

When the School Is Not Following the 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.

If the school fails to respond or appropriately follow the IEP, your next step would be to request, in writing, an ARD meeting to discuss your concerns. This continues the process of documenting your concerns and efforts to address them. Ideally, 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 are caused when the school is unable to find staff or staff is out due to illness. In these cases, the questions you should ask are:

- What actions has the school taken to find appropriate staff?



Resources for Families

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Partners Resource Network



Offices in Lubbock, Houston, Austin, El Paso, and Dallas/Fort Worth



1.800.866.4726



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- 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 you need to take this situation beyond the district level. Partners Resource Network staff can provide you with information about your options.

Partners Resource Network staff can provide detailed information on the “dispute resolution” process. These options are also discussed in detail in the Notice of Procedural Safeguards document you are to be given once a year. You can request a copy of the Notice of Procedural Safeguards at any time or view it in English or Spanish at <http://framework.esc18.net>. Information on the dispute resolution process is also available on TEA Special Education website at <https://tea.texas.gov/academics/special-student-populations/special-education>.

When the district is not following a 504 Plan, you may file a complaint with the Office of Civil Rights (OCR). You have 180 days from the date of the discrimination to file the OCR complaint. Information on filing a complaint can be found on the OCR website at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>.



Have Questions about ARD Meetings?

Contact Partners Resource Network for assistance at 1-800-866-4726. Our Regional Coordinators are ready to help you with all your IEP concerns and can provide one-on-one individual assistance to fit your needs. All of our services are free of charge to parents and youth with disabilities.



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