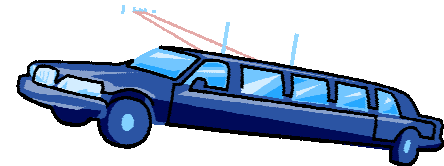


***When the IEP isn't
working:
Weighing the
Options***

Pathfinder Family Center
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How to determine it's not working:

- Failing grades
 - Note that students CAN fail
 - Not meeting goals/objectives
- IDEA entitles FAPE



Examine Goals/ Objectives

- Are they appropriate
- Get student input
- Learn what doesn't work

Diagnosis

- Does EVERYONE understand the diagnosis?
 - Parents, student, family members
 - Teachers, aides, staff, music teacher, phy ed teacher, principal, playground supervisor and bus driver
- Understanding ≠ Internet searching
- Diagnosis doesn't make the child

Is it on target?

- Have things changed?
 - Re-evaluation every three years
 - Independent Educational Evaluation request
- Things can get better, too, not just worse

Is IEP well-written?

- Should include:
 - What is going to be taught & how it will be taught
 - How much time in special education & regular ed
 - Who will teach/provide services? where?
 - When will services start? For how long?
 - When will IEP be reviewed
 - Why is it needed/ what needs are being addressed?
 - What modifications & accommodations are needed

Is IEP being followed?

- Even a great IEP won't help if no one knows/does what it contains
- Options if it isn't being followed:
 - Communicate
 - Request meeting
 - Call DPI
 - Facilitated IEP
 - Formal complaint
 - Mediation
 - Due process /Expedited
 - Resolution meeting
 - Appeal

Focus in IDEA 2004

Dispute Resolution:

- Resolve early
- Resolve locally
- Parent involvement
- Interagency collaboration

Dispute Resolution Options in Special Education

Parties communicate without third party intervention	IEP Facilitation	Mediation	State Complaint Investigation	Due Process Hearing and Resolution Meeting	District or Federal Court Appeal
Less Adversarial			More Adversarial		
Controlled by parties			Controlled by Third Party		
Informal			Formal		
Less Cost /Less time			More Cost / More Time		

Adapted from Consortium for Appropriate Dispute Resolution in Education (CADRE)

Are behaviors an issue?

- The law, federal regulations and commentary describe what IEP teams must do when a child's behavior "impedes the child's learning or the leading of other children."
- Manifestation of disability?
- Is punishment really a reward?
- Pattern of behaviors

Assess & Plan

- Functional Behavioral Assessment, Behavior Intervention Plan plan
- Are Positive Behavioral Supports in place and being used?

If/when team reconvenes...

- Can modify IEP with a written document if annual meeting has already occurred
- Don't feel rushed- IEP doesn't need to be completed in one meeting
- Can take it home/mull it over for a few days before it goes into effect
- Evaluation can be ongoing, don't need to wait for quarters/semesters/grade time

Child isn't Learning: What Can I Ask the School to Do? From Wrightslaw

"My son is 8 years old and in 2nd grade. Last fall, the school evaluated him, found that he has a learning disability, and placed him in a resource class for reading.

"He isn't learning to read in the resource class. He is failing math and barely passing his other subjects. His teacher is talking about retaining him. Because he was not learning at school, I took him for an outside evaluation. The evaluator diagnosed him with dyslexia and dysgraphia.

"I made a written request for a IEP review meeting. I sent copies of this evaluation to all members of his his IEP group. What can I suggest at this meeting? The process of getting help from the school is incredibly slow. I want to be prepared so I can make good decisions for my child."

If **you** were in this parent's shoes, **what would you do?**

In [Child Isn't Learning, What Can I Ask the School to Do?](#) research editor Sue Whitney Heath provides a step-by-step guide that parents who disagree with the school's IEP can use. You'll learn how to use the child's present levels of academic achievement, the facts about retention, how to prepare for an IEP meeting, and much more.

Scenario 1: What would you do?

- What should parent do?

Activity 2: What's the truth?

- If your child's IEP isn't working, the first thing to do is file a complaint. T/F
- You neighbor's kid has Autism and gets speech therapy so your kid w/Autism should too. T/F
- Only go to your child's school when you are invited or to deposit lunch account money. T/F
- Teachers are certified and have to be licensed, so they must have all the answers. T/F
- Parents aren't teachers and shouldn't have to teach.
- Don't ask for accommodations that are too expensive, because schools don't have money. T/F

Resource scavenger hunt

- Where to find DPI forms & info

<http://www.dpi.state.nd.us/speced/resource/conflict/index.shtm>

<http://www.dpi.state.nd.us/speced/index.shtm>

- More info on PBS

<http://www.dpi.state.nd.us/health/PBS/index.shtm>

<http://www.pbis.org/main.htm>

- More info on IEPs

<http://www.dpi.state.nd.us/speced/guide/iep/index.shtm>

<http://www.dpi.state.nd.us/speced/guide/index.shtm>

Questions???

Feel free to contact us individually

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