

What is an IEP?

An IEP is an **Individualized Education Program**

When your child has special educational needs, they may struggle learning in the same ways, or at the same pace, as their fellow students.

For that reason, parents may request an IEP for their child from their school.

IEPs are written plans drafted by parents, school employees, professionals, and sometimes your child. They cover your child's unique performance abilities, necessary accommodations, behavioral development and educational goals.

All public schools (including DoDEA schools*) are **REQUIRED BY FEDERAL LAW** (20 U.S.C. 1400 *et seq.*) to provide accommodations for students with disabilities or who qualify for special needs education. If your child attends a public school, you are entitled to an IEP will free of charge. Private schools and colleges may have different procedures. You may inquire with the school and your EFMP coordinator to figure out what your child's school will provide.



**While students at DODEA schools have the right to appropriate education, legal remedies are more limited and you should check the policies at your school*

For Additional Questions or Assistance, Please Contact

MISAWA AIR BASE

LEGAL OFFICE

35th Fighter Wing

OFFICE OF THE JUDGE ADVOCATE

DSN: 315-226-4022

COMM: 011-81-176-77-4022

OR EMAIL AT 35FW.JA@US.AF.MIL AND
INCLUDE YOUR DOD ID NUMBER

Building 656 (Tori Building)

Unit 5009 APO, AP, 96319

We provide advice on personal civil legal matters including:

Wills, Living Wills, and Powers of Attorney

Landlord-Tenant and Consumer Issues

Family Law Advice

Civil Claim Processing

To qualify for legal assistance, clients must be active duty, retired, or dependents.

MISAWA AIR BASE

EXCEPTIONAL FAMILY MEMBER PROGRAM

FAMILY SUPPORT COORDINATOR

PHONE: 315-226-6222

KNOW YOUR EXCEPTIONAL CHILD'S EDUCATIONAL RIGHTS



35th Fighter Wing

OFFICE OF THE STAFF JUDGE ADVOCATE

How is an IEP triggered?

- You, the State, or the school may request an initial evaluation to determine if the child requires special education (20 U.S.C. 1414(a)(1)(B))

Who is present at IEP meetings?

- **You have the right to be present at IEP meetings** along with:
 - Your child (if appropriate)
 - A regular education teacher
 - A special education teacher
 - A qualified representative of the local educational agency
 - **A friend or supporter who knows your child or has expertise with your child's unique traits.**
- 20 U.S.C. 1414(d)(1)(B)

What kind of accommodations are available?

- Your child is unique, so the plan crafted in the IEP should be unique to your child – but accommodations can involve special technology, additional instruction, monitoring, and more.

What if we switch public school districts mid-year?

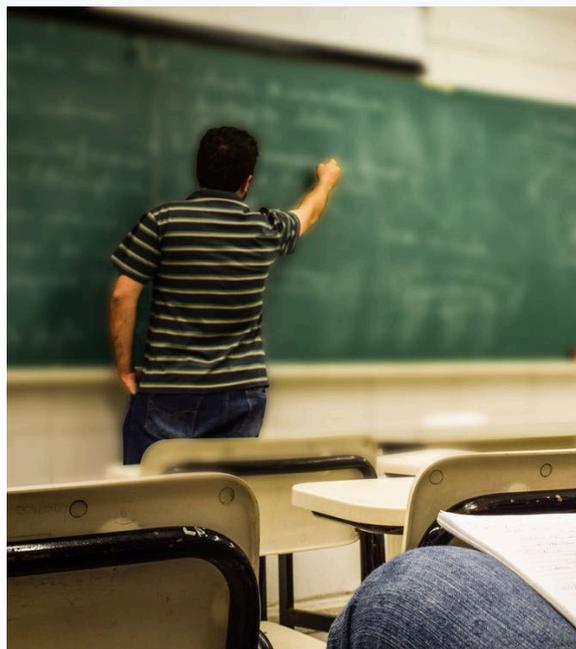
- Your child is entitled to services “comparable to those described in the [current] IEP,” until the new school re-evaluates and crafts a new IEP
- Both the new and old school must promptly have your child's records and IEP transferred to the new school.
- 20 U.S.C. 1414(d)(2)(C)

If the school or State agency intends to initiate special education accommodations for your child, 20 U.S.C. 1414(a)(1)(D) requires that they must request

informed consent from you, the parent, at two different stages:

- (1) The initial evaluation, and
- (2) Before the provision of special education services

If the school initiates either without requesting your consent and against your wishes, send them a letter demanding they stop. (Note that if you refuse consent, the State may still be able to act. However, they must at least *request consent* and *inform* you of the details and ramifications.)



DISCLAIMER: This pamphlet is intended for educational purposes only, and does not constitute legal advice nor does it form a lawyer-client relationship. This pamphlet also does not represent the views of the Misawa JA or EFMP or any department of the Air Force or DoD.

What should you do if the school refuses to cooperate?

You are your child's most important advocate. If you believe the public school is doing something wrong, **make sure to arm yourself with the most recent versions of laws to advocate for your child.** Make sure to get everything in writing to help hold all parties accountable.

Also feel free to contact EFMP or JAG who will be able to connect you to resources to help advocate for your family.

For escalated legal disputes, retain or consult with an attorney. Contact the Judge Advocate's office to ask questions connect to resources such as free or affordable legal services.

WHEN IN DOUBT, REMEMBER
THAT YOUR CHILD HAS THE
RIGHT TO F. A. P. E. (under 20
U.S.C. 1401(3)(A)(9))

**FREE &
APPROPRIATE
PUBLIC
EDUCATION**