

When the School District isn't Following Your Child's IEP

It is important to always maintain a good relationship with your child's school district. When difficulties arise, a parent needs to maintain that relationship. Sometimes parents find out or believe that the district is not following their child's IEP. When this situation occurs, it is essential for the parent to act quickly and to take the right steps in resolving the issue.

The first step is to write a letter to the principal. Many times the implementation or appropriate implementation of an IEP can be handled quickly and effectively by a school administrator.

- Be sure that the letter is factual and friendly; do not discredit yourself by being nasty.
- Give the district a timeline for responding to your letter.
- Indicate your ideas for resolution
- Hand-deliver the letter to the school and make note of whom you gave it to and the date it was received by the district. If this is not possible, send it in a manner so that you are sure that it was received.
- Send copies to administrators within the district who may be concerned with this matter including the Special Education Director. You may want to wait on sending a copy to the superintendent or higher level administrators, until you see if the situation is resolved after the first letter.

These same ideas apply when the district is not following a 504 plan.

If the school does not respond or continues to not follow the IEP, your next step would be to request in writing an ARD/IEP meeting to discuss your concerns. This continues the process of documenting your concerns and efforts to address them. Most school staff realizes the problems that not following the IEP causes for the school. Hopefully, the situation will be corrected at this meeting. However, if this is not the case, state and federal regulations give parents options for resolving disputes. You may file a complaint with the Texas Education Agency (TEA), request mediation or request a due process hearing.

Sometimes the problems in implementing the IEP is caused when the school is unable to find staff (speech pathologists, related service staff) or staff is out due to illness. In these cases the questions should be: what actions has the school taken to find appropriate staff?; what actions has the school taken or plans to take to provide services immediately (are consultants from agencies or the private sector available)?; will the district make up missed services and even provide additional service when the staff situation is resolved? As a parent you must decide how much effort the district is putting into resolving the situation in the short and long term. At some point you may decide that you need to take this situation beyond the district level. Partners Resource Network staff can provide you with suggestions and options.

Partners Resource Network has fact sheets that discuss the "dispute resolution" options in detail. These options are also discussed in detail in the Notice of Procedural Safeguards document that you are to be given once a year. You can also request a copy at any time or view it in English or Spanish at: <http://framework.esc18.net>. Information on contacting TEA can be found on TEA Special Education website at: <http://tea.texas.gov/index2.aspx?id=2147497560>. When the district is not following a 504 plan, you may file a complaint with the Office of Civil Rights. You have 180 days from the date of the discrimination to file the OCR complaint.

Adapted from PEAL Center (PA) fact sheet

 The contents of this publication were developed under a grant from the US Department of Education, H328M150022 (PATH), H328M150023 (PEN), & H328M150024 (TEAM). However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government.