



Division of Early Intervention and Special Education Services Parent's Guide to Understanding Your Individualized Education Program (IEP) Rights and Responsibilities in Maryland

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This guide is designed to help you understand your rights and responsibilities as a member of your child's Individualized Education Program (IEP) team. The federal Individuals with Disabilities Education Act (IDEA) and the Code of Maryland Regulations (COMAR) provide parents certain protections called procedural safeguards. This document does not replace your procedural safeguards in Maryland's Parental Rights: Maryland Procedural Safeguards Notice. To view the full version of [Parental Rights: Maryland Procedural Safeguards Notice](#), available in 18 languages on the Maryland State Department of Education [website](#).

Parents and Maryland's Individualized Education Program (IEP) Team Process

IEP Team and IEP Team Meetings

You are a member of your child's IEP team. Other IEP team members include:

- At least one of your child's regular education teachers;
- At least one of your child's special education providers;
- A school administrator who can commit local school system resources;
- An individual who can explain the test results and what they mean for instruction (this may be a school administrator, teacher, or another professional);
- Other individuals that you or the school system want to attend because they know your child and have special expertise about your child; and
- Your child, when appropriate. Your child must be invited to attend his or her IEP team meeting(s), beginning at age 14, to consider transition, postsecondary goals and services needed to reach his or her desired goals.

Parent Notice and Participation

- You are a member of the IEP team and should participate as an equal partner.
- You are to be invited to each IEP team meeting about your child.
- You are to receive a copy of all documents that the IEP team plans to discuss, at least five (5) business days before your child's IEP team meeting.
- The IEP team meeting is to be at a mutually agreed upon date and place.
- If you cannot attend a proposed IEP team meeting, you may suggest another date and time.
- You may ask others to attend the IEP team meeting with you.
- If your native language is not English, the local school system is to provide an interpreter for you to enable you to participate in the meeting.
- If you cannot attend in person, you and school staff may agree to use other ways to participate, such as video conferencing or conference call.
- You have the right to excuse or not excuse another member of your child's IEP team from attending an IEP team meeting.
- The local school system cannot excuse a required team member without your permission.
- You are to receive the proposed or final IEP five (5) business days after the completion of the IEP.
- You may have the right to receive a written copy of your child's IEP translated into your native language. Please ask your local school system.
- You have the right to request mediation at any time to resolve a disagreement, if you and the local school system both agree to the mediation process.

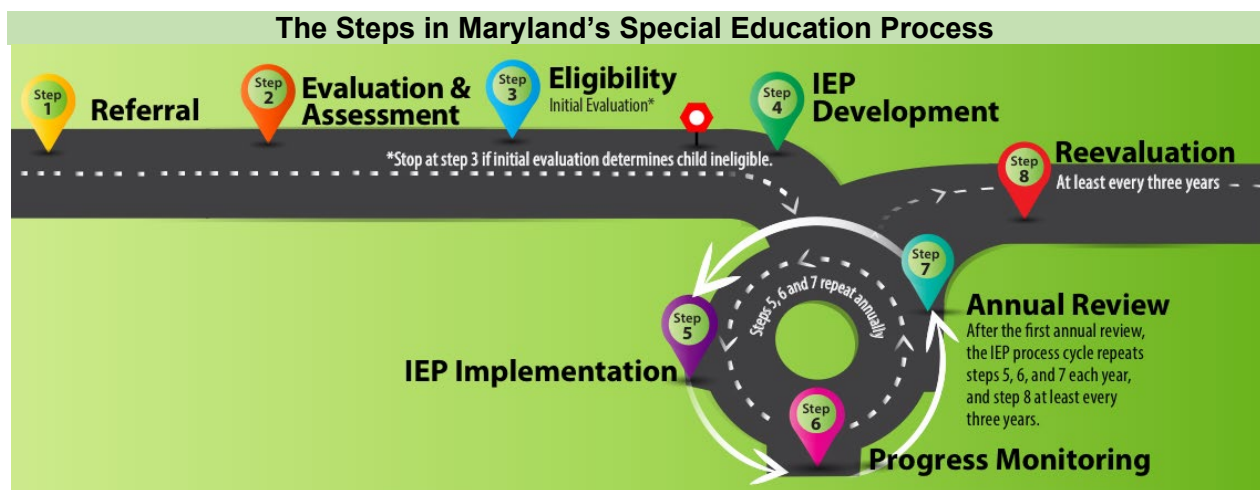
- You may file a State complaint or request a due process hearing if you believe a student's rights have been violated under the IDEA.

IEP Team Meetings

At a minimum, IEP team meetings are held to:

- Review the referral and your concerns to decide which tests are needed (if any) to determine if your child has a disability that requires special education.
- Review test results to decide if your child has a disability that requires special education (**Step 3, Initial Evaluation**).
- Develop an IEP for your child to describe the services and support to be provided to you and/or your child (**Step 4, IEP Development**).
- Review your child's progress at least annually (**Step 7: Annual Review**).

You may request an IEP team meeting at any time to review your child's IEP.



Step 1: Referral

The first step in the special education process is referral. You or your child's teacher may make a written referral to your child's school if you suspect your child may have a disability and needs special education services. You will be invited to an IEP team meeting to review the referral and other information to decide if testing is needed.

Go to Step 2: Evaluation and Assessment

Step 2: Evaluation and Assessment

This step helps the IEP team decide if your child has a disability and needs special education. The tests are to cover all areas connected to the suspected disability, such as: health, reasoning, communication, social/ emotional skills, behavior, self-help, physical and vocational needs and abilities. Your permission (consent) is required before individualized tests can be given. If your child has a disability and needs special education, the information obtained from the tests assists the IEP team to choose the right services and supports, and to create your child's IEP.

*Go to Step 3: Eligibility (Initial Evaluation)**

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The initial evaluation IEP team meeting is to be held within 60 days of your consent for tests. At this meeting, the IEP team decides whether your child has a disability that requires special education. There are 14 identified disabilities that may require special education services: Autism, Deaf-Blindness, Deafness, Developmental Delay (through age 7), Emotional Disability, Hearing Impairment, Intellectual Disability,

Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury, or Visual Impairment, including Blindness.

Go to Step 4: IEP Development if the IEP team decides your child needs special education services.

**STOP at Step 3 if the initial evaluation determines your child ineligible for special education services. If you do not agree, refer to the Parental Rights: Maryland Procedural Safeguards Notice, "Resolving Disagreements" section.*

Step 4: IEP Development

If the IEP team decides your child has a disability and needs special education, the IEP team must develop a program of services based on your child's needs, not his/her category of disability, within 30 days of the Initial Evaluation Meeting. The IEP is a written document that describes the accommodations, modifications and services your child needs to receive an appropriate education. It also lists annual goals and objectives school staff use to measure your child's progress and determine whether the services and placement are appropriate.

Your child's school may not begin to provide special education services until you give consent.

Go to Step 5: IEP Implementation if you give initial consent.

STOP here if you do not give initial consent for the local school system to begin providing special education.

Step 5: IEP Implementation

Your child is to receive services, as listed on the IEP, as soon as possible after the IEP team meeting where your child's IEP was developed. Each of your child's service providers is to have access to a copy of the IEP and be informed of their specific responsibilities, accommodations, modifications, and supports for your child. ***Your child's school may not begin to provide special education services until you give consent.***

Go to Step 6: Progress Monitoring.

Step 6: Progress Monitoring

Your child's IEP is to include information on how you are to be informed of your child's progress toward meeting his/her annual goals. You are to receive the progress reports as often as a parent of a nondisabled child is informed of their child's progress.

Go to Step 7: Annual Review.

Step 7: Annual Review

The IEP team is to review your child's IEP at least annually to decide whether your child is achieving his or her annual goals and to revise your child's IEP, as appropriate. The IEP team is to also address:

- Any lack of expected progress toward the annual goals and in the general education curriculum;
- The results of any reevaluation;
- Information about your child;
- Your child's anticipated needs; and
- Other matters, as appropriate.

After the annual IEP Team meeting, you and the school may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the child's IEP. You are to be given a revised copy of the IEP with the amendments incorporated.

After the first Annual Review, the IEP cycle includes Steps 5, 6 and 7, until the IEP team needs to consider *Step 8: Reevaluation.*

Step 8: Reevaluation

The purpose of the reevaluation is to decide:

- If your child continues to be a child with a disability;
- Your child's educational needs and present levels of academic achievement and related developmental needs;
- Whether additions or modifications to special education services are needed to help your child meet the measurable annual goals and to participate in the general curriculum; and
- Whether your child continues to need special education services.

A reevaluation may or may not require new tests. Your child's IEP team is to reevaluate your child:

- At least once every three (3) years;
- If you or your child's teacher asks for new tests; and
- Before the IEP can determine your child no longer needs special education.

A school is not required to give new individualized tests to your child:

- a. Unless you ask for new tests;
- b. Before your child's graduates from high school with a regular high school diploma; or
- c. If no longer eligible for special education services.

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Local School System Contact Information:

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