district and the parents will work together to determine the reasons for the referral and the evaluations necessary to determine the child's potential disabilities.

Step 2: Evaluation

Once a parent has consented to an evaluation, the district has limited time to complete it (within 60 calendar days in Ohio or 60 school days in Kentucky). Qualified professionals must conduct the evaluation(s) at no cost to the child or family. Parents have a right to obtain results of the evaluation(s). Parents also have the right to request an independent evaluation if they disagree with the results. Usually, the school district must pay for this independent evaluation.

Step 3: Eligibility

The IEP (or ARC) Team meets to review the evaluation results and determine if the child has a legally-defined disability. If the child's disability affects their education to the extent that the child needs specialized education and related services, then the child is eligible for an IEP.

Step 4: Creating an IEP & Providing Services

Within 30 days of the evaluation, the IEP (or ARC) Team must create an IEP. The IEP must contain any appropriate classroom placement, specialized services and accommodations, as well as annual goals and benchmarks to determine progress. The IEP accommodations must be accomplished in the least restrictive environment necessary to meet the child's needs.

Step 5: Review and Reevaluate

As often as necessary, the child can be reevaluated (e.g., for disabilities) and the IEP document can be reviewed/updated. The child must be reevaluated *at least* once every 3 years (unless the parent and school district agree that a reevaluation is not necessary). An IEP it must be reviewed *at least* once a year.



Need more information on having a successful IEP meeting? Check out our handout at https://bit.ly/IEPmeeting_tips

Behavior Intervention Plan (BIP)

A behavior intervention plan (BIP) is a written improvement plan created for students whose behavior impacts their learning ability. While any child can have a BIP, the BIP is most often part of creating or updating an IEP or 504 Plan.

Ask the school to complete a Functional Behavior Assessment (FBA) to observe and track the child's behavior. The FBA will then be used to write a BIP which explains how the school will react to behaviors and what strategies they will implement to de-escalate and redirect the child.

A well-written BIP and IEP can help protect the child from future disciplinary actions, such as suspensions or expulsions for behaviors that are connected to the child's disability.

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