

Special
Education
in Virginia:
*A Parent's
Introduction to
the IEP*

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Introduction

Individualized Education Programs (IEPs) are the documents that help school staff meet the needs of special education students. Every student with a disability who qualifies for special education services will have their own unique IEP.

This document serves as a guide for all school staff who are working with your child. It provides a summary of how your child's disability affects them in the school setting, outlines goals to improve your child's areas of need, and explains what accommodations, supports, and services your child needs to receive a Free and Appropriate Public Education (FAPE).

The IEP is a legal document. This booklet is designed to help you understand the different parts of an IEP, how IEP meetings with the school work, and how to navigate the IEP process to better advocate for your child. At the end of the booklet, we also provide some worksheets to help you better navigate your child's IEP meetings.

Key Words

Individualized Education Program (IEP): The document that outlines your child's strengths, needs, and goals in school.

Free and Appropriate Public Education (FAPE): Every student with a disability has a right to receive FAPE. FAPE is an individualized education program that is designed to meet your child's unique needs, so that they can progress appropriately in school.



IEP Timelines

From Creation to Revision



Initial IEP Creation

If your child is found eligible for special education services, the school must create an IEP within 30 calendar days.



Annual IEP Meetings

IEP teams must meet at least once a year to hold an "annual" IEP meeting. During this meeting, the team must update all parts of the IEP as appropriate to reflect your child's current performance and needs.



Triennial Evaluations

At least every three years, a student with a disability must be re-evaluated to ensure that they are still eligible for special education services and to collect data on their current performance and needs.



IEP Meetings

In between annual meetings, you or the school can ask for an IEP meeting at any time if discussion of the IEP or changes to the IEP are needed.

Tip

IEPs do not expire. While schools are required to update your child's IEP annually, if for some reason an annual meeting cannot be held within one calendar year, your child will continue to receive the services in their current IEP. They do not lose all special education services simply because an IEP is not updated within the year.

It is important for the school to update the IEP annually so that your child's goals and services reflect their current academic status and educational needs.



Who is on the Team?

IEP Team Members

- 1 You and other parents of your child. It is important to remember that you are an equal member of the IEP team.
- 2 One of your child's regular education teachers. (If your child is or may be participating in regular education.)
- 3 One of your child's special education teachers or providers. (Such as a speech therapist or aide.)
- 4 Representative of the school. (Who provides or supervises special education services, knows the general education curriculum, and knows what resources are available within the school division.)
- 5 Someone who can interpret evaluation results. (If an evaluation will be reviewed at the meeting.)
- 6 Your child, when appropriate. This will depend on factors such as the age of the child, and the matters to be discussed at the IEP meeting. Your child can also attend part of the meeting. If transition planning will be discussed, your child must be invited.
- 7 Anyone else who has knowledge or special expertise regarding your child, such as special education attorneys, school staff, medical providers, and mentors. Both the school and parent can invite others under this category.

Tips

1. Schools must ensure that the required school staff are present at the IEP meeting.
2. Schools have an obligation to ensure that parents are invited to and can attend the IEP meeting. This includes making multiple contact attempts inviting parents and scheduling the meeting at a time when the school and the parents are both available.

Sections of the *IEP*



IEPs are often large documents and they contain many different sections. In this chapter we will walk through each part of an IEP.

Present Levels of Academic Achievement and Functional Performance (PLAAFP)

The PLAAF is generally found at the beginning of your child's IEP. Think of it as a summary or snapshot of your child in the school setting. It should include highlights from your child's most recent evaluations, the characterizations of your child's disability in the school setting, their strengths, and their areas of need. The PLAAFP should be focused on your child's current performance. While some background information may help inform your child's present status, the PLAAFP should not include a lengthy history of your child if this information is no longer relevant to their needs.

How should IEP teams decide what information to include in a PLAAFP? Imagine that your child moves to a new school and has a new teacher. If you could provide that teacher with one or two pages about your child, what would be important for them to know? A PLAAFP should give a person new to working with your child a basic understanding of their disability, their strengths, and their areas of need. Keep this in mind when working with your IEP team in drafting the PLAAFP.

Tip

Your child's PLAAFP should outline all areas of need that your child has in the school setting. The IEP team should use this information when creating the other parts of the IEP such as goals, accommodations, and services.

When reviewing a draft IEP, highlight each area of need in a different color. Then highlight things such as goals and services that relate to a specific need in the same color as the need. This will help you make sure that a draft IEP provides sufficient support for each of your child's needs.

Annual Goals

Your child's IEP will have at least one annual goal. These goals are designed to help your child improve in areas of deficit or need. Goals can work on improving core academic skills such as math or English. However, goals can also focus on behavioral or functional skills such as social interactions with peers. Goals should be based on data such as formal evaluations, teacher observations, and standardized testing. Goals should be ambitious, but also realistic. IEPs can include benchmarks, which are shorter-term goals. Benchmarks can be helpful to make sure that your child is progressing as expected towards their larger annual goal.

The Virginia Department of Education (VDOE) encourages the use of SMART goals. SMART goals are specific; measurable; appropriate; realistic, but rigorous; and time-bound. IEP goals must be measured based on objective standards. If the measure of progress for a goal is subjective, staff who are working with your child may have different perspectives of what is expected in mastering the goal. This can result in disagreement over whether appropriate progress is being made throughout the year. See the box below for an example of subjective versus measurable goals.

Example

Measurable Goal: When given 15 division problems in a quiz, student will calculate division problems with 80% accuracy on three consecutive quizzes by June 1, 2023.

Non-measurable (Subjective) Goal: Student will improve division calculation skills.

For each goal, the IEP must also note how progress will be measured. This may be through quizzes, class assignments, teacher observation or other methods depending on the goal.

The VDOE uses standards-based IEPs. This means that the IEP team should look at the Standards of Learning (SOLs) for your child's grade and base your child's IEP on what skills your child is supposed to be learning according to SOL requirements.



Accommodations/ Modifications and Services

In this section of the IEP the team will determine what services and accommodations/modifications are needed to provide your child with a free and appropriate public education.

If school personnel need support to properly implement an accommodation or modification, the school must provide that support. This should also be outlined in your child's IEP. This may include equipment, consultation, or training.

Many parents ask if there is a specific list of allowable services and accommodations. The federal law and Virginia regulations do not limit services and accommodations to a standardized list. Instead, services and aids should be unique based on your child's individualized needs. Additionally, schools cannot limit what services or aids are available based simply on your child's diagnosis. For each service or accommodation, the frequency, location, and duration must be detailed in the IEP. Schools are required by law to provide your child with services and aids as outlined in their IEP. To the right are some examples of services and aids that may be included in an IEP.



Examples of Services

- Speech therapy
- Occupational therapy
- Counseling
- Nursing services
- Interpreting services
- Transportation
- Social skills instruction
- Parent counseling and training
- Social work services
- Assistive Technology (pencil grip, communication device)
- Note-taker
- One-on-one aide

Examples of Accommodations /Modifications

- Extra time on exams
- Use of calculator
- Preferential seating
- Use of laptop for note-taking
- Breaking down assignments into manageable parts
- Breaks during testing
- Providing a private area to rest
- Advance notice of transitions
- Adjusted schedule
- Small group environment for testing
- Read aloud

Placement

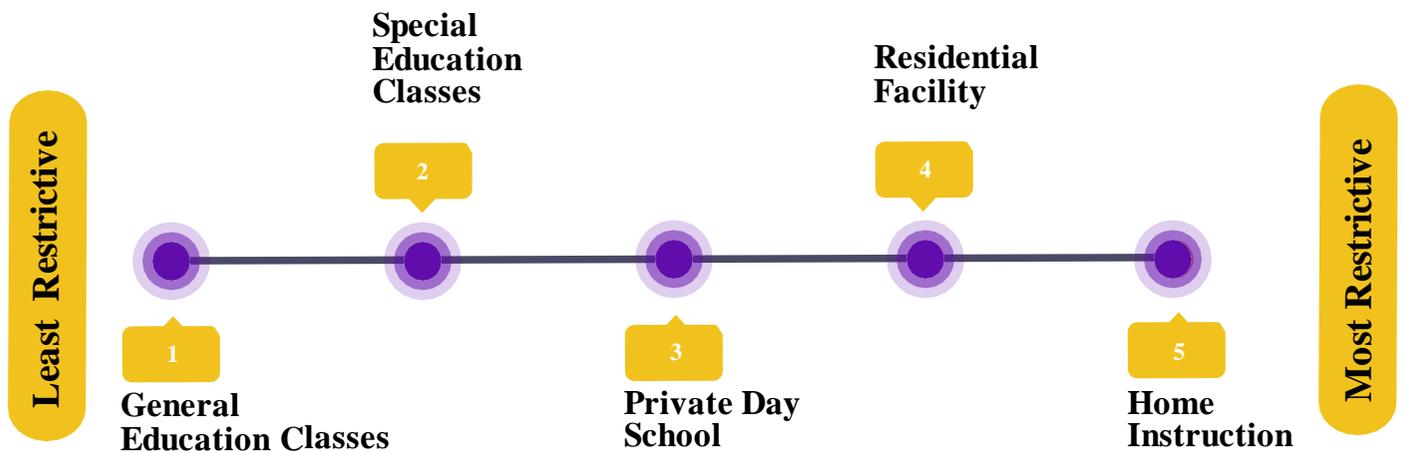
The IEP will also state what educational setting your child will receive instruction in. This is called your child's educational placement.

Schools are required to teach children in the “Least Restrictive Environment” (LRE). What this means is, to the extent appropriate, the school must teach your child in the same class as students without disabilities. If your child can progress in school in the general education classroom with supports and services, the school must provide those services and your child must be educated in that classroom. A school can only place your child in a more restrictive setting when the child would not be able to make appropriate progress in the current placement even with supports and services.

This means that a school cannot place your child in a separate classroom or school unless the IEP team has determined that your child cannot progress in the general education setting.

Below is an example of the continuum of placement options that may be available to a student.

If your child will be in more than one placement (such as a separate classroom for core classes, but the general education class for specials such as art and music), the IEP must detail what placements will be used for what classes.



Transition Plans



•IEPs must include a transition plan for students who are 14 or older. If transition planning will be discussed at an IEP meeting, your child must be invited. If your child does not attend, the IEP team must find other ways to ensure that their preferences and interests are considered.

Transition plans include annual goals, services, and activities that focus on building skills and knowledge needed for post-secondary success.

Transition plans can include things like job shadowing, completing a career inventory, vocational classes, learning independent living skills (such as budgeting), and internships.

Often schools will work with other agencies to provide transition services. If they plan to do so, a representative from this agency should be present at the IEP meeting. The IEP must also include details for any inter-agency responsibilities.

The Virginia Department of Aging and Rehabilitative Services provides vocational services for individuals with disabilities who need help finding or keeping a job.

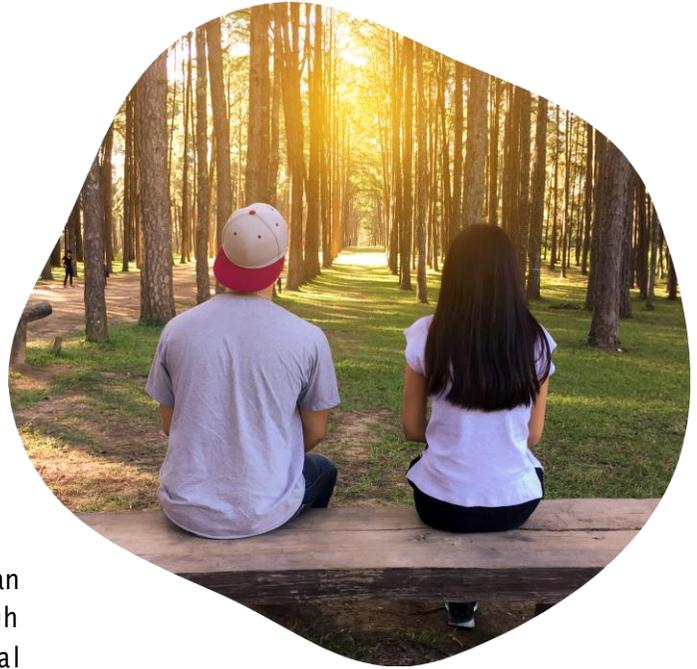
The Virginia Department of Aging and Rehabilitative Services (DARS) is key to successful transition planning.

They also provide Pre-Employment Transition Services (Pre-ETS). Pre-ETS are services designed to help students with disabilities with job readiness. Services may include classes on interview skills, internships, resume drafting classes. It is important to make sure your child's school invites a DARS representative to discuss Pre-ETS services when transition planning meetings are held.

The Virginia Department for the Blind and Vision Impaired (DBVI) can provide vocational assistance as well and should also be included at transition planning meetings when appropriate.



Family Life Education



Access to appropriate sexual health education is an important part of your child's education. Although Virginia does not require schools to provide sexual health education, more than 86% of Virginia school districts, serving over 96% of all students, provide Family Life Education (FLE) as a part of the Standards of Learning curriculum. Targeted and meaningful education addressing safety and the safety of others can prevent sexual abuse and challenging behaviors while promoting a variety of healthy relationships and healthy behaviors.

Students with disabilities have a right to receive sexual health education as part of a school's Family Life Education curriculum.



Required Family Life Education Topics



Right to Access Education



Right to "Opt-Out"



Parent/Community Involvement



The Role of the IEP Team in Family Life Education

Required Family Life Education Topics

If a school offers FLE, state law and VDOE guidance require that the FLE program include age-appropriate instruction on certain topics including those listed below. Note, however, that there are no requirements regarding how medical accuracy is verified.

1

The prevention of dating violence, domestic abuse, sexual harassment, sexual violence, and human trafficking.

2

The meaning of consent and instruction that increases student awareness of the fact that consent is required before sexual activity.

3

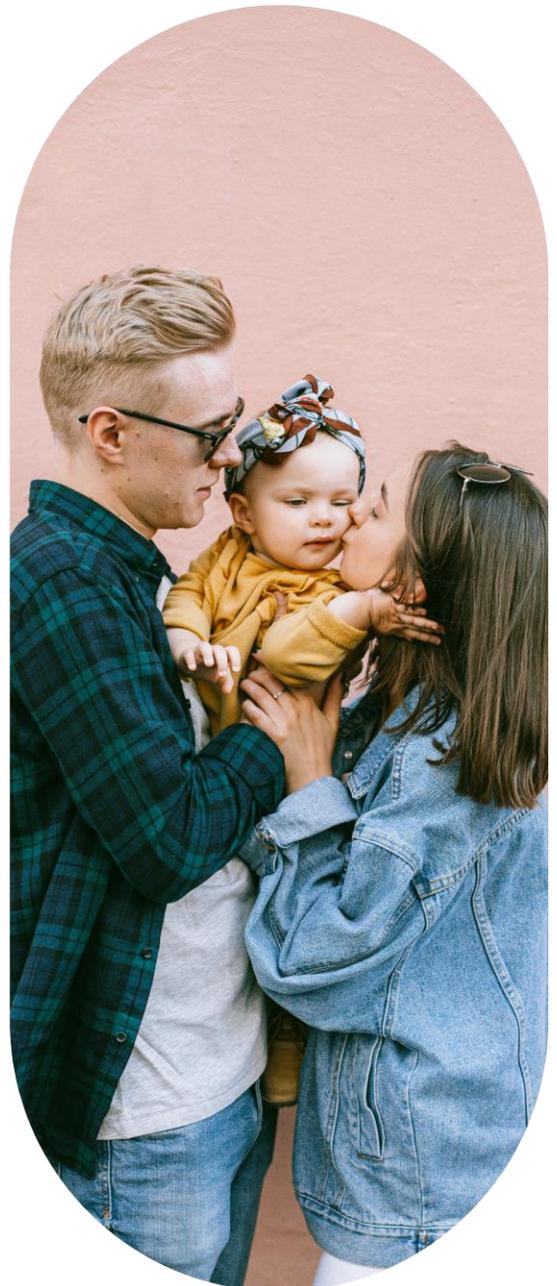
The importance of the personal privacy and personal boundaries of other individuals and tools for maintaining respect for the personal privacy and personal boundaries of other individuals.

4

The harmful physical and emotional effects of female genital mutilation, associated criminal penalties, and the rights of the victim.

5

The prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse.



Right to Access Education

A student's access to FLE may differ depending on their school, who teaches FLE, and the type of classroom they are in. But each school division is required to make a summary of its FLE available to the public on its website and also give this information to parents.

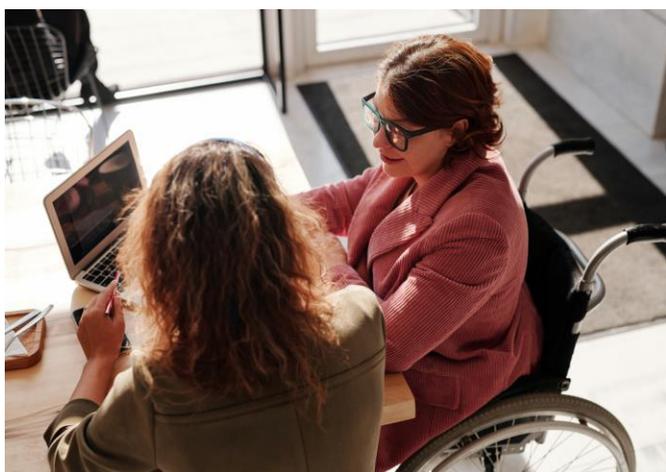
Parents, guardians, and others with a child in their custody have the right to view the complete family life curricula in their school. This includes copies of all printed materials and a description of audio and visual materials. Audio and visual materials must be made available for in-person review at the school by parents upon request.

These rights help parents in understanding the program being used in their child's school and encourages parental involvement in the instruction of their child.

Right to "Opt-Out"

Parents and guardians also have the right to excuse their child from all or part of FLE.

If you have concerns about your child's ability to understand FLE instruction due to their disability, you may wish to consider working with your child's IEP team to provide necessary accommodations instead of excusing them from participation. This will allow your child to benefit from the important topics taught in FLE.



Parent/Community Involvement

Virginia values parent and community involvement in Family Life Education. State law requires schools to promote parental involvement in its FLE instruction.

VDOE guidance requires schools to create a community involvement team that should include central office personnel, principals, a school board member, parents, a member of the clergy, a member of the medical profession, and others in the community. This guidance also requires that schools have evidence of "broad-based" community involvement.

VDOE encourages parent participation in several different ways. Parents are encouraged to participate in community workshops and trainings on FLE. Teachers are asked to meet with parents of students involved in the program as well.

The Role of the IEP Team in Family Life Education

Virginia law requires IEP teams to consider your child's need for instruction related to sexual health and other FLE topics. The IEP team is required to consider what services, supports, accommodations, and modifications may be needed to ensure that this instruction is age and developmentally appropriate.

Age Appropriate refers to content, topics, and instruction, that are generally accepted and taught to students based on chronological age. The age level at which it is suitable to teach concepts, information, and skills based on the social, cognitive, emotional, and experience level of most students in that age range.

Developmentally Appropriate refers to utilizing both the chronological age and individual needs of your child to develop learning objectives and teaching strategies; commonly referred to as "meeting students where they are emotionally, socially, and cognitively."

IEP teams should consider this need at least once a year during the annual IEP meeting. Additionally, if a behavior concern related to these topics arises (for example if your child is showing difficulty with understanding personal space) you or a school can request an IEP meeting to talk about this concern.

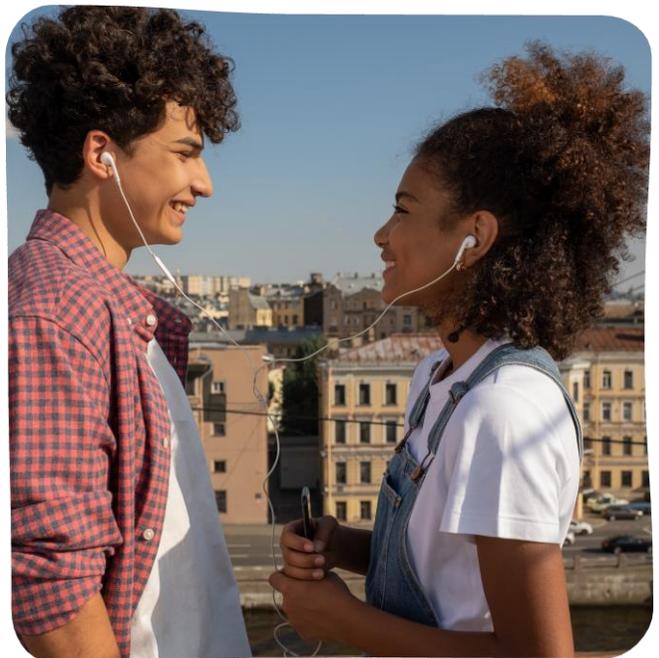
IEP teams can address the need for age and developmentally appropriate FLE instruction in different ways. They could create IEP goals, strategies for effective instruction, transition planning activities, or provide for accommodations and modifications to the curriculum.

FLE is a sensitive topic and parents or students may choose to not discuss any portion of FLE education with their IEP team. Conversations about FLE at IEP meetings should vary based on your child's needs. It is also important for IEP teams to carefully consider your child's need for privacy and dignity.

An IEP will consider whether your child displays a difference or delay in social and/or emotional understanding related to their sexual health, self-restraint skills, self-protection skills, respect for personal privacy, and/or their ability to respect the personal boundaries of others. The team will look at both in-person behavior and behavior related to social media and the internet.

This consideration should be an ongoing process, and the team should look for input from different people including teachers and you as the parent or guardian of the student. If the team decides that FLE is not appropriate at this time, they should note this in the IEP. If they decide that there is a need for this instruction they should determine what services and supports are necessary for your child to benefit from this education. An IEP team may also decide that more information needs to be collected to better determine what your child's needs are.

The most important thing to remember is that these conversations should be focused on your child and what they need to be able to successfully benefit from FLE.



Signatures and Consent



Consent is one of the most important concepts to understand in your child's education.

Knowing what you are and are not consenting to is vital in making sure your child receives appropriate special education supports and services.

When is Consent Required?

•The school must receive consent from a student's parents to evaluate a child, to provide special education services, and before implementing a change in educational placement or a change in a student's IEP, including termination of services.

Divorced Parents

•If the custody order outlines what consent is required for "educational" decision-making, the details of the custody order will be followed. Generally, if educational decision making is not discussed in the custody order and both parents are awarded joint custody, only one parent's consent is required for the school to provide services or evaluate a student.

Partial Consent

What can you do if you consent to some changes to an IEP, but not all of them? The VDOE allows parents to partially consent to a new IEP. However, your consent is open to "reasonable interpretation" This means that if the school misunderstood what

you consented to, but it was a reasonable mistake because the consent was not clear, then the school is not in violation of the consent requirement. If you choose to partially consent to an IEP make sure what you are (and are not) consenting to is written very clearly next to your signature on the IEP. Alternatively, you can request that the school draft a new IEP or IEP addendum that only notes the changes that you and school agree to, so that consent is clear.

No Consent

•If you do not agree with a new IEP, you can refuse to sign the IEP. Once you've consented to an IEP, it will be implemented. If there is a dispute, it is harder to argue that you disagree with an IEP that you have signed. If you do not sign a new IEP, the last IEP becomes a stay-put IEP. You and the school have dispute resolution options that can be used when you disagree about any part of the IEP. More information on dispute resolution options can be found on dLCV's website: <https://www.dlc.org/special-education>

Stay-Put IEP

If you and the school disagree with a change in an IEP, such as placement, goals, or services, the last-agreed upon IEP becomes the stay-put IEP and is the IEP that is in effect until the dispute is resolved. This does not apply in changes of placement that arise from disciplinary action, such as a suspension.

Preparing for an *IEP* Meeting

Have you and your child's school scheduled an IEP meeting?
Here are some tips to help you get ready!

1

How to Organize an Educational Record

Many families find it helpful to organize their child's educational record in a binder with dividers. Some parents will organize these documents chronologically by school year, while others will organize records by document type. A binder organized by document type may include a section for report cards, IEP progress reports, IEPs and corresponding Prior Written Notices (*see page 17 for discussion on PWNs*), evaluations, Behavior Intervention Plans, documents related to discipline, etc. The important thing is that all records are kept in one place and are organized in a way that you can easily find what document you are looking for. It may also be helpful to keep two copies of records: a clean version in case you need to make additional copies, and a copy that you can highlight and write notes on.

2

Request a Copy of Needed Documents

Request copies of any documents to be discussed at the meeting from the school in advance. If a date for the IEP meeting has already been scheduled, ask for the documents to be provided to you a specific number of days in advance of the meeting so you have time to review them. Schools must provide evaluation reports to you at least two business days before an eligibility meeting.

3

Schedule the Meeting

If you as the parent are requesting the meeting, contact the school in writing. If you request the meeting in-person, follow up with that school contact via email, so your request is preserved. Make sure you specifically explain why you are requesting the meeting, what you want to discuss, and anything, in particular, you are requesting. If you want specific school staff to be present at the meeting, make sure you state this as well. This will allow the school to be prepared to discuss all your concerns and requests. You are an equal member of the IEP team, and the school must schedule the IEP meeting at a mutually agreed upon date and time, unless you choose to waive attendance at the meeting. Schools must also provide you with notice of an IEP meeting early enough for you to attend (and reschedule if you are unable to attend at the proposed time).

4

Recording IEP Meetings

Under the Virginia regulations, you have a right to audio record an IEP meeting. However, you must let the school know in advance that you are recording the meeting. If you do not provide notice, you may be required to provide a copy of the recording to the school. You do not have a right to video record an IEP meeting, and school divisions may differ on their policies regarding video recordings.

5

Review Records and Develop Talking Points

Review any relevant records and make a list of talking points as well as questions for the IEP team. If a school evaluation will be discussed at the meeting, make sure you review the report carefully.

6

Invite Others

If there is someone outside of the school you think would be helpful to have at the IEP meeting, invite them ahead of time. This could be your child's private speech therapist or tutor, a child's mentor, or even a friend who has experience with navigating the world of special education. Make sure you update them on the purpose of the meeting and, if appropriate, provide them copies of important documents.



Tips for a Successful *IEP* Meeting



01 *Arrive Early*

Every member of the IEP team, including you, has taken time out of their day to gather. Arriving a few minutes early to the IEP meeting sets a good tone for the meeting and allows the team to take full advantage of the time scheduled to help your child.

02 *Ask Questions*

School staff may use terms you are unfamiliar with or discuss something that occurred in class that you weren't aware of. It is important that you understand the conversation the team is having so that you can best advocate for your child. Don't be afraid to ask questions!

03 *Figure Out the "Who, What, When, Where"*

If the school agrees to do something such as conduct an evaluation or start a new service for your child, make sure the details of how this will be implemented are discussed. For each item agreed to there should be a clear idea of who is responsible, when it is going to occur, and other details that may be important. It is easier to get everyone on the same page when the team is together at the IEP meeting than through emails or phone calls after-the-fact.

04 *Take Breaks if Needed*

IEP meetings can be long and sometimes emotional. If you need a moment to collect your thoughts, ask the team for a break and step out into the hallway if needed.

05 *Don't Rush*

Sometimes it takes longer than anticipated for the IEP team to come up with a solution. Don't rush to a solution simply because the time allotted for the meeting is running out. Instead, ask that the team schedule a second IEP meeting to finish the discussion. It may be easier to schedule this meeting during the first IEP meeting so that everyone can share their availability.



06 *Get it in Writing*

“If it isn’t in writing it didn’t happen.” If there is a dispute later on, hearing officers and judges will likely rely heavily on what was agreed to in writing. Make sure all important details are recorded in the IEP itself or the prior written notice. (See page 17 for discussion on PWNs.)

07 *Review Before Signing*

Often an IEP team will provide a parent with the updated IEP at the end of the meeting to sign. Although you can sign the IEP during the meeting, you may wish to take a day or two to review the IEP to make sure everything agreed to was added and is clearly stated. It is important to make sure you agree to the changes made before you sign any document. Remember that the school cannot implement the new IEP until it is signed. Until then, the prior IEP will continue to be used.

After the Meeting

Prior Written Notice (PWN)

Schools are required to provide you with prior written notice (PWN) after each IEP meeting. PWNs provide a written summary of the meeting. They include information on what concerns or topics the team talked about, what options were considered, what the team decided, and the evidence-based reasons for the team’s decision. PWNs are very important documents. You should review the PWN when it is provided to you. If anything is missing, ask in writing for the PWN to be updated. Keep copies of all PWNs in your child’s educational record binder.

Document in Writing

Make sure you continue to document in writing any concerns or follow-up conversations with the school. This can be via email. If you are communicating through a school portal, make sure you save copies of communications outside of the portal. For example, you can take screenshots of these communications.

Follow Up

At the IEP meeting, it is important to make sure each action item agreed to has a person responsible for completing it and a timeline for doing so. Follow-up with the school as these deadlines for completion approach to make sure that the team is staying on track with what is needed. If action items are not completed upon the agreed-upon timeline, remind the school of what was agreed to and request information on when and how the action items will be completed.

Repeat

You or the school can request an IEP meeting whenever there is a need to discuss your child’s special education and related services and supports.



SPECIAL EDUCATION ACRONYMS

ABA Applied Behavior Analysis

LRE Least Restrictive Environment

AT Assistive Technology

MDR Manifestation Determination Review

BCBA Board Certified Behavior Analyst

OCR Office for Civil Rights

BIP Behavior Intervention Plan

PLAAFP Present Levels of Performance

FAPE Free and Appropriate Public Education

PWN Prior Written Notice

FBA Functional Behavior Assessment

IEP Individualized Education Program

IEE Independent Educational Evaluation

SPED Special Education

LEA Local Education Agency

SRO School Resource Officer

IEP MEETING PREPARATION CHECKLIST

Child's Name:

Date:

Time:

- Request and review school records/evaluations
- Make list of questions
- Make list of talking points
- Provide school with any records from outside providers that you want IEP team to consider
- Invite others
- Notify school of intent to record (if recording)

Notes

IEP MEETING NOTES

Child's Name:

Date:

Reason for Meeting:

Required Attendees

Name

- General Education Teacher
- Special Education Teacher
- Testing/Evaluation Expert
- School Administrator
-
-

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Action Items

(Include Agreed Upon Due Date)

Point of Contact

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Notes

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Resources



Virginia Department of Education

VDOE's website has a multitude of information and resources, which includes their own parent's guide to special education and a compilation of Virginia regulations relating to special education. VDOE also provides trainings on various special education topics. <https://www.doe.virginia.gov/>

Virginia's Special Education Regulations

These are the special education regulations specific to Virginia. A PDF version of these regulations is available at:

http://www.doe.virginia.gov/special_ed/regulations/index.shtml



Parent Educational Advocacy Training Center

PEATC provides special education information and training to parents. Their webpage has on-demand trainings, a list of parent support groups, and a calendar of upcoming trainings. <https://peatc.org/>

Parent Resource Centers

Some school divisions have parent resource centers. Each center is different, but some services may include workshops, resource materials, and consultations. Please see your child's school division's website for more information.

Helping You Help Your Child

This manual provides information about education in Virginia. It covers many topics that you may need to know including diploma requirements, rights for homeless children, attendance, and truancy. You can access the manual here:

<https://www.justice4all.org/wp-content/uploads/2014/05/HYHYC-Handbook-2014-Final-Version-6th-Edition-FOR-WEB.pdf>



Disability-inclusive Sexual Health Network

DSHN connects and supports youth and organizations across Virginia as they develop and test innovative projects that advance sexual health education access for youth with disabilities. Visit their website for additional sexual health resources and to learn more about sexual health: <https://www.sexedva.org/dshn>

