



FIVE FAST FACTS

Individualized education programs

The Individuals with Disabilities Education Act (IDEA) is a federal law that requires school districts to provide special education and related services to children with disabilities. The law is implemented in Ohio by Chapter 3323 of the Ohio Revised Code (RC) and Chapter 3301-51 of the Ohio Administrative Code (OAC). These provisions require districts to provide a free appropriate public education (FAPE) to each student with a disability.



1. FAPE must be provided to each student, consistent with an individualized education program (IEP) designed for that student.

An IEP is a written comprehensive plan prepared by a team of individuals representing the school and student. The plan must be prepared in compliance with a set of procedures that details the means by which the district will provide special education and related services tailored to meet the unique needs of the student (*Andrew F. v. Douglas Cnty. School Dist.*, 137 S.Ct. 988, 994 (2018)). The child's parents must review the initial (first) IEP as well as any subsequent changes in placement and give their consent in order for it to go into effect (RC 3323.04).

2. Each IEP must include current levels of academic achievement, goals and a description of the services.

The law specifies that each IEP must include:

- A statement of the student's current levels of academic achievement and functional performance.
- Annual measurable goals.
- The methods for measuring the student's achievement of the goals.
- The special education and related services the student will receive in order for the student to:
 - ◆ advance appropriately toward attaining annual goals;
 - ◆ be involved and make progress in the general education curriculum and participate in extracurricular and nonacademic activities;
 - ◆ be educated and participate with other students with and without disabilities.
- An explanation of the extent to which the student will not participate in the regular class and activities.
- A statement of accommodations necessary to allow the student to participate in state and districtwide assessment tests.
- Other supplementary aids and services such as technology.

When the student reaches the age of 14, the IEP must also include a transition plan preparing the student for post-graduation from public school (20 United States Code (USC) 1414(d); RC 3323.011; OAC 3301-51-07(H)(2)).

FAST FIVE FACTS ON INDIVIDUALIZED EDUCATION PROGRAMS

RESOURCES

Fact sheet: Special education basics for school board members
www.ohioschoolboards.org/osba-fact-sheets-and-brochures

20 USC Chapter 33
www.law.cornell.edu/uscode/text/20/chapter-33

34 CFR Chapters 300-303
www.law.cornell.edu/cfr/text/34/subtitle-B/chapter-III

RC Chapter 3323
<http://codes.ohio.gov/orc/3323>

OAC Chapter 3301-51
<http://codes.ohio.gov/oac/3301-51>



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3. Each IEP is created by the student's IEP team.

A student's IEP team must consist of (at a minimum):

- the student's parents;
- one general and one special education teacher;
- a representative of the school district;
- an individual who can interpret the instructional implications of evaluation results, who may be another member of the IEP team;
- the student, upon reaching age 14 (34 Code of Federal Regulations (CFR) 300.321; RC 3323.01(E)).

The team can also include others such as therapists, intervention specialists and other school employees participating in the child's education.

4. Each student's IEP team must meet at least once each year.

IDEA requires that a student's IEP must be reviewed at least once each year, which means that the team must meet annually. However, it can meet more often if the school, teacher or student's parents request more frequent meetings.

5. Parents have other guaranteed roles and rights in the IEP process.

Parents must be provided with an opportunity to examine all student education records relevant to their child's identification as a child with a disability, evaluation for services and placement. Parents must be given a written notice before any change in their child's identification, evaluation and placement. This is called a "prior written notice." The district also must provide parents with notice of their procedural rights. Parents may pursue the remedies described in IDEA if they have concerns about their child's FAPE.

This fact sheet is intended to give board members an introduction to the laws and regulations governing IEPs. This information is of a general nature. If you have general questions about IEPs, contact OSBA's Division of Legal Services at (855) OSBA-LAW. Board members with specific questions or concerns should seek the advice of legal counsel.