



## THE MYSTERIOUS WORLD OF AN IEP?

Published in Mobile Bay Parents  
by JAMES D. SEARS, ED.D., J.D.  
September 2014



The mystery of an individual education program (IEP) has been solved. There isn't one. In spite of how the technicalities of the IEP have increased and evolved since it was first included in the federal law for children who have disabilities in 1975, the concept has remained a very basic one—determine where the child is functioning today, predict the goals the child should be able to achieve within one year, and determine what teaching strategies and related services should be implemented to reach those goals based upon the child's unique learning characteristics. The IEP's function is one simply of accountability—were the child's present levels of functioning properly evaluated, were reasonable levels of achievement predicted, and were appropriate services provided. If the concept is so straightforward, why have IEPs become the dread of parents and the bane of educators?

Of course, the different aspects of an IEP, interpreted many different ways, add to the mystery. For example, when developing an IEP the law requires academic goals must be written to "general education content standards." What seems to be a contradiction of that provision is the provision in another part of the same law that requires a school system to develop and implement procedures to ensure that all eligible children have an appropriate IEP based on the child's unique needs. After all, if the child can meet general education standards, why would there have to be IEP goals for academic standards and why would the child be in special education classes?

By emphasizing academic "standards" without taking into consideration the child's functioning level, more important aspects of the child's education may be ignored. The law specifically states that educational performance includes more than just academic achievement. Educational performance also includes social and emotional development, as well as communication skills. Making passing scores on tests and progressing from grade-to-grade are not the final criteria for determining whether or not a child is eligible for services.

During IEP team meetings parents are often confronted with present levels of academic performance that are two or three years behind grade level. Yet, when school personnel suggest measureable annual goals, they often propose that the child will achieve at the same grade level as the classmates who do not have a disability. In effect, the child is expected to remediate the two or three year deficits during the same period of time as the child is learning the new material at grade level. Common sense seems to have been absent at the time of these types of decisions.

The service component of the IEP is what school personnel will do to remediate deficiencies the child may have. Federal law requires that services for children who have disabilities be scientifically-based, i.e., that the service is more than presenting the material to the child at a lower level and slower pace, or "I've been a teacher for 20 years, and this is the way I've always done it." The service should address the unique needs and learning characteristics of the child who has a disability, as an individual. After all, it is an individual education plan.

For parents, evaluating the quality of the service to be provided their child should include considering what is not a service. A service is not "the special education teacher will collaborate with the general education teacher." A service is not "the student will receive instruction in the general education classroom or resource room." A service is not "the student will receive specialized instruction three times per week." These are examples of the service delivery model, not the service itself. If those comments are included in the service component of an IEP, the parent should insist on knowing what educational strategy is going to be used. A service, simply put, is "what makes special education special." An example of a service to be provided a child who demonstrates inappropriate behaviors could include applied behavior analysis therapy, including a modified overcorrection procedure.

Finally, there has always been a mystery as to whether or not an IEP is a legally binding contract. The answer to that question is, yes and no (therein lies the mystery). An IEP is not binding in regards to whether or not the child achieves a particular goal. It is binding regarding the services the child receives.