

IEP Components Series

Taking a Closer Look into the Individual Education Program (IEP) Meeting Process

By Dr. John Nikolaros

This issue of **NASET's IEP Component** series was written by Dr. John Nikolaros. The paper specifies critical measures required by the Section 504 of Rehabilitation Act of 1973, and the Individual with Disabilities Education Act (IDEA) for students with special needs. The author explains and offers successful strategies in special education. The specific benchmarks that are examined consist of the process leading up the Individual Education Program (IEP) meeting, the impact of the special education chair, and the least restrictive environment (LRE). The purpose of this paper is to inform the audience of practices in special education that lead to consistency and successful implementation.

Abstract

This paper specifies critical measures required by the Section 504 of Rehabilitation Act of 1973, and the Individual with Disabilities Education Act (IDEA) for students with special needs. The author explains and offers successful strategies in special education. The specific benchmarks that are examined consist of the process leading up the Individual Education Program (IEP) meeting, the impact of the special education chair, and the least restrictive environment (LRE). The purpose of this paper is to inform the audience of practices in special education that lead to consistency and successful implementation.

Introduction

In the United States of America, Section 504 of the Rehabilitation Act of 1973 regulation requires schools to provide a “free appropriate public education” (FAPE) to each student who is identified with a disability (Shaefer & Wienke, 2012). Schools are required to further examine any suspected difficulties that impact student academic performance (Briesch, 2013). That is, to coordinate a service team approach to assess the accuracy of referrals to special education by licensed professionals in education. In this paper, the author describes important special education programming procedures as well as strategies to inform key school staff members working within and for special education.

Section 504 of the Rehabilitation Act of 1973 and IDEA are two primary laws that cover a child's rights to a public education. Section 504 is a civil rights law, and IDEA is an educational benefit law. There are several overarching premises within each law that differ, which are: who is protected, responsibility, administration, population, responsibility to FAPE, special vs. regular education, funding, eligibility, service tool, review of program, grievance, and enforcement.

Leading up to the IEP Meeting

When a student displays learning or behavior difficulties, a referral to the school's Child Study Team (CST) is a viable option for discussing the student's issues more extensively with licensed professionals in education. The CST convenes to identify the appropriate next steps in better servicing the student.

Members should recognize school difficulties as symptomatic, underlying issues that prompt an examination of the causes of such issues and then provide the appropriate assistance or services to appropriately serve the needs of the students (Kanaya & Ceci, 2010).

A Multidisciplinary Team (MDT) is assembled of the parents, administrators, teachers, social workers, nurses, counselors, and psychologists. The purpose of the multidisciplinary conference (MDC) is to make sure the student is provided the most comprehensive assessment by a variety of professionals who will evaluate the child on many levels (Waitoller, Artiles, & Cheney, 2010). Some of the assessments may include: a psychological evaluation, social and academic history assessment, physical examination, classroom observation, and functional behavioral assessment.

After a formal, comprehensive evaluation on the student, an Eligibility Committee (IEP Committee) reviews and evaluates all relevant information. The IEP Committee substantiates a recommendation (i.e., a statement) that succinctly addresses the individual educational needs of the student. The IEP Committee, consequently, has a myriad of responsibilities, and those are: ascertains the least restrictive educational setting, follows appropriate procedures, takes concrete action, determines the suitable classification, evaluates the adequacy of programs, maintains ongoing communication, and advises the

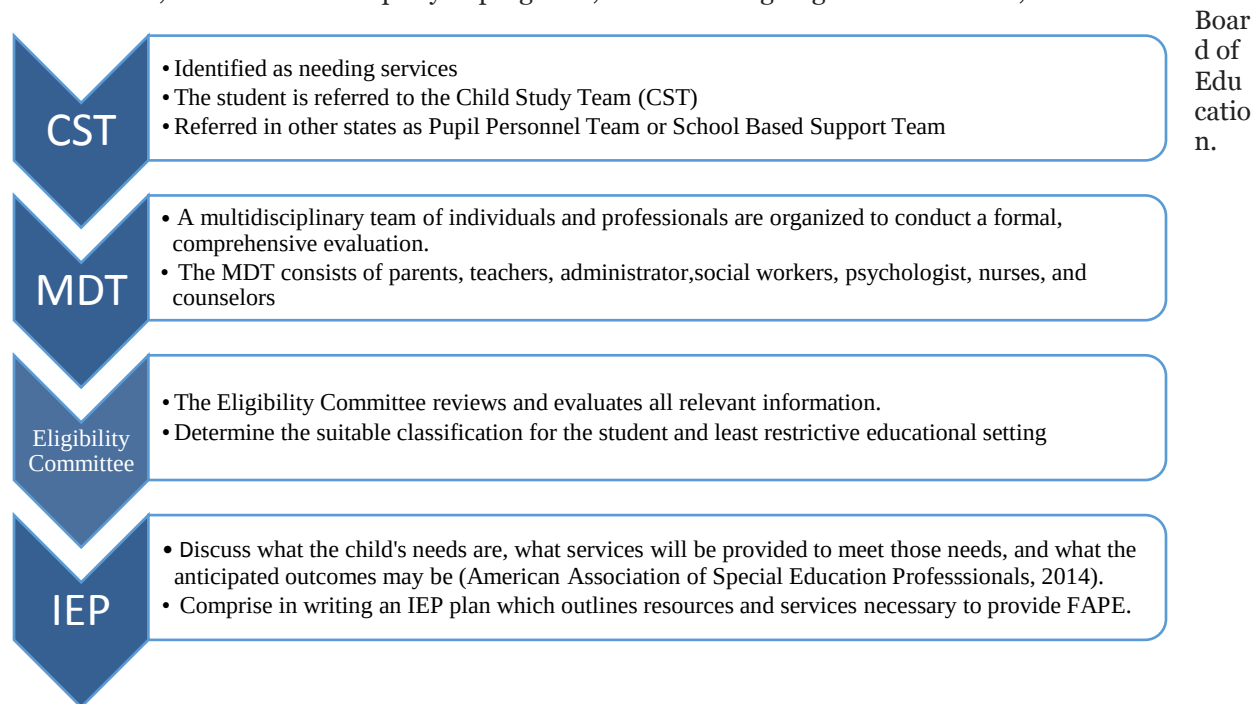


Figure 1. The steps taken that lead to an IEP meeting begin with a suspected identification of a disability, (1) referral to the Child Study Team (CST) for discussion, (2) assemble a Multidisciplinary Team (MDT) to conduct a thorough evaluation, (3) an Eligibility Committee is formed to interpret the results and determine eligibility, and if the student qualifies for special education, (4) an IEP meeting is then convened.

When a child qualifies for special education, an IEP that specifically identifies, and addresses the child's needs based on their actual limitations is required by IDEA (Mueller, 2009). This written statement is developed in an IEP meeting and serves as a communication vehicle between the parent and the district (Darden, 2013). Any personnel related to the student, (i.e., parent, regular education teacher, special education teacher, provider of related services, administrator, public agency affiliate, student) can request an IEP meeting more or less at any time. One example is that IEP meetings may be convened when a student in a classroom setting demonstrates changes in academic or behavior performance.

Parents may ask for an IEP meeting to introduce issues seeking school staff to problem solve, seek out solutions, or postulate new ideas.

The IEP team must convene for the purpose of listening to any concerns and, most importantly, to begin or revisit action/development programming relative to special education laws and regulation for the needs, satisfaction, and success of the student and parents (Lalvani, 2012). According to IDEA (2004), any decisions based on changes in programming or services cannot be implemented without an IEP meeting and parent consent (White, 2014).

The IEP is a legal binding document that is permissible in a court of law. This document speaks about the services, action planning, and delivery of programming for the student with special needs (Goepel, 2009). The IEP is a management tool and sets forth in writing a commitment of resources necessary to enable the student with a disability to receive needed special education and related services appropriate to the child's special learning needs (American Academy of Special Education Professionals, 2014).

The Impact of the Chair

The chair member is the face of the IEP meeting. He or she has the responsibility to deliver a vision that is student-directed, conducive, and appropriate (Laron, 2012). The chair must take into consideration the input from all staff and convene the meeting while judiciously embracing opinions and explaining, if necessary, why a disfavoring decision must be implemented. At the end of the IEP meeting, the chair should provide a thorough summarization and explanation with qualitative reasoning regarding to the most appropriate decision, as well asking the team for any questions, providing clarification where needed (Dilberto & Brewer, 2012).

A special education chair must effectively communicate consensus while keeping in mind the school's mission for special education, laws, student needs, and any personal feelings by team members (Friend & Cook, 2010). An IEP meeting is an exclusive state of affairs in which the deliberations will influence the student's life, and more importantly, inculcate a presence in cognitive, social, and emotional functioning (Kelley, Bartholomew, & Test, 2013). Therefore, the facilitator of the meeting needs to understand the impact of the meeting on the student in the short and long term.

The preferred method of facilitation of an IEP meeting is student lead versus external-directed (Brandon, Bates, & Miner, 2009). Student-lead IEP meetings allow the student with special needs to take an active role in the planning process. A student lead IEP meeting, nonetheless, can be difficult to implement depending on the student's desire and level of engagement.

Legal Rights for the Parents

In many cases when schools do not follow parental sentiment, the parents may seek counsel and ask for a continuance upon the current IEP meeting. It is in the parents' right, if they decide to obtain legal representation, to bring a lawyer to the IEP meeting to serve as a valid authority of the law and advocate for the parents (Cannon, 2011).

A legal jurisdiction supervises the consistency and accuracy of the IEP meeting and document, reviews the services and ideology, along with verbal and written compliance to special education policies (Phillips, 2009). This is notwithstanding the schools' fidelity in the IEP's implementation aligned to special education law.

The Least Restrictive Environment

Internal and external pathology develops in the stages of childhood and adolescence (Carroll, 2011). Therefore, student placement may have an effect on learning acquisition and social-emotional functioning. The placement and least restrictive service approach for students with disabilities are imperative for successful emotional and cognitive preparation for adulthood (Bishop et al., 2010). According to IDEA, students of special needs are provided services in the least restrictive environment (LRE). Initially, some students of special needs are placed in restrictive settings after being identified with a disability. The most restrictive environment for special education students is a self-contained setting. In this setting, students are educated in a controlled environment with their peers who are classified as students with the same disability 100% of their school day. After identified with a disability, prompting the most appropriate placement for the student is in a restrictive setting, IDEA mandates that schools transition students to a lesser restrictive environment, when the student makes progress (Alqurani, 2013). The vision for students with special needs is to transition from special education environments to regular education environments; this is understood to many as inclusion or inclusive education (Hyatt & Filler, 2011). However, in some instances, a regular education climate may not be conducive for the child and, thus services in the best placement for the child are most appropriate.

Depending on a student's cognitive, emotional, and current performances, the next continuum of services possible necessitates a placement in a cross-categorical setting with students of different classified disabilities (Rozalski, Stewart, & Miller, 2010). If the student has shown improvement and the necessary skills to be mainstreamed in a regular education setting, then the learner could advance to being educated in a regular climate. As an example, students with emotional disability, cognitively, may perform at grade level; however, their emotional or behavioral disability impacts their pacing acquisition which consequently sets them behind their regular education peers (Mattison, 2011). Some students with ED need to demonstrate effective classroom behavior over a sustained period of time to be able to qualify for a change in placement.

Summary

All teachers need to have extant knowledge about the special education process. My review posits and underscores that a thorough understanding of special education will help transition educators into higher roles as leaders. The effective practice of teaching students with special needs is only one core competency for educators. It will benefit all teachers if they can fully evaluate and associate the impact of having knowledge in more than one construct of special education. An awareness of the sequential steps in special education programming might help facilitate a thorough understanding when implementing educational services.

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About the Author

Dr. John Nikolaros is an experienced educator who has worked at the school level and is currently working as an adjunct faculty member of Education at Harry S. Truman College in Chicago, Illinois. Dr. Nikolaros has passed advanced courses in special education, earning AASEP Board Certified in Special Education. His K-12 school experiences include (a) teaching students of emotional disabilities, (b) utilizing positive behavioral intervention support systems, and (c) various other teaching and administrative duties. Email: jnikolaros@ccc.edu