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Ohio Legal Rights Service FACT SHEET:

What can I do to get my school to follow my child's Individualized Education Program (IEP)?

Your school is required to provide all services and supports that are written on your child's IEP. Follow these suggestions to help you get your school to follow the IEP.

Know and understand what is written on your child's IEP

- **Get a copy of your child's IEP and read it carefully**

You may think your child is supposed to receive a service in school, but it is not written on the IEP. If your child needs a service, make sure it is on the IEP so that the school must provide that service.

You may interpret the language on the IEP differently than your school. It is important that your child's IEP is written in clear language that everyone understands. A clearly written IEP can prevent misunderstandings about what services are provided to your child.

For example, your child may receive speech therapy services. Therapy services can either be direct (provided to the child by a therapist) or consultative (therapist provides information to the teacher). The IEP should clearly specify the therapy given so that you understand what level of service is provided to your child.

- **Talk with the special education coordinator from your school**

If you don't understand your child's IEP, if a service your child needs is not on the IEP, or if the IEP is misleading or unclear, contact the person in your school district responsible for special education (special education coordinator) to help you understand the IEP and resolve your concerns. Your school board office can tell you who coordinates special education for your school district.

Ask the school to provide the service on your child's IEP

- **Talk with the person who provides services to your child**

Talk with the person who is supposed to provide the service to your child to find out why the service is not being provided. Work with that person to resolve your concerns. If talking with the service provider does not resolve your concerns, you should ask the special education coordinator to help resolve the issue.

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- **Make sure everyone working with your child is familiar with the IEP**

Everyone who works with your child should have a copy of your child's IEP. If your child's IEP is not being followed, talk with your child's teachers and therapists to ensure that they understand what the IEP requires. Sometimes people who work with your child were not present at your IEP meeting. This is especially true when a child has multiple teachers and spends time in both regular and special education. You may want to spend some time discussing the IEP with people who did not attend the IEP meeting.

- **Ask for an IEP meeting**

If talking doesn't help, ask for an IEP meeting to resolve your concerns. You may ask for a meeting even if you have already had an IEP meeting during the year. At this meeting you can add services to the IEP or change unclear language.

If your school does not respond to your request for an IEP meeting or refuses to give you an IEP meeting you should put the request in writing. Two weeks is generally a reasonable time for the school to respond to your letter. If a meeting is still not provided, you should contact the Ohio Department of Education (ODE) and ask that ODE staff call your school on your behalf to help you get a meeting. See resource section for ODE's contact information.

Discuss alternative ways to provide the service

In some cases, it is not possible to provide a service or support to your child in the identical way it was provided initially. In these situations, alternative ways to provide the service or support must be considered and provided. The school may provide services on the IEP in alternative ways, but those ways must be appropriate for your child.

- **Services from a different provider**

Sometimes a service is not provided because the person who is supposed to provide the service is unavailable. For example, your child may have physical therapy written on his IEP and the school's physical therapist is out on leave. Your school is required to ensure that those services are provided. Talk with your school about other options for providing the service. Your school may be able to hire a substitute therapist to provide therapy until the regular therapist returns from leave. Your school may agree to pay for private therapy until a substitute therapist is employed, or you may agree to the therapy being provided when a new therapist is located.

- **Services provided at a different time**

If your child is not provided with a service on his IEP, the school may be required to make-up the service. This is called compensatory education. Compensatory education can be provided in different ways including after school, during the summer, and during school breaks. For information on compensatory education, see the resource section in this packet.

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- **Reimbursement for missed services**

Your school can provide reimbursement for services that were missed because the IEP was not followed. An example of reimbursement for a service may be where your child's IEP includes transportation and the bus drivers are on strike or otherwise unavailable. Your school will be required to provide alternative transportation (taxi, private transportation) or may ask you to transport your child. You do not have to provide transportation for your child, but can agree to provide it if alternative transportation is unavailable. If you agree to transport your child, the school must reimburse you for mileage. If the service is a therapy, the school can agree to reimburse you for private therapy sessions you have provided to your child while the school therapy was not given to your child.

Put your concerns in writing

In most cases, you should make requests for services and supports to your school in writing. Letters help you keep a record of what you have requested. This is very important in situations where you cannot resolve your concerns quickly or where more than a phone call is required. Your letter should be dated and should request that the school answer you in writing and within a certain time. Two weeks is generally a reasonable time for a response. See sample letter attached.

What if I cannot get this issue resolved using this packet?

If these suggestions do not work to resolve your concerns, you can do a number of additional things that may work. Information about these options is included in this packet in the resource section. Your options include:

- **Seek the assistance of an advocate to help you resolve the issue. See the resources section for a referral.**
- **Use the techniques in *Negotiation Skills for Parents: How to get the Special Education Services your Child with a Disability Needs*. (available on the OLRS web site)**
- **Read more about your issue by accessing the special education publications on the OLRS website.**
- **Contact the Ohio Department of Education for assistance or to file a complaint. See resources section for contact information.**
- **Ask for an administrative review with your school's superintendent.**
- **Pursue formal mediation and/or a due process hearing.**
- **Seek the assistance of an attorney to help you resolve the issue. See the resources section for a referral.**

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Sample letter to request behavioral support through the IEP

Date (include month, day, and year)

Name of Your Child's Special Education Coordinator

Name of School District

Street Address

City, State, Zip Code

Dear (name of Special Education Coordinator),

I am writing to request an IEP review meeting. I would like to discuss making some possible changes in (child's name)'s IEP. I am requesting this meeting because (state your reasons, but limit discussion about the specific changes you want to make because you will want to hear the school's position at the meeting).

I would also like to have (names of specialists or other staff) attend because his/her/their ideas about the changes we may need to make will be valuable.

I can arrange to meet with you and the other members of the IEP team on (list days you are available) between (give a range of time, such as between 2:00 and 4:00). Please let me know what time would be best for you.

I look forward to hearing from you within five school days of the date you receive this letter. My daytime telephone number is (give your phone number). Thank you for your help.

Sincerely,

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

cc: specialists or other staff

Additional OLRS Resources

OLRS web site: **www.olrs.ohio.gov**

The OLRS web site can be accessed to view or download OLRS publications on special education and to get additional information.

- **Other OLRS Information and Referral Packets available are:**

#2 What can I do if my child is being harassed in school?

#3 What can I do if my child is having behavior problems in school?

#4 How do I get an extended school year (ESY) for my child?

#5 How do I get my school-aged child evaluated for special education?

#6 How do I get related services for my child?

#7 FAQs About Special Education, Private Insurance and Medicaid

#8 Early Intervention Services, Payment for Services

#9 Surrogate Parents for Children with Disabilities

#10 Transition Planning for Students with Disabilities

Contact OLRS intake for your free copy of any of these packets, or download a copy from the OLRS web site.

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