

Resolving Special Education Issues

It Seems Like the School is Not Following My Child's IEP*—What Can I Do?

Question:

Sometimes my son comes home from school and reports that he did not have time to finish his math or reading tests at school. We agreed at his IEP meeting that he will have extended time to complete all tests and daily work, but I'm concerned that this is not happening. How can I address this issue with the school?

Answer:

This is a common question that many parents ask. Your child's Individualized Education Program (IEP) is a written statement of services and accommodations the school will provide for your child. Services and accommodations, such as extra time for work or for testing, are based on evaluation that identifies your child's educational needs. As a parent, it is important that you feel comfortable with what the IEP team agreed upon, and you must be kept informed that these services and accommodations are actually being provided to your child. The following are some useful steps that parents can take to be sure that the IEP is carried out as it is written.

Step One:

First, check your child's IEP. Are the accommodations you are concerned about specifically listed, including when they will be provided or under what circumstances? Does the IEP actually state that extra time to complete work will be provided each day, or, does it say something like "accommodations will be provided when the teacher determines they are needed?" Language is very important. Unless the IEP specifies when the extra time will be provided, parents and teachers may find themselves at odds over whether an accommodation is needed for a particular task.

Step Two:

If the IEP clearly states that the accommodations are to be provided daily or on a specified schedule, you will want to be sure that they are actually being provided. You can do this in several ways, but the easiest is to call the IEP manager, whose name will be listed on the IEP. One of the duties of the IEP manager is to serve as the primary contact for the parent.

You may say to the IEP manager, "My child's IEP states that he will have extended time to complete his math tests and daily work, but Billy told me that this does not always happen. As a result, his papers are often not complete, and his grades are lower than they should be. Could you help me to find out what is actually happening with this accommodation?"

The IEP manager may respond in one of several ways. He or she may meet with your son's teachers, and ask questions about when and where the accommodations are provided. In another instance, the manager may arrange for another IEP meeting so you can express your concerns and attempt to resolve the issue. IEP services or accommodations are not "optional," but are a planned response to meet a child's educational needs that are connected to his or her disability. As such, the IEP services and accommodations must be provided.

If you discover that your child's IEP is NOT being implemented as written, an IEP meeting is one approach to consider. There are several reasons to request a meeting. A teacher may not understand the importance of the accommodations to be provided or may not be clear about his or her role in providing the services. The meeting provides an opportunity to clarify expectations and build better communication among the parent, the teacher, and the rest of the IEP

team. It is also the place where you can ask for a written plan from the school to make up for the services not provided.

Step Three:

If you have tried to resolve your concerns in a meeting, and you do not believe that another meeting will be effective, you have several other options. One is to call your school principal or special education director and ask for help in ensuring that the IEP is fully implemented. The other is to file a formal complaint.

Many differences can be resolved at the local level. Sometimes a team can find a more effective way to communicate, or the parent can find the right person at school who can help. Contacting a PACER advocate is also an option to help parents explore specific strategies or to know what options are available.

If you have tried without success to resolve your concerns at the school building level, it is important to speak with the special education director of your school district before making a decision to file a formal complaint. The special

education director is responsible for how special education is implemented in your district. He or she can be very helpful to parents and schools when IEP issues arise.

Step Four:

If none of the previous solutions have worked, the final step is to consider filing a written complaint with the Minnesota Department of Education, Division of Compliance and Assistance. A formal complaint is an allegation that a school district is in violation of state special education law. The department will investigate the complaint and render a written decision that is based on law and will include any corrective action that is needed. For more information on the complaint process, parents can call PACER at (952) 838-9000 and request to speak with an advocate, or they can call the Minnesota Department of Education at (651) 582-8689.

**All references to the IEP (Individualized Education Program) include the IIIP (Individual Interagency Intervention Plan) and the IFSP (Individual Family Service Plan).*

Related information

PACER materials:

- A Guide for Minnesota Parents to the IEP
- Parents Can Be the Key
- Special Education Record Keeping Folder
- School Records and Parents' Rights
- Communication in the Special Education Process

Web sites

- www.PACER.org
- www.education.state.mn.us