

WHAT IS SPECIAL EDUCATION?

Special education means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child (K.S.A. 72-962(i)).

Once a child has been identified as eligible for special education, a written plan will be prepared describing the educational programs the child will receive. This plan is called an **Individualized Education Program (IEP)**. An IEP must be prepared before the child's placement in a special education program. The school district must get the parent's written consent before placing the child in a special education program.

WHAT IS AN IEP?

An IEP is a written statement for an exceptional child that is developed, reviewed, and revised in accordance with the provisions of K.S.A. 72-987. The IEP is written by the child's IEP team and specifically tailored to that child's developmental needs and goals.

WHO IS ON THE TEAM?

The IEP Team shall be composed of:

- The parents child;
- At least one regular education teacher of that child;
- At least one special education teacher;
- A qualified and knowledgeable representative of the agency directly involved in providing educational services for that child;
- An individual who can interpret the instructional implications of the evaluation results;
- Other individuals who have knowledge or special expertise regarding the child (discretionary); and
- Whenever appropriate, the child (K.S.A. 72-962(u)).

WHAT ABOUT THE PARENTS OF AN EXCEPTIONAL CHILD?

The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP of their child. This role is an active role in which the parents

- Provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child;
- Participate in discussions about the child's needs for special education and related services and supplementary aids and services; and
- Join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting.

If you feel your child's educational performance is unsatisfactory, you may ask that he or she be re-evaluated. **Your child must always be re-evaluated before any significant change in his or her placement can occur.** At a minimum, your child must be re-evaluated in all areas related to a suspected disability at least once every three years. If you are still not satisfied, you can initiate **due process**.

WHAT IS DUE PROCESS?

Due process means a fair procedure for making decisions. In special education, due process refers to how a parent may appeal decisions made about the evaluation, eligibility, educational program, or placement of the child. Due process may be a **formal hearing** conducted by an impartial hearing officer. It may also include **mediation**, which is a way of informally resolving the dispute without a formal hearing. Mediation can only occur if both the parents and the school district agree to it. A lawyer is not needed for mediation. A formal hearing is more difficult to do without a lawyer. You may want to ask

an attorney for advice about whether to try mediation or a formal hearing.

WHAT SHOULD THE IEP CONTAIN?

The IEP shall include:

- A statement of the child's present level of academic achievement and functional performance;
- A statement of measurable annual goals;
- A description of how the child's progress towards meeting the annual goals will be measured and when reports will be provided;
- Explanation of the extent, if any, to which the child will not participate with non-exceptional children in the regular class;
- Explanation of any modification or accommodations of state or district-wide assessments;
- Anticipated dates of services (frequency, location, duration);
- And postsecondary goals for children over 14.
- A statement of the special education and related services and supplementary aids, based on peer-reviewed research to the extent practicable, and services to be provided to the child.
- A statement that the child has been informed of the child's rights, if any, that will transfer to the child on reaching the age of majority as provided in (K.S.A. 72-989(c)).

RECENT CHANGES IN THE LAW

If you are already familiar with IEP's or just learning about them, you may want to also familiarize yourself with some recent changes made to the IEP process.

Some of the recent changes in 2005 regarding special education law in Kansas included:

- A school district is prohibited from having its attorney present at the IEP meeting unless the parents are represented by an attorney at the meeting as well;

- The definition of parent was expanded to include foster parents, if they are appointed the education advocate of an exceptional child;
- The school district has a duty to identify disabled children that are homeless and those who have limited proficiency in English;
- All records of an exceptional child who transfers from one school district to another must be transferred with the child or as soon thereafter as possible;
- Parental consent is required for evaluation and for the initial provision of services; and
- The child's IEP must also include appropriate postsecondary education goals based on age-appropriate transition assessments for exceptional children.

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**INDIVIDUALIZED
EDUCATIONAL PROGRAM
(IEP) FOR THE
EXCEPTIONAL CHILD**



This brochure is designed to answer commonly asked questions about IEP's and the unique needs of an exceptional child.