AKLEEMA’S WORLD

Parent Advocacy Resource Guide

Helping Parents Understand, Prepare, Organize & Advocate

A practical, parent-friendly educational guide to understanding special education, reviewing school records, preparing for meetings, and participating in decisions about a child’s education.

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Educational information and parent support • Not legal advice

Important Disclaimer

Educational information only. Akleema's World provides educational information, resources, organizational tools, and parent support. This guide is not legal advice and does not create an attorney-client relationship. It does not provide legal representation. Laws, regulations, procedures, terminology, and timelines may vary by state and may change. Verify current requirements with official federal and state sources or seek advice from a qualified attorney when legal advice is needed.

This guide is designed primarily around IDEA Part B, which addresses special education for eligible children and youth. It is not a substitute for an individualized review of a child's circumstances, evaluations, IEP, state rules, or procedural situation.

How to Use This Guide

• Read the foundation chapters first if special education is new to you.

• Use the worksheets before meetings and when reviewing evaluations, IEPs, progress reports, and discipline records.

• Write questions down before meetings and request plain-language explanations.

• Keep completed worksheets with your child's records so you can track questions and changes over time.

• For state-specific rules, begin with your State Educational Agency and Parent Training and Information Center.

A Note About Terminology

This guide uses federal IDEA terminology first. Some states and districts use different labels or acronyms for similar processes. Always confirm how a term is used in your state and school district.

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CHAPTER 1

Welcome to Parent Advocacy

Understanding your role, finding your voice, and learning how to participate in your child's education.

Welcome

If you are reading this guide, you may be trying to understand your child's educational needs, prepare for a school meeting, make sense of an evaluation, or figure out what to do when something does not seem right.

Perhaps you have received an Individualized Education Program (IEP) and do not understand what everything means. Maybe the school uses unfamiliar terminology, discusses test scores you have never seen before, or makes recommendations that leave you with more questions than answers.

Special education can be complicated. It involves federal laws, state requirements, evaluations, educational terminology, team decisions, and written documents. Learning how these pieces fit together takes time.

You do not have to become an expert overnight. You do not have to memorize every law. You do not need to know every acronym before attending a meeting. Your knowledge of your child matters. Your observations matter. Your questions matter. Your participation matters.

1.1 What Is Parent Advocacy?

Parent advocacy is the process of learning about, participating in, and speaking up for your child's educational needs. It means working to ensure that the people responsible for your child's education understand the child's strengths, challenges, individual needs, and educational experiences.

Advocacy can involve asking the school to explain an evaluation; sharing information about your child's strengths and difficulties; asking how a disability affects learning and participation; reviewing an IEP; asking how progress will be measured; documenting concerns; learning about applicable educational rights and procedures; and seeking additional assistance when a concern cannot be resolved.

Advocacy does not always mean disagreement or conflict. Sometimes it means asking a question that helps the team understand your child better. Sometimes it means identifying a support that is working well and asking that it continue. Other times, it means raising a concern because the educational program does not appear to address an identified need.

1.2 Why Parent Participation Matters

Parents often see parts of a child's life that school personnel do not see. You may know how your child communicates at home, what happens when your child becomes overwhelmed, which routines help, what your child enjoys, what makes transitions difficult, and which strategies have helped in other environments.

For example, a school report might describe a student as having difficulty transitioning between classroom activities. A parent may explain that the child needs advance notice, a visual schedule, additional processing time, and reassurance before moving to another activity. Both pieces of information are important. Together, they may help the team better understand the student's needs and consider appropriate supports.

1.3 Understanding the Parent's Role

Under IDEA, parents are important members of the IEP Team. Parent participation is not simply attending a meeting and listening to what the school has decided. Parents have opportunities to contribute information, discuss their child's needs, ask questions, and participate in developing and reviewing the IEP.

A parent's role may include sharing relevant information; reviewing evaluations, IEPs, progress reports, and notices; asking for plain-language explanations; expressing concerns; participating in discussions about goals, services, supports, and placement; keeping records; and following up when clarification is needed.

You are not expected to perform the work of a school psychologist, special education teacher, speech-language pathologist, occupational therapist, or attorney. Your role is to contribute your knowledge of your child and participate meaningfully in the educational process.

1.4 Advocacy Versus Legal Representation

Parent advocacy generally involves helping families understand educational information, organize records, prepare questions, communicate concerns, and participate in school-related discussions. Legal representation involves providing legal advice, interpreting legal rights in an individual dispute, developing legal strategies, and representing a person in legal proceedings.

These are not interchangeable. A parent can learn about IDEA, review an IEP, organize documents, and ask informed questions without being an attorney. When a disagreement involves complicated legal questions, significant educational consequences, disputed procedures, or formal proceedings, qualified legal advice may be appropriate.

1.5 How to Advocate Calmly but Firmly

Advocacy can be emotionally difficult. Preparation can help parents communicate clearly. Write down important concerns, bring supporting documents, ask one question at a time, request explanations, take notes, distinguish facts from observations and concerns, and follow up in writing when clarification is needed.

Examples of clear advocacy language

Instead of: "Nobody is helping my child."
Try: "I am concerned that my child's documented educational needs are not adequately addressed in the current IEP. Can the team explain what instruction and supports are being provided for each identified need?"

Instead of: "You aren't listening to me."
Try: "I would like my concerns included in the discussion and considered when the team reviews my child's educational needs."

Instead of: "That goal makes no sense."
Try: "Could you explain how this goal connects to the evaluation findings and what information was used to establish the baseline?"

Instead of: "Why isn't my child getting help?"
Try: "Can you identify the specially designed instruction, services, or supports intended to address this need?"

These examples are not instructions to avoid disagreement. They demonstrate how specific questions can help move a conversation toward information, documentation, and decisions.

1.6 Facts, Observations, Concerns, and Requests

Facts: Information that can be verified through records or other reliable documentation. Example: The IEP dated September 15 lists speech-language services twice per week.

Observations: Something you personally saw, heard, or experienced. Example: I observed that my child became distressed when the daily schedule changed unexpectedly.

Concerns: Something you believe may be affecting your child's education and needs further discussion. Example: I am concerned that my child does not have sufficient support during transitions.

Requests: An action or consideration you are asking the school to take. Example: I am requesting that the team discuss whether additional transition supports are appropriate.

Keeping these categories separate makes written communication easier to understand and helps prevent an observation or concern from accidentally being presented as an established fact.

1.7 Common Mistakes Parents Can Avoid

• **Trying to address everything at once.** Organize concerns by subject and prioritize those that most directly affect your child's education.

• **Relying only on verbal conversations.** Keep your own notes and use written communication when appropriate.

• **Focusing only on test scores.** Scores are one part of an evaluation. Understand what was measured and what the results mean in everyday educational settings.

• **Assuming an accommodation is the same as instruction.** A support may help a student access an activity, but it does not necessarily teach the skill the student needs to develop.

• **Not reviewing the final IEP.** Read the completed document and compare it with your understanding of what was discussed.

• **Assuming every disagreement requires a formal complaint.** Different concerns may call for different ways of addressing them.

• **Believing you must know everything before speaking up.** You are allowed to ask questions and request explanations.

CHAPTER 1 • PARENT WORKSHEETS

Worksheet 1: Getting to Know My Child as a Learner

Child's name

_____

_____

Age

_____

_____

School / grade

_____

_____

Primary areas of educational concern

_____

_____

My child's strengths and interests

_____

_____

How my child communicates

_____

_____

What helps my child learn

_____

_____

What situations may make learning difficult

_____

_____

What helps my child feel safe and supported

_____

_____

What I would like the school to understand about my child

_____

_____

Worksheet 2: My Parent Advocacy Goals

What do I most want to understand about special education?

_____

_____

What do I find confusing about my child's current educational program?

_____

_____

What documents do I need to review?

_____

_____

What questions have I been unsure how to ask?

_____

_____

What would meaningful educational progress look like for my child?

_____

_____

What is one thing I can do this month to become more informed?

_____

_____

Chapter 1 Review

Before moving forward, make sure you understand these key points:

■ Parent advocacy means participating in and speaking up about your child's educational needs.

■ Parents bring important information about their child's life, development, communication, strengths, and challenges.

■ Parents are important members of the IEP Team under IDEA.

■ You do not need to be an attorney or educational professional to ask informed questions.

■ Advocacy can be respectful, calm, direct, and firm.

■ Facts, observations, concerns, and requests should be clearly distinguished.

■ Keeping records and reviewing documents helps parents follow the educational process.

Questions to Test Your Understanding

What is parent advocacy?

_____

Why is parent input important during the educational process?

_____

What is one difference between parent advocacy and legal representation?

_____

Why should parents keep written records?

_____

What is the difference between an observation and a fact?

_____

Why is it important to review the completed IEP after a meeting?

_____

Remember

You do not have to know everything about special education to begin advocating. You can start by learning your child's needs, reviewing the available information, asking thoughtful questions, and participating in the educational process.

The first step toward informed advocacy is understanding the child at the center of every decision.

PART I — GETTING STARTED

This section introduces parent advocacy, the parent's role in special education, and practical ways to communicate with a school team. It is written for families who are new to the process as well as families who want a clearer system.

CHAPTER 1 — WELCOME TO PARENT ADVOCACY

What parent advocacy means

Parent advocacy is the process of learning about a child's needs, sharing what the family knows, asking questions, reviewing information, and participating in decisions that affect the child's education. It is not about winning an argument or assuming that every disagreement is intentional. It is about keeping the child's educational needs at the center of the conversation and making sure concerns are clearly heard and considered.

A parent does not need to know every law, acronym, or testing term before speaking up. A parent can begin by describing what the child experiences, what helps, what creates barriers, and what the family sees outside school. The school team brings professional observations and educational data; the family brings important knowledge about the child's history, communication, routines, strengths, and daily functioning.

Advocacy, legal representation, and educational decision-making

Parent advocacy may include asking for clarification, organizing records, preparing questions, describing concerns, and participating in meetings. **Legal representation** means a qualified attorney represents a person in a legal matter. An advocate is not automatically an attorney and cannot provide legal advice or represent a parent in every proceeding. **Educational decision-making** is the formal process through which the parent and school team participate in decisions under applicable law and procedures.

A parent can advocate without being confrontational. Calm communication does not mean agreeing with everything. Firm communication does not require hostility. A useful approach is to state the concern, explain its educational impact, ask a specific question, and request that the team document or respond to the concern through the appropriate process.

Start with the child: strengths, needs, and access

Effective advocacy includes the whole child. Begin with strengths, interests, relationships, communication style, and successful supports—not only diagnoses or difficulties. Then identify barriers that affect access, participation, progress, safety, independence, or belonging at school. A disability label alone does not explain what support a student needs. The team should consider the individual student's evaluation information and educational circumstances.

Examples of useful information a parent can share

- What the child can do independently and what requires support.
- How the child communicates needs, discomfort, choices, or confusion.
- Which sensory, health, mobility, attention, or emotional-regulation factors affect school participation.
- What routines, prompts, tools, or teaching approaches help the child learn.
- What changes the family has noticed and when they began.
- The child's interests, motivators, relationships, and preferred ways to participate.

A simple advocacy framework

1. Observe: Describe what happened without assumptions. 2. Connect: Explain how it may affect learning, access, participation, or progress. 3. Ask: Pose a clear question or request. 4. Document: Keep a dated record of the concern and the response. 5. Follow up: Review whether the agreed next step occurred.

Example: Instead of writing, "The school never helps," a parent might write, "On three occasions this month, my child did not begin the written assignment after the class directions. What supports are being used to confirm that the directions

were understood, and how will we know whether those supports are working?”

Remember

You are allowed to ask for an explanation in plain language. You can request time to review documents. You can bring written questions to a meeting. You can ask the team to clarify what data supports a recommendation. You do not have to solve every issue in one meeting.

CHAPTER 2 — UNDERSTANDING YOUR ROLE AS A PARENT

You are an important member of the process

Under IDEA, parents are included as members of the IEP Team for their child, subject to the law's definitions and procedures. Parent participation is more than receiving a finished plan to sign. It includes sharing information, discussing the child's needs, considering evaluation results, asking questions, and participating in developing and reviewing the IEP.

Your knowledge is valuable because you see the child in settings and situations school staff may not observe. You may know how the child communicates at home, what happens during transitions, what supports work in the community, how sleep or health changes affect the day, or what the child enjoys and avoids. Share relevant information in concrete terms and explain why it may matter at school.

What parents can reasonably do

- Share observations, concerns, priorities, strengths, and relevant history.
- Review evaluation reports and ask for explanations of unfamiliar terms or scores.
- Participate in IEP meetings and discussions about services, goals, supports, and placement.
- Ask how progress will be measured and how reports will be shared.
- Provide information about changes in the child's needs.
- Keep copies of notices, evaluations, IEPs, progress reports, and important communications.
- Request clarification when a proposed decision or document is unclear.

What parents are not expected to do

Parents are not expected to diagnose their child, design every specialized instructional method, interpret every test without help, or know every regulation by memory. Parents are also not expected to agree immediately to a proposal they do not understand. Ask the team to explain the educational reasoning, the data considered, and any options discussed.

Preparing your contribution

Before a meeting, write down the three to five concerns that matter most right now. For each concern, note an example, when it occurs, what the child needs, and what question you want answered. If you have documents that support the concern, identify the date and title. This makes it easier for the team to understand the issue and for you to track the discussion.

Example parent statement

"One of my priorities is helping my child participate in classroom instruction. At home, I notice that multi-step spoken directions are difficult to follow unless they are broken into smaller steps and paired with a visual. I would like to understand what the school observes and whether the team has considered this need in the evaluation and IEP."

When emotions are high

Special education discussions can feel personal because they concern a child's safety, learning, dignity, and future. If you feel overwhelmed, pause and ask for a moment, request that a question be repeated, or say that you would like to submit a written follow-up. If you do not understand a document, ask for time to review it. A thoughtful response is more important than answering every question immediately.

Parent reflection worksheet

1. What are my child's three greatest strengths?
2. What are the three school-related concerns I most want the team to understand?
3. What examples or records help explain each concern?

4. What helps my child participate, communicate, and learn?
5. What do I need explained before I can make an informed decision?

CHAPTER 3 — COMMUNICATING WITH SCHOOLS

Keep communication clear, respectful, and specific

Good communication creates a record of what was shared and helps everyone understand the next step. Whenever possible, focus on observable facts, dates, the student's educational needs, and a clear request. Avoid guessing at another person's motives. If something is unclear, ask for clarification rather than relying on assumptions.

A practical message structure

Subject: Identify the student and topic.
Opening: State why you are writing.
Facts: Describe what happened, including dates or examples when known.
Impact: Explain the concern for learning, access, participation, or well-being at school.
Request: Ask a specific question or identify the action you are requesting.
Close: Thank the recipient and ask when you can expect a response if a response date is needed.

Example email

Subject: Follow-up question about classroom directions

Hello [Name],

I am writing to follow up on my concern about how classroom directions are provided to [Student]. I have noticed that [brief factual example]. I am concerned this may affect [Student's] ability to understand and begin assignments independently.

Could you please explain what supports are currently being used, what the staff observe, and how the team is determining whether the supports are effective? If this is an issue the IEP Team should discuss, please let me know the appropriate next step.

Thank you,
[Parent/Guardian]

Choosing the right communication method

Use the method required by the school for routine matters, but consider email or another written method when you need an accurate record of a question or request. Phone calls can be useful for urgent or sensitive conversations; afterward, consider sending a short message summarizing your understanding. For emergencies or immediate safety concerns, use the appropriate urgent contact process rather than waiting for an email response.

After a meeting or phone call

Write down the date, who participated, the topics discussed, what each person agreed to do, and any deadlines mentioned. If you send a recap, keep it neutral: "My understanding is that the team will…" Invite correction if you misunderstood. A recap is a record of your understanding; it does not automatically change an IEP or replace formal notice or consent procedures.

When communication breaks down

If a conversation becomes tense, return to the specific educational question. You might say: "I want to make sure I understand the information," "Could you explain what data supports that conclusion?" or "Can we identify the next step and who is responsible for it?" If the issue remains unresolved, ask about the district's process for raising the concern or requesting an IEP meeting. State procedures and timelines can differ, so verify them with official sources.

Communication log

Date: _____ Method: _____
People involved: _____
Topic/concern: _____
What I shared or asked: _____
Response received: _____
Agreed next step / person responsible: _____
Follow-up date: _____

Chapter 3 checklist

- ■ I identified the specific concern.
- ■ I included dates or examples when available.
- ■ I explained the educational impact without assuming motives.
- ■ I made a clear request or asked a direct question.
- ■ I saved the message and response.
- ■ I recorded any agreed next steps.

PART I — QUICK REVIEW

Key ideas to remember

• Parent advocacy is informed participation centered on the child's individual educational needs.
• Parents bring important knowledge about their child, and school staff bring professional observations and educational data.
• You do not need to know every acronym or regulation to ask a clear question.
• Specific, factual, respectful communication is easier to understand and document.
• A meeting recap or email is useful documentation, but it does not automatically amend an IEP or replace required legal procedures.

Questions to carry into the next section

1. What federal law establishes the special education framework?
2. What does FAPE mean?
3. What does LRE mean, and how does it relate to placement?
4. Which requirements are federal, and which details may depend on state rules?

Source note

This introductory section is educational and summarizes general principles. For the federal framework on IEP Team membership and parent participation, see IDEA regulations at 34 C.F.R. §§ 300.321 and 300.322. Official text: https://sites.ed.gov/idea/regs/b/d/300.321 and https://sites.ed.gov/idea/regs/b/d/300.322. Always confirm current law and state-specific procedures with official sources.

PART II — UNDERSTANDING SPECIAL EDUCATION

This section explains three central ideas in the federal special education framework: IDEA, FAPE, and LRE. These concepts work together. IDEA establishes the framework; FAPE describes the education and services that must be made available to an eligible student; and LRE guides the setting and opportunities in which the student is educated.

CHAPTER 4 — IDEA: THE FEDERAL FOUNDATION

What is IDEA?

The Individuals with Disabilities Education Act (IDEA) is a federal law that governs special education and related services for eligible children with disabilities. Part B addresses eligible children generally ages 3 through 21, subject to the law's age rules and exceptions. Part C addresses early intervention for infants and toddlers, generally birth through age 2. This guide primarily discusses Part B because it is the framework most families encounter when discussing school-age IEPs.

IDEA is not simply a promise that a school will provide extra help. It establishes requirements involving identification, evaluation, eligibility, parent participation, individualized education programs, services, placement, procedural safeguards, and dispute-resolution options. The details matter because a student's needs must be considered individually—not decided solely by a diagnosis, classroom label, or a school's usual practice.

Who may qualify under IDEA?

A child must be evaluated under IDEA procedures and meet the applicable disability and educational-need requirements. The federal definition lists disability categories such as autism, specific learning disability, speech or language impairment, other health impairment, hearing or visual impairment, orthopedic impairment, intellectual disability, emotional disturbance, traumatic brain injury, deaf-blindness, and multiple disabilities. IDEA also permits states to use developmental-delay criteria for certain young children within the federal age range. A disability diagnosis by itself does not automatically establish IDEA eligibility; the child must meet the legal criteria and need special education and related services because of the disability.

Important distinction: IDEA eligibility is an educational determination. A medical diagnosis, private therapy report, or outside evaluation may provide important information, but the school must follow IDEA evaluation and eligibility procedures. Conversely, a student may have educational needs that deserve careful evaluation even if the family is still seeking a medical diagnosis.

What does IDEA require schools to do?

In broad terms, IDEA requires public agencies to identify and evaluate children who may have disabilities and need special education; use nondiscriminatory and sufficiently comprehensive evaluation procedures; include parents in specified decisions and IEP meetings; develop and implement an IEP for eligible students; provide FAPE in the LRE; and give parents procedural safeguards and access to dispute-resolution procedures. The specific requirements are found throughout 34 C.F.R. Part 300 and the statute.

What IDEA does not mean

IDEA does not guarantee that every parent's preferred service, placement, or teaching method will be selected. It does not mean every student with a diagnosis automatically receives an IEP. It does not require a school to use one particular program for every student with the same disability. Decisions must be individualized, based on evaluation information and the student's educational needs, and made through the required process.

A parent's first IDEA questions

- What information did the school use to decide whether my child should be evaluated?
- Were all areas of suspected disability and educational need considered?
- What evaluation data supports the eligibility decision?
- How were my observations and information considered?
- If my child is eligible, how will the IEP address the identified educational needs?
- If my child is found not eligible, what information explains that decision and what options are available to me?

CHAPTER 5 — FAPE: FREE APPROPRIATE PUBLIC EDUCATION

What does FAPE mean?

FAPE stands for Free Appropriate Public Education. Under IDEA, FAPE includes special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state educational agency; include an appropriate preschool, elementary, or secondary education in the state involved; and are provided in conformity with the student's IEP. See 34 C.F.R. § 300.17.

"Free" generally means parents are not charged for the special education and related services that the public agency is required to provide under IDEA. "Appropriate" means the program must be individualized and meet the legal standard; it does not mean perfect, ideal, or guaranteed to maximize every possible area of development. "Public education" refers to the public agency's responsibility under the law, including when services are delivered through arrangements permitted by IDEA.

FAPE is individualized

A student's needs may involve academics, communication, behavior, social participation, mobility, sensory access, health-related needs that affect education, daily school routines, or other functional areas. The relevant question is not whether a support is commonly offered at a school. It is whether the student's individual needs have been appropriately evaluated and addressed through the IEP and required services. The IEP must include present levels, measurable annual goals, services and supports, and other required components.

Progress and meaningful educational benefit

In Endrew F. v. Douglas County School District (2017), the U.S. Supreme Court explained that an IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. The decision rejected an approach that treated merely more-than-de-minimis progress as enough. The required progress will look different for different students; the IEP team must consider the child's individual circumstances and develop an appropriately ambitious plan. This does not mean the law guarantees a particular score, grade, or outcome.

A parent can examine FAPE by asking whether the IEP is based on current, adequate information; whether it identifies the student's educational needs; whether goals are measurable and connected to those needs; whether services and supports are sufficiently clear; and whether progress is monitored and used to make needed adjustments. No single checklist can decide a legal FAPE question, but these questions help parents understand the plan.

Examples: asking FAPE-focused questions

Example 1 — Communication: A student has difficulty communicating requests and asking for help during class. Ask what evaluation information describes the communication need, how the IEP addresses it, what instruction or related services are proposed, and how the team will measure functional communication across school settings.

Example 2 — Reading: A student's evaluation shows persistent difficulty decoding unfamiliar words. Ask what the data shows about the skill, what measurable instruction-related goal is proposed, how often specialized instruction will occur, and how progress will be measured. A general statement such as "will improve reading" is not enough to understand the intended outcome or how it will be monitored.

Example 3 — Participation: A student struggles to move between activities and misses instruction during transitions. Ask what the team has observed, what supports have been considered, who will provide them, in which settings, and how the team will determine whether the student can participate more successfully.

FAPE review questions

- Does the IEP reflect current evaluation information and parent input?
- Are the student's academic and functional needs described?
- Are the annual goals measurable and individualized?
- Are services, supports, frequency, location, and duration clear where required?
- Does the plan explain how progress will be measured and reported?
- If progress is limited, how will the team review the data and consider changes?

CHAPTER 6 — LRE: LEAST RESTRICTIVE ENVIRONMENT

What does LRE mean?

LRE stands for Least Restrictive Environment. IDEA requires that, to the maximum extent appropriate, children with disabilities be educated with children who are nondisabled. Removal from regular classes or the regular educational environment should occur only when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily even with the use of supplementary aids and services. See 34 C.F.R. § 300.114.

LRE is an individualized requirement—not a rule that every student must spend every minute in a general education classroom. It is also not permission to place a student in a separate setting simply because that setting is easier for the school to arrange. The team must consider the student's needs, the supports that could make participation successful, and whether the proposed placement can implement the IEP.

Placement decisions must be based on the IEP

IDEA requires placement decisions to be made by a group that includes the parents and people knowledgeable about the child, evaluation data, and placement options. Placement must be based on the child's IEP, determined at least annually, and as close as possible to the child's home. Unless the IEP requires another arrangement, the child is educated in the school they would attend if nondisabled. The team must consider potential harmful effects on the child or on the quality of services the child needs. See 34 C.F.R. § 300.116.

The continuum of placement options

IDEA requires public agencies to make a continuum of alternative placements available to meet the needs of children with disabilities. Depending on the individual student, options may include regular classes, special classes, special schools, home instruction, and instruction in hospitals or institutions. The existence of a placement option does not mean it is appropriate for a particular student. The team must select an option consistent with the IEP and LRE requirements.

Supplementary aids and services

Before considering removal from the regular educational environment, the team must consider whether the student can be educated satisfactorily there with supplementary aids and services. These may include supports, services, adaptations, assistive technology, or other assistance that helps the student participate. The exact supports must be individualized; the phrase "we tried everything" should be explored with specific information about what was tried, how consistently it was provided, and what the results showed.

Questions parents can ask about LRE

- What are the student's needs that the proposed placement is intended to address?
- What supplementary aids and services were considered for participation in the regular class and school activities?
- Which supports were tried, for how long, and what data shows the result?
- What opportunities will the student have with nondisabled peers during classes, meals, clubs, recess, field trips, and other nonacademic activities, as appropriate?
- How will the team review whether the placement remains appropriate?
- What potential harmful effects were considered, including effects on the student and on the quality of services needed?

Common misunderstandings about LRE

Misunderstanding: "LRE always means full-time general education." Correction: LRE is individualized. The law favors education with nondisabled peers to the maximum extent appropriate, with supplementary aids and services considered, but it does not require one identical schedule for every student.

Misunderstanding: "A student must fail in general education before another placement can be discussed." Correction: Placement decisions should be based on the IEP, evaluation information, and the LRE requirements—not on a rigid failure-first rule.

Misunderstanding: "The school's available program determines the placement." Correction: The placement must be appropriate for the individual student and consistent with the IEP and IDEA requirements. Administrative convenience alone is not the legal standard.

PART II — PARENT WORKSHEET: IDEA, FAPE, AND LRE

Use this worksheet when reviewing an evaluation, IEP, or proposed placement. It is a preparation tool, not a legal determination.

IDEA — Eligibility and process

What disability-related educational needs have been identified? _____

What evaluation information supports the decision? _____

What questions remain unanswered? _____

FAPE — Individualized program

What are the student's most important educational needs? _____

Which IEP goals address those needs? _____

What services/supports are listed, and how will progress be measured? _____

LRE — Participation and placement

What opportunities are available with nondisabled peers? _____

What supplementary aids and services were considered? _____

What data supports the proposed placement? _____

Next steps

Question/request to raise: _____

Person to contact: _____ Date to follow up: _____

OFFICIAL FEDERAL REFERENCES

- IDEA regulations, 34 C.F.R. § 300.8 — Child with a disability: https://sites.ed.gov/idea/regs/b/a/300.8
- 34 C.F.R. § 300.17 — Definition of FAPE: https://sites.ed.gov/idea/regs/b/a/300.17
- 34 C.F.R. § 300.101 — FAPE availability: https://sites.ed.gov/idea/regs/b/b/300.101
- 34 C.F.R. § 300.114 — LRE requirements: https://sites.ed.gov/idea/regs/b/b/300.114
- 34 C.F.R. § 300.115 — Continuum of alternative placements: https://sites.ed.gov/idea/regs/b/b/300.115
- 34 C.F.R. § 300.116 — Placements: https://sites.ed.gov/idea/regs/b/b/300.116
- 34 C.F.R. § 300.320 — IEP contents: https://sites.ed.gov/idea/regs/b/d/300.320
- Endrew F. v. Douglas County School District RE-1, 580 U.S. 386 (2017)

Federal rules are a starting point. State law may add requirements or define certain procedures more specifically. Parents should check their state educational agency's current guidance and consult a qualified attorney for advice about an individual dispute.

PART III — UNDERSTANDING EVALUATIONS

An evaluation is more than a collection of scores. It is a process for gathering information about a student's strengths and needs so the team can make informed educational decisions. Parents should be able to understand what was assessed, what the results mean, what the limits are, and how the information relates to the student's access to and progress in education.

CHAPTER 7 — INITIAL EVALUATIONS AND REEVALUATIONS

Why evaluations matter

IDEA requires a public agency to evaluate a child before providing special education and related services for the first time. The evaluation helps determine whether the child has a disability under IDEA and whether the child needs special education and related services. Evaluations also help identify the child's educational needs. A diagnosis alone does not replace the school evaluation process, and a school evaluation should not be limited to confirming or rejecting a medical label.

Child Find: when a school should consider an evaluation

Public agencies have an affirmative duty, commonly called Child Find, to identify, locate, and evaluate children who may need special education. A parent may request an evaluation when there is reason to suspect a disability and a possible need for special education. Concerns may arise from academic performance, communication, behavior, attention, social participation, mobility, sensory access, health-related needs affecting education, or other areas. A student does not have to fail a grade or reach a crisis before an evaluation can be considered.

A parent's written request

A written request can help make the concern and date clear. Describe the concerns and examples you have observed, explain why you believe they may affect school participation or learning, and request a comprehensive evaluation under IDEA. Keep a copy. State rules determine some procedural timelines, so ask the school to explain the applicable state timeline and next steps. Do not assume that a timeline from another state applies to your child.

What happens after a request?

The school may review existing information and determine whether an evaluation is warranted, but it must follow applicable consent and notice requirements. If the agency proposes to evaluate, it generally must obtain informed parental consent before conducting the initial evaluation. Consent to evaluate is not the same as consent for the initial provision of special education services. If the agency refuses to evaluate, it must provide prior written notice explaining the refusal and the basis for its decision. Parents can ask what information was considered and what options are available under their state's procedures.

Informed consent

Consent should be voluntary and informed. The parent should understand what evaluation activities are proposed and why. Signing consent for an evaluation does not mean agreeing that the child is eligible, agreeing with every test result, or agreeing to a future placement. If a form is unclear, ask for an explanation before signing. IDEA includes specific rules about consent, including rules for initial evaluations and reevaluations; state procedures may provide additional detail.

Reevaluations

A reevaluation is used to determine whether the student continues to have a disability and continues to need special education, and to identify the student's current educational needs. A reevaluation must occur when the public agency determines that the educational or related-service needs of the child, including improved academic achievement and functional performance, warrant one, or when the child's parent or teacher requests one. Generally, a reevaluation may not occur more than once a year unless the parent and agency agree otherwise, and must occur at least once every three years unless the parent and agency agree it is unnecessary.

A reevaluation is not supposed to be automatic repetition of the same tests. The team reviews existing data, including parent information, classroom assessments, observations, and prior evaluations, and identifies what additional data are needed. The team may determine that no additional data are needed, but must notify the parent of that determination and the reasons, and inform the parent of the right to request assessment. Review the notice carefully and ask how the team reached its conclusion.

Parent preparation checklist

- ■ Write down concerns and examples across settings.
- ■ Include strengths, interests, communication, and successful supports.
- ■ Share relevant reports from outside providers, if you choose.
- ■ Ask which suspected areas will be assessed and why.

■ Ask how the evaluation will be accessible to your child.
■ Keep the request, consent forms, notices, and completed reports.
■ Ask when and how results will be shared and discussed.

CHAPTER 8 — AREAS OF EVALUATION

A comprehensive evaluation considers all areas related to the suspected disability and educational needs. IDEA requires the agency to use a variety of assessment tools and strategies, not a single measure, and to assess the child in all areas related to the suspected disability. No single measure may be used as the sole criterion for determining eligibility or an appropriate educational program.

Possible areas to consider

Academic achievement: reading, writing, mathematics, and other school skills. **Cognitive or intellectual functioning:** certain reasoning, problem-solving, and learning processes. **Communication:** understanding and using language, speech, social communication, and functional communication. **Adaptive behavior:** everyday conceptual, social, and practical skills. **Social-emotional functioning:** emotional, behavioral, and social factors that may affect education. **Motor and physical functioning:** fine-motor, gross-motor, coordination, and access needs. **Health and sensory factors:** hearing, vision, medical or sensory information relevant to educational needs. **Assistive technology:** whether tools or devices are needed for access, communication, or participation.

The list is not a checklist that every child must receive in every case. The evaluation should be individualized. The areas assessed should be connected to the concerns and suspected needs. If a parent believes an important area was overlooked, ask the team to explain why it was not assessed and whether additional information is needed.

Methods and sources of information

Evaluation information may come from standardized tests, curriculum-based measures, classroom work, observations, interviews, rating scales, developmental history, parent input, teacher input, and relevant records. Different tools answer different questions. A standardized test may compare performance with a norm group; an observation may show how a student manages a real classroom task; a work sample may reveal errors or strategies. The team should interpret information together rather than treating one score as the whole story.

Language, culture, and accessibility

Assessments must be selected and administered so they are not racially or culturally discriminatory. They should be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information, unless clearly not feasible. Tests should be used for purposes for which they are valid and reliable, and administered by trained personnel. If a child uses AAC, sign, an interpreter, adapted response methods, or other communication supports, ask how the assessment accommodated the child and whether the results remain valid for the conclusions being drawn.

Questions to ask about each assessment

• What question was this assessment intended to answer?
• Who administered it, and what training or qualifications were required?
• Was it appropriate for my child's age, language, culture, and communication method?
• Were accommodations or modifications used? If so, how might they affect interpretation?
• What are the test's limitations?
• How does this result compare with observations, work samples, and other data?

CHAPTER 9 — UNDERSTANDING EVALUATION SCORES

Scores are information—not the whole child

Evaluation reports may include standard scores, percentile ranks, age equivalents, grade equivalents, scaled scores, confidence intervals, and descriptive labels. These terms are not interchangeable. The meaning of a score depends on the specific instrument, the norm group, the student's testing conditions, and the examiner's interpretation. Ask the evaluator to explain each score in plain language and identify what the score can and cannot tell the team.

Standard scores

Many standardized tests use a standard-score scale with a mean and standard deviation set by the test publisher. A common scale has a mean of 100 and standard deviation of 15, but not every test uses that scale. A score should always be interpreted using the test's own manual and report. A standard score is not a percentage correct and does not mean a child has mastered a certain

percentage of skills.

Percentile ranks

A percentile rank describes how a score compares with scores in the test's norm group. For example, a percentile rank of 25 generally means the student scored as high as or higher than about 25 percent of the norm group on that measure. It does not mean the student answered 25 percent of questions correctly or knows 25 percent of the material. Percentiles are ranks, not percentages of mastery.

Confidence intervals and measurement error

No test score is perfectly precise. A confidence interval gives a range around a reported score that reflects measurement uncertainty under the test's statistical model. The report may show a confidence level such as 90 or 95 percent. Ask the evaluator to explain the interval and whether the student's performance could reasonably fall within a range of scores. Avoid treating a one-point difference as meaningful unless the test guidance and professional interpretation support that conclusion.

Descriptive ranges and age/grade equivalents

Labels such as average, low average, or very low are defined by the particular test or report and should not be treated as universal categories. Age equivalents and grade equivalents are especially easy to misunderstand: they do not mean the child functions like every other child of that age or grade, and they should not be used alone to plan instruction or determine placement. Ask what actual skills the student demonstrated and what teaching implications follow.

Look for patterns across measures

A report may show different results across areas. A student might perform well on untimed tasks but struggle when speed is required, or understand spoken information in a quiet one-to-one setting but have difficulty following directions in a busy classroom. Differences may reflect task demands, language, attention, fatigue, anxiety, access, or other factors. Ask the team to explain patterns and inconsistencies rather than selecting only the highest or lowest score.

CHAPTER 10 — PROCESSING AND LEARNING NEEDS

Processing terms describe specific kinds of information handling

Evaluation reports may discuss processing speed, working memory, auditory processing, visual processing, phonological processing, orthographic processing, attention, or executive functioning. These terms describe constructs or skills assessed by particular measures. They are not all stand-alone diagnoses, and a label alone does not dictate a specific IEP service. The educational team should explain whether and how a finding affects the student's ability to access instruction, complete tasks, communicate, or demonstrate learning.

Processing speed

Processing speed generally refers to how efficiently a person performs certain simple or familiar tasks under timed conditions. A lower score may be influenced by visual scanning, fine-motor output, attention, familiarity with the task, or speed demands. Ask whether slow performance is seen in classroom work and whether time limits, copying demands, or rapid transitions create barriers. Do not assume a student who works slowly does not understand the material.

Working memory

Working memory involves holding and using information for a short period while completing a task. A student may lose track of multi-step directions, have difficulty keeping numbers in mind while calculating, or need written reminders. Ask for classroom examples and consider whether directions can be broken into steps, repeated, displayed visually, or paired with check-ins. Supports should be based on observed need and evaluated for effectiveness.

Auditory and language-related processing

Difficulty processing spoken information may appear as trouble following oral directions, understanding speech in noise, remembering verbal information, or distinguishing speech sounds. These observations can have different causes and may require different assessments. Hearing, language comprehension, attention, and environmental noise should not be confused with one another. Ask which skill was measured and what additional information is needed.

Phonological and orthographic processing

Phonological processing concerns awareness and use of speech sounds in language and is often relevant to reading and spelling development. Orthographic processing concerns the recognition and memory of written letter patterns and spelling conventions. Ask how these findings relate to the student's actual reading and writing performance and what explicit instruction or practice is

recommended, if appropriate.

Executive functioning

Executive functioning is an umbrella term for skills such as planning, organizing, initiating, shifting between tasks, monitoring work, and regulating responses. These skills may affect starting assignments, managing materials, following routines, or completing multi-step activities. A useful evaluation connects the term to observable school tasks and identifies supports or instruction that can be monitored.

CHAPTER 11 — EDUCATIONAL IMPACT AND WHAT THE RESULTS MEAN

The central question: how does the finding affect education?

A test result becomes educationally useful when the team considers how it relates to the student's participation, access, progress, independence, communication, or performance in school. A report should not stop at naming a weakness. It should explain the evidence, the functional or academic impact, and what additional instruction, support, or access consideration may be needed.

A practical connection framework

Evaluation finding → observed educational impact → identified need → IEP consideration → progress information. This is a thinking tool, not a rule that every test score must become its own annual goal. Some needs may be addressed through specially designed instruction, related services, accommodations, supplementary aids, assistive technology, environmental changes, or other appropriate parts of the program. The IEP team must consider the individual student's needs and applicable requirements.

Worked example

Finding: Assessment and classroom information suggest the student has difficulty retaining multi-step spoken directions.
Educational impact: The student often completes only the first step or waits for adult help during independent work.
Need to discuss: Access to directions and a way to check understanding.
Possible IEP considerations: Explicit instruction in task routines, written or visual steps, repetition or chunking of directions, and a method for requesting clarification. The team should decide what is appropriate based on the full information.
Progress information: Track whether the student begins and completes the steps with the planned supports, across relevant settings.

Avoid one-to-one score-to-goal thinking

Not every evaluation result requires a separate annual goal. Some scores may not identify an educational need; some needs may be addressed through a service or accommodation rather than a goal; and multiple findings may point to one broader skill. The important question is whether the IEP team considered all relevant needs and addressed them appropriately—not whether every sentence in an evaluation has a matching goal.

Parent evaluation review worksheet

Student: _____ Date of report: _____ Evaluator: _____

1. What was assessed?
Assessment/area: _____ What question did it answer? _____

2. What did the report find?
Strengths: _____
Needs or concerns: _____
Scores/terms I need explained: _____

3. What does it look like at school?
Examples from class, routines, communication, or participation: _____
_____

4. What should the team consider?
Possible educational impact: _____
Questions for evaluator/team: _____

5. Follow-up
Additional information requested: _____ Person/date: _____

EVALUATION REVIEW: QUESTIONS BEFORE THE MEETING

- Did the evaluation address every area of suspected disability and educational need?
- Were multiple tools and sources of information used?
- Was parent input included and considered?
- Were language, culture, communication, sensory, and access needs considered?
- Are the results explained in understandable language?
- Are inconsistencies or unusual testing conditions discussed?
- Does the report describe educational impact—not only scores or labels?
- What questions or additional assessments should be raised with the team?

OFFICIAL FEDERAL REFERENCES

- IDEA evaluation procedures, 34 C.F.R. § 300.304: https://sites.ed.gov/idea/regs/b/d/300.304
- Review of existing evaluation data, § 300.305: https://sites.ed.gov/idea/regs/b/d/300.305
- Additional requirements for evaluations and reevaluations, § 300.306: https://sites.ed.gov/idea/regs/b/d/300.306
- Parental consent, § 300.300: https://sites.ed.gov/idea/regs/b/d/300.300
- Child Find, § 300.111: https://sites.ed.gov/idea/regs/b/b/300.111
- Reevaluation timelines, § 300.303: https://sites.ed.gov/idea/regs/b/d/300.303
- Independent educational evaluations, § 300.502: https://sites.ed.gov/idea/regs/b/e/300.502

This section provides general educational information. Evaluation instruments have their own technical manuals and interpretive rules. Ask the qualified evaluator to explain results in context. State procedures may add timelines or steps. For advice about a specific dispute or legal right, consult a qualified special education attorney.

PART IV — UNDERSTANDING THE IEP

An Individualized Education Program (IEP) is a written plan for a student who is eligible for special education under IDEA. It is developed, reviewed, and revised through a team process that includes the parent. This section explains the major parts of an IEP and how to read them as one connected plan—not as separate boxes on a form.

CHAPTER 12 — THE IEP TEAM AND PROCESS

Who participates?

The IEP Team generally includes the parent(s), at least one regular education teacher if the student is or may be participating in regular education, at least one special education teacher or provider, a representative of the public agency who is qualified to provide or supervise specially designed instruction and knowledgeable about the general curriculum and agency resources, someone who can interpret the instructional implications of evaluation results, and the child when appropriate or required. Other individuals with knowledge or special expertise about the child may be included at the discretion of the parent or agency. IDEA has rules for excusing certain members with required agreement and written input.

The team's job

The team considers the student's strengths, parent concerns, evaluation results, academic and functional needs, special factors, measurable goals, services, supports, participation with nondisabled peers, and how progress will be measured. The team should consider the required factors, including communication needs, assistive technology, and positive behavioral interventions and supports when behavior impedes learning. The IEP is not simply a form completed by one person; it is the product of the required team process.

Meetings and revisions

An IEP must be in effect at the beginning of each school year for each eligible student, and must be reviewed periodically but at least annually. The team must revise the IEP as appropriate to address lack of expected progress, reevaluation results, information provided by parents, anticipated needs, and other matters. Parents and the agency may agree to amend an IEP without convening a meeting, subject to IDEA procedures. Keep a copy of each version and note when amendments take effect.

CHAPTER 13 — PRESENT LEVELS: PLAAFP

What are present levels?

The IEP must include a statement of the student's present levels of academic achievement and functional performance, commonly called PLAAFP or present levels. This statement describes how the disability affects the student's involvement and progress in the general education curriculum, or participation in appropriate activities for preschool children. Present levels should be current, individualized, and specific enough to help the team develop goals and determine services.

What strong present levels include

A useful present-level statement identifies the skill or area, describes the student's current performance using available data, explains the educational impact, and identifies what support or instruction may be needed. Data might include assessment results, classroom work, observations, progress monitoring, and parent input. Avoid vague statements such as "struggles with reading" without explaining what the student can do, what is difficult, and how the difficulty affects school performance.

Example

Vague: "Jordan has difficulty with written work."
More informative: "In recent classroom writing samples, Jordan independently writes a complete sentence in 2 of 5 opportunities and needs adult prompting to organize ideas and use punctuation. This affects the ability to complete grade-level written assignments within the class period." The example is illustrative; a real IEP should use the student's actual data and context.

Parent questions

- What data supports this description?
- Does it reflect how my child performs across relevant settings?
- Are strengths and successful supports included?
- Does it explain the effect on access, participation, or progress?
- Is anything important missing or outdated?

CHAPTER 14 — MEASURABLE ANNUAL GOALS

What makes a goal measurable?

IDEA requires measurable annual goals, including academic and functional goals designed to meet the student's needs resulting from the disability so the student can be involved in and make progress in the general education curriculum, and to meet each of the student's other educational needs resulting from the disability. Where applicable, the IEP also includes benchmarks or short-term objectives for students

who take alternate assessments aligned to alternate academic achievement standards.

A well-written goal usually identifies the skill, the conditions or context, the expected level of performance, and how progress will be measured. The exact format can vary, but the team and family should be able to understand what the student is working toward and how the team will know whether progress is occurring.

Example

Less measurable: “Taylor will improve communication.”
More measurable: “During classroom routines, when given access to the student’s communication system, Taylor will independently communicate a request, refusal, or request for help in 4 of 5 observed opportunities across three consecutive data-collection periods.” This is only a sample structure; the team must choose a baseline, skill, and criterion appropriate to the individual student.

Check the baseline

A goal should be considered alongside the present level. If the baseline is missing or unclear, ask how the team selected the target and whether the proposed level of progress is appropriate. Ask who collects data, how often it is collected, how progress is reported, and what the team will do if progress is not as expected.

CHAPTER 15 — SPECIALLY DESIGNED INSTRUCTION AND SERVICES

What is specially designed instruction?

Specially designed instruction (SDI) means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs that result from the child’s disability and to ensure access to the general curriculum so the child can meet applicable educational standards. SDI is not merely extra help, a smaller class, or a generic accommodation. It is individualized instruction designed around the student’s disability-related educational needs.

Services must be understandable

The IEP must state the special education, related services, supplementary aids and services, program modifications, and supports for school personnel that will be provided. It must identify projected start date and anticipated frequency, location, and duration, as applicable. Parents should be able to tell what service is provided, by whom or under what arrangement, how often, for how long, and in what setting. If a term is unclear, ask the team to define it in practical terms.

CHAPTER 16 — ACCOMMODATIONS AND MODIFICATIONS

Accommodation

An accommodation changes how a student accesses information, participates, or demonstrates learning without necessarily changing the learning expectation. Examples may include extended time when appropriate, accessible formats, preferential seating based on need, visual directions, a calculator when calculation is not the skill being measured, or an alternative response method. The appropriateness of any accommodation depends on the student, task, and applicable assessment rules.

Modification

A modification changes what a student is expected to learn or demonstrate, such as altering the complexity or breadth of an assignment or curriculum expectation. Modifications can have significant implications for instruction, grading, and future opportunities. The IEP team should describe the change clearly and explain how it affects the student’s program. Local terminology may vary, so ask the team to define how it is using each term.

Make supports specific

“As needed” or “when appropriate” may be too vague to guide consistent implementation. Ask who provides the support, in which settings or activities, under what circumstances, and how staff will know it is needed. If the support is intended to be available throughout the day, the document should make that expectation understandable. A support that exists only on paper but is not implemented does not help the student access instruction.

CHAPTER 17 — RELATED SERVICES

What are related services?

Related services are supportive services required to assist an eligible child with a disability to benefit from special education. IDEA’s list includes services such as speech-language pathology, audiology, interpreting services, psychological services, physical and occupational therapy, recreation, counseling, orientation and mobility, school health services, social work services in schools, and transportation, among others. The list is not a promise that every student receives every service. The IEP team determines what is required based on the student’s individual needs and applicable rules.

Ask about educational purpose

A related service should be connected to helping the student benefit from special education. Ask what educational need the service addresses, what goals or outcomes guide it, how often it is provided, where it occurs, how progress is monitored, and how the provider communicates with the rest of the team. Medical or outside therapy services and school-based related services may have different purposes and eligibility standards.

CHAPTER 18 — PLACEMENT AND PARTICIPATION

Placement is not just a room or label

Placement concerns the educational setting or program in which the student's IEP will be implemented. The team must make placement decisions consistent with LRE, based on the IEP, and with parent participation. A classroom label by itself does not tell a family what instruction, supports, peer access, or services the student will receive. Ask for a description of the student's actual day and opportunities to participate in school activities with nondisabled peers, as appropriate.

CHAPTER 19 — PROGRESS MONITORING AND REPORTING

How will the family know whether the plan is working?

The IEP must explain how progress toward annual goals will be measured and when periodic reports will be provided. Parents should know what data will be collected, who collects it, how often it is reviewed, and how the report will show progress in understandable terms. A statement such as "making progress" is more useful when supported by data that can be compared with the baseline and goal criteria.

If progress is limited

If the student is not making expected progress, ask the team to review the data, implementation, attendance, access to instruction, and whether the current approach remains appropriate. IDEA requires the IEP team to review and revise the IEP as appropriate to address lack of expected progress. A progress report should prompt useful questions and decisions—not simply be filed away.

CHAPTER 20 — ASSISTIVE TECHNOLOGY AND AAC

Assistive technology

Assistive technology devices and services may help a student access instruction, communicate, participate, or complete school activities. IDEA requires the IEP team to consider whether the child needs assistive technology devices and services. A device may be low-tech or high-tech; the key question is whether the student needs it to receive FAPE. The team should consider training, setup, maintenance, availability across settings, and whether the tool is consistently accessible.

Augmentative and alternative communication (AAC)

AAC includes methods that supplement or replace spoken communication, such as gestures, signs, picture systems, communication boards, or speech-generating devices. A student's ability to speak some words does not automatically mean AAC is unnecessary. Communication access should be considered across the school day, including instruction, transitions, social opportunities, and times when the student needs to refuse, ask for help, express pain, or make choices. The team should consider the student's individual communication system and the training and support needed for consistent use.

IEP REVIEW WORKSHEET

Present levels: What does the IEP say the student can currently do? What data supports it? _____

Goals: Are the goals measurable? What is the baseline? How will progress be measured? _____

SDI and services: What instruction and related services are listed? Frequency/location/duration? _____

Accommodations/modifications: Are supports specific and understandable? What changes expectations? _____

Placement/LRE: What is the student's actual schedule and access to peers? What supports were considered? _____

Progress: When will reports arrive? What happens if progress is not as expected? _____

Assistive technology/AAC: What tools or communication supports are needed and available throughout the day? _____

IEP TEAM QUESTIONS TO BRING

- What current data supports each present-level statement?
- How does each goal connect to an identified educational need?
- What is the baseline, measurement method, and reporting schedule?
- What specially designed instruction will be delivered, and how is it individualized?

■ Are accommodations clear enough for staff to implement consistently?
■ Are modifications being proposed, and what are their implications?
■ Which related services are required for the student to benefit from special education?
■ What does the student's schedule look like, including time with nondisabled peers?
■ What assistive technology or AAC supports are needed across settings?
■ How will the team respond if the student is not making expected progress?

OFFICIAL FEDERAL REFERENCES

• IEP Team, 34 C.F.R. § 300.321: https://sites.ed.gov/idea/regs/b/d/300.321
• IEP development, review, and revision, § 300.324: https://sites.ed.gov/idea/regs/b/d/300.324
• IEP contents, § 300.320: https://sites.ed.gov/idea/regs/b/d/300.320
• Definition of special education/SDI, § 300.39: https://sites.ed.gov/idea/regs/b/a/300.39
• Related services, § 300.34: https://sites.ed.gov/idea/regs/b/a/300.34
• Supplementary aids and services, § 300.42: https://sites.ed.gov/idea/regs/b/a/300.42
• Assistive technology device, § 300.5: https://sites.ed.gov/idea/regs/b/a/300.5
• Assistive technology service, § 300.6: https://sites.ed.gov/idea/regs/b/a/300.6
• LRE placement, § 300.116: https://sites.ed.gov/idea/regs/b/b/300.116

This section is an educational overview. State forms and terminology vary. The IEP is an individualized legal document; questions about a specific proposed program or dispute may require advice from a qualified special education attorney.

PART V — PREPARING AND ADVOCATING

Preparation helps parents participate meaningfully in special education decisions. This section offers practical ways to prepare for meetings, ask focused questions, understand written notices, organize records, and participate in decisions. Procedures and timelines can vary by state, so use the federal references as a foundation and verify state-specific rules.

CHAPTER 21 — PREPARING FOR IEP MEETINGS

Before the meeting

Read the meeting notice and confirm the purpose, date, time, and location or virtual access details. Ask who is expected to attend and whether interpreters or communication access are needed. Request relevant draft documents or evaluation reports early enough to review them when possible. IDEA requires the school to take steps to ensure one or both parents are present or have the opportunity to participate, including scheduling at a mutually agreed time and place or using alternative methods when needed.

Create a short parent summary

Prepare a one-page summary with the student's strengths, current concerns, recent changes, successful supports, and your top priorities. Use specific examples and dates where possible. You do not need to write a lengthy argument. A concise summary helps the team understand what matters most and can be attached to your records or shared with the team.

Organize documents

Bring or have available the current IEP, most recent evaluation, progress reports, relevant work samples, prior written notices, attendance or incident records if relevant, and your communication log. Arrange them by date or topic. Mark the pages you want to discuss. Keep originals when possible and share copies unless the school needs an original for a specific reason.

During the meeting

Ask the team to explain acronyms and recommendations in plain language. Take notes about what data supports a statement, what options were discussed, what decisions were made, and what follow-up is assigned. If a proposal is unclear, ask for a concrete description: who will do what, how often, in which setting, and how progress or implementation will be checked. You may ask for a pause or a follow-up discussion if you need time to understand a complex issue.

After the meeting

Review the final documents for accuracy and completeness. Compare them with your notes and ask about anything that appears different from what you understood. Save the meeting notice, attendance information, IEP version, notices, and follow-up messages together. Record any promised actions and the date you plan to check on them.

CHAPTER 22 — QUESTIONS PARENTS CAN ASK

Questions about evaluation and needs

- What information supports this conclusion?
- What areas were assessed, and were any suspected needs not assessed?
- How does this finding affect my child's access, participation, or progress?
- What strengths and successful strategies should be included?
- What additional information would help the team understand this need?

Questions about goals and services

- What is the baseline for this goal?
- What will my child be expected to do, under what conditions, and at what level?
- How will progress be measured and how often?
- What specially designed instruction will be provided?
- Who will provide each service, how often, for how long, and where?
- How will staff coordinate supports across settings?

Questions about access and participation

- What does a typical school day look like for my child?
- What opportunities will my child have with nondisabled peers?
- What supplementary aids and services were considered?
- How will communication, assistive technology, sensory, mobility, or health-related school needs be addressed?
- How will the team know whether the supports are being implemented consistently?

Questions about disagreement

• Can you explain the reason for the proposal or refusal?
• What other options were considered and why were they not selected?
• What data supports the decision?
• Will the district provide prior written notice?
• What is the state or district process for addressing this concern?

CHAPTER 23 — PRIOR WRITTEN NOTICE (PWN)

What is prior written notice?

Under IDEA, a public agency must provide prior written notice a reasonable time before it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE to the child. PWN is a formal written explanation of the agency's proposed or refused action. It is not simply a meeting invitation, a progress report, or a casual email summarizing a conversation.

What must the notice include?

Federal regulations require the notice to describe the action proposed or refused; explain why the agency proposes or refuses the action; describe each evaluation procedure, assessment, record, or report used as a basis; include a statement that parents have procedural safeguards and how to obtain a copy; identify sources parents may contact for help understanding IDEA; describe other options considered and why they were rejected; and describe other relevant factors. The notice must be understandable and provided in the parent's native language or mode of communication unless clearly not feasible, with required steps to ensure understanding.

How parents can review a PWN

Read the action statement first. Is it clear exactly what the school is proposing or refusing? Then review the reason and the data listed. Does the notice identify the records and assessments actually relied upon? Look for other options considered and the reasons they were rejected. If the notice is vague, missing information, or difficult to understand, ask the agency to clarify or correct it. Keep the notice with the related meeting notes and documents.

PWN review worksheet

Proposed/refused action: _____
Reason given: _____
Evaluations, records, or reports relied upon: _____
Other options considered: _____
Why other options were rejected: _____
Questions or missing information: _____
Date notice received: _____ Follow-up needed: _____

CHAPTER 24 — EDUCATIONAL RECORDS AND PAPER TRAILS

Why documentation matters

A clear record helps parents remember what happened, identify patterns, track requests, and prepare for meetings. Documentation should be factual and organized. Separate what you personally observed from what someone else reported and from your interpretation. When possible, record dates, times, names or roles, locations, the student's words or actions as accurately as possible, and the response or follow-up.

What to keep

• Evaluation reports, eligibility documents, IEPs, amendments, and progress reports.
• Meeting invitations, agendas, attendance records, and notes.
• Prior written notices and procedural safeguards notices.
• Written requests, consent forms, and school responses.
• Relevant work samples, communication logs, behavior or incident records shared with you, and attendance information.
• Relevant outside reports you chose to share and records showing when they were provided.

A simple filing system

Create folders by school year, then use subfolders such as Evaluations, IEPs, Meetings, Notices, Communication, Progress, and Other Records. Use consistent file names, for example: "2026-10-15_IEP_Meeting_Notes." Keep a backup in a secure location. Avoid sharing sensitive student information through public links or unsecured accounts. Follow applicable privacy and records rules when requesting or sharing documents.

Requesting records

IDEA gives parents rights to inspect and review education records relating to their child that are collected, maintained, or used by the agency under IDEA. The agency must comply without unnecessary delay and before an IEP meeting, due process hearing, or resolution session, and in no case more than 45 days after the request. FERPA also provides education-record access rights and generally requires access within 45 days. State law may provide shorter timelines. Ask for records in writing, describe the records clearly, and keep a copy of the

request. Certain records, such as personal notes kept solely by their maker and not shared, may be treated differently under FERPA; ask the district how it classifies a particular record.

CHAPTER 25 — CONSENT AND PARENT PARTICIPATION

Consent is specific

IDEA uses consent for particular actions, including an initial evaluation and the initial provision of special education and related services. Consent to evaluate does not mean consent to begin special education services. The school must explain the activity for which consent is requested and obtain informed consent as required. Parents should read the form, ask questions, and keep a copy showing what was authorized and when.

Initial services and later changes

IDEA requires parental consent before the initial provision of special education and related services. If a parent refuses that initial provision, the agency may not use IDEA procedures to override the refusal, and the agency is not considered to be in violation of FAPE for failure to provide those services. Once a student is receiving services, different rules apply to IEP development, implementation, reevaluations, and changes. Do not assume that one signature rule applies to every situation; ask what specific action the form concerns.

Participation and meeting access

The agency must take steps to ensure parents have an opportunity to attend and participate in IEP meetings. If a parent cannot attend, the agency must use other methods, such as telephone or video conference, to ensure participation. The agency must provide notice early enough to ensure an opportunity to attend and schedule at a mutually agreed time and place. Parents may invite individuals with knowledge or special expertise about the child, subject to IDEA rules.

Parent participation checklist

- ■ I received notice of the meeting and understand its purpose.
- ■ I know who is expected to attend and can request needed access supports.
- ■ I have had a meaningful opportunity to share concerns and information.
- ■ I understand what each consent form authorizes.
- ■ I have asked for clarification where needed.
- ■ I have copies of notices, documents, and my own notes.

PART V — MEETING AND ADVOCACY WORKSHEET

Meeting date: _____ **Student:** _____ **School:** _____

My top three priorities

1. _____
2. _____
3. _____

Evidence or examples I want to share

_____
_____

Questions I need answered

_____
_____

Decisions or proposals discussed

_____

Follow-up actions / person responsible / date

_____

OFFICIAL FEDERAL REFERENCES

- Parent participation and meeting notice, 34 C.F.R. § 300.322: https://sites.ed.gov/idea/regs/b/d/300.322
- Prior written notice, § 300.503: https://sites.ed.gov/idea/regs/b/e/300.503
- Procedural safeguards, § 300.504: https://sites.ed.gov/idea/regs/b/e/300.504
- Parental consent, § 300.300: https://sites.ed.gov/idea/regs/b/d/300.300
- IEP Team members, § 300.321: https://sites.ed.gov/idea/regs/b/d/300.321
- Access to education records, § 300.613: https://sites.ed.gov/idea/regs/b/f/300.613
- Records inspection procedures, § 300.612: https://sites.ed.gov/idea/regs/b/f/300.612
- FERPA regulations, 34 C.F.R. Part 99: https://www.ecfr.gov/current/title-34/subtitle-A/part-99

State timelines and additional procedures may differ. This chapter is an educational overview, not legal advice. When a deadline, consent dispute, or records issue is urgent, verify the current rules with the state educational agency or a qualified attorney.

PART VI — DIFFICULT EDUCATIONAL SITUATIONS

Some school concerns involve behavior, discipline, attendance, or disagreement about what a student needs. These situations can be stressful. The purpose of this section is to help parents understand the educational questions, keep useful records, and identify the general federal framework. State law, district policy, and individual facts can affect the available procedures and timelines.

CHAPTER 26 — UNDERSTANDING BEHAVIOR

Behavior is information

Behavior at school may communicate discomfort, confusion, pain, fear, frustration, fatigue, a need for help, a desire to escape a task, or many other things. A behavior description should focus on what can be observed rather than labels such as “bad,” “manipulative,” or “attention-seeking.” For example, “left the assigned area three times during independent writing” is more useful than “was defiant.” The team should consider the context, what happened before and after, and what the student may be communicating.

Look beyond the moment

Ask whether the student understood the task and directions, had a way to communicate, had access to needed sensory or movement supports, experienced a change in routine, was physically uncomfortable, or had the skills needed to complete the task. Consider environmental factors such as noise, crowding, transitions, waiting, unpredictability, and adult responses. A behavior may have more than one contributing factor. Avoid assuming a cause without data and appropriate assessment.

Educational questions parents can ask

- What exactly was observed, and how often?
- In what settings, activities, and times does it occur?
- What typically happens immediately before and after?
- What communication, sensory, academic, health, or environmental factors were considered?
- What supports have been tried, and were they implemented consistently?
- How is the student taught a safe, effective way to communicate needs or request help?

CHAPTER 27 — FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) AND BIP

What is an FBA?

A Functional Behavioral Assessment is a process for gathering and analyzing information about behavior and the conditions associated with it. Practices vary, but an FBA may include defining the behavior in observable terms, collecting information about when and where it occurs, examining what happens before and after, reviewing relevant records, and gathering input from people who know the student. The purpose is to develop a better-informed understanding of the behavior and guide positive supports—not to blame the student or family.

What is a BIP?

A Behavior Intervention Plan (also called a behavior support plan in some settings) describes strategies intended to prevent or reduce barriers and teach skills that help the student participate safely and successfully. Depending on the student’s needs, a plan may describe proactive environmental supports, communication instruction, replacement skills, reinforcement, staff responses, safety procedures, and how the team will monitor whether the plan is working. A plan should be individualized and understandable to the people responsible for using it.

FBA and BIP are not automatic labels

Not every student who has behavior-related needs automatically requires an FBA or BIP under every circumstance. IDEA does, however, require the IEP Team to consider positive behavioral interventions and supports when a child’s behavior impedes the child’s learning or that of others. IDEA’s discipline provisions also address FBAs and behavioral interventions in certain disciplinary-removal situations. The specific facts and applicable rules matter.

What a parent can review

Ask whether the behavior is clearly defined, whether the information reflects different settings and perspectives, whether possible communication or access needs were considered, and whether the plan teaches skills rather than relying only on consequences. Ask who is responsible for each strategy, how staff will be trained or informed, how implementation will be checked, and when the team will review data. If a plan is not working or the student’s needs change, ask the IEP Team to review it.

CHAPTER 28 — DISCIPLINE AND MANIFESTATION DETERMINATIONS

Discipline protections under IDEA

Students with disabilities are subject to school discipline rules, but IDEA provides additional protections when disciplinary removals reach specified circumstances. A short removal does not automatically trigger every IDEA discipline procedure. A change of placement for disciplinary purposes occurs under federal rules when a removal is for more than 10 consecutive school days, or when a series of removals forms a pattern under the regulatory criteria. The pattern analysis considers factors such as length of each removal, total time removed, and proximity of removals.

Manifestation determination review (MDR)

Within 10 school days of a decision to change the placement of a child with a disability because of a code-of-conduct violation, the LEA, parent, and relevant members of the IEP Team (as determined by the parent and LEA) must review relevant information in the student's file, including the IEP, teacher observations, and relevant information provided by the parents, to determine whether the conduct was caused by or had a direct and substantial relationship to the child's disability, or was the direct result of the LEA's failure to implement the IEP. If the failure-to-implement standard applies, the LEA must take immediate steps to remedy those deficiencies.

If behavior is a manifestation

If the team determines the conduct was a manifestation of the disability, the IEP Team must conduct an FBA unless the LEA had conducted one before the behavior that resulted in the change of placement, and implement a BIP; or, if a BIP already exists, review and modify it as necessary to address the behavior. The student generally returns to the placement from which the student was removed unless the parent and LEA agree to a change as part of modifying the BIP, or a special circumstance or other IDEA provision applies.

Special circumstances and exceptions

IDEA permits removal to an interim alternative educational setting for up to 45 school days in specified circumstances involving weapons, illegal drugs, or serious bodily injury, regardless of whether the behavior is determined to be a manifestation, subject to the statutory and regulatory definitions. Separate rules apply when a student presents a danger to self or others and a hearing officer orders an interim alternative educational setting. This is a complex area; parents should obtain the written decision and promptly seek state-specific guidance or legal advice when a disciplinary change of placement is proposed.

Parent questions after a disciplinary incident

- What disciplinary action was taken, and how many school days of removal have occurred this year?
- Is the school treating this as a change of placement under IDEA?
- What records and information will be considered for an MDR?
- Has the IEP been implemented as written, including supports and behavior services?
- What educational services will be provided during any removal?
- What is the plan for returning to instruction and preventing recurrence?

CHAPTER 29 — ATTENDANCE, DISTRESS, AND SCHOOL REFUSAL

Take attendance changes seriously

A sudden or ongoing change in attendance may be connected to academic difficulty, bullying, unmet disability-related needs, anxiety, sensory overload, health concerns, transportation, changes in routine, or other factors. "School refusal" is a descriptive phrase, not a diagnosis and not an explanation by itself. Avoid assuming that a student is simply choosing not to attend. Ask what the student may be experiencing and what information is needed to understand the barrier.

Coordinate support and documentation

Record dates of absences, early pickups, distress, reported incidents, and communications with the school. Share relevant information with appropriate school personnel and health professionals when needed. Ask the team to consider whether the student's IEP addresses the factors affecting attendance and access to instruction. Possible discussion topics may include transitions, communication, predictable routines, safe arrival procedures, workload, sensory access, counseling or other related services when appropriate, and a gradual plan developed with qualified professionals. These are examples for discussion, not automatic entitlements.

Avoid making attendance a stand-alone punishment issue

Attendance laws and compulsory-attendance procedures are largely state-specific. A student's disability-related needs may also raise IDEA, Section 504, or other considerations. Parents should request written clarification of attendance expectations, educational services during absences, and the process for addressing barriers. For serious distress, safety concerns, or health symptoms, seek appropriate professional support and do not rely on an IEP meeting as a substitute for urgent care.

CHAPTER 30 — DISAGREEMENTS AND DISPUTE RESOLUTION

Start by identifying the exact disagreement

Write down the decision or action you disagree with, what information you believe was overlooked, what outcome you are requesting, and what documents support your concern. Separate facts from assumptions. For example: "I disagree with the proposed reading service because the evaluation describes difficulty decoding unfamiliar words, but the proposed plan does not identify specialized reading instruction. Please explain how the identified need will be addressed." A specific concern is easier to discuss than a general statement that the IEP is not appropriate.

Options may include

Depending on the issue and state procedures, parents may request another IEP meeting, ask for clarification or corrected documentation, use district-level complaint procedures, seek mediation, file a state special education complaint, or request an impartial due process hearing. These options are not interchangeable. They have different subjects, procedures, remedies, and deadlines. Some issues may also involve

Section 504 or other civil-rights processes. Verify which process applies before choosing a route.

Mediation

IDEA requires states to make mediation available to resolve disputes involving matters under Part B, including disputes arising before a due process complaint is filed. Mediation is voluntary for both parties, conducted by a qualified and impartial mediator, and may not be used to deny or delay a parent's right to a due process hearing. If the parties resolve the dispute, they generally enter a legally binding written agreement, subject to IDEA requirements. Ask the state educational agency how mediation is requested and what local procedures apply.

State complaint

A state complaint generally asks the state educational agency to investigate an alleged violation of IDEA or its regulations. Federal regulations generally require the complaint to allege a violation that occurred not more than one year before the state receives it, unless an exception applies. The state must resolve a complaint within 60 days after filing, subject to permitted extensions or exceptional circumstances. State complaint procedures and forms should be checked carefully.

Due process hearing

A due process complaint is a formal procedure for specified disputes about identification, evaluation, educational placement, or provision of FAPE. IDEA generally has a two-year limitations period from when the parent or agency knew or should have known about the alleged action forming the basis of the complaint, unless a statutory exception applies. State law may set a different limitations period if consistent with IDEA. Resolution-session and hearing procedures have additional requirements and deadlines. Because deadlines and legal strategy can be consequential, consult a qualified special education attorney promptly when considering due process.

Keep the child's program and deadlines in view

A disagreement does not automatically pause every IEP obligation or change the student's placement. IDEA includes a "stay-put" rule for certain proceedings, but its application depends on the procedural posture and facts. Do not assume that filing a complaint automatically changes services or placement. Ask the state agency or an attorney what applies to the specific situation.

PART VI — PARENT ACTION WORKSHEET

Concern or incident: _____
Date(s) and setting: _____
What was directly observed: _____
_____
What the student may need (questions to explore, not assumptions): _____
_____
Relevant IEP supports or services: _____
What information or records are needed: _____
Question/request to the school: _____
Follow-up person/date: _____

OFFICIAL FEDERAL REFERENCES

- Positive behavioral interventions, 34 C.F.R. § 300.324(a)(2): https://sites.ed.gov/idea/regs/b/d/300.324
- IDEA discipline, 34 C.F.R. § 300.530: https://sites.ed.gov/idea/regs/b/e/300.530
- Manifestation determination, § 300.530(e): same regulation link above
- Services during disciplinary removals, § 300.530(d): same regulation link above
- Dispute resolution options, § 300.506 (mediation): https://sites.ed.gov/idea/regs/b/e/300.506
- State complaint procedures, § 300.153: https://sites.ed.gov/idea/regs/b/e/300.153
- Due process complaint, § 300.507: https://sites.ed.gov/idea/regs/b/e/300.507
- Resolution process, § 300.510: https://sites.ed.gov/idea/regs/b/e/300.510
- Hearing decisions and timelines, § 300.515: https://sites.ed.gov/idea/regs/b/e/300.515
- Stay-put, § 300.518: https://sites.ed.gov/idea/regs/b/e/300.518

This chapter is an educational overview, not legal advice. Discipline, attendance, complaint, and hearing issues can involve short deadlines and state-specific rules. Obtain the relevant written notices and consult the state educational agency or a qualified special education attorney for advice about an individual matter.

PART VII — PARENT ADVOCACY WORKBOOK

This workbook turns the concepts in the guide into practical review tools. It is designed to help parents organize information, identify questions, and participate meaningfully in discussions with the school. It does not determine whether an evaluation or IEP is legally sufficient. Use the pages that fit your situation; you do not need to complete every worksheet.

How to use the workbook

1. Start with the concern or question you want to understand.
2. Gather the documents that relate to it: evaluations, IEPs, progress reports, notices, work samples, and relevant communication.
3. Record what the documents actually say. Separate facts from questions or interpretations.
4. Identify what you still need explained or documented.
5. Bring the worksheet to a meeting or use it to prepare a written request.

WORKSHEET 1 — EVALUATION REVIEW

Purpose: organize evaluation findings in plain language and identify follow-up questions. Review each assessment area separately. A score alone does not explain a student's full strengths, needs, or educational experience.

Student / date of evaluation

_____

Evaluator(s) and assessment area

_____

Reason the evaluation was requested

_____

For each assessment area, complete the following:

What skill or area was assessed

_____

What the report says (use the report's wording where helpful)

_____

Student strengths or skills noted

_____

Areas of difficulty or need noted

_____

How the evaluator explains the result

_____

What I do not understand / need clarified

_____

Evaluation review questions

- Were all areas of suspected disability and educational need assessed?
- Were the tools appropriate for the student's age, language, disability, and circumstances?
- Does the report describe functional and academic performance, not only scores?
- Were parent input, records, observations, and relevant outside information considered?
- Are there areas where findings conflict or where more explanation is needed?

WORKSHEET 2 — FROM EVALUATION FINDINGS TO IEP DISCUSSION

Use one row for each meaningful finding or need. The goal is not to force every test result into a separate IEP goal. The goal is to ask whether relevant educational needs are understood and addressed through appropriate goals, services, accommodations, supports, or other IEP components.

Evaluation finding / need	Educational impact	IEP section to review	Question / follow-up

Discussion prompts

• What does this finding mean in everyday school activities?
• Does the present-level statement describe the need accurately?
• Is there a goal, service, accommodation, assistive technology support, or other plan component that addresses it, when appropriate?
• If the team decides no IEP change is needed, what is the educational reasoning?

WORKSHEET 3 — IEP GOAL REVIEW

Read each annual goal and ask whether it is understandable, measurable, connected to an identified educational need, and capable of being monitored. The IEP should state how progress toward each annual goal will be measured and when periodic progress reports will be provided.

Goal review question	Notes / evidence from IEP
What skill will the student learn or improve?	
What is the starting point / baseline?	
What observable action demonstrates progress?	
Under what conditions or with what supports?	
What level of performance is expected?	
How will progress be measured?	
How often will progress be reported?	
Does the goal address an identified educational need?	

Goal status (circle or mark): clear / needs clarification / concern to discuss

WORKSHEET 4 — IEP SERVICES AND SUPPORTS REVIEW

Use the IEP's service and support sections. Check the actual document for frequency, duration, location, start date, and responsible provider where applicable. Do not assume a service is included because it was discussed verbally.

Service / support	Frequency / duration	Location / provider	Question or concern

Additional review prompts

• Are services clearly described rather than left as informal promises?
• Do accommodations explain when and how they are available?
• Are related services connected to educational access or benefit?
• Is assistive technology or communication support considered where relevant?
• How will the team know whether supports are being delivered and helping?

WORKSHEET 5 — IEP MEETING PREPARATION CHECKLIST

Before the meeting

■ Request and review the proposed agenda and relevant records.
■ Read the current IEP and most recent progress reports.
■ List the student's strengths, interests, and recent changes.
■ Identify your top three concerns and the information supporting them.
■ Write down questions and any requested team members or information.
■ Ask about interpretation, accessibility, or participation supports if needed.

During the meeting

■ Ask the team to explain unfamiliar terms and data.
■ Make sure parent input is heard and accurately reflected.
■ Ask how proposed decisions connect to evaluation findings and student needs.
■ Clarify who will provide each service and how it will be monitored.
■ Ask for explanations of proposals or refusals and the required written notice.
■ Record action items, responsible people, and follow-up dates.

After the meeting

■ Review the completed IEP and any prior written notice.
■ Compare the document with what was discussed.
■ Send a concise written follow-up if something is inaccurate or unclear.
■ Save final documents and note implementation questions.
■ Track progress and follow up when promised information is due.

WORKSHEET 6 — COMMUNICATION AND CONTACT LOG

Keep entries factual and concise. Save original emails and notices; this log is an index, not a substitute for the original records.

Date / time	Person / method	Topic and factual summary	Response / next step

WORKSHEET 7 — ADVOCACY ACTION PLAN

The main concern I want addressed

_____

What I know / documents I have

_____

What I still need to learn or request

_____

The specific question or action I will take

_____

Who I will contact and by when

_____

What response or outcome would help

_____

Follow-up date and next step

_____

WORKSHEET 8 — INCIDENT / ACCESS LOG

Use this log to record an event that affected access, participation, safety, or learning. Describe observable facts and the student's own communication where possible. Avoid conclusions about motive.

Date, time, location, activity

_____

What happened immediately before (if known)

_____

What was observed / what the student communicated

_____

Staff response and supports offered

_____

Effect on learning, participation, or safety

Who was informed and when

Follow-up requested / response received

WORKSHEET 9 — DOCUMENT CHECKLIST

- ■ Current and prior IEPs
- ■ Evaluation reports and reevaluation documents
- ■ Progress reports and goal data
- ■ Prior written notices and procedural safeguards
- ■ Relevant attendance and discipline records
- ■ Parent-school emails and meeting notes
- ■ Work samples or other examples relevant to the concern
- ■ Outside reports shared with the team, if applicable
- ■ Personal notes identifying questions and follow-up dates

WORKBOOK REMINDER

These worksheets are organizational tools. A blank field does not prove a violation, and a completed worksheet does not establish that a school has met or failed its legal obligations. Use the documents, the student's individual circumstances, and applicable federal and state requirements when evaluating a concern.

PART VIII — RESOURCES AND REFERENCE

This section points families toward official federal information and state-level starting points. It is a starting directory, not a substitute for checking the current rules, contact details, forms, and deadlines published by the agency responsible for your child's school. Websites and staff contacts can change.

CHAPTER 31 — NATIONAL PARENT AND FAMILY RESOURCES

Center for Parent Information and Resources (CPIR)
A national hub for the Parent Training and Information Center (PTI) and Community Parent Resource Center (CPRC) network. Parent Centers help families of children and youth with disabilities, birth through age 26, participate effectively in education and development. Use the locator to find the center serving your state or territory.
Find a Parent Center

U.S. Department of Education — IDEA by State
The official IDEA site provides state and territory education agency contacts, OSEP IDEA contacts, and State Performance Plan / Annual Performance Report links. This is the recommended starting point when you need to identify the responsible state education agency.
IDEA by State

U.S. Department of Education — OSEP State Contacts
Find the Office of Special Education Programs (OSEP) state contact for IDEA questions and links to state special education departments, early intervention coordinators, and parent centers.
OSEP Contacts

U.S. Department of Education — Special Education Parent Information Centers
Explains the federal Parent Program and the purpose of PTIs and CPRCs. Use it to understand the role of these centers and locate a center.
Parent Information Centers

Disability Rights / Protection and Advocacy (P&A) agencies
Each state and territory has a federally designated protection and advocacy system. These organizations may provide information, advocacy, or legal services within their priorities and eligibility rules. Services are not guaranteed for every issue or family.
National Disability Rights Network — Find a P&A agency

U.S. Department of Education — Office for Civil Rights (OCR)
OCR enforces federal civil-rights laws that prohibit discrimination based on disability in covered education programs. Section 504 and Title II of the ADA may apply alongside IDEA, depending on the facts. OCR is not the same process as an IDEA state complaint or due process hearing.
Office for Civil Rights

CHAPTER 32 — 50-STATE STARTING POINTS

The following list is a navigation aid, not 50 independently verified agency profiles. To avoid giving families stale or incorrect office names and URLs, use the U.S. Department of Education's live IDEA-by-State directory for the current official special education agency, state contacts, and performance reports. Select the state where the child receives educational services. Then use that state agency's own special education pages for complaint forms, procedural safeguards, timelines, and state rules.

01. Alabama	**02. Alaska**
03. Arizona	**04. Arkansas**
05. California	**06. Colorado**
07. Connecticut	**08. Delaware**
09. Florida	**10. Georgia**
11. Hawaii	**12. Idaho**
13. Illinois	**14. Indiana**
15. Iowa	**16. Kansas**
17. Kentucky	**18. Louisiana**
19. Maine	**20. Maryland**
21. Massachusetts	**22. Michigan**
23. Minnesota	**24. Mississippi**
25. Missouri	**26. Montana**
27. Nebraska	**28. Nevada**

29. New Hampshire	**30. New Jersey**
31. New Mexico	**32. New York**
33. North Carolina	**34. North Dakota**
35. Ohio	**36. Oklahoma**
37. Oregon	**38. Pennsylvania**
39. Rhode Island	**40. South Carolina**
41. South Dakota	**42. Tennessee**
43. Texas	**44. Utah**
45. Vermont	**46. Virginia**
47. Washington	**48. West Virginia**
49. Wisconsin	**50. Wyoming**

Also included in the federal directory: District of Columbia, Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and other listed jurisdictions. Families in these areas should use the relevant jurisdiction entry rather than assuming one of the 50 states' rules applies.

Recommended state lookup sequence
1. Open IDEA by State and select your state.
2. Identify the state education agency and special education office.
3. Find the state's procedural safeguards notice and parent rights information.
4. Find state complaint, mediation, and due process instructions.
5. Locate the state PTI/CPRC through CPIR for parent training and support.
6. Confirm all timelines and forms directly with the current state agency.

CHAPTER 33 — SPECIAL EDUCATION VOCABULARY

ADA: Americans with Disabilities Act. A federal civil-rights law that prohibits disability discrimination in covered settings, including public schools under Title II.

APE: Adapted physical education. Specially designed physical education when needed for a student to benefit from physical education.

AT: Assistive technology. Equipment or services that help a student maintain or improve functional capabilities; the IEP Team considers AT needs under IDEA.

BIP: Behavior Intervention Plan. A written plan describing individualized supports and strategies to address behavior-related barriers.

Child Find: The IDEA obligation for states and public agencies to identify, locate, and evaluate children who may have disabilities and need special education.

CPRC: Community Parent Resource Center. A federally supported parent center serving families in designated communities.

ESY: Extended School Year services. Special education and related services beyond the normal school year when required for FAPE under the applicable individualized standard.

FAPE: Free Appropriate Public Education. Special education and related services provided at public expense and in conformity with an IEP that meets IDEA requirements.

FBA: Functional Behavioral Assessment. A process of gathering information to understand behavior and guide supports.

IDEA: Individuals with Disabilities Education Act. The federal law governing special education and related services for eligible children with disabilities.

IEE: Independent Educational Evaluation. An evaluation conducted by a qualified examiner who is not employed by the public agency, subject to IDEA rules.

IEP: Individualized Education Program. The written program developed, reviewed, and revised under IDEA for an eligible student.

IEP Team: The group of required participants who develop, review, and revise the student's IEP.

LEA: Local Educational Agency. Generally, a school district or other public agency responsible for providing or arranging education services.

LRE: Least Restrictive Environment. The IDEA requirement that, to the maximum extent appropriate, children with disabilities are educated with nondisabled peers.

MDR: Manifestation Determination Review. A review required within specified disciplinary change-of-placement circumstances to determine whether conduct was related to the disability or resulted from failure to implement the IEP.

MTSS: Multi-Tiered System of Supports. A framework some schools use to organize academic and behavioral supports; it does not replace a school's IDEA Child Find obligations.

OSEP: Office of Special Education Programs within the U.S. Department of Education.

OCR: Office for Civil Rights within the U.S. Department of Education.

PLAAFP: Present Levels of Academic Achievement and Functional Performance. The IEP description of how the student is currently performing and how disability affects involvement and progress in the general education curriculum.

PTI: Parent Training and Information Center. A parent center providing information, training, and support to families of children and youth with disabilities.

PWN: Prior Written Notice. Written notice the public agency must provide when it proposes or refuses specified actions relating to identification, evaluation, placement, or FAPE.

SEA: State Educational Agency. The state-level agency responsible for education oversight and IDEA administration.

SDI: Specially Designed Instruction. Adapting the content, methodology, or delivery of instruction to address the unique needs of an eligible student.

Section 504: Section 504 of the Rehabilitation Act. A federal civil-rights law prohibiting disability discrimination by recipients of federal financial assistance.

SRO: School Resource Officer. A law-enforcement officer assigned to or working with a school; the role and authority vary by jurisdiction.

Transition services: A coordinated set of activities for a student with a disability, designed to support movement from school to post-school activities, based on individual needs and applicable IDEA requirements.

CHAPTER 34 — OFFICIAL FEDERAL REFERENCES

IDEA statute and regulations

- IDEA statute, 20 U.S.C. Chapter 33: U.S. Code, Title 20, Chapter 33
- IDEA regulations, 34 C.F.R. Part 300: Electronic Code of Federal Regulations, Part 300
- IDEA regulations in plain navigation format: IDEA Regulations, Part B

Key federal regulation topics

- Child Find: 34 C.F.R. § 300.111
- Evaluation procedures: §§ 300.304–300.306
- Independent educational evaluations: § 300.502
- IEP development and content: §§ 300.320–300.324
- Placement and LRE: §§ 300.114–300.116
- Prior written notice: § 300.503
- Procedural safeguards: § 300.504
- Discipline: §§ 300.530–300.536
- Mediation: § 300.506
- Due process complaints: § 300.507
- State complaints: §§ 300.151–300.153
- Resolution process: § 300.510

Additional federal civil-rights resources

- Section 504 regulations, 34 C.F.R. Part 104: eCFR Part 104
- ADA Title II regulations, 28 C.F.R. Part 35: eCFR Part 35
- U.S. Department of Education OCR disability discrimination: Disability Discrimination

FINAL GUIDE REMINDER

This guide is an educational resource for parents and caregivers. It is not legal advice, does not create an attorney-client relationship, and does not guarantee a particular school response or outcome. IDEA is federal law, but state rules, procedures, timelines, forms, and available services may differ. Always verify current requirements with the state educational agency and seek qualified legal advice for an individual dispute when needed.

Companion resource: Akleema's World Autism & Disability Resource Directory. Use the directory to explore state and community resources; this guide focuses on understanding the special education process and preparing parent questions.

SUPPLEMENTAL DEEP-DIVE TOPICS

The following chapters expand areas that parents commonly need to understand but that were not developed in enough detail in the first working draft. They supplement Parts I–VIII and should be included in the final table of contents during the publication review.

CHAPTER 35 — DISABILITY CATEGORIES AND EDUCATIONAL ELIGIBILITY

IDEA eligibility is not simply a medical diagnosis

IDEA Part B identifies disability categories used in determining eligibility, but a diagnosis by itself does not automatically establish eligibility for special education. The child must be evaluated under IDEA procedures, meet the applicable disability criteria, and, by reason of the disability, need special education and related services. Eligibility is determined by a group of qualified professionals and the parent, using information from multiple sources. A child may have a medical diagnosis and still need an individualized educational evaluation to understand school-related needs; conversely, a school evaluation is not a substitute for medical diagnosis when medical care is needed.

Federal categories

The federal IDEA categories are: autism; deaf-blindness; deafness; emotional disturbance; hearing impairment; intellectual disability; multiple disabilities; orthopedic impairment; other health impairment; specific learning disability; speech or language impairment; traumatic brain injury; and visual impairment including blindness. IDEA also allows states to use developmental delay for eligible children ages three through nine, or a subset of that range, as defined by state rules. State terminology and procedures may differ.

Eligibility is about disability-related educational need

The team should consider how the child's disability affects educational performance and whether the child needs specially designed instruction. Educational performance is not limited to grades or test scores. Depending on the child, relevant information may include communication, functional skills, behavior, participation, mobility, social-emotional functioning, adaptive skills, and access to instruction. A child who earns passing grades may still have educational needs that deserve careful evaluation. At the same time, not every student with a diagnosis needs special education; some may qualify for supports under Section 504 or other laws, depending on the facts.

Parent questions

- Which IDEA eligibility category or categories are being considered, and what criteria apply?
- What evaluation information supports the determination?
- Were all suspected areas assessed, including functional and communication needs?
- How does the team explain the connection between disability-related needs and the need for specially designed instruction?
- If the child is not eligible under IDEA, should the school consider Section 504 or other supports?

Official reference: 34 C.F.R. §§ 300.8 and 300.306 — IDEA disability definition; eligibility determination.

CHAPTER 36 — INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)

What is an IEE?

An Independent Educational Evaluation is an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the child's education. A parent may disagree with an evaluation obtained by the public agency and request an IEE at public expense, subject to IDEA rules. A parent may also obtain a private evaluation independently; the funding and consideration rules are not identical in every situation.

When a parent requests an IEE at public expense

When a parent requests an IEE at public expense, the public agency must, without unnecessary delay, either (1) file a due process complaint to show that its evaluation is appropriate, or (2) ensure that an IEE is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. The parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees. If the agency asks why the parent objects, the parent is not required to provide an explanation, although a brief explanation may help clarify the request.

Criteria and private evaluations

If an IEE is at public expense, the criteria under which the evaluation is obtained—including location and examiner qualifications—must be the same as the criteria the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. A public agency may not impose conditions or timelines that are inconsistent with IDEA. If a parent obtains an IEE at private expense, the agency must consider it, if it meets agency criteria, in any decision made with respect to FAPE. Consideration does not mean the school must automatically adopt every recommendation.

Suggested written request

"I disagree with the school district's evaluation dated _____. I am requesting an Independent Educational Evaluation at public expense under 34 C.F.R. § 300.502. Please provide the district's applicable IEE criteria and explain whether the district will fund the IEE or file a due process complaint without unnecessary delay."

Official reference: 34 C.F.R. § 300.502 — Independent Educational Evaluations.

CHAPTER 37 — TRANSITION PLANNING AND LIFE AFTER HIGH SCHOOL

Transition is individualized planning

For an eligible student, the IEP must include appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. The IEP must also include the transition services, including courses of study, needed to assist the student in reaching those goals. Transition planning is not simply a list of activities or a conversation held in the final year of school; it should connect the student's strengths, preferences, interests, and needs to coordinated services and experiences.

Federal age requirements

Under IDEA, transition services must be included in the first IEP that will be in effect when the student turns 16, or younger if the IEP Team determines it appropriate, and updated annually. The student must be invited to the IEP meeting when a purpose of the meeting will be consideration of postsecondary goals and transition services. If the student does not attend, the public agency must take other steps to ensure the student's preferences and interests are considered. States may require transition planning at a younger age.

Transfer of rights

At least one year before a student reaches the age of majority under state law, the IEP must include a statement that the student has been informed of IDEA rights, if any, that will transfer to the student at that age. Age of majority and the details of transfer vary by state. Parents should ask the school to explain the state rule, how the student will be supported in participating in decisions, and what options may exist if the student needs decision-making support. Do not assume a parent automatically retains educational decision-making authority after rights transfer.

Questions to raise early

• What does the student want to do after high school?
• What assessment information supports the postsecondary goals?
• What instruction, work experiences, community participation, and daily-living skills are needed?
• Are assistive technology, communication, transportation, or adult-service connections relevant?
• Who is responsible for each transition activity, and how will progress be reviewed?

Official reference: 34 C.F.R. § 300.320(b) — IEP content and transition services.

CHAPTER 38 — EXTENDED SCHOOL YEAR (ESY) SERVICES

ESY is an individualized FAPE decision

Extended School Year services are special education and related services provided beyond the normal school year in accordance with the child's IEP. IDEA requires ESY when the IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE. A district may not limit ESY categorically to particular disability categories or unilaterally limit the type, amount, or duration of services. ESY is not automatically required for every student, and it is not simply a summer enrichment program or childcare arrangement.

Information the team may consider

Parents can ask what information the team used to make its decision. Relevant individualized information may include progress and regression patterns, the time needed to regain skills, emerging or critical skills, the nature and severity of needs, and other factors recognized by the state or applicable case law. No single factor should be treated as an automatic rule for every child. Families should ask how the team's reasoning connects to the child's individual needs and the applicable state standard.

Questions for the IEP Team

• What data did the team review when considering ESY?
• Were breaks and changes in routine associated with meaningful loss of critical skills or extended recoupment time?
• Are communication, self-care, behavior, safety, or other functional skills relevant to the decision?
• If ESY is proposed, what goals, services, frequency, duration, and setting are needed?
• If ESY is refused, can the team explain the decision and the data supporting it?

Official reference: 34 C.F.R. § 300.106 — Extended School Year services.

CHAPTER 39 — TRANSPORTATION, HEALTH, AND SCHOOL ACCESS

Transportation may be a related service

IDEA includes transportation within the definition of related services. Depending on the student's individual needs, transportation-related supports may include travel to and from school and between schools, travel in and around school buildings, and specialized equipment such as adapted buses, lifts, or ramps. The IEP Team should consider whether transportation is needed for the student to receive special education and related services. Not every student with a disability automatically requires specialized transportation.

Health-related supports at school

IDEA's related-services definition includes school health services and school nurse services, as well as certain services provided by a qualified school nurse or other qualified person. The exact service and provider depend on the student's needs and applicable requirements. Parents can share relevant health information with appropriate school personnel and ask how health-related needs affect attendance, safety, participation, and access to instruction. School-based services are not a replacement for medical care from the child's healthcare providers.

Access questions parents can ask

• Does the student need support getting to, from, or around school safely?
• Do transportation arrangements create barriers to attendance or participation?
• Are health procedures or emergency plans needed during the school day or transportation?

• Who is trained to provide the support, and who is the backup?
• Where is the support documented, and how will the team review whether it is working?

Official reference: 34 C.F.R. § 300.34 — Related services.

SUPPLEMENTAL CHAPTERS — REVIEW REMINDER

These topics are additional educational explanations and are not a substitute for the full IDEA regulations, state special education rules, or legal advice. State timelines, age thresholds, eligibility terminology, and procedures may vary. Confirm current requirements with the responsible state educational agency.

DEEP-DIVE EXPANSION — MAKING THE IEP WORK IN REAL LIFE

This supplement adds practical teaching detail to the existing guide. It focuses on the difference between an IEP that is written on paper and a program that is understood, delivered, monitored, and adjusted in the student's everyday school experience.

CHAPTER 40 — IEP IMPLEMENTATION: FROM WRITTEN PLAN TO DAILY PRACTICE

The IEP is an educational program, not just a meeting document

An IEP describes the special education and related services, supplementary aids and services, program modifications, and supports that the public agency will provide. Once the IEP is in effect, the responsible public agency must make the services available in accordance with the IEP. A parent can therefore review two related questions: (1) Is the plan appropriate for the student's individual needs? and (2) Is the plan being implemented as written? These are different questions. A plan can be followed consistently and still need revision; a well-designed plan can also fail to help if required supports are not delivered.

Read the service grid carefully

For each service, locate the description, projected start date, frequency, location, and duration. Check whether the document identifies the service provider or role where required by the form or state practice. Words such as "as needed," "when available," or "access to" may be too vague to explain what the student is actually supposed to receive. Ask the team to clarify the amount, conditions, and responsibility for delivery. Avoid assuming that a verbal statement at a meeting changes the written IEP.

Understand service minutes without losing sight of quality

Frequency and duration matter, but minutes alone do not explain the quality or purpose of instruction. Ask what skill is being taught, what specially designed instruction will look like, what materials or methods may be used, and how the provider will know whether the student is learning. Also ask whether the setting allows the student to participate meaningfully and whether the service schedule conflicts with other important instruction or activities.

What implementation evidence may look like

Depending on the issue, useful information may include service logs, provider notes, progress-monitoring data, work samples, communication records, accommodation checklists, assistive-technology use records, attendance information, or observations. Not every support will generate the same kind of record. A parent can ask what documentation the school maintains and how it verifies that the IEP is being implemented. A missing log alone does not automatically prove a service was not provided; it may be one piece of information to clarify.

When the student's needs change

An IEP is reviewed at least annually, and it may be revised more often when appropriate. Parents can request an IEP meeting when new information, lack of expected progress, changing needs, or implementation concerns suggest that the program should be reviewed. A team may also agree to amend an IEP without a meeting in the circumstances allowed by IDEA. Ask for the changes to be documented and distributed to the relevant people responsible for implementation.

Practical example

Suppose an IEP says that a student receives speech-language services twice each week, but the student's communication device is not available during several classroom activities. The parent might separate the issues: Were the scheduled speech-language sessions delivered? Is the communication device available and supported throughout the activities where the student needs it? Does the IEP clearly describe the needed device access, training, and support? One service log may answer the first question but not the others.

Parent implementation review

- What exact IEP statement am I reviewing?
- What should happen, how often, and under what conditions?
- Who is responsible for making it happen?
- What records or observations help me understand implementation?
- Is the student able to access the support when it is needed?
- If it is not happening as expected, what clarification or team review am I requesting?

CHAPTER 41 — WHEN A STUDENT IS NOT MAKING EXPECTED PROGRESS

Look at more than the report-card grade

Progress toward IEP goals should be measured using the method described in the IEP, and the IEP must state when periodic reports on progress toward annual goals will be provided. A grade may provide useful context, but it may not show whether a specific IEP goal is being met. Review the baseline, the measurement method, the data points over time, the conditions under which performance was measured, and whether the student had access to the supports described in the plan.

Questions to ask when progress is limited

Ask whether the goal is still appropriate, whether the baseline was accurate, whether instruction and supports were delivered consistently, whether the data method is reliable, and whether barriers affected participation. Consider whether the student needs a different instructional

approach, more explicit teaching, a revised accommodation, additional evaluation, or a change to the goal. The team should use individual data rather than assume that lack of progress means lack of effort or ability.

Progress data should be understandable

A useful progress report explains what was measured, the student's current performance, the amount and direction of change, and whether the student appears on track to meet the annual goal. If a report says only "making progress" without showing how that conclusion was reached, a parent can ask for the underlying data or a clearer explanation. Ask how often data are collected and who reviews them. A single data point rarely tells the whole story.

When to request a team review

Consider asking for an IEP meeting when progress is substantially below what was expected, the student loses skills, new needs emerge, a goal is no longer appropriate, supports are not being delivered, or school circumstances change in a way that affects access. IDEA requires the IEP Team to review and revise the IEP as appropriate to address lack of expected progress toward annual goals and in the general education curriculum, results of reevaluations, information provided by parents, the child's anticipated needs, and other matters. The team should consider the relevant information rather than wait automatically for the annual review.

A useful written request

"I have reviewed the most recent progress report for the goal concerning _____. I would like to understand the data used to measure progress, how often the data were collected, and whether the student is on track to meet the annual goal. Please let me know when the IEP Team can review the goal, instruction, and supports in light of this information."

CHAPTER 42 — ACCOMMODATIONS: ACCESS, CONSISTENCY, AND CLARITY

An accommodation should explain how access is provided

An accommodation is intended to help a student access instruction, demonstrate learning, or participate without changing the learning expectation itself. Examples may include additional time, reduced-distraction setting, visual directions, accessible materials, breaks, alternate response methods, or supported transitions. Whether a particular support is appropriate depends on the student's individual needs and the educational task. The IEP should describe supports clearly enough that staff can understand when and how to use them.

Make vague wording more usable

"Extra time" may need clarification: extra time for which tasks, how much, and under what conditions? "Preferential seating" may need to explain the purpose, such as reducing visual distractions or supporting access to instruction. "Breaks as needed" may need to describe how the student requests a break, where the student goes, how long the break generally lasts, and how the student returns to instruction. The goal is not to make every IEP excessively complicated; it is to make important supports understandable and consistently usable.

Accommodations across settings

Ask whether supports are available in the settings where the student needs them: general education classes, special education settings, electives, lunch, recess, assemblies, field trips, transportation, testing, and school-sponsored activities, as appropriate. A support that is available only in one classroom may not address the barrier in another setting. The IEP Team should consider the student's actual school day and document supports as needed.

Testing accommodations

Classroom accommodations and statewide or district testing accommodations are related but not automatically identical. Testing accommodations must follow the applicable assessment rules and be documented or selected as required. Ask the school how the student's usual access supports relate to testing, whether the proposed testing accommodation is permitted, and whether the student has had an opportunity to use it during instruction. Do not assume that every classroom support is automatically allowed on every assessment.

CHAPTER 43 — PARENT PARTICIPATION AND MEETING ACCESS

Meaningful participation is more than receiving an invitation

IDEA requires public agencies to take steps to ensure that one or both parents are present at each IEP Team meeting or are afforded the opportunity to participate. The agency must schedule the meeting at a mutually agreed-on time and place, provide notice early enough to ensure an opportunity to attend, and indicate the meeting's purpose, time, location, and who will attend. If neither parent can attend, the agency must use other methods to ensure participation, such as individual or conference telephone calls, consistent with IDEA rules.

Preparation and accessible communication

Parents may ask for draft materials or records in advance when available, request an explanation of technical language, ask who will attend, and request an interpreter or communication support when needed to understand and participate. A parent may bring individuals with knowledge or special expertise regarding the child, subject to IDEA's team membership rules. The parent should tell the school in advance if another person will attend so the meeting can be planned appropriately.

If the meeting moves too quickly

A parent can ask the team to pause, repeat a point, explain a term, identify the data behind a recommendation, or state whether a decision is final or still under discussion. If a parent needs time to review a complex proposal, the parent can ask for the proposal and supporting information in writing. The team may not always agree to every requested process, but asking clear questions helps create a record of what was discussed and

what remains unresolved.

CHAPTER 44 — A STEP-BY-STEP DOCUMENT REVIEW METHOD

Use a consistent review sequence

1. Identify the document date and whether it is a draft, final IEP, evaluation, progress report, or notice.
2. Find the section related to your concern.
3. Highlight the exact wording or data that raised the question.
4. Compare it with the relevant evaluation findings, present levels, goals, services, and progress reports.
5. Write one neutral question for each unclear point.
6. Record the school's explanation and any follow-up commitment.
7. After the meeting, compare the final written document with the decisions recorded.

Avoid common documentation traps

Keep original files and emails; do not edit originals to add comments. Save notes separately and label them as your notes. Record dates and participants as accurately as possible. When summarizing a conversation, distinguish a direct quotation from your own paraphrase. If you are uncertain about a date or exact wording, say so rather than presenting an estimate as a fact. Share only information relevant to the educational concern and protect the child's privacy.

Official IDEA references for this supplement

- IEP implementation and review: 34 C.F.R. § 300.323 — Agency responsibilities for IEPs
- IEP review and revision: § 300.324(b) — Development, review, and revision of IEP
- IEP progress reports and content: § 300.320 — Definition of IEP
- Parent participation and meeting notice: § 300.322 — Parent participation
- IEP team membership: § 300.321 — IEP Team

This supplement is educational information, not legal advice. Requirements and procedures may vary by state, and the student's individual circumstances matter.

DEEP-DIVE EXPANSION: UNDERSTANDING SCHOOL EVALUATIONS

These chapters expand the evaluation portion of the guide. They teach parents how to read the report, identify unanswered questions, and connect assessment findings to educational planning. They are general educational information, not individualized legal, medical, or diagnostic advice.

CHAPTER 45 — HOW A COMPREHENSIVE EVALUATION IS PLANNED

Start with the referral question

An evaluation should help the team answer specific questions about the child's strengths, suspected disabilities, educational needs, and need for special education and related services. A referral may begin with reading, communication, attention, mobility, behavior, or another concern. The team should not treat the first concern as the only area worth investigating. Under IDEA, assessment must cover all areas related to the suspected disability, including, when appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Multiple sources and functional information

A useful evaluation may draw on interviews, record review, classroom observations, work samples, curriculum-based measures, standardized assessments, and information from the parent and teachers. IDEA prohibits use of any single measure or assessment as the sole criterion for determining whether a child has a disability or the appropriate educational program. Functional, developmental, and academic information should be considered. A report can be technically detailed yet still leave parents unsure what the child needs at school; ask the team to explain that connection.

Assessment accessibility and fairness

Assessments must be selected and administered so they are not discriminatory on a racial or cultural basis, and must be provided and administered in the child's native language or other mode of communication unless clearly not feasible. Tools should be used for their valid purposes by trained personnel in accordance with instructions. Ask how the student's language, disability, communication system, sensory needs, or motor access affected the assessment. An accommodation that changes what a test measures may limit interpretation; the evaluator should explain relevant limitations.

Example: A student who communicates using an AAC device is given a task that requires spoken answers. The parent asks whether the result measures the targeted skill or instead reflects limited access to the response format. The evaluator explains what accommodations were permitted and how the result should be interpreted.

Parent questions

1. What questions is this evaluation intended to answer? 2. Which suspected areas will be assessed, and why? 3. What observations or classroom data will supplement testing? 4. How will the child access instructions and response methods? 5. How will the report describe educational needs, not merely scores?

CHAPTER 46 — UNDERSTANDING SCORES WITHOUT OVERINTERPRETING THEM

Standard scores, percentiles, and confidence intervals

A standard score places performance in relation to a test's norming sample. Different tests use different averages, standard deviations, and descriptive ranges; never assume the same score means the same thing across instruments. A percentile rank describes the percentage of the norm group scoring at or below a particular score. A 10th-percentile rank does not mean the child answered 10 percent of items correctly. Confidence intervals reflect uncertainty around an estimated score; they are not promises about the student's true ability or future performance.

Age equivalents and grade equivalents

Some reports provide age-equivalent or grade-equivalent scores. These can be especially misleading when read as literal descriptions of what a student can do. A grade-equivalent score of 3.5 does not establish that a student has mastered third-grade curriculum or should be placed in third grade. Ask for the evaluator's explanation of the score's technical meaning, limitations, and relevance to instruction.

Patterns, not isolated numbers

A student's performance may vary by task demands, setting, language, fatigue, anxiety, familiarity, or motor and communication access. Consider confidence intervals, observations, history, and work samples before drawing conclusions from a single low or high score. Apparent differences between scores may or may not be statistically meaningful; the examiner should explain whether comparisons are valid under the test manual.

Example: A child earns an average score on a brief vocabulary measure but has difficulty understanding multi-step classroom directions. These findings are not necessarily contradictory. Vocabulary knowledge and following lengthy spoken directions may involve different demands. The team can examine functional observations and other relevant assessment results.

A simple score-reading checklist

Record the exact test and subtest name; what skill it measures; the score type and norm group; the score and any confidence interval; the evaluator's interpretation; observed limitations; and what the result suggests about access or instruction. If a report says "below average," ask which score, measure, and comparison group support that statement.

CHAPTER 47 — WHEN RESULTS APPEAR TO CONFLICT

Why different information can tell different stories

Teachers, parents, therapists, and evaluators may see different performance because environments, demands, supports, and expectations differ. A child may complete a task in a quiet one-to-one testing room but struggle in a busy classroom. A student may demonstrate a skill with prompts but not independently. Different tests may measure related but nonidentical constructs. Conflicting information should prompt clarification, not automatic dismissal of one observer.

A structured way to examine differences

First identify exactly what each source measured or observed. Next compare the conditions: time, setting, language, prompts, materials, sensory load, and access supports. Ask whether the difference is expected based on the measures or whether more information is needed. Finally, ask how the team will address the educational question despite uncertainty. An evaluator may need to explain whether additional assessment is appropriate.

Example: A standardized reading test indicates adequate word recognition, while classroom work shows slow completion and frequent errors during long reading assignments. Ask whether the student's reading rate, endurance, comprehension, attention, or access to text was assessed separately.

Parent wording for clarification

"The report describes _____, but the classroom data show _____. Could the evaluator explain what each measure assesses, why the results may differ, and whether additional information is needed to understand the educational impact?"

CHAPTER 48 — IDENTIFYING GAPS IN AN EVALUATION

A gap is a question to investigate, not proof of a violation

An evaluation may leave a parent with unanswered questions about communication, functional performance, sensory access, behavior, academic skills, assistive technology, or another area. A missing topic in one report does not always mean it was omitted from the overall evaluation: the team may have gathered that information elsewhere. Ask for the full set of reports and the team's explanation before drawing conclusions.

Questions to test completeness

Does the evaluation identify the areas of suspected disability? Does it include relevant parent information and classroom functioning? Does it explain why certain tools were selected? Are scores interpreted in context? Are the child's strengths and needs described? Does the report connect findings to educational planning? Are important uncertainties or limitations disclosed?

Requesting additional explanation or assessment

Parents can ask the school to explain the basis for its conclusions, request an IEP or eligibility meeting as appropriate, and raise suspected areas that may require additional evaluation. If the parent disagrees with an evaluation obtained by the public agency, IDEA includes rules for requesting an independent educational evaluation at public expense. The parent should consult the relevant safeguards and state procedures for their circumstances.

Example: The report documents frequent classroom communication breakdowns but does not explain how communication was assessed. A parent asks which assessment or observation addresses receptive, expressive, and functional communication and whether more information is necessary.

CHAPTER 49 — TURNING EVALUATION FINDINGS INTO EDUCATIONAL QUESTIONS

Use a five-part chain

1. **Finding:** What does the evaluation actually say? 2. **Educational impact:** How does the finding affect learning or participation? 3. **Need:** What skill, access support, or service need is identified? 4. **IEP discussion:** Which present level, goal, service, accommodation, or other component should the team consider? 5. **Monitoring:** How will the team know whether the support is helping?

Example: Finding: the student has difficulty initiating requests for help. Impact: during independent work the student may stop working without alerting an adult. Need: a reliable communication method and instruction in its use. IEP discussion: present levels, communication instruction, AAC access, and relevant supports. Monitoring: measure independent help requests across settings over time.

Not every finding requires a separate annual goal

The team should address the child's unique needs through an appropriate combination of IEP components. Some needs are addressed through specially designed instruction and measurable goals; others may involve accommodations, related services, supplementary aids, assistive technology, or staff supports. Do not use a rigid "one low score equals one goal" rule. Ask the team to explain the plan for each significant educational need.

What parents can bring to the meeting

Bring a one-page list of the top findings, corresponding school examples, questions, and possible needs for discussion. If a finding seems important but the team does not propose an IEP change, ask for the educational rationale and whether the decision will be documented in prior written notice when IDEA requires it.

WORKSHEET — EVALUATION QUESTION TRACKER

Use this blank template for one concern at a time. Make copies as needed.

Prompt	Parent notes
Report date and assessment area	

Exact finding or quotation	
What this may look like at school	
What I understand	
What I need explained	
Other information to compare	
Question I will ask	
Who will respond / when	
What the team decided / next step	

Official federal sources

IDEA evaluation procedures, 34 C.F.R. § 300.304: sites.ed.gov/idea/regs/b/d/300.304. Additional requirements, § 300.305: sites.ed.gov/idea/regs/b/d/300.305. Eligibility, § 300.306: sites.ed.gov/idea/regs/b/d/300.306. IEE, § 300.502: sites.ed.gov/idea/regs/b/e/300.502.

Educational resource only. Verify state requirements and individual circumstances before making legal or educational decisions.

DEEP-DIVE EXPANSION — BUILDING AN INDIVIDUALIZED IEP

The next five chapters examine how IEP information is translated into goals, instruction, accommodations, and related services. The examples are educational illustrations, not required wording or a determination that a particular student qualifies for a particular service.

CHAPTER 50 — WRITING MEASURABLE ANNUAL GOALS

A goal should describe a meaningful skill

An annual goal should address a disability-related educational need and describe what the student is expected to learn or do within the IEP period. A goal is not merely a task, activity, classroom rule, or statement that the student will “improve.” The team should be able to explain why the skill matters for the student’s access, participation, or progress in education.

Understand the parts of a measurable goal

A well-developed goal commonly identifies: (1) the skill or behavior to be demonstrated; (2) the conditions or context in which it will be demonstrated, when relevant; (3) the expected level or criterion; and (4) how progress will be measured. IDEA requires measurable annual goals and explains that the IEP must state how progress will be measured and when periodic reports will be provided. The exact format may vary, but the meaning should be clear enough to monitor.

Baseline and starting point

The present levels should provide information that helps the team understand the student’s current performance. A goal that says “will read 100 words per minute” is difficult to interpret if the IEP does not explain the student’s current reading performance, the type of text, accuracy, or conditions. Ask what data support the starting point and whether it reflects the student’s typical performance rather than a single unusual day.

Avoid goals that cannot be evaluated

Phrases such as “will try harder,” “will behave,” “will understand,” or “will make progress” do not explain what will be observed or how the team will measure it. A goal such as “will independently use an agreed communication method to request a break during classroom activities in 4 of 5 observed opportunities, measured through staff data collection” is more observable. This is only an example; the team must select a skill, conditions, and criterion appropriate to the individual student.

A goal is not the entire program

A measurable goal does not by itself explain what instruction or services will be provided to help the student achieve it. Review the goal alongside specially designed instruction, service details, accommodations, assistive technology, and progress monitoring. If a student is expected to achieve a skill, ask what teaching and support will make that learning possible.

CHAPTER 51 — SPECIALLY DESIGNED INSTRUCTION (SDI)

What makes instruction specially designed?

IDEA defines special education as specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. The definition includes adapting, as appropriate to the child’s needs, the content, methodology, or delivery of instruction. SDI is not simply a location, a smaller class, extra adult attention, or a list of accommodations. It describes how instruction is adapted to address the student’s unique disability-related needs.

Ask what the student will be taught and how

A parent can ask the team to explain the instructional approach in everyday language. What skill is being taught? What method or sequence will be used? How will instruction be adjusted based on the student’s response? How will the provider know whether the approach is effective? The IEP may not need to contain a scripted lesson plan, but the team should be able to explain the nature of the specialized instruction and how it connects to the student’s goals and needs.

SDI compared with accommodations

An accommodation generally changes how a student accesses instruction or demonstrates learning without changing the learning expectation. SDI adapts instruction itself to address unique learning needs. A student may need both. For example, visual directions may make a lesson accessible, while explicit, systematic instruction may teach the underlying reading or communication skill. The team should consider the individual need rather than assuming one kind of support replaces the other.

Provider, setting, and delivery

Ask who will provide the specialized instruction, how often it will occur, for how long, and in what setting. Also ask how the student will use the skill across classes and school routines. If a student learns a skill in one setting but cannot use it in another, the team may need to consider generalization, collaboration, or additional supports. Service details should be clear enough to understand the program the school is committing to provide.

CHAPTER 52 — RELATED SERVICES AND COORDINATION

Related services support access to special education

IDEA defines related services as transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. The regulation includes examples such as speech-language pathology, audiology, interpreting services, psychological services, physical and occupational therapy, recreation, counseling, orientation and mobility, medical services for diagnostic or evaluation purposes, school health services, social work services in schools, and parent counseling and training. The list is not a promise that every student receives each service; the student's individual needs determine what is required.

Educational need and service decisions

A related service is considered in relation to the student's special education needs and ability to benefit from the educational program. Parents can ask what educational need the proposed service addresses, what the provider will work on, and how the service connects with goals or other IEP supports. A medical diagnosis or outside therapy recommendation may be relevant information, but it does not automatically dictate a school service or its amount. The IEP Team considers the whole record and applicable requirements.

Direct, indirect, and consultative support

Services may be delivered directly to the student, through consultation or collaboration with staff, or through a combination, depending on the IEP and the student's needs. If the IEP uses terms such as "consult," "monitor," or "collaborate," ask what those activities mean in practice, how often they occur, and how the team will know whether they are sufficient. Avoid assuming that consultation is equivalent to direct therapy or that one delivery model is always better.

Coordination across the school day

A student may need a service to support participation in more than one setting. Ask how providers will communicate with classroom staff, how strategies will be carried over, and who is responsible for ensuring that equipment or communication supports are available. The team should avoid creating a plan in which each provider works in isolation while the student's daily access needs remain unresolved.

CHAPTER 53 — SUPPLEMENTARY AIDS, SERVICES, AND PROGRAM SUPPORTS

Supports can make participation possible

IDEA requires the IEP to describe the supplementary aids and services, program modifications, and supports for school personnel that will be provided to enable the child to advance toward annual goals, make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated and participate with other children with disabilities and nondisabled children. The team considers these supports in relation to the student's individual needs and placement.

Examples to consider—not a checklist of automatic entitlements

Depending on the student and setting, supports might include visual schedules, adapted materials, accessible technology, communication supports, adult assistance, structured transitions, peer supports, staff training, environmental adjustments, or consultation among educators and related-service providers. The IEP Team should select supports based on evidence and individual need. A familiar example should not be copied into an IEP without considering whether it addresses the particular student's barriers.

Supports for school personnel

Some students need adults to receive training, consultation, or other support so that the student's IEP can be implemented effectively. Ask whether staff who work with the student understand the supports, know how to use required equipment, and know whom to contact when a strategy is not working. The IEP may identify supports for school personnel where appropriate. These supports are not a substitute for direct services a student needs.

Check that supports are specific enough

For an important support, consider whether the IEP explains what it is, when or where it is used, who is responsible, and any relevant conditions. For example, "visual support" may need clarification about which visual schedule or directions are used, when they are presented, and how changes are communicated. The level of detail should make implementation understandable without turning the IEP into an impractical manual.

CHAPTER 54 — PLACEMENT, PARTICIPATION, AND THE FULL SCHOOL DAY

Placement is based on the IEP, not a label alone

IDEA requires placement decisions to be made by a group that includes the parents and people knowledgeable about the child, the meaning of evaluation data, and placement options. Placement must be determined at least annually, based on the child's IEP, and as close as possible to the child's home. Unless the IEP requires another arrangement, the child is educated in the school the child would attend if nondisabled. The team must consider potential harmful effects on the child or on the quality of services needed.

Removal from general education requires individualized consideration

IDEA's LRE rule states that children with disabilities are educated with children who are nondisabled to the maximum extent appropriate. Removal from the regular educational environment occurs only when education in regular classes, with supplementary aids and services, cannot be achieved satisfactorily. This is not a rule that every child must spend the same amount of time in general education. It requires an individualized decision based on the IEP and the student's needs.

Look at the entire day

Consider core instruction, specials, lunch, recess, assemblies, field trips, transportation, extracurricular activities, and transitions. A placement may appear appropriate on a schedule but still leave the student excluded from meaningful parts of school life. Ask what supports are needed for

participation and whether the student has opportunities to learn and interact with peers. Consider safety, access, instructional benefit, and the student's individual circumstances rather than relying on a single placement label.

When a placement proposal is unclear

Ask the team to explain what options were considered, what supplementary aids and services were discussed, why the proposed placement is appropriate, and what data support the decision. Ask how the student's access and progress will be monitored. If the team proposes a change, request the prior written notice explaining the proposal or refusal and the reasons for it.

PARENT REVIEW TOOL — CONNECTING THE IEP COMPONENTS

Use this sequence to test whether the different parts of the IEP tell a coherent story:

1. **Evaluation:** What did the assessments and other information identify?
2. **Present levels:** How does the student perform now, and how do disability-related needs affect school participation and progress?
3. **Goals:** What measurable skills or outcomes will the student work toward?
4. **SDI:** What specialized instruction will teach the needed skills?
5. **Services and supports:** What related services, aids, accommodations, technology, and personnel supports are needed?
6. **Placement:** Where can the student receive the IEP with appropriate supports and participation?
7. **Progress monitoring:** What data will show whether the plan is helping, and when will the family receive reports?

If one part seems disconnected, ask the team to explain the connection. A finding does not automatically require a separate goal or service, but the IEP should address the student's identified needs as required by IDEA.

OFFICIAL FEDERAL REFERENCES

- Definition of special education / SDI: 34 C.F.R. § 300.39 — Special education
- Related services: § 300.34 — Related services
- IEP content and measurable goals: § 300.320 — Definition of IEP
- Supplementary aids and services: § 300.42 — Supplementary aids and services
- Placement and LRE: §§ 300.114–300.116 — LRE requirements

DEEP-DIVE EXPANSION — PARENT RIGHTS AND PROCEDURAL SAFEGUARDS

This section explains several procedural protections under IDEA Part B. It is an educational overview. Parents should read the procedural safeguards notice provided by their school and check current state procedures, because forms, contact points, and some timelines vary.

CHAPTER 55 — THE PROCEDURAL SAFEGUARDS NOTICE

What the notice is

IDEA requires the public agency to provide parents a copy of the procedural safeguards notice at least once in a school year, except that a copy must also be given upon an initial referral or parent request for evaluation, upon the first state complaint under the specified rule in a school year, upon the first due process complaint in a school year, when a disciplinary change of placement occurs, and upon request by a parent. The notice explains the procedural protections available under IDEA. Parents can ask for an explanation of any section they do not understand.

Accessible language and format

The notice must be written in language understandable to the general public and provided in the parent's native language or other mode of communication, unless clearly not feasible to do so, subject to IDEA's translation and communication requirements. Ask for interpretation or an accessible format when needed. Receiving a notice does not mean a parent has understood every procedure or deadline; it is appropriate to ask the school or state agency to explain how a particular safeguard applies.

How to use the notice

Keep the current notice with the student's education records. Use its contents to locate information about consent, independent educational evaluations, records, mediation, state complaints, due process, and discipline protections. If the school refers to a deadline or procedure, ask for the exact regulation or state rule and the date from which the timeline is calculated.

CHAPTER 56 — PARENTAL CONSENT: WHAT IT DOES AND DOES NOT MEAN

Consent must be informed and voluntary

Under IDEA, consent means the parent has been fully informed in the parent's native language or other mode of communication of all information relevant to the activity for which consent is sought, understands and agrees in writing to the activity, and understands that consent is voluntary and may be revoked at any time. Revocation is not retroactive; it does not undo an action that occurred after consent was given and before it was revoked.

Initial evaluation and initial services are different decisions

The public agency generally must obtain informed parental consent before conducting an initial evaluation. Consent to an initial evaluation is not consent for the initial provision of special education and related services. Before initially providing special education and related services, the agency must make reasonable efforts to obtain informed consent. IDEA includes specific rules when a parent refuses or does not respond; the details should be checked in the regulation and state procedures.

Reevaluation consent

The agency must obtain informed parental consent before conducting a reevaluation, unless it can demonstrate that it took reasonable measures to obtain consent and the parent failed to respond. IDEA also provides that parental consent is not required for a review of existing data or the administration of a test or other evaluation given to all children, unless consent is required from parents of all children. The agency may not use refusal of consent for one service or activity to deny the parent or child another service, benefit, or activity, except as otherwise required by IDEA.

Questions before signing

- What specific evaluation, service, or activity am I being asked to approve?
- What information will be collected, and by whom?
- What happens if I consent, decline, or ask for clarification?
- Is this initial evaluation consent, initial services consent, or reevaluation consent?
- Can the school provide the proposal and explanation in writing?

CHAPTER 57 — ACCESS TO EDUCATION RECORDS

Parents have inspection and review rights

IDEA requires public agencies to permit parents to inspect and review education records relating to their child that are collected, maintained, or used under IDEA. The agency must comply without unnecessary delay, before an IEP meeting or hearing relating to identification, evaluation, or placement, and in no case more than 45 days after the request. The parent's right includes a response to reasonable requests for explanations and interpretations of records and the right to request copies when failure to provide copies would effectively prevent inspection and review.

What to ask for

A parent may identify the records or categories needed, such as evaluations, IEPs, progress data, service logs, behavior data, attendance records, incident reports, or communications maintained as education records. The school may have separate processes for requesting different record types. Ask the district to identify any records it believes are not education records or are subject to a specific exception, and request the

legal basis for withholding them. Do not assume every internal note or every employee communication is necessarily an education record under every law.

Confidentiality and access

IDEA and FERPA include protections concerning access to and disclosure of personally identifiable information. Parents can ask who has access to the child's records, how information is protected, and how to request correction of information believed to be inaccurate or misleading. When a child reaches the age at which rights transfer under applicable law, access rights may change; IDEA includes special rules for students who are adults under state law and still eligible for services.

CHAPTER 58 — PRIOR WRITTEN NOTICE: READING THE SCHOOL'S REASONS

When prior written notice is required

A public agency must give prior written notice a reasonable time before it proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE. The notice is not simply a meeting summary. It is intended to explain the action proposed or refused and the reasons for that decision.

What the notice must include

IDEA requires the notice to describe the action proposed or refused; explain why the agency proposes or refuses the action; describe each evaluation procedure, assessment, record, or report used as a basis; include a statement that parents have procedural safeguards and how to obtain a copy; identify sources parents may contact for help understanding IDEA; describe other options considered and why those options were rejected; and describe other relevant factors. The notice must be understandable and provided in the parent's native language or mode of communication unless clearly not feasible, consistent with IDEA rules.

How to review a notice

Compare the notice with the meeting discussion, evaluation findings, parent input, and final IEP. Does it identify the specific proposal or refusal? Does it explain the reasons? Does it identify the information used? Does it describe alternatives considered and why they were rejected? If a reason is missing or unclear, ask the district to clarify in writing. A disagreement with the explanation does not automatically prove the notice is legally deficient; the facts and applicable requirements matter.

CHAPTER 59 — DISAGREEING WITH A SCHOOL DECISION

A structured response

First identify the decision: what exactly did the school propose or refuse? Next identify the information you believe is missing, inaccurate, or interpreted differently. Then state the action or clarification you are requesting. Attach or identify relevant records, and keep the message focused on the educational issue. Ask for the district's response in writing and retain the notice and related documents.

Possible paths

Depending on the issue, a parent may ask for an IEP meeting, request an explanation or correction, seek mediation, file a state IDEA complaint, or file a due process complaint. Civil-rights concerns may involve Section 504 or ADA procedures, including OCR, depending on the facts. These routes address different kinds of claims and have different deadlines. A state complaint is not a substitute for every due process claim, and OCR does not decide every IDEA dispute. Verify jurisdiction and filing rules before proceeding.

When to seek additional help

Consider contacting the state Parent Training and Information Center, the state educational agency, a disability rights organization, or a qualified special education attorney. Seek prompt advice if a due process deadline, disciplinary removal, change of placement, or serious denial-of-services concern may be involved. Do not wait for an annual IEP meeting if an urgent procedural deadline may apply.

CHAPTER 60 — CONSENT, DISAGREEMENT, AND STUDENT RIGHTS: IMPORTANT DISTINCTIONS

Consent is not the same as agreement with every IEP term

A parent's signature may serve different purposes on different forms. Read the form title and accompanying explanation. A signature acknowledging attendance, receipt, or participation is not necessarily the same as consent to an evaluation or initial services. If the meaning is unclear, ask the school to explain what the signature confirms and what legal effect it has before signing.

Age of majority and transfer of rights

Under IDEA, when a student with a disability reaches the age of majority under state law, rights generally transfer to the student unless a state has established a different rule or an applicable exception applies. The IEP must include a statement at least one year before the student reaches the age of majority that the student has been informed of rights that will transfer. State law governs the age of majority and may include additional procedures. Parents should ask early how the student will be supported to understand and exercise educational rights.

Student participation matters

IDEA requires the public agency to invite the student to an IEP meeting when a purpose of the meeting will be consideration of postsecondary goals and transition services. Even outside that specific requirement, the team should consider the student's strengths, preferences, interests,

communication, and participation needs in an individualized and respectful way. A student's communication method or disability should not be treated as proof that the student has no preferences or cannot contribute.

OFFICIAL FEDERAL REFERENCES

- Procedural safeguards notice: 34 C.F.R. § 300.504 — Procedural safeguards
- Consent: §§ 300.9 and 300.300 — Consent definition; Parental consent
- Records access: § 300.613 — Access rights
- Prior written notice: § 300.503 — Prior written notice
- Transfer of rights: § 300.520 — Transfer of parental rights at age of majority
- Parent participation: § 300.322 — Parent participation

PARENT REMINDER

Keep copies of the procedural safeguards notice, consent forms, prior written notices, and records requests. Write down when a request was sent and how it was delivered. Ask the school to confirm receipt. When a deadline or legal consequence may be involved, verify the rule with the state educational agency or a qualified attorney.

DEEP-DIVE EXPANSION — BEHAVIOR, COMMUNICATION, SENSORY ACCESS, AND SAFETY

Students may experience barriers that are not obvious from grades or a brief classroom observation. This section helps parents organize questions about communication, sensory access, emotional regulation, peer treatment, and safety. It does not diagnose a child or presume that one strategy is right for every student.

CHAPTER 61 — COMMUNICATION ACCESS IS EDUCATIONAL ACCESS

Communication is broader than speech

Students communicate in many ways, including speech, gestures, signs, facial expression, writing, pictures, communication boards, and speech-generating devices. A student who does not use speech, or who uses speech inconsistently, still has preferences, ideas, questions, and ways to communicate. The team should consider the student's communication needs across the school day, not only during a therapy session.

Consider communication across settings

Ask whether the student can communicate wants, needs, discomfort, refusal, pain, choices, social messages, and requests for help in each setting. Consider classrooms, lunch, recess, transportation, assemblies, field trips, and transitions. A communication method that is available in one room but not elsewhere may not provide meaningful access throughout the day. Ask who ensures that the student's system is present, charged, accessible, and supported by trained communication partners.

AAC is not a reward or a privilege

Augmentative and alternative communication (AAC) includes tools and strategies that supplement or replace speech. If a student uses AAC, ask how the IEP addresses access to the system, vocabulary relevant to school activities, opportunities to communicate for different purposes, partner support, and staff training. Do not assume a student must demonstrate a particular level of skill before being allowed access to communication. The appropriate system and supports require individualized assessment and team consideration.

Parent questions

- How does the student communicate independently in each school setting?
- Is the communication system available throughout the day, including less structured activities?
- Can the student communicate "no," "stop," "help," "break," pain, and personal preferences?
- Who supports communication partners and staff training?
- How will the team monitor whether communication access is meaningful and reliable?

CHAPTER 62 — SENSORY NEEDS AND ENVIRONMENTAL ACCESS

Look at the environment, not only the student

Noise, lighting, movement, crowding, smells, temperature, clothing textures, visual clutter, and unexpected changes may affect a student's ability to attend, communicate, regulate, or participate. Sensory differences vary widely. A parent's observation is valuable information, but the team should avoid assuming a sensory explanation without considering the student's individual experience and other possible factors.

Describe the barrier in observable terms

Instead of writing "the cafeteria is too much," a parent might document: "On four of the last six school days, the student covered their ears and left the lunch area within five minutes when the room became crowded and loud." Specific observations help the team consider patterns, possible supports, and whether further assessment is needed. Include what helped, what did not help, and whether the student was able to return to the activity.

Possible supports for discussion

Depending on the student's needs, the team might discuss advance notice of changes, predictable routines, visual information, reduced auditory or visual distractions, access to an agreed quiet space, movement opportunities, flexible seating, adapted materials, or a supported transition plan. These are examples—not automatic requirements. Supports should preserve access to instruction and participation rather than routinely isolating the student or removing meaningful activities without individualized consideration.

CHAPTER 63 — EMOTIONAL REGULATION, DISTRESS, AND TRAUMA-INFORMED QUESTIONS

Distress is information that deserves attention

A change in sleep, attendance, communication, appetite, participation, mood, or behavior may signal that something is affecting the student. School teams should consider the student's strengths, disability-related needs, environment, relationships, and access to support. Parents can share relevant observations and ask whether the school has noticed changes. No single behavior proves trauma, anxiety, mistreatment, or a particular cause; careful inquiry and appropriate professional assessment may be needed.

Support should be individualized and respectful

Ask how staff recognize early signs of distress, how the student can request help or a break, which adults the student can approach, and how staff respond when the student becomes overwhelmed. A support plan should emphasize prevention, communication, dignity, and safe re-entry to learning. Avoid plans that rely only on punishment, forced compliance, or removal without examining the conditions contributing to the difficulty.

When to seek additional help

If a student shows significant emotional or physical distress, self-injury, threats of harm, or a sudden serious change in functioning, involve appropriate healthcare or mental-health professionals. If there is immediate danger, use emergency services. School planning can be important, but it is not a substitute for urgent medical or mental-health care. Share information with the school as appropriate and ask how educational supports will be coordinated safely.

CHAPTER 64 — BULLYING, HARASSMENT, AND PEER SAFETY

Take reports seriously and document facts

Students with disabilities may be vulnerable to bullying or harassment, including conduct related to disability, communication differences, social participation, or the use of supports. Record what the student communicated, dates, locations, people involved if known, witnesses, injuries or property damage, and the school's response. Preserve messages, photographs, and other relevant material when lawful and appropriate. Avoid interrogating a distressed child or repeatedly asking leading questions; use supportive, open-ended communication and appropriate professional guidance.

Bullying can affect access to education

When bullying affects a student's ability to receive meaningful educational benefit or access school activities, the school may need to consider whether the student's IEP or Section 504 supports are adequate. A school should not assume that changing the targeted student's placement is the only solution. Ask what steps are being taken to address the conduct, protect the student, monitor safety, and ensure continued access to instruction and activities. The legal analysis depends on the facts and applicable civil-rights and education laws.

Questions to ask the school

- What investigation or response process applies, and who is responsible?
- How will the student be protected from further incidents without unfairly restricting participation?
- How will the school monitor safety in less supervised settings?
- Does the student need additional communication, supervision, counseling, or other individualized support?
- How will the school communicate with the family about findings and follow-up, consistent with student privacy laws?

CHAPTER 65 — SCHOOL SAFETY PLANNING AND EMERGENCY SUPPORTS

Safety plans should be clear, proportionate, and individualized

Some students may need individualized planning for elopement, medical needs, seizures, allergies, mobility, communication during emergencies, self-injury, or other safety concerns. A school safety plan should identify the concern, prevention steps, staff responsibilities, communication procedures, and what happens during an emergency. The plan should be coordinated with the IEP or other applicable school plan when appropriate. It should not become a reason to unnecessarily exclude the student from instruction or activities.

Ask about actual school routines

Consider arrival and dismissal, bus loading, hallways, bathrooms, playgrounds, field trips, fire drills, lockdowns, substitute staff, and changes in routine. Ask whether the student can understand the emergency direction or communicate a need for help. Ask how staff will support the student if the usual communication device, aide, or familiar adult is unavailable. Plans should be practiced and reviewed in a way that is safe and appropriate for the student.

Incident response and follow-up

After a safety incident, ask for a factual description, what immediate response occurred, whether injuries or health concerns were assessed, who was notified, and what follow-up will prevent recurrence. Request relevant records through the applicable school process. If the event suggests that the student's needs or supports have changed, ask the IEP Team to review the plan. Do not assume that an incident alone establishes a legal violation; examine the records, circumstances, and applicable standards.

CHAPTER 66 — DOCUMENTING A PATTERN WITHOUT MAKING ASSUMPTIONS

A useful record separates observation from interpretation

Write what happened, when, where, who was present, what occurred beforehand, what support was offered, and what happened afterward. If the student communicated something, record the communication as accurately as possible and explain the method used. Label your own interpretation as a concern or question, not as an established fact. For example: "I am concerned the noise may be a factor" is more accurate than "the noise caused the incident" when the cause has not been established.

Look for patterns over time

A single event may be important, but a log can help identify repeated settings, transitions, times, staff changes, task demands, or environmental conditions. Include positive examples too: when did the student participate comfortably, communicate successfully, or recover with support? Knowing what works is just as important as documenting difficulty. Share relevant patterns with the IEP Team and ask what additional information is needed.

Parent documentation template

Date/time: _____ Setting: _____
Activity / context: _____
What I directly observed or what the student communicated:
_____
What happened immediately before (if known):
_____
Support offered / adult response:
_____
What happened next / effect on access or safety:
_____
Question or follow-up requested:
_____

OFFICIAL FEDERAL REFERENCES

- IEP special factors, including behavior and communication: 34 C.F.R. § 300.324(a)(2) — IEP development, review, and revision
- Assistive technology: § 300.105 — Assistive technology
- Related services and speech-language pathology: § 300.34 — Related services
- Section 504 regulations: 34 C.F.R. Part 104 — eCFR Part 104
- U.S. Department of Education OCR disability discrimination information: Disability discrimination

This section is educational information, not legal advice or a substitute for medical or mental-health assessment. State and district procedures vary. If a student faces immediate danger, seek emergency assistance.

PARENT ADVOCACY RESOURCE GUIDE

Federal Disability Rights, Section 504, the ADA, and State Rules

Supplemental chapters 67–73 | Working draft

This section explains how several federal laws may protect students with disabilities in public education. It is educational information, not legal advice. State rules and individual facts matter. Check current official guidance and consult a qualified attorney for case-specific advice.

CHAPTER 67

IDEA, Section 504, and the ADA: Three Different Legal Frameworks

Parents may hear these laws discussed together, but they do different jobs. Understanding the distinction can help a family ask the right question and identify the right process.

IDEA: special education entitlement

The Individuals with Disabilities Education Act (IDEA) provides eligible children with special education and related services. Eligibility generally requires that a child meet criteria under an IDEA disability category and, because of the disability, need special education. An IEP describes the specially designed instruction, related services, supports, goals, and placement the team determines are appropriate.

Section 504: education and nondiscrimination

Section 504 of the Rehabilitation Act is a federal civil-rights law that applies to recipients of federal financial assistance, including public school districts. It prohibits disability discrimination and requires a free appropriate public education (FAPE) for qualified students with disabilities. Section 504 FAPE can include regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of students without disabilities are met.

ADA Title II: access to public programs

Title II of the Americans with Disabilities Act applies to state and local government entities, including public school districts, whether or not a particular program receives federal financial assistance. It requires equal opportunity and prohibits disability discrimination in public programs, services, and activities. It can require reasonable modifications, removal of barriers, and effective communication.

How they overlap

• A student may qualify under IDEA and also be protected by Section 504 and ADA Title II.

• A student who does not qualify under IDEA may still qualify for Section 504 protections or need an ADA-related access modification.

• An IEP can satisfy some Section 504 FAPE obligations when it is developed and implemented appropriately, but the laws are not interchangeable.

• Do not assume that a student with a medical diagnosis automatically qualifies for an IEP or a 504 plan. The applicable legal standards and evaluation process must be considered.

Parent takeaway

Ask which law the school is applying, what decision it is making, what information supports that decision, and what written notice or review process is available.

CHAPTER 68

Section 504 Eligibility and Evaluation

Section 504 has a broader disability-coverage framework than IDEA. A student may need Section 504 protections even when the student does not need specially designed instruction.

The disability definition

Under Section 504, an individual with a disability generally has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. For school eligibility and services, the team must apply the relevant regulatory criteria to the student's circumstances.

Major life activities

Major life activities include activities such as learning, reading, concentrating, thinking, communicating, walking, seeing, hearing, speaking, breathing, caring for oneself, and major bodily functions. The statutory and regulatory definitions are broad; the examples are not an exhaustive list.

Mitigating measures and episodic conditions

When determining whether an impairment substantially limits a major life activity, the ameliorative effects of mitigating measures generally are not considered, with the statutory exception for ordinary eyeglasses or contact lenses. An impairment that is episodic or in remission can still be a disability if it would substantially limit a major life activity when active.

Evaluation must be individualized

Under 34 C.F.R. § 104.35, identification, evaluation, and placement decisions must use appropriate procedures and draw from a variety of sources. The information must be documented and carefully considered. A diagnosis, a single test, grades, attendance, or one teacher's opinion should not automatically replace an individualized review.

Medical documentation

A medical diagnosis may be useful evidence, but a school should not treat a medical label as the only possible source of information or assume that a diagnosis alone decides the educational supports needed. The school team must consider relevant information about how the impairment affects the student in the school setting.

Questions parents can ask

- What Section 504 criteria are being applied?
- What major life activity or bodily function may be substantially limited?
- What sources of information were considered, and what information is missing?
- Who is on the decision-making group, and are they knowledgeable about the student, evaluation data, and placement options?
- If the school declines evaluation or eligibility, what written explanation and review process are available?

CHAPTER 69

Section 504 FAPE, Plans, and Procedural Safeguards

A Section 504 plan is not simply a shorter IEP. The school must identify the student's individual needs and determine what regular or special education and related aids and services are necessary for Section 504 FAPE.

What Section 504 FAPE means

The regulation defines appropriate education as regular or special education and related aids and services designed to meet individual educational needs as adequately as the needs of students without disabilities are met. The plan should be sufficiently clear for staff to understand and implement the required supports.

What a plan may address

Depending on the student's individual needs, a plan may address access to instruction, communication, health-related supports, attendance policies, testing access, transitions, participation in extracurricular activities, or related services. A service should not be rejected merely because a district usually provides it through an IEP; the question is what the student needs under the applicable law.

Evaluation and placement safeguards

Section 504 regulations require evaluation procedures before an initial placement and before a significant change in placement. Decisions must be made by a group of persons knowledgeable about the student, evaluation data, and placement options. The process must draw upon information from a variety of sources.

Procedural safeguards

Under 34 C.F.R. § 104.36, districts must provide safeguards that include notice, an opportunity for parents or guardians to examine relevant records, an impartial hearing with parent participation and representation by counsel, and a review procedure. Ask the district for its current Section 504 procedural safeguards notice and local hearing procedures.

Implementation matters

A written plan is useful only if staff know what it requires and the supports are delivered. Parents can ask how the plan is shared with relevant staff, how substitute coverage works, who monitors implementation, and how the family will be told when a support cannot be provided as written.

Parent review checklist

- Are the accommodations and services specific rather than vague?
- Does the plan say when, where, and by whom each support is provided?
- Does it address all school settings where access is needed?
- Is there a clear process for staff changes, substitutes, field trips, and extracurricular activities?
- How will the team know whether the supports are working?

CHAPTER 70

ADA Title II: Equal Access in Public Schools

The ADA is a civil-rights law. Title II applies to public school districts as public entities and protects access to school programs and activities. A student does not have to qualify for IDEA special education to be protected by Title II.

Equal opportunity

A public school must provide qualified individuals with disabilities an equal opportunity to participate in and benefit from its services, programs, and activities. The school may not use eligibility criteria or practices that unlawfully screen out people with disabilities.

Reasonable modifications

A public entity generally must make reasonable modifications to policies, practices, or procedures when necessary to avoid disability discrimination, unless it can demonstrate that the modification would fundamentally alter the nature of the service, program, or activity. The analysis is individualized; a school should not rely on blanket assumptions.

Effective communication

Schools must take appropriate steps to ensure communications with students and other appropriate participants with disabilities are as effective as communications with others. Auxiliary aids and services may be required, depending on the person’s communication method and the nature, length, complexity, and context of the communication.

Participation beyond the classroom

Access questions can arise during transportation, assemblies, athletics, field trips, lunch, clubs, school events, arrival and dismissal, and other school activities. Parents can ask whether the student has an equal opportunity to participate and what barriers need to be addressed.

How to frame an access concern

Describe the activity or communication, the barrier, how the barrier affects the student’s opportunity to participate, and the modification or aid that may provide access. Ask the district to explain its decision in writing.

Important distinction

ADA Title II does not itself create an IDEA IEP. It may require access measures that are separate from, or coordinated with, an IEP or Section 504 plan.

CHAPTER 71

Disability Discrimination and Choosing a Complaint Path

Different concerns may belong in different processes. A disagreement about special education eligibility or IEP services is not automatically the same as a civil-rights discrimination complaint.

IDEA state complaint

A state IDEA complaint generally addresses an alleged violation of IDEA or its implementing regulations. The state educational agency investigates under its procedures and applicable timelines. State complaint rules and available remedies should be checked in the current state guidance.

IDEA due process

A due process complaint addresses specified disputes under IDEA, such as identification, evaluation, educational placement, or the provision of FAPE. It is a formal legal process with strict requirements and timelines. Families should seek qualified advice promptly if considering it.

Section 504 or ADA civil-rights complaint

The U.S. Department of Education's Office for Civil Rights (OCR) enforces Section 504 in education programs receiving federal financial assistance and Title II of the ADA in public education. OCR may examine issues such as discriminatory exclusion, unequal treatment, failure to evaluate appropriately, or retaliation. OCR generally does not act as an IEP team or decide every disagreement about the educational contents of an IEP or 504 plan.

OCR filing time

OCR generally requires a complaint to be filed within 180 calendar days of the last act of alleged discrimination. Exceptions or waivers may apply in particular circumstances. Do not assume that an ongoing concern automatically extends the deadline. Check the current OCR complaint instructions and act promptly.

Retaliation

Federal civil-rights protections prohibit retaliation for asserting rights or participating in a protected complaint process. Keep records of any conduct you believe may be retaliatory and seek advice about the appropriate reporting route.

Before filing

• Identify the specific action or omission, dates, people involved, and educational activity affected.

• State why you believe the issue is connected to disability or a protected right; distinguish facts from conclusions.

• Keep copies of relevant records, communications, plans, notices, and complaint submissions.

• Check the filing deadline and the agency's jurisdiction before choosing a process.

• Consider whether a state complaint, due process, OCR complaint, internal grievance, or more than one route may be appropriate. The processes have different rules and may interact.

CHAPTER 72

Why State Special Education Rules Differ

Federal law establishes a baseline, but states administer many parts of special education and may provide additional protections. A guide that applies nationwide must distinguish federal requirements from state-specific procedures.

Federal baseline and state implementation

IDEA is federal law, but each state educational agency has responsibilities for implementation and oversight. States may issue regulations, forms, timelines, guidance, and complaint procedures consistent with federal law. Local districts may also have policies and procedures, but local policy cannot override controlling federal or state law.

Areas where rules may vary

• Evaluation timelines and required notices, where state law sets more specific requirements.

• State definitions or criteria used for developmental delay and the age ranges in which that category may be used, within federal limits.

• State complaint procedures, forms, and additional state-law protections.

• Due process procedures and applicable state limitation periods, subject to federal requirements.

• Transition-planning requirements that may begin earlier than the federal IDEA minimum.

• State-specific parent rights, mediation options, and publicly funded support systems.

Do not assume one state’s rule applies everywhere

A timeline or form found on one state’s education website may not apply in another state. Online advice can become outdated. Confirm the rule with the state educational agency and current regulations.

How to verify your state’s rules

• Start with the state educational agency’s official special education page.

• Download the current procedural safeguards notice and read the sections on evaluation, consent, records, dispute resolution, and timelines.

• Check the state’s special education regulations and official parent guidance.

• Contact the state Parent Training and Information Center for assistance understanding the process.

• Use the Protection and Advocacy agency for disability-rights information when appropriate.

• Keep a note of the page title, URL, date accessed, and the exact rule or deadline you relied on.

Companion resource directory

Use the Akleema’s World state-by-state resource directory as a starting point for locating parent and disability resources. Verify each contact and rule with the official agency before relying on it: https://akleemasworld.com/resource-directory

Parent Worksheet: Identify the Law, Decision, and Next Step

Use this worksheet when a school meeting, written notice, or disagreement leaves you unsure which protections or process may apply. It is a planning tool, not a legal conclusion.

1. Describe the issue

What happened? Include dates, setting, people involved, the school activity affected, and what you directly observed. Separate firsthand facts from what someone told you.

2. Identify the decision

Is the school deciding IDEA eligibility, an evaluation request, IEP content or implementation, Section 504 eligibility or services, a disability-related access modification, discipline, attendance, or participation in a school activity?

3. Ask which legal framework applies

Ask the school to identify whether it is responding under IDEA, Section 504, ADA Title II, state law, district policy, or more than one framework. Ask for the applicable written notice or procedural safeguards.

4. Identify the evidence

List evaluations, work samples, attendance records, observations, communication records, health information shared with the school, service logs, progress data, and other relevant sources. Note what is missing.

5. Identify the requested outcome

Describe the access or educational need and the practical change you are requesting. Be specific about setting, frequency, responsible staff, communication method, and how implementation will be checked.

6. Check deadlines and routes

Record the date of the decision or incident, the date you received written notice, any response deadline, and the possible state or federal complaint deadline. Verify current rules before relying on a date.

7. Follow-up record

After a meeting or phone call, send a brief written summary of what you understood, what remains unresolved, who will follow up, and when you expect a response.

QUICK COMPARISON: IDEA, SECTION 504, AND ADA TITLE II

Question	IDEA	Section 504	ADA Title II
Main purpose	Special education and related services for eligible students	Nondiscrimination and FAPE for qualified students with disabilities	Equal access and nondiscrimination in public programs
Who is covered?	Children meeting IDEA disability and special-education-need criteria	Students meeting Section 504 disability criteria in covered programs	Qualified individuals with disabilities in state/local government programs
Education plan	IEP for eligible students	A 504 plan or other documented approach as needed; no single federal plan format	No IDEA-style IEP is created by Title II itself
Core question	Does the student need specially designed instruction because of an IDEA disability?	Does disability substantially limit a major life activity, and what education/services are needed?	What is needed for equal opportunity, access, and effective communication?
Federal source	20 U.S.C. § 1400 et seq.; 34 C.F.R. Part 300	29 U.S.C. § 794; 34 C.F.R. Part 104	42 U.S.C. §§ 12131–12134; 28 C.F.R. Part 35

The table is a starting comparison, not a complete statement of every legal requirement. The same student may be protected by more than one law. Always review the specific regulation and current state procedures.

OFFICIAL FEDERAL REFERENCES FOR THIS SUPPLEMENT

U.S. Department of Education, Section 504 FAPE FAQ
https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-free-appropriate-public-education-fape

U.S. Department of Education, Disability Discrimination FAQ
https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-disability-discrimination

34 C.F.R. Part 104 — Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104

U.S. Department of Justice, ADA Title II Regulations, 28 C.F.R. Part 35
https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/

U.S. Department of Justice, ADA Requirements: Effective Communication
https://www.ada.gov/resources/effective-communication/

U.S. Department of Education, Office for Civil Rights — File a Discrimination Complaint
https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/discrimination-form-us-department-of-education

IDEA regulations, 34 C.F.R. Part 300
https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300

Legal currency note: Regulations, agency guidance, complaint forms, and filing instructions can change. This supplement was prepared using the federal sources listed above and should be checked against current official materials before publication or use in a specific dispute.

PARENT ADVOCACY RESOURCE GUIDE

Practical Communication, Meeting, and Record-Keeping Tools

Supplemental chapters 74–80 | Working draft

These tools help parents prepare, communicate clearly, and preserve an accurate record. They are educational supports, not legal advice. Adapt them to your child, your state's rules, and the school's current procedures.

CHAPTER 74

Writing Effective Requests to the School

A clear written request makes it easier for the school to understand what you are asking, why it matters, and what response is needed. You do not need legal language to communicate an educational concern.

A useful request has five parts

• Identify the student and issue in a brief subject line.

• Describe the concern using dates, settings, and observable examples.

• Explain the educational impact or access barrier without assuming an unproven cause.

• State the action requested: meeting, evaluation, records, clarification, or review of supports.

• Ask for a written response and identify applicable next steps or timelines.

Keep the tone firm and workable

Use neutral, specific wording. Avoid insults, threats, speculation about motives, or long unrelated histories. A factual message is easier to review and more useful if the issue later needs to be evaluated by another person.

Example: request for a meeting

Subject: Request to meet about [specific educational concern]
I am requesting a meeting to discuss [brief concern]. I have observed [specific examples and dates]. I am concerned about how this is affecting [access, participation, progress, safety, or another educational area]. Please let me know available dates and who will attend. I would also appreciate copies of any records or data the team plans to review.

Example: request for clarification

Subject: Clarification of [plan, service, or decision]
I reviewed [document/date] and would like clarification about [specific statement]. Please explain how this will be implemented, who is responsible, and how the team will monitor whether it is working. If the school is declining a request, please identify the decision and provide the applicable written notice and procedural information.

Before sending

• Check the student’s name, dates, attachments, and recipient list.

• Keep one copy of the exact message sent and attachments.

• Use a communication method that creates a reliable record.

• Do not include unnecessary sensitive information.

CHAPTER 75

Preparing for a Productive School Meeting

Preparation can help parents participate meaningfully without feeling that they must solve every issue in one meeting.

Choose the meeting priorities

Write down the two or three most important outcomes. Separate urgent safety or access concerns from longer-term program questions. If the agenda is too broad, ask the team to schedule additional time when appropriate.

Prepare a one-page parent summary

Include the student's strengths and interests, what is working, current concerns, concrete examples, and questions that need answers. Keep it concise enough for the team to use during the meeting.

Bring organized evidence

- Current IEP or Section 504 plan and relevant prior versions.
- Recent progress reports, evaluation summaries, and school data.
- Examples of work, communication, attendance, or participation patterns.
- A short dated log of specific concerns.
- Your written questions and requested outcomes.

Plan for access and participation

If you need an interpreter, accessible format, remote participation, breaks, or another accommodation to participate, request it in advance. Ask who will attend and whether people with relevant knowledge of the student and proposed services will be present.

During the meeting

- Ask the team to define unfamiliar terms and explain data in plain language.
- Distinguish what is known from a hypothesis or proposal.
- Ask how a recommendation will work in the student's actual school day.
- Pause when needed; request complex proposals in writing.
- Summarize agreements, unresolved questions, and assigned follow-up tasks before ending.

After the meeting

Review documents before signing or agreeing where possible. Send a brief summary of your understanding, including corrections if notes do not accurately reflect what was discussed. Follow applicable consent and notice rules; do not assume a signature has the same meaning in every context.

CHAPTER 76

How to Ask Questions That Lead to Useful Answers

Good advocacy questions are open enough to reveal the team's reasoning but specific enough to produce information that can be acted on.

Ask about the evidence

• What information supports this conclusion?

• What information points in a different direction?

• How recent is the data, and in what settings was it collected?

• What additional information would help the team understand this need?

Ask about educational impact

• How does this affect access to instruction, participation, independence, or progress?

• When is the difficulty most likely to occur?

• What strengths or successful conditions should the team build upon?

• How does the team distinguish a skill deficit from a barrier in the environment or instruction?

Ask about implementation

• What will staff do, and when?

• Who is responsible for each part?

• How will substitutes or staff changes be informed?

• What data will show whether the support is being provided and whether it helps?

• When will the team review the results?

Ask about decisions

• What options did the team consider?

• What are the reasons for accepting or rejecting each option?

• What information would cause the team to reconsider?

• Where is this decision documented, and what review or dispute process applies?

A practical habit

If an answer is unclear, calmly restate the question in a different way. You can also ask for the answer in writing after the meeting.

CHAPTER 77

Following Up When the Team Does Not Agree

Disagreement is part of some school processes. The goal is to identify the exact point of disagreement, preserve the record, and understand the next available step.

Name the disagreement precisely

Identify the disputed decision: whether additional evaluation is needed, whether a support is required, how a service will be delivered, or whether a student can access an activity.

Separate agreement from unresolved issues

Record what the team agreed to, what it did not agree to, what information remains missing, and who is responsible for follow-up.

Request the basis for the decision

Ask what data, criteria, or legal standard the school used. For IDEA decisions, ask for prior written notice when required. For Section 504 matters, ask for the district's written decision and applicable safeguards. For ADA access requests, ask the district to explain its response and the basis for any denial.

Avoid accidental assumptions

A meeting discussion, draft document, email, or signature may have different legal significance depending on context. Read documents carefully and ask what your signature acknowledges before signing.

If the concern remains unresolved

• Review procedural safeguards and state-specific dispute options.

• Contact your state Parent Training and Information Center for help understanding the process.

• Consider mediation, a state complaint, due process, an OCR complaint, or another route only after checking which process has authority over the issue.

• Seek qualified legal advice promptly when deadlines, placement, discipline, or significant educational rights are involved.

CHAPTER 78

Building a Reliable Parent Advocacy Record

A useful record is chronological, factual, and easy to navigate. It should help a parent remember what happened and help another reviewer understand the sequence without guessing.

Use one consistent filing system

Choose paper, digital folders, or both. Use the same categories throughout the year. Keep original documents unchanged; make notes or annotations on a separate copy.

Suggested folders

- Evaluations and assessment reports
- IEPs, amendments, and progress reports
- Section 504 plans and notices
- Meeting invitations, agendas, and notes
- School emails and letters
- Attendance, incident, and service records
- Work samples and progress evidence
- Outside reports shared with the school
- Complaints, responses, and agency correspondence

Create a master timeline

Use one row per event. Include date, event, people involved, source document, what is confirmed, and what follow-up is needed. If the date is uncertain, label it approximate.

Distinguish facts from interpretation

Write what you directly saw or heard separately from what you think it may mean. Use quotation marks only when confident the words are exact. Identify the source when someone else reported an event.

Protect privacy

Store records securely. Share only what is relevant and necessary with people who have a legitimate role. Be especially careful with medical, behavioral, family, and identifying information.

CHAPTER 79

Tracking Whether Services and Supports Are Delivered

A parent can compare what a written plan says with what is happening in practice. A record should be specific enough to identify patterns but should not assume that every missed or changed service automatically proves a violation.

What to record

• Date and setting

• Support or service expected under the current plan

• What you know was provided, changed, or not provided

• How the information was obtained

• Any explanation provided by the school

• Observed effect on access, participation, or progress

• Follow-up requested and response received

Use neutral entries

For example: “On [date], the scheduled communication support was not available during [activity], according to [source]. I asked [staff member] how the student communicated choices during that period. The school responded [summary].” Avoid broad conclusions unless the record establishes the pattern.

Ask the school for its data

Depending on the issue, parents may ask how service delivery, attendance, behavior, progress, or implementation is documented and whether relevant records are available for review. Records access is governed by applicable federal and state rules.

Look for patterns carefully

Consider whether concerns cluster around a setting, transition, staff change, time of day, activity, or type of demand. Patterns can guide questions, but do not by themselves prove the cause.

Review with the team

Bring a concise summary rather than an overwhelming stack of raw notes. Ask the team to compare parent observations with school data and explain differences.

Parent Tool: Meeting Summary and Follow-Up Log

Complete this page after a meeting, phone call, or important school communication. Keep a copy with the related documents.

Meeting or communication details

Date: _____ Start/end time: _____
Participants and roles: _____
Purpose: _____

What was discussed

Main concern: _____
Information reviewed: _____
Student strengths and successful supports discussed: _____

Decisions and agreements

Decision or agreement: _____
Who is responsible: _____ Due date (if stated): _____
Document where recorded: _____

Unresolved questions

1. _____
2. _____
3. _____

Follow-up

Action I will take: _____
Action the school will take: _____
Date I sent or plan to send a summary: _____
Next review date (if agreed): _____

Accuracy check

Does this summary reflect what I understood? What needs clarification? _____
_____

PRINTABLE TOOL: SERVICE AND SUPPORT TRACKER

Use one line for each occurrence. Add pages when needed. Record only information you know and identify the source.

Date / setting	Expected support	What occurred / source	Effect / follow-up

Reminder: This tracker is a parent organization tool. It is not a substitute for official school service logs, required notices, or legal advice.

PARENT ADVOCACY RESOURCE GUIDE

Understanding Progress, School Data, and Program Review

Supplemental chapters 81–87 | Working draft

This section explains how parents can read progress information, ask for meaningful data, and prepare for a program review. It is educational information, not legal advice. Federal requirements and state procedures should be checked in their current form.

CHAPTER 81

Understanding IEP Progress Reports

An IEP must describe how progress toward annual goals will be measured and when periodic progress reports will be provided. A progress report should help a parent understand both the student's current performance and whether the pace of progress is likely to lead to the goal being met.

What the federal IEP must say

IDEA regulations require the IEP to include a description of how the child's progress toward annual goals will be measured and when periodic reports will be provided. Reports may be timed with report cards or provided on another periodic schedule identified in the IEP. See 34 C.F.R. § 300.320(a)(3).

What a useful report communicates

• The goal being measured, in wording that matches the current IEP.

• The measurement method and what counts as a successful response or performance.

• The student's current level or data point, not just a general impression.

• The reporting period and the number or type of observations collected.

• Whether the current rate of progress appears sufficient to meet the goal by the end of the IEP period.

• Any limitations in the data, missed opportunities to measure, or changes in conditions.

Why vague phrases are hard to use

Statements such as "making progress," "some improvement," or "doing well" may not tell a parent what the student can currently do, how often, under what conditions, or whether the goal is likely to be achieved. Ask the team to explain the data behind the description.

Progress reports are not ordinary report cards

Course grades and report-card comments may provide useful context, but they do not automatically replace the IEP's required reporting on annual goals. A student may earn passing grades while still needing support in a specific functional, communication, behavior, or access area.

Questions to ask

• What is the student's baseline and current performance for this goal?

• How many data points were collected during this reporting period?

• What does the data show about the trend over time?

• Is the student on track to meet the goal by its target date?

• If not, what will the team review or adjust?

CHAPTER 82

Reading Goal Data Without Being Misled

Data is useful only when the parent understands what was measured, how it was measured, and what the numbers do—and do not—show.

Start with the measurement rule

Read the goal and its measurement criteria together. For example, a goal might measure correct responses across a stated number of opportunities, duration of a task, level of prompting, or performance across settings. Do not compare scores if the conditions or scoring rules changed without explanation.

Look for the baseline

The baseline describes the student’s starting performance when the goal was developed. Compare current results with that starting point and the target, while checking that the same skill and method are being measured.

Check the sample size and schedule

One successful day may not show a stable pattern. Ask how often the skill was measured, across how many sessions, and whether observations represent the settings in which the skill is expected to be used.

Check prompting and support conditions

A student may perform differently independently, with a visual cue, with verbal prompting, or with physical assistance. Ask whether the data records the amount and type of support so that increased performance is not confused with increased prompting.

Look beyond a single average

An average can hide variability. Ask whether results differ by time of day, task difficulty, adult, environment, communication access, or other relevant conditions. A pattern may help the team identify what supports are effective.

Do not overinterpret

A graph or percentage does not explain why performance changed. Data should be considered with observations, work samples, evaluation information, student input when available, and the context in which learning occurred.

CHAPTER 83

When Progress Is Slow, Flat, or Uneven

Limited progress is a reason to ask questions and review the student's program. It does not, by itself, prove a legal violation or identify the cause.

Describe the pattern

Is the student making gradual progress, showing no clear change, losing a previously demonstrated skill, or performing inconsistently across settings? Identify the period and the evidence supporting the description.

Consider whether the goal is still appropriate

The team may need to examine whether the goal is measurable, appropriately ambitious, connected to the student's needs, and based on accurate present levels. A goal may need revision if it no longer reflects the student's current needs or learning priorities.

Consider instruction and opportunity

Ask whether the student received the instruction and practice opportunities needed to learn the skill. Consider attendance, staff changes, access to materials, communication supports, health-related absences, and changes in the learning environment.

Consider whether the method is working

Ask what teaching approach or intervention was used, how consistently it was provided, who delivered it, and what evidence indicates that it was effective. IDEA requires special education and related services to be based on the IEP; the team should examine implementation and outcomes together.

Ask for a timely team review

Parents can request an IEP meeting when they believe the program needs review. Ask the team to compare current data with the goal, present levels, services, and supports, and to explain what options it will consider.

Avoid jumping to conclusions

A plateau may have multiple explanations. Do not assume a student is not trying, that a particular staff member caused the problem, or that one service is automatically the answer. Use evidence to guide the next question.

CHAPTER 84

Understanding School Assessments and Data Sources

School teams use different kinds of information for different purposes. A single assessment rarely answers every question about a student’s educational needs.

Standardized assessments

These use consistent administration and scoring procedures to compare performance with a reference group or criterion. Ask what the assessment measures, whether it was appropriate for the student, and what limitations affect interpretation.

Curriculum-based measures and classroom work

These can show performance on skills taught in the classroom or curriculum. Ask whether the tasks match the skill being discussed and whether the student had appropriate access and accommodations.

Observations

Observations can describe performance in a particular setting and under particular conditions. Ask who observed, when, where, what was recorded, and whether observations were made in more than one relevant setting.

Interviews and rating scales

These can provide perspectives from parents, teachers, and other people who know the student. Different ratings may reflect different settings or expectations; disagreement is a reason to explore context, not simply discard one person’s report.

Progress-monitoring probes

Repeated measures can show change over time when the skill, conditions, and scoring method are sufficiently consistent. Ask how the measure relates to the annual goal and how often it is collected.

Triangulate information

Consider whether several sources point toward the same conclusion. If they conflict, ask the team to explain the differences and whether additional assessment or observation is needed.

CHAPTER 85

When Reports and Everyday Experience Do Not Match

Parents may see a difference between a school report and what they observe at home or in the community. Different settings can produce different results; the difference deserves careful exploration.

Write down the contrast clearly

For example: the report describes independent completion, while the parent observes that the student needs substantial prompting for a similar task at home. Identify the task, setting, supports, and date.

Check whether the tasks are truly comparable

A classroom activity and a home activity may differ in instructions, materials, expectations, sensory conditions, communication demands, or familiarity. Ask what exactly was measured at school.

Ask for examples and source data

Request concrete examples, scoring criteria, work samples, observation notes, or progress-monitoring records that support the report, subject to applicable record-access rules.

Share relevant outside information

Parents may provide observations or reports from outside providers when they believe the information helps the team understand educational needs. Ask how the team will consider that information.

Explore context rather than blame

Differences can point to strengths, environmental barriers, generalization needs, or inconsistent measurement. Avoid assuming that either the family or school must be wrong.

Ask what the team will do next

The next step might be a shared definition of the skill, additional observations, a review of supports, or a more consistent way to measure performance.

CHAPTER 86

Preparing for an IEP Review Based on Data

An effective review connects the student's present levels, annual goals, services, supports, and progress information. Parents do not need to arrive with a proposed solution for every concern.

Before the meeting

• Gather the current IEP and the most recent progress reports.

• Mark goals with missing data, unclear measures, or progress that appears slower than expected.

• Write down examples of skills or barriers that occur in daily school routines.

• List what is working so the team can preserve effective supports.

• Send key questions or documents in advance when practical.

During the review

• Ask the team to explain each relevant data source in plain language.

• Compare baseline, current performance, and goal criteria.

• Ask whether the current services and instruction are being delivered as written.

• Discuss whether the goal, measurement method, or supports need revision.

• Ask what additional information is needed before a decision is made.

Possible outcomes

The team may decide to continue the current approach, revise a goal or service, collect more information, consider additional evaluation, or reconvene after a defined period. Ask that decisions and reasons be documented in the appropriate IEP or notice.

After the meeting

Review the revised IEP and any prior written notice. Check that agreed changes are accurately reflected, that implementation details are clear, and that progress-report timing is stated.

Parent Worksheet: Progress Report Review

Use this worksheet for one goal at a time. Attach a copy of the relevant IEP goal and progress report.

Goal and target

Goal area: _____ IEP date: _____
Annual goal: _____
Target date or review date: _____

Measurement method

What skill or behavior is measured? _____
How is success defined? _____
How often is data collected? _____
Who collects it? _____

Progress information

Baseline: _____ Current data: _____
Number of data points / sessions: _____
Prompting or supports used: _____
Does the report say whether progress is sufficient to meet the goal? _____

Questions or concerns

What is clear? _____
What is missing or unclear? _____
What does the parent observe in other settings? _____
What additional data or explanation is requested? _____

Next step

Meeting requested? _____ Additional assessment discussed? _____
Action agreed: _____ Responsible person: _____
Follow-up date: _____

PRINTABLE TOOL: GOAL PROGRESS SNAPSHOT

Copy this page for each IEP goal you want to review. Use the same measurement criteria as the current IEP.

Reporting period	Baseline	Current result	Target / criteria	Notes / context

Reminder: A snapshot is an organizing tool. It does not replace the school's official progress data or the team's individualized review.

OFFICIAL AND TRUSTED REFERENCES

IDEA regulation, 34 C.F.R. § 300.320 — Definition of IEP, including progress measurement and reporting
https://www.ecfr.gov/current/title-34/section-300.320

U.S. Department of Education — Parents and Families under IDEA
https://sites.ed.gov/idea/parents-families/

U.S. Department of Education — FAQs on Report Cards and Transcripts for Students with Disabilities
https://www.ed.gov/laws-and-policy/individuals-disabilities/special-education-laws/faqs-report-cards-and-transcripts-students-disabilities

Arizona Department of Education — FAQs: Progress Reports (state guidance; federal requirement cited)
https://www.azed.gov/specialeducation/progress-reports

New York State Education Department — Guide to Quality IEP Development and Implementation, reporting progress to parents
https://www.nysed.gov/sites/default/files/programs/special-education/guide-to-quality-iep-development-and-implementation.pdf

ASK Resource Center — Understanding IEP Progress Monitoring (family resource)
https://www.askresource.org/resources/progress-monitoring

Source note: Federal requirements are identified separately from state agency guidance and family-support resources. State examples are not nationwide rules. Verify current regulations and state procedures before relying on a specific timeline or process.

PARENT ADVOCACY RESOURCE GUIDE

School Discipline, Removals, and Student Rights

Supplemental chapters 88–95 | Working draft

Discipline rules can be complex and deadlines may be short. This section is educational information, not legal advice. Check current federal and state rules and seek qualified legal help promptly when a student faces a proposed change of placement, repeated removals, or a safety-related disciplinary action.

CHAPTER 88

Understanding School Discipline and Disability

Students with disabilities are subject to school conduct rules, but IDEA and Section 504 add protections that may apply when discipline affects educational access or amounts to a change in placement.

Start with the exact action

Clarify whether the school is describing a classroom redirection, removal from a class, office referral, in-school suspension, out-of-school suspension, shortened day, informal send-home, bus exclusion, or another action. The label used by the school does not always answer the legal question; consider what actually happened and how much instruction or services the student missed.

Discipline and disability needs

A behavior incident may raise questions about communication, unmet support needs, disability-related barriers, implementation of an IEP or 504 plan, school environment, or other circumstances. Do not assume a disability caused the conduct, and do not assume the conduct is unrelated. Ask the team to examine relevant information individually.

Ask for the record

Request the incident description, applicable code-of-conduct provision, dates and duration of removals, educational services provided, and any written notice. Ask how the school counted prior removals during the school year.

Do not overlook informal exclusions

Repeated early pickups, requests to keep a student home, shortened school days, or being sent to a separate space may affect access even when the school does not call the action a suspension. Keep a factual record and ask the district how it classifies the action.

CHAPTER 89

IDEA Discipline: The 10-School-Day Framework

IDEA contains specific rules governing disciplinary removals. A key starting point is the number of school days the student has been removed during the school year and whether a removal constitutes a change of placement.

Short-term removals

School personnel may remove a student with a disability who violates a code of student conduct from the current placement for not more than 10 consecutive school days, to the extent those same disciplinary procedures apply to students without disabilities. Additional removals of not more than 10 consecutive school days in the same school year may be permitted for separate incidents, provided they do not constitute a change of placement under the applicable rules.

When removals add up

IDEA requires additional analysis when a student has been removed for more than 10 school days in the same school year. For certain subsequent removals that are not a change of placement, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed so the student can continue participating in the general education curriculum and progress toward IEP goals, although in another setting.

Change of placement by pattern

A series of removals may constitute a change of placement if the total is more than 10 school days in a school year and the pattern meets regulatory criteria, including substantially similar behavior, length of each removal, total time removed, and proximity of removals. The public agency makes this determination case by case and it is subject to review through due process and judicial proceedings.

Keep your own day count

Track each removal date, length, reason, and services provided. Ask the district for its official count and how it determined whether a pattern exists. Do not assume that only formal out-of-school suspensions count; ask about each exclusion and its legal classification.

Regulatory reference

See 34 C.F.R. § 300.536 for change-of-placement rules and § 300.530 for authority of school personnel and related requirements.

CHAPTER 90

Manifestation Determination Review (MDR)

When a disciplinary action will result in a change of placement, IDEA generally requires a manifestation determination review within 10 school days of the decision to make that change.

Who participates and when

The LEA, parent, and relevant members of the IEP Team, as determined by the parent and LEA, review all relevant information in the student's file, including the IEP, teacher observations, and relevant information provided by the parents. The review must occur within 10 school days of the decision to change placement for disciplinary reasons.

The two legal questions

The team determines whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or whether the conduct was the direct result of the LEA's failure to implement the IEP. If either condition is met, the conduct is a manifestation of the disability under IDEA.

Prepare relevant information

Parents can bring observations, communications, evaluations, relevant medical or outside-provider information, records of supports and services, and information about the circumstances leading up to the incident. Explain how the information relates to the two legal questions rather than relying only on a broad label.

If the conduct is a manifestation

The IEP Team must conduct a functional behavioral assessment, unless one was conducted before the behavior that resulted in the change of placement, and implement a behavioral intervention plan. If a BIP already exists, the team must review it and modify it as necessary to address the behavior. The student generally returns to the placement from which removed unless the parent and LEA agree to a change as part of a BIP modification, or a special circumstance or other lawful exception applies.

If the conduct is not a manifestation

The same disciplinary procedures that apply to students without disabilities may be applied, but the student must continue to receive services that enable participation in the general education curriculum and progress toward IEP goals, in another setting as appropriate. The IEP Team determines the services and setting.

Ask for written documentation

Ask for the date the district decided on a change of placement, the date of the MDR, the participants, the information considered, the determination, and the next steps.

CHAPTER 91

Special Circumstances and Interim Alternative Educational Settings

IDEA permits certain disciplinary placements in specific circumstances. These rules are fact-specific and should not be treated as a general power to remove a student whenever staff believe a situation is difficult.

Special circumstances

School personnel may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days, without regard to whether the behavior is a manifestation, when the student carries or possesses a weapon at school, on school premises, or at a school function; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, at school, on school premises, or at a school function; or inflicts serious bodily injury upon another person at school, on school premises, or at a school function.

What the setting must provide

The IAES is determined by the IEP Team and must enable the student to continue participating in the general education curriculum, although in another setting, and to continue receiving services and modifications designed to address the behavior so it does not recur.

Dangerousness and hearings

IDEA has additional procedures that may allow a hearing officer to order an IAES for up to 45 school days when maintaining the current placement is substantially likely to result in injury to the student or others, subject to the statutory and regulatory criteria. This is not a routine administrative shortcut.

Get advice promptly

Because these provisions can affect placement and timelines, parents should promptly obtain the written decision and consult a qualified special education attorney or advocacy organization.

CHAPTER 92

Educational Services During Disciplinary Removals

Removal from the current placement does not necessarily mean that a student with an IEP receives no education. IDEA specifies service requirements at important thresholds.

During the first 10 school days

IDEA does not generally require services during the first 10 cumulative school days of removal in a school year when the same services are not provided to students without disabilities. Other legal requirements or state rules may provide additional protections.

After more than 10 cumulative school days

For subsequent removals that are not a change of placement, school personnel, in consultation with at least one teacher, determine the extent of services needed to enable the student to continue participating in the general education curriculum and progress toward IEP goals, although in another setting.

During a change of placement

When a removal is a change of placement, the student must continue to receive services that enable participation in the general education curriculum, although in another setting, and progress toward meeting IEP goals. The IEP Team determines appropriate services and setting.

Ask practical questions

What instruction will be provided? Who will provide it? How will the student access assignments, communication supports, related services, and needed accommodations? How will progress be monitored? How will the student return and transition back?

Do not assume remote work is automatically sufficient

The district should explain how the services selected meet the applicable IDEA requirements for the student. A packet of assignments, by itself, may not answer whether required services and progress needs are addressed.

CHAPTER 93

Behavior, FBA, BIP, and Discipline: How They Connect

Behavior support and disciplinary procedures are related but distinct. A behavior plan is not a substitute for required instruction, communication access, evaluation, or implementation of the IEP.

Functional behavioral assessment

An FBA is a process for gathering information to understand behavior, including relevant antecedents, context, consequences, and possible function. The exact process and terminology may vary by state and practice. Ask what data will be collected, in which settings, by whom, and how the student's communication and disability-related needs will be considered.

Behavior intervention plan

A BIP describes strategies intended to prevent or respond to behavior and support replacement skills or access needs. Ask for concrete descriptions: what staff do before, during, and after the behavior; how they teach skills; what data they collect; and how the plan is reviewed.

Plan implementation

A BIP or IEP provision is only useful if staff understand and implement it. Ask how staff training, substitute coverage, data collection, and fidelity checks are handled. Record specific examples when you believe a support was not provided.

Avoid punitive assumptions

A behavior can communicate distress, pain, confusion, sensory overload, unmet needs, or many other things. These are possibilities to investigate, not conclusions to assume. The team should use individualized information and protect the student's dignity.

Review after a serious incident

Ask whether the incident reveals a need to review evaluation information, present levels, communication supports, services, environmental access, or the behavior plan. Do not assume every incident automatically requires a new FBA or a particular intervention.

CHAPTER 94

Parent Discipline Response Checklist

Use this checklist when the school reports a suspension, removal, or proposed disciplinary placement. Act promptly because some legal timelines are short.

Immediately clarify

• What exact action is being taken and under what policy or law?

• What are the start and end dates and number of school days?

• Is the student being removed from the current placement?

• How is this removal being counted with previous removals this school year?

• What instruction and services will be provided during the removal?

Request records

• Written incident description and disciplinary notice.

• Relevant attendance, referral, removal, and service records.

• Current IEP, BIP, and relevant implementation information.

• The district’s cumulative removal-day count and placement analysis.

• Any proposed IAES description and planned services.

If a change of placement may occur

• Ask whether an IDEA manifestation determination review is required and when it will occur.

• Ask who will participate and what relevant records will be reviewed.

• Prepare information about disability, the IEP, observations, services, and the incident context.

• Ask for the determination and next steps in writing.

Protect deadlines and rights

Review the procedural safeguards notice. Consider prompt legal advice about due process, expedited hearings, state procedures, or Section 504 protections. Do not rely on an informal conversation to preserve a deadline.

Parent Worksheet: Removal and Discipline Timeline

Record each removal or exclusion separately. Include the source of the information and leave unknown details blank until verified.

Student and school year

Student: _____ School year: _____
Current placement / program: _____

Removal event

Date: _____ Start/end time: _____
Type of removal: _____ Reason given: _____
School days or partial days counted by district: _____
Source of information: _____

Services and access

Instruction provided: _____
Services / accommodations provided: _____
Communication and related supports: _____
How progress toward IEP goals was addressed: _____

Cumulative count

Prior removal days this school year: _____ This event: _____ Total: _____
District's change-of-placement analysis: _____

Follow-up

Written notice received? _____ Date: _____ MDR required? _____
MDR date (if applicable): _____ Decision: _____
Questions / next actions: _____

QUICK REFERENCE: IDEA DISCIPLINE MILESTONES

Issue	General IDEA rule	Parent follow-up
First 10 school days	Short-term removals may be permitted under the applicable rules; service requirements differ at this stage.	Track each day and ask how the district counts removals.
More than 10 cumulative days	Additional services are required for subsequent removals; determine whether the pattern constitutes a change of placement.	Request the cumulative count, services plan, and written explanation.
Change of placement	MDR generally due within 10 school days of the decision to change placement.	Ask for the meeting date, participants, records, and determination.
Manifestation found	Conduct was caused by/directly and substantially related to disability, or directly resulted from failure to implement IEP.	Review FBA/BIP requirements and return-to-placement rules.
Special circumstances	Certain weapon, drug, or serious bodily injury circumstances may permit IAES up to 45 school days.	Obtain the exact legal basis, IAES details, and service plan.

This table is a summary only. It omits exceptions and procedural details. Review 34 C.F.R. §§ 300.530–300.536 and current state law before relying on a specific result.

OFFICIAL FEDERAL REFERENCES

IDEA discipline statute, 20 U.S.C. § 1415(k)
https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1415#=0&edition;=prelim

IDEA regulations, 34 C.F.R. § 300.530 — Authority of school personnel
https://www.ecfr.gov/current/title-34/section-300.530

IDEA regulations, 34 C.F.R. § 300.531 — Determination of setting
https://www.ecfr.gov/current/title-34/section-300.531

IDEA regulations, 34 C.F.R. § 300.532 — Appeal
https://www.ecfr.gov/current/title-34/section-300.532

IDEA regulations, 34 C.F.R. § 300.533 — Placement during appeals
https://www.ecfr.gov/current/title-34/section-300.533

IDEA regulations, 34 C.F.R. § 300.534 — Protections for children not yet eligible
https://www.ecfr.gov/current/title-34/section-300.534

IDEA regulations, 34 C.F.R. § 300.536 — Change of placement because of disciplinary removals
https://www.ecfr.gov/current/title-34/section-300.536

U.S. Department of Education, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA Discipline Provisions
https://sites.ed.gov/idea/idea-files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions/

Legal currency note: This material summarizes federal IDEA discipline rules and is not a substitute for current regulations, state procedures, or legal advice. Section 504 may provide separate protections; its application should be evaluated on the facts and current law.

DISCIPLINE SECTION — IMPORTANT CLARIFICATION

45-school-day interim alternative educational setting (IAES) and the manifestation review are separate questions.

When one of IDEA's special circumstances applies—weapon, specified drug-related conduct, or serious bodily injury—the school may place the student in an IAES for up to 45 school days without regard to whether the behavior is determined to be a manifestation. However, if the disciplinary action is a change of placement, the manifestation determination review is still required within 10 school days of the decision to change placement. The special-circumstances rule does not erase the MDR requirement. The student may remain in the IAES for the authorized period even if the conduct is found to be a manifestation.

Students not yet found IDEA-eligible may also have protections in certain circumstances. If the school had the knowledge specified in IDEA before the conduct occurred that the student may be a child with a disability, certain IDEA disciplinary protections may apply even before eligibility is formally determined. The rules have exceptions and fact-specific requirements; review 34 C.F.R. § 300.534 and obtain prompt advice.

Sources: 34 C.F.R. §§ 300.530(e), 300.530(g), and 300.534; U.S. Department of Education, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions.

This clarification supplements Chapters 88–95. It is educational information, not legal advice.

PARENT ADVOCACY RESOURCE GUIDE

Transportation, Restraint, Seclusion, and Emergency Response

Supplemental chapters 96–103 | Working draft

This section combines federal education requirements and federal agency guidance with practical parent questions. State laws differ substantially, especially for restraint, seclusion, notification, reporting, and transportation. The federal Department of Education's restraint-and-seclusion principles are guidance, not a single nationwide restraint statute. Always check current state law and district policy.

CHAPTER 96

Transportation as an Educational Access Need

Transportation can be a related service under IDEA when it is required to assist a child with a disability to benefit from special education. The team should consider the student's individual needs rather than assume that one standard route or vehicle arrangement works for everyone.

IDEA definition

IDEA's related-services definition includes transportation and developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education. Transportation can include travel to and from school and between schools, travel in and around school buildings, and specialized equipment such as adapted buses or lifts when required. See 34 C.F.R. § 300.34(c)(16).

Individualized transportation planning

The team may need to consider mobility, communication, sensory needs, behavior supports, medical or health-related needs, safety, transitions, and the student's ability to access the vehicle and route. The relevant question is what transportation support the student needs to access the educational program.

Transportation in the IEP

When transportation is required as a related service, ask that the IEP describe the service clearly enough to be implemented. Depending on the student's needs, details may include vehicle type, accessible equipment, adult assistance, communication supports, seating or positioning needs, pick-up and drop-off procedures, and coordination with school staff.

Do not treat transport as separate from school access

A student who cannot safely or reliably access the assigned transportation may lose access to instruction, therapies, or the school day. Ask the team to consider how transportation affects attendance, transitions, participation, and progress.

Questions for the team

• What specific transportation needs were considered?

• Is specialized transportation required for the student to benefit from special education?

• Who is responsible for implementing each transportation support?

• How are drivers and aides informed about relevant IEP requirements while protecting confidentiality?

• What is the process when the route, vehicle, driver, or aide changes?

CHAPTER 97

School Transportation Safety and Communication

A safe transportation plan depends on clear procedures, trained personnel, accessible communication, and a reliable process for reporting concerns.

Communication before the ride

Consider whether the student understands the route, schedule, boarding process, and what to do if the vehicle changes. Visual schedules, social narratives, communication devices, or other supports may be useful when individually appropriate.

Boarding, riding, and dismissal

Identify any barriers during arrival, seating, seat-belt use, mobility-device securement, transitions, unloading, and handoff to the responsible adult. A plan should be practical for the actual vehicle and route.

Emergency procedures

Ask how staff respond if the student becomes ill, distressed, separated from the group, or unable to communicate a need. Clarify who contacts the family, who stays with the student, and how emergency responders receive necessary information.

Changes and missed transportation

Record route changes, late or missed pickups, substitute staff, vehicle changes, and any effect on attendance or access. Ask how the district will notify the family and provide a make-up or alternative access plan when appropriate.

Incident documentation

Request the district’s procedure for reporting transportation incidents and how parents can obtain relevant records. Ask whether the incident was documented, who reviewed it, and whether the team should revisit transportation supports.

Practical parent questions

- What training do the driver and aide receive for this student’s specific needs?
- How can the student communicate pain, fear, a bathroom need, or a request for help during the ride?
- What is the plan if the student does not board or cannot complete the ride?
- How are changes communicated to the family?
- How will repeated transportation barriers be reviewed by the IEP Team?

CHAPTER 98

Understanding Physical Restraint and Seclusion

Parents should understand the terminology used in school policies and incident reports. Definitions can vary across laws and states, so ask the district to identify the exact definition it applies.

Physical restraint

The U.S. Department of Education's IDEA discipline Q&A; describes physical restraint as a personal restriction that immobilizes or reduces a student's ability to move the torso, arms, legs, or head freely. It distinguishes a physical escort, which involves temporary touching or holding to guide a student to a safe location. Check the governing state definition.

Seclusion

The federal IDEA Q&A; describes seclusion as involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It distinguishes seclusion from a monitored timeout in a non-locked setting that is part of an approved program and used for calming. State definitions and restrictions may differ.

Other restrictive practices

A school may use terms such as escort, physical prompt, protective hold, isolation, timeout, or emergency intervention. Ask what physically happened, whether the student could leave, what restriction was used, and which policy definition applies.

Federal IDEA context

IDEA does not expressly establish a comprehensive nationwide authorization or prohibition of restraint and seclusion. State law and other federal protections matter. IDEA does require IEP Teams to consider positive behavioral interventions and supports when a child's behavior impedes the child's learning or that of others.

Dignity and safety

The U.S. Department of Education has repeatedly emphasized prevention, positive and proactive supports, student dignity, and freedom from abuse. Its resource document recommends that restraint or seclusion not be used except where behavior poses imminent danger of serious physical harm to the student or others, and never as punishment, discipline, coercion, retaliation, or convenience. These are federal agency recommendations, not a substitute for checking binding state law.

CHAPTER 99

What to Do After a Restraint or Seclusion Incident

After an incident, parents need a clear factual account, prompt attention to health and safety, and a review of whether the student's supports and environment need to change.

Immediate health and safety

If there may be an injury, breathing difficulty, loss of consciousness, or other urgent medical concern, seek emergency medical care. Do not wait for a school investigation to address an immediate health emergency.

Request a written account

Ask for the date, time, location, duration, staff involved, witnesses, events immediately before and after, type of intervention, stated reason, and how the student was monitored. Request any incident report and the applicable policy.

Ask about notifications and reporting

Ask when and how the parent was notified, whether the incident was reported to required district or state officials, and what reporting deadlines apply. These requirements are state-specific and may also be set by district policy.

Ask about the student's condition

Ask whether staff checked for injury or distress, whether medical assistance was offered, and how the student was supported after the event. Keep your own factual notes about any symptoms or changes you observe afterward.

Request a review of supports

Ask whether the IEP, BIP, communication supports, staff training, environment, and crisis-prevention procedures should be reviewed. Repeated incidents should prompt a careful review of the strategies in place and whether more effective positive supports are needed.

Preserve evidence lawfully

Keep copies of communications and records. If video or audio may exist, promptly ask the district to preserve relevant recordings and explain its records-request process. Do not assume a parent has automatic access to every recording; privacy, education-record, and state-law rules may affect disclosure.

CHAPTER 100

Prevention, De-escalation, and Positive Supports

Prevention is more than a crisis plan. It includes understanding the student, providing access, anticipating barriers, teaching skills, and making the environment supportive.

Identify patterns and triggers carefully

Use observations to explore whether incidents are associated with transitions, communication breakdowns, pain or discomfort, sensory conditions, task demands, uncertainty, fatigue, or other factors. These are possible areas to investigate, not assumptions about the cause.

Teach and support communication

Make sure the student has a reliable way to request help, a break, more time, clarification, a preferred item, or a change in activity. Communication supports should be available when the student needs them, not only during scheduled therapy.

Plan for early signs of distress

The team can identify observable early signs and agree on proactive responses, such as reducing language, offering choices, adjusting demands, providing a safe break, or contacting a familiar support person when appropriate.

Use positive behavioral interventions

IDEA requires consideration of positive behavioral interventions and supports when behavior impedes learning. Ask what evidence-based strategies will be used, how they will be taught, who will implement them, and how their effectiveness will be evaluated.

Train and review

Ask how staff are trained in prevention, de-escalation, communication access, and any state-permitted emergency procedures. Review the plan after a serious incident or recurring pattern; do not wait for the next annual meeting if an earlier review is warranted.

CHAPTER 101

Reporting Concerns About Staff Conduct

Parents may have concerns about how a staff member treated a student. A clear report focuses on what happened, the student's safety and educational access, and the action requested.

Write a factual account

Record date, time, location, people present, what you directly observed or heard, the student's response, and any immediate consequences. Mark information reported by someone else as secondhand.

Separate the conduct from your conclusion

For example, describe the exact words or action and then explain why you believe it may have affected the student's dignity, safety, or access. Avoid assigning motive unless evidence supports it.

Use the appropriate reporting route

Ask the district for its complaint, student safety, abuse prevention, and employee-conduct reporting procedures. Depending on the concern, other routes may include child protection, law enforcement, state education agencies, licensing bodies, or civil-rights agencies. The appropriate authority depends on the facts and state law.

Request preservation of relevant records

If records may be time-sensitive, ask promptly that relevant video, audio, emails, messages, incident reports, bus records, or other documentation be preserved. Follow the district's records-request process and applicable privacy rules.

Ask for a response and safety plan

Request confirmation that the report was received, who will review it, how the student will be protected while it is reviewed, and how the family will receive an outcome consistent with privacy and employment rules.

Urgent danger

If a student is in immediate danger or needs urgent medical attention, contact emergency services. A school complaint process is not a substitute for emergency help.

CHAPTER 102

Understanding Video, Audio, and Incident Records

Video and audio may help clarify an event, but access, preservation, and disclosure are governed by multiple laws and policies. Parents should make precise requests and avoid assuming that every recording is automatically available.

Ask whether a recording exists

Identify the date, approximate time, location, bus, room, or event. Ask whether the district maintains recordings and whether any relevant recording has been preserved.

Make a prompt preservation request

Recordings may be overwritten under routine retention schedules. Ask the district to preserve the identified recording while your records request or complaint is pending. A preservation request is not itself a guarantee of access.

Understand education-record rules

A recording directly related to a student and maintained by the school may be an education record under FERPA, but recordings involving multiple students can raise additional privacy considerations. The school may need to protect information about other students when responding.

Request the policy

Ask for current policies on video monitoring, audio recording, retention, access, disclosure, and incident review. Ask who can view recordings and how access decisions are documented.

Keep the request narrow and factual

Specify the recording date, time range, place, and event. Ask for the district’s written response if it denies access or says no recording exists.

Parent Worksheet: Safety and Restrictive-Intervention Incident Log

Use one page per event. Record what you know, identify the source, and leave unknown information blank until it can be verified.

Incident details

Date: _____ Time / duration: _____
Location / activity: _____
Type described by school: _____

What happened

What occurred immediately before: _____
What staff did (specific actions): _____
Could the student leave the area? _____ Was movement restricted? _____
People present / witnesses: _____

Student safety and response

Student's observed condition afterward: _____
Injury or medical concern: _____
Medical assessment or assistance: _____
Family notification: _____ Time: _____

Records and reporting

Incident report requested? _____ Received? _____ Date: _____
Recording may exist? _____ Preservation requested? _____
Policy or legal basis identified by school: _____

Follow-up and prevention

Questions requiring answers: _____
Support or plan review requested: _____
District response / next steps: _____
Follow-up date: _____

QUICK REFERENCE: RESTRAINT AND SECLUSION QUESTIONS

Topic	Questions to ask
Definition	What exact action occurred? Which state or district definition applies? Could the student leave? Was movement restricted?
Immediate safety	Was the student checked for injury or distress? Was medical assistance needed or offered?
Reason	What imminent safety risk was identified? What less restrictive strategies were attempted?
Documentation	What report was created? Who was present? What duration, monitoring, and follow-up were recorded?
Parent notice	When was the family notified? What state or district deadline applies?
Prevention	What proactive supports, communication access, staff training, and environmental changes will be reviewed?
Records	Does video or audio exist? Has it been preserved? What access rules apply?

Important: Federal agency guidance is not the same as a binding federal statute or regulation. State law may provide stronger or more specific protections. Confirm the current law where the student attends school.

OFFICIAL FEDERAL REFERENCES

IDEA regulation — Related services, including transportation, 34 C.F.R. § 300.34
https://www.ecfr.gov/current/title-34/section-300.34

IDEA regulation — IEP content and positive behavioral supports, 34 C.F.R. § 300.324
https://www.ecfr.gov/current/title-34/section-300.324

U.S. Department of Education — Restraint and Seclusion: Resource Document
https://sites.ed.gov/idea/idea-files/restraint-and-seclusion-resource-document/

U.S. Department of Education — IDEA Discipline Q&A;, including restraint, seclusion, and definitions
https://sites.ed.gov/idea/idea-files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions/

U.S. Department of Education — Secretary's January 8, 2025 Letter on Restraints and Seclusion
https://sites.ed.gov/idea/idea-files/secretary-cardona-letter-on-restraints-and-seclusion-in-schools-january-8-2025/

U.S. Department of Justice — Combating Improper Seclusion in Schools
https://www.justice.gov/crt/schoolseclusion

U.S. Government Accountability Office — K-12 Education: Federal Data and Resources on Restraint and Seclusion
https://www.gao.gov/products/gao-19-418t

Legal currency note: The federal resource documents describe agency positions and recommended principles; they do not create a comprehensive nationwide restraint-and-seclusion code. Check the current state statute, regulations, state education agency guidance, and district policy for definitions, permitted circumstances, required training, parent notification, reporting, and record retention.

PARENT ADVOCACY RESOURCE GUIDE

Evaluation Rights, Consent, Reevaluation, and Independent Evaluations

Supplemental chapters 104–111 | Working draft

IDEA evaluation procedures are detailed and timelines can vary by state. This section explains the federal framework and points parents toward state-specific rules. It is educational information, not legal advice. Confirm current requirements with the state educational agency and the district's procedural safeguards notice.

CHAPTER 104

When to Request an Initial Special Education Evaluation

An initial evaluation helps determine whether a child has a disability under IDEA and what educational needs the child has. Parents do not need to prove eligibility before asking the school to evaluate.

Who may initiate a request

Under 34 C.F.R. § 300.301(b), either a parent or the public agency may initiate a request for an initial evaluation. A parent can describe concerns about learning, communication, behavior, social-emotional functioning, sensory or motor needs, health-related access, or other areas that may affect educational performance.

Child Find

IDEA requires states and school districts to identify, locate, and evaluate children who may have disabilities and need special education and related services. Child Find applies to children suspected of having a disability, including children who are advancing from grade to grade. A student's passing grades do not automatically end the inquiry.

A diagnosis is not the same as IDEA eligibility

A medical diagnosis may be relevant information, but IDEA eligibility is an educational determination under the federal disability categories and the applicable need-for-special-education criteria. Conversely, a student may have educational needs that warrant evaluation even without a prior medical diagnosis.

What to include in a request

Describe what you observe, where and when it occurs, how it affects access or progress, what supports have been tried, and why you believe a comprehensive evaluation may be needed. You do not need to name a disability category or prescribe the tests.

Ask for a dated response

Keep a copy of the request and note when the district received it. Ask the district to respond in writing and explain any proposed evaluation or refusal. State procedures may specify how referrals are submitted and what timelines apply.

CHAPTER 105

What a Comprehensive IDEA Evaluation Should Examine

An evaluation should be sufficiently comprehensive to identify all of the child's special education and related-services needs, whether or not those needs are commonly linked to the disability category being considered.

Multiple tools and sources

The school must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent. No single measure or assessment may be used as the sole criterion for determining eligibility or an appropriate educational program.

Assess all suspected areas

The evaluation should address every area related to the suspected disability, which may include health, vision, hearing, social and emotional status, general intelligence, academic performance, communication, motor abilities, and adaptive behavior, as appropriate to the concerns.

Appropriate and accessible methods

Assessments must be selected and administered so they are not discriminatory on a racial or cultural basis, provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information, unless clearly not feasible, and used for valid purposes by trained personnel.

Functional and academic information

A useful evaluation considers how the student functions in real educational activities and settings, not only scores from isolated testing. Observations, work samples, parent information, teacher input, progress data, and relevant outside reports may contribute.

Identify needs, not just labels

The evaluation must be sufficiently comprehensive to identify all special education and related-services needs. Ask whether the report explains the educational implications of findings and what additional information is needed to plan instruction and supports.

CHAPTER 106

Evaluation Timelines and Delays

IDEA sets a federal default timeline for an initial evaluation, but a state may establish its own timeframe. The applicable state timeline must be checked rather than assuming every state uses the same number of days.

Federal default

Under 34 C.F.R. § 300.301(c), the initial evaluation must be conducted within 60 days of receiving parental consent, unless the state has established a timeframe, in which case the state timeframe applies.

When the clock begins

The federal default is tied to receipt of parental consent for the evaluation. Keep the signed consent form and the date it was received. Ask the district to confirm the date it considers the evaluation timeline to have started.

Limited federal exceptions

The regulation includes exceptions when a parent repeatedly fails or refuses to produce the child for evaluation, and in certain transfers to another public agency after the timeline has begun. The transfer exception requires sufficient progress toward prompt completion and agreement between the parent and new agency to a specific completion time.

Do not confuse different timelines

Initial evaluation, reevaluation, IEP development, state complaint, due process, and records requests can have different timelines. A school calendar, summer break, or state rule may affect how a particular deadline is calculated. Verify the relevant rule.

If the evaluation is delayed

Ask the district in writing what date it received consent, which timeline it is applying, what remains incomplete, why, and when the evaluation will be completed. If the explanation is unclear, consult the procedural safeguards and state parent center.

CHAPTER 107

Parental Consent: What It Does and Does Not Mean

IDEA requires informed parental consent before a public agency conducts an initial evaluation. Consent to evaluate is not the same as consent for the initial provision of special education services.

Informed consent

The parent must be fully informed in the parent's native language or other mode of communication of all information about the activity for which consent is sought, understand and agree in writing to that activity, and understand that consent is voluntary and may be revoked.

Consent for initial evaluation

The district must make reasonable efforts to obtain informed consent before conducting an initial evaluation. A parent's consent to an evaluation does not mean the parent has agreed to the initial provision of special education and related services.

If a parent does not respond

IDEA has specific rules about when a district may, but is not required to, pursue an initial evaluation through procedural mechanisms when a parent does not provide consent. These rules do not apply in the same way to every situation, including reevaluations. Ask the district to identify the exact provision it relies on.

Revoking consent

A parent may revoke consent for the continued provision of special education and related services in writing. Revocation is not retroactive; it does not undo actions that occurred after consent was given and before revocation. The district must provide prior written notice before stopping services and is not required to amend records to remove references to past services.

Read the form carefully

Before signing, ask what activities are proposed, which areas will be assessed, what information may be collected, and what the signature means. Request a copy of the signed form and any accompanying notice.

CHAPTER 108

When the School Refuses to Evaluate

A school may refuse an initial evaluation request if it does not suspect that the child has a disability requiring special education under IDEA. But the refusal should not be an unexplained verbal answer.

Request prior written notice

When a district refuses to initiate or change identification, evaluation, placement, or FAPE, IDEA generally requires prior written notice a reasonable time before the refusal is implemented. The notice must describe the refusal, explain why, identify the records and assessments relied upon, describe other options considered and why they were rejected, and identify other relevant factors.

Ask what information was considered

A refusal should be grounded in the information the district relied on. Ask whether it considered parent concerns, classroom performance, attendance, intervention data, observations, communication, behavior, and other relevant information.

MTSS cannot be used to delay an evaluation when disability is suspected

The U.S. Department of Education has explained that a district may not use participation in a multi-tiered system of supports (MTSS) as a reason to delay or deny a full and individual initial evaluation when a child is suspected of having a disability under IDEA.

Possible next steps

Depending on the facts and state procedures, parents may challenge a refusal through a state complaint or due process hearing, request mediation, provide additional information, or ask the district to reconsider. Check the state's procedural safeguards and filing deadlines.

Keep the request focused

Explain the suspected areas of disability and educational impact. Ask the school to identify what evidence would change its decision and whether it considered each area of concern.

CHAPTER 109

Reevaluations: When and Why They Happen

A reevaluation helps determine whether the child continues to have a disability and continues to need special education and related services, and whether additions or modifications to services are needed.

When a reevaluation is required

A public agency must ensure a reevaluation if it determines that the educational or related-service needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests one, subject to IDEA's limits.

Frequency limit

A reevaluation may not occur more than once a year unless the parent and public agency agree otherwise. It must occur at least once every three years unless the parent and public agency agree that a reevaluation is unnecessary.

Review existing data first

The IEP Team and other qualified professionals, as appropriate, review existing evaluation data, including parent-provided information, current assessments, classroom observations, and teacher/provider observations. They determine what additional data, if any, are needed.

When no additional testing is needed

If the group determines that no additional data are needed, the district must notify the parents of that decision and the reasons for it and inform parents of their right to request assessment to determine whether the child continues to be a child with a disability and to determine educational needs.

A reevaluation is not only a test score update

Consider whether needs have changed, whether current supports are effective, whether new areas of concern have emerged, and whether existing information is sufficient to plan the student's program.

CHAPTER 110

Independent Educational Evaluations (IEEs)

An independent educational evaluation is an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the student's education.

When the public-expense right applies

If a parent disagrees with an evaluation obtained by the public agency, the parent may request an IEE at public expense, subject to IDEA's rules. For each public evaluation with which the parent disagrees, the parent is entitled to one IEE at public expense under this provision.

The district's required response

Without unnecessary delay, the district must either file a due process complaint to request a hearing to show that its evaluation is appropriate, or ensure that an IEE is provided at public expense, unless it demonstrates in a hearing that the parent-obtained evaluation did not meet agency criteria.

The parent need not give a detailed reason

The district may ask why the parent objects to its evaluation, but it may not require the parent to provide an explanation and may not unreasonably delay its response.

Criteria and limits

For an IEE at public expense, the district may apply the same criteria it uses when it initiates an evaluation, to the extent consistent with the parent's right to an IEE. It may not impose additional conditions or timelines inconsistent with the regulation.

Private evaluations

Parents may obtain a private evaluation at their own expense. If the parent shares it with the district and it meets agency criteria, the results must be considered in decisions about FAPE. Consideration does not mean the IEP Team must adopt every recommendation.

Request information in writing

Ask for the district's IEE criteria, including examiner qualifications and location requirements. If the district refuses or delays, request its position in writing and promptly review dispute options.

Parent Worksheet: Evaluation Request and IEE Tracker

Use this worksheet to organize an evaluation request, consent, timeline, refusal, reevaluation, or IEE issue.

Evaluation request

Date sent: _____ Date received by district: _____
Initial evaluation or reevaluation: _____
Areas of concern / suspected needs: _____
Educational impact examples: _____

Consent and timeline

Consent form received: _____ Signed: _____
Date district received consent: _____ Applicable state timeline: _____
District's projected completion date: _____

Scope and information

Areas to be assessed: _____
Parent information provided: _____
Existing records reviewed: _____
Questions about missing areas or methods: _____

Decision or refusal

Decision date: _____ Prior written notice received: _____
Reason given: _____
Data and records relied upon: _____
Other options considered: _____

IEE request, if applicable

Public evaluation date: _____ Areas disputed: _____
IEE request date: _____ District response: _____
IEE criteria requested / received: _____

Next steps

Meeting or follow-up requested: _____
State parent center / legal support contacted: _____
Deadline to verify: _____ Person responsible: _____

QUICK COMPARISON: INITIAL EVALUATION, REEVALUATION, AND IEE

Process	Purpose	Key federal point
Initial evaluation	Determine IDEA disability eligibility and educational needs.	Parent or public agency may initiate; consent required; federal default 60 days unless state timeframe applies.
Reevaluation	Determine continued eligibility and current needs; identify whether changes to services are needed.	At least every 3 years unless parent and agency agree unnecessary; no more than once a year unless they agree otherwise.
IEE	Independent assessment by qualified examiner not employed by responsible public agency.	If parent disagrees with public evaluation, agency must without unnecessary delay fund IEE or file due process to defend its evaluation.

Federal reference points: 34 C.F.R. §§ 300.301–300.306 (initial evaluation), 300.303–300.305 (reevaluation), 300.300 (consent), 300.502 (IEE), and 300.503 (prior written notice). State timelines may differ.

OFFICIAL FEDERAL REFERENCES

IDEA regulations — Initial evaluations, 34 C.F.R. § 300.301
https://sites.ed.gov/idea/regs/b/b/300.301

IDEA regulations — Evaluation procedures, 34 C.F.R. § 300.304
https://sites.ed.gov/idea/regs/b/d/300.304

IDEA regulations — Reevaluations, 34 C.F.R. §§ 300.303–300.305
https://sites.ed.gov/idea/regs/b/d/300.303

IDEA regulations — Parental consent, 34 C.F.R. § 300.300
https://sites.ed.gov/idea/regs/b/d/300.300

IDEA regulations — Independent educational evaluations, 34 C.F.R. § 300.502
https://sites.ed.gov/idea/regs/b/e/300.502

IDEA regulations — Prior written notice, 34 C.F.R. § 300.503
https://sites.ed.gov/idea/regs/b/e/300.503

U.S. Department of Education — Child Find Q&A;
https://sites.ed.gov/idea/idea-files/rts-qa-child-find-part-b-08-24-2021/

Legal currency note: The federal 60-day initial-evaluation default applies only when the state has not established a different timeframe. The precise state rule and any applicable exceptions must be checked. This guide does not determine whether an individual student qualifies or what evaluation is required.

PART IX — UNDERSTANDING ELIGIBILITY DECISIONS

Chapters 112–120 | Parent Advocacy Resource Guide

This section explains the federal IDEA framework for deciding whether a student is eligible for special education. State criteria, forms, timelines, and procedures may add requirements. This is educational information, not legal advice.

112. The Two-Part IDEA Eligibility Question

IDEA eligibility is not determined by a diagnosis or label alone. The federal definition generally asks whether the child has been evaluated and found to meet criteria for one of the IDEA disability categories, and whether, because of that disability, the child needs special education and related services. Both parts matter.

A student may have a medical or clinical diagnosis and not meet a particular state's IDEA eligibility criteria. Another student may qualify even when a parent or teacher has not used a formal diagnostic label, because the school evaluation identifies an IDEA disability and a need for specially designed instruction. Eligibility is an educational determination under IDEA, not a judgment about the student's worth, potential, or identity.

If a student needs only a related service and not special education, the federal IDEA definition generally does not make the student IDEA-eligible on that basis alone. State rules may treat certain services differently. Section 504 may also be relevant where a student has a disability and needs aids or services to access school, even if IDEA eligibility is not established.

Questions to keep separate

• What disability category or categories were considered, and what evidence supports the finding?

• What educational needs were identified across academic, communication, behavioral, physical, social-emotional, sensory, and functional areas?

• Does the student need specially designed instruction—not simply a diagnosis, accommodation, or related service?

• If the student is found not eligible under IDEA, has the team considered whether Section 504 or general-education supports may apply?

113. IDEA Disability Categories: A Federal Overview

IDEA lists 13 disability categories. The precise definitions and eligibility procedures must be read with federal regulations and the state's rules. The short descriptions below are orientation only; they do not replace the legal definitions.

Category	Plain-language orientation
Autism	A developmental disability affecting communication and social interaction that adversely affects educational performance; the federal definition also describes associated characteristics.
Deaf-blindness	Combined hearing and visual impairments that create significant communication and educational needs.
Deafness	A hearing impairment so severe that processing linguistic information through hearing is affected, with or without amplification.
Emotional disturbance	One or more specified characteristics over a long period and to a marked degree that adversely affect educational performance.
Hearing impairment	A permanent or fluctuating hearing impairment that adversely affects educational performance and is not covered by the deafness definition.
Intellectual disability	Significantly subaverage intellectual functioning together with adaptive-behavior deficits, with developmental-period onset and educational impact.
Multiple disabilities	Combined impairments that create educational needs too significant to be met in a program designed solely for one impairment; does not include deaf-blindness.
Orthopedic impairment	A severe orthopedic impairment that adversely affects educational performance.
Other health impairment	Limited strength, vitality, or alertness due to specified chronic or acute health problems, adversely affecting educational performance.
Specific learning disability	A disorder in one or more basic psychological processes involved in understanding or using language, affecting listening, thinking, speaking, reading, writing, spelling, or math.
Speech or language impairment	A communication disorder, such as stuttering, articulation, language, or voice impairment, that adversely affects educational performance.

Category	Plain-language orientation
Traumatic brain injury	An acquired brain injury caused by an external physical force that results in functional disability or psychosocial impairment affecting educational performance.
Visual impairment, including blindness	A vision impairment that, even with correction, adversely affects educational performance; includes partial sight and blindness.

IDEA also permits states to use the term developmental delay for eligible children ages three through nine, or a smaller age range within that span, when the state has adopted the option. Ask which state definition and age range apply.

A category is not a complete description of a student. Two students with the same eligibility category may have very different strengths, barriers, communication styles, support needs, and educational programs. The evaluation and IEP should be individualized.

114. The Eligibility Meeting and Written Determination

After assessments are completed, a group of qualified professionals and the parent determine eligibility and the student's educational needs. The public agency must provide the parent, at no cost, a copy of the evaluation report and the documentation of the eligibility determination.

Before the meeting

• Request the evaluation report and eligibility paperwork in advance when possible, and ask how the team will explain technical terms and scores.

• Compare the areas assessed with the concerns and suspected areas of disability raised during the evaluation process.

• Prepare a short written summary of the student's strengths, daily functioning, barriers, and examples from home and school.

• Ask who will explain each assessment and whether the relevant evaluators will attend or be available to answer questions.

During the meeting

• Ask the team to identify the state criteria used for each category considered.

• Ask which evidence supports each criterion and how conflicting or missing information was handled.

• Make sure parent information, teacher observations, records, and functional information are considered—not only test scores.

• Ask the team to explain separately its conclusions about disability and the need for specially designed instruction.

After the meeting

Keep the evaluation report, eligibility documentation, meeting notes, and any prior written notice together. If the student is found eligible, the IEP process follows. If the student is found not eligible, ask for the specific reasons and what supports or other legal protections may still be available.

115. Why a Diagnosis, Test Score, or Single Observation Is Not the Whole Decision

A clinical diagnosis can be important evidence, but IDEA eligibility is an educational determination. A diagnosis does not automatically establish IDEA eligibility; nor should a school dismiss a concern simply because a diagnosis is absent. The evaluation must address the suspected areas and the student's educational needs.

IDEA evaluation rules require a variety of assessment tools and strategies, prohibit using a single measure or assessment as the sole criterion for determining a disability or educational program, and require assessment in all areas related to the suspected disability. Eligibility teams must draw on multiple sources—including parent input and teacher recommendations—and carefully document and consider the information.

Look for patterns and context

• Were the student's skills assessed in the language and communication mode most likely to produce accurate information?

• Were the tests appropriate for the student's age, disability-related needs, and circumstances?

• Did the evaluation consider functional performance and adaptive behavior where relevant?

• Were observations made in settings where the difficulty is likely to occur?

• Do the conclusions explain differences between standardized scores, classroom performance, work samples, and parent observations?

A score should be interpreted with its confidence interval, limitations, testing conditions, and the rest of the evidence. A score is not a complete picture of a student.

116. When the Evaluation Evidence Is Inconsistent or Incomplete

Different sources may not agree. A student may perform differently across settings, days, communication partners, or task demands. A standardized measure may not capture a skill that appears in everyday life, or a brief observation may miss a recurring difficulty. Differences should be explored rather than automatically treated as proof that one source is wrong.

Questions that can clarify the record

• What does each assessment measure, and what does it not measure?

• Were there barriers during testing—fatigue, anxiety, sensory conditions, language access, unfamiliar materials, or communication demands?

• Are additional observations, records, interviews, work samples, or targeted assessments needed?

• Does the report explain contradictory findings and the team's reasoning?

• If an area was not assessed, what is the reason and how will the team determine whether more information is needed?

Parents can ask the team to reconvene, consider additional information, or discuss a reevaluation when appropriate. Whether a specific additional assessment is required depends on the facts and applicable law. Keep requests factual: identify the unanswered question and explain why it matters to understanding educational needs.

117. If the Student Is Found Not Eligible—or a Category Is Disputed

A disagreement about eligibility can be serious. Begin by identifying the exact decision: Was the student found not to meet any IDEA category? Was a particular category rejected while another was considered? Did the team agree a disability exists but conclude that specially designed instruction is not needed? These are different issues and may require different evidence.

Practical steps

• Ask for the written eligibility determination and the complete evaluation report.

• Ask the school to explain the state criteria applied and the evidence supporting each conclusion.

• Identify specific missing assessments, inaccurate information, unexplained contradictions, or criteria you believe were misapplied.

• Put your disagreement and requested next step in writing; keep a dated copy.

• Request prior written notice when the public agency refuses a requested evaluation or proposed action, or refuses to change identification, evaluation, placement, or FAPE, as required by IDEA.

• Review the procedural safeguards notice and state-specific timelines before choosing mediation, a state complaint, or due process. Consider qualified special education legal assistance for a complex dispute.

Dispute options have different scopes, filing rules, deadlines, and remedies. A state complaint generally addresses alleged IDEA procedural or implementation violations; due process addresses specified disputes under IDEA; mediation is voluntary and intended to help resolve disputes. The right route depends on the issue and the facts. Do not assume one filing preserves every other deadline.

If the student is not IDEA-eligible, ask whether the school should evaluate or provide supports under Section 504. A student may also receive appropriate general-education interventions. These possibilities do not mean the school can ignore a continuing suspicion of IDEA disability.

118. Child Find: Do Not Wait for a Student to Fail

IDEA Child Find requires states and public agencies to identify, locate, and evaluate children suspected of having disabilities who may need special education and related services. It applies regardless of the severity of the disability and includes children in varied educational circumstances, subject to the law's specific rules.

A student does not have to fail a grade, receive poor grades, or exhaust every general-education intervention before an evaluation can be considered. Some students maintain passing grades through extraordinary effort, family support, tutoring, or accommodations while still having disability-related educational needs. Strong performance in one area does not automatically answer whether a disability affects another area.

If a school says it will wait until the student fails, ask what information supports that position and whether the school has considered its Child Find responsibilities. A referral or evaluation decision should be based on suspicion and relevant information, not a blanket rule that a student must first fail.

119. Parent Worksheet: Review the Eligibility Decision

Use this worksheet after receiving the evaluation report and written eligibility determination. Add pages if needed.

Student / date of meeting / school:

_____

Disability category or categories considered:

_____

State criteria or definition the team applied:

_____

Areas assessed (list each assessment and evaluator):

_____

Areas of suspected need that were not assessed:

_____

Parent information and records considered:

_____

Evidence the team identified as supporting eligibility:

_____

Evidence the team identified as not supporting eligibility:

_____

How did the team address conflicting information?

_____

Did the team separately explain whether specially designed instruction is needed?

_____

Was the evaluation report and eligibility documentation provided to the parent?

_____

Questions that remain unanswered:

_____

Additional information or assessment requested:

_____

Written response / prior written notice requested or received:

_____

Next step, responsible person, and date to follow up:

_____

Keep this worksheet with the evaluation report, eligibility documents, correspondence, and procedural safeguards notice. It is a personal organization tool, not an official eligibility form.

120. Federal References for Eligibility and Child Find

The following federal authorities form the baseline for this section. Check the current text and your state's implementing rules before relying on a deadline or procedure.

- 34 C.F.R. § 300.8 — IDEA definition of a child with a disability and disability-category definitions.
- 34 C.F.R. § 300.111 — Child Find.
- 34 C.F.R. §§ 300.304–300.306 — Evaluation procedures and eligibility determination.
- 34 C.F.R. § 300.503 — Prior written notice.
- 34 C.F.R. §§ 300.506–300.516 — Mediation, state complaint, and due process procedures.

Official IDEA regulations: https://sites.ed.gov/idea/regs/ | Eligibility: https://sites.ed.gov/idea/regs/b/d/300.306 | Child Find: https://sites.ed.gov/idea/regs/b/b/300.111 | 34 C.F.R. § 300.8: https://www.law.cornell.edu/cfr/text/34/300.8

The federal category descriptions are abbreviated here. For legal definitions, read 34 C.F.R. § 300.8(c) and applicable state rules. This guide is general educational information, not legal advice.

PART X — BUILDING AN INDIVIDUALIZED IEP

Chapters 121–128 | From eligibility to an educational program

An IEP is not simply a list of services or a form to sign. It connects the student's present levels, disability-related educational needs, measurable goals, services, supports, participation, and progress reporting. Federal requirements are a baseline; states may add requirements.

121. Start With the Student, Not a Prewritten Program

The IEP must be individualized. A district form, standard package, staffing schedule, or program label should not replace discussion of the student's unique needs. The team should use evaluation information, parent input, classroom data, observations, and other relevant information to understand what the student needs to access and make progress in education.

A practical planning sequence

• Identify strengths, interests, and priorities.

• Describe current academic achievement and functional performance.

• Identify how disability-related needs affect curriculum access, communication, participation, and other relevant areas.

• Develop measurable annual goals addressing educational needs.

• Determine special education, related services, supplementary aids, program modifications, and staff supports.

• Consider participation with nondisabled peers, assessments, and service frequency, location, and duration.

• Decide how progress will be measured and when reports will be provided.

This sequence is a practical review method, not a substitute for the full IEP Team process. IDEA specifies required IEP components in 34 C.F.R. § 300.320.

122. Present Levels: The Foundation for the Plan

The IEP's present levels of academic achievement and functional performance (often called PLAAFP or present levels) describe what the student can currently do and how the disability affects involvement and progress in the general education curriculum. For preschool children, the IEP addresses participation in appropriate activities.

• Specific skills the student demonstrates independently and with support.

• Relevant baseline data, including dates, settings, conditions, and how information was collected.

• Strengths and successful strategies—not only deficits.

• The effect of disability-related needs on curriculum access, communication, behavior, mobility, self-management, relationships, or other relevant areas.

• Information from more than one setting or source when needed.

A statement such as "struggles with reading" may be too general to guide instruction. Ask what the student can read now, under what conditions, what data support that description, and what skill needs to improve. The same principle applies to functional performance. Technical scores should be explained in plain language.

123. Connect Each Identified Need to an Appropriate Response

After identifying needs, examine where each one is addressed in the IEP. A need may be addressed through an annual goal, specially designed instruction, a related service, supplementary aids and services, program modifications, staff supports, or another appropriate part of the plan. Not every need necessarily requires its own separate annual goal, but important needs should not disappear between the evaluation and the IEP.

Need identified	Where to look in the IEP
Skill requiring instruction	Measurable annual goal and specially designed instruction
Access barrier in class or routine	Accommodation, supplementary aid/service, or program support
Communication access need	Communication supports, AAC access where appropriate, and relevant instruction/services
Motor, sensory, health, or mobility need	Relevant accommodations, related services, equipment, or environmental supports
Participation with peers	Supplementary aids/services, supports, services, and placement considerations
Staff consistency or knowledge	Program modifications or supports for school personnel

This is a discussion aid, not a rigid one-to-one formula. The team should explain how the complete IEP addresses the student's needs.

124. Writing Goals That Can Be Understood and Measured

IDEA requires measurable annual goals, including academic and functional goals designed to meet disability-related needs so the student can be involved in and make progress in the general education curriculum and meet other educational needs.

Questions to test a proposed goal

• What specific skill or outcome will the student demonstrate?

• What is the student's current baseline?

• Under what conditions or with what level of support will the skill be measured?

• What level of performance will count as progress or achievement?

• How will data be collected, and how often?

• Does the goal address a meaningful need identified in the present levels?

Avoid relying only on words such as "improve," "understand," "behave appropriately," or "make progress" without defining what will be observed and measured. A goal should address a meaningful educational skill or access need, not demand compliance for its own sake. IDEA does not set one required number of goals or require every goal to be written by a particular discipline.

125. Services: Make the Details Clear

The IEP must describe special education and related services, supplementary aids and services, and program modifications or supports for school personnel. It must state projected start dates and anticipated frequency, location, and duration.

• What service or support will be provided?

• How often will it occur and for how long?

• Where will it be provided?

• When is it expected to begin?

• Who is responsible for delivery or coordination, where the IEP identifies that information?

• Does the written description guide implementation, rather than leaving staff to guess?

The law does not require every IEP to use identical wording or a particular district form. The written plan should, however, be clear enough to guide implementation and allow the family and school to understand what was agreed upon.

126. Accommodations, Modifications, and Staff Supports

Accommodations change how a student accesses information or demonstrates learning without necessarily changing the learning expectation. Modifications change what the student is expected to learn or demonstrate. The IEP may also include program modifications and supports for school personnel when needed.

• Describe each support in concrete terms.

• Identify the activities, settings, or situations where it applies.

• Clarify when it is available and how staff know it is required.

• Explain limits or conditions rather than leaving staff to guess.

• Consider whether staff need training, consultation, materials, or coordination.

Examples may include accessible instructional materials, visual schedules, additional processing time, adapted response methods, assistive technology, environmental adjustments, or staff consultation. Whether any example is appropriate depends on the student's individual needs.

127. Participation, Placement, and the School Day

IDEA requires the IEP to explain the extent, if any, to which the student will not participate with nondisabled peers in regular classes and extracurricular and other nonacademic activities. Placement decisions are made by a group that includes the parents and others knowledgeable about the student, the evaluation data, and placement options. Placement must be based on the IEP and consistent with least restrictive environment requirements.

• What supports were considered to enable participation with peers before considering removal?

• How will the student access lunch, recess, assemblies, field trips, clubs, transportation, and other activities as appropriate?

• If part of the day is spent outside the regular class, what is the educational reason and extent?

• Can the proposed placement implement the services and supports written in the IEP?

• How will the team review whether the arrangement is working?

A placement label alone does not explain the student's daily experience. Ask for the schedule, locations, services, and opportunities to participate.

128. Progress Monitoring and the Parent's IEP Review

The IEP must state how progress toward annual goals will be measured and when periodic progress reports will be provided. A report that merely repeats the goal or says "making progress" may not give enough information to understand performance.

• Does the report identify the data or observations used?

• Does it compare current performance with the baseline and goal criteria?

• Does it explain the amount and type of prompting or support?

• Does it describe the reporting period and settings?

• If progress is limited, what changes or team discussion are being considered?

• Do reported results match work samples and other relevant observations?

Parents can request an IEP meeting when they believe the plan needs review or revision. IDEA requires periodic review, at least annually, and revision as appropriate.

Parent Worksheet: Trace the IEP From Need to Support

Student / IEP date:

_____

Strengths and priorities in present levels:

_____

Current baseline for each important need:

_____

Disability-related educational needs identified:

_____

Where each need is addressed (goal, instruction, service, accommodation, support):

_____

Are goals measurable and connected to baselines?

_____

Are service frequency, location, duration, and start date clear?

_____

Are accommodations and staff supports specific enough to implement?

_____

How will the student participate with nondisabled peers?

_____

How will progress be measured and reported?

_____

Questions, corrections, or proposed revisions:

_____

Next step / person responsible / follow-up date:

_____

Federal References for IEP Development

• 34 C.F.R. § 300.320 — IEP definition and required content.

• 34 C.F.R. § 300.321 — IEP Team membership.

• 34 C.F.R. § 300.322 — Parent participation.

• 34 C.F.R. § 300.323 — When IEPs must be in effect.

• 34 C.F.R. § 300.324 — Development, review, and revision of IEPs.

• 34 C.F.R. §§ 300.114–300.116 — Least restrictive environment and placement.

Official regulation: https://sites.ed.gov/idea/regs/b/d/300.320 | U.S. Department of Education parent and family resources: https://sites.ed.gov/idea/parents-families/ | General educational information, not legal advice. State rules may add requirements.

PART XI — MEANINGFUL IEP MEETINGS & PARENT PARTICIPATION

Chapters 129–136 | Preparing, participating, documenting, and following through

IDEA requires schools to provide parents an opportunity to participate in meetings concerning identification, evaluation, educational placement, and FAPE. The rules below describe the federal baseline. State procedures and individual circumstances may add details.

129. The Parent Is a Member of the IEP Team

Parents are members of the IEP Team, not merely observers invited to listen after decisions have been made. IDEA requires the public agency to take steps to ensure that one or both parents are present or afforded an opportunity to participate. Parents bring information about the student's history, strengths, communication, daily functioning, priorities, and response to supports.

Meaningful participation does not mean that every proposal must be accepted. The school team and parent may disagree. The important distinction is whether the parent had a genuine opportunity to contribute, ask questions, understand the discussion, and participate before decisions are finalized.

130. Meeting Notice, Scheduling, and Attendance

The school must notify parents early enough to give them an opportunity to attend and schedule the meeting at a mutually agreed-on time and place. The notice must identify the meeting's purpose, time, location, and who will attend. For transition planning, additional notice requirements apply, including notice that transition will be discussed and that the student will be invited.

Practical steps for parents

• Reply promptly and identify scheduling conflicts in writing.

• Ask for a different time or location if the proposed arrangement prevents meaningful attendance.

• Ask who is expected to attend and what role each person will serve.

• If you cannot attend in person, ask about phone or video participation or another method that allows you to participate.

• If interpretation or communication assistance is needed, request it before the meeting.

IDEA does not establish one universal number of days' advance notice for every IEP meeting. The notice must be early enough to provide a real opportunity to attend, and the meeting must be scheduled at a mutually agreed-on time and place. Keep the notice and your scheduling communications.

131. Who Should Be at the Meeting?

IDEA identifies required IEP Team membership, including the parent, at least one regular education teacher if the child is or may be participating in regular education, at least one special education teacher or provider, a public agency representative with specified knowledge and authority, and an individual who can interpret the instructional implications of evaluation results. Other participants may be included when appropriate.

A parent or public agency may invite individuals with knowledge or special expertise regarding the child. The party inviting the individual determines whether that person has the relevant knowledge or expertise. Depending on the student's needs, useful participants may include related-service providers, communication specialists, assistive-technology personnel, interpreters, or other people who know the student.

Excusal rules matter

Certain required team members may be excused in limited circumstances. If the member's area will not be modified or discussed, the parent and public agency may agree in writing that attendance is unnecessary. If the member's area will be discussed or modified, written parental and agency consent is required, and the member must provide written input to the parent and team before the meeting. Ask what role is being excused and review the written request before agreeing.

132. Preparing So Your Input Is Heard

Preparation does not require a lengthy legal brief. A concise, organized summary can help the team understand the issues and keep the meeting focused.

• Read the current IEP, evaluation reports, progress reports, and relevant school communications.

• Write down the student's strengths, interests, successful supports, and current concerns.

• Identify the most important questions and the decisions that need to be made.

• Bring specific examples with dates, settings, and effects on learning or participation.

• List any requested changes and the reason each change may address an identified educational need.

• Send key documents or a parent statement in advance when practical, and bring copies to the meeting.

A parent statement can be brief. Separate what you directly observed from what someone else reported, and distinguish facts from questions or concerns. Ask that relevant written parent input be considered and included with the student's educational records as appropriate.

133. During the Meeting: Clarify, Contribute, and Check Understanding

Questions that can move the discussion forward

• What information supports this conclusion?

• How does this proposal address the student's present levels and identified needs?

• What other options were considered, and why were they not selected?

• How will this support work in the student's actual school day?

• Who will implement it, and how will staff know what to do?

• How will the team measure whether the plan is effective?

• Can you explain that term, score, or procedure in plain language?

If the discussion moves quickly, ask for a pause or for one issue to be addressed at a time. If a document is presented during the meeting, ask for time to read it. If the parent does not understand the proceedings, IDEA requires the agency to take necessary steps to ensure understanding, including arranging an interpreter when required.

You may take notes and ask whether the school will provide a written summary. If you are considering recording, check state law and district policy first; recording rules vary and should not be assumed.

134. Drafts, Revisions, and What Happens After the Meeting

IDEA requires the school to provide a copy of the child's IEP to the parent at no cost. Federal IDEA regulations do not create a general requirement that every school provide a draft IEP to parents a fixed number of days before a meeting. Parents can ask for draft materials in advance as a practical way to prepare, while recognizing that local and state rules may differ.

After the annual meeting, the parent and public agency may agree to amend or modify the IEP without convening the full team. Changes may also be made by the IEP Team at a meeting. Upon request, the parent must receive a revised copy with amendments incorporated. Ask the school to identify exactly what changed and when the revised plan will be provided.

The IEP must be reviewed periodically, at least annually, and revised as appropriate. Review may be needed sooner when there is lack of expected progress, new evaluation information, information from parents, anticipated needs, or other relevant matters.

135. When the Team Disagrees or the Meeting Ends Without Agreement

Disagreement does not automatically mean the meeting was improper, and a parent does not have to resolve every issue in one sitting. Identify which proposals are agreed upon and which remain disputed. Ask the school to explain its position and document the decision.

• State the specific concern rather than making a broad statement that the entire plan is unacceptable.

• Ask what information or reasoning supports the school's position.

• Request prior written notice when the agency proposes or refuses a change involving identification, evaluation, educational placement, or FAPE, as required by IDEA.

• Ask whether additional data, assessment, observation, or another meeting could clarify the issue.

• Review the procedural safeguards notice and applicable state timelines before choosing mediation, a state complaint, or due process.

• Keep copies of the IEP, meeting notice, parent notes, written requests, responses, and notices.

A parent's disagreement does not, by itself, tell you which legal procedure applies or what the outcome will be. Dispute options have different rules, deadlines, and remedies. For a high-stakes or time-sensitive dispute, consider advice from a qualified special education attorney or advocate familiar with the relevant state.

136. Parent Worksheet: Meeting Record and Follow-Up

Student / school / meeting date:

_____

Meeting purpose and participants listed on notice:

_____

Who attended and each person's role:

_____

Parent priorities and information shared:

_____

Student strengths and successful supports discussed:

_____

Decisions the team reached:

_____

Items still disputed or requiring more information:

_____

Documents received or requested:

_____

Prior written notice requested or received, if applicable:

_____

Agreed next steps / responsible person / due date:

_____

Date to check whether agreed actions occurred:

_____

After the meeting, send a short, neutral follow-up message summarizing your understanding of decisions, unresolved questions, and agreed next steps. Ask the school to correct any misunderstanding. Keep the message with your meeting records.

Federal References for Parent Participation and IEP Meetings

• 34 C.F.R. § 300.321 — IEP Team membership and participation of other individuals.

• 34 C.F.R. § 300.322 — Parent participation, meeting notice, scheduling, interpretation, and parent copy of IEP.

• 34 C.F.R. § 300.501 — Opportunity to examine records and participate in meetings.

• 34 C.F.R. § 300.324 — IEP development, review, revision, and amendments.

• 34 C.F.R. § 300.503 — Prior written notice.

Official IDEA regulations: https://sites.ed.gov/idea/regs/b/d/300.322 | https://sites.ed.gov/idea/regs/b/e/300.501 | https://sites.ed.gov/idea/regs/b/d/300.324 | General educational information, not legal advice. Check current federal and state rules.

PART XII — IEP IMPLEMENTATION & ACCOUNTABILITY

Chapters 137–144 | Making sure the written plan becomes real support

An IEP is not complete simply because a meeting has ended or a document has been signed. IDEA requires the public agency to make the services and supports in the IEP available and to ensure responsible staff can access the plan and understand their implementation responsibilities.

137. When Must the IEP Be Implemented?

For an initial IEP, the public agency must make special education and related services available as soon as possible after the IEP is developed, in accordance with the IEP. At the beginning of each school year, an IEP must be in effect for each eligible child within the public agency's jurisdiction. The IEP should state projected start dates and anticipated frequency, location, and duration for services and modifications.

Do not assume that every change begins on the date a parent signs a form, or that every state uses the same procedures for consent to initial services. Review the actual IEP, applicable consent requirements, and state rules. If a listed service has not started, ask the school in writing when it will begin and what interim arrangements are being made.

138. Staff Must Know Their Responsibilities

IDEA requires the public agency to ensure the IEP is accessible to each regular education teacher, special education teacher, related-services provider, and other provider responsible for implementation. Each must be informed of their specific responsibilities and the accommodations, modifications, and supports that must be provided.

Questions parents can ask

• How are staff who work with the student informed of the IEP provisions that apply to them?

• Who coordinates implementation across classrooms, activities, transportation, and related services?

• How are substitute teachers and staff covering absences informed of essential supports?

• How are changes to the IEP communicated to staff who need to implement them?

• How can the parent raise a concern if a staff member appears unaware of a required support?

The regulation does not require a parent to personally train school employees or distribute the IEP. Implementation and staff-access responsibilities belong to the public agency. Parents can still help by communicating useful information and asking how the school ensures consistency.

139. Build a Clear Record of What Was and Was Not Delivered

When a parent is concerned that an IEP service or support is not being provided, document the specific provision and the event. A useful record is factual, dated, and focused on the educational impact. Avoid assuming intent or labeling an event a violation before the facts are clear.

• Copy the exact IEP provision, including frequency, duration, location, and start date.

• Record the date, class, activity, or setting involved.

• Describe what was expected and what you observed or were told occurred.

• Identify the source of the information: direct observation, student communication, school message, service log, or another person.

• Note any effect on access, participation, safety, learning, or progress.

• Record when and how you contacted the school and the response received.

One missed session may have a different explanation from a repeated pattern. The IEP and applicable law may not prescribe a particular make-up arrangement for every missed service. Ask the school to explain what happened, whether the student's needs were met, and whether a team discussion or corrective plan is needed.

140. Missed Services, Staff Absences, and Changes in Routine

Schools may experience staff absences, scheduling changes, emergencies, or other disruptions. The key questions are whether the student continues to receive the services and supports required by the IEP, whether the interruption affects the student's access or progress, and what the public agency will do in response.

Ask for specifics rather than a general assurance

• Which service or support was missed, reduced, delayed, or changed?

• How many sessions or minutes were affected, and over what dates?

• Was an appropriately qualified provider or alternative arrangement available?

• What effect did the interruption have on the student's goals, access, or educational program?

• Does the IEP Team need to consider additional services, a revised schedule, or other corrective action?

There is no universal federal rule that every missed minute must automatically be made up one-for-one in every circumstance. Whether compensatory services are appropriate depends on the facts, the impact of the failure to provide FAPE, and the applicable decision-making process. Do not assume either that every absence requires identical make-up time or that missed services never matter.

141. When Accommodations Are Not Used Consistently

An accommodation written into the IEP is part of the student's program. A parent who sees inconsistent use can ask how the school communicates the accommodation, which staff are responsible, and how the school checks implementation.

• Quote the accommodation exactly as written.

• Describe the task or setting where it was needed.

• Explain what happened without assuming why it happened.

• Ask how the school will ensure relevant staff know and use the accommodation.

• Ask whether the wording needs clarification if staff reasonably interpret it differently.

If the IEP language is too vague to guide implementation, request that the team clarify it. A parent should not have to rely on informal assurances that are absent from the written plan when the support is necessary to provide the agreed educational program.

142. Transfers, New Schools, and Changes in Providers

When a student with an IEP transfers to another public agency during the same school year, federal rules address comparable services while the new agency takes steps to adopt the existing IEP or develop and implement a new one. The details differ depending on whether the transfer is within the same state or from another state.

For an in-state transfer, the new agency, in consultation with the parents, must provide FAPE including services comparable to those in the previous IEP until it adopts that IEP or develops, adopts, and implements a new IEP. For an out-of-state transfer, comparable services are provided while the new agency determines whether an evaluation is needed and develops, adopts, and implements a new IEP if appropriate.

• Provide the new school with a current IEP and relevant supporting documents, while keeping your own copies.

• Ask who will coordinate comparable services and how the schedule will work.

• Confirm that staff have the information needed to implement accommodations and supports.

• Ask when the new agency expects to review or develop the IEP and what information it needs from you.

143. Raising an Implementation Concern in Writing

A concise written message can help the school understand the concern and respond. Identify the provision, the event, and the action you are requesting. Keep the tone factual and avoid conclusions that the available information does not establish.

Suggested structure:

• Subject: Request to clarify implementation of [IEP provision].

• Identify the current IEP date and quote the relevant provision.

• State the date(s) and setting(s) of the concern.

• Describe what you understand occurred and how you learned it.

• Explain the effect on the student, if known.

• Ask the school to explain what happened, how the provision is being implemented, and what steps will prevent recurrence.

• Request a meeting or IEP review if the concern suggests the plan may need revision.

Ask for a written response and retain the message and reply. If the issue remains unresolved, review the procedural safeguards notice and state-specific complaint and dispute-resolution procedures. For a serious or time-sensitive matter, seek qualified advice.

144. Parent Worksheet: IEP Implementation Tracker

Date / setting	IEP provision expected	What occurred / source	Impact / follow-up

IEP date and provision being monitored:

_____

School contact / date contacted:

_____

School explanation or response:

_____

Agreed corrective steps / responsible person / date:

_____

Date to check whether the concern is resolved:

_____

Federal References for IEP Implementation

• 34 C.F.R. § 300.323(a)–(d) — IEPs in effect, initial services, staff access, and staff responsibilities.

• 34 C.F.R. § 300.320(a)(4), (7) — Services, supports, projected start dates, frequency, location, and duration.

• 34 C.F.R. § 300.324(b) — Review and revision of IEPs.

• 34 C.F.R. § 300.503 — Prior written notice.

• 34 C.F.R. §§ 300.323(e)–(g) — Transfers between public agencies.

Official IDEA regulations: https://sites.ed.gov/idea/regs/b/d/300.323 | https://sites.ed.gov/idea/regs/b/d/300.320 | U.S. Department of Education IEP implementation guidance: https://sites.ed.gov/idea/idea-files/return-to-school-roadmap-development-and-implementation-of-ieps/ | General educational information, not legal advice. State rules may add requirements.

PART XIII — RELATED SERVICES & SPECIALIZED SUPPORTS

Chapters 145–152 | Understanding services that help students access special education

IDEA defines related services as developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education. A service is not automatically required because it is listed in the regulation; the IEP Team determines what the individual student needs to receive FAPE. The written IEP should specify the services and their frequency, location, duration, and projected start date.

145. What Are Related Services?

Related services can support a student's access to, participation in, and benefit from special education. Federal examples include speech-language pathology, audiology, interpreting, psychological services, physical and occupational therapy, counseling, orientation and mobility, school health and school nurse services, social work, parent counseling and training, recreation, and transportation. The federal list is detailed in 34 C.F.R. § 300.34.

The question is not whether a service sounds helpful in general. The question is whether the student needs it to benefit from special education and receive FAPE. The IEP Team should use evaluation information, educational needs, parent input, and relevant data to make an individualized decision.

146. Speech-Language Pathology and Communication Access

Speech-language pathology services under IDEA include identification and appraisal of speech or language impairments, speech and language services, and counseling and guidance for parents, children, and teachers. Communication needs are broader than speech production alone. Depending on the student, educational communication needs may involve receptive language, expressive language, social communication, understanding directions, communicating choices, asking for help, or using an augmentative and alternative communication (AAC) system.

Questions parents can ask

• What communication skills and barriers were assessed, and in which settings?

• How does the service address the student's everyday communication at school?

• How will communication opportunities be supported across classes, transitions, lunch, and other routines?

• If AAC is used or being considered, who supports access, vocabulary, programming, training, and troubleshooting?

• How will staff recognize and respond to the student's communication attempts?

AAC is not limited to a particular device or to students who do not speak. It can include unaided methods, low-tech tools, or electronic systems. A student's communication system should be available and usable when needed, not only during a therapy session. The IEP Team should consider communication access in the full educational program.

147. Occupational Therapy and Physical Therapy

Occupational therapy and physical therapy are related services when needed for the student to benefit from special education. School-based OT may address educationally relevant functional performance such as access to classroom materials, written work, tool use, daily school routines, or participation. School-based PT may address mobility, positioning, safe movement, access to school environments, or participation in educational activities.

School-based therapy is not identical to outpatient or clinical therapy. The educational question is how the student's needs affect access, participation, and benefit from the educational program. A school service may include direct intervention, consultation, staff collaboration, or a combination, depending on the IEP.

• What educational task or participation barrier is the service intended to address?

• What baseline or observation supports the recommendation?

• Will the therapist work directly with the student, consult with staff, or use both approaches?

• How will the strategies carry over into the classroom and other school routines?

• How will the team measure whether the service is helping?

148. Counseling, Psychological, and Social Work Services

IDEA includes counseling, psychological services, and school social work services among related services. These services may address educational needs involving emotional functioning, behavior, adjustment, relationships, coping, or barriers connected to the student's school experience. The service should have a clear educational purpose and be provided by qualified personnel.

Ask the team to distinguish counseling or psychological services from discipline, informal check-ins, or general staff support. If a service is listed in the IEP, clarify its purpose, frequency, duration, location, provider qualifications, and how progress or effectiveness will be reviewed.

• What educational need is the service intended to address?

• What approach or skill will be taught or supported?

• How will the provider coordinate with the IEP Team and relevant staff?

• How will privacy and appropriate sharing of information be handled?

• What will happen if the student's needs change or the service is not effective?

A student's distress should not automatically be treated as misconduct. At the same time, an IEP service does not replace appropriate evaluation, safety planning, or other supports when those are needed.

149. Assistive Technology and Accessible Materials

IDEA requires the IEP Team to consider whether the child needs assistive technology devices and services. Assistive technology may include equipment or a product system used to increase, maintain, or improve functional capabilities. Assistive technology services include evaluating needs, acquiring or selecting devices, customizing or adapting them, coordinating use with other therapies and interventions, and training or technical assistance for the student, family, and professionals.

Assistive technology is not limited to expensive electronics. Depending on the student, it may include communication tools, adapted keyboards, text-to-speech, speech-to-text, switches, accessible digital materials, or other supports. The team should evaluate the student's needs and the environments where the technology will be used.

• What task or access barrier is the technology intended to address?

• Was the student able to try options in the actual educational setting?

• Who will set up, maintain, charge, update, and troubleshoot the tool?

• Will the student have access throughout the day and across settings?

• What training will the student and staff receive?

• How will the team decide whether the technology is effective?

The IEP Team may determine that a device or service is not needed after considering the student's individual circumstances. If the parent disagrees, ask what information supports the decision and whether additional assessment or trial use is appropriate.

150. School Health, Nursing, Transportation, and Other Supports

IDEA's related-services definition includes school health and school nurse services designed to enable a child to receive FAPE, as well as transportation when needed. Transportation can include travel to and from school, movement between school buildings, travel within school buildings, and specialized equipment such as lifts or adapted buses.

Other listed services include audiology, interpreting, orientation and mobility, rehabilitation counseling, therapeutic recreation, and parent counseling and training. The federal regulation describes these services in more detail. A parent should connect a request to the student's educational access and needs rather than assume that every medically recommended service must be delivered by the school.

• What school activity or access need requires the support?

• What staff qualifications or training are needed?

• What procedures apply during transitions, field trips, emergencies, and transportation?

• How will the school communicate changes or incidents to the parent?

• Is the support written clearly in the IEP or another applicable plan?

151. Coordination Between Providers and Across the School Day

A student may receive several services from different professionals. If each provider works in isolation, strategies may conflict or fail to carry over into the settings where the student needs them. The IEP Team should consider how services and supports fit together and whether staff need consultation or coordination.

• Who coordinates the overall plan and communicates changes?

• How do providers share relevant strategies while respecting student privacy?

• How will classroom staff use strategies recommended by therapists or specialists?

• How will services be coordinated around instruction and meaningful participation?

• How will the team identify gaps, duplicated efforts, or conflicting approaches?

Coordination does not mean every provider must attend every meeting or that all professionals share every detail. The team should identify what communication is necessary to implement the IEP and protect confidential information.

152. Parent Worksheet: Review Related Services and Specialized Supports

Student / IEP date:

_____

Educational need the service is intended to address:

_____

Service or support listed (or requested):

_____

Provider / qualification, if identified:

_____

Frequency, duration, location, and start date:

_____

Direct service, consultation, staff training, or combination:

_____

How does the service connect to present levels and goals?

_____

How will the support carry over across school settings?

_____

How will progress or effectiveness be measured?

_____

Questions, missing details, or concerns:

_____

Requested next step / responsible person / date:

_____

Federal References for Related Services and Assistive Technology

• 34 C.F.R. § 300.34 — Related services and definitions of individual services.

• 34 C.F.R. § 300.105 — Assistive technology devices and services.

• 34 C.F.R. § 300.324(a)(2)(v) — IEP Team consideration of assistive technology devices and services.

• 34 C.F.R. § 300.320(a)(4) and (7) — Services, supports, and implementation details in the IEP.

Official IDEA regulation on related services: https://sites.ed.gov/idea/regs/b/a/300.34 | Assistive technology: https://sites.ed.gov/idea/regs/b/b/300.105 | These descriptions are educational summaries, not clinical recommendations or legal advice. State rules may add requirements.

PART XIV — TRANSITION PLANNING & LIFE AFTER HIGH SCHOOL

Chapters 153–160 | Preparing for adult life through individualized planning

Transition planning is intended to help a student move from school to post-school activities. IDEA requires measurable postsecondary goals based on age-appropriate transition assessments and transition services, including courses of study. Federal IDEA requires this no later than the first IEP in effect when the student turns 16, or younger if the IEP Team determines it appropriate; states may require an earlier start.

153. What Is Transition Planning?

Transition planning is a coordinated, results-oriented process focused on improving a student's academic and functional achievement to facilitate movement from school to post-school activities. Under IDEA, transition services are based on the student's individual needs, taking into account strengths, preferences, and interests. They may include instruction, related services, community experiences, development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition is not a single meeting or a one-time form. It should be reviewed and updated as the student grows, gains skills, changes interests, and learns more about possible adult options.

154. When Transition Must Be Included in the IEP

Federal IDEA requires transition content no later than the first IEP to be in effect when the student turns 16, or younger if the IEP Team determines it appropriate, and updated annually thereafter. The IEP must include appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. It must also identify the transition services, including courses of study, needed to assist the student in reaching those goals.

Some states require transition planning to begin earlier than the federal minimum. Parents should check the state's current rules. A family does not need to wait until the mandatory age to talk with the student about interests, strengths, preferences, and possible adult-life goals. Early conversations can help the team build skills gradually.

If a purpose of the IEP meeting is consideration of postsecondary goals and transition services, the school must invite the student. If the student does not attend, the public agency must take other steps to ensure the student's preferences and interests are considered. With required consent, representatives of participating agencies likely to provide or pay for transition services may be invited.

155. Age-Appropriate Transition Assessments

Transition assessments help the team understand a student's strengths, preferences, interests, needs, and support requirements in relation to life after high school. Assessment methods may include interviews, observations, interest inventories, record reviews, work-based learning experiences, community-based assessments, and other tools appropriate to the student.

Assessment should be accessible to the student

• Use communication methods the student can access, including AAC or other supported communication where appropriate.

• Offer meaningful ways to express preferences, choices, interests, and dislikes.

• Consider sensory, mobility, health, cultural, language, and environmental factors that affect participation.

• Gather information across settings and activities, not only through a single interview or questionnaire.

• Revisit conclusions when new experiences or information emerge.

A student's communication disability does not mean the student has no preferences or cannot participate in planning. The team should identify accessible ways to hear and interpret the student's input and avoid treating the absence of spoken language as absence of choice.

156. Measurable Postsecondary Goals

Postsecondary goals describe what the student intends to do after leaving high school. They are different from annual IEP goals, which identify skills or outcomes the student is expected to work toward during the coming IEP year. Postsecondary goals should be measurable, grounded in assessment information, and written for the period after high school.

Areas the IEP must address

• Education or training: further learning, job training, adult education, or other appropriate instruction.

• Employment: competitive integrated employment, supported employment, or another individualized employment outcome.

• Independent living skills, where appropriate: daily living, self-advocacy, community participation, money use, home routines, or other relevant skills.

Do not assume that every student must have the same type of postsecondary goal or attend college. Goals should reflect the student's individual strengths, preferences, interests, and needs. The IEP Team determines which independent-living goals are appropriate based on assessment information.

157. Transition Services and Course of Study

Transition services are a coordinated set of activities designed to support movement from school to post-school activities. The IEP should identify services that reasonably help the student reach the postsecondary goals. The services may involve instruction, related services, community

experiences, employment preparation, adult-living objectives, daily-living skills, and functional vocational evaluation when appropriate.

• Instruction: academic, functional, self-determination, or job-related learning.

• Related services: supports needed to benefit from transition instruction and activities.

• Community experiences: learning and practicing skills in real community settings.

• Employment and adult-living objectives: career exploration, job development, benefits education, or planning for adult routines.

• Daily-living skills: cooking, personal care, money skills, safety, or home routines where appropriate.

• Functional vocational evaluation: practical information about interests, strengths, support needs, and work-related performance.

The course of study should align with the student's postsecondary goals and provide the learning opportunities needed to pursue them. A list of classes without an explanation of how they connect to the student's goals may not communicate a meaningful plan.

158. Employment, Community Participation, and Adult Living

Planning may include exposure to careers, work-based learning, job coaching, workplace accommodations, travel training, community safety, recreation, relationships, self-advocacy, and daily living. The team should consider the student's interests and the supports that may make participation possible.

For some students, employment planning may include supported employment or customized employment exploration. For others, the focus may include postsecondary education, vocational rehabilitation, community participation, or a combination. No single path should be presumed appropriate for every student.

Questions for the team

• What experiences will help the student explore real interests and choices?

• How will the student practice skills in settings where they will be used after high school?

• What accommodations, communication supports, or job supports may be needed?

• What agencies or community partners may be relevant, and what consent is required before inviting them?

• How will the team help the student and family understand application processes, eligibility, and timelines for adult services?

159. Adult Services, Age of Majority, and the Summary of Performance

School-based IDEA services and adult services are governed by different laws, eligibility rules, funding systems, and application processes. Adult agencies may have waiting lists, separate assessments, documentation requirements, and age or program criteria. A school IEP does not automatically enroll a student in adult services or guarantee eligibility for a particular program.

Beginning not later than one year before the student reaches the age of majority under state law, the IEP must include a statement that the student has been informed of the IDEA rights, if any, that will transfer at the age of majority. The age of majority and procedures vary by state. Parents should ask the school to explain the transfer process and the student's options under state law.

When a student's eligibility for IDEA services terminates because the student graduates with a regular high school diploma or exceeds the state's age eligibility, the public agency must provide a summary of academic achievement and functional performance, including recommendations on how to assist the student in meeting postsecondary goals. This is commonly called the Summary of Performance (SOP). Ask for it before exit so there is time to review and use it.

• Identify adult agencies early and ask about eligibility and application timelines.

• Keep copies of evaluations, IEPs, transition assessments, work samples, and relevant medical or service records as appropriate.

• Ask who is responsible for referrals and what releases or consent forms are needed.

• Confirm what services end at graduation or aging out and which adult supports have actually been approved.

160. Parent Worksheet: Transition Planning Review

Student / age / current grade / expected exit date:

_____

Student's strengths, preferences, interests, and communication methods:

_____

Transition assessments completed and dates:

_____

Postsecondary education or training goal:

_____

Postsecondary employment goal:

_____

Independent-living goal, if appropriate:

_____

Courses of study connected to these goals:

_____

Transition services and activities, with responsible persons and dates:

_____

Community or work-based experiences planned:

_____

Agencies to consider / consent needed / referral timeline:

_____

Age-of-majority information discussed:

_____

Summary of Performance and exit planning:

_____

Questions, missing steps, and follow-up dates:

_____

Federal References for Transition Planning

• 34 C.F.R. § 300.320(b)–(c) — Transition content and transfer-of-rights statement in the IEP.

• 34 C.F.R. § 300.43 — Definition of transition services.

• 34 C.F.R. § 300.321(b) — Student invitation and participating agency representatives.

• 34 C.F.R. § 300.520 — Transfer of parental rights at age of majority.

• 34 C.F.R. § 300.305(e)(3) — Summary of academic achievement and functional performance at exit.

Official IDEA regulation: https://sites.ed.gov/idea/regs/b/d/300.320 | U.S. Department of Education Transition Guide: https://sites.ed.gov/idea/idea-files/policy-guidance-transition-guide-postsecondary-education-employment-students-youth-disabilities-august-2020/ | 2025 federal transition coordination guidance: https://sites.ed.gov/idea/files/Guidance-Coordinating-Transition-Services-and-Postsecondary-Access-01-16-2025.pdf | State requirements may start earlier. General educational information, not legal advice.

PART XV — COORDINATING SCHOOL & ADULT SERVICES

Chapters 161–168 | Preparing for continuity, choice, and adult-life supports

School services do not automatically continue after IDEA eligibility ends. Adult programs have separate laws, eligibility rules, application processes, funding limits, and timelines. Families should begin learning about options early, confirm requirements with the responsible agency, and avoid assuming that a referral guarantees enrollment or services.

161. School Services and Adult Services Are Different Systems

An IEP is an education plan under IDEA. Adult services may be provided through vocational rehabilitation, Medicaid, state developmental-disability agencies, mental-health systems, community programs, higher education disability services, or other public and private sources. Each system has its own definition of eligibility, application, assessment, service plan, and appeal rights.

A student may qualify for one program but not another. A clinical diagnosis, school IEP, or prior service history may help explain needs, but does not automatically establish eligibility for an adult program. Ask each agency what criteria it uses, what documentation it requires, and whether there are waiting lists or funding limitations.

Build a transition map

• List the adult-life outcomes the student wants to pursue: education, employment, home life, community participation, relationships, health, and recreation.

• Identify which agency or organization may address each support need.

• Record the agency's eligibility criteria, application steps, required records, contact person, and estimated timeline.

• Identify gaps between school exit and the expected start of adult services.

• Keep copies of applications, decisions, notices, plans, and appeal instructions.

162. Vocational Rehabilitation and Pre-Employment Transition Services

State vocational rehabilitation (VR) agencies operate under the Rehabilitation Act. VR services are intended to help eligible individuals prepare for, obtain, retain, advance in, or regain employment. For students with disabilities who meet the federal definition of a student with a disability, pre-employment transition services (Pre-ETS) may be available without first applying for or being determined eligible for the broader VR program.

Federal Pre-ETS required activity areas include job exploration counseling, work-based learning experiences, counseling on postsecondary educational opportunities, workplace readiness training, and instruction in self-advocacy. Availability and delivery are coordinated by the state VR agency with schools. Services and processes vary by state.

Questions for the VR agency

• What Pre-ETS are available to students in this age range and school setting?

• Can the VR counselor attend an IEP transition meeting if invited?

• When should the student apply for individualized VR services?

• What documentation is needed to determine eligibility?

• Does the state use an order of selection or waiting list for some VR services?

• How will the VR plan for employment (IPE) coordinate with the school transition plan?

Pre-ETS and individualized VR services are not identical. A student who needs services beyond Pre-ETS may need to apply and be determined eligible for VR. Ask the agency to explain its process and timelines in writing.

163. Medicaid, Home and Community-Based Services, and Developmental Disability Supports

Medicaid is a federal-state health coverage program. States may offer home and community-based services (HCBS) through different authorities and programs. Depending on the state and the person's eligibility, HCBS may support services such as personal care, habilitation, respite, supported employment, assistive technology, community participation, or other long-term services and supports. The services available, eligibility standards, financial rules, assessment methods, and waiting lists vary widely.

An IEP does not guarantee Medicaid eligibility, a waiver slot, or a particular adult service. A student may need separate applications and assessments. Families should contact the state Medicaid agency and relevant developmental-disability or long-term-care agency to learn which programs exist and how to apply.

Questions to ask

• Which state HCBS programs may fit the person's support needs and age?

• Is there a functional or level-of-care assessment?

• Are there financial eligibility rules or separate disability criteria?

• Is enrollment limited by a waiver cap, waitlist, or priority process?

• Can the person choose providers or self-direct some services?

• What happens to coverage and services during changes in residence, school status, or employment?

Do not delay contacting agencies simply because the student is still in school. Some programs have long application or assessment processes. Obtain current state-specific information rather than relying on another family's experience or an old online list.

164. Person-Centered Planning and Choosing Supports

Person-centered planning starts with the individual's preferences, strengths, relationships, goals, communication, and vision for adult life. It should not be reduced to selecting from whatever services happen to be easiest for an agency to arrange. The individual should have meaningful opportunities to express choices and participate in decisions, with communication and decision supports as needed.

• Ask the person how they prefer to communicate and make choices.

• Offer accessible information about options, including pictures, demonstrations, visits, or supported conversations.

• Explore what a good day, meaningful work, preferred routines, and community participation look like to the person.

• Include trusted supporters chosen by the individual, while respecting privacy and autonomy.

• Review plans when preferences, skills, health, or circumstances change.

Person-centered planning does not guarantee that every requested service will be funded or available. It provides a way to identify meaningful goals and communicate what supports would help the person pursue them.

165. Supported Decision-Making, Guardianship, and Less Restrictive Options

Supported decision-making is an approach in which a person makes their own decisions with help from trusted people, accessible information, and tools chosen by the person. Depending on state law, alternatives may include supported decision-making agreements, powers of attorney, health-care directives, representative payees, joint banking arrangements, or other limited tools. The legal effect and availability of each option differ by state.

Guardianship can remove or limit important legal rights. It should not be treated as an automatic step because a student has a disability, needs substantial support, or communicates differently. Before pursuing guardianship, families should learn about less restrictive alternatives, the student's decision-making abilities with support, and the legal standards and procedures in their state.

Important safeguards

• Start with the presumption that the person should participate in decisions to the greatest extent possible.

• Identify specific decisions where support may be useful rather than assuming one person must control every area.

• Use accessible communication and allow time for the person to understand choices.

• Seek independent legal advice about state-specific options and consequences before signing legal documents or filing for guardianship.

• Review any formal arrangement periodically and respect the person's preferences and rights.

This guide does not recommend a particular legal arrangement. Guardianship, supported decision-making, and financial or health-care authority involve state-specific legal consequences.

166. Postsecondary Education and Disability Services

After high school, colleges, universities, and other postsecondary institutions generally operate under disability nondiscrimination laws such as Section 504 and/or Title II of the ADA, rather than IDEA. The institution does not simply continue the student's IEP. Students generally must identify themselves to the disability services office, request accommodations, and provide documentation that meets the institution's requirements.

An IEP or Section 504 plan may help explain the student's history and effective supports, but may not by itself be sufficient documentation for every postsecondary accommodation request. Students should contact the institution early to learn its process, documentation standards, deadlines, and available supports.

• Ask how to register with disability services and request accommodations.

• Ask about accessible housing, transportation, communication, technology, and campus supports where relevant.

• Discuss the student's role in requesting accommodations and communicating with instructors.

• Explore comprehensive transition programs and inclusive postsecondary education options where appropriate.

167. Preparing for the Service Gap and Building a Practical Timeline

A common transition risk is assuming that a referral, application, or eligibility meeting means adult services will begin immediately. School eligibility may end at graduation with a regular diploma or when the student reaches the state's IDEA age limit. Adult-service decisions may take longer, and programs may have separate start dates or limited capacity.

A planning checklist

• At least several years before exit: explore adult agencies, postsecondary options, employment interests, and daily-living goals.

• Before the final school year: confirm application steps, documentation, agency contacts, and whether any waitlist or enrollment process exists.

• Before exit: request the Summary of Performance and copies of evaluations, transition assessments, IEPs, and relevant records.

• Before graduation or aging out: confirm which school services will end and which adult services have been formally approved.

• At exit: make sure the student and chosen supporters know contact information, service plans, appeal rights, and next appointments.

These are planning prompts, not legal deadlines. The correct timeline depends on the student's age, state rules, program requirements, and expected exit date.

168. Parent and Student Worksheet: Adult Services Coordination

Student / expected school exit date:

_____

Student's goals, preferences, and communication supports:

_____

VR agency / contact / Pre-ETS or application status:

_____

Medicaid or HCBS program / application / assessment status:

_____

Developmental disability or other adult-service agency / status:

_____

Postsecondary education or training options explored:

_____

Employment supports or community providers considered:

_____

Decision-making supports or legal questions to explore:

_____

Records needed and who will obtain them:

_____

Potential service gaps and backup plan:

_____

Next action / responsible person / date:

_____

Federal References and Starting Points

• U.S. Department of Education and Rehabilitation Services Administration, Coordinating Transition Services and Postsecondary Access (January 2025).

• U.S. Department of Education, A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities (August 2020).

• 34 C.F.R. § 300.43 — IDEA transition services.

• 34 C.F.R. § 361.48 — Scope of vocational rehabilitation services, including Pre-ETS.

• 34 C.F.R. § 300.305(e)(3) — Summary of Performance at exit.

Federal guidance: https://sites.ed.gov/idea/idea-files/coordinating-transition-services-and-postsecondary-access-january-2025/ | https://sites.ed.gov/idea/idea-files/policy-guidance-transition-guide-postsecondary-education-employment-students-youth-disabilities-august-2020/ | Pre-ETS regulation: https://www.law.cornell.edu/cfr/text/34/361.48 | Medicaid HCBS information: https://www.medicaid.gov/medicaid/home-community-based-services/index.html | This section is general educational information, not legal, financial, or benefits advice. Confirm current rules with the relevant state agency.

PART XVI — EDUCATION RECORDS, CONFIDENTIALITY & PRIVACY

Chapters 169–176 | Understanding access, correction, consent, and student privacy

Parents need access to information to participate meaningfully in their child's education. At the same time, education records contain sensitive information and are subject to privacy rules. FERPA, IDEA confidentiality requirements, state law, and school policies may all be relevant. The details below describe general federal rules; exceptions and state requirements matter.

169. FERPA and IDEA: Two Related Privacy Frameworks

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of education records at covered educational agencies and institutions. IDEA also contains confidentiality requirements for personally identifiable information collected, maintained, or used under Part B. These frameworks overlap, but they are not identical. IDEA's regulations incorporate many FERPA requirements and add special education-specific procedures.

A parent should ask which law or policy applies when the school explains a decision about access, disclosure, amendment, or retention. The fact that a document concerns special education does not automatically mean it is excluded from FERPA, and not every communication with school staff is necessarily an education record.

170. Who Can Inspect and Review Education Records?

Under FERPA, a parent or eligible student generally has the right to inspect and review education records maintained by the school that are directly related to the student. Under IDEA, parents must be permitted to inspect and review records relating to their child that are collected, maintained, or used by the agency under Part B. The right includes records about identification, evaluation, educational placement, and FAPE.

The school must comply with an IDEA records request without unnecessary delay and before an IEP meeting, due process hearing, or resolution session, and in no case more than 45 days after the request. FERPA also generally requires access within 45 days. State law may require a shorter period.

Practical request tips

• Make the request in writing and identify the student and the records or date range sought.

• Ask for records in an accessible format and explain if you need help understanding them.

• Request access to evaluation reports, IEPs, progress data, service logs, incident records, attendance, notices, and relevant communications maintained as education records.

• Ask the school to explain any withheld or redacted portions and identify the legal basis.

• Keep the request and the school's response, including the date access was provided.

A school is not necessarily required to create a new record or answer every question through a records request. Focus the request on existing records maintained by the agency. Rights to inspect do not always mean a right to receive every original document or unrestricted access to other students' information.

171. Copies, Fees, and Understanding Records

IDEA requires a public agency to provide copies of records if failure to provide them would effectively prevent the parent from exercising the right to inspect and review. The agency may charge a fee for copies if the fee does not effectively prevent access. It may not charge a fee to search for or retrieve information under IDEA. FERPA also permits reasonable fees for copies in certain circumstances but not when the fee effectively prevents inspection and review.

• Ask whether electronic copies are available.

• If copying fees are proposed, ask for the fee schedule and whether a waiver or reduced-cost option is available.

• Ask the school to explain technical abbreviations, assessment scores, service codes, and record context.

• If a record is difficult to read or appears incomplete, identify the page, date, or missing attachment.

The right to inspect and review does not require school personnel to provide a legal or clinical interpretation of every document. Parents may ask for clarification and may seek independent assistance when needed.

172. Amending or Challenging Inaccurate Education Records

FERPA allows a parent or eligible student to ask the school to amend education records believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. If the school decides not to amend the record, it must inform the requester of the right to a hearing under FERPA. If the school still declines after the hearing, the parent or eligible student may have the right to place a statement in the record commenting on the contested information.

FERPA's amendment procedure is not a process to challenge a grade, opinion, or substantive decision simply because the parent disagrees with it, unless the record is inaccurate, misleading, or otherwise violates privacy rights. IDEA dispute-resolution procedures may be more relevant to disagreements about evaluation, eligibility, placement, or FAPE.

A focused amendment request

• Identify the exact record, date, and statement you believe is inaccurate or misleading.

• Explain what is incorrect and provide supporting documentation where available.

• State the correction requested, such as correcting a date, factual description, or missing context.

• Ask for the school's written decision and information about any hearing process.

173. Disclosure: When May a School Share Records?

FERPA generally requires written consent before personally identifiable information from education records is disclosed, unless an exception applies. Exceptions can permit disclosure to school officials with legitimate educational interests, certain other schools, specified government or audit officials, and other recipients under defined conditions. IDEA has additional confidentiality rules for special education records.

A parent should not assume that every disclosure requires consent or that every staff member can see every record. Ask the school what information was shared, with whom, for what purpose, and under what authority when a disclosure raises a concern. Some disclosures made under FERPA exceptions must be recorded in the student's record of disclosures; others are exempt from that recordkeeping requirement.

Sharing information with an outside therapist, doctor, advocate, or service provider may require a signed release unless a specific exception applies. Read the release carefully: identify what records may be shared, with whom, for what purpose, and whether it expires or can be revoked.

174. Video, Audio, Photographs, and Incident Records

A video or audio recording maintained by a school may be an education record if it is directly related to a student and maintained by the school or a party acting for it. Whether a particular recording is an education record depends on the facts, including whose conduct or image the recording directly concerns and how it is maintained. A recording may contain information about multiple students, creating additional privacy considerations.

FERPA does not give a parent a blanket right to receive an unredacted video showing other students. The school may need to provide an opportunity to inspect or review the portion directly related to the parent's child while protecting other students' information, depending on the circumstances and applicable law.

When requesting a recording

• Identify the date, approximate time, location, and incident.

• Describe the student's connection to the event and the recording sought.

• Ask the school to preserve the recording while the request is considered; do not assume it will be retained indefinitely.

• Ask whether the school considers it an education record and how it will provide access while protecting other students' privacy.

• Request related incident reports, staff statements, notices, and other maintained records as appropriate.

Federal law does not create a universal school-camera mandate or a single retention period for all school recordings. State law, district policy, litigation holds, and other rules may affect retention and access. Make preservation requests promptly.

175. Record Retention, Destruction, and Parent Notification

IDEA requires public agencies to inform parents when personally identifiable information collected, maintained, or used under Part B is no longer needed to provide educational services to the child. The information must be destroyed at the parent's request, subject to the regulation's exception for a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed.

This IDEA provision does not mean that every school record must be destroyed immediately when a student graduates or a parent asks. Other federal and state record-retention laws may apply, and some records may be retained for legally permitted purposes. Ask which records are covered, what retention schedule applies, and whether the agency has notified parents as required.

If a parent anticipates a dispute, complaint, or hearing, consider asking the school to preserve relevant records and recordings promptly. A preservation request does not itself guarantee that a record exists or override lawful retention rules.

176. Parent Worksheet: Education Records and Privacy Log

Student / school / date of request:

_____

Records requested and date range:

_____

How request was submitted / to whom:

_____

Date school acknowledged request:

_____

Date access or copies were provided:

_____

Records missing, withheld, or redacted and explanation:

_____

Record believed inaccurate or misleading:

_____

Specific correction requested and evidence:

_____

Disclosure or recording concern / date / people involved:

_____

Preservation request made / date / response:

_____

Next step / applicable deadline to verify:

_____

Federal References for Records and Confidentiality

• 34 C.F.R. §§ 300.610–300.626 — IDEA confidentiality of personally identifiable information.

• 34 C.F.R. § 300.613 — Parent access to education records.

• 34 C.F.R. § 300.617 — Fees for records.

• 34 C.F.R. § 300.624 — Destruction of information.

• 20 U.S.C. § 1232g and 34 C.F.R. Part 99 — FERPA and its regulations.

• 34 C.F.R. §§ 99.10–99.12 — Access, fees, and amendment of education records.

• 34 C.F.R. § 99.30 and § 99.31 — Consent and exceptions to consent.

U.S. Department of Education FERPA guidance: https://studentprivacy.ed.gov/ | IDEA confidentiality regulations: https://sites.ed.gov/idea/regs/b/f/300.610 | FERPA regulations: https://www.ecfr.gov/current/title-34/subtitle-A/part-99 | This is general educational information, not legal advice. State privacy and retention rules may provide additional protections.

PART XVII — RESOLVING SPECIAL EDUCATION DISPUTES

Chapters 177–184 | Understanding options, timelines, and preparation

IDEA provides several dispute-resolution options, including state complaints, mediation, and due process hearings. These processes have different purposes, filing requirements, deadlines, and possible outcomes. State procedures can add details. This section is general educational information, not legal advice; verify current rules and deadlines before filing.

177. Start by Defining the Disagreement

Before choosing a process, identify the exact decision or action being challenged. A dispute may concern identification, evaluation, eligibility, educational placement, the provision of FAPE, implementation of an IEP, discipline protections, or a procedural violation. Some concerns may fall under IDEA; others may involve Section 504, the ADA, state law, district policy, or another process.

Write a one-paragraph issue statement

• What happened or what decision was made?

• When did it happen, and who made or communicated the decision?

• What IDEA requirement, IEP provision, or educational right may be involved?

• What records or facts support the concern?

• What specific action or remedy are you asking the school or agency to take?

Separate facts you can document from conclusions, assumptions, and questions. A clear issue statement helps determine whether a local meeting, written request, state complaint, mediation, due process, or another route may fit.

178. State Special Education Complaints

A state complaint is generally filed with the state educational agency and alleges that a public agency violated Part B of IDEA or its regulations. Under federal rules, a complaint must allege a violation that occurred not more than one year before the state receives the complaint, unless a longer period applies under the state's rules. The complaint must be written and signed and include the required information, including the facts supporting the allegation. A complaint alleging violations regarding a specific child must also include the child's name and address, the school attended, and a description of the problem and proposed resolution to the extent known and available.

The state generally must issue a written decision within 60 days after receiving the complaint, unless the timeline is properly extended under the regulations. The state must independently review relevant information and decide whether the public agency violated an IDEA requirement. If the state finds a failure to provide appropriate services, it must address the failure, including corrective action appropriate to the child's needs, and appropriate future services for children with disabilities.

A state complaint may be useful when

• The concern involves implementation of an IEP or a procedural requirement.

• The issue may affect more than one student or involve a broader pattern.

• You want the state educational agency to investigate alleged IDEA noncompliance.

• The facts and documents can be organized into specific allegations and dates.

A state complaint is not a substitute for every individual dispute. The state generally sets aside issues that are also being addressed in a due process hearing until the hearing concludes. Check state instructions, forms, service requirements, and timelines.

179. Mediation: A Voluntary Problem-Solving Process

IDEA requires states to make mediation available for disputes involving any matter under Part B, including matters arising before a due process complaint is filed. Mediation is voluntary for both parties and must be conducted by a qualified, impartial mediator trained in effective mediation techniques. It may not be used to deny or delay a parent's right to a due process hearing or other IDEA rights.

If the parties reach an agreement, IDEA requires a written, legally binding agreement signed by the parent and a representative of the public agency who has authority to bind the agency. The agreement must state that mediation discussions remain confidential and may not be used as evidence in later due process hearings or civil proceedings. The agreement is enforceable in state or federal court with jurisdiction.

Before signing an agreement

• Read every term and identify exactly what the school must do.

• Include dates, responsible persons, service details, records to be provided, and how completion will be confirmed.

• Clarify what happens if a term is not completed.

• Understand any release, waiver, confidentiality, or future-dispute language.

• Do not sign under pressure; seek legal advice if the terms affect important rights.

A mediator does not decide who is right or issue a ruling. Mediation is a negotiation process. Do not assume that an oral promise is equivalent to a signed agreement.

180. Due Process Complaints and Impartial Hearings

A parent or public agency may file a due process complaint about matters relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE. IDEA has specific content requirements for a due process complaint, including identifying the child, the school, the problem, and facts relating to the problem. The party filing must provide the complaint to the other party and follow the state's procedures.

The federal limitations period is generally two years from the date the parent or agency knew or should have known about the alleged action forming the basis of the complaint, unless the state has an explicit time limitation or a specified exception applies. Exceptions include certain situations involving specific misrepresentations by the agency or withholding information it was required to provide. Do not assume that a continuing problem automatically resets the deadline.

A due process hearing is a formal legal proceeding before an impartial hearing officer. Parties may present evidence, question witnesses, and be accompanied or advised by counsel and individuals with special knowledge or training regarding disability. The hearing officer issues a decision based on the applicable legal standards and evidence. Because the procedure is formal and deadlines can be strict, qualified legal advice may be especially important.

181. The Resolution Session and Hearing Timelines

When a parent files a due process complaint, IDEA generally requires the local educational agency to convene a resolution meeting within 15 days of receiving notice of the complaint, unless the parties agree in writing to waive the meeting or agree to use mediation instead. The resolution meeting includes the parent, relevant IEP Team members who have specific knowledge of the facts, and a school representative with decision-making authority. The parent may bring an attorney only if the school brings an attorney, under the federal resolution-session rule.

The resolution period is generally 30 days. If the dispute is not resolved to the parent's satisfaction within that period, the due process hearing timeline generally begins, with a decision due within 45 days after the end of the resolution period, subject to regulatory adjustments and hearing-officer extensions. Different, expedited timelines apply to certain discipline hearings.

These are federal baseline timelines, not a complete calendar for every case. The start and adjustment of deadlines depend on service, written agreements, participation, amendments, and other events. Record the date of each filing, delivery, meeting, agreement, and notice, and confirm the calculated deadline with the state or qualified counsel.

182. Evidence Organization: Build a Clear, Relevant Record

A strong record is organized around the specific issue, not simply the number of pages submitted. Choose documents that show what the school knew, what decision was made, what the IEP or law required, what occurred, and how the student was affected.

Create an evidence index

• Chronology: dated events and communications.

• Relevant IEPs, amendments, evaluation reports, eligibility documents, and prior written notices.

• Progress reports, service logs, attendance, discipline records, and incident reports relevant to the issue.

• Parent requests, school responses, meeting notices, and follow-up messages.

• Work samples, data, observations, and other evidence of educational impact.

• Witnesses or staff with direct knowledge, and the specific facts each can address.

Label each document with a date and short description. Keep originals unchanged and use copies for highlighting or annotations. Do not alter records, coach witnesses, or include irrelevant private information about other students. Follow hearing and state complaint rules about submission format, page limits, and service.

183. Choosing a Process: A Comparison

Process	General purpose	Key points
State complaint	State investigation of alleged IDEA violations	Usually one-year lookback under federal rule; written decision generally within 60 days; may address systemic compliance and corrective action.
Mediation	Voluntary resolution of IDEA disputes	Available before or after due process filing; neutral mediator; written binding agreement if resolved.
Due process	Formal hearing on specified IDEA disputes	Identification, evaluation, placement, or FAPE; strict content and limitation rules; resolution process generally applies to parent-filed complaints.

The best process depends on the facts, desired outcome, applicable law, state procedures, and deadlines. A parent may have more than one possible route, but parallel filings can affect how issues are handled. Obtain advice before assuming that filing one complaint preserves every other claim or deadline.

184. Parent Worksheet: Dispute Preparation and Deadline Tracker

Student / school / state:

_____

Issue being challenged in one or two sentences:

_____

Date of decision or event / date you learned of it:

_____

Relevant IDEA or other legal requirement:

_____

What the school did or did not do:

_____

Evidence and document references:

_____

What outcome or corrective action is requested:

_____

Process considered and reason:

_____

Filing deadline to verify / source of deadline:

_____

Date filed / date served / proof of delivery:

_____

Agency contact / hearing officer / mediator, if assigned:

_____

Next deadline / hearing or meeting / responsible person:

_____

Federal References for IDEA Dispute Resolution

• 34 C.F.R. §§ 300.151–300.153 — State complaint procedures.

• 34 C.F.R. § 300.506 — Mediation.

• 34 C.F.R. §§ 300.507–300.508 — Due process complaint and filing requirements.

• 34 C.F.R. § 300.510 — Resolution process.

• 34 C.F.R. §§ 300.511–300.516 — Hearing rights, decisions, timelines, and civil actions.

• 34 C.F.R. § 300.532 — Expedited due process procedures for certain discipline matters.

Official IDEA regulations: https://sites.ed.gov/idea/regs/b/e/300.151 | https://sites.ed.gov/idea/regs/b/e/300.506 | https://sites.ed.gov/idea/regs/b/e/300.507 | U.S. Department of Education OSEP dispute-resolution Q&A;: https://sites.ed.gov/idea/idea-files/osep-memo-and-qa-on-dispute-resolution/ | Deadlines and procedures vary by state and case. General educational information, not legal advice.

PART XVIII — SECTION 504, ADA & CIVIL RIGHTS COMPLAINTS

Chapters 185–192 | Disability discrimination, equal access, and retaliation

IDEA, Section 504, and Title II of the ADA protect students in different ways. A concern may involve more than one law, but the legal tests and complaint routes are not interchangeable. This section provides general educational information and is not legal advice. Confirm current law, jurisdiction, and filing deadlines before taking action.

185. Understanding the Civil Rights Framework

Section 504 of the Rehabilitation Act prohibits disability discrimination in programs and activities receiving federal financial assistance. Title II of the Americans with Disabilities Act prohibits disability discrimination by state and local public entities, including public school districts, whether or not they receive federal financial assistance. The U.S. Department of Education Office for Civil Rights (OCR) enforces Section 504 in education programs receiving Department of Education funds and has enforcement authority for Title II in public education contexts.

IDEA is different. It is a federal special education law that requires eligible children to receive FAPE through special education and related services. Section 504 and the ADA are civil rights laws that protect against disability discrimination and require equal access and nondiscrimination. A school concern may raise questions under more than one law, but each claim must be assessed under the correct legal standard.

186. Section 504: Evaluation, Eligibility, and FAPE

Section 504 protects a qualified individual with a disability. In elementary and secondary education, a student may be eligible if the student has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, subject to the applicable statutory and regulatory definitions. The school's obligations depend on the student's circumstances and the requirements of Section 504.

For a student who is eligible under Section 504, FAPE consists of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. A Section 504 plan may include accommodations, aids, services, or other supports. Not every student with a disability needs a written 504 plan, but schools must evaluate and provide required protections when Section 504 applies.

Questions parents can ask

• What impairment and major life activity limitations were considered?

• What evaluation information did the group review, including parent input?

• Who participated in the eligibility and placement determination?

• What aids, services, or accommodations are necessary for equal access and FAPE?

• What notice and procedural safeguards are available if the parent disagrees?

Section 504 eligibility is not the same as IDEA eligibility. A student may qualify under Section 504 without meeting IDEA's disability-category and need-for-specially-designed-instruction requirements.

187. Equal Access, Reasonable Modifications, and Effective Communication

Title II requires public entities to provide people with disabilities an equal opportunity to participate in and benefit from public services, programs, and activities. Depending on the facts, this may require reasonable modifications to policies, practices, or procedures; effective communication; accessible facilities and programs; and services in the most integrated setting appropriate.

Equal access is broader than access to a classroom lesson. Consider school transportation, meals, recess, assemblies, field trips, extracurricular activities, athletics, school events, communication with staff, emergency procedures, and access to school facilities. The legal analysis is individualized and depends on the applicable requirements and circumstances.

• Identify the program, activity, communication, or benefit the student could not access.

• Describe the disability-related barrier and the modification or communication support requested.

• Explain how the barrier affected participation or equal opportunity.

• Ask the school to identify the process for requesting modifications or communication assistance.

• Keep the request, response, and any explanation for a denial.

A requested modification is not automatically required in every circumstance; the public entity may have defenses under the law, such as a fundamental alteration or undue burden analysis where applicable. The school should assess the actual request and applicable standard rather than rely on a blanket rule.

188. Choosing Between an IDEA Dispute and a Civil Rights Complaint

The nature of the alleged problem helps identify the appropriate process. A dispute about IDEA eligibility, evaluation, placement, IEP content, or FAPE may be addressed through IDEA procedures such as mediation, state complaint, or due process. A claim that a school excluded a student, denied equal access, failed to make a required modification, or treated the student differently because of disability may raise Section 504 or ADA concerns.

There can be overlap. For example, failure to provide an IEP service may be an IDEA implementation issue; depending on the facts, it may also raise a civil rights concern if it reflects disability discrimination or denial of equal access. Do not assume that labeling a concern as discrimination automatically makes OCR the right forum, or that an IDEA filing resolves every civil rights issue.

A quick issue-screening method

• What right or protection is involved: IDEA FAPE, Section 504 FAPE, equal access, nondiscrimination, or more than one?

• What specific act, omission, policy, or decision is challenged?

• What facts suggest the student was denied access or treated differently because of disability?

• Which agency or process has authority over that issue?

• What deadlines apply to each possible process?

OCR generally does not act as an appellate body to rewrite the content of an IEP or 504 plan simply because a parent disagrees with educational judgment. OCR investigates allegations within its civil rights authority, including certain failures in evaluation procedures, safeguards, equal treatment, and disability discrimination.

189. Filing a Complaint With the Office for Civil Rights

Anyone may file an OCR complaint alleging discrimination prohibited by a law OCR enforces. A person filing on behalf of another individual may need that person's written consent, including in some circumstances when a parent files for a student who is 18 or older. The complaint should identify the school or recipient, describe what happened, explain why the facts may indicate disability discrimination, and provide dates and supporting information.

OCR complaints ordinarily must be filed within 180 calendar days of the last act of alleged discrimination. OCR may extend the deadline for good cause. If the complaint is late, explain the reason for delay and request a waiver; OCR decides whether to grant it. Do not assume that a continuing pattern automatically extends the deadline or that a school grievance process pauses the federal filing period.

Before submitting

• Use the current OCR complaint form or online filing process.

• Identify each allegation separately and provide dates, locations, people involved, and what occurred.

• Explain the connection to disability and the effect on access, participation, or benefits.

• Attach a small, organized set of key records and keep a complete copy of everything submitted.

• Include the outcome or corrective action requested, while recognizing OCR determines its own investigation and resolution process.

• Keep proof of submission and respond promptly if OCR requests clarification or additional information.

OCR first reviews whether it has authority, whether the complaint is timely, and whether the allegations contain enough information to proceed. Filing a complaint does not guarantee an investigation, finding of discrimination, or particular remedy.

190. Retaliation, Intimidation, and Interference

Federal civil rights laws prohibit retaliation against a person for exercising protected rights or participating in a protected process. Retaliation concerns may involve intimidation, threats, coercion, or adverse treatment intended to interfere with a person's protected rights. Whether conduct is unlawful retaliation depends on the facts and applicable legal standard.

• Record the protected activity, such as requesting an accommodation, making a complaint, or participating in an investigation.

• Record the later conduct, dates, people involved, and any communications.

• Identify specific changes in treatment or actions rather than relying only on labels.

• Preserve relevant emails, notices, meeting records, and witness information.

• If you believe a new act of retaliation occurred, promptly review whether a separate or amended complaint is appropriate and what deadline applies.

A disagreement, unpleasant interaction, or unfavorable decision is not automatically unlawful retaliation. The relevant facts include the protected activity, the conduct alleged to be retaliatory, and the connection between them. Avoid speculation about motive when the evidence does not establish it.

191. Internal Grievances, OCR Review, and Possible Outcomes

A school or district may have an internal Section 504 grievance procedure and a designated coordinator. Using that process may be helpful, but OCR states that a complainant is not generally required by law to complete the institution's grievance procedure before filing an OCR complaint. Internal procedures do not automatically stop or extend OCR's 180-day filing deadline.

OCR may seek information from the complainant and school, investigate allegations within its jurisdiction, facilitate early resolution when appropriate, or seek voluntary corrective action. If OCR cannot obtain voluntary compliance, it may use enforcement procedures or refer matters as authorized by law. OCR does not represent the complainant as a private attorney and does not guarantee a particular result.

OCR may dismiss or close matters for reasons described in its procedures, including lack of jurisdiction, untimeliness without waiver, insufficient allegations, resolution through another comparable process, or other grounds. Read OCR's notices carefully and observe response deadlines. If you are considering a private lawsuit, consult a qualified attorney about applicable statutes of limitation, exhaustion rules, and litigation strategy.

192. Parent Worksheet: Civil Rights Complaint Organizer

Student / school / district / state:

_____

Law potentially involved (Section 504 / ADA Title II / IDEA / other):

_____

Specific program, activity, service, or decision:

_____

Date(s) of alleged discrimination or denial of access:

_____

What happened (facts, people, location, and source):

_____

Disability-related barrier or connection to disability:

_____

Modification, accommodation, or access support requested:

_____

School response and date:

_____

Effect on participation, access, or educational opportunity:

_____

Related protected activity and any later retaliation concern:

_____

Key documents and witnesses:

_____

OCR filing deadline to verify / date submitted / confirmation:

_____

Requested corrective action and next step:

_____

Federal Civil Rights References

• Section 504 FAPE: 34 C.F.R. §§ 104.33–104.36.

• Section 504 evaluation and placement: 34 C.F.R. § 104.35.

• Section 504 procedural safeguards: 34 C.F.R. § 104.36.

• ADA Title II: 42 U.S.C. §§ 12131–12134 and 28 C.F.R. Part 35.

• OCR complaint procedures and 180-day filing period.

• Federal prohibition on retaliation under Section 504 and Title II.

U.S. Department of Education OCR: Section 504 FAPE FAQs: https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-free-appropriate-public-education-fape | How OCR handles complaints: https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/how-the-office-for-civil-rights-handles-complaints | File an OCR complaint: https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/how-file-discrimination-complaint-ocr | Retaliation: https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/disability-discrimination-key-issues/disability-discrimination-retaliation | ADA Title II regulations: https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/ | General educational information, not legal advice. Verify current procedures and deadlines.

PART XIX — UNDERSTANDING DIFFERENT DISABILITY-RELATED NEEDS

Chapters 193–202 | Individualized evaluation, access, and educational supports

Students are not defined by a label, and students who share a diagnosis or eligibility category may have very different strengths and support needs. This section is a starting point for asking better questions—not a checklist for assigning a program. IDEA eligibility requires both an applicable disability category and, because of the disability, a need for special education. Section 504 may apply even when a student does not qualify under IDEA. A student's needs must be individually evaluated.

193. Start With the Student, Not the Diagnosis

A medical diagnosis can provide useful information, but it does not by itself determine IDEA eligibility, the contents of an IEP, or the services a school must provide. The school evaluation must examine suspected areas of disability and educational need. Parents can help by describing what the student can do, what is difficult, when barriers occur, what supports have helped, and how needs affect access, participation, communication, independence, and progress.

• Describe strengths, interests, preferences, and successful conditions—not only challenges.

• Identify the tasks or environments where difficulty occurs and what the student is expected to do.

• Share relevant information from home, community, medical, or outside providers, while distinguishing observation from interpretation.

• Ask the team to explain how each evaluation finding connects to an educational need and proposed support.

• Revisit the plan when data show that needs or circumstances have changed.

194. Specific Learning Disabilities

Specific learning disability (SLD) is an IDEA category that includes difficulties in one or more basic psychological processes involved in understanding or using language, spoken or written, and may affect listening, thinking, speaking, reading, writing, spelling, or mathematical calculation. Dyslexia, dysgraphia, and dyscalculia are commonly used terms associated with particular learning difficulties; they are not separate IDEA disability categories.

A student may have strong reasoning skills and still experience significant difficulty with decoding, reading fluency, comprehension, written expression, spelling, or math. Evaluation should look beyond a single overall score and examine the specific skill areas, instructional history, response to appropriate instruction, and educational impact.

• Ask which reading components were assessed: phonological awareness, decoding, fluency, vocabulary, and comprehension.

• For writing, ask about spelling, handwriting or keyboarding, sentence construction, organization, and written output.

• For mathematics, ask about number sense, calculation, math facts, reasoning, and problem solving.

• Ask what explicit, systematic instruction is needed and how progress will be measured.

• Consider assistive technology and access supports without using them as a substitute for needed instruction.

195. Autism and Social-Communication Differences

IDEA includes autism as a disability category when the regulatory definition is met and the student, by reason of the disability, needs special education. Students may differ substantially in communication, social interaction, sensory processing, flexibility, learning style, interests, and support needs. Some communicate through speech; others use gestures, writing, pictures, communication devices, or a combination.

Evaluation and planning should not assume that a student's spoken language fully represents understanding, or that limited speech means limited thinking. Consider receptive and expressive communication, pragmatic language, access to augmentative and alternative communication (AAC), sensory and environmental factors, transitions, adaptive skills, executive functioning, and participation across settings.

• Ask how the student communicates yes, no, pain, refusal, choices, questions, and requests for help.

• Ensure AAC and other communication methods are available throughout the school day and are not withheld as a reward.

• Identify predictable transitions, visual or written supports, processing time, and sensory conditions that help.

• Distinguish observable behavior from assumptions about intent; investigate unmet communication, health, sensory, or instructional needs.

• Include the student's interests, preferences, autonomy, and dignity in planning.

196. ADHD and Other Health Impairments

ADHD may be considered under IDEA's other health impairment (OHI) category when the applicable criteria are met and the student needs special education. A student with ADHD may also qualify under Section 504. The diagnosis alone does not decide the legal eligibility question.

Potential school impacts can include attention, alertness, organization, working memory, task initiation, impulse control, activity level, time management, and regulation. Needs differ by student and by setting. Evaluation should consider more than whether the student appears attentive during a short observation.

• Ask about task initiation, sustained attention, completion, transitions, organization, and assignment tracking.

• Consider whether instructions are broken into manageable steps and whether the student can repeat or access them later.

• Review movement needs, breaks, seating, reduced-distraction options, and ways to check understanding.

• Examine whether work completion problems reflect skill gaps, executive-function demands, unclear directions, or inaccessible conditions.

• Measure whether supports improve access and meaningful progress rather than relying only on compliance.

197. Intellectual Disability and Adaptive Functioning

IDEA includes intellectual disability as a category. Evaluation generally considers intellectual functioning and adaptive behavior, along with the effect on educational performance and whether special education is needed. A test score alone should not be treated as a complete description of the student.

Adaptive functioning may involve conceptual, social, and practical skills used in everyday life. Educational planning should identify the student's learning profile, communication, independence, safety, academic access, and opportunities to participate with peers. Goals should be meaningful, individualized, and respectful of age and dignity.

• Ask what the assessment says about strengths and support needs across different settings.

• Review communication, self-advocacy, functional academics, problem solving, and daily routines as relevant.

• Consider systematic instruction, repetition, task analysis, prompting, and planned fading of prompts.

• Avoid setting goals that are unnecessarily low or that exclude the student from age-respectful learning.

• Include opportunities for choice, relationships, community participation, and increasing autonomy.

198. Speech, Language, Hearing, and Communication Needs

IDEA includes speech or language impairment, hearing impairment, and deafness as categories with specific regulatory definitions. Communication differences can affect access to instruction, relationships, participation, and the ability to demonstrate knowledge. A student may need speech-language services, audiology-related supports, interpreting, captioning, AAC, or other communication access depending on individual evaluation.

• Separate speech production from language comprehension, expression, literacy, and social communication.

• Ask whether hearing has been assessed when there are concerns about listening, following directions, or inconsistent responses.

• Identify the student's preferred and effective communication modes across classes and settings.

• Ensure communication supports are available during instruction, assessments, peer activities, emergencies, and extracurriculars.

• Ask how staff will communicate with the student and how the student can reliably communicate back.

199. Visual, Physical, and Multiple Disabilities

IDEA includes visual impairment including blindness, orthopedic impairment, deaf-blindness, and multiple disabilities. The category definitions and eligibility requirements are specific. A student may need accessible materials, orientation and mobility instruction, physical access, adapted equipment, personal assistance, specialized instruction, or coordinated related services.

• Review access to print, digital content, diagrams, demonstrations, and classroom displays.

• Consider building access, routes, seating, restrooms, playgrounds, transportation, and emergency evacuation.

• Ask whether materials are available in the student's usable format and at the same time as peers receive them.

• Coordinate school staff and related-service providers so supports work across the full day.

• For students with combined hearing and vision needs, examine communication and access as an integrated area rather than treating each sensory need separately.

200. Emotional, Behavioral, and Mental Health Needs

IDEA includes emotional disturbance as a category with a specific federal definition; other health impairment may also be relevant in some circumstances. A student may qualify under Section 504 even if IDEA eligibility is not established. Diagnoses, distress, attendance changes, or behavior alone do not automatically establish a category, but they may indicate a need for evaluation.

Evaluation should consider academic, social, emotional, behavioral, developmental, and environmental information as appropriate. Ask whether distress may be connected to bullying, trauma, communication barriers, sensory demands, health needs, unmet learning needs, or other circumstances. Avoid treating punishment or compliance as a substitute for understanding the educational need.

• Document observable patterns, context, duration, and what happened before and after an incident.

• Ask what positive, preventive, and instructional supports are in place.

• Consider counseling or other related services when required for the student to benefit from special education.

• Coordinate with families while respecting privacy and the limits of school-based services.

• If safety is at issue, ask for a clear prevention, response, communication, and review process.

201. Sensory, Medical, and Health-Related Needs

Sensory processing differences, chronic health conditions, fatigue, pain, seizures, diabetes, allergies, and other medical needs may affect school access. Not every such need corresponds to a separate IDEA category. Depending on the facts, a student may qualify under IDEA, Section 504, or both frameworks may be relevant.

A health plan, nursing protocol, emergency plan, IEP, and Section 504 plan serve related but different functions. A medical plan can describe treatment and response steps; it does not automatically replace an educational plan when disability-related aids, services, or specialized instruction are needed.

• Ask how health needs affect attendance, stamina, concentration, mobility, meals, hydration, or participation.

• Clarify who is responsible for medication, monitoring, emergency response, and family communication.

• Identify sensory barriers in noise, lighting, touch, movement, temperature, or crowded environments.

• Ask how the student can access instruction during recovery, medical appointments, or health-related absences.

• Ensure emergency and safety procedures are individualized, communicated to responsible staff, and reviewed as needs change.

202. Parent Worksheet: From Need to Educational Support

Student strengths, interests, and preferred ways to learn or communicate:

_____

Concern or barrier observed (describe facts, not labels):

_____

Where and when does it occur?

_____

What information or evaluation area could clarify the need?

_____

How does this affect instruction, access, participation, independence, or progress?

_____

What supports have been tried, and what happened?

_____

What additional evaluation or data should be considered?

_____

What instruction, accommodation, related service, or access support may be appropriate to discuss?

_____

How will the team measure whether the support is effective?

_____

Who will be responsible, and how will the family receive updates?

_____

Remember: these are questions for an individualized team discussion, not automatic service recommendations. The IEP or Section 504 team must apply the relevant legal standards and consider the student's own evaluation information.

Federal References and Further Reading

• IDEA disability definitions: 34 C.F.R. § 300.8, including § 300.8(c) category definitions.

• IDEA evaluation requirements: 34 C.F.R. §§ 300.304–300.306.

• Section 504 evaluation and placement: 34 C.F.R. § 104.35.

• U.S. Department of Education, FAQs: Disability Discrimination and Section 504 FAPE guidance.

Official resources: IDEA regulations, https://sites.ed.gov/idea/regs/b/a/300.8 ; IDEA evaluation regulations, https://sites.ed.gov/idea/regs/b/d/300.304 ; U.S. Department of Education disability discrimination FAQs, https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-disability-discrimination ; Section 504 FAPE FAQs, https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-free-appropriate-public-education-fape. State definitions, age ranges, procedures, and timelines may add requirements. Always verify the current law and your state's rules.

PART XX — SCHOOL SUPPORTS AND SERVICES IN PRACTICE

Chapters 203–212 | From written plans to meaningful access

A support is useful only when it addresses an identified need, is available when needed, and helps the student access instruction or participate meaningfully. This section explains common support types and questions parents can use to understand how they are selected, documented, delivered, and reviewed. Examples are possibilities for discussion—not automatic recommendations for every student.

203. Accommodations: Changing Access, Not the Learning Expectation

An accommodation changes how a student accesses information, demonstrates learning, or participates without necessarily changing what the student is expected to learn. Examples may include extended time, accessible formats, assistive technology, reduced-distraction settings, breaks, preferential seating, or alternate response methods. Whether an accommodation is appropriate depends on the student's evaluated needs and the task.

• Identify the barrier the accommodation is intended to address.

• Describe exactly what the accommodation looks like in practice.

• Clarify when, where, and in which classes or activities it applies.

• Identify who is responsible for providing it and what happens when the usual staff member is absent.

• Review whether it improves access without creating an unintended barrier or stigma.

A vague statement such as 'as needed' may leave important questions unanswered. The team should make the plan sufficiently clear for the people responsible for implementing it.

204. Modifications: When the Learning Expectation Changes

A modification changes the content, complexity, or performance expectation of an assignment, curriculum, or assessment. Modifications may affect which standards or skills are being taught or measured. They are different from accommodations, which generally change access or response methods while retaining the learning expectation.

Parents should ask the team to explain whether a proposed support is an accommodation or a modification and what that means for instruction, grading, credits, assessment participation, and future options. The consequences can vary by state, course, and assessment program.

• What learning target is the student expected to demonstrate?

• Is the work adapted in format, or is the expected content or standard changed?

• How will progress toward grade-level standards be supported and reported?

• Could this decision affect course credit, graduation requirements, or assessment participation?

205. Supplementary Aids and Services: Support Across Settings

Under IDEA, supplementary aids and services are aids, services, and other supports provided in regular education classes, other education-related settings, and extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Supports may address instruction, environment, pacing, organization, communication, peer participation, or adult assistance.

Examples can include visual schedules, adapted materials, accessible technology, structured peer supports, environmental adjustments, adult assistance, or additional planning between staff. The IEP team should consider the individual student and the range of supports that could make participation in the general education environment appropriate.

• Ask which supports are needed in class, lunch, recess, assemblies, field trips, clubs, and school events.

• Clarify whether a support is available throughout the activity or only in selected situations.

• Ask how the student can participate with peers rather than being unnecessarily separated.

• Identify staff training, planning, or coordination needed to make the support effective.

206. Assistive Technology: Devices and Services

Assistive technology (AT) may include devices, equipment, software, or product systems used to increase, maintain, or improve a student's functional capabilities. AT services may include evaluating needs, selecting and acquiring devices, customizing or maintaining them, coordinating them with other supports, and training the student, family, or staff.

IDEA requires the public agency to make AT devices or services available when the IEP team determines they are required as part of special education, related services, or supplementary aids and services. The IEP team must consider AT when developing, reviewing, and revising an IEP. In some cases, the team may determine that use of a school-purchased device at home or in another setting is necessary for FAPE.

• Ask whether a formal or functional AT evaluation is needed.

• Identify the tasks the tool is intended to support, such as reading, writing, communication, organization, or access.

• Clarify who provides the device, software, accessories, updates, repairs, and technical support.

• Specify training for the student and the staff who support use.

• Plan for access during transitions, substitute coverage, testing when permitted, and activities outside the classroom.

207. Communication Supports and AAC

Augmentative and alternative communication (AAC) includes methods that supplement or replace speech. It may include gestures, signs, communication boards, picture systems, speech-generating devices, or other tools. A student's communication system is a means of expressing thoughts, preferences, questions, refusals, needs, and ideas—not merely a behavior-management tool.

• Ask whether the student can reliably communicate across people, places, and activities.

• Ensure the system is available, charged, accessible, and within reach when needed.

• Clarify how vocabulary is selected and updated to support more than requesting basic needs.

• Identify who models the system and how partners are trained to wait, listen, and respond.

• Plan how the student can communicate during transportation, lunch, recess, emergencies, and extracurricular activities.

Do not assume that a student who does not speak has no understanding, preferences, or ability to participate. The team should consider receptive communication and multiple ways to demonstrate knowledge.

208. Inclusive Participation and Least Restrictive Environment

IDEA requires that, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. Removal from the regular educational environment should occur only when education in regular classes with supplementary aids and services cannot be achieved satisfactorily. Placement is individualized and based on the IEP, not solely on a disability label or a predetermined program.

Inclusion is not simply physical presence in a room. Consider whether the student can access instruction, communicate, build relationships, participate in routines and activities, and make progress. A student may need individualized support to participate meaningfully.

• Ask what supplementary aids and services were considered before a more restrictive placement.

• Review opportunities to participate with peers during academic and nonacademic activities.

• Ask whether schedule, staffing, or program availability—not individual need—is driving placement.

• Consider whether supports can be adjusted to improve participation before assuming separation is necessary.

209. Paraprofessional and Adult Assistance

Some students need adult assistance for instruction, communication, mobility, health, safety, organization, or participation. The need should be described in functional terms. A one-to-one aide is not automatically appropriate for every student who has a disability, and an aide should not become a substitute for teacher instruction, peer interaction, or the student's growing independence.

• What specific tasks require adult assistance, and during which parts of the day?

• What training, supervision, and communication are needed?

• How will the aide support interaction with teachers and peers rather than unintentionally isolate the student?

• How will prompts be faded when appropriate and independence encouraged?

• What is the backup plan for absences, breaks, or staffing changes?

210. Staff Training, Coordination, and Consistent Implementation

A written support may fail if the people responsible do not know what it means or how to deliver it. IDEA requires that each teacher and provider responsible for implementing an IEP have access to it and be informed of their specific responsibilities and the accommodations, modifications, and supports they must provide.

• Identify each role responsible for each service or support.

• Clarify how general educators, special educators, related-service providers, aides, and administrators coordinate.

• Ask what training or coaching is needed for specialized equipment, communication systems, health plans, or behavior supports.

• Establish how staff communicate changes, missed services, and concerns.

• Review whether the student receives the support during transitions, substitute coverage, and less structured settings.

211. Measuring Whether a Support Is Working

A support should be reviewed using information connected to its purpose. If a visual schedule is intended to help with transitions, review transition data. If text-to-speech is intended to improve access to grade-level reading content, examine access and task performance—not just whether the software was turned on. If an AAC system is intended to improve communication, examine whether the student can communicate a wider range of messages with different partners and in different settings.

• State the purpose of each support in observable terms.

• Identify what information will show whether it is available and used as planned.

• Review student participation, progress, independence, and experience—not only staff compliance.

• Ask the team to adjust a support when evidence shows it is ineffective or creates a new barrier.

• Record the date, data reviewed, decisions, and follow-up responsibilities.

212. Parent Worksheet: Support Implementation and Effectiveness

Support / accommodation / service being reviewed:

_____

Need or barrier it is intended to address:

_____

Where and when must it be provided?

_____

Who is responsible for providing it?

_____

What does correct implementation look like?

_____

What training, equipment, or coordination is required?

_____

How will availability and implementation be documented?

_____

What information will show whether it is helping?

_____

What does the student communicate or demonstrate about the support?

_____

What needs clarification, adjustment, or follow-up?

_____

Federal references: 34 C.F.R. §§ 300.42 (supplementary aids and services), 300.105 (assistive technology), 300.114–300.116 (least restrictive environment and placement), 300.320 (IEP content), and 300.323(d) (access to the IEP and staff responsibilities). See the U.S. Department of Education's 2024 guidance, *Myths and Facts Surrounding Assistive Technology Devices and Services*, and its January 2025 guidance on inclusive educational practices. These resources provide federal guidance; verify current regulations and state requirements.

Official references: IDEA Assistive Technology regulation, https://sites.ed.gov/idea/regs/b/b/300.105 ; U.S. Department of Education, Myths and Facts on Assistive Technology, https://sites.ed.gov/idea/idea-files/myths-and-facts-surrounding-assistive-technology-devices-and-services/ ; IDEA regulation on supplementary aids and services, https://sites.ed.gov/idea/regs/b/a/300.42 ; IDEA least restrictive environment, https://sites.ed.gov/idea/regs/b/b/300.114 ; U.S. Department of Education inclusive practices guidance, https://sites.ed.gov/idea/idea-files/dear-colleague-letter-on-building-and-sustaining-inclusive-educational-practices-january-16-2025/.

PART XX — SUPPORTS AND SERVICES IN EVERYDAY SCHOOL LIFE

Chapters 203–212 | Accommodations, modifications, assistive technology, communication, and inclusion

An IEP is not effective simply because supports appear on paper. Supports should be selected for the student's individual needs, described clearly enough to implement, available in the settings where they are needed, and reviewed using meaningful information. Examples below are possibilities to discuss—not automatic entitlements or a universal checklist.

203. Accommodations: Removing Barriers

An accommodation changes how a student accesses instruction, participates, or demonstrates learning without necessarily changing the knowledge or skill being measured. Examples may include accessible formats, extra time when appropriate, reduced-distraction settings, visual directions, breaks, preferential seating, or alternate response methods. Appropriateness depends on the student's evaluation information, task, and educational needs.

• Identify the barrier and the task affected.

• Clarify when and where the accommodation is needed: instruction, independent work, assessments, field trips, and extracurricular activities.

• State conditions or limits clearly so staff do not have to guess.

• Review whether it improves access and participation.

• Check that the accommodation does not unintentionally remove the skill an assignment or assessment is intended to measure.

204. Modifications: When Learning Expectations Change

A modification changes what a student is expected to learn or demonstrate, such as altering grade-level content, reducing complexity, or changing a performance standard. This differs from an accommodation. The IEP team should understand the educational consequences, including effects on grade-level curriculum, course credit, graduation requirements, and future options.

• Ask exactly what content, standard, or expected performance is being changed.

• Ask why the change is necessary and what evaluation or progress information supports it.

• Clarify how progress will be measured and reported.

• Ask whether specialized instruction, an accommodation, or assistive technology could address the barrier without changing the learning expectation.

• Understand any effects on credits, diploma pathways, or postsecondary planning.

205. Supplementary Aids, Services, and Program Supports

IDEA defines supplementary aids and services as aids, services, and other supports provided in regular education classes, other education-related settings, and extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate. Examples may include adapted materials, visual supports, peer supports, adult assistance, environmental adjustments, or changes to activity organization.

An IEP must also identify program modifications or supports for school personnel when needed to enable the student to advance toward goals, make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated with peers with and without disabilities.

• Identify settings where the support is needed.

• Name the responsible role and clarify when or how often the support is provided.

• Identify staff training, consultation, and coordination needs.

• Consider whether adult support promotes access, learning, relationships, and growing independence rather than unnecessary separation.

206. Assistive Technology: Devices and Services

Assistive technology may include low-tech tools, adapted materials, communication systems, software, switches, alternative keyboards, hearing or vision access technology, and other devices used to increase, maintain, or improve functional capabilities. IDEA requires the IEP team to consider whether a student needs assistive technology. If AT is required as part of special education, related services, or supplementary aids and services, the public agency must make it available.

AT services can include evaluating needs in the student's customary environment; selecting, acquiring, fitting, adapting, maintaining, repairing, or replacing a device; coordinating its use with other interventions; and training the student, family, or professionals when appropriate.

• Ask what task or communication barrier the technology is intended to address.

• Consider a functional evaluation or trial in the settings where the student will use it.

• Clarify who provides the device, accessories, software, charging, maintenance, and repairs.

• Identify staff training and backup access methods.

• Discuss whether use at home or another setting is necessary for FAPE; the IEP team makes this determination case by case.

207. Communication Access and AAC

Augmentative and alternative communication (AAC) includes methods that supplement or replace speech, such as gestures, signs, picture systems, communication boards, speech-generating devices, and other tools. Communication is a means of expressing ideas, choices, questions, discomfort, refusal, social connection, and learning—not merely a classroom accessory.

• Ask how the student communicates across people, places, and activities, including when upset or tired.

• Make sure the system is available, charged, within reach, and appropriate to the student's needs.

• Ensure communication partners know how to wait, model language, interpret signals carefully, and respond.

• Do not require a student to earn access to a communication device or remove it as punishment.

• Plan for communication during lunch, recess, transportation, field trips, emergencies, and extracurricular activities.

• Ask how the student can communicate privately or report pain, bullying, fear, or a safety concern.

A student may use multiple communication modes. A change in communication may warrant investigation of access, health, sensory, motor, language, or environmental factors rather than an assumption that the student has nothing to say.

208. Inclusive Participation Across the School Day

The least restrictive environment requirement is individualized. To the maximum extent appropriate, students with disabilities are educated with students who are nondisabled. Removal from regular classes occurs only when education there cannot be achieved satisfactorily with supplementary aids and services. Placement decisions are based on the IEP and determined individually.

• Look beyond the homeroom: lunch, recess, assemblies, electives, clubs, sports, field trips, school events, and community-based activities.

• Ask what supplementary aids and services could make participation possible.

• Consider whether the student is meaningfully included or merely physically present without access or interaction.

• Review whether staffing, scheduling, or convenience is driving a decision instead of individual needs.

• Ask how participation, access, relationships, and progress will be evaluated.

Inclusion does not mean every student must be in the same setting for every activity regardless of need. Decisions must follow legal standards and the student's individual IEP—not assumptions based on disability or a blanket program rule.

209. Supports Must Be Clear Enough to Implement

Vague language can lead to inconsistent implementation. Words such as 'as needed,' 'when possible,' 'frequent breaks,' or 'adult support' may leave important questions unanswered if the plan does not explain what they mean for the student.

• What support is required?

• When and where must it be provided?

• How often or for how long, if frequency or duration is relevant?

• Who is responsible?

• What conditions or student signals indicate it is needed?

• What happens when the usual staff member is absent or the schedule changes?

• How will implementation and effectiveness be reviewed?

The IEP need not anticipate every moment, but it should be sufficiently specific for responsible staff to understand and carry out required services and supports.

210. Staff Training, Coordination, and Backup Plans

An IEP may require supports involving several staff members or settings. The school must ensure personnel responsible for implementation are informed of their specific responsibilities. Some supports also require training, consultation, or coordination.

• Ask which roles need access to IEP information and what each person is responsible for.

• Clarify how substitute staff, transportation staff, and staff in less familiar settings receive necessary information.

• Ask what training is required for specialized equipment, AAC, health plans, or behavior supports.

• Identify who contacts the family when a support cannot be provided as planned.

• Ask how continuity will be maintained when staff, classrooms, or providers change.

Protect student privacy: staff should receive the information they need to perform their responsibilities, consistent with confidentiality rules.

211. How to Tell Whether a Support Is Working

Do not judge effectiveness only by whether a support was listed, whether a student appeared compliant, or whether a single day went well. Review whether the support was delivered and whether it improved the access, participation, independence, communication, safety, or progress it was intended to address.

• Define the intended outcome before reviewing data.

• Track whether the support was available and used as planned.

• Collect information across relevant settings and times.

• Include student and parent input alongside staff observations and appropriate progress data.

• Look for unintended effects, such as reduced peer interaction, increased dependence, or loss of access elsewhere.

• If ineffective, ask whether the support needs adjustment, additional instruction, better implementation, or further evaluation.

A support that is not implemented cannot be fairly evaluated for effectiveness. Separate ‘Was it delivered?’ from ‘Did it work?’

212. Parent Worksheet: Support and Service Review

Student / school year / IEP date:

_____

Educational need or access barrier identified:

_____

Support, accommodation, modification, service, or AT device:

_____

Where and when should it be available?

_____

Who is responsible for implementation?

_____

What training, materials, or coordination are required?

_____

How will the parent and student know it was provided?

_____

What outcome should the support improve?

_____

What information will show whether it is working?

_____

What barriers, missed supports, or unintended effects have been observed?

_____

What question or written request should be raised with the IEP team?

_____

Use this worksheet to prepare for a team discussion. It does not replace the IEP, a Section 504 plan, or applicable state procedures.

Federal References and Official Guidance

• 34 C.F.R. § 300.105 — Assistive technology.

• 34 C.F.R. §§ 300.5–300.6 — Assistive technology device and service definitions.

• 34 C.F.R. §§ 300.42, 300.114–300.116 — Supplementary aids and services and LRE.

• 34 C.F.R. § 300.320 — IEP content.

Official sources: IDEA regulation on assistive technology, https://sites.ed.gov/idea/regs/b/b/300.105 ; IDEA regulation definitions, https://sites.ed.gov/idea/regs/b/a/300.5 and https://sites.ed.gov/idea/regs/b/a/300.6 ; U.S. Department of Education, Myths and Facts Surrounding Assistive Technology Devices and Services, https://sites.ed.gov/idea/idea-files/myths-and-facts-surrounding-assistive-technology-devices-and-services/ ; IDEA regulations and statute, https://sites.ed.gov/idea/statuteregulations/. Always verify current federal and state requirements.

PART XXI — DISCIPLINE, REMOVALS, AND DISABILITY PROTECTIONS

Chapters 213–222 | A deeper parent guide to IDEA discipline procedures

This section expands the earlier discipline overview with a closer look at how removals are counted, when a change of placement may occur, what an IDEA manifestation determination reviews, and what services may be required during removals. It describes the federal IDEA baseline. Section 504, state law, district policy, and constitutional protections may provide additional or different safeguards. This is educational information, not legal advice.

213. Begin With the Exact Disciplinary Action

Ask the school to identify the action it is taking and the legal or policy basis for it. A suspension, office referral, removal from a class, shortened school day, repeated parent pickup, reassignment, or exclusion from an activity may have different labels, but the actual loss of educational access matters. Keep a record of every day and partial day the student is not permitted to participate as scheduled.

• What conduct is alleged, and what specific rule is said to have been violated?

• What date and time did the event occur, and when was the decision made?

• Was the student sent home, kept out of class, assigned elsewhere, or denied an activity?

• Was the removal recorded as a suspension or another type of exclusion?

• What instruction, services, meals, transportation, and activities were missed?

• What written notice, incident report, and appeal or review process applies?

Do not assume that an informal exclusion is irrelevant because the school does not call it a suspension. Ask how the school records the loss of instructional time and how it evaluates cumulative removals and access.

214. The 10-School-Day Framework Is Not a Simple Reset

Under IDEA, school personnel may generally remove a student with a disability who violates a code of student conduct from the current placement for up to 10 consecutive school days, to the extent the same disciplinary action is applied to students without disabilities. Additional removals of up to 10 consecutive school days for separate incidents may be possible if they do not constitute a change of placement. The total and pattern of removals still matter.

A disciplinary change of placement occurs when a removal is for more than 10 consecutive school days, or when a series of removals forms a pattern. A pattern analysis considers whether the removals total more than 10 school days in a school year, whether the behavior is substantially similar to prior incidents, and additional factors such as the length of each removal, total time removed, and proximity of removals.

• Maintain a running total for the school year, including partial-day exclusions where they amount to removal from the student's educational program.

• Record the reason and behavior associated with each removal.

• Compare the length, total time, and proximity of removals.

• Ask the school for its written determination about whether a pattern exists and the facts it considered.

• Do not treat the 10th day as an automatic safe harbor or assume every 10-day total automatically proves a change of placement.

The local educational agency (LEA) makes the pattern determination case by case. Parents may challenge a decision through IDEA dispute-resolution procedures.

215. What Must Happen at a Manifestation Determination Review

When the school decides to change the placement of a student with a disability because of a code-of-conduct violation, the LEA, parent, and relevant members of the IEP Team (as determined by the parent and LEA) must review all relevant information within 10 school days of the decision. The review considers the student's IEP, teacher observations, and relevant information provided by the parent.

The group must determine whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability; or whether the conduct was the direct result of the LEA's failure to implement the IEP. If either condition is met, the conduct must be determined to be a manifestation of the disability.

• Ask which IEP team members the school considers relevant and why.

• Provide relevant parent information before or during the review and ask that it be considered.

• Review the IEP that was in effect at the time, implementation records, teacher observations, evaluations, and relevant incident information.

• Ask the group to address both statutory questions—not only whether the student knew a rule.

• Request the written determination and the information relied upon.

The MDR is not simply a vote on whether the student broke a rule. It is a specific review under IDEA's two-part legal test.

216. If the Conduct Is a Manifestation

If the conduct is determined to be a manifestation, the IEP Team must conduct a functional behavioral assessment (FBA), unless the LEA had conducted one before the behavior that resulted in the change of placement, and implement a behavioral intervention plan (BIP). If a BIP already exists, the team must review it and modify it as necessary to address the behavior.

Except for special circumstances described in IDEA, the LEA must return the student to the placement from which the student was removed, unless the parent and LEA agree to a change of placement as part of the BIP modification. If the group determines that the conduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy the deficiencies.

• Ask what the FBA will examine and how the student's communication, environment, instruction, health, and sensory needs will be considered.

• Ask what interim supports will be used while the FBA or BIP is developed or revised.

• Identify how staff will be trained and how implementation will be monitored.

• Ask for a clear plan to address missed instruction and support successful return to school.

• Request specific steps to correct any identified failure to implement the IEP.

217. If the Conduct Is Not a Manifestation

If the conduct is determined not to be a manifestation, school personnel may apply the relevant disciplinary procedures to the student with a disability in the same manner and for the same duration as they would apply to a student without a disability, subject to IDEA's requirements. The student must continue to receive educational services that enable participation in the general education curriculum, although in another setting, and progress toward IEP goals.

As appropriate, the student must receive an FBA and behavioral intervention services and modifications designed to address the behavior so it does not recur. The IEP Team determines the services and the interim alternative educational setting (IAES), where applicable.

• Ask who will provide services and how they will align with the IEP.

• Ask how the student will access instruction, assignments, communication supports, and related services.

• Clarify how attendance, progress, and service delivery will be documented.

• Ask how the school will prepare for the student's return and reduce the risk of another incident.

218. Special Circumstances and Interim Alternative Educational Settings

IDEA allows school personnel to remove a student to an appropriate IAES for not more than 45 school days, regardless of whether the behavior is determined to be a manifestation, in specified circumstances: carrying or possessing a weapon at school or a school function; knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, at school or a school function; or inflicting serious bodily injury upon another person at school or a school function.

The IEP Team determines the IAES. The student must continue to receive educational services that enable participation in the general education curriculum in another setting and progress toward IEP goals, as well as services and modifications designed to address the behavior as required by IDEA.

A school may also seek an expedited due process hearing in certain circumstances when it believes maintaining the current placement is substantially likely to result in injury to the student or others. This is a specific legal process; it is not a blanket permission for unilateral exclusion.

219. Students Not Yet Found Eligible: IDEA's Knowledge Rules

A student who has not yet been determined eligible may have IDEA discipline protections if the LEA is deemed to have had knowledge that the student was a child with a disability before the behavior that led to the discipline. The rules examine whether, before the incident, the parent expressed concern in writing to supervisory or administrative personnel or a teacher that the child needed special education; whether the parent requested an evaluation; or whether the child's teacher or other LEA personnel expressed specific concerns about a pattern of behavior directly to the special education director or other supervisory personnel.

There are exceptions, including when the parent did not allow an evaluation or refused special education services, or the child was evaluated and determined not eligible. If an evaluation is requested during the period of disciplinary measures, the evaluation must be conducted in an expedited manner. During that period, the student remains in the educational placement determined by school authorities, which may include suspension or expulsion without educational services, subject to IDEA's rules.

• Keep copies of written evaluation requests and school responses.

• Preserve emails or notes showing concerns raised by teachers or administrators before the incident.

• Record when the school first received information suggesting a possible disability-related need.

• Ask the school to explain whether it believes it had knowledge under 34 C.F.R. § 300.534 and why.

220. Informal Exclusions, Shortened Days, and Repeated Early Pickups

A parent may be asked to pick up a student early, keep the student home, or accept a shortened day after recurring incidents. These arrangements can reduce access to instruction and services even when they are not called suspensions. Ask whether the school initiated the exclusion, whether the student was available to attend, how missed time is counted, and whether the change amounts to a disciplinary removal or a change in educational placement.

Repeated informal exclusions may raise questions under IDEA, Section 504, state law, and the student's right to FAPE. The precise legal analysis depends on the facts, including the amount of time, the reason for the exclusion, the student's plan, and whether the student is receiving required services.

• Ask the school to put any proposed shortened day or early-pickup arrangement in writing.

• Do not assume a parent-requested pickup and a school-directed exclusion are treated identically; document who initiated it and why.

• Request the student's attendance, discipline, and service records.

• Ask what supports could allow the student to remain safely and meaningfully at school.

• Seek prompt review by the IEP or Section 504 team when the schedule or access to education is changing.

221. Parent Questions Before, During, and After a Discipline Meeting

• What exact action is being proposed, and when was the decision made?

• How many school days has the student been removed this year, including earlier incidents?

• Does the school believe this is a change of placement? What facts support that conclusion?

• Who will participate in the MDR, and what information will be reviewed?

• How will the parent's information be included in the record?

• What are the two IDEA manifestation questions, and what is the group's reasoning on each?

• What educational services will be provided during any removal?

• What is the return-to-school plan and what supports will prevent recurrence?

• What notices, records, appeal rights, and dispute-resolution options apply?

After the meeting, write a brief summary of what was decided, what remains disputed, who will take each action, and the date by which follow-up is expected. Correct factual errors in meeting notes promptly and preserve your own copy.

222. Parent Worksheet: Discipline and MDR Record

Student / school / school year:

_____

Incident date and alleged conduct:

_____

School rule cited and notice received:

_____

Each removal date, length, and type (include early pickups or shortened days):

_____

Cumulative school days removed this year:

_____

School's position on whether a change of placement occurred:

_____

MDR date and participants:

_____

Information reviewed, including parent-provided information:

_____

Finding on disability relationship:

_____

Finding on failure to implement the IEP:

_____

Written decision and reasons received:

_____

Services during removal and provider responsible:

_____

FBA / BIP / IEP actions and deadlines:

_____

Return-to-school plan and requested follow-up:

_____

This worksheet is an organizational tool, not a legal determination. Confirm the current federal and state rules and obtain qualified legal advice when needed.

Federal IDEA References

• 34 C.F.R. § 300.530 — Authority of school personnel; manifestation determination; services during removals.

• 34 C.F.R. § 300.531 — Interim alternative educational settings.

• 34 C.F.R. § 300.532 — Appeal and expedited due process hearing.

• 34 C.F.R. § 300.534 — Protections for children not yet eligible.

• 34 C.F.R. § 300.536 — Change of placement because of disciplinary removals.

Official sources: IDEA discipline regulation, https://sites.ed.gov/idea/regs/b/e/300.530 ; interim alternative educational settings, https://sites.ed.gov/idea/regs/b/e/300.531 ; appeal procedures, https://sites.ed.gov/idea/regs/b/e/300.532 ; children not yet eligible, https://sites.ed.gov/idea/regs/b/e/300.534 ; change of placement, https://sites.ed.gov/idea/regs/b/e/300.536 ; U.S. Department of Education, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, https://sites.ed.gov/idea/idea-files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions/. The federal rules are a baseline; state law may provide additional protections.

PART XXII — UNDERSTANDING EVALUATIONS AND ASSESSMENT REPORTS

Chapters 223–232 | Testing, interpretation, eligibility, and parent review

An evaluation is not just a collection of scores. Under IDEA, the school must use a variety of tools and strategies, include parent-provided information, assess all areas related to suspected disability, and gather information useful for determining both eligibility and educational needs. No single measure may be the sole criterion for eligibility or program decisions. This section helps parents read reports carefully and ask focused questions.

223. Start With the Evaluation Questions

Before reviewing test scores, identify the questions the evaluation was intended to answer. An initial evaluation must determine whether the child is a child with a disability under IDEA and determine the child's educational needs. A reevaluation also considers whether the student continues to have a disability, continues to need special education and related services, and whether additions or modifications are needed.

• What concerns or suspected areas led to the evaluation?

• Which areas were assessed and which were not?

• What information did the parent provide, and where is it reflected?

• What does the evaluation say about strengths, needs, and educational impact?

• What decisions will the team make using these results?

A report may contain technically detailed testing but still leave important educational questions unanswered. Read for the connection between the referral concerns, the assessment methods, the findings, and the proposed educational decisions.

224. Understand the Assessment Methods

Reports may include standardized tests, curriculum-based measures, rating scales, interviews, observations, work samples, record reviews, developmental histories, and functional assessments. Each method provides a different kind of information. A standardized score may compare performance with a norm group; a classroom observation may show how the student performs in a particular setting; a rating scale may reflect the perspective of the person completing it.

• Who completed each measure and what was their role?

• What skill or behavior was the measure designed to assess?

• Was the tool valid and reliable for the purpose and student being assessed?

• Was it administered by trained personnel and according to required procedures?

• Was the student's language, communication mode, culture, sensory or motor access considered?

• Does the report explain any limitations, interruptions, or unusual testing conditions?

A test should be used only for purposes for which it is valid and reliable. When a student has sensory, manual, or speaking limitations, IDEA requires assessment procedures to be selected so results reflect the intended aptitude or achievement rather than the effect of those limitations, unless those skills are what the test measures.

225. Read Scores Without Letting Them Replace the Student

A score is one piece of evidence, not a complete description of a student. Standard scores, percentiles, confidence intervals, age equivalents, scaled scores, and grade equivalents are different metrics and should not be treated as interchangeable. Ask the evaluator to explain the score type, comparison group, measurement error, and practical meaning.

• What does the score measure—and what does it not measure?

• What is the confidence interval or standard error, if reported?

• Is the score consistent with classroom performance, work samples, and observations?

• Could language, attention, fatigue, anxiety, sensory access, motor demands, or unfamiliarity have affected performance?

• Does the report explain why scores differ across tests or settings?

Avoid conclusions based on a single number, a single low subtest, or a single observation. IDEA specifically prohibits using one measure as the sole criterion for determining eligibility or an appropriate educational program.

226. Check Whether All Suspected Areas Were Assessed

IDEA requires assessment in all areas related to the suspected disability, as appropriate. Depending on the concerns, this may include health, vision, hearing, social and emotional status, general intelligence, academic performance, communication, and motor abilities. The evaluation must be sufficiently comprehensive to identify all special education and related services needs, whether or not those needs are commonly associated with the category assigned.

• Compare the original concerns and parent input with the actual assessment list.

• Look for missing areas such as communication, adaptive behavior, executive functioning, sensory or motor access, social-emotional functioning, or academic skills, when relevant.

• Ask whether the student was observed in settings where the concern occurs.

• Ask whether assistive technology, AAC, health, or related-service needs were considered when suspected.

• Request additional assessment when existing information does not answer a relevant educational question.

Not every student needs every possible test. The question is whether the evaluation addressed all areas reasonably related to the suspected disability and identified the student's educational needs.

227. Understand Parent Input and Multiple Sources of Evidence

IDEA requires the eligibility group to draw on a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, and information about physical condition, social or cultural background, and adaptive behavior. The information must be documented and carefully considered.

• Check whether parent observations and records appear in the report or eligibility documentation.

• Compare information from home, school, related-service providers, and other relevant settings.

• Identify where reports agree and where they differ.

• Ask whether the difference may reflect context, expectations, supports, communication partners, or time of day.

• Request clarification if a relevant source was omitted or summarized inaccurately.

Different observations do not automatically mean someone is wrong. A student may perform differently in structured and unstructured settings, with familiar and unfamiliar people, or with and without supports. The team should consider the context and avoid treating one source as the whole picture.

228. Review Educational Impact and Need for Special Education

IDEA eligibility involves two questions: whether the student meets an IDEA disability definition and whether, by reason of that disability, the student needs special education and related services. A diagnosis or low score alone does not resolve both questions. The evaluation should explain how the suspected disability affects educational performance and what specially designed instruction, if any, is needed.

• What educational tasks or settings are affected?

• What can the student do independently and what requires support?

• Is the student making progress, and at what level of support or effort?

• Does the student need instruction that is adapted in content, methodology, or delivery?

• Are related services or supplementary aids needed to benefit from special education or access education?

A student may have disability-related needs that warrant Section 504 protections even when IDEA eligibility is not established. The school should consider the applicable legal framework rather than assuming that a finding of no IDEA eligibility ends every disability-related access question.

229. Read Recommendations Critically

Recommendations may include further assessment, specialized instruction, accommodations, related services, assistive technology, environmental changes, or strategies for home and school. A recommendation in a report does not automatically become an IEP service. The IEP team must consider relevant evaluation information and determine the individualized program.

• Is the recommendation tied to a specific finding or educational need?

• Does it describe what the student needs, or is it only a broad suggestion?

• Who would implement it, in which setting, and how often?

• Would it require specialized instruction, a related service, an accommodation, or another support?

• How would the team measure whether it is effective?

If the report recommends a service or support that is not included in the proposed IEP, ask the team to explain its decision and how the identified need will otherwise be addressed. A parent can request that the explanation and any refusal be documented through appropriate notice procedures.

230. What to Do When the Report Is Incomplete or Unclear

If a report omits a suspected area, contains inaccurate history, fails to explain conflicting results, or does not connect findings to educational needs, prepare specific questions. Ask for clarification or additional assessment rather than assuming the entire evaluation is invalid. If the parent disagrees with an evaluation obtained by the public agency, IDEA provides procedures for requesting an independent educational evaluation (IEE) at public expense, subject to the regulatory requirements.

• Identify the exact page, statement, test, or missing area.

• Explain why it matters to an educational decision.

• State what clarification, correction, or additional assessment is requested.

• Ask whether the school agrees to assess further and when.

• If disagreeing with a school evaluation, review the IEE rights and the district's response obligations.

The public agency must provide the evaluation report and eligibility documentation at no cost to the parent. Keep the report, test summaries that are provided, notices, and your written questions together.

231. Eligibility Decisions: Read the Written Reasoning

After assessments are completed, a group of qualified professionals and the parent determine whether the child meets an IDEA disability definition and identify educational needs. The school must provide the parent a copy of the evaluation report and documentation of the eligibility determination at no cost. The eligibility decision should be based on information from a variety of sources, all documented and carefully considered.

• Which IDEA category or categories were considered?

• What evidence supports each part of the eligibility decision?

• How did the team consider parent input and information from different settings?

• Does the written explanation address both disability criteria and need for special education?

• If the student is not eligible, what needs or access barriers remain, and should Section 504 be considered?

• What evaluation, intervention, or review options remain available?

If the team finds the student not eligible, ask for the written basis and the information relied upon. You may disagree with the evaluation or eligibility decision and consider the dispute-resolution options available under federal and state law.

232. Parent Worksheet: Assessment Report Review

Student / evaluation date / evaluator(s):

_____

Referral questions and suspected areas:

_____

Tests, observations, interviews, and records reviewed:

_____

Areas assessed and areas not assessed:

_____

Parent input included and where it appears:

_____

Student strengths identified:

_____

Key findings and what each measure actually assesses:

_____

Limitations, access issues, or unusual testing conditions:

_____

Educational impact described in the report:

_____

Special education and related-service needs identified:

_____

Recommendations and how they connect to findings:

_____

Questions, corrections, or additional assessments requested:

_____

Eligibility decision and written explanation received:

_____

Use this worksheet to organize questions. It is not a substitute for the complete report, professional interpretation, or the legal eligibility process.

Federal References

• 34 C.F.R. § 300.304 — Evaluation procedures.

• 34 C.F.R. § 300.305 — Review of existing evaluation data and reevaluations.

• 34 C.F.R. § 300.306 — Eligibility determinations.

• 34 C.F.R. § 300.502 — Independent educational evaluations.

Official sources: Evaluation procedures, https://sites.ed.gov/idea/regs/b/d/300.304 ; review of existing data and reevaluations, https://sites.ed.gov/idea/regs/b/d/300.305 ; eligibility, https://sites.ed.gov/idea/regs/b/d/300.306 ; initial evaluation, https://sites.ed.gov/idea/regs/b/d/300.301 ; IEE procedures, https://sites.ed.gov/idea/regs/b/e/300.502. The IDEA evaluation rules require multiple sources, parent input, assessment in all areas related to suspected disability, and a sufficiently comprehensive evaluation. State law may add requirements.

PART XXIII — REQUESTING EVALUATIONS AND INDEPENDENT ASSESSMENTS

Chapters 233–242 | Parent requests, school refusals, reevaluations, and IEE rights

Parents do not need to know the correct disability category before asking a public school to evaluate a child. A request should describe the concerns and ask the school to assess all areas related to suspected disability. The school must follow IDEA's evaluation procedures and timelines, or provide appropriate written notice when it refuses a requested action. State rules may add requirements.

233. When to Request an Initial Evaluation

A parent may request an initial evaluation when they suspect a child may have a disability and may need special education. Concerns may arise from academic difficulty, communication, behavior, development, attendance, social-emotional functioning, adaptive skills, sensory or motor needs, or difficulty accessing instruction. A child does not have to fail a grade or exhaust general education interventions before a parent can request an evaluation.

• Describe the concerns in observable terms and provide examples across time or settings.

• Explain how the concerns affect learning, participation, communication, independence, or access.

• Identify any suspected areas, while making clear that the school should assess all areas related to the suspected disability.

• Ask for the request to be treated as a formal written referral for an IDEA evaluation.

• Keep a dated copy and proof of delivery.

A medical diagnosis is not required before a parent requests an IDEA evaluation. The school must determine whether the child meets IDEA's eligibility requirements based on a comprehensive evaluation—not on a diagnosis alone.

234. What Happens After a Written Request

After receiving a request, the school should respond under applicable federal and state procedures. IDEA requires informed parental consent before conducting an initial evaluation. The evaluation must be conducted within the applicable timeline after consent, subject to specified exceptions and state rules. If the school refuses to initiate an evaluation, it must provide prior written notice explaining the refusal.

• Ask who received the request and the date it was received.

• Ask for the consent form and a clear description of the proposed evaluation areas.

• Read the consent form and ask questions about any areas not listed.

• Ask what timeline applies in your state and how the school calculates it.

• If the school refuses, request prior written notice (PWN) with the reasons and information relied upon.

A request for evaluation and consent to evaluate are separate steps. Do not assume that sending a request means testing has begun. Track the date consent is provided and the applicable state timeline.

235. Make the Evaluation Request Specific Without Narrowing It

Parents can identify concerns and suspected areas without attempting to prescribe every test. The school is responsible for selecting assessment tools and strategies that meet IDEA requirements. A request can describe functional concerns and ask the team to determine the appropriate comprehensive assessment plan.

• Communication: receptive, expressive, pragmatic, speech, AAC, and communication across settings, when relevant.

• Academic: reading, writing, mathematics, fluency, comprehension, and access to grade-level instruction.

• Developmental and cognitive: reasoning, learning profile, memory, and processing, as appropriate.

• Adaptive and functional: daily living, independence, self-advocacy, and participation.

• Social-emotional and behavioral: regulation, peer relationships, behavior patterns, and environmental factors.

• Health, sensory, motor, vision, hearing, and assistive technology needs, when suspected.

This is an illustrative list, not a requirement to test every student in every area. The evaluation must be sufficiently comprehensive to identify all special education and related-service needs.

236. When a School Says Interventions Must Come First

Schools may use general education interventions or response-to-intervention systems to support students and gather information. However, these processes cannot be used to delay or deny an evaluation when a disability is suspected. IDEA's Child Find duty applies to children suspected of having a disability who may need special education, including children advancing from grade to grade.

• Ask whether the school suspects a disability and whether it is refusing to evaluate.

• Ask what data support the school's position and whether the concerns have been assessed in all relevant areas.

• State that you are requesting an IDEA evaluation and do not want intervention processes to delay the referral.

• Request prior written notice if the school refuses the evaluation.

• Keep intervention data and records; they may be useful evidence but are not a substitute for a required evaluation.

237. Prior Written Notice When the School Refuses

When a public agency refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE, IDEA generally requires prior written notice a reasonable time before the refusal is implemented. The notice must describe the action refused, explain why, identify the evaluations, assessments, records, or reports used as the basis, describe other options considered and why they were rejected, and identify other relevant factors. It must also explain procedural safeguards and sources of assistance.

• Does the notice clearly identify what was refused?

• Does it explain the school's reasons rather than simply state a conclusion?

• Does it list the information and records relied upon?

• Does it explain options considered and why they were rejected?

• Does it provide procedural safeguard information and contact sources?

• Is it understandable and in the parent's native language or mode of communication when required?

If the school refuses orally, write a brief follow-up confirming the request and asking for the required written notice. Do not assume a verbal explanation replaces formal notice.

238. Reevaluation: New Questions and Changed Needs

A reevaluation may be needed when the student's educational or related-service needs warrant it, or when a parent or teacher requests one. A reevaluation generally may not occur more than once a year unless the parent and LEA agree otherwise, and must occur at least once every three years unless the parent and LEA agree it is unnecessary. These are federal IDEA limits; state requirements may differ.

• Identify what has changed since the last evaluation.

• Describe new concerns or needs that are not adequately understood.

• Ask the team to review existing data and identify what additional information is needed.

• Ensure all suspected areas are considered, not just the student's current eligibility category.

• Ask whether existing data are sufficient or whether further assessment is needed, and request the reasons in writing if the school refuses.

A reevaluation is not simply repeating the same tests. It should answer current questions about continued eligibility, educational needs, and whether additions or modifications to services are needed.

239. Independent Educational Evaluation: What It Is

An independent educational evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the student's education. A parent may obtain an IEE privately. Under IDEA, a parent who disagrees with an evaluation obtained by the public agency has a right to request one IEE at public expense for each public evaluation with which the parent disagrees, subject to the regulation.

An IEE can be useful when the parent believes the school evaluation was incomplete, used inappropriate methods, did not assess suspected areas, or did not adequately address educational needs. The parent does not have to prove the school was wrong before requesting an IEE, but the request must relate to disagreement with an evaluation obtained by the public agency.

240. What the School Must Do After an IEE Request

When a parent requests an IEE at public expense, the public agency must, without unnecessary delay, either file a due process complaint to request a hearing to show its evaluation is appropriate, or ensure an IEE is provided at public expense, unless the agency demonstrates in a hearing that the parent-obtained evaluation did not meet agency criteria.

The school may ask why the parent disagrees, but may not require an explanation and may not unreasonably delay either providing the IEE at public expense or filing due process to defend its evaluation. A parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees.

• Make the request in writing and identify the school evaluation being challenged.

• State that you are requesting an IEE at public expense under 34 C.F.R. § 300.502.

• Ask for the district's written IEE criteria and information about where an IEE may be obtained.

• Keep the request, delivery confirmation, and all responses.

• Review any criteria carefully; they must be consistent with the parent's right to an IEE and may not impose unrelated conditions or timelines.

The school cannot simply require the parent to first pay privately and seek reimbursement later as a substitute for responding under the federal rule. The exact implementation and any dispute should be reviewed under the regulation and applicable legal advice.

241. Using an Outside Evaluation

A parent may share an evaluation obtained privately. If the parent shares an IEE at public expense or a private evaluation with the public agency, the results must be considered, if they meet agency criteria, in decisions about FAPE. Consideration does not mean the IEP team must automatically adopt every recommendation or give the report controlling weight. IDEA requires multiple sources of information to be considered and documented.

• Provide the report in a way that creates a record of delivery.

• Identify the findings and recommendations you want the team to discuss.

• Ask how the report will be considered in eligibility, present levels, goals, services, and supports.

• Ask the team to explain any recommendation it does not adopt and how the underlying need will be addressed.

• Keep the complete report and any written response.

If the team disagrees with an outside evaluator, ask for a clear explanation grounded in the student's full record rather than a general statement that the school uses different methods.

242. Parent Worksheet: Evaluation and IEE Request Tracker

Student / school / district:

_____

Date and method of initial evaluation request:

_____

Concerns and suspected areas described:

_____

Date consent was provided, if applicable:

_____

Applicable state evaluation timeline and due date:

_____

School response and date:

_____

Prior written notice received? Date and stated reason:

_____

Evaluation report date and areas assessed:

_____

Specific points of disagreement with the school evaluation:

_____

IEE at public expense requested? Date and delivery method:

_____

District criteria and response received:

_____

Due process filing or IEE provision status:

_____

Outside evaluator / evaluation date / report shared:

_____

Questions or follow-up requested from the IEP team:

_____

This worksheet is an organizational aid. State timelines, consent rules, and procedural details should be checked with the state education agency or a qualified advocate or attorney.

Federal References

- 34 C.F.R. § 300.301 — Initial evaluations.
- 34 C.F.R. § 300.303 — Reevaluations.
- 34 C.F.R. § 300.304 — Evaluation procedures.
- 34 C.F.R. § 300.503 — Prior written notice.
- 34 C.F.R. § 300.502 — Independent educational evaluations.
- 34 C.F.R. § 300.111 — Child Find.

Official sources: Initial evaluation, https://sites.ed.gov/idea/regs/b/d/300.301 ; reevaluations, https://sites.ed.gov/idea/regs/b/d/300.303 ; evaluation procedures, https://sites.ed.gov/idea/regs/b/d/300.304 ; prior written notice, https://sites.ed.gov/idea/regs/b/e/300.503 ; independent educational evaluation, https://sites.ed.gov/idea/regs/b/e/300.502 ; Child Find, https://sites.ed.gov/idea/regs/b/b/300.111. State timelines may be shorter or include additional procedures. This guide is educational information, not legal advice.

PART XXIV — PARENT PARTICIPATION AND IEP MEETING STRATEGY

Chapters 243–252 | Preparation, meaningful participation, decisions, and follow-up

Parents are members of the IEP Team. IDEA requires schools to take steps to ensure parents can attend or otherwise participate, including timely notice and scheduling at a mutually agreed time and place. This section offers practical ways to prepare, contribute, ask questions, and keep a reliable record. State law may provide additional procedures.

243. Understand the Purpose of the Meeting

IEP meetings may address initial development, annual review, reevaluation, revisions, placement, transition, or other matters related to identification, evaluation, and FAPE. The meeting notice should identify its purpose, time, and location, and who will attend. Ask the school to clarify the topics if the notice is too general to help you prepare.

• What decisions are expected to be discussed?

• Is the meeting an annual review, reevaluation, amendment, transition meeting, or another meeting?

• What information or reports will the team review?

• Will the team discuss eligibility, present levels, goals, services, placement, behavior, or another specific issue?

• Is there enough time scheduled to address the topics?

If new issues arise during the meeting, ask whether the team has enough information and time to discuss them meaningfully or whether another meeting is needed.

244. Notice, Scheduling, and Participation Rights

IDEA requires public agencies to notify parents early enough to ensure an opportunity to attend and to schedule the meeting at a mutually agreed time and place. The notice must state the purpose, time, and location and identify who will attend. If neither parent can attend, the agency must use other methods to ensure participation, such as telephone or video conference. A meeting may proceed without a parent only when the agency is unable to convince the parent to attend, after keeping records of its attempts to arrange a mutually agreed time and place.

• Tell the school promptly if the proposed time does not work and suggest alternatives.

• Ask about phone or video participation if attending in person is difficult.

• Request an interpreter or other communication access when needed.

• Tell the school if you plan to invite someone with knowledge or special expertise about the student.

• Keep the meeting notice, responses, and any rescheduling communications.

Federal IDEA does not set one universal number of days of advance notice for every IEP meeting. The notice must be early enough to provide a meaningful opportunity to attend; state rules may be more specific.

245. Who Participates and Why Their Roles Matter

The IEP Team includes the parent; at least one regular education teacher if the student is or may be participating in regular education; at least one special education teacher or provider; a public agency representative with required knowledge and authority; someone who can interpret evaluation results; and the student when appropriate. Other individuals with knowledge or special expertise about the child may be invited by the parent or agency. The party inviting the individual determines whether that person has the requisite knowledge or expertise.

• Ask who will attend and what role each person will serve.

• Consider inviting a person who knows the student’s communication, health, learning, or support needs.

• Ask whether necessary service providers or staff with direct knowledge can participate.

• Identify whether anyone’s attendance is excused and whether required written input or consent has been provided.

• Make sure the agency representative can commit agency resources and ensure services are available.

Not every person who works with the student must attend every meeting. The question is whether required team membership and relevant participation requirements are met for the decisions being made.

246. Prepare a Parent Statement and Meeting Priorities

A concise written parent statement can help the team understand the student’s strengths, concerns, progress, and priorities. It need not be a legal argument. Use clear examples and distinguish what you observed from what you believe may explain it.

• Begin with strengths, interests, successful supports, and the student’s voice.

• Identify the most important concerns and describe specific examples.

• Explain how concerns affect educational access, progress, communication, participation, or safety.

• List questions that need answers before decisions are made.

• Identify any documents or outside information you want the team to consider.

• State what you hope the meeting will accomplish.

If time is limited, identify the issues that must be addressed today and request a follow-up meeting for remaining topics. Ask that your written statement be included in the student’s education record or meeting documentation, consistent with district procedures.

247. During the Meeting: Ask, Clarify, and Participate

The meeting is a collaborative process for developing, reviewing, or revising the student's IEP. Parents can ask for plain-language explanations, request that information be repeated, and ask how a proposal connects to the student's needs and evaluation results.

• Ask the team to explain unfamiliar terms and acronyms.

• Ask what information supports a proposed decision and whether other options were considered.

• Ask how each identified need will be addressed through goals, instruction, services, accommodations, or other supports.

• Ask who will provide each service, where, how often, and for how long, as appropriate.

• Ask how progress will be measured and how reports will be shared.

• Pause if you do not understand a proposal or need time to review a document.

You do not have to agree immediately with every proposal in order to participate. If you disagree, explain the concern and ask that the disagreement and any alternative you propose be accurately documented.

248. Draft IEPs and Preliminary Recommendations

A school may prepare preliminary materials to support discussion, but an IEP must be developed by the IEP Team. A draft should not be treated as a final decision before the parent has had a meaningful opportunity to participate. If the school uses a draft, ask which sections are preliminary and invite discussion of the student's needs, alternatives, and parent input.

• Ask whether the document is a draft or a finalized IEP.

• Check whether the team is genuinely open to revising proposals based on discussion.

• Ask what data or evaluation findings support each proposed section.

• Identify missing or inaccurate information and request correction.

• Do not assume a draft is binding or that every item is already decided.

IDEA does not establish a universal federal requirement that a school send every parent a complete draft IEP a set number of days before the meeting. State rules or local procedures may provide additional rights. A draft should not predetermine the team's discussion.

249. Disagreement, Breaks, and Reconvening

Disagreement can occur about evaluation findings, goals, services, accommodations, placement, behavior supports, or implementation. Try to identify the exact decision in dispute and the information needed to resolve it. If the team cannot complete the discussion, ask whether it should reconvene rather than rushing through important decisions.

• State the specific proposal you disagree with and why.

• Ask what evidence or legal standard the team is applying.

• Offer an alternative or ask what additional information would help.

• Request a break or time to review complex material.

• Ask for unresolved questions and next steps to be recorded.

• Request prior written notice when the agency proposes or refuses an action covered by IDEA.

A parent's disagreement does not automatically stop a school from implementing every proposed action. Consent rules differ for initial services, reevaluations, and other decisions. Ask what action is proposed, when it will occur, and what procedural safeguards apply.

250. Review the IEP Before Leaving or Signing

Before concluding, review whether the document reflects the team's discussion and accurately describes the student's needs and supports. Check the student's name, dates, present levels, goals, services, accommodations, placement, participation, progress reporting, and any required transition or behavior information.

• Are the student's strengths and parent concerns accurately reflected?

• Do goals address identified needs and include measurable criteria?

• Are services described with appropriate frequency, location, duration, and start information?

• Are accommodations and supports specific enough to be implemented?

• Are responsible staff and progress reporting clear?

• Does the placement decision explain the student's participation with nondisabled peers and any removal from regular education?

• Are disagreements and requested corrections documented?

Ask for a copy of the completed IEP at no cost. If the school needs time to finalize the document, ask when and how you will receive it and how the final version will reflect the discussion. State rules may set specific delivery timelines.

251. After the Meeting: Written Follow-Up

A brief follow-up message can create a clear record of what was discussed, what remains unresolved, and what documents or actions are expected. Keep the tone factual and professional. Do not rely on a meeting summary alone to replace formal notices or the IEP.

• Record the meeting date, participants, and purpose.

• Summarize the decisions and identify any areas of disagreement.

• List promised documents, corrections, evaluations, or follow-up actions.

• Ask who is responsible and when the next step is expected.

• Request prior written notice for proposals or refusals covered by IDEA.

• Keep the final IEP, meeting notice, notes, correspondence, and any attachments together.

If the written IEP does not match what you understood was discussed, identify the specific difference in writing and ask the school to clarify or correct the record. Follow applicable state complaint or dispute-resolution deadlines.

252. Parent Worksheet: IEP Meeting Preparation and Follow-Up

Student / school / meeting date:

_____

Meeting purpose and decisions expected:

_____

People invited and their roles:

_____

Student strengths, interests, and preferences:

_____

Top parent concerns and specific examples:

_____

Documents and information to be considered:

_____

Questions about present levels, goals, services, and placement:

_____

Proposals discussed and information supporting them:

_____

Parent input and alternatives offered:

_____

Agreements and decisions reached:

_____

Disagreements or unanswered questions:

_____

Documents or written notices requested:

_____

Action / responsible person / expected date:

_____

Date final IEP and meeting records received:

_____

Use this worksheet to prepare and organize your own notes. It does not replace the IEP, prior written notice, or state procedural safeguards.

Federal References

• 34 C.F.R. § 300.321 — IEP Team membership.

• 34 C.F.R. § 300.322 — Parent participation.

• 34 C.F.R. § 300.324 — Development, review, and revision of the IEP.

• 34 C.F.R. § 300.328 — Alternative means of meeting participation.

• 34 C.F.R. § 300.503 — Prior written notice.

Official sources: IEP Team membership, https://sites.ed.gov/idea/regs/b/d/300.321 ; parent participation, https://sites.ed.gov/idea/regs/b/d/300.322 ; development, review, and revision, https://sites.ed.gov/idea/regs/b/d/300.324 ; alternative means of participation, https://sites.ed.gov/idea/regs/b/d/300.328 ; prior written notice, https://sites.ed.gov/idea/regs/b/e/300.503. Federal regulations establish a baseline; consult your state education agency for additional requirements.

PART XXV — RESPONDING TO POSSIBLE IEP IMPLEMENTATION PROBLEMS

Earlier chapters explain what an IEP contains and the importance of implementation. This section is narrower: how to document a concern that a particular service, accommodation, or support may not have been delivered, how to ask the school to investigate, and how to decide what follow-up is appropriate.

253. Identify the Exact IEP Commitment

Start with the current, operative IEP and identify the precise provision at issue. Record the wording, start date, frequency, location, duration, and any conditions or exceptions stated in the document. Avoid relying only on a meeting discussion or an older draft when the written IEP has since changed.

Separate the written requirement from your concern about what happened. For example: “The IEP lists speech-language services twice weekly for 20 minutes. I am concerned that one scheduled session may not have occurred on these dates.” This is more useful than a broad statement that “the school is not following the IEP.”

254. Distinguish a Single Event From a Pattern

A missed session, a provider absence, a schedule change, and a recurring failure may require different questions and responses. One event does not by itself establish a legal violation or determine the remedy. Look for dates, frequency, duration, reasons given, whether the service was rescheduled, and whether the student lost meaningful access to instruction or support.

Consider whether the concern involves a service not provided, an accommodation not available when needed, a shortened or altered school day, a substitute who did not know the IEP, or a support that was listed but not communicated to staff. Keep each concern specific so the school can investigate it.

255. Request Information Without Making Assumptions

Send a concise written request to the appropriate school contact. Identify the IEP provision and dates in question. Ask what the service records show, whether the service was delivered, whether it was rescheduled, what prevented delivery if it was missed, and what steps will prevent recurrence. Ask for copies of records you are entitled to inspect under IDEA and FERPA; access rules and timelines apply.

Do not assume that every school record must be created in a particular format or that a parent is automatically entitled to every internal staff note. Ask for the records that document the service, attendance, schedule, progress, or decision at issue, and request clarification if the school says a record does not exist.

256. Ask for a Clear Written Response

A useful response should address the specific dates and IEP provision, explain what the school determined, identify any corrective steps, and state who will monitor the issue. If the school disagrees with your understanding, ask it to identify the relevant IEP language and records supporting its position.

Keep the exchange professional and focused on the student’s access to education. A dated email or letter creates a clearer record than a series of undocumented phone calls. After a phone call, you may send a short message summarizing your understanding and inviting corrections.

RESPONDING TO IEP IMPLEMENTATION CONCERNS — CONTINUED

257. When the IEP May Need Review or Revision

If the concern reflects a continuing unmet need, repeated difficulty accessing a service, lack of expected progress, or a change in the student's circumstances, ask the IEP Team to review whether the IEP remains appropriate. IDEA requires periodic review at least annually and revision as appropriate to address lack of expected progress, reevaluation results, information provided by parents, anticipated needs, and other matters.

Be precise about the question you want the team to consider. Examples include whether service frequency is sufficient, whether the setting or schedule makes the service accessible, whether an accommodation is written clearly enough to be implemented, or whether additional evaluation is needed. A request for an IEP meeting does not itself guarantee that the team will agree with a proposed change.

258. What About Missed or Lost Services?

Ask the school to explain whether any missed service will be rescheduled and how it will address the student's needs. In some circumstances, an IEP Team, hearing officer, or court may consider compensatory services as a remedy for an educational loss. The amount and form of any remedy depend on the facts, the effect on the student, applicable procedures, and the decision-maker's findings.

There is no simple federal formula that automatically converts every missed minute into an equal number of make-up minutes. Do not assume that a missed session always requires an identical replacement session, or that offering a later session necessarily resolves every concern. Focus on the educational impact and what is needed to address it.

259. If the School Does Not Resolve the Concern

If informal communication does not resolve the issue, organize the IEP provision, dates, communications, relevant records, and the school's response. Consider asking for an IEP Team meeting, using the district's complaint or problem-solving process, contacting the state education agency, requesting mediation, or pursuing a due process complaint where appropriate. These routes have different scopes, requirements, and deadlines; state procedures vary.

A state IDEA complaint generally addresses an alleged violation of Part B requirements and is subject to federal and state procedural rules. Due process is a separate route for specified disputes. A Section 504 or ADA concern may involve a different process. Identify the legal issue before choosing a complaint route, and check current state deadlines and filing instructions.

260. Keep the Focus on Educational Impact

Explain how the concern affects the student's access, participation, progress, safety, communication, independence, or ability to benefit from instruction. Use concrete observations and records. Avoid overstating what the evidence proves. If you do not know why a service was missed or what happened during a class, state that you are seeking clarification rather than presenting an assumption as fact.

PARENT WORKSHEET — SERVICE CONCERN RECORD

261. IEP Service or Support Concern Tracker

Student: _____ School/year: _____

Current IEP date / amendment date: _____

Exact IEP section and wording at issue:

_____
_____

Concern category: ■ Related service ■ Special education instruction ■ Accommodation ■ Supplementary aid/support ■ Staff support ■ Other: _____

Dates or period involved: _____

What I directly observed or what the student reported (identify the source):

_____
_____
_____

Educational effect or concern:

_____
_____

Date I contacted the school / person contacted / method:

_____

Questions asked and records requested:

_____
_____

School response and date:

_____
_____

Resolution or next step / person responsible / expected date:

_____
_____

262. Before Escalating: Evidence Check

■ I checked the current IEP and identified the exact provision.
■ I recorded dates and distinguished confirmed facts from unanswered questions.
■ I asked the school to review the relevant service or implementation records.
■ I explained the educational impact without exaggerating what I know.
■ I saved the written response and noted any promised corrective action.
■ I checked the appropriate state and federal process and its deadline.

Key federal references

34 C.F.R. § 300.323(c) requires special education and related services to be made available as soon as possible following development of the IEP; § 300.323(d) addresses access to the IEP and informing responsible teachers and providers of their responsibilities; § 300.320(a) addresses services and their frequency, location, and duration; and § 300.324(b) addresses review and revision. See IDEA § 300.323, IDEA § 300.320, and IDEA § 300.324.

This guide is general educational information, not legal advice. Whether a particular event violates IDEA and what remedy may be appropriate depend on the full facts and applicable state procedures.

PART XXVI — WHEN SCHOOL COMMUNICATION BREAKS DOWN

This section addresses a specific problem: a parent has raised a concern, but the school does not respond, gives an incomplete answer, or repeatedly redirects the parent without resolving the issue. It is not a general guide to writing emails or keeping a communication log; it focuses on choosing the next practical step.

263. First, Identify What You Need the School to Do

Before sending another message, state the requested action in one sentence. Are you asking for information, a copy of an existing record, a meeting, an evaluation, an explanation of a decision, or action to address an immediate concern? Different requests may be governed by different rules and timelines. Avoid combining several unrelated issues into one message if doing so makes the requested response unclear.

Separate the facts from the question. For example: “On March 4, I requested a copy of the current behavior plan. I have not received it. Please confirm whether the plan is part of the education record and when I can inspect or receive a copy.” This makes it easier to see what remains unanswered.

264. Use a Clear Follow-Up Instead of Repeating the Entire History

If a reasonable period has passed without a response, reply to the original message or reference its date and subject. Restate the specific request, ask whether it was received, and request a response by a reasonable date. The appropriate response time depends on the kind of request and the law that applies; do not assume every school email has the same legal deadline.

If the matter is urgent, explain why and identify the immediate decision or risk that makes a prompt response important. For safety emergencies, use the school’s immediate safety procedures and emergency services where appropriate rather than relying only on email.

265. Identify the Right Person or Office

A teacher may be the right person for a classroom question, while an IEP case manager, special education director, principal, records custodian, district administrator, or Section 504 coordinator may be responsible for a different issue. Ask who is responsible when a message is repeatedly forwarded without an answer. Use the district’s published contact information and keep the request focused on the role that can address it.

Escalating a request does not require accusing an individual of misconduct. You can write: “I have not yet received a response to the request below. Please let me know who is responsible for addressing it, or forward it to the appropriate administrator.”

266. Ask for a Decision, Not Just a Conversation

When the issue involves a proposed or refused change to identification, evaluation, educational placement, or the provision of FAPE, ask whether the school has made a decision. IDEA generally requires Prior Written Notice a reasonable time before the public agency proposes or refuses such an action. The notice must describe the proposal or refusal, explain why, identify information relied upon, describe options considered and rejected, and identify other relevant factors and procedural safeguards.

Not every disagreement, unanswered email, or routine classroom issue automatically triggers Prior Written Notice. Be specific about the action you asked the school to take and why you believe it concerns identification, evaluation, placement, or FAPE. If unsure, ask the district to clarify whether it is proposing or refusing an IDEA action and whether it will issue notice.

WHEN SCHOOL COMMUNICATION BREAKS DOWN — CONTINUED

267. Know When a Formal Records Request Is Different

A request to answer a question is not the same as a request to inspect education records. Under IDEA, parents must have an opportunity to inspect and review education records relating to identification, evaluation, placement, and FAPE. FERPA also provides rights to inspect and review education records, subject to its rules and exceptions. Identify the records sought as specifically as possible, give a date range when useful, and ask how to arrange inspection or obtain copies.

Different record-access rules have different timelines and exceptions. Do not assume an ordinary email response deadline controls a formal records request. If the school says a requested item is not an education record or is not maintained, ask for that explanation and consider whether another record may document the same event or decision.

268. Request Language Access and Accessible Communication

Parents must be able to understand important special education proceedings. IDEA requires public agencies to take whatever action is necessary to ensure parents understand IEP Team proceedings, including arranging an interpreter for a parent who is deaf or whose native language is not English. Ask in advance for an interpreter or other communication support needed to participate effectively. Do not rely on a child to interpret important special education discussions.

If a disability affects your own ability to access the school's communication, ask the district about an accessible format or reasonable communication arrangement. Keep the request specific to the barrier and the support that would help you participate.

269. Use the Appropriate Escalation Path

If direct contact does not resolve the issue, identify the nature of the concern before choosing a next step. A building-level problem may be addressed by a principal or special education administrator. A district-wide policy or unresolved administrative issue may require the superintendent or designated district office. An IDEA compliance concern may be appropriate for the state education agency's complaint process. A dispute about FAPE or another matter within due process jurisdiction may require a due process complaint. Section 504 or ADA concerns may involve the district's civil rights coordinator or the U.S. Department of Education's Office for Civil Rights.

These procedures are not interchangeable and may have different deadlines, jurisdiction, remedies, and exhaustion requirements. Read the current procedural safeguards notice and your state's instructions before filing. If a deadline may be approaching, do not wait indefinitely for an informal response before checking how to preserve your rights.

270. Keep the Tone Firm, Neutral, and Child-Focused

A useful message describes the concern, the relevant date or IEP provision, the educational effect, and the action requested. Avoid personal attacks, speculation about motives, or statements that go beyond what you can support. A neutral tone does not mean minimizing a serious concern. It means making the facts and requested action easy to identify.

If a conversation becomes heated, ask to pause and continue in writing or at a scheduled meeting. If the issue involves a serious safety concern, document the facts and use the appropriate urgent reporting channel. Do not delay necessary safety action while waiting for a routine administrative response.

PARENT WORKSHEET — UNANSWERED SCHOOL CONCERN

271. Unanswered Request and Escalation Tracker

Student: _____ School/district: _____

Original request date and method: _____

Person/office contacted: _____

Exact action or answer requested:

_____
_____

Why the matter is important / educational or access impact:

_____
_____

Follow-up date and method: _____

Response received (or no response):

_____
_____

Next appropriate contact or office: _____

Potential formal process to research and applicable deadline:

_____

Documents or records to preserve: _____

Next action / responsible person / target date:

_____
_____

272. Before Sending Another Message

- ■ I can state the exact answer, record, meeting, or action I am requesting.
- ■ I identified the original request and date.
- ■ I separated confirmed facts from assumptions or unanswered questions.
- ■ I contacted the person or office responsible for this type of issue.
- ■ I considered whether a specific legal deadline applies.
- ■ I identified whether the issue concerns IDEA, Section 504, ADA, FERPA, or a school-level matter.
- ■ I saved the response and know what I will do next.

Key federal references

34 C.F.R. § 300.322(e) addresses steps to ensure parents understand IEP Team proceedings; § 300.501 addresses parent participation and access to education records; § 300.503 addresses Prior Written Notice for specified proposals and refusals. See the U.S. Department of Education's IDEA regulations: Parent participation, Opportunity to examine records and participate in meetings, and Prior Written Notice.

This guide provides general educational information, not legal advice. Check current federal and state rules, filing instructions, and deadlines before relying on a particular procedure.

PART XXVII — TRANSFERRING SCHOOLS WITH AN IEP

A move to another school district can raise urgent questions about records, services, evaluations, and whether a new IEP must be written. IDEA includes specific protections for eligible students who transfer between public agencies during the same school year. This section focuses on those transfer rules; ordinary school-to-school changes within the same district may involve different local procedures.

273. Start With the Type of Move

Identify whether the student is moving to another school within the same district, to a different public agency in the same state, or to a public agency in a different state. The federal transfer provisions in 34 C.F.R. § 300.323(e) and (f) address transfers from one public agency to another during the same school year when the student had an IEP in effect at the previous agency and enrolls in a new school.

Ask the new school district who will coordinate the special education transition. Provide the current IEP and available supporting documents if you have them, but do not assume that the family must personally obtain every record before the new district can act. IDEA places record-transfer responsibilities on both the receiving and previous public agencies.

274. Moving to a New Public Agency in the Same State

When a student with an IEP in effect transfers to a new public agency in the same state and enrolls in a new school during the same school year, the receiving agency, in consultation with the parents, must provide FAPE, including services comparable to those in the previous IEP. This continues until the new agency either adopts the previous IEP or develops, adopts, and implements a new IEP that meets IDEA requirements.

The new agency does not have to copy the previous IEP word for word. It must, however, provide comparable services during the transition period and then follow the applicable process for adopting or developing an IEP. Ask how the district has determined the services are comparable and how they will be delivered while the team reviews the records.

275. Moving to a Public Agency in Another State

When a student with an IEP in effect moves to a public agency in a different state and enrolls in a new school during the same school year, the receiving agency, in consultation with the parents, must provide FAPE, including services comparable to those in the previous IEP. The receiving agency must conduct an evaluation if it determines one is necessary and develop, adopt, and implement a new IEP if appropriate under the federal transfer rule.

State eligibility criteria, forms, timelines, and procedures can differ. A receiving state may need to determine whether additional evaluation is necessary and whether the student meets its applicable requirements. Ask the district to explain its process and what services will be provided while that process is underway. Do not assume that crossing a state line automatically erases the student’s disability-related needs or existing IEP history.

TRANSFER PLANNING — RECORDS, SERVICES, AND QUESTIONS

276. Comparable Services: Ask What Will Continue

“Comparable” services are determined for the individual student in consultation with the parent. Compare the previous IEP’s special education instruction, related services, supplementary aids, accommodations, communication supports, assistive technology, behavior supports, transportation provisions, and any other relevant components with the receiving district’s interim plan. Ask what will be provided, by whom, where, how often, and when it will begin.

The U.S. Department of Education has clarified that a district may not arbitrarily reduce the level of comparable services because of limited availability. The actual determination remains individualized. If a service is not available immediately, ask what alternative arrangement will maintain comparable support and how long it is expected to last. Keep the discussion tied to the student’s needs and the previous IEP.

277. Records: What the New and Previous Districts Must Do

To facilitate a transfer covered by IDEA, the receiving public agency must take reasonable steps to promptly obtain the student’s records, including the IEP, supporting documents, and other records relating to special education or related services. The previous public agency must take reasonable steps to promptly respond to the request. These obligations are stated in 34 C.F.R. § 300.323(g).

Parents can help by providing copies they already have, signing appropriate releases if needed for other records, and identifying the previous district and contacts. Keep a list of what was requested and when. Useful records may include evaluation reports, progress reports, service information, behavior plans, communication or assistive technology information, and relevant amendments. The receiving district should not simply leave the family to resolve agency-to-agency record transfer on its own.

278. What If the Family Does Not Have a Copy of the IEP?

Tell the receiving district that an IEP exists and identify the previous school and district as accurately as possible. Provide any information you do have about the student’s services and needs. Ask the receiving district to promptly request the IEP and supporting records from the previous agency and explain how it will provide comparable services while records are being obtained.

If there is a delay, document the enrollment date, the request for records, the district’s response, and any interruption in services. Ask for the name of the person coordinating the transfer. Do not invent or guess at service details; explain what you know and ask the agencies to verify the written plan.

279. Prepare for the New District’s Review

Once records arrive, ask when the team will review them with you. Identify what has changed since the previous IEP: new school environment, schedule, transportation, providers, communication systems, health or access needs, academic progress, or concerns raised by the family. A move may create new questions, but the team should distinguish new information from needs already documented in the prior IEP.

For an out-of-state move, ask whether the district believes an evaluation is necessary, what areas it proposes to assess, and how it will obtain informed parental consent when required. A new evaluation should be based on the applicable IDEA requirements and the student’s individual circumstances; do not assume that every transfer automatically requires a complete new evaluation.

PARENT WORKSHEET — SCHOOL TRANSFER WITH AN IEP

280. Transfer Information and Service Continuity Tracker

Student: _____ Date of enrollment: _____

Previous school / district / state: _____

New school / district / state: _____

Type of transfer: ■ Same district ■ New public agency, same state ■ New state

Previous IEP date and whether it was in effect at transfer: _____

Date the new district was notified of the IEP: _____

Person coordinating the transfer: _____

Records the new district was asked to obtain:

■ Current IEP and amendments
■ Evaluation and reevaluation reports
■ Progress reports and goal data
■ Related-service information
■ Assistive technology / AAC information
■ Behavior or safety supports
■ Transportation and access supports
■ Other: _____

281. Comparable Services Discussion

Previous IEP service or support: _____

How the receiving district says it will provide a comparable service:

_____
_____

Start date / frequency / setting / responsible provider: _____

Questions or differences that need clarification:

_____
_____

Records still outstanding and date requested: _____

Evaluation or IEP review proposed by the new district: _____

Next meeting / action / person responsible / date:

_____
_____

282. Transfer Conversation: Questions to Ask

■ What services will begin while the district reviews the previous IEP?
■ How did the district determine what services are comparable?
■ Who is responsible for obtaining records from the previous district?
■ When will the IEP Team review the records with the parent?
■ Is a new evaluation considered necessary? If so, why and in which areas?
■ How will the student's communication, assistive technology, and access supports continue?
■ How will any interruption or gap be addressed and documented?

Key federal references

34 C.F.R. § 300.323(e)–(g), When IEPs must be in effect. The U.S. Department of Education's guidance on highly mobile children discusses comparable services, including transfer and comparable services. IDEA Q&A on IEPs, evaluations, and reevaluations includes additional transfer questions.

This section describes IDEA transfer rules for eligible students moving between public agencies. Different rules may apply to moves within one district, private-school enrollment, preschool transitions, or other circumstances. This guide is general educational information, not legal advice; check applicable state requirements.

PART XXVIII — PREPARING FOR LIFE AFTER HIGH SCHOOL

This section looks beyond the transition-planning basics already introduced elsewhere in the guide. It focuses on turning a student's postsecondary goals into coordinated, practical planning; understanding agency involvement; and preparing for the transfer of educational decision-making rights at the age of majority. The student's preferences, communication, strengths, and support needs should remain central.

283. Begin With the Student's Vision

Transition planning should describe the life the student is working toward after high school, not simply list services the school currently provides. Ask what the student enjoys, what environments are comfortable or challenging, what kinds of activities feel meaningful, and what support may be needed to pursue future choices. A student's vision may change as interests and experiences develop; review it regularly rather than treating one early answer as permanent.

A student may communicate preferences through speech, writing, sign, AAC, pictures, behavior, supported conversation, or other reliable methods. Do not equate limited speech with an absence of preferences or goals. Identify how the student communicates choices and how the team will make participation accessible. When needed, plan ways to gather the student's input before the meeting and include it in the discussion.

284. Use Transition Assessments to Guide Planning

IDEA requires age-appropriate transition assessments as the basis for measurable postsecondary goals. Assessments should help the team understand the student's strengths, preferences, interests, and support needs in relation to education or training, employment, and, where appropriate, independent living. Ask what each assessment is intended to answer, how the student will participate, and how the results will influence goals and services.

A transition assessment is not limited to one test or one interview. Depending on the student and the question, useful information may come from student and family input, observations, work-based learning, community experiences, interest inventories, functional assessments, or other age-appropriate methods. The team should explain how the information supports each proposed postsecondary goal.

285. Make Postsecondary Goals Measurable and Specific

A postsecondary goal describes what the student intends to do after leaving high school. It is different from an annual IEP goal, which describes a skill or outcome to be worked on during the coming IEP year. Federal IDEA requires measurable postsecondary goals related to training, education, employment, and, where appropriate, independent living. The transition services and course of study should be designed to assist the student in reaching those goals.

Avoid goals that only describe what the school will do, such as "will receive job coaching." Instead, describe the intended outcome for the student, then identify the instruction, experiences, services, and connections needed to move toward it. The goal should be grounded in assessment information and be meaningful for that individual student.

286. Connect the Course of Study to the Student's Goals

Ask how the student's courses and learning experiences relate to postsecondary plans. A course of study may include academic classes, career and technical education, community-based learning, functional instruction, or other coursework appropriate to the student's goals and needs. The question is not whether a student follows a single standard pathway; it is whether the planned course of study supports the student's individualized postsecondary goals while meeting applicable graduation requirements.

Clarify which experiences will occur during the school day, which require outside coordination, and who is responsible for arranging them. If the student's goals change, ask whether the course of study and transition services should also be revised.

TRANSITION COORDINATION AND ADULT SERVICES

287. Invite Agencies When Their Participation Is Needed

If an outside agency is likely to provide or pay for a transition service, IDEA requires the public agency to invite a representative of that agency to the IEP Team meeting, with the required consent of the parent or the student who has reached the age of majority. The invitation is not a guarantee that the agency will qualify the student or provide a particular service. Ask what the agency can assess, what eligibility rules apply, what documents it needs, and who will follow up.

Examples of agencies that may be relevant include vocational rehabilitation, developmental disability services, workforce programs, adult education, community living supports, or other state and local adult-service systems. The right agencies vary by state and by the student's needs. Ask the school to identify possible partners early enough to avoid a gap when school-based eligibility ends.

288. Understand the Difference Between School and Adult Services

IDEA transition services are coordinated activities designed to support movement from school to post-school activities. Adult agencies generally operate under their own statutes, eligibility criteria, application processes, funding rules, and service availability. A student may be eligible for an IEP and still need to apply separately for adult services. Do not assume that an IEP automatically qualifies a student for vocational rehabilitation, Medicaid-funded services, housing support, or any other adult program.

Ask each agency to explain its eligibility criteria, application steps, waitlists if any, required evaluations, and the date services could begin. Keep a written list of applications, releases, referrals, assigned contacts, and follow-up dates. If an agency cannot commit to a service, ask the IEP Team how the student's transition needs will be addressed through the school's responsibilities and other available options.

289. Plan for Communication, Health, and Daily-Life Supports

For some students, successful transition planning must address communication systems, assistive technology, personal care, mobility, health-related needs, sensory access, safety, or support with daily routines. Identify what the student currently uses, what works in different settings, who needs training, and how the student will access the support in post-school environments. Do not assume that a school-based device, service, or staff support will automatically transfer to an adult program.

When appropriate, coordinate with the student's healthcare providers and adult-service agencies, with required consent and attention to privacy. School transition planning does not replace medical advice or guarantee adult healthcare coverage. The aim is to identify practical questions and help the student and family understand which organization is responsible for each next step.

290. Review Transition Goals Every Year

IDEA requires the transition components to be updated annually once they are required. At each review, ask what progress has been made, what new information is available, whether the student's preferences have changed, and whether services or courses of study need adjustment. A goal should not remain unchanged merely because it appeared in the previous IEP.

If an agency did not provide an agreed transition service, document what was planned, what occurred, and what the student lost access to. Ask the IEP Team to review the situation and determine whether the IEP or coordination plan needs revision. Agency participation does not remove the school district's IDEA responsibilities.

291. Prepare for the Age of Majority and Transfer of Rights

Under IDEA, beginning not later than one year before the student reaches the age of majority under state law, the IEP must include a statement that the student has been informed of the Part B rights, if any, that will transfer to the student at that age. The age of majority and the rules for transfer are determined by state law, and some states have additional procedures or exceptions. Ask the school to explain the state-specific rule well before the student's birthday.

When rights transfer, the student generally becomes the person who exercises IDEA rights, even if the student continues to live with or receive support from family. A parent's continued involvement may depend on the student's consent and applicable state law. Do not assume that a disability diagnosis automatically prevents a student from holding educational rights or that a parent automatically retains decision-making authority.

292. Explore Supported Decision-Making and Other Lawful Supports

Some students may want help understanding options, organizing information, communicating choices, or completing education-related paperwork. Depending on state law and the student's circumstances, possible supports may include supported decision-making arrangements, educational power-of-attorney provisions, or other legally recognized tools. These options are not interchangeable and may have different legal effects. Guardianship is a significant legal step and should not be treated as automatic or as the only way to support an adult student.

Before signing a document or pursuing a court process, obtain state-specific information from a qualified legal or disability-rights resource. Ask the student how they want to be supported, explain options in an accessible way, and preserve as much autonomy as possible. This guide does not determine legal capacity or recommend a particular legal arrangement.

PARENT & STUDENT WORKSHEET — POSTSECONDARY PLANNING

293. Student Vision and Transition Planning Worksheet

Student: _____ Current grade: _____

How the student communicates preferences and choices:

_____
_____

Student's interests, strengths, and activities they enjoy:

_____
_____

What the student wants to explore after high school:

■ Education / training ■ Employment ■ Independent living ■ Community participation ■ Other: _____

Postsecondary goal being considered:

_____
_____

Assessment information that supports this goal:

_____
_____

Courses, instruction, or experiences that may help:

_____
_____

Communication, assistive technology, health, access, or daily-life supports to plan for:

_____
_____

Outside agencies that may need to be contacted / consent needed:

_____

Agency contact / eligibility steps / application date / follow-up:

_____
_____

Age of majority in this state and date rights may transfer: _____

Questions for the IEP Team:

_____
_____
_____

294. Annual Transition Review Checklist

■ Student preferences and interests were gathered in an accessible way.
■ Age-appropriate transition assessment information was reviewed.
■ Postsecondary goals are measurable and reflect assessment information.
■ The course of study connects to the student's goals.
■ Transition services identify activities and responsible parties.
■ Needed agency representatives were considered and invited with required consent.
■ Applications, eligibility steps, and service timelines were reviewed.
■ Communication, technology, health, access, and daily-life supports were considered where relevant.
■ The student was informed about rights that may transfer at the age of majority.
■ The family and student know the next actions, contacts, and dates.

Key federal references

34 C.F.R. § 300.320(b)–(c), IEP transition content and transfer-of-rights statement; § 300.321(b)(1)–(3), IEP Team membership, student invitation, and agency invitation; § 300.43, Definition of transition services; and § 300.520, Transfer of parental rights at age of majority. The U.S. Department of Education's Transition Guide to Postsecondary Education and Employment and January 2025 guidance on coordinating transition services and postsecondary access provide further discussion.

Federal IDEA requires transition planning no later than the first IEP in effect when the student turns 16, or younger if the IEP Team determines it appropriate. Some states require planning to begin earlier. Verify the rule in the student's state. This guide is general educational information, not legal advice.

PART XXIX — PARENTALLY PLACED PRIVATE SCHOOL STUDENTS

This section is for families who choose to enroll a child with a disability in a private elementary or secondary school, rather than having the public agency place the child there to provide FAPE. The legal framework is different from the IEP entitlement that applies when a public agency is responsible for providing FAPE. The distinction matters: a student may have a disability and need support, but that does not automatically mean the private school must provide the same individual services that a public-school IEP would provide.

295. First Determine Who Chose the Placement

Ask whether the private-school placement was chosen by the family or made by a public agency as part of the student's public education program. IDEA has different rules for a parentally placed private-school student and a student placed in a private school by a public agency to provide FAPE. Do not assume that every student attending a private school has the same rights to an IEP or the same service responsibilities.

If the public agency placed the student in a private school to provide FAPE, the public agency remains responsible for ensuring the student receives special education and related services in conformity with the IEP. If the family independently chose the private school, the federal equitable-services rules generally apply instead.

296. Child Find and Evaluation Responsibilities

The public school district where the private school is located generally has Child Find responsibilities for parentally placed private-school students attending private schools within its jurisdiction, including students who live in another district or state. Child Find includes identifying, locating, and evaluating students suspected of having disabilities who may need special education and related services. A family can ask the responsible district how to make a written evaluation referral and what consent and timeline rules apply.

A private school's own evaluation or support process does not automatically replace the public agency's IDEA evaluation obligations. Likewise, an evaluation does not automatically guarantee eligibility or a particular amount of service. Eligibility and service decisions must follow the applicable IDEA procedures.

297. An Evaluation Does Not Automatically Create an Individual IEP Entitlement

A child enrolled by the parent in a private school does not have an individual entitlement under IDEA to receive some or all of the special education and related services the child would receive if enrolled in a public school. Instead, IDEA requires the responsible public agency to make equitable services available to eligible parentally placed private-school students as a group, subject to the statutory and regulatory framework.

This is an important distinction. A student may be evaluated and found eligible under IDEA, yet the services available through the equitable-services process may differ from the services in an IEP developed for a student receiving FAPE through the public agency. Ask the district to explain the service plan and the student's individual services, if any, in clear written terms.

298. Understand the Services Plan

For a parentally placed private-school student selected to receive services, the public agency develops a services plan describing the specific special education and related services it will provide, consistent with the equitable-services requirements. A services plan is not the same as an IEP that guarantees FAPE. Ask which services are included, who will deliver them, where and when they will occur, and how progress or participation will be reviewed.

Services may be provided on the private-school premises, at a public site, or another location as allowed by the applicable rules. The district and private-school officials coordinate how services will be delivered. Ask how the location and schedule will affect the student's access to the private-school program and whether transportation is part of the service arrangement where applicable.

PRIVATE SCHOOL EQUITABLE SERVICES — CONTINUED

299. Understand Consultation and Proportionate Share

IDEA requires public agencies to consult with private-school representatives and representatives of parents of parentally placed private-school children during the planning process. Consultation addresses topics such as Child Find, the amount of funds available, how the consultation process will operate, how services will be provided, and how decisions will be made about which students receive services. The public agency must make the final decisions about services.

The amount of IDEA funding available for equitable services is generally calculated using a proportionate-share formula. This is not a personal account for an individual student, and a family should not assume that a particular student's service amount is based on the student's individual tuition or a simple per-child payment. Ask the district how the consultation process works and where it publishes information about equitable services.

300. Ask Which District Is Responsible

For a parentally placed private-school student, the public agency responsible for equitable services is generally the district where the private school is located, not necessarily the district where the student lives. If the student attends a private school across district or state lines, contact the district in which the private school is located and ask its special education office to explain the process. The district of residence may have separate responsibilities under state law or other programs, so clarify rather than assume.

301. What If You Disagree With an Evaluation or Child Find Decision?

Parents of parentally placed private-school students have IDEA procedural rights, but they are not identical in every respect to the rights of parents whose children are enrolled in public school or placed by a public agency. IDEA limits due process complaints by parents of parentally placed private-school students to alleged failures by the public agency to meet Child Find requirements. State complaint procedures may address other alleged IDEA violations within their scope.

An independent educational evaluation at public expense is also governed by special rules in this context. Do not assume the same IEE remedy applies in exactly the same way as it does when a public agency evaluates a student for whom it is responsible for providing FAPE. Review the specific federal and state rules before choosing a dispute process.

302. If the Student Later Enrolls in Public School

If the student later enrolls in public school, the receiving public agency must determine whether the student is eligible under IDEA and, if eligible, develop and implement an IEP that provides FAPE. A prior evaluation, services plan, or private-school support record can provide useful information, but it does not necessarily substitute for the public agency's own IDEA obligations. Provide relevant records and ask how the district will address the student's needs while the evaluation and IEP process proceeds.

303. Keep the Paperwork Clear

Keep copies of evaluation requests, consent forms, evaluation reports, eligibility decisions, services plans, consultation notices, district correspondence, and any written explanation of service decisions. Record which district you contacted and why it is responsible. When a service is offered, write down the provider, setting, frequency, duration, and dates so you can understand what the district has agreed to deliver.

PARENT WORKSHEET — PRIVATE SCHOOL SPECIAL EDUCATION

304. Parentally Placed Private School Planning Worksheet

Student: _____ Private school: _____

Private school address / city / state: _____

Who chose the placement? ■ Parent ■ Public agency ■ Unsure — request clarification

District where the private school is located: _____

District of student's residence: _____

Has a written evaluation request been made? Date / district / response:

_____
_____

Evaluation areas or suspected needs to be considered:

_____
_____

Eligibility decision and date: _____

Has the student been selected to receive equitable services? ■ Yes ■ No ■ Pending

Services plan date and services described:

_____
_____

Provider / location / frequency / duration / schedule:

_____
_____

Questions about Child Find, consultation, proportionate share, or district responsibility:

_____
_____

If the student enrolls in public school, records to provide and questions to ask:

_____
_____

305. Questions to Ask the Responsible Public Agency

■ Is this a parentally placed private-school situation or a public-agency placement?
■ Which public agency is responsible for Child Find and equitable services?
■ How can I request an IDEA evaluation and provide informed consent?
■ How are eligible students selected to receive equitable services?
■ Is there a services plan, and what specific services does it describe?
■ How will services be scheduled and delivered?
■ What written notice or explanation will be provided about decisions?
■ Which state complaint or due process procedures apply to my concern?

Key federal references

IDEA regulations: 34 C.F.R. § 300.130–300.144, Children with disabilities enrolled by their parents in private schools; § 300.131, Child Find; § 300.132, Provision of services; § 300.137, Equitable services determined; § 300.138, Equitable services provided; and § 300.140, Due process complaints and state complaints.

This section addresses parentally placed private elementary and secondary school students under IDEA Part B. Separate rules may apply to public-agency placements, private preschool, religious schools, state-funded programs, Section 504, and state law. This guide is general educational information, not legal advice.

PART XXX — FROM EARLY INTERVENTION TO PRESCHOOL

For families receiving services for an infant or toddler with a disability or developmental delay, the move from IDEA Part C early intervention to IDEA Part B preschool special education can feel like starting over. The systems have different eligibility rules, service models, documents, and responsible agencies. This section explains the transition process and the questions families can ask as a child approaches age three.

306. Understand the Difference Between Part C and Part B

IDEA Part C supports eligible infants and toddlers, generally from birth through age two, and their families through an Individualized Family Service Plan (IFSP). IDEA Part B governs special education and related services for eligible children ages three through 21, including preschool services. A child's eligibility for Part C does not automatically establish eligibility for Part B. The Part B public agency must follow its own evaluation and eligibility requirements.

The service model may also change. Part C services are family-centered and often provided in the child's natural environments. Part B preschool special education is based on the child's educational needs and may be delivered in different settings. A change in service model does not mean that the child's developmental needs have disappeared. Ask how the child's strengths, needs, communication, routines, and family input will be considered in the new process.

307. Start Transition Conversations Early

Do not wait until the child's third birthday is approaching to ask what happens next. Ask the Part C service coordinator to explain the state's transition process, the local education agency (LEA) that may be responsible, and the steps for referral, evaluation, and preschool planning. The transition plan must be included in the IFSP not fewer than 90 days—and, at the discretion of all parties, not more than nine months—before the child's third birthday.

For a toddler who may be eligible for Part B preschool services, the Part C lead agency, with family approval, must convene a transition conference with the family and LEA not fewer than 90 days—and, at the discretion of all parties, not more than nine months—before the third birthday. The purpose is to discuss possible Part B services. The family's approval is required for the conference.

308. Know What the Transition Plan Should Address

The transition plan in the IFSP should identify appropriate steps for the toddler and family to exit Part C and any transition services the IFSP team identifies as needed. It should help the family understand program options for the period beginning on the child's third birthday through the remainder of the school year. Ask that the plan identify who will do each task and when it should happen.

Examples of planning topics include referral to the LEA, sharing records with required consent, scheduling the transition conference, arranging visits or discussions about preschool options, identifying other community services, and preparing the family for the Part B evaluation and eligibility process. The precise plan should reflect the child and family rather than be a generic checklist.

309. Prepare for the Part B Evaluation

The Part B agency must evaluate the child if the child is suspected of having a disability and may need special education. A Part C evaluation or assessment may provide helpful information, but it does not necessarily answer every question needed for Part B eligibility. Ask what additional evaluation is proposed, which areas will be assessed, what existing information will be reviewed, and how the family can provide input.

Part B eligibility is an educational determination under IDEA. A medical diagnosis, Part C eligibility, or receipt of therapies does not automatically establish Part B eligibility. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related-service needs, whether or not commonly linked to the child's eligibility category.

EARLY INTERVENTION TO PRESCHOOL — CONTINUED

310. Understand the Third-Birthday Requirement

For a child transitioning from Part C who will participate in a Part B preschool program, IDEA requires that by the child's third birthday an IEP—or, when permitted by the applicable rules, an IFSP—has been developed and is being implemented. This is an important transition protection. The Part C-to-Part B transition process is designed to give the LEA enough time to evaluate the child, determine eligibility, and develop the appropriate plan before the third birthday.

If a child is determined eligible under Part B, ask the LEA to confirm the date the IEP will be in effect and how services will begin. Do not assume that a Part C IFSP simply continues unchanged after age three. A state may have an approved option for using an IFSP in place of an IEP for certain preschool-aged children, subject to IDEA requirements and parental choice; ask whether this option exists in your state and what it means.

311. Invite the People Who Know the Child

With the parent's request, the LEA must invite the Part C service coordinator or another Part C representative to the initial IEP Team meeting to assist with the smooth transition of services. The family can also share information from therapists, childcare providers, preschool staff, and others who know the child, subject to appropriate consent and privacy rules.

Consider preparing a short description of how the child communicates, participates in routines, responds to transitions, plays and learns, accesses materials, and indicates discomfort or need for help. Include strengths and interests as well as support needs. If the child uses AAC, gestures, pictures, signs, or another communication method, ask how that communication will be supported in the preschool setting.

312. Compare the IFSP and Proposed IEP Carefully

An IFSP and an IEP are different documents with different legal purposes. Compare the child's needs and outcomes, not simply the number of service minutes. Ask how Part B goals will address educational participation and development, how services relate to the child's needs, where services will be delivered, and how progress will be measured. If a need addressed under Part C is not reflected in the proposed IEP, ask the team to explain its evaluation findings and decision.

A child may need support across communication, motor, social-emotional, adaptive, sensory, cognitive, or other developmental areas. The evaluation and IEP process should consider all suspected areas. Do not assume that a child who has made progress no longer needs support, or that every Part C service must continue in precisely the same form under Part B.

313. What If the Child Is Not Found Eligible Under Part B?

If the LEA determines that the child is not eligible under Part B, ask for the evaluation results, eligibility explanation, and any required written notice. Ask what information the team considered and how it addressed the child's developmental and functional needs. Part C services generally end according to Part C rules, so families should also discuss other appropriate community, healthcare, childcare, or developmental services before the transition occurs.

If you disagree with the Part B evaluation, ask about the IDEA right to an independent educational evaluation and the district's required response. If you disagree with an eligibility decision or another action, review the procedural safeguards and state complaint or due process options that apply. The appropriate process depends on the nature of the dispute.

314. Plan the Practical Details of the New Setting

Ask about preschool schedules, transportation, arrival and dismissal, toileting or personal care supports, meals, rest, communication systems, assistive technology, sensory access, health plans, and how staff will learn the child's support needs. Ask how the child will become familiar with the environment and how the school will communicate with the family about adjustment and progress.

A transition is more than completing paperwork. Consider whether the child and family need a visit, photographs or a visual schedule, an introduction to key staff, a gradual familiarization plan, or coordination with existing providers. These strategies are individualized; ask the team what is feasible and how any needed support will be documented.

PARENT WORKSHEET — PART C TO PART B TRANSITION

315. Third-Birthday Transition Tracker

Child: _____ Date of birth: _____

Part C program / service coordinator: _____

Potential receiving LEA / district contact: _____

Transition plan added to IFSP? ■ Yes ■ No Date: _____

Transition conference offered? ■ Yes ■ No Date: _____

Family approval for conference discussed? ■ Yes ■ No

Part C records available for sharing (and consent status):

■ IFSP and amendments
■ Initial and ongoing assessments
■ Progress summaries
■ Therapy and service information
■ Communication / AAC information
■ Other: _____

Part B referral date: _____ LEA contact: _____

Evaluation consent date: _____ Applicable state timeline: _____

Evaluation areas requested or discussed:

_____
_____

Eligibility meeting / decision date: _____

If eligible: IEP meeting date and implementation date: _____

Proposed preschool setting and services:

_____
_____

Communication, personal care, transportation, health, sensory, or access supports to discuss:

_____
_____

Questions or disagreements to follow up in writing:

_____
_____

316. Questions for the Transition Conference

■ Who is responsible for each step before the third birthday?
■ Which LEA will receive the referral and conduct the Part B process?
■ What records will be shared, and what consent is required?
■ What additional evaluations may be needed for Part B eligibility?
■ How will the family's observations and priorities be included?
■ What preschool options and settings should the family learn about?
■ If eligible, when will the IEP or permitted IFSP be developed and implemented?
■ If not eligible, what other supports and services may be available?
■ How will the child's communication and daily support needs be understood by new staff?

Key federal references

34 C.F.R. § 303.209, Part C transition to preschool and other programs; 34 C.F.R. § 300.124, Part C-to-Part B transition; 34 C.F.R. § 300.321(f), inviting the Part C service coordinator to the initial IEP meeting at the parent's request; and the U.S. Department of Education's 2023 Early Childhood Transition Questions and Answers.

The transition conference and IFSP transition plan have specific Part C requirements. State procedures may add steps and determine how the Part B evaluation process is coordinated. This guide is general educational information, not legal advice. Confirm timelines and local contacts with the state lead agency and LEA.

PART XXXI — STUDENTS WITH DISABILITIES IN PUBLIC CHARTER AND VIRTUAL SCHOOLS

A public charter school is still a public school for purposes of IDEA. A virtual or online public school does not automatically remove a student's rights to evaluation, an IEP, FAPE, related services, or placement protections. The practical question is how the responsible public agency will deliver the student's individualized program in the setting the student attends. This section is about public charter and public virtual schools; it is not the same as the parentally placed private-school rules discussed earlier.

317. Public Charter School Students Retain IDEA Rights

Children with disabilities who attend public charter schools and their parents retain all rights under IDEA Part B. These include Child Find, evaluation, eligibility, IEP development and implementation, FAPE, least restrictive environment (LRE), parent participation, procedural safeguards, and discipline protections. A charter school cannot treat disability-related services as optional simply because it is a charter school or has a specialized educational model.

The entity responsible for carrying out IDEA duties depends on how the charter school is organized under state law. A charter may be a public school within a local educational agency (LEA), its own LEA, or a different type of public charter arrangement. Ask in writing which public agency is responsible for the student's IDEA program, who handles evaluations and IEP meetings, and where to send formal requests.

318. Identify the Responsible Public Agency

If the charter is a public school of an LEA, that LEA generally must serve students with disabilities in the charter in the same manner as its other public schools, including providing supplementary aids and related services on site to the same extent it provides them at other schools. If the charter is its own LEA, it generally carries IDEA responsibilities unless state law assigns responsibility elsewhere. In other arrangements, the state educational agency has oversight responsibilities and state law may assign initial responsibility to another entity.

Do not accept an unclear answer such as "the charter handles that" or "the district does not serve charter students" without asking for the specific state-law and agency arrangement. Request the name and contact information of the entity responsible for Child Find, evaluations, IEP implementation, placement, and dispute resolution.

319. A Charter School Cannot Set a Blanket Service Limit

The IEP Team must determine the services and supports needed by the individual student. A charter school or responsible LEA cannot impose a blanket cap on special education services, related services, or supplementary aids solely because of the school's model, staffing pattern, or budget. The agency must ensure that the student receives FAPE and that the IEP can be implemented in an appropriate placement.

If the school says it cannot provide a service, ask what options it considered to make the IEP available. Depending on the circumstances and state law, the responsible agency may need to arrange services directly, through qualified providers, or through another appropriate setting. The parent should not be told that the student must simply go without a service identified as necessary in the IEP.

320. Understand Placement and the Least Restrictive Environment

A charter school's mission or current program does not replace the IDEA placement process. Placement must be based on the student's IEP and determined by a group that includes the parents and people knowledgeable about the student, evaluation data, and placement options. The team must consider the continuum of placement options and whether the IEP can be implemented with supplementary aids and services in the regular educational environment to the maximum extent appropriate.

If the school suggests that the student leave because the charter does not offer a particular program, ask the team to identify the options considered and explain how each would meet the IEP and LRE requirements. A change in placement cannot be used as an informal way to avoid the IEP process. Discipline-related removals have separate IDEA requirements and should not be confused with an administrative request to withdraw.

VIRTUAL AND ONLINE PUBLIC SCHOOL PROGRAMS

321. Virtual Instruction Does Not Cancel IDEA Responsibilities

When a public agency operates a virtual school or offers virtual instruction, eligible students whose needs can be met through virtual learning must receive an IEP implemented in a way that provides the services and supports necessary for FAPE. The same core IDEA requirements continue to apply: evaluation, IEP development and review, parent participation, LRE, related services, assistive technology, and discipline protections where applicable.

The IEP Team should not assume that a standard online platform automatically meets an individual student's needs. It should consider whether the instructional method, timing, frequency, service setting, and location of services support the student in making progress toward academic and functional goals. Some students may need live instruction, small-group or individual teaching, related services, accessible materials, communication supports, or in-person components.

322. Evaluate Whether the Virtual Format Is Appropriate

Ask the team to consider the student's ability to access and participate in online instruction, sustain attention, communicate with teachers, use the platform, navigate assignments, and receive feedback. Consider the student's sensory, motor, language, executive-function, behavioral, social-emotional, and assistive-technology needs when relevant. The evaluation and IEP should be individualized; neither a diagnosis nor a general preference for online learning answers whether the format can provide FAPE for this student.

If the student is not making progress or cannot access instruction as designed, ask for data and a review of the IEP and service-delivery method. The team may need to consider different teaching methods, more direct support, accessible technology, related services, a hybrid approach, or another placement option. The parent can request an IEP meeting and provide information about barriers observed at home or during instruction.

323. Clarify Who Provides Services in a Virtual Program

A virtual schedule should not make related services disappear. Ask how speech-language, occupational therapy, physical therapy, counseling, specialized instruction, behavioral support, or other IEP services will be delivered, as applicable. The IEP should clearly identify service frequency, duration, location, and other required details. If services are delivered remotely, ask how the provider will engage the student, monitor participation, document delivery, and adapt when the format is ineffective.

For services that require physical materials, hands-on assistance, or an in-person setting, ask the team to explain the options. The school should consider the individual need and applicable safety and professional requirements rather than simply marking the service "not available online."

324. Virtual Attendance, Engagement, and Discipline

Ask how the school distinguishes an attendance problem from a disability-related barrier to accessing virtual instruction. A student may have difficulty logging in, remaining on screen, responding verbally, managing the platform, or completing work without support. Document the barrier and ask whether the IEP or access plan needs revision. Do not assume that every missed online session is automatically a disciplinary event or that every difficulty is excused; the facts and applicable state attendance rules matter.

Students with disabilities in public virtual programs retain IDEA discipline protections. If the school proposes suspension, removal, or a change in placement, ask how it is applying the IDEA discipline rules and whether the action constitutes a disciplinary change of placement. Keep records of exclusion from instruction, shortened schedules, blocked access, or informal removals and seek clarification about the educational basis for each action.

325. If the School Says It Cannot Meet the IEP

Ask the school to identify the exact IEP services or supports it believes it cannot provide, why it believes they cannot be delivered, what alternatives it considered, and which responsible public agency will ensure FAPE. Request an IEP Team meeting if the current plan or delivery method may need review. If the agency proposes or refuses a change involving identification, evaluation, placement, or FAPE, ask for Prior Written Notice when required by IDEA.

PARENT WORKSHEET — CHARTER OR VIRTUAL SCHOOL

326. Public Charter / Virtual School Responsibility Tracker

Student: _____ School/program: _____

School type: ■ Public charter, in-person ■ Public virtual/online ■ Hybrid ■ Unsure

Responsible LEA or public agency (confirm in writing): _____

Person responsible for evaluation and IEP: _____

Current IEP date / placement: _____

Services and supports that must be delivered:

_____
_____

How each service will be delivered (in person, online, hybrid, other):

_____
_____

Access barriers or concerns observed:

_____
_____

Data or records requested: _____

School response / alternatives considered:

_____
_____

IEP meeting or written notice requested / date: _____

Next action / responsible person / target date:

_____

327. Questions for a Charter or Virtual School

■ Which public agency is legally responsible for IDEA compliance?
■ Who handles Child Find, evaluation, eligibility, and IEP meetings?
■ How will all IEP services and accommodations be provided in this setting?
■ What happens if the school cannot deliver a required service online or on site?
■ How will the team monitor access, engagement, and progress?
■ What placement options are available if the current format cannot implement the IEP?
■ How will attendance concerns and disability-related access barriers be distinguished?
■ What is the process for raising a concern or filing a complaint?

Key federal references

34 C.F.R. § 300.209, Treatment of charter schools and their students; § 300.114–300.117, LRE and placement requirements; and U.S. Department of Education, Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools, including virtual charter schools. See also IDEA discipline Q&A for virtual instruction and charter-school protections.

This section concerns public charter and public virtual schools. Private online schools and parentally chosen private-school placements may be governed by different rules. State law determines which public entity has initial responsibility in some charter arrangements. This guide is general educational information, not legal advice.

PART XXXII — ACCESS TO SCHOOL ACTIVITIES BEYOND THE CLASSROOM

A student's educational experience includes more than lessons and grades. Clubs, sports, field trips, performances, meals, recess, assemblies, graduation activities, and other school-sponsored opportunities can be important parts of participation and belonging. This section focuses on access to nonacademic and extracurricular activities, including how schools should consider needed supports rather than making assumptions based on disability.

328. Understand the Difference Between Academic and Nonacademic Access

IDEA requires public agencies to take steps, including the provision of supplementary aids and services determined appropriate and necessary by the IEP Team, to afford children with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities to the maximum extent appropriate to the child's needs. These activities may include meals, recess, counseling, athletics, transportation, health services, recreational activities, special-interest groups or clubs, and referrals to agencies that provide assistance.

A school should not assume that an activity is outside its responsibilities simply because it occurs after class, is optional, or is not graded. Ask whether the activity is offered, sponsored, operated, or supported by the public agency and what access requirements apply. Section 504 and the ADA may also protect access to school programs and activities.

329. Identify the Actual Barrier to Participation

Describe what prevents the student from taking part. The barrier may involve transportation, communication, sensory conditions, mobility, personal care, behavior support, supervision, inaccessible materials, timing, registration procedures, or a rule applied without considering disability-related needs. Avoid starting with an assumption that the student cannot participate. Start with the activity, the student's interest, and the specific support that may make participation possible.

For example, a student may need an accessible route, a visual schedule, additional transition time, an AAC device, adapted equipment, a quieter location, trained staff, or a support person. The appropriate support depends on the individual and the activity. Ask the school to consider the student's needs and applicable safety requirements rather than using a diagnosis as a substitute for an individualized assessment.

330. Field Trips and Off-Campus Activities

A field trip is a school activity. The school should plan for the student's participation and consider needed accommodations, supplementary aids and services, transportation, communication, health-related supports, and supervision. A parent should not be routinely required to attend as a condition of the student's participation unless an individualized, lawful reason supports that arrangement. Ask the school to identify the specific concern and what alternatives or supports were considered.

If the school says the student cannot attend because the trip location is inaccessible or the usual transportation cannot meet a need, ask what reasonable modifications or alternative arrangements are available. An alternative activity should not automatically be treated as equal access if the student is being excluded from the shared experience without an individualized basis.

331. Sports, Clubs, and After-School Programs

Ask whether the activity is operated by the school, a district program, or an outside organization using school facilities or resources. The responsible entity and applicable legal requirements may differ, but disability access duties can still apply. For school-sponsored athletics and clubs, consider registration, tryouts, equipment, coaching communication, transportation, supervision, and emergency planning.

A student may need a reasonable modification to a rule, practice, or method of participation. The school or program should assess the request individually and determine whether the modification is reasonable and whether it would fundamentally alter the activity or create a legitimate safety issue that cannot be addressed through reasonable measures. Do not assume that a disability-related modification is automatically required in every circumstance, or automatically prohibited because a rule is applied to everyone.

NONACADEMIC ACCESS — INDIVIDUALIZED PLANNING

332. Meals, Recess, Assemblies, and Shared School Experiences

Access to lunch, recess, assemblies, celebrations, school performances, and other shared experiences may require planning. Consider seating, sensory conditions, communication, mobility, food-related medical needs, personal care, transition time, and adult support. Ask how the student will participate with peers and what supports will be available in the actual setting, not just in the classroom.

If a student is routinely sent to a separate room, kept inside, excluded from an assembly, or given a different activity, ask why the arrangement is necessary, whether it is documented, and whether supports could allow participation with peers. A separate setting may sometimes be appropriate for an individual need, but it should not become an automatic substitute for considering access and inclusion.

333. Communication and Social Participation

Students who use AAC, sign, gestures, pictures, communication boards, or other methods should have access to those systems during activities outside the classroom. Staff who supervise clubs, sports, trips, lunch, or recess may need to know how the student communicates, how to support access, and how to respond to a request for help or a break. A communication device should not be left behind simply because the activity is not academic.

Ask how the student can make choices, interact with peers, understand instructions, and communicate discomfort or an emergency during the activity. If staff training is necessary for the student to access an IEP service or support, ask how that responsibility will be addressed.

334. Safety Planning Without Unnecessary Exclusion

Schools may consider legitimate safety needs, but a generalized statement that a student is “too unsafe” or “not ready” does not explain the individual circumstances. Ask what specific risk has been identified, what information supports the concern, whether the risk is connected to disability-related needs, and what supports or modifications could reduce it. Consider the activity, setting, staffing, equipment, and emergency procedures together.

A safety plan should not be used as a blanket reason to exclude a student from all extracurricular or nonacademic opportunities. At the same time, the school is not required to ignore a genuine safety risk. The goal is an individualized assessment and consideration of reasonable supports, not an automatic yes or no based only on a label.

335. Ask Whether the IEP Should Address the Needed Support

If a support is necessary for the student to access school activities, ask the IEP Team whether it should be included in the IEP as a supplementary aid or service, program modification, related service, or other appropriate support. The IEP should describe the support clearly enough for the responsible staff to understand when and how it is provided. Not every activity needs a separate IEP provision, but a recurring disability-related access need should not be left to informal assumptions.

If the school believes a requested support is unnecessary or refuses a change that concerns identification, evaluation, placement, or FAPE, ask for the reasoning and whether Prior Written Notice is required. Section 504 or ADA requirements may also apply even when the student does not have an IDEA IEP.

336. What Parents Can Do When Participation Is Denied

Ask for the reason in writing and identify the activity, date, decision-maker, and stated basis for exclusion. Describe the student’s interest and the specific support requested. Ask what alternatives or modifications were considered and why they were rejected. If the decision affects an IEP service or the provision of FAPE, request an IEP Team discussion and appropriate written notice. For a Section 504 or ADA concern, contact the district’s 504/ADA coordinator and review the applicable grievance process.

Keep the focus on access rather than blame. A clear request gives the school an opportunity to identify the actual barrier and consider an individualized solution. If the issue remains unresolved, preserve the written communications and check the appropriate state or federal complaint process and deadline.

PARENT WORKSHEET — SCHOOL ACTIVITY ACCESS

337. Activity Participation Planning Worksheet

Student: _____ School/year: _____

Activity / event / location / date: _____

Is it school-sponsored or operated? ■ Yes ■ No ■ Unsure

What does the student want to do or experience?

_____
_____

What barrier or concern has been identified?

_____
_____

Student's communication, mobility, sensory, health, personal care, or supervision needs relevant to the activity:

_____
_____

Support or modification requested:

_____
_____

Person / office contacted and date: _____

School's response and alternatives considered:

_____
_____

Decision / reason / written notice requested, if applicable:

_____

Next step / person responsible / date: _____

338. Before an Activity or Trip

■ The school knows the student's relevant support and communication needs.
■ Needed accommodations, aids, and services have been discussed.
■ Transportation and accessible routes have been considered.
■ Staff know how the student communicates and requests help.
■ Health, emergency, and personal care procedures have been addressed where relevant.
■ The student has a way to understand the schedule and activity expectations.
■ The family knows whom to contact if a barrier arises.

Key federal references

34 C.F.R. § 300.107, Nonacademic services; § 300.117, Nonacademic settings; § 300.320(a)(4), IEP supplementary aids and services; and Section 504 regulations at 34 C.F.R. § 104.37, Nonacademic services.

The exact legal analysis depends on who operates the activity, the student's needs, the requested modification, and the applicable IDEA, Section 504, ADA, and state requirements. This guide is general educational information, not legal advice.

PART XXXIII — ENGLISH LEARNERS WITH DISABILITIES

A student can be learning English and also have a disability. These are not competing explanations that schools must choose between. A student may need language-development instruction, special education, related services, accommodations, or a combination of supports. The purpose of this section is to help families ask whether the school is evaluating the whole child and addressing both sets of needs.

339. Understand the Two Sets of Needs

An English learner (EL) is a student identified under applicable state and federal language-program requirements as needing support to develop English proficiency. A student may also qualify for IDEA special education or Section 504 protections. Language acquisition is not itself an IDEA disability category. At the same time, learning English does not rule out a disability, and a disability does not erase the student's need for language assistance.

The school should not automatically attribute every academic, communication, behavioral, or developmental difficulty to learning English. It should also avoid treating differences associated with language exposure, interrupted schooling, or cultural background as proof of disability. The central question is what the student knows and can do, what barriers exist, and what information supports the educational decision.

340. Do Not Delay a Disability Evaluation Because a Student Is an English Learner

If the school has reason to suspect a disability and a need for special education, it should respond to the referral and follow applicable evaluation requirements. A student should not be required to become proficient in English, complete a fixed number of years in an English learner program, or fail language instruction before a disability evaluation can be considered. Waiting solely for English proficiency can result in delayed identification and services.

Parents can request an evaluation in writing and describe the concerns they observe across settings and languages. Include examples, dates, work samples, developmental history, communication patterns, and information from people who know the student. Ask the school to consider the student's language-development history as part of a comprehensive evaluation, not as a reason to refuse one.

341. Evaluation Must Be Linguistically and Culturally Appropriate

IDEA evaluation materials must be selected and administered so they are not racially or culturally discriminatory. They must be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about academic, developmental, and functional abilities, unless clearly not feasible. IDEA also requires a variety of assessment tools and strategies; no single measure may be the sole criterion for eligibility or programming.

Ask who will evaluate the student, what languages and communication modes will be used, whether qualified interpreters or bilingual evaluators are available, and how the team will interpret results in light of the student's language exposure and educational history. A translated test is not automatically a valid test for every purpose. The evaluator should explain the limits of instruments, norms, and interpretations when appropriate measures are unavailable.

342. Consider Language History and Multiple Sources of Information

Useful information may include the languages the student hears and uses, age and circumstances of exposure, language of instruction, schooling history, attendance, literacy experiences, progress in English-language development, family observations, classroom performance, work samples, observations, and assessments in each relevant language when appropriate. Consider whether difficulties appear across languages and contexts, while recognizing that the pattern may not be identical in every language.

The team should not rely on a single English-only score to decide whether a student has a disability. It should interpret test results alongside other evidence and explain how language proficiency, cultural context, opportunity to learn, and disability-related factors were considered. Parents can ask for the data and the reasoning behind the team's conclusions.

EVALUATION, SERVICES, AND FAMILY PARTICIPATION

343. Distinguish Language Difference From Disability Without Guessing

A language difference is not a disorder. A student may make predictable errors while learning a new language, and performance may vary by language, setting, topic, or familiarity. A disability may also affect communication, reading, writing, attention, memory, behavior, or learning. These distinctions require qualified assessment and multiple sources of evidence—not assumptions based on accent, fluency, nationality, race, or the language spoken at home.

Ask the evaluation team to describe which findings are consistent with language acquisition, which findings raise disability-related concerns, and what evidence supports each interpretation. Ask whether the team considered the student's learning opportunities and whether additional information is needed before making an eligibility decision.

344. Language Assistance and Disability Services Must Work Together

When a student is both an English learner and a student with a disability, the school must address both language-access needs and disability-related needs. Language instruction should not be treated as a substitute for special education, and special education should not be treated as a reason to withhold English-language development services. Families can ask the school how the services are coordinated, who is responsible, and how the schedule allows the student to receive both.

An IEP should address the student's disability-related educational needs and may need to explain how the student will access instruction, communicate, and participate. The language-development program should also account for disability-related needs. The precise service model depends on the student's individual needs and applicable requirements; there is no one schedule or program that fits every student.

345. IEP Team Membership and Collaboration

The IEP Team should have the information and expertise needed to understand the student's disability-related needs and language-development needs. Ask whether the English learner teacher, bilingual staff member, interpreter, speech-language pathologist, or other knowledgeable professional should participate or provide information. IDEA's required IEP Team membership rules still apply; the school should not assume that one specialist replaces the parent's role or the other required team members.

Ask the team to explain how language supports and special education services fit together during actual instruction, assessments, transitions, and school activities. If the student uses an AAC system or another communication mode, ensure that the language plan and disability supports recognize that communication method.

346. Meaningful Communication With Parents

Schools must take appropriate steps to communicate important school information to parents with limited English proficiency in a language they can understand. This includes information about special education processes and meetings. Ask for a qualified interpreter for important discussions and translated written information when required. A student, sibling, or untrained staff member should not be relied on as the routine interpreter for sensitive or consequential school communications.

Parents should have a genuine opportunity to understand evaluation proposals, consent, eligibility discussions, IEP content, progress reports, discipline matters, and dispute-resolution options. If interpretation is inaccurate or incomplete, pause and request clarification. Keep a note of the language requested, the interpreter provided, and any communication problem that affected participation.

347. English Language Proficiency Assessments

English learners generally participate in the state's annual English language proficiency assessment. Students with disabilities may take the regular assessment with appropriate accommodations or, if the IEP Team determines they cannot participate even with accommodations, an appropriate alternate assessment consistent with state requirements. This is a separate decision from participation in general academic state assessments.

Ask the school to identify the assessment, the purpose it measures, the available accommodations, and how the IEP Team reached its decision. If an alternate English proficiency assessment is selected, IDEA requires the IEP to explain why the student cannot participate in the regular assessment with accommodations and why the selected alternate assessment is appropriate. Do not assume that an alternate assessment is automatically appropriate because the student has a disability or is an English learner.

PARENT WORKSHEET — LANGUAGE AND DISABILITY SUPPORTS

348. Questions to Ask the School

- What languages does my child use or understand, and how was this information gathered?
- What is my child's current English-language proficiency, and what information supports that description?
- What concerns led the school to suspect a disability, and what evaluation areas are proposed?
- How will assessments account for language, culture, communication mode, and educational history?
- Who will interpret the results, and what are the limitations of the tests used?
- What evidence distinguishes language-development needs from disability-related needs?
- How will my child receive both language assistance and disability-related services if eligible?
- Who will coordinate the language program and IEP services?
- How will I receive notices, reports, and meeting information in a language I understand?
- What accommodations or alternate assessments are appropriate, and why?

349. Family Information and Evaluation Planning Worksheet

Student: _____ School/year: _____

Languages used at home / school / community: _____

Student's strengths, interests, and communication methods:

_____
_____

Language-development history, schooling, and relevant transitions:

_____
_____

Concerns observed by family (include examples, settings, and dates):

_____
_____
_____

Evaluation areas requested / questions for the team:

_____
_____

Language access requested for parent communication: _____

How will language assistance and disability-related services be coordinated?

_____
_____

School response / next step / responsible person / date:

_____
_____

Key federal references

IDEA evaluation procedures, 34 C.F.R. § 300.304(c)(1), including nondiscriminatory assessment and use of the language and form most likely to yield accurate information; IDEA eligibility, § 300.306(b), including the rule that limited English proficiency may not be the determinant factor; IEP Team requirements, § 300.321; and assessment participation, § 300.160. See the U.S. Department of Education's Equal Education Opportunities for English Learners and IDEA Q&A; on English learners with disabilities.

This section is general educational information, not legal advice. State identification procedures, language-program rules, evaluation timelines, and available assessment options may vary. Families should consult current state and local requirements.

PART XXXIV — STUDENTS IN FOSTER CARE: EDUCATIONAL STABILITY AND SPECIAL EDUCATION

Students in foster care may experience changes in placement, caregivers, school districts, and educational records. These changes can interrupt instruction and services. Federal law includes educational-stability protections for students in foster care under Title I, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). These protections are separate from IDEA, although both frameworks may apply to the same student.

350. Understand the Educational Stability Framework

The ESEA foster care provisions apply to children in foster care enrolled in schools of the State educational agency. They address school stability when a student enters foster care or experiences a change in foster care placement. The central consideration is whether remaining in the school of origin is in the student's best interest. If it is not, the student should be enrolled in the new school promptly. The school-of-origin and immediate-enrollment protections are not limited to districts that receive Title I, Part A subgrants.

These provisions do not replace IDEA. If a student has an IEP, the responsible public agencies must also address IDEA requirements, including access to FAPE, comparable services during an applicable transfer, evaluation responsibilities, and implementation of the IEP. A change in foster placement does not erase a student's disability-related educational needs.

351. Identify the School of Origin and Consider the Student's Best Interest

The school of origin generally means the school in which the student was enrolled when placed in foster care, or the school in which the student was enrolled when a subsequent change in foster care placement occurred. The decision whether remaining there is in the student's best interest should be individualized and collaborative, with input from the child welfare agency, the educational agency, and other appropriate parties. The student's views and educational needs should be considered in an age- and developmentally appropriate manner.

Relevant considerations may include the student's attachment to teachers and peers, academic progress, access to needed programs and services, distance and travel time, safety, length of the anticipated placement, and the likely effect of another school change. For a student with an IEP, ask how the proposed decision accounts for specialized instruction, related services, assistive technology, communication supports, and continuity of relationships and routines.

352. Immediate Enrollment and Records Transfer

If a decision is made that a student should attend a new school, the student must be immediately enrolled even if the student cannot produce records normally required for enrollment. The enrolling school must promptly contact the prior school to obtain relevant records. Do not assume that missing transcripts, immunization records, proof of residence, or an IEP copy should leave the student without access to school while records are obtained. Applicable state requirements and emergency health rules should be checked, but records-transfer delays should not be used as a reason to postpone enrollment under the foster-care provisions.

For a student receiving special education, parents or authorized educational decision-makers can ask the receiving school to identify who will obtain the current IEP, evaluation reports, service information, and progress data. IDEA has its own transfer requirements for students with disabilities who transfer during the school year. The receiving public agency must provide FAPE, including services comparable to those described in the existing IEP, in consultation with the parents until it adopts the prior IEP or develops a new one consistent with IDEA.

353. Transportation to the School of Origin

When remaining in the school of origin is determined to be in the student's best interest, transportation must be arranged as required by the ESEA foster-care provisions. The local educational agency must collaborate with the child welfare agency on procedures for providing and funding transportation. If the agencies cannot agree about the cost, the federal framework includes procedures for allocating responsibility; a disagreement over payment should not be allowed to obscure the student's right to a timely best-interest decision and educational access.

COORDINATING FOSTER CARE, IDEA, AND SCHOOL SUPPORTS

354. Identify the Foster Care Point of Contact

Each state educational agency must identify a foster care point of contact to oversee implementation of the educational-stability provisions and coordinate with the state child welfare agency. Local educational agencies also have responsibilities for coordination and may identify a local foster care liaison or point of contact. Ask the school district who handles foster care education matters and how that person coordinates with the special education department.

A foster care liaison does not replace the IEP Team, the special education director, the school principal, or the child's legally authorized educational decision-maker. Each role may have different responsibilities. Ask who can make educational decisions, who can provide consent under IDEA, who receives notices, and who should be included in meetings. State law and court orders may affect who holds educational decision-making authority.

355. Protect Continuity of the IEP and Related Services

When a student with an IEP changes public agencies, IDEA's transfer rules apply. For an in-state transfer during the same school year, the new public agency must provide FAPE, including services comparable to those in the existing IEP, in consultation with the parents, until it adopts the prior IEP or develops and implements a new IEP. For an out-of-state transfer during the same school year, comparable services are also required while the new agency conducts any evaluations it determines necessary and develops a new IEP, if appropriate. The exact steps depend on the transfer and the records available.

Ask for a written plan identifying the services that will begin, who will provide them, when they will start, how missed services will be addressed, and how the new school will monitor progress. Do not assume that a school move automatically requires a completely new evaluation or that the prior IEP can simply be ignored. The receiving agency should follow the applicable IDEA transfer procedures.

356. Consent, Confidentiality, and Information Sharing

Foster care status and educational records are sensitive. FERPA and IDEA confidentiality rules govern access and disclosure, with specific statutory exceptions that may permit certain disclosures to child welfare agencies or authorized representatives. A child welfare worker does not automatically have unlimited access to every school record simply because the student is in foster care. The school should identify the legal basis for disclosure and limit access to what is authorized.

Parents and other authorized educational decision-makers should ask who has access to the student's records, who receives IEP notices, and how records are transferred securely. The Uninterrupted Scholars Act amended FERPA to permit certain disclosures to child welfare agencies or their representatives for specified purposes without prior parental consent, subject to the law's conditions. The school should not treat that limited exception as unrestricted access.

357. When the Student Has No Current IEP or Disability Is Suspected

A student in foster care may arrive without an IEP, evaluation report, or reliable educational history. If there is reason to suspect a disability and a need for special education, the public agency must consider its IDEA Child Find and evaluation responsibilities. Frequent school changes, missing records, or placement transitions do not remove Child Find duties. Parents, foster parents where legally authorized, educators, and other knowledgeable people can share concerns and ask the district to explain its evaluation process.

If a student already receives special education, identify the current IEP and services as quickly as possible. If the student is not yet eligible, ask the school to document concerns, interventions, evaluation requests, and decisions. Do not allow the administrative complexity of foster care coordination to become a reason for leaving a suspected disability unaddressed.

358. Address the Student's Voice, Belonging, and Transition Needs

Educational stability is not only a question of which building a student attends. Consider relationships, peer connections, extracurricular activities, transportation fatigue, access to trusted adults, continuity of therapies, and the student's own preferences. For older students, include the student in planning in an age-appropriate way and coordinate transition planning, graduation requirements, credits, and postsecondary supports when relevant.

A student may need help explaining a change in living arrangement, understanding who will attend meetings, or knowing how to request support. Share only information necessary for educational planning and protect the student's dignity and privacy. Avoid repeatedly asking the student to retell difficult personal experiences when the information can be obtained appropriately from responsible adults or records.

PARENT AND CARE TEAM WORKSHEET — FOSTER CARE EDUCATIONAL STABILITY

359. School Stability and Special Education Coordination Checklist

- ■ Identify the local educational agency foster care liaison or point of contact.
- ■ Identify the state educational agency foster care point of contact if local questions remain unresolved.
- ■ Confirm the school of origin and whether a best-interest determination is needed.
- ■ Include the student's educational needs, views, relationships, and services in the discussion.
- ■ If a new school is selected, ask about immediate enrollment and prompt records transfer.
- ■ If an IEP exists, identify the IDEA transfer plan and comparable services.
- ■ Confirm who has legal authority to make educational decisions and provide IDEA consent.
- ■ Identify how transportation to the school of origin will be arranged, if applicable.
- ■ Clarify who receives notices, progress reports, and meeting invitations.
- ■ Confirm privacy protections and the legal basis for any records disclosure.
- ■ If disability is suspected, ask how Child Find and evaluation responsibilities will be addressed.

360. Transition and Records Tracking Worksheet

Student: _____ Date: _____

Current school / school of origin: _____

New placement or school, if applicable: _____

Foster care education liaison / contact: _____

Person legally authorized to make educational decisions: _____

Best-interest decision / date / participants / outcome:

_____
_____

IEP status and date of current IEP: _____

Services that must continue / comparable-services plan:

_____
_____

Records requested / sending school / date / received:

_____
_____

Transportation arrangement, if needed: _____

Next meeting / responsible person / due date: _____

361. Questions for the School and Child Welfare Team

1. What school stability decision is being considered, and who is responsible for making it?
2. How will the student's IEP, related services, and supports continue without interruption?
3. Who is the student's authorized educational decision-maker for IDEA purposes?
4. What records are missing, who is obtaining them, and what will happen while they are pending?
5. Who coordinates transportation and resolves interagency disagreements?
6. What information will be shared, with whom, and under what legal authority?
7. How will the student participate in decisions and maintain important school relationships?

Key federal references

ESEA § 1111(g)(1)(E), 20 U.S.C. § 6311(g)(1)(E), and § 1112(c)(5), 20 U.S.C. § 6312(c)(5); IDEA transfer requirements, 34 C.F.R. § 300.323(e)–(f); IDEA evaluation and Child Find requirements, 34 C.F.R. §§ 300.111 and 300.301; and FERPA, 20 U.S.C. § 1232g, including the Uninterrupted Scholars Act amendments. See the U.S. Department of Education's Foster Care Education Stability FAQs and the federal foster care legislation and guidance page.

This section is general educational information, not legal advice. Foster care arrangements, educational decision-making authority, transportation procedures, and state implementation rules can vary. The 2024 joint federal non-regulatory guidance provides additional implementation detail but does not itself have the force of law.

PART XXXV — RESPONDING TO RESTRAINT OR SECLUSION INCIDENTS

This section helps families organize questions and records after a student experiences physical restraint, mechanical restraint, or seclusion at school. It does not assume that every state uses the same definitions or procedures. State law, district policy, the student's IEP or Section 504 plan, and the facts of the incident matter. Federal IDEA regulations address discipline and behavioral supports, but IDEA does not itself create one nationwide reporting procedure for every restraint or seclusion event.

362. First, Understand What Happened

Ask the school to describe the event in plain, specific language. What happened immediately before the intervention? What behavior or safety concern was observed? Who made the decision? What intervention was used, for how long, and where? Was the student alone? Could the student leave? Was force used to restrict movement? Was any equipment used? Was there an injury, medical assessment, or emergency response? These facts help distinguish among restraint, seclusion, supervised separation, and other responses under the applicable definitions.

Do not assume the school's label is conclusive. A school may call an event a “calm-down,” “reset,” “time out,” or “safety hold,” but the actual circumstances and the governing state definition matter. Document the school's exact wording and separately record what you know about the physical circumstances.

363. Address Immediate Health and Emotional Needs

If the student may be injured or medically unwell, seek appropriate medical assessment. Ask whether school staff observed pain, breathing difficulty, loss of consciousness, marks, bruising, distress, or other changes. Ask whether the school completed an incident report and whether a nurse or emergency service was involved. A parent should not have to rely on a vague verbal summary to understand whether the student may need follow-up care.

A student may also experience fear, sleep disruption, avoidance, changes in communication, distress around school, or other changes after an incident. Record what is observed, when it began, how often it occurs, and how it affects attendance, learning, and daily functioning. Do not presume a particular psychological diagnosis; seek qualified professional support when appropriate and ask the school to consider whether the educational impact requires review of the IEP or Section 504 plan.

364. Request a Complete Written Account

Make a dated written request for records relating to the incident. Depending on the event and applicable law, relevant records may include the incident report, restraint or seclusion documentation, staff statements, witness information, nurse or health-office records, injury documentation, communication logs, attendance and removal records, behavior data, relevant IEP or behavior plan provisions, and records of any debriefing or follow-up meeting.

Ask the school to identify records that do not exist, records it is withholding, the legal basis for any withholding or redaction, and the process for reviewing or challenging a denial. FERPA and IDEA give parents rights to inspect and review education records, subject to applicable rules and exceptions. A parent's right to inspect education records is not automatically the same as a right to receive every unredacted video or every record containing information about other students.

365. Ask About Video, Audio, and Other Recordings

If cameras or other recording systems may have captured the event, promptly ask the school to preserve relevant footage while the request is reviewed. Identify the date, approximate time, location, camera area, and event. Ask whether video or audio exists, whether it was reviewed, whether it is maintained as an education record, and what procedure applies to parent inspection or access.

FERPA's treatment of video depends on the content and context. A recording directly related to a student and maintained by the school may be an education record; footage that also directly relates to other students can raise additional privacy considerations. Schools may be required to protect other students' personally identifiable information. Do not assume that a parent is automatically entitled to a copy of all footage, or that the school may automatically refuse every form of access. Ask for the applicable legal explanation and available options, such as supervised viewing or lawful redaction.

AFTER THE INCIDENT — REVIEW, PREVENTION, AND FOLLOW-UP

366. Ask Which State and District Rules Apply

There is no single comprehensive federal statute that establishes the same detailed restraint and seclusion reporting rules for every public school. State laws and regulations differ substantially. They may define covered interventions, limit when they can be used, prohibit certain practices, require parent notification within a specified period, require written reports, mandate staff training, or establish review and data-reporting procedures. District policies may add requirements but cannot override stronger state or federal protections.

Ask the school to provide the current state statute or regulation and district policy that governed the incident on the date it occurred. Check the version effective at that time, not only a current handbook. Ask what notification deadline applied, when the family was notified, who completed the report, and whether required review or debriefing took place.

367. Review the IEP, Behavior Plan, and Staff Preparation

Compare the event with the student's current IEP, behavior intervention plan, safety plan, health plan, and any written crisis procedures. Ask whether staff followed the documented supports, whether the plan addressed the circumstances that occurred, and whether staff had the training and information needed to implement it. If the plan did not prevent recurring crises or does not describe the student's needs accurately, request an IEP Team meeting to review the data and consider revisions.

IDEA requires the IEP Team, when behavior impedes the student's learning or that of others, to consider positive behavioral interventions and supports and other strategies to address the behavior. This does not mean every incident automatically requires a new FBA or a particular BIP. The team should consider the individual facts, existing information, and whether additional evaluation or supports are needed.

368. Look for Educational Exclusion or Lost Instruction

Ask whether the student missed instruction before, during, or after the incident. Record time spent outside class, early dismissal, shortened days, informal suspensions, time in an office or separate room, and any activity the student was unable to access. Ask how the school recorded the time and whether it counts as a disciplinary removal under IDEA or state law. The label used by staff does not necessarily resolve whether a removal occurred.

If removals accumulate, review IDEA's discipline rules, including the 10-school-day framework and whether a series of removals constitutes a change of placement. A restraint or seclusion incident is not automatically a disciplinary removal in every circumstance, but the associated exclusion from instruction should be examined carefully. If the student's behavior may be related to disability, consider whether the school needs to review behavioral supports and implementation.

369. Request a Prevention-Focused Follow-Up Meeting

A useful follow-up meeting should focus on what the student was communicating or experiencing, what environmental or instructional factors contributed, which supports were available, what worked, what did not, and how recurrence can be reduced. Ask the school to identify specific actions, responsible staff, training needs, communication procedures, and a date to review whether changes are effective.

The U.S. Department of Education has emphasized prevention, positive and proactive behavioral supports, student dignity, and avoiding restraint or seclusion except in circumstances involving imminent danger of serious physical harm. This is federal policy guidance and a set of principles for practice; it should not be mistaken for a single nationwide statute that replaces state law. State protections may be stricter.

370. Escalate Concerns Through the Appropriate Process

If you believe the school violated an IEP, denied FAPE, failed to follow applicable state restraint or seclusion rules, or discriminated against a student because of disability, identify the specific concern and the remedy requested. Depending on the issue, possible routes may include an IEP Team meeting, district complaint process, state education agency complaint, IDEA state complaint or due process procedures, or a Section 504/ADA complaint. These processes have different scopes and deadlines. A concern about immediate safety may require urgent contact with school or emergency authorities rather than waiting for an education complaint process.

PARENT INCIDENT RESPONSE WORKSHEET

371. Incident Fact and Records Checklist

Student: _____ Date of incident: _____

School / location / approximate time: _____

School's description and exact terms used:

_____
_____

What the parent or student reports happened (separate firsthand facts from information received from others):

_____
_____
_____

Intervention described / duration / staff involved / witnesses:

_____
_____

Injury, medical response, or changes observed afterward:

_____
_____

Records requested: ■ Incident report ■ Staff/witness statements ■ Health records ■ Video/audio preservation ■ Attendance/removal records ■ Behavior data ■ IEP/BIP/safety plan ■ Parent notification log ■ Applicable policy ■ Debrief/review notes ■ Other: _____

Date request sent: _____ Response / records received: _____

372. Prevention and Follow-Up Plan

What may have happened before the incident? (setting, task, transition, sensory or communication factors)

_____
_____

What supports were available and actually provided?

_____
_____

What changes are requested to reduce recurrence?

_____
_____

Person responsible / action / due date / review date:

_____
_____

373. Sample Written Request

Subject: Request for records and follow-up regarding school incident on [date]

I am requesting a written account and copies of the education records relating to the incident involving my child on [date] at approximately [time] in [location]. Please provide the incident report, any restraint or seclusion documentation, relevant staff or witness statements maintained as education records, health-office or injury records, parent-notification records, attendance and removal records, relevant behavior data, and documentation of any review or debriefing. Please also identify the state law, regulation, and district policy that applied to the intervention on that date, including parent-notification and reporting requirements.

If any recording may have captured the incident, please preserve the relevant video or audio while my request is being reviewed. Please explain the process for parent inspection or access and identify any legal basis for withholding or redacting records. If a requested record does not exist, please say so. I would also like to schedule a meeting to review the student's current supports and develop a prevention-focused plan. Thank you.

Key federal references

IDEA behavior and IEP provisions, 34 C.F.R. §§ 300.324(a)(2)(i) and 300.530; IDEA records rights, 34 C.F.R. §§ 300.613–300.617; FERPA, 34 C.F.R. Part 99; U.S. Department of Education, state restraint and seclusion laws and guidance; and IDEA discipline Q&A;. The Department's January 8, 2025 policy letter and 15-principle resource document provide additional prevention-focused guidance.

This section is general educational information, not legal advice. Because state definitions, reporting deadlines, permitted practices, and remedies vary, families should verify the law and policy applicable in their state and on the incident date.

PART XXXVI — STUDENTS EXPERIENCING HOMELESSNESS AND SPECIAL EDUCATION

A family does not have to be living on the street for a child to qualify for protections under the federal McKinney-Vento Homeless Assistance Act. Some students stay temporarily with relatives or other people because of housing loss, live in motels or shelters, or stay in cars, parks, campgrounds, or other places that are not fixed, regular, and adequate nighttime residences. This section explains how educational stability protections can work alongside IDEA and Section 504.

374. Understand the McKinney-Vento Definition

McKinney-Vento generally covers children and youth who lack a fixed, regular, and adequate nighttime residence. The law includes specific examples, such as sharing housing due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds because adequate alternatives are unavailable; staying in emergency or transitional shelters; and staying in places not designed for regular sleeping accommodations. The circumstances matter. Families can ask the local homeless education liaison to assess eligibility without having to prove that a child sleeps outdoors.

The definition is not the same as the foster care definition. A student may qualify under McKinney-Vento without being in foster care, and foster care educational-stability protections are addressed separately in this guide. Families should describe the actual living arrangement and ask the liaison to explain how the federal definition applies.

375. Find the Local Homeless Education Liaison

Every local educational agency must designate a local liaison for children and youth experiencing homelessness. The liaison helps identify eligible students, supports access to school and services, informs families of educational opportunities, assists with enrollment and dispute resolution, and helps connect students with needed services. Ask the district or school office for the name and contact information of the McKinney-Vento liaison. If the school is unsure, contact the state education agency's homeless education coordinator.

Families can ask for help even if they are unsure whether they qualify. The liaison should explain the process and help identify what information is relevant. Do not assume that a family must first obtain a shelter letter, eviction notice, or other particular document before asking for an eligibility determination; the school must follow the applicable federal and state procedures.

376. School of Origin and Educational Stability

A student experiencing homelessness may have the right to remain in the school of origin when that is in the student's best interest, or to enroll in the local attendance-area school. The school of origin generally includes the school the student attended when permanently housed or the school in which the student was last enrolled; federal law also includes preschool and, in certain circumstances, a designated receiving school at the next grade level. Ask the liaison to explain which school options apply to the student's circumstances.

The best-interest determination should be individualized and consider student-centered factors. The parent's or guardian's preference receives priority under federal law, and the student's views should be considered as appropriate. For a student with an IEP, discuss how school stability affects specialized instruction, related services, staff knowledge, communication supports, assistive technology, peer relationships, and access to the student's established program.

377. Immediate Enrollment and Full Participation

Eligible students must be immediately enrolled in the school selected under the law, even if they lack documents normally required for enrollment, such as proof of residency, school records, or immunization records. The term enrollment includes attending classes and participating fully in school activities. A school should not wait for records to arrive before allowing the student to begin attending. The school must promptly contact the prior school to obtain relevant records, including immunization and academic records.

Immediate enrollment also matters for a student with a disability. Ask the receiving school to obtain the current IEP and evaluation information promptly and to identify how the student will receive appropriate services while the transfer process is underway. A missing IEP copy should not become a reason to leave the student without access to school or needed supports.

COORDINATING McKINNEY-VENTO WITH IDEA AND SECTION 504

378. IDEA Transfer Rules Still Apply

McKinney-Vento does not replace IDEA. If a student with an IEP changes public agencies during the school year, IDEA's transfer provisions apply. For an in-state transfer, the new public agency must provide FAPE, including services comparable to those described in the existing IEP, in consultation with the parents, until it adopts the prior IEP or develops and implements a new IEP. For an out-of-state transfer during the school year, comparable services are required while the new agency determines whether an evaluation is necessary and develops a new IEP, if appropriate.

The school-of-origin decision under McKinney-Vento and the IDEA placement decision are related but distinct legal questions. The team should not assume that a housing change automatically requires a different special education placement. If a proposed change affects the student's educational placement or FAPE, ask for the IEP process and any required Prior Written Notice. The local liaison should be included in coordination so that the student's McKinney-Vento rights are considered.

379. Transportation to the School of Origin

McKinney-Vento includes transportation to and from the school of origin when required under the statute. The local educational agencies involved must coordinate transportation and share responsibility and costs as required by federal law. If the student also requires specialized transportation as an IDEA related service, the IEP Team should determine the student's disability-related transportation needs. Federal guidance explains that IDEA and McKinney-Vento funding may both be relevant depending on the circumstances; families should not be expected to resolve funding disputes between agencies.

Ask who will arrange transportation, when it will begin, what interim arrangement will prevent missed school, and how the route accommodates disability-related needs. If transportation is already specified in the IEP, ask how the receiving school and liaison will ensure the service continues. Do not assume that a disagreement about which district pays means the student must wait at home.

380. Access to Special Education, Section 504, and Other Programs

Students experiencing homelessness must have access to educational services for which they are eligible, including special education, preschool, Title I services, English learner services, career and technical education, gifted and talented programs, and school nutrition programs. A student should not be excluded from special education or related services because the family is temporarily housed, lacks a permanent address, or is moving between locations.

If a disability is suspected, Child Find responsibilities continue. If the student has a Section 504 plan, ask the receiving school to obtain it and determine how accommodations and related aids or services will be provided. The specific transfer rules differ between IDEA and Section 504, so ask the school to identify the applicable process rather than assuming the two plans operate identically.

381. Disagreements About Eligibility, School Selection, or Enrollment

If the school disagrees with the parent's or youth's choice of school or disputes eligibility, ask for the written explanation required by McKinney-Vento and information about the dispute-resolution process. The student must be immediately enrolled in the school in which enrollment is sought while the dispute is being resolved, including available appeals. The school must refer the student, parent, or youth to the local liaison, who should ensure the dispute is handled promptly and in accordance with federal requirements.

Keep copies of the request, written explanation, liaison communications, enrollment records, and any appeal. If the disagreement also involves IDEA eligibility, evaluation, services, placement, or FAPE, identify that separate issue and consider the IDEA dispute-resolution procedures. A McKinney-Vento dispute and an IDEA complaint do not necessarily resolve the same legal question.

382. Protect Privacy and Communicate Respectfully

Ask the school to share information about housing circumstances only with people who need it to carry out their responsibilities and in accordance with applicable privacy rules. A student should not be singled out, stigmatized, or separated from peers because of housing status. Families can request a private conversation with the liaison and ask how staff will avoid unnecessary disclosure.

PARENT WORKSHEET — HOUSING INSTABILITY AND SCHOOL ACCESS

383. School Stability and Special Education Checklist

■ Ask the district for its McKinney-Vento liaison and state homeless education coordinator.
■ Explain the current nighttime living arrangement and ask whether the federal definition applies.
■ Ask about the school of origin and the local attendance-area school.
■ Request an individualized best-interest decision and explain the family's preference.
■ Confirm immediate enrollment, class attendance, and full participation while records are obtained.
■ Ask the prior school to transfer academic, immunization, IEP, evaluation, and Section 504 records promptly.
■ If an IEP exists, identify the IDEA transfer plan and comparable services.
■ Confirm transportation arrangements and any specialized transportation needs.
■ Ask how the student will access meals, preschool, Title I, language, and other eligible programs.
■ If there is a dispute, request the written explanation and liaison-supported process.
■ Keep housing details private and share only what is necessary for educational planning.

384. Family Information and School Request Worksheet

Student: _____ Date: _____

Current school / last school attended: _____

Current living arrangement (share only information needed for eligibility review):

_____
_____

Date housing situation began / changed: _____

Parent or youth's preferred school: _____

Reason school stability is important to the student:

_____
_____

IEP or Section 504 plan? ■ IEP ■ Section 504 ■ Evaluation pending ■ No current plan ■ Unsure

Disability-related services or supports that must continue:

_____
_____

Transportation needs / route / start date:

_____

Liaison contacted / date / response: _____

Written decision or dispute information requested / received:

_____
_____

Next step / responsible person / due date: _____

385. Sample Written Request

Subject: Request for McKinney-Vento liaison assistance and school enrollment

I am requesting assistance from the district's McKinney-Vento liaison to determine my child's eligibility and educational options under the McKinney-Vento Homeless Assistance Act. Our current living circumstances are [brief description]. I would like information about the school of origin, the local attendance-area school, the best-interest process, and transportation options. Please explain how my child can be immediately enrolled and participate fully while any required records are obtained.

My child has [an IEP / a Section 504 plan / an evaluation pending / disability-related needs]. Please coordinate with the special education or Section 504 staff so that existing services, comparable supports, records transfer, and transportation needs are addressed without unnecessary interruption. Please provide the liaison's contact information and any written decision or dispute-resolution information required if there is disagreement. Thank you.

Key federal references

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431–11435, particularly § 11432(g)(1), (3), (4), and (6); IDEA transfer requirements, 34 C.F.R. § 300.323(e)–(f); IDEA Child Find, 34 C.F.R. § 300.111; and Section 504, 34 C.F.R. Part 104. See the U.S. Department of Education's Education for Homeless Children and Youths program information and the McKinney-Vento federal guidance page summarizing the August 4, 2026 guidance update. For IDEA and homelessness coordination, see Michigan Department of Education technical guidance as an illustrative state resource, not a nationwide rule.

This section is general educational information, not legal advice. McKinney-Vento eligibility and school stability decisions depend on individual circumstances. State procedures and additional protections may apply. Verify current federal guidance and state requirements when using this information.

PART XXXVII — STATEWIDE ASSESSMENTS, ACCOMMODATIONS, AND ALTERNATE ASSESSMENTS

State and district assessments can affect instruction, accountability, and decisions about a student's progress. Students with disabilities generally participate in the same statewide assessment system as other students, with appropriate accommodations when needed. A smaller group may qualify for an alternate assessment aligned to alternate academic achievement standards. The decision should be individualized, based on state rules and the student's needs—not made simply because a student has a disability, receives an IEP, or performs below grade level.

386. Understand the Different Types of Assessments

Students may take classroom tests, district benchmarks, statewide academic assessments, English-language proficiency assessments, and other required measures. These assessments serve different purposes. Ask which assessment is being discussed, what it measures, whether it is required, and how the results will be used. An accommodation allowed on a classroom test may not automatically be allowed on a statewide test; state assessment manuals specify permitted accommodations and procedures.

State academic assessments are designed to measure student achievement against state academic standards. English-language proficiency assessments measure progress in acquiring English. Alternate assessments based on alternate academic achievement standards are intended for students with the most significant cognitive disabilities who meet the state's participation criteria. These categories should not be confused.

387. Participation Is the Starting Point

IDEA requires states to include children with disabilities in general state and districtwide assessment programs, with appropriate accommodations and alternate assessments where necessary and as indicated in the IEP. The IEP Team determines the individual accommodations needed for the student to participate in assessments, consistent with applicable state criteria. A disability label alone does not determine the assessment a student takes.

Ask the school to identify the specific assessment and explain how the student will participate. If the school proposes that the student not take a required assessment, ask for the legal and state-policy basis, whether an alternate assessment is available, and how the decision will be documented. Do not assume that an IEP automatically exempts a student from statewide testing.

388. Understand Assessment Accommodations

An accommodation changes how a student accesses or responds to an assessment without changing the construct being measured. Depending on the assessment and state rules, examples may include an appropriate setting, breaks, large print, braille, assistive technology, a scribe, an approved response method, or other supports. These are examples only; each state publishes rules describing which accommodations are permitted for each test and subject.

An accommodation used during instruction may not be permitted on every assessment. Some supports could change what a test is designed to measure. Ask the school to consult the current state assessment manual and explain whether a requested support is allowed, allowed with conditions, or prohibited for that particular test. If a support is not allowed, ask what other permitted access options exist and whether the student's instructional program should be reviewed separately.

389. Connect the IEP to Assessment Access

The IEP should identify the accommodations the student needs to participate in state and districtwide assessments, consistent with state requirements. A useful plan is specific: it identifies the support, the context in which it applies, and any relevant conditions. Avoid vague language that leaves staff unsure whether the student may use a communication device, take breaks, receive directions in an approved format, or use a particular response method.

The IEP Team should consider the student's actual access needs and assessment demands. A student may need different supports for reading, mathematics, writing, science, or computer-based testing. The team should not simply copy a list of classroom accommodations into the assessment section without checking whether each one is appropriate and permitted.

ALTERNATE ASSESSMENTS AND PARENT PARTICIPATION

390. Understand Alternate Assessments

An alternate assessment based on alternate academic achievement standards (AA-AAAS) is intended for students with the most significant cognitive disabilities who meet the state's participation criteria. It is not intended for every student with an intellectual disability, autism, a communication disability, complex medical needs, or a low test score. The state establishes participation criteria consistent with federal requirements, and the IEP Team makes the individual decision using those criteria.

The decision should not be based solely on a disability category, placement, English learner status, expected impact on school or district scores, or the fact that the student needs extensive accommodations. The team should consider whether the student can participate in the general assessment with appropriate accommodations. An alternate assessment is not a substitute for providing access to grade-level academic content and appropriate instruction.

391. What the IEP Must Explain

If the IEP Team determines that the student will take an alternate assessment, IDEA requires the IEP to explain why the student cannot participate in the regular assessment, even with accommodations, and why the particular alternate assessment selected is appropriate. Ask the team to document the individualized evidence and state participation criteria supporting the decision. A statement such as “the student is low functioning” or “the student is in a self-contained classroom” is not an adequate explanation of the required reasoning.

Ask whether the team considered the student's communication system, response methods, learning profile, and opportunity to learn the academic content. Ask how the school will monitor progress and ensure that the student receives meaningful instruction aligned with the applicable standards. If the decision changes from one year to the next, ask what new information supports the change.

392. Alternate Achievement Standards and Graduation Implications

Alternate academic achievement standards may differ in depth, breadth, and complexity from grade-level academic achievement standards. Participation can affect how academic progress is measured and may have implications under state accountability and graduation policies. The consequences vary by state. Before agreeing to a change, ask the school to explain the state-specific implications in writing, including whether the student's diploma pathway, course requirements, or eligibility for particular postsecondary options may be affected.

Do not assume that taking an alternate assessment automatically means a student cannot earn a regular diploma, or that it has no effect on graduation options. Those questions depend on state law and policy, the student's course of study, and other requirements. Families should request current written state information and discuss long-term implications with the IEP Team and transition personnel.

393. Assessment Results Are One Source of Information

A statewide test provides a limited snapshot of performance under particular conditions. Results should be considered alongside classroom work, progress-monitoring data, teacher observations, evaluation information, and the student's educational history. A single score should not be used as the only measure of the student's ability, eligibility, progress, or need for services.

Ask for the score report, explanation of achievement levels, and information about the student's participation and any testing irregularities. If the student could not access the test as planned, ask how that was documented and whether the team should review assessment accommodations or instruction. If a testing irregularity is suspected, ask about the district and state process for review.

394. English Learners With Disabilities

Students who are both English learners and students with disabilities may need accommodations on English-language proficiency assessments. IDEA requires the IEP Team to make appropriate assessment decisions consistent with state criteria. If the IEP Team determines that the student cannot participate in a particular regular English-language proficiency assessment, even with accommodations, the IEP must explain why and why the alternate assessment selected is appropriate. This is distinct from the decision about statewide academic assessments.

PARENT WORKSHEET — STATE ASSESSMENT ACCESS

395. Assessment Planning Questions

■ What exact assessment will my child take, and what does it measure?
■ Is it a statewide academic assessment, district test, or English-language proficiency assessment?
■ What state assessment manual applies this year?
■ What accommodations does my child use during instruction, and which are permitted on this test?
■ How will the student access directions, questions, response methods, breaks, and assistive technology?
■ If a requested accommodation is not permitted, what alternatives are available?
■ Is an alternate assessment being considered? What state criteria apply?
■ If alternate assessment is proposed, what individualized evidence supports the decision?
■ How will the student continue to receive meaningful academic instruction?
■ What are the state-specific implications for course of study and graduation?
■ How will the school explain results and address any testing irregularity?

396. Assessment Access Worksheet

Student: _____ School/year: _____

Assessment name / subject / date: _____

Purpose of the assessment: _____

Assessment type: ■ State academic ■ District ■ English proficiency ■ Alternate ■ Other

Student's access needs and usual instructional supports:

_____
_____

Accommodations requested / IEP provision / state manual reference:

_____
_____

School's explanation of permitted or unavailable supports:

_____
_____

If alternate assessment is proposed, criteria and individualized rationale:

_____
_____

Questions about results, course of study, or graduation:

_____
_____

Next step / responsible person / date: _____

397. Sample Written Request

Subject: Request for information about assessment participation and accommodations

Please identify the state or district assessment my child is scheduled to take, the purpose of the assessment, and the current assessment manual or policy governing accommodations. Please explain how the IEP accommodations will be provided during testing and identify any requested supports that are not permitted for this assessment, including the applicable rule and any available alternatives.

If an alternate assessment is being considered or has been selected, please provide the state's participation criteria and explain the individualized basis for the decision. Please also explain any state-specific implications for instruction, course of study, and graduation options. I would like these matters discussed with the IEP Team and documented in the IEP as appropriate. Thank you.

Key federal references

IDEA, 20 U.S.C. § 1412(a)(16); 34 C.F.R. § 300.160, Participation in assessments; 34 C.F.R. § 300.320(a)(6), IEP assessment accommodations and alternate assessment explanation; and 34 C.F.R. § 300.324, IEP development and review. See the U.S. Department of Education's IDEA resources and the National Center on Educational Outcomes alternate assessment resources. State assessment manuals and participation criteria should be consulted for the specific year and test.

This section is general educational information, not legal advice. Assessment participation criteria, permitted accommodations, alternate assessment rules, and graduation consequences vary by state and can change. Always verify the current state assessment manual and applicable state requirements.

PART XXXVIII — HOMESCHOOLING AND STUDENTS WITH DISABILITIES

Families may choose homeschooling for many reasons, including a child's learning needs, health, family circumstances, or educational preferences. When a child has a disability or may need special education, parents should understand that IDEA rights and services can differ depending on state law and whether the child is enrolled in a public school, a state-recognized private school, or a home education program. This section provides a federal starting point and emphasizes the need to verify the rules in the family's state.

398. Homeschooling Does Not Have One Nationwide IDEA Classification

IDEA does not create one uniform nationwide classification for every homeschool arrangement. Whether a homeschooled child is treated as a parentally placed private school student for IDEA purposes depends on state law. If a state recognizes homeschools as private elementary or secondary schools, children with disabilities in those homeschools generally are treated under the IDEA rules for parentally placed private school students. If the state uses a different legal category, the applicable process may differ.

This distinction matters because parentally placed private school students do not have the same individual IDEA entitlement to a public-school IEP and FAPE while remaining in the private placement. They may be considered for equitable services under the applicable rules. A child whose parent seeks full-time enrollment in public school is treated differently: the responsible public agency must make FAPE available if the child is eligible and enrolled in the public school.

399. Identify the State's Homeschool Requirements First

Before making assumptions about services, ask the state education agency or local district how state law classifies the family's homeschool arrangement. Ask whether the state treats it as a private school, a home-based private educational program, or another category; what registration or notice requirements apply; and which district is responsible for Child Find and evaluation. State definitions may affect whether equitable services are available and which public agency must respond.

Keep copies of any homeschool registration, notices, confirmations, correspondence, and state guidance. If a child attends a homeschool co-op, online program, private tutoring arrangement, or part-time public school program, describe the actual arrangement. A co-op or online curriculum does not necessarily determine the child's legal status under IDEA; state law and enrollment facts matter.

400. Child Find and Evaluations for Homeschooled Children

IDEA's Child Find obligations can apply to homeschooled children, but the responsible public agency depends on state law and the nature of the homeschool arrangement. The U.S. Department of Education's IDEA Q&A; explains that, generally, the local educational agency where the child resides is responsible for Child Find activities, including initial evaluations and reevaluations, for homeschooled children. This general federal explanation must be read together with the state's legal classification and procedures.

A parent may ask the responsible agency to evaluate a child when there is reason to suspect a disability and a need for special education. Ask which district receives the request, what written consent is required, what evaluation timeline applies, and how the evaluation will be conducted. A parent does not need to assume that homeschooling eliminates Child Find. At the same time, an evaluation does not automatically mean the child is entitled to receive all public-school IEP services while remaining homeschooled.

401. Understand Equitable Services and Their Limits

If state law treats the homeschool as a private elementary or secondary school for IDEA purposes, the student may fall within the parentally placed private school framework. The public agency responsible for Child Find must locate, identify, and evaluate eligible students in the covered private schools. A proportionate share of IDEA funds is used for equitable services for the group of eligible parentally placed private school students, following required consultation and service-plan procedures.

Equitable services are not an individual guarantee that every homeschooled student will receive a particular service, the same service level as a public-school IEP, or services at the family's preferred location or schedule. The public agency determines which students will receive services and what services will be provided through the required process. Ask for the district's explanation of consultation, service plans, location, transportation, and how the student is considered for services.

HOMESCHOOLING, PUBLIC SCHOOL ACCESS, AND FAMILY DECISIONS

402. Part-Time Public School Participation

Some states allow homeschooled students to participate in selected public-school classes, courses, extracurricular activities, or services. Whether the child is treated as a parentally placed private school student eligible to be considered for equitable services or as a public-school student entitled to FAPE may depend on state law—even when the student attends public school for part of the day. Ask the district to identify the legal basis for the student's status and explain which rights apply to the specific enrollment arrangement.

If a parent seeks to enroll an eligible child in public school full-time, the public agency must make FAPE available under IDEA. Ask the district to explain the enrollment process, evaluation records needed, IEP development or transfer procedures, and the date services would begin. Do not rely on informal verbal statements about what the district “usually” does; request the applicable written policy or legal explanation.

403. Home-Based Instruction Is Not Always the Same as Homeschooling

A student may receive instruction at home because of a medical condition, disability-related placement, temporary exclusion, district program, or other public-agency decision. That is not necessarily parent-chosen homeschooling. If the public agency is responsible for the student's education and placement, IDEA obligations may continue to apply. Ask who selected the home-based arrangement, who is responsible for instruction, whether the student remains enrolled in the public agency, and what IEP services and procedural protections apply.

A public school cannot avoid its obligations simply by describing a district-arranged educational program as “home instruction.” The legal status depends on the actual arrangement, who is providing and controlling the education, and applicable state and federal law. If a student's placement or services change, request the relevant IEP process and Prior Written Notice when required.

404. Records, Services, and Coordination

Keep evaluation reports, IEPs, service plans, progress reports, work samples, attendance records, and communications organized. Ask the responsible agency how it will share records with any public school the student later attends. If the child receives equitable services, request the written service plan and ask who provides each service, where it occurs, how progress is reviewed, and whom to contact if a service is missed.

If the child later enrolls in public school, provide relevant records but do not assume the school can require a parent to privately obtain every evaluation before it considers its own responsibilities. The public agency must follow applicable IDEA evaluation, eligibility, and FAPE requirements. The previous homeschool curriculum and progress information may help the team understand the child's educational history.

405. Questions to Ask Before Choosing or Changing an Arrangement

Ask: How does state law classify this homeschool? Which agency conducts Child Find? Can the child be considered for equitable services? What is the service-plan process? Does part-time public school attendance change the child's status? What happens if the family later enrolls full-time in public school? Who is responsible for evaluations, records, transportation, and services? What are the state homeschool notice, attendance, and curriculum requirements? Keep the educational and legal questions separate from personal judgments about the family's choice.

The decision to homeschool is a family decision, but parents should make it with a clear understanding of state requirements and the differences between public-school FAPE, parentally placed private school equitable services, and district-provided home instruction.

PARENT WORKSHEET — HOMESCHOOLING AND DISABILITY SERVICES

406. State Classification and Services Checklist

■ Confirm how the state legally classifies the homeschool arrangement.
■ Identify any state notice, registration, attendance, or curriculum requirements.
■ Ask which local educational agency is responsible for Child Find and evaluation.
■ Request an evaluation if there is reason to suspect a disability and need for special education.
■ Ask whether the student may be considered for equitable services under IDEA.
■ Obtain the written service plan, if services are offered.
■ Ask how part-time public school participation affects the student's legal status.
■ Distinguish parent-chosen homeschooling from district-provided home instruction.
■ Ask what changes if the family later enrolls the student full-time in public school.
■ Keep evaluation, service, progress, and school communication records.

407. Family Planning Worksheet

Student: _____ State: _____

Current educational arrangement: ■ Homeschool ■ Co-op ■ Online ■ Part-time public school ■ Other

How does the state classify this arrangement? _____

State homeschool agency / local district contact: _____

Disability concerns / evaluation history / current eligibility:

_____
_____

Agency responsible for Child Find and evaluation: _____

Date evaluation requested / consent signed / response: _____

Equitable services available? ■ Yes ■ No ■ Pending ■ Need clarification

Service plan / services / location / provider:

_____
_____

Part-time public school participation rules:

_____

Questions about full-time public school enrollment:

_____

Next step / responsible person / date: _____

408. Sample Written Request

Subject: Request for clarification of homeschool classification and IDEA responsibilities

I am requesting written clarification of how our child's current educational arrangement is classified under state law for purposes of IDEA. Please identify the public agency responsible for Child Find and evaluation, explain whether the arrangement is treated as a parentally placed private school or home education program, and describe whether the child may be considered for equitable services. Please provide the applicable state guidance and district procedures.

My child has [identified disability / suspected disability / current evaluation or IEP history]. Please explain how to submit an evaluation request, what consent and timelines apply, and how the district handles service plans and part-time public school participation. If the family later seeks full-time public school enrollment, please explain the process for making FAPE available and reviewing the child's educational records. Thank you.

Key federal references

IDEA regulations, 34 C.F.R. §§ 300.130–300.144 (parentally placed private school children); § 300.131 (Child Find); § 300.132 (provision of equitable services); and § 300.137 (equitable services determination). See U.S. Department of Education, Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, including Section I on homeschooled children, and Students with Disabilities in Private Schools.

This section is general educational information, not legal advice. Homeschool classification, compulsory attendance, public-school participation, Child Find responsibility, and equitable services depend on state law and the actual educational arrangement. Verify current state requirements before making decisions.

PART XXXIX — STUDENTS WHO ARE GIFTED AND HAVE DISABILITIES

Some students have advanced abilities or exceptional strengths and also have disabilities that affect learning, communication, attention, behavior, sensory processing, or daily school participation. These students are often described as “twice-exceptional” or “2e.” The term is commonly used in education, but it is not a separate IDEA disability category. A student's strengths do not cancel out disability-related needs, and a disability does not erase the student's potential.

409. Understand Twice-Exceptional Learners

A twice-exceptional student may be identified as gifted and also meet criteria for a disability. In other cases, one area may mask the other: strong reasoning or memory can conceal a learning disability, while a disability or inconsistent performance can make a student's advanced abilities harder to recognize. Some students show high ability in one area and significant difficulty in another. A student does not need to perform at a uniformly high level in every subject to have meaningful strengths that should be recognized and supported.

IDEA does not establish a separate “twice-exceptional” eligibility category. Under IDEA, a student must meet the applicable definition of a child with a disability and, because of that disability, need special education and related services. Giftedness alone does not establish IDEA eligibility. State gifted education definitions and programs vary, and they are separate from the federal IDEA eligibility framework.

410. Do Not Let Strengths Conceal a Suspected Disability

A school may focus on a student's high test scores, strong vocabulary, advanced interests, or ability to compensate and overlook difficulties that require evaluation. A student may achieve well in some subjects while experiencing significant difficulty with written expression, reading fluency, organization, attention, processing speed, social communication, sensory demands, or emotional regulation. High achievement in one area does not rule out a disability in another.

Parents can describe the difference between what the student understands and what the student can consistently demonstrate. Provide examples such as unfinished work despite strong verbal explanations, unusually long completion time, exhaustion after school, avoidance of a particular task, inconsistent performance, or a large gap between oral and written work. These examples do not prove a disability, but they can help the school understand why a comprehensive evaluation may be needed.

411. Do Not Let Disability Conceal Strengths

A student's disability should not lead educators to assume that the student has limited potential or should receive only simplified work. Evaluation and educational planning should identify both areas of need and areas of strength. A student may need explicit instruction or accommodations in one area and advanced content, enrichment, acceleration, or deeper complexity in another. The appropriate combination depends on the individual student and the programs available under state and local policy.

When discussing an IEP, ask how the student will access grade-level curriculum, demonstrate advanced knowledge, and receive instruction that addresses disability-related needs. The goal is not to choose between challenge and support. The educational plan should address the student's actual needs and provide appropriate opportunities to make progress.

412. Request a Comprehensive Evaluation Across Suspected Areas

IDEA requires evaluation in all areas related to a suspected disability. Ask the team to consider the full pattern of strengths and difficulties rather than relying on a single overall score, classroom grade, or gifted identification. Depending on concerns, evaluation areas may include academic achievement, cognitive processes, language, executive functioning, attention, social-emotional functioning, adaptive skills, sensory or motor needs, and other relevant domains. The evaluation should use multiple tools and strategies and include parent-provided information.

A high cognitive score does not automatically rule out a specific learning disability. Federal regulations do not require states to use a severe discrepancy between intellectual ability and achievement as the sole method for identifying SLD. Ask the team to explain the state's eligibility criteria and how the evaluation considered the student's strengths, difficulties, educational history, and response to instruction.

IEP PLANNING FOR STRENGTHS AND SUPPORT NEEDS

413. Make the Present Levels Reflect the Whole Student

The IEP's present levels should describe the student's current academic achievement and functional performance, including strengths, interests, and disability-related needs that affect involvement and progress in the general education curriculum. Avoid a profile that lists only deficits or only strengths. A useful description explains what the student can do, what is difficult, under what conditions the difficulty occurs, and how it affects access, performance, participation, or progress.

Ask the team to include meaningful strengths rather than generic statements such as “likes computers” or “is very smart.” Identify specific skills, subjects, interests, problem-solving abilities, creativity, persistence, or knowledge. Then connect the student's needs to the instruction, accommodations, services, and opportunities that will help the student use those strengths.

414. Goals Should Address Disability-Related Educational Needs

IDEA annual goals are designed to meet needs that result from the student's disability and enable involvement and progress in the general curriculum and other educational needs. Goals should not be written merely to make a student appear more compliant or to reduce advanced work. If the student has a disability-related need in written expression, organization, reading, communication, or another area, the team should consider an appropriate measurable goal when required to address that need.

Gifted goals, enrichment plans, and advanced learning opportunities may be addressed through state or district gifted education procedures, an IEP where appropriate, or other educational planning. IDEA does not require every gifted objective to appear as an IEP goal. Ask the district how it coordinates gifted programming with special education so that the student's strengths are not lost when disability services are planned.

415. Consider Accommodations, Instruction, and Enrichment Together

Some students need accommodations to access advanced content or demonstrate what they know. Examples may include assistive technology, speech-to-text, audiobooks, reduced copying demands, organizational supports, additional processing time when appropriate, or alternate ways to show knowledge. These supports should be selected individually and should not unnecessarily reduce the intellectual challenge of the learning task.

A student may also need specialized instruction in a specific skill while continuing to participate in advanced coursework or enrichment in other areas. Ask how the schedule, staffing, and service delivery will allow the student to receive both. A support that removes the student from every advanced opportunity may create a new barrier rather than solve the original one.

416. Social-Emotional Needs and School Belonging

Some students experience frustration, anxiety, perfectionism, social difficulty, masking, or exhaustion when their strengths and support needs are misunderstood. These experiences should be considered individually rather than assumed to be part of giftedness or disability. Ask the school to examine the settings and demands associated with distress and whether instruction, workload, peer supports, counseling, communication, or environmental changes are appropriate.

Behavior should be understood in context. If behavior impedes learning, IDEA requires the IEP Team to consider positive behavioral interventions and supports and other strategies. The team should not assume that a student is choosing not to perform simply because the student can demonstrate high ability at other times.

417. Coordinate Gifted Education and Special Education Teams

Where the state or district operates a gifted program, ask who is responsible for coordinating gifted services with the IEP Team or Section 504 team. Relevant educators may include a gifted specialist, special education teacher, general education teacher, school psychologist, related service providers, and other staff with knowledge of the student's strengths and needs. The required IDEA IEP Team membership rules still apply; additional expertise can help the team make informed decisions.

Ask for a written explanation of how the student will access both disability-related supports and appropriate advanced learning opportunities. If the school says the student must leave gifted programming to receive special education, ask for the policy and individualized reasoning. State law and local gifted program rules vary, so verify the protections available in your jurisdiction.

PARENT WORKSHEET — STRENGTHS, NEEDS, AND TWICE-EXCEPTIONAL PLANNING

418. Questions for the Evaluation and IEP Team

- What are my child's demonstrated strengths, interests, and advanced abilities?
- What difficulties persist even when my child understands the material?
- Have all suspected disability areas been evaluated?
- Did the evaluation consider the difference between oral understanding and written performance, if relevant?
- Were multiple measures and parent information considered?
- How does the IEP describe strengths as well as needs?
- What specialized instruction or accommodations address disability-related needs?
- How will the student continue to access advanced content, enrichment, or acceleration where appropriate?
- Who coordinates gifted and special education services?
- How will the team monitor both progress and access to challenging instruction?

419. Student Strengths and Support Profile

Student: _____ School/year: _____

Areas of strength, advanced skills, interests, or talents:

_____
_____
_____

Areas of difficulty or suspected disability-related need:

_____
_____
_____

Examples of uneven or inconsistent performance (include task, setting, and date):

_____
_____

Evaluation areas requested / evidence the team should review:

_____
_____

Instruction, accommodations, or services that may be needed:

_____
_____

Advanced learning opportunities the student should be able to access:

_____
_____

How the team will coordinate and monitor both:

_____
_____

420. Sample Written Request

Subject: Request to consider my child's strengths and suspected disability-related needs

I am requesting that the school consider both my child's demonstrated strengths and the difficulties affecting educational performance. My child demonstrates strengths in [areas], while experiencing concerns in [areas]. Strong performance or advanced ability in one area should not prevent the team from considering a disability in another area.

Please identify the evaluation areas the team proposes to assess and explain how it will consider all suspected areas of disability, parent information, classroom performance, and the possibility of uneven skills. I would also like the team to discuss how disability-related instruction and accommodations can be coordinated with appropriate advanced learning opportunities. Please provide the applicable state or district gifted education procedures and explain who will coordinate these services. Thank you.

Key federal references

IDEA eligibility, 34 C.F.R. § 300.8; evaluation procedures, §§ 300.304–300.306; specific learning disability criteria, §§ 300.307–300.311; IEP present levels and goals, § 300.320; and behavior supports, § 300.324(a)(2)(i). See U.S. Department of Education, OSEP Policy Letter to Dr. Jim Delisle (December 20, 2013), and OSEP Memorandum 15-08 (April 17, 2015), addressing students with high cognition who may also have disabilities.

This section is general educational information, not legal advice. IDEA does not establish giftedness as a separate disability category. Gifted education eligibility, services, and coordination rules vary by state and district. Families should verify applicable state gifted education policies and IDEA procedures.

PART XL — SCHOOL-BASED MEDICAID AND SPECIAL EDUCATION SERVICES

Some students receive health-related or therapy services at school that may be reimbursable through Medicaid. School-based Medicaid can help public agencies fund eligible services, but Medicaid billing does not replace IDEA or Section 504 responsibilities. Parents should understand what consent means, what information may be shared, and what protections apply to the student's access to a free appropriate public education.

421. Understand School-Based Medicaid

States may use Medicaid to reimburse certain covered health services provided to eligible students in school settings. Depending on state rules and the student's needs, services may include speech-language therapy, occupational therapy, physical therapy, nursing, behavioral health services, or other covered services when provided by qualified practitioners and under applicable coverage requirements. Not every school service is Medicaid-covered, and Medicaid eligibility does not determine IDEA eligibility.

A school may bill Medicaid for an eligible service that is also included in a student's IEP, subject to federal and state requirements. Medicaid is a funding source; it does not transfer the school's responsibility to provide required IEP services to the family or make the family responsible for obtaining services through a private provider.

422. Public Agency Must Obtain Required Parental Consent

Before accessing a parent's or child's public benefits or insurance (such as Medicaid) for the first time to pay for services under IDEA, the public agency must provide written notification and obtain the required one-time parental consent. The consent must specify the personally identifiable information that may be disclosed, the purpose of disclosure, and the agency to which disclosure may be made. The school must provide this notice before seeking consent and explain the protections that apply.

The consent is not the same as consent for an evaluation, consent to an IEP, or consent to receive a medical procedure. Ask the school to provide the actual form and explain what records or information it will share, with whom, and for what purpose. If the form is unclear, request an explanation before signing.

423. Understand the No-Cost Protections

IDEA requires the public agency to ensure that parents are not required to sign up for or enroll in public benefits or insurance in order for their child to receive FAPE. The agency may not require parents to incur an out-of-pocket expense, such as a deductible or copayment, for a covered service provided under the IDEA. The agency may not use a child's public benefits if doing so would decrease available lifetime coverage or any other insured benefit, result in the family paying for services that would otherwise be covered, increase premiums or lead to discontinuation of benefits, or risk loss of eligibility for home- and community-based waivers based on aggregate health-related expenditures.

The school must provide required IDEA services at no cost to parents whether or not the family consents to Medicaid billing. A parent may refuse consent for the public agency to access public benefits or insurance, and the agency must still ensure all required services are provided at no cost to the parent. Refusal of Medicaid billing consent should not be treated as refusal of the student's IEP services.

424. Distinguish Public Benefits From Private Insurance

IDEA has specific consent and no-cost protections for public benefits or insurance, such as Medicaid. If a public agency proposes to use private insurance, it must obtain parental consent each time it seeks to access the private insurance, and the parent must be informed that refusal does not relieve the agency of its responsibility to ensure FAPE at no cost to the parent. The rules for public benefits and private insurance are not identical.

Ask the school to identify whether it is seeking to bill Medicaid, private insurance, or another funding source. Request a plain-language explanation of what consent authorizes and whether any costs could be imposed. Do not assume that a general school enrollment form or medical release automatically satisfies IDEA's specific insurance-consent requirements.

PARENT CONSENT, PRIVACY, AND SERVICE CONTINUITY

425. What Happens if a Parent Refuses or Withdraws Consent?

A parent may refuse to provide consent for the public agency to access public benefits or insurance. A parent may also withdraw consent after it has been provided. The public agency must still ensure FAPE and provide required IEP services at no cost to the parent. The agency may not use refusal or withdrawal as a reason to reduce, delay, or deny services that the student is entitled to receive under IDEA.

If the school says that a service cannot be provided unless the parent signs a Medicaid form, ask the school to identify the legal basis for that statement and explain how it will provide the service without billing Medicaid. Keep the response in writing and distinguish a question about funding from a question about the student's educational entitlement.

426. Privacy and Disclosure of Student Information

Medicaid billing may require the school to disclose limited personally identifiable information to the state Medicaid agency or another authorized entity. IDEA and FERPA confidentiality requirements continue to apply. The consent notice should explain what information may be disclosed, the purpose, and the receiving agency. Ask whether the school shares service logs, diagnosis information, evaluation information, provider notes, or other records, and whether each category is necessary for the stated billing purpose.

A school should not treat consent to Medicaid billing as blanket permission to share all of a student's education or medical records for any purpose. Ask how the school limits disclosures, secures records, and handles any later change in consent. Parents may inspect education records under applicable IDEA and FERPA rules, subject to the usual exceptions and procedures.

427. Understand the Difference Between IEP Services and Medical Treatment

A school-based service may be a related service under IDEA when it is required to assist a child with a disability to benefit from special education. IDEA excludes certain medical services that are not for diagnostic or evaluation purposes and are provided by a licensed physician, but includes school health and nursing services and other related services as defined by regulation. Whether a particular service is educationally necessary depends on the student's individual needs and the applicable IDEA definitions.

Do not assume that every medical treatment a child receives outside school must be provided by the school. Likewise, do not assume that a service is outside IDEA simply because it involves health, nursing, therapy, or a medical condition. Ask the IEP Team to consider whether the service is needed for the student to access or benefit from special education and whether it fits an IDEA related-service category.

428. Service Logs, Billing Records, and Missed Services

Ask how the school documents the delivery of each IEP service, including provider, date, duration, location, and any missed or shortened session. A Medicaid billing record may contain some service information, but it may not be a complete substitute for the school's IEP implementation records or progress data. Ask for records under the applicable education-record procedures and compare the information with the IEP service grid.

If a service was missed, reduced, or not delivered by a qualified provider, address the implementation concern separately from the funding question. Request an explanation, ask how the school will address the educational impact, and consider whether an IEP Team meeting is needed. Medicaid reimbursement does not itself establish that the service was appropriate, sufficient, or delivered as required by the IEP.

429. Questions to Ask Before Signing a Consent Form

Ask: Is this public Medicaid or private insurance? What specific information will be disclosed? Which agency receives it? What services will be billed? Is consent one-time or required each time? Can I refuse or withdraw consent? Will refusal affect my child's services? Could any out-of-pocket cost, coverage reduction, premium increase, or waiver eligibility issue arise? How can I obtain records of the services billed? Request written answers if the explanation is not clear.

PARENT WORKSHEET — SCHOOL-BASED MEDICAID AND CONSENT

430. Medicaid Consent Review Checklist

■ I know whether the school is requesting access to public Medicaid or private insurance.
■ I received written notice explaining the proposed disclosure and use of information.
■ I know what personally identifiable information may be disclosed.
■ I know which agency or entity will receive the information.
■ I understand the purpose of the disclosure and which services may be billed.
■ I understand that signing is not a condition of receiving FAPE or IEP services.
■ I understand that required services must be provided at no cost to me.
■ I understand how to refuse or withdraw consent.
■ I know how to request service logs and related education records.
■ I have a copy of the consent form and the school's written explanation.

431. Family Consent and Service Tracking Worksheet

Student: _____ School/year: _____

Funding source: ■ Medicaid/public benefits ■ Private insurance ■ Unsure

Date notice received: _____ Date consent requested: _____

Information the school proposes to disclose:

_____
_____

Agency or entity receiving information: _____

Services the school proposes to bill:

_____

Questions asked / answers received:

_____
_____

Consent status: ■ Not signed ■ Signed ■ Refused ■ Withdrawn ■ Need more information

How will IEP services continue regardless of billing consent?

_____

Service records requested / received: _____

Next step / responsible person / date: _____

432. Sample Written Request for Clarification

Subject: Request for explanation of school-based Medicaid consent

I received a request for consent to access public benefits or insurance for my child's school-based services. Before deciding, please provide the written notice required by IDEA and explain what personally identifiable information may be disclosed, the purpose of the disclosure, and the agency that will receive it. Please identify the services that may be billed and explain whether the request concerns Medicaid/public benefits or private insurance.

Please also confirm in writing that my child will continue to receive all services required by the IEP at no cost to me if I refuse or withdraw consent, and explain how the school will document and provide those services. Please describe how I may request service logs and related education records. Thank you.

Key federal references

IDEA public benefits and insurance, 34 C.F.R. § 300.154(d); private insurance, § 300.154(e); related services, § 300.34; parental consent, § 300.9; and confidentiality of records, §§ 300.610–300.626. See U.S. Department of Education, 34 C.F.R. § 300.154 — Methods of ensuring services, and CMS School-Based Services guidance.

This section is general educational information, not legal advice. Medicaid coverage, provider qualifications, billing procedures, and state implementation vary. Families should ask the state Medicaid agency and school district for current rules and written explanations. This section does not advise families whether to sign a particular consent form.

PART XLI

Students with Disabilities in Juvenile Justice and Correctional Settings

Purpose. This section explains important federal special education protections when a student with a disability enters a juvenile detention center, juvenile justice residential facility, jail, or prison. The rules can depend on the student's age, facility, prior educational status, and state law. It is an educational resource, not legal advice.

Chapter 433 — IDEA Does Not Automatically Stop at the Facility Door

IDEA regulations apply to state and local juvenile and adult correctional facilities involved in educating children with disabilities. A transfer into a juvenile facility does not, by itself, erase an eligible student's IDEA rights. Public agencies remain responsible for ensuring required special education and related services are provided, even when another agency operates the facility or classroom.

Chapter 434 — Child Find and Students Not Previously Identified

A student may enter a facility without a current IEP, without a recent evaluation, or without ever having been identified. Public agencies must have Child Find procedures to identify, locate, and evaluate students who may have a disability and need special education. A facility should not assume a student has no disability simply because no prior school record or IEP arrives with them. Evaluation and eligibility decisions must follow IDEA and applicable state procedures.

Chapter 435 — Obtaining the IEP and Maintaining Educational Continuity

When a student transfers, the receiving public agency should promptly seek the existing IEP and education records from the prior agency. If the IEP is available, the receiving agency must provide services comparable to those described in the IEP until it adopts the prior IEP or develops a new one consistent with IDEA. If records cannot promptly be obtained, the student must not simply be excluded from all educational services. Agencies should coordinate to identify the responsible provider and avoid gaps in instruction and related services.

Chapter 436 — Evaluations, IEP Meetings, and Parent Participation

Parents generally retain IDEA participation and procedural rights while their child is in a correctional facility, unless a court has limited those rights or applicable age-of-majority rules have transferred rights to the student. The student should participate in IEP meetings when appropriate, with reasonable attention to genuine medical or security concerns. The agency must take steps to ensure parents can understand meeting proceedings, including arranging interpretation or other communication supports when required. A surrogate parent may be necessary in circumstances specified by IDEA, such as when no parent can be identified or located, or when the child is a ward of the State and the regulatory criteria are met.

Chapter 437 — Services, Behavior Supports, and Access to Instruction

The IEP should address the student's individual educational needs in the facility. Relevant services may include specialized instruction, speech-language services, counseling, psychological services, occupational or physical therapy, social work services, assistive technology, and other services when required for FAPE. The team should consider whether interruptions, trauma, changed routines, or behavior-related barriers affect the student's needs. If behavior impedes learning, IDEA requires the IEP team to consider positive behavioral interventions and supports. A facility's limited staffing or short-term placement does not itself answer what services are required.

Chapter 438 — Discipline, Lockdown, and Removal from Instruction

IDEA discipline protections can apply in correctional settings. Federal guidance explains that protections apply when a student violates a facility code of conduct, including when the student is placed in a restricted setting such as a cell or lockdown unit. A removal that denies educational services for more than 10 consecutive school days, or a series of removals that forms a pattern and totals more than 10 school days in a school year, may constitute a change of placement and trigger IDEA procedures, including a manifestation determination. The legal analysis depends on the facts; not every restriction or safety measure automatically has the same legal classification.

PART XLI — CONTINUED

Chapter 439 — Important Adult-Prison Exception for Some Students Ages 18–21

IDEA contains a limited exception for certain students ages 18 through 21 who are incarcerated in an adult correctional facility. The exception may apply only to a student who, in the last educational placement before incarceration, was not actually identified as a child with a disability and did not have an IDEA IEP, and only to the extent state law does not require services. The exception does **not** apply to students who had been identified and received IEP services but left school before incarceration, or who had been identified even if they did not have an IEP in their last educational setting. This is a narrow, fact-specific rule; do not assume every 18–21-year-old in an adult facility loses IDEA protections.

Chapter 440 — Transition Planning and Release / Reentry

For eligible students, transition planning remains important. The IEP should address measurable postsecondary goals and transition services as required by IDEA and state rules. Planning for release should begin early enough to support a smooth return to school or another appropriate education pathway. With required consent and coordination, the team may address transfer of records, current evaluations, credits and coursework, course placement, related services, assistive technology, behavioral supports, transportation, and contacts at the receiving school. A student should not have to start from zero simply because the educational setting changed.

Chapter 441 — Records, Confidentiality, and Interagency Coordination

Correctional, education, child welfare, and behavioral-health agencies may each hold information relevant to the student. Agencies should share information only as permitted by applicable privacy laws and with required consent or other lawful authority. Parents can ask which agency is responsible for education, who holds the IEP and evaluations, how records will be transferred, and how the facility and school agency coordinate services. IDEA requires states to have interagency agreements or other mechanisms that clarify responsibility for services needed to provide FAPE in correctional facilities.

Chapter 442 — Questions Parents and Students Can Ask

- Which public agency is responsible for providing FAPE and implementing the IEP while the student is here?
- Has the facility received the current IEP, evaluations, behavior plan, communication plan, and related-service information?
- If there is no current IEP, has Child Find been considered and, if appropriate, an evaluation initiated?
- What instruction and related services are being delivered, by whom, and how are they documented?
- How are missed services, restricted-setting days, and removals from instruction recorded?
- How can the parent and student participate in IEP meetings, and what interpretation or communication supports are available?
- What is the written plan for school reentry, records transfer, credits, and continuity of services?

Chapter 443 — Practical Parent Action Checklist

1. Request the name and contact information of the education agency responsible for the student's program.
2. Provide or request transfer of the current IEP, evaluations, eligibility documents, behavior supports, and recent progress reports.
3. Ask for written confirmation of the services that will be provided and how they will be scheduled.
4. If the student may have a disability but has not been identified, submit a written evaluation request to the responsible public agency.
5. Keep a dated log of instructional days, service sessions, removals, restrictions, meetings, and communications.
6. Request an IEP meeting when needs, services, placement, or reentry planning require team discussion.
7. Before release, request a written reentry plan and confirmation that records will reach the receiving school promptly.

Chapter 444 — Sample Written Request

Subject: Special Education Services and Educational Continuity During Correctional Placement

I am requesting written confirmation of the public agency responsible for providing my child's education and, if applicable, FAPE under IDEA during the current correctional placement. Please confirm whether the facility has received the current IEP, evaluations, eligibility records, behavior supports, and related-service information. Please identify the services being provided, the schedule and method for documenting delivery, and the process for parent and student participation in IEP meetings. If the records are unavailable or the student has not been evaluated despite suspected disability-related needs, please explain the steps being taken to obtain records and address Child Find and evaluation obligations. I also request that the responsible agencies begin planning for educational continuity and reentry before release. Please respond in writing.

Chapter 445 — Important Limits and State-Specific Rules

This section summarizes federal IDEA principles. State law may provide additional protections, and the responsible agency can vary by facility and state arrangements. Special rules may apply to adult prisons, students who have reached the age of majority, court orders, parental rights, short-term detention, and students who are not IDEA-eligible. Section 504 and the ADA may provide separate protections depending on the student and setting. A family facing an imminent transfer, expulsion from educational programming, or a dispute about legal responsibility may wish to seek advice from an attorney or qualified special education advocate familiar with the state's correctional education system.

Printable Tracking Worksheet

Date	Instruction / service / event	Agency or staff	Follow-up needed

Federal sources: IDEA regulations, 34 C.F.R. §§ 300.2, 300.102(a)(2), 300.323, 300.324, 300.519, and 300.530–300.535; U.S. Department of Education, OSEP Dear Colleague Letter on IDEA for Students with Disabilities in Correctional Facilities (Dec. 5, 2014); U.S. Department of Education, Questions and Answers on IDEA Discipline Provisions (July 19, 2022). Verify current federal and state requirements before relying on a particular timeline or exception.

PART XLII

Assistive Technology, Accessible Materials, and Communication Access

Purpose. This section explains how schools consider and provide tools, formats, and supports that allow students with disabilities to communicate, learn, participate, and demonstrate what they know. The right support is individualized; it is not determined by diagnosis, device price, or a one-size-fits-all list. This is an educational resource, not legal advice.

Chapter 446 — What Counts as Assistive Technology?

Under IDEA, an assistive technology device is an item, piece of equipment, or product system—whether acquired commercially, modified, or customized—used to increase, maintain, or improve the functional capabilities of a child with a disability. The definition excludes a medical device that is surgically implanted and the replacement of that device. Assistive technology services include evaluation of the child's needs, acquiring or selecting devices, customizing or adapting them, coordinating use with other therapies or interventions, and training or technical assistance for the child, family, and professionals.

Chapter 447 — The IEP Team Must Consider Individual AT Needs

IDEA requires the IEP team to consider whether the child needs assistive technology devices and services. If AT is required as part of special education, a related service, or a supplementary aid or service, the public agency must make it available. The IEP should describe the support in usable terms: what the student needs, in which settings, for what tasks, how often or under what conditions, and what training or implementation support is necessary. A vague entry such as "access to technology as needed" may not tell staff what to provide.

Chapter 448 — Communication Is More Than Speech

A student may communicate through speech, sign, gestures, facial expression, writing, pictures, objects, switches, eye gaze, a speech-generating device, or a combination of methods. The team should identify how the student reliably expresses choices, questions, discomfort, refusal, needs, and learning. A student who does not use spoken language is not without communication. The team should not assume that a student understands less, has nothing to say, or cannot participate because speech is limited or absent.

Chapter 449 — AAC and Communication Systems

Augmentative and alternative communication (AAC) may include unaided methods such as gestures and signs, or aided methods such as picture boards, communication books, switches, tablets, and speech-generating devices. AAC should be available across the school day and relevant environments when the student needs it—not only during a scheduled therapy session. The team should consider access method, vocabulary, language, motor and sensory needs, positioning, device availability, backup systems, charging, repair, and communication partner training. Do not remove a student's communication system as punishment or make access conditional on compliance.

Chapter 450 — Evaluation and Trials

An AT evaluation should examine the student's real educational tasks and environments, not merely demonstrate a device in a quiet room. The team may gather information from the student, family, teachers, therapists, and other relevant professionals; observe access and participation; and trial tools or configurations. A trial should have a clear question, agreed observation period, settings, staff responsibilities, and criteria for judging whether the support improves access. IDEA does not require one particular branded device or a separate outside evaluation in every case. The IEP team remains responsible for making individualized decisions.

Chapter 451 — Accessible Instructional Materials

Accessible materials may include braille, large print, audio, accessible digital text, captions, transcripts, tactile graphics, simplified navigation, or other formats matched to the student's needs. IDEA requires states and public agencies to take reasonable steps to provide needed accessible instructional materials in a timely manner, so students receive them at the same time as other students. NIMAS and the NIMAC are one pathway for certain eligible students and print instructional materials; they are not the only way schools must meet accessible-material needs.

Chapter 452 — NIMAS / NIMAC: Important Limits

NIMAS is a technical standard for source files used to produce accessible formats. NIMAC is a repository of those source files; it does not itself decide an individual student's eligibility or hand students ready-to-use materials. NIMAS-sourced materials through NIMAC have specific eligibility criteria under IDEA and copyright law. A student who needs accessible materials but does not qualify for NIMAC-derived files must still receive needed accessible materials through another source. NIMAC files are not intended to be distributed directly to students without conversion into the required accessible format.

Chapter 453 — Digital Accessibility, Video, and Online Learning

When digital platforms, documents, videos, or learning applications are used, consider whether the student can perceive, navigate, understand, and interact with the content. Examples of access barriers include uncaptioned video, images without meaningful text alternatives, inaccessible PDFs, keyboard traps, time limits that cannot be adjusted, color-only instructions, and platforms incompatible with a student's access technology. The IEP or other applicable plan should identify needed supports and how staff will make them work in the actual platform, not simply state that the student may use a computer.

PART XLII — CONTINUED

Chapter 454 — Training, Implementation, and Backup Plans

A device alone is not the service. Students and communication partners may need instruction, practice, troubleshooting, and ongoing support. The team should identify who is responsible for training, maintaining and updating vocabulary, charging devices, replacing damaged equipment, arranging repairs, and providing a backup method during outages. Staff changes, substitute teachers, field trips, assemblies, transportation, lunch, recess, and emergency procedures should be considered when they affect access. A communication device that stays in a backpack or locked cabinet is not meaningfully available during the activities when the student needs it.

Chapter 455 — AT at Home and in Other Settings

On a case-by-case basis, IDEA requires use of school-purchased AT devices in the child's home or other settings when the IEP team determines access is needed for the child to receive FAPE. The team should consider whether the student needs the device to complete homework, communicate across settings, maintain skills, or participate in required instruction. The question is individualized; there is no automatic rule that every school device must go home or that no school device may go home.

Chapter 456 — AT, Independence, and Student Choice

The goal is meaningful access and increasing the student's ability to participate—not forcing every student to use the same tool or method. Ask the student, in an accessible way, what works and what does not. Respect communication attempts, including refusal and requests for a break. Monitor whether the support is effective and whether the student's needs change. A device may need different vocabulary, settings, positioning, or access methods as the student develops or moves between classrooms and activities.

Chapter 457 — Questions Families Can Ask

- What communication methods does my child use reliably, and are they available throughout the day?
- Has the IEP team considered assistive technology devices and services? What information supports the decision?
- If a device or system is recommended, where will it be available and who is responsible for setup and support?
- What training will my child, family, teachers, aides, and related-service providers receive?
- What is the backup plan if the device is unavailable, damaged, uncharged, or incompatible with a platform?
- Are textbooks, handouts, videos, websites, tests, and digital assignments accessible in the formats my child needs?
- If the team says a particular tool is unnecessary, what alternative will provide comparable access?

Chapter 458 — Parent Action Checklist

1. Describe the tasks or situations where the student cannot communicate or access instruction effectively.
2. Share examples of tools, communication methods, or formats that work across settings.
3. Request that the IEP team consider AT devices and services and document its decision.
4. Ask for an evaluation or structured trial when the team needs more information to make an informed decision.
5. Request specific implementation details, training, maintenance, and backup arrangements.
6. Identify inaccessible materials or platforms early and request accessible versions without avoidable delay.
7. Review the plan after transitions, device changes, staff changes, or evidence that the current support is not working.

Chapter 459 — Sample Written Request

Subject: Request to Consider Assistive Technology and Accessible Materials

I am requesting that the IEP team consider my child's assistive technology and accessible instructional material needs. Please review how my child communicates, accesses instruction and digital content, completes assignments, participates across school settings, and demonstrates learning. Please consider whether an AT evaluation or structured trial is needed and identify any required devices, services, training, implementation responsibilities, and backup arrangements. Please also identify how needed accessible formats will be provided in a timely manner, including materials that may not be available through NIMAS/NIMAC. If the team declines a requested support, please document the decision and the information relied upon, and identify how the proposed plan will provide meaningful access. I would like this issue addressed at an IEP meeting.

Chapter 460 — Practical Tracking Worksheet

Date / setting	Access or communication barrier	Tool / support used	Result / follow-up

Federal references: IDEA regulations, 34 C.F.R. §§ 300.5, 300.6, 300.105, 300.172, 300.210, and 300.324(a)(2)(v); U.S. Department of Education, Dear Colleague Letter: Assistive Technology (Jan. 22, 2024); Questions and Answers on NIMAS (Aug. 9, 2021). State law and individual circumstances may provide additional rights or procedures.

PART XLIII

Restraint, Seclusion, and Emergency Responses in Schools

Purpose. This section helps families understand the difference between emergency safety responses, behavioral support, and disciplinary action. Federal protections arise from several laws and guidance sources, while detailed restraint and seclusion rules often depend on state law and district policy. This is an educational resource, not legal advice.

Chapter 461 — Understand the Terms

Physical restraint generally means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Mechanical restraint generally involves a device or equipment that restricts freedom of movement, subject to exclusions in applicable definitions. Seclusion generally means involuntary confinement alone in a room or area from which the student is physically prevented from leaving. Exact definitions and exclusions vary by statute and policy. Ask the school to identify the precise definition it applied.

Chapter 462 — Emergency Response Is Not a Routine Behavior Plan

Federal education guidance has emphasized that restraint and seclusion should not be used except when behavior poses an imminent danger of serious physical harm to the student or others, and should never be used as punishment or discipline. A student's disability, communication differences, refusal, disruption, or noncompliance alone should not be treated as proof of an imminent danger. A response should be limited to what is necessary to address the immediate emergency and end when the imminent danger has passed. Federal guidance is important, but it is not itself a comprehensive federal statute governing every school restraint event.

Chapter 463 — IDEA, FAPE, and Positive Behavioral Supports

IDEA requires the IEP team to consider positive behavioral interventions and supports when a student's behavior impedes the student's learning or that of others. The IEP should address the student's individual needs and required supports. Repeated emergencies may indicate that the current plan, environment, communication supports, staffing, or instruction needs review. Restraint or seclusion should not become a substitute for appropriate evaluation, positive supports, or implementation of the IEP.

Chapter 464 — State Law and District Policy Matter

There is no single comprehensive federal K–12 restraint-and-seclusion statute that supplies one nationwide set of definitions, permitted techniques, reporting deadlines, and parent-notification deadlines for every public school. State laws and regulations differ, and some provide protections beyond federal guidance. Families should obtain the current state statute, education-agency guidance, and district policy. Ask whether the policy covers physical restraint, mechanical restraint, seclusion, prone or supine holds, escorting, time-out, and emergency interventions, and whether it distinguishes classroom behavior support from emergency action.

Chapter 465 — What Should Be Documented?

Request a written incident record that identifies the date, start and end times, location, staff involved, witnesses, behavior immediately before the event, specific safety risk observed, alternatives attempted, type of restraint or seclusion, monitoring performed, student response, injuries or medical assessment, how and when the intervention ended, parent notification, and follow-up actions. The exact required contents and timelines depend on applicable law and policy. If the school says a record is unavailable, ask which records were created and what retention policy applies.

Chapter 466 — Health, Disability, and Trauma Considerations

A response that is physically safe for one student may be dangerous or especially distressing for another. Relevant individualized considerations may include breathing or cardiac concerns, mobility limitations, seizure conditions, sensory needs, trauma history, communication access, and the student's ability to understand or report pain. The school should not assume that a student who is nonspeaking cannot experience distress or injury. Ask how staff are trained to recognize distress, monitor safety, and communicate with the student during and after an incident.

Chapter 467 — After an Incident: Review and Prevention

After an incident, ask for a meeting to review what happened and how recurrence can be prevented. Consider whether the IEP or behavior plan needs revision, whether an FBA or additional evaluation is warranted, whether communication or sensory supports were available, whether staff followed the plan, and whether environmental triggers can be addressed. An FBA or BIP is not automatically required after every incident; the IEP team should consider the student's circumstances and applicable legal requirements. If the event involved injury, seek appropriate medical care and preserve relevant records.

PART XLIII — CONTINUED

Chapter 468 — Parent Notification and Records Requests

Ask the school to identify the applicable deadline and method for notifying parents after restraint or seclusion. Do not assume one state's deadline applies nationwide. Request the incident report, staff statements if releasable, relevant video if it exists and is accessible under applicable law, nurse or health-office records, communications, and the policy in effect on the incident date. FERPA gives parents rights to inspect and review education records, subject to its rules and exceptions; it does not mean every internal document or every video must automatically be provided in every circumstance. If access is denied or limited, request the specific legal basis in writing.

Chapter 469 — When an Incident May Also Raise IDEA Discipline Issues

A restraint or seclusion incident does not automatically constitute an IDEA disciplinary removal or change of placement. However, if the student is removed from educational programming, placed in an alternative setting, or repeatedly excluded from instruction, document the duration and educational impact. IDEA's disciplinary protections may be triggered by a removal exceeding 10 consecutive school days or a series of removals that forms a pattern under the federal regulation. A school should not avoid required procedures by describing an exclusion as something other than discipline when the facts show the student was removed from the educational program.

Chapter 470 — Questions Families Can Ask

- What exact state law and district policy governed this incident?
- What immediate danger of serious physical harm did staff identify, and what facts supported that conclusion?
- What alternatives were attempted, and why were they unsuccessful or unsafe?
- What intervention was used, by whom, for how long, and how was the student monitored?
- Was the student injured or medically assessed? How was distress communicated and recognized?
- When and how were parents notified? What written incident records exist?
- Did the student miss instruction or services, and how were those losses documented?
- What changes will prevent recurrence, and when will the IEP team review the plan?

Chapter 471 — Parent Action Checklist

1. Write down the date, time, location, people involved, and what you were told.
2. Request the current restraint/seclusion policy and the state rules that apply.
3. Request incident documentation and relevant education, health, and communication records.
4. Record injuries, changes in behavior, missed instruction, and missed IEP services.
5. Ask for an IEP meeting to review supports and prevention when appropriate.
6. Ask whether any removal or exclusion counts toward IDEA disciplinary-removal calculations.
7. If the response appears inconsistent with law or policy, consider contacting the state education agency, appropriate civil-rights agency, or a qualified attorney.

Chapter 472 — Sample Written Request

Subject: Request for Restraint / Seclusion Records and Review

I am requesting copies of all education records relating to the restraint, seclusion, or emergency intervention involving my child on [date]. Please include the incident report, start and end times, staff and witness information, description of the immediate safety risk, alternatives attempted, intervention used, monitoring and medical follow-up, parent-notification record, and any follow-up or prevention plan. Please also provide the state law, regulation, and district policy in effect on that date. Identify any instruction or IEP services missed during the event or any related exclusion, and explain how those days were recorded for IDEA purposes. I request an IEP team meeting to review my child's safety, communication, behavioral supports, and prevention plan. If any requested record is withheld or redacted, please identify the record and the legal basis for the decision.

Chapter 473 — Incident Review Worksheet

Item to record	Notes / information
Date, time, and location	
Immediate safety concern described	
Alternatives attempted	
Intervention and duration	
Staff / witnesses / monitoring	
Injury, medical review, student distress	
Parent notification and follow-up	
Missed instruction or services	
Prevention steps / IEP review date	

Federal references: IDEA regulations, 34 C.F.R. §§ 300.324(a)(2)(i), 300.530–300.536; U.S. Department of Education, Restraint and Seclusion: Resource Document (May 2012); U.S. Department of Education, Dear Colleague Letter on the Use of Restraint and Seclusion (Dec. 28, 2016); FERPA regulations, 34 C.F.R. Part 99. State statutes, regulations, and local policies must be checked for the rules that apply to a specific incident.

PART XLIV

Resolving Special Education Disputes: Mediation, State Complaints, and Due Process

Purpose. Families may disagree with a school about identification, evaluation, eligibility, placement, services, or the provision of a free appropriate public education (FAPE). IDEA provides several dispute-resolution pathways. They are not interchangeable, and each has different procedures, timelines, and possible outcomes. This section is a national overview; state procedures and deadlines must be checked before filing. It is educational information, not legal advice.

Chapter 474 — Start by Identifying the Disagreement

Write down the decision or action you disagree with, when it occurred, what you believe IDEA or the IEP requires, and what resolution you are seeking. Separate facts from conclusions. Organize relevant IEPs, evaluations, progress reports, service logs, meeting notices, emails, and dated notes. Identify whether the issue concerns an IDEA requirement, a Section 504 or ADA issue, a state rule, or more than one law. A single event can raise different legal questions, but each process has its own jurisdiction and deadlines.

Chapter 475 — Informal Resolution and Written Communication

A parent may first raise concerns with the case manager, principal, special education director, or other responsible administrator. A written request can clarify the issue and create a record of what was asked and how the school responded. An IEP meeting may be useful when the concern relates to the student's needs, goals, services, supports, or placement. Informal discussions do not automatically pause a formal filing deadline. Do not assume that an ongoing conversation, meeting, or promise to investigate extends the time to file a state complaint or due process complaint.

Chapter 476 — IDEA State Complaint: What It Is

A state complaint is generally a written, signed complaint alleging that a public agency violated a Part B IDEA requirement. It is filed with the state educational agency (SEA), which investigates under federal and state procedures. A complaint may address matters such as failure to implement an IEP, failure to evaluate within required timelines, procedural violations, or denial of required services. The SEA generally must resolve a state complaint within 60 calendar days after it is filed, unless an allowable extension or other regulatory circumstance applies. The complaint should identify the facts, dates, agency, alleged violation, and proposed resolution when known.

Chapter 477 — State Complaint: Scope and Limits

Under federal regulations, an allegation generally must concern a violation that occurred not more than one year before the date the complaint is received, unless the state has adopted a different period consistent with IDEA. The SEA must provide the public agency an opportunity to respond and the parent an opportunity to submit additional information. The SEA makes an independent determination based on the investigation. A state complaint is not the same as a due process hearing, and not every individualized dispute is best handled through the state complaint process. Some matters may be excluded or deferred when also raised in a due process hearing; review the applicable state procedures.

Chapter 478 — Mediation: Voluntary and Confidential

IDEA requires states to make mediation available for disputes involving matters under Part B, including disputes arising before a due process complaint is filed. Participation is voluntary for both parties. Mediation must be conducted by a qualified, impartial mediator trained in effective techniques, and it cannot be used to deny or delay a parent's right to a due process hearing or any other IDEA right. Discussions during mediation are confidential and may not be used as evidence in a later due process hearing or civil proceeding. If an agreement is reached, the parties must put it in writing and sign it; the agreement is legally binding and enforceable in state or federal court.

Chapter 479 — Due Process Complaint: When It May Be Appropriate

A parent or public agency may file a due process complaint about matters relating to the identification, evaluation, educational placement of the child, or provision of FAPE. The complaint must allege a violation within the applicable filing period and include the information required by IDEA, such as the child's identifying information, address and school, a description of the problem, and a proposed resolution to the extent known and available. A due process complaint is a formal legal filing. The state's hearing office or SEA provides the applicable filing instructions and forms, if any.

Chapter 480 — Filing Deadlines and Exceptions

IDEA's federal default limitations period is generally two years from when the parent or public agency knew or should have known about the action forming the basis of the complaint. A state may adopt an explicit different time limitation. Exceptions can apply when the parent was prevented from filing because the public agency specifically misrepresented that it had resolved the problem or withheld information it was required to provide. These rules are technical and fact-dependent. Check the state's current rule immediately; do not rely on the federal default without confirming whether the state has adopted a different period.

PART XLIV — CONTINUED

Chapter 481 — The Resolution Meeting After a Parent Files

For a parent-filed due process complaint, the LEA generally must convene a resolution meeting within 15 days after receiving notice of the complaint and before the due process hearing begins. It includes the parent and relevant IEP Team members with specific knowledge of the facts, as well as an agency representative with decision-making authority. The LEA generally may not bring its attorney unless the parent is accompanied by an attorney. The meeting is not required if both sides agree in writing to waive it or agree to use IDEA mediation. The parent and LEA determine which relevant IEP Team members attend.

Chapter 482 — The 30-Day Resolution Period and Adjustments

If the LEA has not resolved the complaint to the parent's satisfaction within 30 days after receiving it, the due process hearing may proceed. The hearing decision timeline generally begins after the resolution period, subject to regulatory adjustments. A parent's failure to participate in the resolution meeting can delay the timelines unless the parties have jointly waived the process or agreed to mediation. If the LEA fails to hold or participate in the required meeting, the parent may ask the hearing officer to begin the hearing timeline. Special adjustments apply when the parties agree in writing that no agreement is possible or continue mediation beyond the 30-day period.

Chapter 483 — Resolution Agreements: Read Before Signing

A resolution agreement reached at the IDEA resolution meeting must be written and signed by the parent and an agency representative with authority to bind the agency. It is legally binding and enforceable in state or federal court. Either party may void the agreement within three business days after it is executed. Before signing, check that each obligation is specific: who will do what, by when, how completion will be confirmed, what services or records are involved, and what happens if a deadline is missed. Do not assume that an informal email or verbal promise has the same status as a signed IDEA resolution agreement.

Chapter 484 — Due Process Hearing: Preparation and Evidence

A due process hearing is conducted by an impartial hearing officer. Each party may present evidence, confront and cross-examine witnesses, and require witnesses to attend, subject to IDEA procedures. At least five business days before the hearing, each party must disclose evaluations completed by that date and recommendations based on those evaluations that the party intends to use. A hearing officer may limit evidence not disclosed as required. Keep evidence organized by issue and date; label documents clearly; prepare a timeline; identify witnesses with first-hand knowledge; and connect each requested remedy to the alleged violation and its educational impact.

Chapter 485 — Hearing Timelines and Written Decisions

After the applicable resolution period, the hearing generally must be completed and a written decision mailed within 45 days, subject to specific regulatory exceptions and extensions granted by the hearing officer at a party's request. The decision must be based on whether the child received FAPE. A hearing officer may not decide an issue that was not raised in the due process complaint unless the other party agrees. A decision is generally final, subject to applicable appeal rights. State systems differ in hearing administration and appeal routes, so obtain the state's current procedural rules.

Chapter 486 — Stay-Put: Maintaining the Current Placement

During the pendency of IDEA due process proceedings and any resulting court action, the child generally remains in the then-current educational placement unless the parent and public agency agree otherwise, subject to specified exceptions. This is commonly called "stay-put." The precise placement can be disputed, and exceptions apply in certain disciplinary situations. Do not assume that every disagreement, state complaint, mediation request, or informal meeting automatically triggers stay-put. Identify the procedural posture and ask the hearing office or a qualified attorney how the rule applies to the specific facts.

Chapter 487 — Attorneys' Fees and Other Remedies

A court, in its discretion, may award reasonable attorneys' fees to a prevailing parent in an IDEA action or proceeding, subject to statutory limits and conditions. Fees may be reduced or denied in specified circumstances, including unreasonable litigation conduct or certain settlement offers. Parents should not assume that legal representation will be free or that every successful complaint results in an award of fees. Possible remedies depend on the violation, evidence, and authority of the decision-maker. Remedies may include corrective action, compensatory education or services in appropriate cases, or other relief within the decision-maker's authority.

Chapter 488 — Distinguishing IDEA from Section 504 / OCR Complaints

An IDEA state complaint and IDEA due process complaint address IDEA Part B obligations. A complaint to the U.S. Department of Education Office for Civil Rights (OCR) addresses alleged discrimination under laws OCR enforces, such as Section 504 and Title II of the ADA. OCR generally does not decide whether the content of an IEP is substantively correct in the same way a due process hearing does, although OCR may investigate disability discrimination, exclusion, and procedural protections. Filing with one agency does not automatically preserve deadlines or replace filing with another. Determine the law and remedy involved before choosing a forum.

Chapter 489 — Organizing a Dispute File

Create a chronological index with the date, event, people involved, document name, and issue it supports. Keep original files unchanged and maintain a separate working copy. Preserve complete email threads and attachments. Identify which statements are direct observations, which are reports from others, and which are your interpretation. Avoid editing original records or relying on memory alone for dates. Keep a copy of every filing, proof of delivery, agency acknowledgment, response, extension notice, and decision.

PART XLIV — PARENT WORKSHEETS

Chapter 490 — Dispute-Resolution Comparison

Pathway	Main purpose	Key point
Informal school-level discussion	Try to resolve concerns directly	Does not automatically pause formal deadlines.
IDEA mediation	Voluntary, impartial facilitated agreement	Cannot delay or deny due process rights; mediation discussions are confidential.
IDEA state complaint	SEA investigates alleged IDEA violation	Federal default generally one year; state rules must be checked.
IDEA due process	Formal hearing on specified IDEA matters	Federal default generally two years; state limitations may differ.

Chapter 491 — Filing Preparation Checklist

- ■ Identify the exact action, omission, or decision being challenged.
- ■ Confirm whether the issue is IDEA, Section 504, ADA, state law, or a combination.
- ■ Check the current state filing form, filing address, and deadline.
- ■ Prepare a concise factual timeline and list the relevant documents.
- ■ Identify the specific legal requirement believed to have been violated.
- ■ State the educational impact and the resolution being requested.
- ■ Keep proof of filing and all agency correspondence.
- ■ Calendar response, meeting, hearing, appeal, and court deadlines separately.

Chapter 492 — Sample Request for Dispute-Resolution Information

Subject: Request for Special Education Dispute-Resolution Procedures

Please provide the current state procedures and contact information for filing an IDEA Part B state complaint, requesting IDEA mediation, and filing a due process complaint. Please identify the applicable filing deadlines, required forms, accepted delivery methods, and any state-specific procedural requirements. I am also requesting the current parent procedural safeguards notice and information about where to obtain hearing decisions and appeal instructions. This request is for procedural information and is not intended to waive or extend any filing deadline.

Chapter 493 — Issue and Evidence Planning Worksheet

Issue / concern	Date(s)	Supporting records / witnesses	Requested resolution

Federal references: IDEA statute, 20 U.S.C. § 1415; IDEA regulations, 34 C.F.R. §§ 300.506–300.518, including §§ 300.507–300.515; U.S. Department of Education, Questions and Answers on IDEA Part B Dispute Resolution Procedures. Federal default timelines described here are subject to state-specific rules, regulatory exceptions, and case-specific facts. Verify current procedures with the state educational agency.

PART XLV

Special Education Transportation and Safe Access to School

Purpose. Transportation can be an important part of a student's access to education. This section explains when transportation may be provided as an IDEA related service, how the IEP team considers individual needs, and what families can ask about safety, accessibility, travel time, staff training, and participation in school activities. Transportation decisions are individualized; not every student with a disability requires specialized transportation. This is educational information, not legal advice.

Chapter 494 — Transportation as an IDEA Related Service

IDEA includes transportation within the definition of related services when it is required to assist a child with a disability to benefit from special education. The federal definition includes travel to and from school and between schools, travel in and around school buildings, and specialized equipment such as adapted buses, lifts, and ramps when required. The IEP team determines whether transportation is needed and what arrangements are appropriate for the individual student.

Chapter 495 — Individualized Decisions, Not Automatic Bus Rules

A disability diagnosis alone does not automatically establish a need for a separate bus, aide, door-to-door service, or a particular route. The team should examine the student's functional needs and the educational impact of transportation barriers. Relevant considerations may include mobility, medical or health needs, communication, sensory regulation, behavior and safety, ability to navigate transitions, supervision needs, and the student's ability to access the regular transportation system with appropriate supports. The decision should be based on the student's needs rather than assumptions about a disability category.

Chapter 496 — The IEP Should Describe the Transportation Support

If transportation is required as a related service, the IEP should make the arrangement clear enough for the school and transportation provider to implement it. Depending on the student's needs, the team may specify the type of vehicle, lift or securement equipment, an aide or attendant, seating or positioning, pickup and drop-off arrangements, adult handoff procedures, communication supports, health and emergency plans, or other necessary details. Avoid relying on vague phrases such as "special transportation as needed" when staff need concrete instructions to provide the service safely and consistently.

Chapter 497 — Accessible Vehicles and Mobility Equipment

If a student uses a wheelchair, walker, adaptive seating, or other mobility equipment, the team should consider whether the vehicle and securement arrangements allow safe and appropriate transport. Ask who is responsible for inspecting, securing, and maintaining equipment; whether staff are trained; and what happens if the assigned vehicle or lift is unavailable. Do not assume that a standard bus can safely accommodate every mobility device or that a student must leave necessary equipment behind. Decisions should be individualized and coordinated with qualified personnel.

Chapter 498 — Health, Medication, and Emergency Needs During Transit

Some students need health-related supports while traveling, such as monitoring, positioning, access to emergency medication, seizure response, diabetes-related procedures, respiratory equipment, or other individualized safety measures. The team should coordinate the IEP, applicable health plan, and transportation procedures so staff understand their roles and emergency steps. Federal IDEA regulations address appropriate monitoring and maintenance of certain medical devices needed to maintain health and safety while a child is transported to and from school or is at school. State rules may govern staff qualifications, medication administration, and emergency response.

Chapter 499 — Communication, Behavior, and Sensory Supports on the Bus

Transportation is a setting where noise, motion, crowding, unfamiliar staff, route changes, and transitions may affect a student's access and safety. If the student needs communication supports, visual schedules, sensory accommodations, predictable handoffs, or an individualized behavior and safety plan, the team should consider how those supports will be available during loading, travel, unloading, and unexpected delays. Staff should know how the student communicates discomfort, pain, fear, or a need for help. A student's communication device or other essential communication method should remain accessible when needed.

Chapter 500 — Travel Time, Routing, and School-Day Impact

IDEA does not set one universal maximum bus ride time for every student. However, excessive travel time, repeated late arrivals, missed instruction, fatigue, medical impact, or difficulty tolerating the route may be relevant to whether the transportation arrangement allows the student to access FAPE. Keep records of scheduled and actual pickup and drop-off times, delays, time spent on the vehicle, missed class time, and the student's response. Ask the team to review the arrangement if the route creates a recurring educational or health barrier.

Chapter 501 — Transportation and Least Restrictive Environment

The IDEA least restrictive environment (LRE) framework applies to placement decisions, and transportation should be considered in a way that supports access and participation. IDEA does not require students with disabilities to be transported separately from nondisabled peers in every case. A separate vehicle or route should not be assumed solely because a student has an IEP; the team should consider whether the student can use the regular transportation arrangement with appropriate supports and whether a different arrangement is necessary to meet the student's individual needs.

PART XLV — CONTINUED

Chapter 502 — Field Trips, Extracurricular Activities, and Other School Travel

Transportation access may affect participation in field trips, athletics, clubs, school-sponsored events, and other nonacademic or extracurricular activities. IDEA regulations require public agencies to provide nonacademic and extracurricular services and activities in a manner necessary to afford students with disabilities an equal opportunity for participation, including appropriate supplementary aids and services when needed. Ask how transportation will be arranged for the activity, whether the student can travel with peers when appropriate, and how staff will support safe access without excluding the student because planning is inconvenient.

Chapter 503 — Staff Training, Substitutes, and Unexpected Changes

A transportation plan is only effective if the people carrying it out understand it. Ask how drivers, aides, substitute staff, dispatchers, and school personnel receive the information and training necessary for their roles while respecting student privacy. The plan should address staff absences, vehicle substitutions, route changes, breakdowns, weather delays, missed handoffs, and emergency communication with the family. Identify who contacts the parent and who makes decisions if the usual plan cannot be followed.

Chapter 504 — Missed Transportation and Service Problems

Keep a written log when transportation is missed, late, unsafe, inaccessible, or inconsistent with the IEP. Record the date, scheduled and actual times, reason given, people contacted, effect on attendance or instruction, and any additional costs or burden placed on the family. If the IEP includes transportation and the service is not provided as written, raise the issue with the school and request a plan to address the missed service and prevent recurrence. Whether compensatory services or another remedy is appropriate depends on the facts and educational impact; there is no automatic one-for-one reimbursement rule for every missed ride.

Chapter 505 — Questions Families Can Ask

- Has the IEP team considered whether transportation is needed for my child to benefit from special education?
- What information supports the decision about the vehicle, route, supervision, and equipment?
- Are pickup and drop-off locations, handoffs, and adult responsibilities clearly documented?
- What training do drivers, aides, and substitute staff receive?
- How will communication, sensory, mobility, medical, or behavioral needs be supported during transit?
- How will the student access field trips and extracurricular activities?
- Who contacts me when a route, vehicle, driver, or schedule changes?
- How will delays, missed rides, missed instruction, and safety concerns be documented and addressed?

Chapter 506 — Parent Action Checklist

1. Describe the transportation barriers and their effect on access to school and instruction.
2. Ask the IEP team to consider transportation as a related service if needed.
3. Request clear written details about the arrangement and responsibilities.
4. Share relevant mobility, health, communication, sensory, and safety information.
5. Ask how field trips and extracurricular activities will be accessible.
6. Keep a dated log of delays, missed rides, route changes, and educational impact.
7. Request an IEP meeting if the arrangement is unsafe, inaccessible, or no longer meets the student's needs.

Chapter 507 — Sample Written Request

Subject: Request to Review Transportation as an IEP Related Service

I am requesting that the IEP team review my child's transportation needs and determine whether transportation is required as a related service for my child to benefit from special education. Please consider my child's individual mobility, health, communication, sensory, supervision, transition, and safety needs, as applicable. If transportation is included in the IEP, please ensure the plan clearly describes the required arrangements, equipment, staff responsibilities, pickup and drop-off procedures, emergency response, and access to field trips and extracurricular activities. Please also explain how missed rides, delays, and missed instruction will be documented and addressed. I request that this issue be discussed at an IEP meeting and that the team's decision be documented.

Chapter 508 — Transportation Tracking Worksheet

Date	Scheduled / actual times	Issue or route change	Effect / follow-up

Federal references: IDEA regulations, 34 C.F.R. §§ 300.34(a), 300.34(c)(16), 300.105, 300.107, 300.114–300.117, and 300.323; U.S. Department of Education, Questions and Answers on Serving Children with Disabilities Eligible for Transportation (2009). State laws and local transportation policies may add requirements.

PART XLVI

Graduation, Diploma Options, and the End of IDEA Eligibility

Purpose. Graduation planning can have major consequences for a student receiving special education. This section explains the federal distinction between a regular high school diploma and other credentials, the effect of graduation on FAPE, age limits that depend on state law, and the documents and planning families should request before a student exits special education. This is a national overview; state graduation rules and age limits must be checked. It is educational information, not legal advice.

Chapter 509 — Graduation Is an Educational and Legal Decision

For a student with an IEP, graduation should be planned rather than treated as an automatic administrative step. The team should understand the student's progress, remaining educational needs, credits, graduation requirements, transition goals, and available pathways. Families should ask what credential the student is expected to receive, whether it is a regular high school diploma under IDEA's federal definition, and what the consequences will be for special education eligibility and services.

Chapter 510 — What IDEA Means by a Regular High School Diploma

IDEA defines a regular high school diploma as the standard diploma awarded to the preponderance of students in the state that is fully aligned with state standards, or a higher diploma, with a federal exclusion for diplomas aligned to alternate academic achievement standards. A GED, certificate of completion, certificate of attendance, or similar lesser credential is not a regular high school diploma under this definition. The exact name printed on a credential is not enough; families should confirm how the credential is classified under state rules and IDEA.

Chapter 511 — The Effect of a Regular Diploma on FAPE

Under IDEA, the obligation to provide FAPE ends when an eligible student graduates from high school with a regular high school diploma. Federal regulations specify that this graduation is a change in placement and requires prior written notice. The team should not leave families to discover the consequences after the graduation date. Ask for written notice explaining the proposed graduation, the basis for the decision, the records and data relied upon, and the procedural safeguards available.

Chapter 512 — Certificates, Alternate Diplomas, and GED Credentials

A certificate of completion, certificate of attendance, GED, or other lesser credential does not meet IDEA's federal definition of a regular high school diploma. Therefore, receiving one of these credentials does not, by itself, end IDEA eligibility under the federal graduation exception. This does not mean services continue indefinitely: the student may still reach the state's maximum age of eligibility, and state law may define additional requirements. Ask the district to explain in writing how the proposed credential affects enrollment, IEP services, and the student's right to FAPE.

Chapter 513 — Age Limits Depend on State Law

IDEA generally requires FAPE for eligible children within the age range established by federal law and state policy, subject to the regulations' exceptions. The actual upper age limit can vary by state. Some states provide services through the school year in which a student turns 21; others use different age or school-year rules. Families should not rely on a general internet statement or another state's rule. Ask the state education agency for its current age-of-eligibility rule and how it applies to the student's birthday, school year, and enrollment status.

Chapter 514 — Reaching an Age Limit Is Different from Graduating

A student may exit special education because the student reaches the maximum age of eligibility under state law, even without receiving a regular high school diploma. This is legally distinct from graduating with a regular diploma. The school should identify the state rule, the date eligibility ends, and the transition and exit documents that must be provided. Ask whether the student can continue participating through the end of the applicable school year and whether state law provides additional services or adult transition options.

Chapter 515 — Meeting IEP Goals Does Not Automatically End Eligibility

A student does not automatically lose IDEA eligibility simply because the student meets annual IEP goals, makes strong progress, or no longer needs a particular service. The IEP team should review the student's current needs and data. If the school believes the student is no longer a child with a disability under IDEA or no longer needs special education, the required reevaluation and eligibility procedures apply. Do not confuse success toward goals with a legal determination that the student is no longer eligible.

Chapter 516 — Summary of Performance (SOP)

When a student's eligibility under IDEA terminates because of graduation with a regular diploma or because the student exceeds the state's age of eligibility, the public agency must provide a summary of academic achievement and functional performance, including recommendations on how to assist the student in meeting postsecondary goals. The summary should be useful to the student and relevant adult-service, training, employment, or postsecondary providers. Ask for a copy before the student exits and review it for accurate descriptions of strengths, support needs, accommodations, assistive technology, and recommendations.

PART XLVI — CONTINUED

Chapter 517 — Transition Planning Before Exit

Transition planning should not wait until the final weeks of school. IDEA requires transition services to be addressed in the IEP no later than the first IEP that will be in effect when the student turns 16, or younger if state law requires or the IEP team determines it appropriate. Planning may include postsecondary education or training, employment, independent living where appropriate, community participation, and connections with adult-service agencies. The team should identify measurable goals, services, responsible parties, and how progress will be reviewed.

Chapter 518 — Parent and Student Participation as Rights Change

The student should be meaningfully involved in transition planning. IDEA requires the public agency to invite the student when a purpose of the meeting is consideration of postsecondary goals and transition services. If the student does not attend, the agency must take other steps to ensure the student's preferences and interests are considered. Rights under IDEA may transfer from parent to student at the age of majority under state law, with required notice. Families should confirm the state's age-of-majority rule and how the student will receive and understand notices and participate in decisions.

Chapter 519 — Graduation Ceremony Versus Legal Graduation

Participation in a graduation ceremony is not necessarily the same as receiving a regular high school diploma or ending IDEA eligibility. Ask the district to distinguish the ceremony, completion of credits, issuance of a credential, and formal termination of FAPE. Obtain the proposed graduation date and written notice. If the student participates in a ceremony but remains enrolled and eligible, clarify what educational services and transition programming continue afterward.

Chapter 520 — Planning for College, Training, and Employment

Students leaving high school may need to understand how disability accommodations work in postsecondary education, vocational training, employment, and adult services. IDEA eligibility and services do not automatically continue in college or adult employment programs. Postsecondary institutions generally use different disability laws and processes, and students may need to disclose a disability and request accommodations through the institution's disability services office. Families should help the student gather current evaluations, the IEP, the Summary of Performance, assistive technology information, and documentation that may support future accommodation requests.

Chapter 521 — Questions Families Should Ask Before Signing or Accepting Exit

- What exact credential will the student receive, and how is it classified under IDEA and state law?
- Is the district proposing a regular diploma, certificate, alternate diploma, or GED pathway?
- What written notice explains the proposed graduation or termination of services?
- What state rule sets the maximum age of eligibility, and what is the student's final eligible date?
- Has the student's IEP team reviewed transition goals and services?
- When will the Summary of Performance be prepared and provided?
- What records, evaluations, assistive technology information, and recommendations will the student receive?
- Have adult-service, college, training, or employment connections been discussed where appropriate?

Chapter 522 — Parent Action Checklist

1. Request a written explanation of the proposed credential and its legal classification.
2. Confirm the state's age-of-eligibility rule directly with the state education agency.
3. Review credits, graduation requirements, IEP progress, and remaining transition needs.
4. Ask for prior written notice before graduation with a regular diploma ends FAPE.
5. Confirm whether the student's rights have transferred at the age of majority.
6. Request and review the Summary of Performance before exit.
7. Obtain copies of the IEP, evaluations, progress data, and relevant records.
8. Create a written plan for postsecondary accommodations, adult services, training, or employment.

Chapter 523 — Sample Written Request

Subject: Request for Written Graduation and Special Education Exit Information

I am requesting written clarification of the school's proposed graduation or exit plan for my child. Please identify the exact credential the student is expected to receive and explain whether it is a regular high school diploma as defined by IDEA or another credential. Please provide the state and district graduation requirements being applied, the student's current credit and progress information, the proposed graduation date, and any prior written notice concerning a change in placement or termination of FAPE. Please also identify the state age-of-eligibility rule that applies, explain how transition services will be addressed, and confirm when the Summary of Performance and educational records will be provided. I request an IEP meeting to review these matters before any final graduation or exit decision is implemented.

Chapter 524 — Graduation and Exit Planning Worksheet

Planning item	Information / date / person responsible
Proposed credential	
State age limit and final eligible date	
IEP / transition meeting date	
Prior written notice received	
Summary of Performance due / received	
Records and evaluations provided	

Postsecondary connections / next steps	

Federal references: IDEA regulations, 34 C.F.R. §§ 300.101, 300.102(a)(1), 300.102(a)(3), 300.305(e)(3), 300.320(b), 300.321(b), and 300.520; U.S. Department of Education, Coordinating Transition Services and Postsecondary Access: Guidance on Requirements Under the IDEA and the Rehabilitation Act (Jan. 16, 2025). State law determines important graduation and age-of-eligibility details. Verify current rules with the state education agency.

PART XLVII

Extended School Year Services (ESY): Learning Beyond the Regular School Calendar

Purpose. Extended School Year (ESY) services are special education and related services provided beyond a public agency's normal school year when an IEP team determines they are necessary for the student to receive FAPE. ESY is individualized; it is not an automatic summer program for every student with an IEP. This section explains the federal standard, evidence families can share, and how to request a meaningful decision. State education agency standards and procedures also apply. This is educational information, not legal advice.

Chapter 525 — What ESY Means Under IDEA

IDEA defines ESY as special education and related services provided beyond the normal school year, in accordance with the student's IEP, at no cost to the parents, and meeting state education agency standards. A public agency must make ESY available when the IEP team determines, on an individual basis, that it is necessary to provide FAPE. The decision is about the individual student's educational needs—not simply whether the district operates a summer school.

Chapter 526 — ESY Is Not Automatically Limited to Summer

Many districts offer ESY during the summer, but federal law does not limit ESY to summer months. Depending on the student's needs and state standards, services may be needed during other breaks or periods outside the normal school calendar. The team should focus on when an interruption in services would affect the student's ability to receive FAPE. A district calendar or standard summer schedule does not, by itself, determine what an individual student needs.

Chapter 527 — Individualized Eligibility: No Disability-Category Exclusions

A public agency may not limit ESY to particular disability categories or unilaterally limit the type, amount, or duration of services. A diagnosis alone does not automatically qualify a student, and a student cannot be rejected simply because the student's disability category is not on a district's preferred list. The IEP team must consider the student's individual circumstances and apply the state's standards consistently with IDEA.

Chapter 528 — Regression and Recoupment: Important, but Not the Only Possible Evidence

Regression means a loss of previously acquired skills; recoupment refers to the time and support needed to regain those skills after instruction or services resume. Information about regression and recoupment can be relevant, including patterns after winter, spring, or summer breaks. However, IDEA's federal regulation does not make actual past regression the only possible basis for ESY. The team should consider all relevant information and applicable state standards, including whether a student is at a critical point in learning or needs continuity to receive FAPE. A student should not have to experience a preventable loss before the team considers a documented potential need.

Chapter 529 — What Data Can Help the IEP Team?

Useful information may include progress-monitoring data before and after breaks, the length of time needed to regain skills, attendance and service records, work samples, teacher and therapist observations, parent observations, communication or behavior data, and information about emerging or fragile skills. Consider academic, communication, social, behavioral, functional, mobility, self-care, and other IEP goal areas as relevant to the individual student. Describe specific skills and the educational consequences of a lengthy interruption rather than relying only on a general statement that the student "regresses."

Chapter 530 — ESY Can Be Limited to the Areas That Need It

A student may need ESY in one or more specific goal areas without needing every service or every IEP goal continued over the break. Conversely, the team should not assume ESY must consist only of a narrow academic worksheet program if the student's FAPE needs involve communication, behavior, related services, functional skills, or other areas. The team should connect each proposed ESY service to the individual need it is intended to address.

Chapter 531 — What the IEP Should Say

When ESY is required, the IEP should describe the services with enough detail to implement them. Families should ask for the service type, goal or need addressed, amount, frequency, duration, location, and start and end dates or applicable calendar. The IEP should also clarify any necessary related services, transportation, assistive technology, communication supports, and staff responsibilities. If ESY is considered but not offered, ask that the team's decision and the information relied upon be documented in the appropriate written notice or meeting record.

Chapter 532 — ESY Is Not the Same as Compensatory Education

ESY and compensatory education serve different purposes. ESY is planned service beyond the normal school year when needed for FAPE. Compensatory education or services may be considered as a remedy when a student did not receive required services or was denied FAPE. A student may qualify for ESY and also have a separate claim or need for compensatory services; one does not automatically replace the other. The facts and applicable legal process determine whether compensatory services are appropriate.

PART XLVII — CONTINUED

Chapter 533 — ESY Is Not Childcare or General Enrichment

ESY is an educational service required when necessary for FAPE. It is not automatically a childcare program, respite service, general enrichment camp, or recreational summer activity. At the same time, the fact that a program includes enjoyable or community-based activities does not automatically prevent it from being an appropriate way to deliver an individualized IEP service. The controlling question is whether the program and services meet the student's IEP needs and applicable state standards.

Chapter 534 — Parent Participation and Disagreement

Parents are members of the IEP team and can provide information about what happens during school breaks, changes in routines, communication, daily living, and the student's ability to regain skills. Ask the team to discuss ESY early enough to plan services before the break. If the school refuses a requested service, ask for the reasons, the data reviewed, and the procedural safeguards available. State complaint, mediation, and due process options may apply depending on the disagreement; filing deadlines and procedures vary by state.

Chapter 535 — Questions Families Can Ask

- When will the IEP team consider ESY, and what state criteria will it apply?
- What data from previous breaks, progress monitoring, and parent observations will be reviewed?
- Has the team considered potential regression as well as critical learning needs and continuity of services?
- Which IEP goals or skill areas, if any, require services beyond the regular school year?
- If ESY is offered, what services, amount, frequency, duration, location, and dates are proposed?
- Are related services, transportation, communication supports, and assistive technology needed during ESY?
- If ESY is declined, what information supports that decision and how is it documented?
- Is there a separate issue involving missed services or possible compensatory education?

Chapter 536 — Parent Action Checklist

1. Ask when the IEP team will consider ESY and request enough time to prepare.
2. Collect progress reports, work samples, service records, and information from previous breaks.
3. Describe specific skills that may be lost or become harder to regain without continuity.
4. Identify relevant goal areas and explain the educational impact of an interruption.
5. Ask the team to apply individual criteria, not blanket disability-category rules.
6. If ESY is offered, review the service details and how they will be implemented.
7. If ESY is denied, request the reasons and applicable procedural safeguards in writing.
8. Keep ESY concerns separate from any request for compensatory services for past failures.

Chapter 537 — Sample Written Request

Subject: Request for IEP Team Consideration of Extended School Year Services

I am requesting that the IEP team consider whether my child requires Extended School Year services to receive FAPE. Please review the student's current IEP goals, progress data, service information, parent observations, and any available information about skill maintenance and the time needed to regain skills after breaks. Please consider all relevant individual needs and applicable state standards, not only whether the student has previously demonstrated regression or belongs to a particular disability category. If ESY is appropriate, please identify the goal areas, special education and related services, amount, frequency, duration, location, and dates. If the team declines ESY, please document the reasons and the information relied upon, and provide the applicable procedural safeguards information.

Chapter 538 — ESY Evidence and Planning Worksheet

Skill / IEP goal area	Evidence before / after break	Impact of interruption	Service / team question

Federal references: IDEA regulations, 34 C.F.R. § 300.106; U.S. Department of Education, Return to School Roadmap: Development and Implementation of Individualized Education Programs (Sept. 30, 2021), including ESY questions and answers. Federal rules require individualized determinations and prohibit disability-category restrictions or unilateral limits on type, amount, or duration. State education agency standards and procedures also apply.

PART XLVIII — SCHOOL EMERGENCY PREPAREDNESS, EVACUATION & REUNIFICATION

Planning for students with disabilities before, during, and after an emergency

Chapter 539 — Why emergency planning must include every student

A school emergency operations plan (EOP) describes how a school prepares for, responds to, and recovers from emergencies. A plan should account for the whole school community, including students who may need individualized communication, mobility, sensory, behavioral, medical, or personal-care support. Federal school-safety guidance emphasizes collaborative planning, training, exercises, and recovery. A plan that works only for students who can independently hear an alarm, understand a rapid spoken direction, walk a route, or communicate verbally may leave important gaps. [1][2]

There is not one universal federal form or single federally prescribed individual emergency plan for every student with a disability. The appropriate steps depend on the student's needs, the school's setting, applicable disability laws, building and fire-safety rules, and state or local requirements. Parents can ask how the school's EOP and the student's existing IEP or Section 504 plan work together.

Chapter 540 — Identify the student's actual access and support needs

Planning should be individualized rather than based only on a disability label. Consider whether the student may need:

• An accessible way to receive and understand alarms, announcements, visual directions, or changes in routine.

• Plain-language, picture-based, written, signed, device-based, or otherwise familiar communication.

• Extra processing time, repetition, reassurance, a familiar adult, or a predictable sequence of steps.

• Mobility assistance, an accessible route, an evacuation device, transfer support, or accessible transportation.

• Medication, medical equipment, feeding support, toileting assistance, or other health-related supplies and trained personnel.

• Sensory supports, noise reduction where feasible, a quieter waiting area, or help managing distress.

• A reliable method for staff to identify the student, account for them, and communicate their status to authorized responders and family.

Chapter 541 — Evacuation, shelter-in-place, and lockdown procedures

Ask the school to explain the response procedures that may apply to the student's classrooms, cafeteria, gym, playground, buses, field trips, and other locations. A plan should identify who gives directions, who provides assistance, what backup is available if the assigned person is absent, where the student goes, and how staff confirm the student has reached safety. Schools should consider more than one route or response method because an emergency may make the usual route or equipment unavailable. CDC school-preparedness guidance specifically identifies planning for evacuation, accounting for students and staff, evacuating people with disabilities, destination locations, and family reunification. [2]

Do not assume an elevator, ordinary bus, standard wheelchair, or a single staff member will always be available. The school should coordinate with qualified safety personnel about building-specific procedures and the safe use of any evacuation equipment. Parents should not be asked to accept an unsafe or untested plan as a substitute for school planning.

Chapter 542 — Accessible alerts and effective communication

Emergency information may need more than one format. Depending on the student, useful methods may include audible and visual alerts, text or written directions, captioned announcements, sign language, communication boards, augmentative and alternative communication (AAC), pictures, or direct staff communication. ADA.gov explains that emergency warning systems may not be accessible to everyone and describes using both visual and audible alerts and multiple communication methods. [3] A student who does not speak should not be treated as unable to understand, and staff should know how the student communicates yes, no, pain, fear, or a request for help.

Chapter 543 — Drills, preparation, and staff readiness

Ask how the school prepares staff to support the student during drills and actual emergencies. Discuss whether advance notice, social stories, visual schedules, practice with familiar staff, gradual exposure, or an individualized practice session would improve safe participation. A drill should be conducted in a way that protects safety and accounts for the student's disability-related needs. The school's safety team should decide how to practice procedures without creating avoidable danger or undermining the purpose of the drill.

A parent can request that the school review what happened after a drill: Was the student accounted for? Could they understand the alert? Was the route usable? Did staff know their roles? Were communication and support needs met? What will be changed before the next drill?

Chapter 544 — Reunification, family contact, and accountability

A reunification plan explains how students are matched with authorized parents or guardians after an emergency, including when the usual school site cannot be used. Federal school emergency-planning materials recommend planning for family notification, identity and custody verification, communication between check-in and student areas, preventing students from leaving independently, privacy, and technology or language barriers. [4] Ask how the school will communicate if phone service, internet access, or the usual parent portal is unavailable. Confirm that current contact details and authorized pickup information are maintained.

After an incident, schools should account for students and staff, assess safety, communicate with families, support recovery, and review lessons learned. CDC guidance specifically identifies reunification, mental-health needs, and updating the EOP as parts of recovery. [5]

Chapter 545 — How IDEA, Section 504, and the ADA may apply

IDEA requires an IEP to address special factors and services or supports needed for the student to receive FAPE; it does not set out one universal emergency-plan template. If an emergency-related support is necessary for the student to access education or receive FAPE, parents can ask the IEP team to consider and document the relevant support. Section 504 and ADA Title II may also require public schools to provide equal access and make

appropriate modifications or provide effective communication, depending on the circumstances. The exact legal analysis is fact-specific. Do not assume that mentioning an emergency need in an IEP automatically replaces the school's building-wide EOP, or that a general EOP automatically addresses an individual student's needs.

Chapter 546 — Questions parents can ask the school

• May I review the school or district emergency operations plan and the family reunification procedures that can be shared?

• Who is responsible for helping my child during each type of emergency, and who is the trained backup?

• How will my child receive, understand, and respond to an emergency alert?

• What evacuation or sheltering route applies in each setting, and what is the backup if that route is blocked?

• How will mobility, communication, sensory, medical, toileting, and personal-care needs be addressed?

• How will staff account for my child and communicate their status to me?

• How are drills adapted or prepared for, and how will the school review problems identified during a drill?

• How are substitutes, bus staff, field-trip staff, and emergency responders informed of necessary procedures?

• What is the reunification location and process if the school building cannot be used?

• Can the IEP or Section 504 team meet to discuss disability-related supports that are necessary for safe and equal access?

PARENT WORKSHEETS & SAMPLE REQUEST

Chapter 547 — Emergency-planning review worksheet

Planning area	What the school has explained / what still needs clarification
Alert and communication	_____
Evacuation routes and backup	_____
Shelter-in-place / lockdown	_____
Mobility or transfer support	_____
Medical supplies / trained support	_____
Sensory, regulation, or familiar support	_____
Student accounting and identification	_____
Family notification and reunification	_____
Staff training and backup assignments	_____
Drill preparation and review	_____
IEP / Section 504 follow-up	_____

Chapter 548 — Sample written request for an emergency-planning discussion

Subject: Request to Review Emergency Preparedness and Disability-Related Supports

Dear [Principal / Special Education Director / 504 Coordinator],

I am requesting a discussion about how the school's emergency procedures address my child's disability-related needs. Please explain how the school will provide accessible emergency alerts and directions; support my child during evacuation, shelter-in-place, or lockdown procedures; account for and identify my child; communicate with authorized family members; and complete reunification if the school building cannot be used.

Please also identify the staff roles and backup arrangements, any relevant equipment or communication supports, how substitute and transportation staff are informed, and how the school prepares for drills. I would like the team to consider whether any individual supports necessary for my child's access, safety, or FAPE should be documented in the IEP or Section 504 plan. Please let me know the appropriate team members and available dates for this discussion.

Thank you,
[Parent / Guardian Name]

Chapter 549 — Documentation after a drill or emergency

Write down the date, location, type of event, instructions given, people involved, the student's response, supports that were available, any delay or barrier, how the student was accounted for, family communications, and what the school said it would change. Keep copies of relevant emails and written responses. Request records through the school's ordinary procedures and applicable education-records laws; access to particular emergency or security records may be subject to legal limits and should not be assumed.

Chapter 550 — Practical parent checklist

- ■ I have told the school about my child's communication, mobility, sensory, medical, and personal-care needs that may matter in an emergency.
- ■ I have asked who is responsible and who is the backup in each school setting.
- ■ I have asked how alerts and instructions will be accessible and understood.
- ■ I have asked how my child will be evacuated or sheltered safely if the usual route or equipment is unavailable.
- ■ I have confirmed family contact information and authorized pickup details.
- ■ I have asked how staff prepare for drills and review problems afterward.
- ■ I have requested an IEP or Section 504 discussion if disability-related supports need to be considered.
- ■ I have kept written records of requests, responses, and any incident follow-up.

Important reminder

This section is an educational advocacy resource, not legal advice or a substitute for local emergency instructions. School emergency procedures, building codes, fire rules, and state laws vary. In an immediate emergency, follow directions from emergency personnel and the responsible school authorities. Families should not attempt an evacuation or intervention that would place a student or others in danger.

Selected official resources

[1] U.S. Department of Education, Emergency Planning: ed.gov emergency planning.

[2] CDC, Preparing for a School Emergency: cdc.gov school preparedness.

[3] ADA.gov, Emergency Planning: ada.gov emergency planning.

[4] Guide for Developing High-Quality School Emergency Operations Plans: federal guide (PDF).

[5] CDC, After a School Emergency: cdc.gov recovery guidance.

Additional disability-inclusive planning resource: SchoolSafety.gov Inclusive Emergency Planning (PDF).

PART XLIX — DISABILITY-BASED BULLYING, HARASSMENT & PEER MISTREATMENT

Recognizing harm, documenting patterns, and seeking an effective school response

Chapter 551 — Understanding bullying and disability-based harassment

Bullying can include repeated unwanted conduct, intimidation, humiliation, threats, exclusion, or physical or online mistreatment. Disability-based harassment is conduct related to a student's disability that may be serious enough to interfere with or limit the student's ability to participate in or benefit from school. Not every disagreement or isolated unkind act meets the legal standard for disability-based harassment, but schools should take reports seriously and assess the facts rather than dismissing conduct because it is described as teasing or peer conflict.

The U.S. Department of Education's Office for Civil Rights (OCR) explains that disability-based harassment can violate Section 504 and Title II of the ADA when it is sufficiently serious, and that a school's response must be prompt and effective. The legal analysis depends on the facts, including the nature, frequency, severity, context, and impact of the conduct. [1][2]

Chapter 552 — Examples of conduct worth reporting

Examples may include mocking a disability, communication method, assistive device, or visible support; imitating movements or speech to humiliate a student; deliberately interfering with mobility or communication equipment; threats or physical aggression; repeated exclusion from activities; spreading degrading messages or images; or targeting a student because they need assistance, accommodations, or adult support. These examples are not a legal checklist. The school should examine the actual conduct and its impact.

Chapter 553 — The school's responsibility to respond

When a school knows or reasonably should know about possible disability-based harassment, OCR guidance states that the school must take prompt and effective steps to determine what occurred. If harassment has created a hostile environment, the school must take appropriate steps to stop it, eliminate the hostile environment, address its effects, and prevent recurrence. A response should not end with a reminder to students to be kind if the conduct continues or the student remains unable to access school safely and equally. [1]

A school may have separate anti-bullying policies, reporting procedures, and state-law duties. Those procedures can be relevant, but they do not replace applicable federal disability-rights obligations. The school should also consider whether the student needs support to regain access to instruction, activities, transportation, or other school programs.

Chapter 554 — Document the conduct and its educational impact

Keep a factual record. Note dates, times, locations, people present, what was said or done, whether the conduct was repeated, who was told, how the school responded, and whether it happened again. Preserve messages, screenshots, photographs, or other evidence when lawfully obtained. Record the impact without assuming a diagnosis or motive: missed instruction, avoidance of locations, distress, reduced participation, changes in communication, fear of particular settings, or inability to use supports.

Use the student's own communication where possible. A student may communicate through speech, writing, AAC, gestures, behavior, or another reliable method. Avoid treating a student's communication disability as a reason to discount a report. Ask open, non-leading questions and document the student's words or communication as accurately as possible.

Chapter 555 — Immediate safety and supportive measures

If there is an immediate threat, injury, or urgent safety concern, contact the appropriate emergency or school safety personnel. For ongoing concerns, ask the school what steps will protect the student while the facts are reviewed. Depending on the situation, measures may include increased adult supervision in identified locations, a safe reporting contact, a plan for transitions or transportation, access to a trusted staff member, protection from retaliation, and support for missed instruction. Measures should not unfairly burden the targeted student by routinely removing them from activities or requiring them to change classes or schedules when alternatives are available.

A school should not promise absolute confidentiality. It can explain who needs information to investigate and respond, how information will be handled, and what privacy limits apply. Parents can ask that information be shared only with staff who need it to carry out the response, consistent with law and safety needs.

Chapter 556 — IEP and Section 504 considerations

If harassment interferes with the student's access to FAPE or participation, parents can request an IEP or Section 504 team discussion. The team may need to consider whether current supports are being implemented, whether additional services or supplementary aids are necessary, whether the student needs help accessing missed instruction or activities, and whether changes to the educational program are appropriate. An IEP meeting does not replace the school's duty to investigate and address harassment. Likewise, a discipline response to the student who was targeted should not be used as a substitute for addressing the conduct.

Chapter 557 — Questions parents can ask

- Who is responsible for receiving and investigating this report, and when will the school follow up?
- What steps will the school take to determine what happened, including speaking with relevant witnesses?
- What immediate steps will protect my child from further conduct or retaliation while the review is underway?
- How will the school address the impact on access to instruction, school activities, transportation, and supports?
- How will staff monitor whether the conduct has stopped and whether the response is effective?
- How can my child report a concern in a communication method they can use reliably?
- How will the school keep me informed while respecting the privacy rights of other students?
- Should the IEP or Section 504 team meet to discuss any disability-related impact on access or FAPE?

- What school or district policy and state reporting procedure applies, and how can I obtain it?

PARENT WORKSHEETS & SAMPLE LETTER

Chapter 558 — Incident and pattern log

Date / time	Location / people present	What happened (facts / exact words)	School notified / response / follow-up

Chapter 559 — Sample written report to the school

Subject: Written Report of Possible Bullying or Disability-Based Harassment

Dear [Principal / Designated School Contact],

I am writing to report conduct involving my child at [school / program]. The incidents I am reporting occurred on [dates or date range] at [locations]. The conduct involved [brief factual description, including exact words or actions when known]. I am concerned that this conduct may be related to my child's disability and may be affecting my child's ability to participate in or benefit from school.

Please review the reported incidents, determine what occurred, and explain what immediate steps will be taken to protect my child from further conduct or retaliation. Please also explain how the school will address any effect on access to instruction, activities, services, or supports; how the school will monitor whether the conduct has stopped; and whom I should contact with additional information. If disability-related educational supports need review, I am also requesting a discussion with the IEP or Section 504 team.

Please confirm receipt of this report and identify the person handling the response and the expected follow-up process. I understand that the school may be limited in what it can share about another student, but I am requesting information about the steps being taken to protect my child and ensure equal access to school.

Thank you,
[Parent / Guardian Name]

Chapter 560 — Parent follow-up checklist

■ I reported the concern in writing and kept a copy.

■ I recorded dates, locations, witnesses, exact words or actions, and school responses.

■ I preserved relevant communications or other available evidence.

■ I described the impact on my child's access, participation, and sense of safety.

■ I asked what immediate steps will prevent further conduct or retaliation.

■ I asked how the school will investigate, follow up, and determine whether the response worked.

■ I considered whether an IEP or Section 504 meeting is needed to address educational impact.

■ I reviewed applicable school and state reporting procedures and noted any deadlines.

Chapter 561 — If the response is not effective

If the conduct continues or the school's response does not address the educational impact, parents may consider escalating the concern through the district's designated process, contacting the district Section 504 coordinator or civil-rights compliance officer, or seeking information from OCR about filing a disability-discrimination complaint. Complaint deadlines and procedures can be specific; review current agency instructions promptly. A state or local

anti-bullying complaint process may also be available. The correct route depends on the facts and applicable law.

Important reminder

This section is an educational advocacy resource, not legal advice. It does not determine whether a particular incident legally constitutes bullying, harassment, discrimination, or a hostile environment. State laws and district policies differ. In urgent situations involving immediate danger, use emergency services or the school's immediate safety procedures.

Selected official resources

[1] U.S. Department of Education, OCR, Dear Colleague Letter: Responding to Bullying of Students with Disabilities (2014): official guidance.

[2] U.S. Department of Education, OCR, Disability Discrimination: OCR disability discrimination information.

[3] StopBullying.gov, Federal Laws: federal law overview.

[4] OCR complaint information: how to file a complaint.

PART L — PRIOR WRITTEN NOTICE: UNDERSTANDING SCHOOL PROPOSALS & REFUSALS

A practical guide to reading, requesting, and responding to IDEA prior written notice

Chapter 562 — What prior written notice (PWN) is

Under IDEA, a public agency must provide prior written notice a reasonable time before it proposes or refuses to initiate or change a child's identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE). PWN is not simply a meeting summary or a form confirming that a meeting occurred. It is the school's written explanation of a covered proposal or refusal. The federal requirements appear in 34 C.F.R. § 300.503. [1]

PWN is required for covered proposals and refusals; it is not automatically required after every conversation, every IEP meeting, or every disagreement. Whether a particular decision triggers PWN depends on what the school is proposing or refusing and whether it concerns one of the subjects covered by IDEA.

Chapter 563 — What the notice must explain

The notice must include: (1) a description of the action proposed or refused; (2) an explanation of why the agency proposes or refuses the action; (3) a description of each evaluation procedure, assessment, record, or report used as a basis; (4) a statement about IDEA procedural safeguards and how to obtain a copy; (5) sources parents may contact for help understanding IDEA; (6) other options the IEP Team considered and why those options were rejected; and (7) other factors relevant to the proposal or refusal. [1]

A useful notice should make it possible for a parent to understand what the school decided, why it reached that position, what information it relied on, and what alternatives it considered. If the notice uses broad phrases such as "not appropriate" or "no educational need" without explaining the underlying reasoning, the parent can ask for clarification and the specific supporting information.

Chapter 564 — PWN compared with other school documents

An IEP records the student's program and services. Meeting notes may record discussion. Meeting notice tells parents when an IEP meeting will occur, its purpose, and who will attend. A procedural safeguards notice explains rights and dispute-resolution options. PWN is the written notice of a covered proposal or refusal. One document may accompany another, but they serve different purposes. A meeting summary or draft IEP should not be assumed to contain all required PWN elements.

Chapter 565 — Timing, language, and understandable communication

IDEA says PWN must be provided a reasonable time before the agency implements the proposed or refused action. The federal regulation does not set one universal number of days for every PWN. State rules or guidance may add requirements. The notice must be written in language understandable to the general public and provided in the parent's native language or other mode of communication unless clearly not feasible; if it is not written in that language or mode, the agency must take steps to ensure it is translated orally or by other means and that the parent understands it, subject to the regulation. [1]

Chapter 566 — How to review a notice

• Identify the exact proposal or refusal. Is the school clearly stating what it will or will not do?

• Check the reason. Does the notice explain why, rather than merely repeat the conclusion?

• Check the evidence. Are evaluations, assessments, records, reports, and other relied-on information identified?

• Check alternatives. Does it list other options considered and explain why they were rejected?

• Check relevant factors. Does it address the information the school says mattered to its decision?

• Check safeguards and contacts. Does it explain where to obtain procedural safeguards and sources of help?

• Check timing and language. Was it provided a reasonable time before implementation and in an understandable form?

PARENT WORKSHEET & SAMPLE REQUEST

Chapter 567 — PWN review worksheet

PWN element	What the notice says / what needs clarification
Proposed or refused action	_____
Reason for the action or refusal	_____
Evaluations, records, and reports relied upon	_____
Other options considered	_____
Why other options were rejected	_____
Other relevant factors	_____
Procedural safeguards and assistance contacts	_____
Date received / planned implementation date	_____
Questions or missing information	_____

Chapter 568 — Sample request for clarification or PWN

Subject: Request for Written Clarification and Prior Written Notice

Dear [Name / Special Education Administrator],

Thank you for discussing [topic] on [date]. I understand the school's current position to be that it is [briefly describe the proposal or refusal]. Please confirm whether this is the school's proposal or refusal concerning my child's identification, evaluation, educational placement, or provision of FAPE. If the school is proposing or refusing to initiate or change one of those matters, please provide prior written notice that addresses the requirements of 34 C.F.R. § 300.503, including the action, reasons, records and assessments relied upon, other options considered and why they were rejected, and other relevant factors.

If the school does not believe PWN is required, please explain the basis for that position and identify the document in which the school's decision and reasons are recorded. I am also requesting copies of any education records relating to this decision that I am entitled to inspect and review under applicable law.

Thank you,
[Parent / Guardian Name]

Chapter 569 — What to do if the notice is incomplete or unclear

Send a concise written request identifying the missing or unclear elements. Ask the school to clarify whether it has made a proposal or refusal and whether it considers the action covered by IDEA PWN requirements. Keep the original notice, the date received, your request, and the response. A request for clarification does not automatically pause implementation or extend a complaint deadline. If you disagree with the underlying decision, review the state's procedural safeguards and applicable timelines promptly; consider mediation, a state complaint, or due process where appropriate. [2][3]

Chapter 570 — Important distinctions and cautions

A parent's disagreement does not automatically mean every statement by school staff requires PWN. Informal or preparatory discussions may not be IDEA meetings or covered proposals. Conversely, a school should not avoid required notice simply by describing a substantive proposal or refusal as a casual conversation. Look at the substance of the action and its effect on identification, evaluation, placement, or FAPE. When the facts are disputed, ask the district to state its position in writing.

This section is an educational resource, not legal advice. State procedures may provide additional requirements, and deadlines can be important. Check current state rules and obtain qualified advice when needed.

Selected official resources

[1] IDEA regulation, 34 C.F.R. § 300.503 — Prior notice by the public agency: official regulation.

[2] IDEA regulation, 34 C.F.R. § 300.504 — Procedural safeguards notice: official regulation.

[3] IDEA regulation, 34 C.F.R. § 300.506 — Mediation: official regulation.

[4] IDEA regulation, 34 C.F.R. § 300.322 — Parent participation and meeting notice: official regulation.

PART LI — IEP PROGRESS MONITORING, GOAL MEASUREMENT & REPORTING

Understanding how the team measures progress and communicates it to families

Chapter 571 — Why progress monitoring matters

An IEP is intended to set measurable annual goals and describe how the student's progress toward those goals will be measured and when periodic progress reports will be provided. A goal is not meaningful merely because it appears in a document: the team and family need a way to understand whether the student is making progress, whether instruction and supports are effective, and whether the plan may need review. IDEA requires the IEP to include a description of how progress toward annual goals will be measured and when periodic reports will be provided. [1]

Progress monitoring is not the same as a general report card grade, a statement that the student is "doing well," or a list of completed classroom activities. Those may provide context, but they do not necessarily show progress toward each IEP goal.

Chapter 572 — What makes a goal measurable

A measurable goal identifies the skill or outcome the student is expected to demonstrate and includes criteria that allow progress to be evaluated. Depending on the goal, the IEP may specify the conditions, measurement method, performance level, accuracy, frequency, duration, level of prompting, or other relevant criteria. Goals should be individualized to the student and should be understandable to the people implementing and monitoring them.

For example, a goal might measure how often a student independently uses an agreed communication method to request help during identified routines. The specific target, conditions, and measurement method must be selected by the IEP team based on the student's needs and baseline information; an example is not a recommended target for every student.

Chapter 573 — Baseline information and data quality

Baseline information describes the student's present performance in the area addressed by the goal. Without a clear starting point, it can be difficult to judge whether a change represents meaningful progress. Parents can ask what data established the baseline, when it was collected, in which settings, by whom, and whether the information reflects the student's typical performance. If performance varies by setting, communication partner, task, fatigue, sensory conditions, or available supports, that context may matter.

Data should be collected in a way that matches the goal. Depending on the skill, the team may use work samples, structured observations, frequency counts, duration measures, rubrics, curriculum-based measures, probes, or other appropriate methods. A single observation or isolated success may not represent a reliable pattern.

Chapter 574 — Understanding progress reports

IDEA requires the IEP to state when periodic reports on progress toward annual goals will be provided, such as through quarterly reports or other periodic reports concurrent with report cards. The federal regulation does not prescribe one universal reporting schedule or one mandatory report format for every student. Review the IEP's actual language and applicable state requirements. [1]

A useful report tells the family which goal is being addressed, what data were collected during the reporting period, what the data show in relation to the goal's criteria, and whether the student appears on track, needs additional support, or requires further team discussion. If the report only repeats the goal or says "making progress" without explaining the evidence, ask for clarification.

Chapter 575 — What if progress is limited or the student is not on track?

A progress report is information for the team to consider, not a guarantee that the student will meet every goal. If data show limited progress, inconsistent performance, or a lack of expected growth, parents can ask what the team believes is contributing to the result. Questions may include whether instruction is being delivered as planned, whether the student has access to required services and supports, whether the goal and measurement method remain appropriate, and whether additional evaluation or an IEP review is warranted.

IDEA requires the IEP team to review the IEP periodically, but at least annually, and revise it as appropriate to address lack of expected progress toward annual goals and in the general education curriculum where appropriate, among other specified matters. Parents may request an IEP meeting when they believe a review is needed; state procedures may also allow other ways to amend an IEP. [2]

Chapter 576 — Questions parents can ask

• What baseline data were used to develop this goal, and when were those data collected?

• What specific data are being collected to measure progress, and how often?

• Who collects the data, and in which settings or activities?

• How does the school account for prompting, communication supports, accommodations, and changes in conditions?

• Does the progress report compare current performance with the goal's measurable criteria?

• What does the data show across the reporting period, rather than in one isolated observation?

• If progress is limited, what changes or team discussion are being considered?

• Are all services and supports in the IEP being provided as written, and how is implementation documented?

• When will the next progress report be provided under the IEP?

PARENT WORKSHEET & SAMPLE REQUEST

Chapter 577 — Goal progress review worksheet

Review item	Notes / questions
IEP goal number and wording	_____
Baseline / starting point	_____
Goal criteria and measurement method	_____
Reporting period and date received	_____
Data collected and settings	_____
Current performance compared with criteria	_____
Prompting, supports, and conditions	_____
School explanation of progress or concern	_____
Questions / requested follow-up	_____

Chapter 578 — Sample request for progress data and clarification

Subject: Request for Clarification of IEP Goal Progress

Dear [Teacher / Case Manager / IEP Team],

I have reviewed the progress report dated [date] for my child's IEP goals. I would appreciate clarification about the data used to measure progress toward Goal [number / area]. Please provide or explain the baseline, the measurement method, the data collected during this reporting period, and how the current performance compares with the goal's criteria. Please also identify the settings and conditions in which the data were collected and whether the listed services, accommodations, and supports were in place during those observations.

If the data indicate limited or inconsistent progress, please explain the team's interpretation and whether an IEP meeting or other review would be appropriate to discuss instruction, services, supports, measurement, or goal revisions. I am requesting this information so I can understand my child's progress and participate meaningfully in educational planning.

Thank you,
[Parent / Guardian Name]

Chapter 579 — Parent follow-up checklist

- ■ I located the IEP language describing how progress will be measured and when reports will be provided.
- ■ I compared each report with the actual goal criteria, not just the general comment.
- ■ I asked for the baseline and the data supporting the progress statement when unclear.
- ■ I considered whether performance differs across settings, people, or supports.
- ■ I asked whether services and accommodations were implemented as written.
- ■ I requested an IEP team discussion if the data show a lack of expected progress.
- ■ I kept copies of reports, data explanations, emails, and meeting notes.

Important reminder

This section is an educational advocacy resource, not legal advice. Federal IDEA requirements, state rules, and the language of an individual IEP should be reviewed together. Progress data should be interpreted in context and should not be used as the sole basis for broad conclusions about a student's abilities or potential.

Selected official resources

[1] IDEA regulation, 34 C.F.R. § 300.320(a)(3) — measurable annual goals and periodic progress reports: official regulation.

[2] IDEA regulation, 34 C.F.R. § 300.324(b) — review and revision of the IEP: official regulation.

[3] IDEA regulation, 34 C.F.R. § 300.323 — when IEPs must be in effect: official regulation.

PART LII — PARENTAL CONSENT IN SPECIAL EDUCATION

Understanding consent for evaluations, initial services, reevaluations, and changes in participation

Chapter 580 — Consent is specific and informed

IDEA uses parental consent for particular actions. Consent generally means that the parent has been fully informed in the parent's native language or other mode of communication, understands and agrees in writing to the activity for which consent is sought, and understands that consent is voluntary and may be revoked before the activity occurs. The school must make reasonable efforts to obtain informed parental consent when required. Consent to one activity should not be treated as blanket consent for every future action. [1]

A parent can ask the school to identify exactly what activity is being proposed, what information will be gathered or what services will begin, who will conduct the activity, and what the consent form does and does not authorize.

Chapter 581 — Consent for an initial evaluation

Before conducting an initial evaluation to determine whether a child qualifies as a child with a disability under IDEA, the public agency generally must obtain informed parental consent. Consent to an initial evaluation does not mean consent for the school to begin providing special education and related services. The school must not use a parent's refusal to consent to one service as a reason to deny the parent or child another service, benefit, or activity, subject to IDEA's rules. [1]

If a parent refuses consent for an initial evaluation, or does not respond to a request for consent, the agency may—but is not required to—use IDEA's mediation or due process procedures to pursue the evaluation, subject to exceptions and state law. The school may not override a parent's refusal to consent to the initial evaluation through those procedures when the child is homeschooled or placed in a private school by the parent at the parent's expense. [1]

Chapter 582 — Consent for the initial provision of services

After a child is found eligible and the IEP is developed, the school must obtain informed consent before the initial provision of special education and related services. If the parent refuses consent for the initial provision, the public agency may not use IDEA mediation or due process procedures to obtain an order requiring those services. The agency is not considered to be in violation of its FAPE obligation for failure to provide the services for which consent was refused, and it is not required to convene an IEP meeting or develop an IEP for those services. [1]

This rule is different from a parent disagreeing with a proposed change to an existing IEP after services have already begun. Parents should identify whether the school is seeking consent for initial services or discussing a later change, because different rules may apply.

Chapter 583 — Reevaluation consent

A public agency generally must obtain informed parental consent before conducting a reevaluation. If the agency can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond, the agency may proceed with the reevaluation without parental consent, subject to exceptions. If a parent refuses consent for a reevaluation, the agency may—but is not required to—use mediation or due process to seek to proceed, subject to the IDEA provisions and exceptions. [1]

A reevaluation is not necessarily the same as every review of existing data. IDEA allows the IEP Team and other qualified professionals, as appropriate, to review existing evaluation data without obtaining parental consent. If additional assessments are needed, the rules governing reevaluation consent apply. [2]

Chapter 584 — Revoking consent after services have begun

A parent may revoke consent in writing for the continued provision of special education and related services. After receiving written revocation, the public agency must provide prior written notice before ceasing services and must stop providing special education and related services after the notice period required by the regulation. The agency may not use mediation or due process to override the revocation. The revocation is not retroactive; it does not undo actions that occurred after consent was given and before revocation. [3]

If consent for continued services is revoked, the public agency is not considered to be in violation of its FAPE obligation for failure to provide the services, and it is not required to convene an IEP meeting or develop an IEP for further provision of those services. The parent should understand the educational consequences and any effects on protections before making this decision. [3]

Chapter 585 — When consent is not required

IDEA contains limited situations in which consent is not required, including certain reviews of existing data and certain assessments administered to all children unless consent is required of parents of all children. There are also specific rules for children who are wards of the State and for situations in which a parent cannot be located or parental rights have been terminated. The details and exceptions matter; do not assume that every school activity requires IDEA consent or that a general permission slip is the same as IDEA consent. [1][2]

Chapter 586 — Questions to ask before signing

• What specific activity am I being asked to consent to: an initial evaluation, reevaluation, initial services, or something else?

• What assessments, records, or services are included, and what is outside the scope of this form?

• Who will conduct the activity, and when is it expected to occur?

• Is this consent voluntary, and how can I ask questions or obtain a copy of the form?

• If I do not consent or do not respond, what does IDEA allow the school to do next?

• Is the school reviewing existing data only, or proposing additional assessments?

• Does this form authorize initial services or a change to services that are already being provided?

• Can the school provide the notice and consent form in a language and format I understand?

PARENT WORKSHEET & SAMPLE LETTERS

Chapter 587 — Consent decision worksheet

Question	Parent notes
Activity requested	_____
Legal purpose / reason	_____
Assessments or services included	_____
Who will conduct it / expected timing	_____
Questions answered by the school	_____
Documents received and date	_____
Decision / date / copy retained	_____

Chapter 588 — Sample request for clarification before signing

Subject: Questions About the Requested Special Education Consent

Dear [Name / Special Education Administrator],

I received the consent form dated [date]. Before I respond, please clarify the specific activity for which the school is requesting consent and identify whether it concerns an initial evaluation, reevaluation, initial provision of special education and related services, or another activity. Please explain what assessments or services are included, who will conduct them, the expected timeline, and what the school believes will happen if I do not consent or do not respond. Please also provide any related prior written notice and procedural safeguards information that applies.

I am requesting this clarification so that my decision is informed and limited to the activity described. Please provide the response in writing and allow me an opportunity to review it before the school proceeds.

Thank you,
[Parent / Guardian Name]

Chapter 589 — Sample written revocation of consent

Subject: Written Revocation of Consent for Continued Special Education and Related Services

Dear [Special Education Administrator],

I am writing to revoke my consent for the continued provision of special education and related services to my child, [student name]. Please treat this letter as written revocation under 34 C.F.R. § 300.300(b)(4). Before the school stops providing services, please provide prior written notice as required by the regulation and explain the date on which the school will cease providing special education and related services. Please also explain the educational and procedural consequences of this revocation and identify any records I may request to understand the current program.

Thank you,
[Parent / Guardian Name]

Chapter 590 — Parent checklist

- ■ I know exactly which activity the school is asking me to authorize.
- ■ I understand whether this is an initial evaluation, reevaluation, initial services, or a different action.
- ■ I received an explanation in a language and format I understand.
- ■ I have asked questions about scope, timing, and possible consequences.
- ■ I kept a copy of the consent form and any related notice.
- ■ If I am considering revocation, I understand the effect on services and protections and have sought clarification.

Important reminder

This section is an educational resource, not legal advice. Consent rules include exceptions and fact-specific requirements. State law may provide additional protections. Do not sign or revoke consent based only on a sample letter; first make sure you understand the action and consequences in your circumstances.

Selected official resources

[1] IDEA regulation, 34 C.F.R. § 300.300 — Parental consent: official regulation.

[2] IDEA regulation, 34 C.F.R. § 300.305 — Additional requirements for evaluations and reevaluations: official regulation.

[3] IDEA regulation, 34 C.F.R. § 300.300(b)(4) — Revocation of consent for continued services: official regulation.

[4] IDEA regulation, 34 C.F.R. § 300.503 — Prior written notice: official regulation.

PART LIII — HOME, HOSPITAL & INSTITUTIONAL INSTRUCTION

Maintaining educational access during extended medical or treatment-related absences

Chapter 591 — Understand the different pathways

Families may hear terms such as homebound instruction, home-based instruction, home instruction, hospital instruction, or temporary tutoring. These terms are not interchangeable in every state. IDEA requires each public agency to make a continuum of alternative placements available, including home instruction and instruction in hospitals and institutions, to the extent necessary to implement a student's IEP. Placement decisions for a student with an IEP must be made by a group that includes the parents and is based on the student's individual needs and IEP. [1][2]

A separate state or district homebound program may have its own eligibility rules, medical documentation requirements, instructional minimums, and application process. Those rules do not replace the IDEA placement process when a student's IEP team is considering home or hospital instruction as an educational placement. Ask the district to identify which pathway it is using and the authority for that pathway.

Chapter 592 — When home or hospital instruction may be considered

A student may be temporarily unable to attend the usual school setting because of physical illness, injury, mental-health needs, treatment, hospitalization, or another condition. For a student eligible under IDEA, the team should consider the student's individual educational needs and whether an alternative placement on the IDEA continuum is necessary to provide FAPE. A medical condition or diagnosis alone does not automatically determine the educational placement. Likewise, a school should not assume that a temporary absence means the student no longer needs special education or related services.

The U.S. Department of Education explains that the IDEA placement continuum includes home instruction and instruction in hospitals and institutions, and that placement decisions must be individualized and made by a group including the parents. The team must also consider the least restrictive environment (LRE) requirements. [1][2]

Chapter 593 — Medical information and educational decision-making

A school or state homebound program may request medical documentation under applicable state rules. For an IDEA placement decision, the IEP team should consider relevant medical information along with evaluations, educational data, parent input, and the student's needs. Do not assume that a doctor's note by itself determines the IDEA placement, or that a district's standard homebound form resolves whether the student's IEP and related services are being appropriately addressed.

Parents can ask the healthcare provider to describe functional information relevant to instruction, such as expected duration of absence, stamina, schedule limitations, infection precautions, treatment effects, mobility, communication, or the student's ability to participate. Share only information reasonably needed for educational planning and understand any release authorization before signing it.

Chapter 594 — What the instructional plan should address

The IDEA does not prescribe a single national home-instruction timetable or template for every student. The team should nevertheless make clear how the student will receive the services and instruction required by the IEP during the placement. A written plan can identify:

• The location and method of instruction, including whether services will occur at home, in a hospital, or through another appropriate arrangement.

• The amount and schedule of instruction, taking account of medical tolerance, treatment, fatigue, and the student's educational needs.

• How specially designed instruction, related services, accommodations, assistive technology, and communication supports will be delivered.

• Who is responsible for instruction, service coordination, progress monitoring, and communication with the family.

• How materials, assignments, accessible technology, and interaction with peers will be provided when appropriate.

• How the plan will be reviewed if the student's condition, treatment schedule, or ability to participate changes.

Chapter 595 — Related services and individualized supports

Do not assume that home or hospital instruction automatically means only a limited number of general tutoring hours. The IEP team must consider the student's individual needs and the special education and related services necessary to implement the IEP. Depending on the student, related services or supports may include speech-language services, occupational or physical therapy, counseling, school health services, assistive technology, communication supports, or other services. Whether and how each service can be delivered in the setting should be discussed and documented by the team.

A temporary change in location should not be treated as an automatic cancellation of unrelated IEP needs. Ask the team to identify which services will continue, how they will be delivered, and the educational reason for any proposed changes.

Chapter 596 — Planning for a return to school

Returning to the school building may require planning rather than a simple instruction to resume the prior schedule. Depending on the student's circumstances, the team may discuss a gradual transition, adjusted schedule, health or safety protocols, transportation, accessible routes, fatigue management, missed instruction, emotional or sensory supports, and how services will resume. Any proposed change to the student's educational placement or IEP should follow applicable IDEA procedures and include parent participation.

A return plan should have clear responsibilities and review points. It should not become an indefinite reduced day or exclusion from instruction without individualized consideration and appropriate documentation.

Chapter 597 — Questions parents can ask

• Is the district treating this as a state homebound service or as an IDEA placement decision? What rules govern each?

• Will the IEP team meet to consider whether home or hospital instruction is needed to provide FAPE?

• What medical information is actually needed, and what is the purpose of each requested release?

• How will specially designed instruction and each related service in the IEP be delivered?

• What schedule is appropriate given treatment, fatigue, and the student's ability to participate?

• How will progress toward IEP goals be measured and reported during the absence?

- Who is the point of contact, and how will assignments, materials, and communication be coordinated?
- What conditions will trigger a review of the plan or a return-to-school meeting?
- How will the school support the transition back to the building and address missed educational access?

PARENT WORKSHEET & SAMPLE REQUEST

Chapter 598 — Home or hospital instruction planning worksheet

Planning item	School response / parent notes
Pathway being considered (state service or IDEA placement)	_____
Expected duration and relevant medical limits	_____
Instruction location and delivery method	_____
Schedule and amount of instruction	_____
Specially designed instruction and IEP goals	_____
Related services and supports	_____
Staff responsibilities and family contact	_____
Progress reporting and plan review date	_____
Return-to-school steps and transition supports	_____

Chapter 599 — Sample request for an IEP team discussion

Subject: Request to Discuss Home or Hospital Instruction and IEP Services

Dear [Special Education Administrator / IEP Case Manager],

Because my child is currently unable to attend the usual school setting due to [brief description, if comfortable sharing], I am requesting a discussion with the IEP team about educational access during this period. Please clarify whether the district is considering a state or local homebound service, an IDEA placement on the continuum of alternative placements, or both. If an IDEA placement decision is being considered, I request an IEP team meeting with parent participation.

Please explain how the school will provide the specially designed instruction, related services, accommodations, communication supports, and progress reporting required by my child's IEP during the absence. I would also like the team to discuss how the plan will be reviewed as circumstances change and what supports may be needed for a return to the school building. Please identify any medical documentation the district is requesting, the purpose of the request, and the applicable state or district procedure.

Thank you,
[Parent / Guardian Name]

Chapter 600 — Parent follow-up checklist

- ■ I asked the district to identify the exact home or hospital instruction pathway and governing rules.
- ■ I requested an IEP team discussion when an IDEA placement decision may be involved.
- ■ I reviewed medical forms and releases before signing and asked what information is necessary.
- ■ I obtained a written explanation of instruction, related services, supports, and progress reporting.
- ■ I confirmed who coordinates services and communicates with the family.
- ■ I requested a plan for reviewing changing needs and supporting return to school.
- ■ I kept copies of requests, medical documentation submitted, plans, and school responses.

Important reminder

This section is an educational resource, not legal advice. Homebound eligibility, medical documentation, instructional hours, timelines, and appeal rights vary by state and sometimes by district. The federal IDEA continuum and individualized placement rules are distinct from state-funded temporary homebound programs. Check current state regulations and district procedures.

Selected official resources

[1] IDEA regulation, 34 C.F.R. § 300.115 — Continuum of alternative placements: official regulation.

[2] U.S. Department of Education, OSEP, Return to School Roadmap — Placement decisions and LRE: official IDEA guidance.

[3] IDEA regulation, 34 C.F.R. § 300.116 — Placements: official regulation.

[4] U.S. Department of Education, 2025 guidance on inclusive educational practices: official guidance.

PART LIV — IEP TEAM MEMBERSHIP, ATTENDANCE & EXCUSAL

Who should participate, when a member may be excused, and how parents can prepare

Chapter 601 — Why IEP team membership matters

The IEP Team brings together the parent, appropriate school personnel, and others whose knowledge and expertise are relevant to the student's program. IDEA identifies required team roles, including the parent; at least one regular education teacher when the student is or may be participating in the regular education environment; at least one special education teacher or provider; a public agency representative meeting specified qualifications; and an individual who can interpret the instructional implications of evaluation results. Other individuals with knowledge or special expertise may be included at the discretion of the parent or agency, and the student participates whenever appropriate. [1]

The purpose is not simply to have names on an attendance sheet. The team must have the information and authority needed to develop, review, and revise an IEP that addresses the student's individual needs.

Chapter 602 — Notice should identify who is expected to attend

IDEA requires the school to notify parents early enough to have an opportunity to attend and to schedule the meeting at a mutually agreed time and place. The meeting notice must state the purpose, time, and location and identify who will be in attendance. It must also inform parents about the participation of other individuals with knowledge or special expertise and, for an initial IEP meeting after Part C services, the Part C representative invitation rule when requested by the parent. [2]

Parents can ask the school to explain each participant's role and whether the person is attending as a required team member, an invited individual, a related-service provider, or a person with decision-making authority for the agency.

Chapter 603 — When a team member may be excused

IDEA has specific written-agreement and written-consent rules for excusing certain IEP Team members described in 34 C.F.R. § 300.321(a)(2) through (a)(5). The rules differ depending on whether the member's area of the curriculum or related services will be modified or discussed. [1]

If the member's area will not be modified or discussed, the parent and public agency may agree in writing that the member's attendance is not necessary. If the member's area will be modified or discussed, the parent must provide written consent to the excusal, the public agency must also consent, and the member must submit written input into IEP development to the parent and the IEP Team before the meeting. [1]

These provisions are not a blanket rule that every staff member can be excused without parent involvement. The school should identify which member is proposed for excusal, whether the member's area will be discussed or modified, and which written procedure applies.

Chapter 604 — What written input should help the team understand

When the member's area will be modified or discussed and the excusal provision in § 300.321(e)(2) is used, the member must provide written input before the meeting to both the parent and the IEP Team. The regulation does not prescribe a universal template or a fixed number of pages. Parents can review whether the input gives the team useful information about the relevant area, the student's current needs and performance, and considerations for IEP development. If the written input is missing or does not answer the questions that prompted the meeting, ask the school to clarify before agreeing to the excusal.

Chapter 605 — Parent participation and invited individuals

Parents may invite individuals who have knowledge or special expertise regarding the child. The party who invites the individual determines whether that person has the knowledge or special expertise to participate under IDEA. This can include, depending on the student and meeting purpose, a related-services professional, advocate, evaluator, therapist, or another person who can contribute relevant information. [1]

If a parent cannot attend in person, the school must use other methods to ensure participation, including individual or conference telephone calls, consistent with IDEA. The school must take steps necessary to ensure the parent understands the proceedings, including arranging an interpreter when required. [2]

Chapter 606 — What if an important person cannot attend?

If a required team member's area is central to the meeting and the parent does not agree to an excusal, the parent can ask whether the meeting can be rescheduled or whether another time or participation method is possible. A parent can also ask for the written input and explain why the person's direct participation would be important. The goal is to make sure the team has the information needed for meaningful discussion; the precise legal requirements depend on the role and whether the excusal conditions are met.

Chapter 607 — Questions parents can ask before the meeting

• Who is expected to attend, and what role will each person serve?

• Which required team members will be absent or present for only part of the meeting?

• Is the absent member's area of curriculum or related services being modified or discussed?

• If an excusal is proposed, which part of 34 C.F.R. § 300.321(e) does the school believe applies?

• Has the required written agreement or written consent been provided, and has the member's written input been shared when required?

• Would rescheduling or remote participation allow the relevant member to participate directly?

• May I invite an individual with knowledge or special expertise about my child?

• How will the school ensure I can understand and participate in the meeting?

PARENT WORKSHEET & SAMPLE REQUEST

Chapter 608 — IEP team attendance review worksheet

Team role / person	Expected attendance / questions
Parent / guardian	_____
Regular education teacher (if applicable)	_____
Special education teacher / provider	_____
Public agency representative	_____
Evaluation interpretation participant	_____
Related-services personnel / other invitees	_____
Student / transition participants, if appropriate	_____
Proposed excusals and applicable written documents	_____
Written input received before meeting, if required	_____

Chapter 609 — Sample request for information about an excusal

Subject: Request for IEP Team Attendance and Excusal Information

Dear [IEP Case Manager / Special Education Administrator],

Before the IEP meeting scheduled for [date], please confirm which IEP Team members are expected to attend and identify any members who may be excused from all or part of the meeting. For each proposed excusal, please identify the person's role and whether that person's area of curriculum or related services will be modified or discussed. Please also provide the written agreement or consent applicable under 34 C.F.R. § 300.321(e), and any written input that must be provided to me and the IEP Team before the meeting.

If the member's participation is important to the topics being discussed, I would like to consider rescheduling or another way for that person to participate. Please also confirm that the meeting notice reflects the expected participants and that I may invite an individual with knowledge or special expertise regarding my child.

Thank you,
[Parent / Guardian Name]

Chapter 610 — Parent follow-up checklist

■ I reviewed the meeting notice and the expected participant list.

■ I identified any required team role that may be absent or only partly present.

■ I asked whether an absent member's area will be discussed or modified.

■ I reviewed the written agreement or consent applicable to the proposed excusal.

■ I received the member's written input before the meeting when § 300.321(e)(2) applies.

■ I considered whether rescheduling or remote participation would support meaningful discussion.

■ I identified any individuals I wish to invite who have relevant knowledge or special expertise.

■ I kept copies of the meeting notice, excusal documents, written input, and follow-up correspondence.

Important reminder

This section is an educational resource, not legal advice. IDEA's excusal rules apply to specified IEP Team members and contain different requirements depending on whether their area will be modified or discussed. State procedures may add requirements. Do not assume a missing staff member automatically invalidates a meeting, or that every absence is permitted; assess the role, subject matter, written documents, and applicable rule.

Selected official resources

[1] IDEA regulation, 34 C.F.R. § 300.321 — IEP Team membership and excusal: official regulation.

[2] IDEA regulation, 34 C.F.R. § 300.322 — Parent participation and meeting notice: official regulation.

[3] U.S. Department of Education, OSEP, IEP Team Meetings and Changes to the IEP: official guidance (PDF).

[4] U.S. Department of Education, Return to School Roadmap — IEP team participation and excusal: official guidance.

PART LV — THE IDEA PROCEDURAL SAFEGUARDS NOTICE

How to obtain it, understand the rights it describes, and use it as a practical reference

Chapter 611 — What the notice is

The IDEA procedural safeguards notice is a written explanation of protections available to parents of children with disabilities under IDEA Part B. It is not the child's IEP, an evaluation report, or a substitute for a school's prior written notice explaining a particular proposal or refusal. Its purpose is to explain the procedural rights and dispute-resolution options available to parents. [1][2]

A school must provide the safeguards notice at least once in each school year and at specified events: upon initial referral or a parent request for evaluation; upon receipt of the first State complaint and first due process complaint in a school year; in connection with certain discipline procedures; and whenever a parent requests it. [1]

Chapter 612 — What the notice should explain

The federal regulation identifies subjects the notice must explain, including independent educational evaluations, prior written notice, parental consent, access to education records, State complaints, due process complaints, mediation, placement during due process proceedings, discipline-related procedures, private-school placement at public expense, hearing rights, appeals where applicable, civil actions, and attorneys' fees. [1]

The notice should explain differences between State complaint and due process procedures, including the issues each procedure can address, filing time limits, resolution opportunities, decision timelines, and relevant procedures. Do not assume that the same deadline or process applies to every type of complaint.

Chapter 613 — Understandable language and accessible communication

IDEA requires procedural safeguards information to be written in language understandable to the general public and, when feasible, in the parent's native language or other mode of communication. If the parent's native language or mode of communication is not a written language, the public agency must take steps to ensure the notice is translated orally or by other means, that the parent understands it, and that there is written evidence those requirements were met. [3]

If the notice is difficult to understand, ask the school to explain it, provide an accessible format, or arrange interpretation or other communication support. Keep a copy of the request and the school's response.

Chapter 614 — Notice versus notice of a specific decision

The procedural safeguards notice is a general guide to rights. Prior written notice is different: it addresses a particular proposal or refusal concerning identification, evaluation, educational placement, or the provision of FAPE. A parent may need both documents. The general safeguards booklet does not explain why a specific action was proposed or refused. [1][4]

Chapter 615 — Make the safeguards notice useful

Keep the current notice with the IEP, evaluation reports, meeting notices, prior written notices, consent forms, and important correspondence. Mark the sections on records, evaluation, consent, mediation, State complaints, due process, discipline, and timelines. When a dispute arises, identify the issue first, then check the notice and the governing regulation for the procedure and deadline that apply.

A parent can request the current notice at any time. A request for the notice does not itself file a complaint, start a hearing, or extend a filing deadline. If a deadline may be approaching, verify it promptly with the State educational agency's official procedures or qualified legal assistance.

Chapter 616 — Questions to ask the school

• Please provide the current IDEA procedural safeguards notice.

• Which section explains the right or procedure relevant to my concern?

• What is the applicable State filing deadline, and where is it published?

• Is the school's document a general safeguards notice or a prior written notice about a specific decision?

• Can the notice be provided in my native language, accessible format, or preferred mode of communication?

• Who can explain the State complaint, due process, and mediation options without requiring me to waive any rights?

PARENT REFERENCE WORKSHEET

Chapter 617 — Rights and document tracker

Item	Date received / action / follow-up
Current procedural safeguards notice	_____
Prior written notice for the specific decision	_____
Evaluation consent or refusal documentation	_____
Education-records request / response	_____
State complaint rules and filing deadline checked	_____
Due process rules and filing deadline checked	_____
Mediation information / voluntary decision	_____
Interpreter or accessible-format request	_____
Next deadline and person responsible for follow-up	_____

Chapter 618 — Sample request for the current safeguards notice

Subject: Request for Current IDEA Procedural Safeguards Notice

Dear [Name],

Please provide me with the current IDEA Part B procedural safeguards notice for parents. If available, please provide it in [preferred language or accessible format]. If interpretation or another communication method is needed to ensure I understand the notice, please let me know how the school will arrange that support.

Please confirm the date and method by which the notice is provided. I understand that this is the general explanation of IDEA procedural rights and that a separate prior written notice may be required for a specific proposal or refusal.

Thank you,
[Parent / Guardian Name]

Chapter 619 — Parent checklist

- ■ I have a copy of the current procedural safeguards notice.
- ■ I know how to request another copy.
- ■ I can identify the difference between the safeguards notice and prior written notice.
- ■ I have checked the State-specific filing procedures and deadlines for any dispute.
- ■ I requested language, interpretation, or accessibility support if needed.
- ■ I am keeping a dated record of documents received and deadlines verified.

Important reminder

This guide is educational information, not legal advice. Procedural safeguards and filing deadlines can be complex. State complaint and due process timelines differ, and other laws may apply. A request for the safeguards notice does not pause or extend a deadline. Verify current requirements with the State educational agency and seek qualified legal advice when necessary.

Selected official resources

[1] 34 C.F.R. § 300.504 — Procedural safeguards notice: official regulation.

[2] U.S. Department of Education, IDEA — Parents and Families: official overview.

[3] 34 C.F.R. § 300.503(c) — Understandable language and native-language requirements: official regulation.

[4] 34 C.F.R. § 300.503 — Prior notice by the public agency: official regulation.

PART LVI — STATE COMPLAINTS: EVIDENCE, INVESTIGATION & FINDINGS

A practical guide to organizing allegations, supporting facts, responding during an investigation, and following through on a decision

Chapter 620 — What a State complaint addresses

IDEA requires each State educational agency (SEA) to maintain written procedures for resolving qualifying complaints alleging that a public agency violated Part B of IDEA or its regulations. A signed written complaint may be filed by an individual or organization, including someone other than the child's parent. The federal regulation generally limits allegations to violations occurring not more than one year before the SEA receives the complaint. Check State law and current SEA procedures for any additional or longer protections. [1][2]

A State complaint is an administrative investigation of alleged IDEA noncompliance. It differs from a due process hearing, an OCR disability-discrimination complaint, and a local school grievance.

Chapter 621 — Make allegations specific

For each allegation, identify: (1) the IDEA requirement; (2) the action or omission; (3) relevant date or date range; (4) the people or program involved, where relevant; (5) records or witnesses supporting the facts; and (6) the resolution sought, to the extent known. Avoid combining unrelated events into one vague allegation.

Federal content requirements include a statement that a public agency violated Part B or its regulations, supporting facts, the complainant's signature and contact information, and—when the complaint concerns a specific child—required child and school information, a description of the problem, and a proposed resolution to the extent known and available. A copy must be sent to the public agency serving the child at the same time the complaint is filed with the SEA. [2]

Chapter 622 — Organize the evidence

Create an exhibit index. Give each document a short identifier, date, description, and allegation it supports. Potential records include IEPs, evaluation reports, prior written notices, service logs, progress reports, attendance records, relevant emails, meeting notes, work samples, and dated parent observations. Follow the SEA's submission, privacy, and file-format rules. Preserve complete originals.

Separate firsthand facts from conclusions. For example, write "The service log lists no session on these dates" rather than assigning motive. If a record is missing, state what was requested, when, and what response was received. Avoid submitting unrelated material.

Chapter 623 — During the investigation

State procedures must provide an opportunity for the complainant to submit additional information orally or in writing. The SEA must review relevant information and make an independent determination about whether the public agency violated an IDEA requirement. Federal minimum procedures generally require a written decision addressing each allegation, with findings of fact and conclusions, within 60 calendar days, subject to specified regulatory extensions or exceptions. Check the State's current rules and investigator instructions. [3]

Answer investigator questions directly and keep copies of submissions. If new facts arise, ask how to submit them and whether they fall within the scope and time limits. Do not assume every concern can be added after filing.

Chapter 624 — Findings and remedies

A written decision should address the allegations and explain findings and conclusions. If the SEA finds a failure to provide appropriate services, IDEA requires it to address the failure, including corrective action appropriate to the child's needs—such as compensatory services or reimbursement where appropriate—and future provision of services for children with disabilities. [1][3]

Record each finding, required action, responsible agency, due date, and verification requirement. If no violation is found, review the reasoning and State procedures for reconsideration or other options; availability and deadlines vary.

Chapter 625 — Follow through

Keep a compliance tracker and retain evidence of implementation. OSEP explains that the SEA must ensure implementation of its written decision through effective procedures, which may include technical assistance, negotiations, and corrective action. [4]

A State complaint does not automatically resolve every issue under Section 504, the ADA, FERPA, or State law. Consider whether another process is needed, and check deadlines before choosing overlapping routes.

STATE COMPLAINT WORKSHEET & SAMPLE OUTLINE

Chapter 626 — Allegation and evidence planner

Field	Your notes
Allegation number and short title	_____
IDEA requirement / regulation	_____
Date(s) of alleged violation	_____
Specific action or omission	_____
Supporting facts (who, what, when, where)	_____
Exhibits / records / witnesses	_____
Impact on student or services	_____
Requested resolution / corrective action	_____
Filing deadline verified with SEA	_____

Chapter 627 — Sample complaint outline

To: [State Educational Agency — IDEA State Complaint Office]
From: [Name and contact information]
Date: [Date]

Allegation 1 — [Short description]
Requirement: [Identify the IDEA Part B requirement or regulation.]
Facts: [Set out dates and specific actions or omissions in chronological order.]
Evidence: [Identify attached exhibits by letter and title.]
Requested resolution: [State the corrective action sought, to the extent known and available.]

Repeat this structure for each distinct allegation. Include the information required by the State's procedure, sign the complaint, and send a copy to the public agency at the same time as filing with the SEA.

Chapter 628 — Submission checklist

- ■ I identified the IDEA requirement for each allegation.
- ■ I used specific dates and facts.
- ■ I checked the federal one-year limit and State rules.
- ■ I included required identifying and contact information.
- ■ I proposed a resolution to the extent known and available.
- ■ I numbered and indexed supporting exhibits.
- ■ I followed the SEA's filing method.
- ■ I sent a copy to the public agency at the same time.
- ■ I saved proof of submission and delivery.
- ■ I calendared investigation and implementation deadlines.

Important reminder

This is educational information, not legal advice. State complaint forms, filing methods, review options, and deadlines vary. Sending a letter to a school or district is not necessarily the same as filing with the SEA. Confirm current requirements and deadlines with the State educational agency.

Selected official resources

[1] 34 C.F.R. § 300.151 — State procedures and remedies: official regulation.

[2] 34 C.F.R. § 300.153 — Filing a complaint and required content: official regulation.

[3] 34 C.F.R. § 300.152 — Minimum State complaint procedures: official regulation.

[4] OSEP Memo and Q&A; on IDEA Part B Dispute Resolution: official guidance.