

PACER's Guide to the
Individualized Education Program (IEP)
for Minnesota Parents



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Additional copies are available from PACER Center, Inc. | Funded in part by the Minnesota Department of Education.

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Learn More

PACER Center offers many materials about the special education process, including the publications mentioned in this guidebook. Most are available online. For a full listing of resources or to order, call PACER Center at 952.838.9000 or visit pacer.org.

For information on special education resources from the Minnesota Department of Education (MDE), visit education.mn.gov.

A Message for Minnesota Parents of Children with Disabilities

Every child is unique and learns in different ways. If your child has been identified as needing special education services to support their learning at school, you can play a major role in shaping the services your child receives.

This guidebook has been written for you — the parent, guardian, or surrogate parent of a child (ages 3 through 21 or graduation) with disabilities who receives special education services in a Minnesota public school or charter school. *(Please refer to the Appendix on page 26 for a full definition on who may serve in the role of parent.)*

This resource will help you understand the Individualized Education Program (IEP) and the importance of your participation in developing your child's IEP. You are a required member of your child's IEP team, and your ideas must always be considered in any decisions the IEP team makes.

The development of the IEP is required as part of the federal Individuals with Disabilities Education Improvement Act (IDEA 2004), its regulations (known as 34 Code of Federal Regulations [CFR] Parts 300 and 301), and state special education rules and statutes in Minnesota. The federal regulations, which have the force of law, explain how the law will be carried out.

Each state implements the federal laws somewhat differently. This guidebook will help you understand how the IEP process is carried out in Minnesota public and charter schools. For more materials on the special education process, you may contact PACER or visit PACER.org. If your child qualifies for special education and attends a private school or is home schooled, you can call PACER for information on special education for students in these settings.

Although IEP forms vary from one district to the next, all must include the requirements defined in federal and state laws. This guidebook covers all the required parts of an IEP that are outlined in the federal and state regulations. Some sections of the IEP require discussion, but the documentation of the discussion on the IEP form may be optional. School districts will want to document that a particular requirement was discussed.

Know the Law

This guidebook is based on state and federal special education laws, which were current at the time of publication. Laws can change, however. To understand the latest version of these laws, call PACER at 952.838.9000.

What Is an IEP?

The Individualized Education Program (IEP) is the document that outlines the special education and related services that your school district will provide for your child at no cost to you. It is developed for children who have been evaluated and are in need of special education. This includes children who are homeless, incarcerated, hospitalized, or in an institution. IEP services will be based on information gathered from evaluations, district assessments, and current levels of achievement on IEP goals and in the general education curriculum. The IEP provides a written record of decisions made at IEP meetings.

PARENTS NEED TO KNOW

According to IDEA, “the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with” federal and state laws, regulations, and rules.

34 CFR 300.320

How Can Parents Participate in Developing IEPs?

The IEP document is the cornerstone of the special education process and the key to services your child receives. By understanding your child’s IEP and taking an active role in developing it, you can help ensure that your child receives the education and services that they need.

As a parent, you have the right to have information explained to you in understandable language. You know your child’s strengths and needs, and you should discuss them with the rest of the IEP team. It is a good idea for both parents and teachers to have high expectations for your child.

To help develop the goals that will enable your child to become as independent and productive as possible, you may want to ask yourself:

- What do I want for my child?
- What can my child do now?
- What do we need to do so my child will gain new skills?

Together, you, school personnel, and others can discuss, plan, and implement a special education program that serves your child’s needs. There is no blueprint or prescription for an IEP. The IEP team, which includes the parent(s), will develop a program that meets your child’s individual and specific needs. This flexibility is good, but it requires your preparation and participation.

PARENTS NEED TO KNOW

The purpose of special education is “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” IDEA 1400(d)(1)

When IEPs Must Be in Effect

Initial IEP: When a child has been evaluated and found to be eligible for special education, an IEP must be developed before services can begin. This document is called the initial IEP. The school must make sure that this first IEP meeting is held within 30 calendar days after a child has been found eligible for special education and related services.

Annual IEP: An IEP is written every year for a child receiving special education. This annual IEP may be written any time during a calendar year, but it must be in effect at the beginning of each school year.

IEP Meetings

You have a right to participate as an equal member of your child’s IEP team in all meetings that discuss your child’s identification, evaluation, placement, and the provision of a free appropriate public education (FAPE). The purpose of the IEP meeting is to discuss, develop, revise, and document a program to meet your child’s individual learning needs. Each school is responsible for organizing and conducting IEP meetings. An IEP meeting must be held at least once a year.

Annual discussion topics may include:

- Progress or lack of expected progress toward the special education goals and objectives
- Progress or lack of expected progress in the general education curriculum
- New information from evaluations
- Information provided by the parents or the school
- The child’s anticipated needs
- Other matters

After the IEP meeting, you will receive a Prior Written Notice and a Parental Consent/Objection Form with the IEP. This is your opportunity to agree or disagree with the planned services for your child (see page 21 for details).

Districts must make sure that special education and related services are available as soon as possible following IEP development and parent consent to the IEP.

The IEP Team

Your child's IEP team must include:

- A parent (see definition of parent on page 26) or the student if age 18 or older
- A school district representative who is qualified to teach or supervise special education, knows about the general education curriculum, and knows about the resources of the school district
- At least one of your child's special education teachers who will be responsible for implementing the IEP
- At least one of your child's regular education teachers if your child participates or may participate in the regular education environment
- A person who is qualified to interpret evaluation results and their educational implications (this person may also have one of the roles mentioned above)

The IEP team will include an IEP manager (also called a case manager) who will coordinate a child's special education program. This person must be a teacher or licensed related-services staff person and a member of the IEP team. The IEP manager arranges IEP meetings and sends out notices. You can contact the IEP manager if you have questions about your child's IEP.

Attendance at IEP meetings is required for all of the professionals listed above with two exceptions. A team member may be excused from attendance for whole or part of an IEP meeting if their area of curriculum or related services:

- Is not being modified or discussed, and the parent and school district agree in writing that the member need not attend the meeting
- Is being modified or discussed and the team member provides written input into the development of the IEP prior to the meeting, and the parent and school district agree in writing that the member may be excused from the meeting

In some situations, IEP team members also may include:

- People that you or school staff invite because either you or school staff have decided they have expertise or knowledge regarding your child

PARENTS NEED TO KNOW

Every IEP team member has important information and expertise that affects the team's ability to make informed, appropriate decisions regarding your child's special education program. You should carefully consider whether you want to excuse a required member of the team from the meeting.

- The child, whenever the parent thinks it's appropriate
- The student, whenever transition is discussed (during grade nine and after, or younger if appropriate); if the transition-age student does not attend the meeting, the school must find other ways to make sure that the student's desires and interests are considered
- A representative of another agency if that agency is likely to be providing or paying for some services, such as transition services or mental health services

PARENTS NEED TO KNOW

- The school must ensure that the team includes all the required members.
- If a required team member is unable to attend and is not excused by you in writing, you may want to reschedule the meeting.
- The regular education teacher can help decide if your child needs positive behavior interventions, supplementary aids and services, or program modifications in the regular education classroom. They also can help decide if school personnel need support to teach your child.
- The regular education teacher can be a key team member, as they are familiar with grade-level and age-level expectations for all children.
- One of the other team members (but not the child's special education teacher) may also fill the role of school district representative if they meet the requirements of both roles.
- Including your child at IEP meetings helps them to learn to self-advocate, and understand their disability and educational needs. Your child will experience a team working together to help them be successful.
- You can invite anyone you believe is knowledgeable or has special expertise about your child, such as a relative, friend, advocate, child care provider, medical professional, or someone knowledgeable about your child's race, culture, or disability. It is a good idea to inform the school if you are planning to bring someone with you.
- You can request that other school personnel be invited but they will need the permission of the school to attend.

Parent Participation

The school is responsible for making sure that one or both parents are present at each IEP meeting or are given the opportunity to participate. The school must:

- Notify you of the meeting early enough to give you the opportunity to attend
- Schedule the meeting at a time and place mutually agreeable to you and the school
- Use other methods, such as individual or conference calls, to help you participate if you cannot attend an IEP meeting

When you are notified of the IEP meeting, you must be informed of:

- The meeting date, time, and location
- The list of people invited
- Your right to invite others
- The purpose of the meeting

If the purpose of the meeting includes the discussion of transition, the meeting notice must state this.

If you cannot attend or participate in the meeting, the school must document how it tried to involve you, whether through telephone calls, written invitations, or visits to your home or workplace.

The school district must take whatever action is necessary to ensure that you understand what happens during the IEP meeting. This responsibility includes providing an interpreter or translator if you use sign language or if your primary language is not English.

PARENTS NEED TO KNOW

- Some IEP meeting notice forms note how much time the school has allowed for this meeting. If your form does not include this information, you may want to ask before the meeting begins so that you can plan your time accordingly. The team may need to add time or reconvene to cover all of the issues and IEP components.
- Before the IEP meeting, parents may ask the IEP case manager to add their issues to the meeting agenda.
- If you cannot attend the meeting, be sure to let the school know and work with them to find another way for you to participate.

Development of the IEP

When developing your child's IEP, the team must consider five areas:

1. Your child's strengths
2. Your concerns regarding your child's education
3. The results of the most recent evaluation
4. Academic, developmental, and functional needs
5. Special factors

1. YOUR CHILD'S STRENGTHS

Your child's strengths and interests must be discussed by the IEP team and used as the basis for planning an educational program. Strengths and interests can form the framework on which to build new skills and behaviors. For example, if your child enjoys helping others, perhaps you can use this strength as encouragement to hand in all assignments and, as a reward, help a younger child with an art project. If your child has learning difficulties but is a good speller, perhaps teachers could build your child's self-esteem by asking them to spell words that the rest of the class finds difficult.

2. YOUR CONCERNS REGARDING YOUR CHILD'S EDUCATION

The IEP team must discuss your concerns related to your child's education. For example, you might be concerned that your child is being bullied, has few friends, is failing general education math, or doesn't have enough time to move from one class to the next. The concern also could be long term. Perhaps you fear that your child will become frustrated and drop out of school. The IEP team must address these concerns if they have an impact on education.

3. THE RESULTS OF THE MOST RECENT EVALUATION

The IEP team will consider the results of your child's most recent evaluation (initial evaluation or the three-year comprehensive reevaluation) when developing the IEP.

4. ACADEMIC, DEVELOPMENTAL, AND FUNCTIONAL NEEDS

Additional information for IEP team planning will include recent regular education report cards, results of state and district-wide assessments, progress made on goals in the current IEP, and discussion of the effectiveness of current IEP accommodations and modifications. The team will consider any new developmental or functional (activities of everyday life) needs that may have arisen for the child during the year.

5. SPECIAL FACTORS

The IEP team must consider additional special factors when a child:

- Has behavior that negatively affects their own learning or the learning of others
- Has limited English skills
- Is blind or visually impaired
- Has communication needs
- Is deaf or hard of hearing
- May need assistive technology devices and services

For more information on how to use the special factors, see PACER's handout "Five Areas that May Affect Individualized Education Program (IEP) Services." media.pacer.org/php/php-c221.pdf

Note: *Some districts do not include the above areas on their IEP forms. Although the discussion is required, documentation on the IEP form is necessary only when the team determines that your child needs a particular IEP service. Schools also may document this discussion using the Prior Written Notice Form (see page 21).*

PARENTS NEED TO KNOW

- Assistive technology devices and services should be considered for all children who have an IEP. Communication needs also apply to many children with a variety of disabilities. Lack of communication skills sometimes leads to behavior concerns.
- If the team determines that your child needs a particular assistive technology device or service because of one or more special considerations, this determination must be written in the IEP.
- Results of the discussion of the above topics may be noted in the appropriate section of the IEP form. These sections include present level of academic achievement and functional performance (PLAAFP), an annual instructional goal, services and modifications, or another appropriate section of your school's IEP form.
- Children with IEPs who move from one school district to another, or from one state to another, are called transfer students. For more information on how the IEP process works for transfer students, see PACER's handout "Transfer Students and Special Education." media.pacer.org/php/php-c163.pdf

Content of the IEP

1. GENERAL INFORMATION

The IEP often includes the general information listed below. If it doesn't, you may ask where the information can be found in your child's records.

Date of last comprehensive evaluation: The date your child's last comprehensive evaluation was completed.

IEP meeting date: The date the IEP was developed or reviewed. This date is considered to be the "annual IEP date." If more than one meeting is held to develop an IEP, the IEP meeting date is considered to be the date of the first meeting.

Disability category: Lists the educational category of disability under which a child is eligible for special education services. Students may be eligible to receive services under more than one disability area. Services are determined by the child's needs, not by the disability category.

Grade: Your child's grade in school when the IEP is written. For students younger than age 5, either pre-K (pre-kindergarten) or early childhood special education (ECSE) typically is listed. The IEP is in effect for one year from the date it is written (unless it is changed by the IEP team), even if the child changes grades.

IEP manager name: See IEP Team description on page 4.

Here are the federal settings for children in kindergarten through graduation, or through age 21, as outlined in the Minnesota Department of Education's instructional setting codes:

1. Students receive special education services outside the regular education classroom for less than 21 percent of the day.
2. Students receive special education services outside the regular education classroom, typically a resource room, for 21 percent to 60 percent of the school day.
3. Students are outside of the regular education classroom for more than 60 percent of the day.
4. Students receive special education services at separate school facilities for more than 50 percent of the school day.
5. Students receive special education services at a private separate day school for more than 50 percent of the school day.
6. Students receive special education services at a public residential facility for greater than 50 percent of the school day.
7. Students receive special education services at a private residential facility for greater than 50 percent of the school day.
8. Special education services are delivered in a homebound/hospital/home-based setting.

Federal settings for early childhood special education children ages 3 to kindergarten are determined differently. Please contact PACER for more information.

2. PROGRESS REPORTING

This section of the IEP lists the scheduled times and methods that school staff will use to report progress on each IEP goal to parents. Your child's progress on their annual goals must be measured, and you must be informed of:

- How often and by what method progress reports will be provided to you. The school must give you these reports at least as often as they report progress to parents whose children do not have disabilities. Reporting methods may include IEP progress reports issued with regular education report cards, midterm written reports, or other means.
- The extent to which that progress is sufficient to enable your child to achieve each goal by the end of the IEP year

PARENTS NEED TO KNOW

- Making adequate progress is the key to an appropriate education.
- IEP progress reports are not the same as classroom grade reports. The IEP report notes progress on IEP goals while grade reports indicate progress in the general education curriculum.
- If your child is progressing as planned, the goals and objectives will be continued until the annual IEP review.
- If your child is not making sufficient progress toward meeting IEP goals, a team meeting must be held to revise the IEP. Parents may request this meeting.
- For more information, see PACER's handout "How Will I Know if My Child Is Making Progress?" media.pacer.org/php/php-c78.pdf

3. PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP)

The PLAAFP statement describes the levels at which your child is working academically and functionally. The statement summarizes your child's current status and educational needs in each performance area where there is a need.

Performance areas may include:

- Academic performance
- Communication status
- Functional skills (routine activities of everyday living)
- General intelligence
- Health
- Motor abilities
- Sensory status (such as vision and hearing)
- Social and emotional status
- Transition to adult living, including employment, postsecondary education and training, and independent living (when appropriate)

The IEP team will consider how your child's disability affects their grade-level learning at school. Understanding the impact of your child's disability helps the team determine what services and accommodations your child needs in order to be educated in the general education curriculum to the maximum extent appropriate. (The general education curriculum means the courses the school uses to teach children within the school district.) Children learn information and skills necessary to meet state academic standards and graduation requirements by participating in the general education curriculum, regardless of classroom placement.

The purpose of the PLAAFP statement is to describe what your child can do at the time the IEP is developed. The information should be presented clearly with enough information to describe your child's present skill levels. The statement should identify specific skills or behaviors requiring instruction.

Examples of PLAAFP statements:

Jason has a reading disability. He is in seventh grade and reads independently at a third-grade level. He has grade-level comprehension of materials read to him. Jason needs to improve his reading skills.

Lisa has attention deficit hyperactivity disorder (ADHD). Her organizational skills are not well developed. She loses assignments and notes for her academic classes approximately 75 percent of the time. As a result, Lisa comes to class without necessary materials. Due to these behaviors, Lisa is not able to complete grade-level work. Lisa needs instruction on organizational skills.

Angela is 10 years old but performs academically at a kindergarten level in reading and at a first-grade level in math. Although she benefits socially from being in mainstream classes, her class work in reading, math, science, and social studies needs to be modified. Angela needs to increase her academic skills.

Connor has autism. His academic skills are above grade level, but his social and communication skills are more than two years behind those of his grade-level peers. Connor needs instruction to understand nonverbal social and communication cues.

PARENTS NEED TO KNOW

- The present levels section of the IEP provides a snapshot of your child at a particular time and place.
- You have important information to share about your child.
- This section may include medical information related to your child's disability.
- You and school professionals may see your child in different ways.
- It is important that you and the IEP team agree on your child's needs as instruction will be based on those identified needs.
- All of your child's educational needs described in the present level section must be met with services in the IEP.
- IEP services are determined by the child's needs, not by the disability category.
- If an initial or three-year reevaluation has been completed, school staff must give you a copy of the evaluation summary report. It contains detailed information that will be used to develop the present level statement.
- The present levels section will include summary statements of your child's performance in assessed areas and will be updated each year.
- Attachments to the IEP form may be used if the existing form does not have sufficient space to include all the information required in the IEP.

For preschool-age children, the team must consider how the disability affects the child's participation in developmentally appropriate activities. For transition-age students (grade nine and above), the child's present level of performance in the transition areas discussed on pages 13 to 15 must also be included.

From the PLAAFP statement, the team determines your child's educational needs and develops the rest of the annual IEP, including goals, services, and modifications.

4. STATEMENT OF MEASURABLE ANNUAL GOALS

The IEP will have annual instructional goals that describe what your child is expected to accomplish within a year of writing the IEP when provided with special education instruction and related services. Each goal will have short-term objectives or benchmarks.

The goals are based on the PLAAFP statement. The IEP team will determine:

- What skill needs to be learned or what behavior needs to change so that your child can be involved in and make progress in the general education curriculum, or make progress on other appropriate goals and objectives
- Whether your child should increase, decrease, or maintain specific skills and behaviors
- What level of performance should be achieved and how that will be measured

For example, the PLAAFP statement may say that your son writes disorganized paragraphs with incorrect spelling and punctuation 50 percent of the time. The goal may be to increase his level of producing organized paragraphs with correct spelling and punctuation to 90 percent of the time within one year with appropriate special education instruction. The IEP will record how progress on this goal will be measured.

Goals may cover any of several areas: academic, behavioral, functional, social, or other educational skills that are important for your child to master. Goals must be measurable so that the IEP team will know if your child is making progress on each one. The IEP must address all the educational needs that result from your child's disability or disabilities, regardless of the disability label. Your child's IEP will have as many pages as are necessary to include all instructional goals. If your child's IEP includes at least one goal that addresses grade-level academic content standards in reading and/or mathematics, it meets the requirements for a "standards-based IEP."

Each goal will have at least two objectives or benchmarks, or a combination of the two. Objectives are steps leading to the accomplishment of the goal. Benchmarks are developmental milestones.

Each objective includes several parts. For example, for your son's written language goal, one of the objectives might be the following:

- Skill to be performed: write an eight-sentence paragraph
- Conditions for evaluating: when given a subject by the teacher
- Criteria for evaluating: includes a topic sentence and at least three supporting details
- Evaluation procedures: 90 percent accuracy as measured on his quarterly assignment chart

A second objective could cover the spelling and punctuation part of the goal.

PARENTS NEED TO KNOW

- Each goal must be measurable. Your child's current level of performance must be described either in the goal or in the PLAAFP statement. Your child's expected ending level of performance must be written in the goal statement.
- Terms such as "age-appropriate" and "grade-level" are not measurable unless the IEP clearly describes what is meant by these terms.
- As each year's IEP goal is developed, you should consider what special education services will be necessary for your child to achieve that goal.

5. MINNESOTA TRANSITION PLANNING

Personal Learning Plan Legislation. Minnesota school districts are required to assist all students, beginning no later than ninth grade, to "explore their educational, college, and career interests, aptitudes, and aspirations, and develop a plan for a smooth and successful transition to postsecondary education or employment." Minnesota Statutes, section 120B.125 describes the required components of a comprehensive plan that must be reviewed and revised at least annually by the student, the student's parent or guardian, and the school district.

The law states that if a student has an Individualized Education Program (IEP) that meets all of the components of the Personal Learning Plan, no additional transition plan is needed. Parents will want to be sure the IEP addresses all of the required components and that the student has access, as needed, to Personal Learning Plan resources that are available to all students in the district. For more information, see the Minnesota Department of Education's Personal Learning Plans at: education.mn.gov/MDE/dse/ccs/plp.

For students in grade nine (or before, if determined necessary by the team), their IEP will continue to address needs in the performance areas previously described. However, at this stage those needs will be linked to the following transition areas:

- Postsecondary education and training
- Employment
- Independent living (when appropriate); this may include recreation and leisure, community participation, and home living

The IEP team, which now includes your child, will develop **measurable postsecondary goals** in the areas of education, employment, and, when appropriate, independent living. The team will use observations, assessments, and interviews to help set appropriate goals. These long-term transition goals will guide the rest of the IEP because the purpose of special education is to prepare your child for life after high school.

The IEP team will determine what steps are necessary to help your child achieve their postsecondary goals. The **courses of study** section of the IEP helps the team plan future course

work so the student can achieve their long-term postsecondary goals. The IEP form documents the courses to be taken each year. This process will enable the team to see annually how the student is progressing toward graduation requirements.

Students must complete a set of course credits in a variety of subjects that are required by the state and school district in order to graduate. The IEP team may determine to change the credit requirements for some students with significant disabilities. For example, the student may not need to earn the foreign language credits or may receive social studies credits through work experience.

The IEP also includes a **statement of transition services** needed for the child to accomplish the measurable postsecondary goals. A child may need services such as community experiences, community links to other services, development of employment opportunities, functional vocational evaluation, instruction in daily living skills, or related services, such as transportation or counseling.

The IEP will record services and activities, as well as which agency is responsible for providing the service. In some cases, the state vocational rehabilitation agency, other agencies, or parents may choose to be responsible for the service. If an agency other than the school fails to provide the transition service as recorded in the IEP, the IEP team must meet to identify other ways to provide those services.

The IEP team will also determine if your student needs special education instruction to work on particular skills or behaviors to achieve the postsecondary goals. If so, measurable annual goals and objectives will be developed (see previous section on annual goals). An example might be learning to keep a homework schedule for school in order to successfully earn credits toward graduation so the child may attend postsecondary training. Another goal could relate to improving a specific skill the child needs in order to live independently.

The Workforce Innovation and Opportunity Act of 2014 (WIOA) includes requirements to ensure that students with disabilities gain skills and have experiences that lead to success in competitive integrated employment. Vocational Rehabilitation Services (VRS), in collaboration with local education agencies, must provide access to Pre-Employment Transition Services (Pre-ETS) for students with disabilities in ninth grade through age 21 based on individual need. Pre-ETS include the following activities:

1. Job exploration counseling
2. Work-based learning experiences that may include in-school or after school opportunities, or experience outside the traditional school setting (including internships) that is provided in an integrated environment to the maximum extent possible
3. Counseling about enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education
4. Workplace readiness training to develop social and independent living skills
5. Instruction in self-advocacy, which may include peer mentoring

Pre-ETS are intended to supplement rather than take the place of special education transition services, which are necessary to provide a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). The IEP team can document services on the transition services section of the IEP.

WIOA also places limitations on subminimum wage employment for students and requires a series of action steps toward integrated, competitive employment that must be taken for youth with disabilities who are 24 or younger. For more information, see “A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities,” from the U.S. Department of Education at <https://sites.ed.gov/idea/files/postsecondary-transition-guide-august-2020.pdf>, or contact PACER.

PARENTS NEED TO KNOW

- The student must be invited to the transition IEP meeting.
- When the IEP team looks at the courses of study, ask how the child is doing in achieving the required number of credits for graduation.
- It's important to consider all areas of transition because many children with disabilities leave high school lacking the academic, technical, and social skills necessary to continue in postsecondary training, or find and maintain employment.
- Transition services may be provided for some children younger than grade nine if they are at risk of dropping out of school before age 16, or if the services would enhance employment or other educational outcomes.
- IEP team decisions should include input from the student, parents, and others from the student's school and community life.
- The team must make sure that the child's own desires and interests are considered.
- Through an IEP team decision, students with disabilities may remain in school until they become 22 years old if they have not completed their IEP goals, even if they have met the district's credit requirements for a diploma.
- If your student graduates and accepts a diploma, they no longer qualify for the services mentioned above.
- When appropriate, help your child learn to be a self-advocate. Self-advocacy skills may be an appropriate goal on the IEP.

6. SERVICES AND MODIFICATIONS

The IEP outlines the special education, related services, and other supports your child will receive. Specific services and supports are given so that your child can, as much as is appropriate:

- Advance toward accomplishing annual goals
- Learn and participate with other children with and without disabilities
- Participate and make progress in the general education curriculum
- Participate in extracurricular or nonacademic activities

Each service should be based on research to the extent practical and give clear direction to staff on how to serve your child. Terms such as “when available” and “if necessary” should be avoided unless further clarified.

Services and modifications include special education and related services, supplementary aids and services, and program modifications and supports for school personnel as detailed in the following sections.

Special Education and Related Services

There is a relationship between the goals in your child’s IEP and the special education and related services the school provides. For example, if your child with a learning disability has a goal to improve reading by one grade level, then services provided by licensed learning disability staff to help your child accomplish that goal during the current IEP year will be listed in this section of the IEP.

Direct services are provided by a licensed special education teacher or a related services professional who instructs your child. This section of the IEP will include:

- Amount of time to provide that instruction or service (in minutes per session)
- Frequency of services (the number of times per week or month)
- Starting date and expected duration for services
- Location where the service will be provided (such as in a regular or special education classroom, home, or other setting)

Indirect services are provided by a special education teacher or related services professional working with other professionals or with parents. These services could include consultation, modifications of curriculum for the child, observation of the child, or cooperative planning. The services are provided on behalf of your child and not directly to your child.

Supplementary Aids and Services

This area of the IEP records services such as accommodations, assistive technology, and paraprofessional support. These services support the child in the classroom as well as in nonacademic and extracurricular activities.

Accommodations level the playing field so a child can demonstrate knowledge without lowering or changing the standard or the level of the class work or of a test. Accommodation ideas are available from PACER Center.

Assistive technology includes devices as well as specific services, such as maintaining or repairing equipment. The IEP team will use evaluation data to determine which devices and services are appropriate.

IDEA requires schools to provide assistive technology if the IEP team determines a child needs it in order to receive an appropriate education. The team must plan for acquiring, operating, maintaining, and repairing assistive technology, as well as for training the child, staff, and family in its use and care. The team should also develop a plan in case the service is unavailable or the device breaks down.

Assistive technology can include a range of low-tech and high-tech equipment, such as pen grips, lap boards, feeding utensils, augmentative and alternative communication devices (ACC), computers, apps, calculators, classroom amplification, or recorded textbooks. PACER's Simon Technology Center has more information about assistive technology, visit **PACER.org**.

If a **paraprofessional** is listed in this section, both your child's need for this service and the specific responsibilities of the paraprofessional must be listed.

Program Modifications and Supports for School Personnel

Program modifications lower or change the level of difficulty or focus of class work or of a test.

Supports for school personnel may be necessary so that your child can fully participate in school. For example, a consultant might provide suggestions to the regular education teacher for including your child fully in the classroom or train staff to use an assistive technology device. These services are also called indirect services provided on behalf of your child.

PARENTS NEED TO KNOW

Ask yourself, "With this service commitment, is it reasonable to expect that my child can achieve their IEP goals and also make meaningful progress in the general education curriculum?" If the answer is no, discuss your concerns with the IEP team.

7. LEAST RESTRICTIVE ENVIRONMENT EXPLANATION

The least restrictive environment (LRE) for a child with disabilities is an educational setting that provides an appropriate program, including any necessary special supports, in as typical a school environment as possible. As much as is appropriate for the individual child, children with disabilities should attend the school they would typically go to if they did not have disabilities. They should have the opportunity to participate in extracurricular and nonacademic activities with children who do not have disabilities.

These decisions are made by the IEP team based on the child's needs. The IEP must explain why and how much time your child will be educated or participate in activities outside of the regular education setting. The explanation will include why the nature and severity of your child's disability is such that they must be removed from general education to receive services.

You must be invited to participate in all educational placement decisions for your child. If you are not able to attend a meeting when a placement decision is made, the school must use other methods, such as individual or conference calls or video conferencing, to help you participate. The school must keep a record of how staff tried to help you be involved in making the decision.

In addition, you must be informed about the placement alternatives that are available for your child. The IEP team will discuss these alternatives and together you will decide what is most appropriate to meet your child's needs in the least restrictive environment. The services must be developed to

fit your child, not the other way around. IDEA requires school districts to have a variety of placement settings, called federal settings, available to meet the individual needs of children.

PARENTS NEED TO KNOW

“To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

34 CFR 300.114(a)(2)

8. MINNESOTA ACCOUNTABILITY AND GRADUATION ASSESSMENTS

All public school children must take statewide and district-wide student achievement tests at specified times. Schools are required to include children with disabilities in these accountability assessments. The IEP team must discuss your child's inclusion in these tests.

According to the Minnesota Department of Education, the Minnesota Comprehensive Assessments (MCAs) and alternate assessment, Minnesota Test of Academic Skills (MTAS), are the statewide tests that help districts measure student progress toward Minnesota's academic standards. They also meet the federal requirements of the Every Student Succeeds Act (ESSA). Most students take the MCA, but students who receive special education services and meet eligibility criteria may take the MTAS.

PARENTS NEED TO KNOW

- Talk with your child's IEP team about which state assessments are required during this IEP year for your child.
- If school staff recommend an alternate assessment at the IEP team meeting, discuss the requirements for taking that assessment with the IEP team.
- Ask for information about current graduation assessments and requirements if your child is in the ninth grade or above.
- Minnesota's accountability assessment program is designed to measure:
 - 1) How well students, as a group, are achieving according to the Minnesota academic standards
 - 2) Proficiency of Minnesota public school graduates
 - 3) Students' progress, as a group, over time

District-wide Accountability Assessments

The IEP team must address district-wide assessments each time the student is in a grade (or will be during this IEP period) where such assessments are given. If assessments are given in the child's grade, the team will discuss whether that assessment is appropriate for this child. If accommodations are needed, they must be documented on the IEP. If the assessment is not appropriate, the IEP must state the reasons, document which alternative assessment will be given, and say why it is appropriate.

Accommodations for Assessments

The purpose of statewide testing is to understand how well students are meeting Minnesota's academic standards set for all children. Some students with disabilities need accommodations to take these tests in order to reduce or eliminate the effect of the disability on test performance. The goal of accommodations is to level the playing field while maintaining the level of standards being tested. A student who has accommodations takes the same test as students without disabilities. The following types of accommodations may be made based on a student's needs:

- **Presentation accommodations** allow students to obtain information in ways other than reading standard print. This accommodation includes auditory, multisensory, tactile (touch), and visual methods. For example, a boy who is visually impaired might have the math script read to him.
- **Response accommodations** allow students to show what they know in different ways. For example, a student who is nonverbal may respond to test questions using an augmentative and alternative communication (ACC) device.
- **Setting accommodations** allow students to take the tests in a different setting or under different conditions. (Although testing in a small group and individual test administration are allowed for all students, writing it in the IEP is helpful for school staff.)
- **Timing and scheduling accommodations** give students additional time to complete the test or change the way the testing time is organized. (Because the tests are not timed for any student, extended time need not be written on the IEP.)

Accommodations are determined by the IEP team and written on the IEP. Team members should:

- Be knowledgeable of state and district academic standards and assessments
- Look at what accommodations increase the student's access to the general education curriculum (the subject content that all students are taught)
- Consider the accommodations routinely used by the student in daily classroom instruction

PARENTS NEED TO KNOW

- Accommodations on statewide tests are made by the student's IEP team.
- Accommodations that the student is receiving on the IEP should be considered for accommodations on statewide tests.
- Statewide tests are not timed for any student.

Minnesota provides a list of possible testing accommodations, but IEP teams may consider others that are not on the list. The team may contact the Minnesota Department of Education to verify that a suggested accommodation will not invalidate the assessment.

For more information on accommodations in assessments, contact PACER Center.

9. TRANSFER OF RIGHTS AT AGE OF MAJORITY

When a student reaches the age of majority, which in Minnesota occurs on their 18th birthday, all their parent's rights under IDEA transfer to them (34 C.F.R. § 300.520). IDEA requires school districts to include in the IEP a statement which documents that at least one year before the student turns 18, the student has been informed of this transfer of educational decision-making rights from their parents to them, if applicable (34 C.F.R. § 300.320 (c)). In some cases, parents follow a legal process to maintain educational decision-making rights for their adult children with disabilities even after they turn 18, for example, through becoming their legal guardians.

Recently, the Minnesota statutes related to guardianship were revised to include this definition of supported decision making: "assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions which enables the individual to make the decisions and, when consistent with the individual's wishes, in communicating a decision once made" (Minn. Stat. § 524.5-102, Subd.16a.). Minnesota special education laws have not yet been revised to include a definition of supported decision making as it relates to educational decisions for students who are 18 or older and have an IEP.

PARENTS NEED TO KNOW

- Parents continue to have the right to access their student's educational records after they turn 18 if they claim their child as a dependent for tax reporting purposes.
- Parents will also continue to receive notices of their child's IEP meetings after they turn 18, but receiving a meeting notice is not the same as being invited to a meeting.
- After they turn 18, students who have the right to make their own educational decisions may want to keep their parent(s) involved on their IEP team for support. Students can document in writing to the IEP case manager exactly how they want their parent(s) to stay involved. For example, they can request their parent(s) be invited to any meeting where their IEP services are discussed.
- Students who have the right to make their own educational decisions at the age of 18 can ask that their preferences for how they want to keep their parent(s) involved on their IEP team be documented in the Present Levels of the IEP.

10. EXTENDED SCHOOL YEAR

Some children need services that extend beyond the normal school year. Such services are referred to as extended school year services (ESY). The IEP team must discuss ESY services at the annual IEP meeting; if services are needed, that information must be indicated on the IEP.

The school may not limit ESY services to particular disabilities or limit the type, amount, or duration of those services. An ESY program must be tied to your child's need for services, including, but not limited to: the need to attain or maintain self-sufficiency skills (sometimes called functional skills), the likelihood of significant regression, or the necessity of ESY for the provision of a free appropriate public education (FAPE).

In making the ESY decision, the IEP team must consider the following factors, if relevant: progress and maintenance of skills during the regular school year, degree of impairment, rate of progress, behavioral or physical problems, availability of alternative resources, ability to interact with peers without disabilities, areas of curriculum that need continuous attention, or vocational needs.

The ESY services are usually different from the services provided during the school year. ESY services that are written into your child's IEP must be provided at no cost to you.

PARENTS NEED TO KNOW

- The determination of whether or not your child needs extended school year services must be documented.
- Minnesota Rule 3525.0755 provides additional guidance on ESY services.
- ESY is not the same as summer school. School districts have the choice of whether to offer summer school to students while ESY must be offered to eligible special education students.

Parent Action: Prior Written Notice and Parental Consent/Objection

School districts are required to write up an IEP proposal and send it to you within a reasonable time following your IEP team meeting, but neither IDEA nor Minnesota special education laws specify an exact number of days to satisfy this requirement. In Minnesota, a reasonable time is generally and in practice a couple of weeks.

You will receive two forms along with the IEP proposal. One is a **Prior Written Notice (PWN)** which describes what the school proposes or refuses to do. It is given to you "prior to" or before the proposed IEP goes into effect. If the PWN only includes a refusal of a significant change to your child's IEP that you requested, it must be sent or given to you within 14 calendar days of your request. The school district is required to document the following on the PWN:

- The actions proposed or refused by the school district
- An explanation of why each action is proposed or refused
- The sources of information which are the basis for the actions proposed or refused by the school district
- Other options considered by the school district and an explanation of why those options were refused
- Additional factors that are relevant to the school district's proposed or refused actions

The PWN must also state that you have protection under the procedural safeguards in IDEA, explain how you can get a copy of these procedural safeguards, and provide you with contact information for organizations such as PACER Center who can be a resource to you in helping you to understand what the PWN means.

The school is required to write the PWN in language that's understandable to the general public, provide it in your native language or other mode of communication you may use, and translate the PWN for you orally or by other means if your mode of communication is not a written language.

You will also receive a **Parental Consent/Objection form**, which informs you of your right to consent or object in writing to the school district's proposed or refused actions.

If the school is proposing an **initial** IEP, they cannot start providing special education services to your child without your written consent.

As to all IEPs except for the initial IEP, the school may implement the proposed IEP *unless you object in writing within 14 calendar days of the date the PWN was sent to you*. If you don't respond in writing to a PWN within 14 calendar days, your consent to the proposed IEP will be implied.

After reviewing the school's IEP proposal for your child, if you have concerns that the school's IEP proposal does not meet your child's educational needs, you can check a box on the Parental Consent/Objection form to document your objection and request a conciliation conference or a meeting with appropriate members of the IEP team. The Individuals with Disabilities Education Act prohibits the school district from using your refusal to consent to one service or activity to deny you or your child attending public school any other service, benefit, or activity of the school district. Most forms include a space where you can explain the specific parts of the IEP proposal that you object to, but you could also attach your objections in a separate document. Then sign, date, and return the form to the school staff person indicated on the form within 14 calendar days.

A conciliation conference and a meeting with appropriate members of the IEP team have the same purpose. Both provide you with the opportunity to meet with school staff to resolve your objections to the IEP proposal. If after multiple meetings you and the school cannot reach agreement on an IEP for your child, you may want to consider requesting a Facilitated Team Meeting or Mediation to resolve the dispute. For more information about these and other dispute resolution options and assistance with choosing the most appropriate process to resolve your disagreement with the school, contact your IEP case manager, PACER Center, or the Minnesota Department of Education. If you've consulted with a PACER parent advocate prior to a conciliation conference, facilitated team meeting, or mediation, you may request they attend.

Both the PWN and Parental Consent/Objection form should also be used for other kinds of school proposals – such as a proposal to conduct a special education evaluation of your child, or school refusals to take specific actions – such as a refusal to provide a service that you’ve requested. For more detailed information about federal parental consent requirements and federal and Minnesota-specific Prior Written Notice requirements, see 34 C.F.R. §§ 300.300; 300.503 and Minn. R. 3525.3600.

PARENTS NEED TO KNOW

- If the school sends you a PWN by regular mail, the postmark on the envelope – not the day you receive the envelope in your mailbox– indicates the start of your 14 calendar-day timeline to review an IEP proposal. If the school emails you the PWN, the date stamp on the email indicates the start of that timeline. In other cases, the day the school hands you the PWN or sends it home in your child’s backpack is the start of the 14 days.
- Use your 14 days wisely. IEP proposals are full of special education terminology that takes time to learn, but you have the right to informed consent. If there’s anything about the school’s IEP proposal that you don’t understand, contact the IEP case manager and get the explanations you need so you can make an informed decision to consent or object.

IEP Accountability

The IEP is a written statement of specific special education and related services that will be provided to your child. The school must make a good faith effort to help your child achieve the goals and objectives written into the IEP by providing those services.

Each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for providing the services for your child must have access to the IEP. All must be informed of their specific responsibilities for providing a service, accommodation, modification, or support for the student or staff.

IEP Review and Revisions

Although all teachers and service providers must know and provide specific services for your child, there is no guarantee that your child will make progress at a planned rate. If you think your child is not making appropriate progress, you may request a meeting to ask for revisions to your child’s IEP or use other due process procedures.

A new IEP must be written at least annually. In addition, a revised IEP must be written whenever significant changes in a student’s program or placement are needed. Reasons may include:

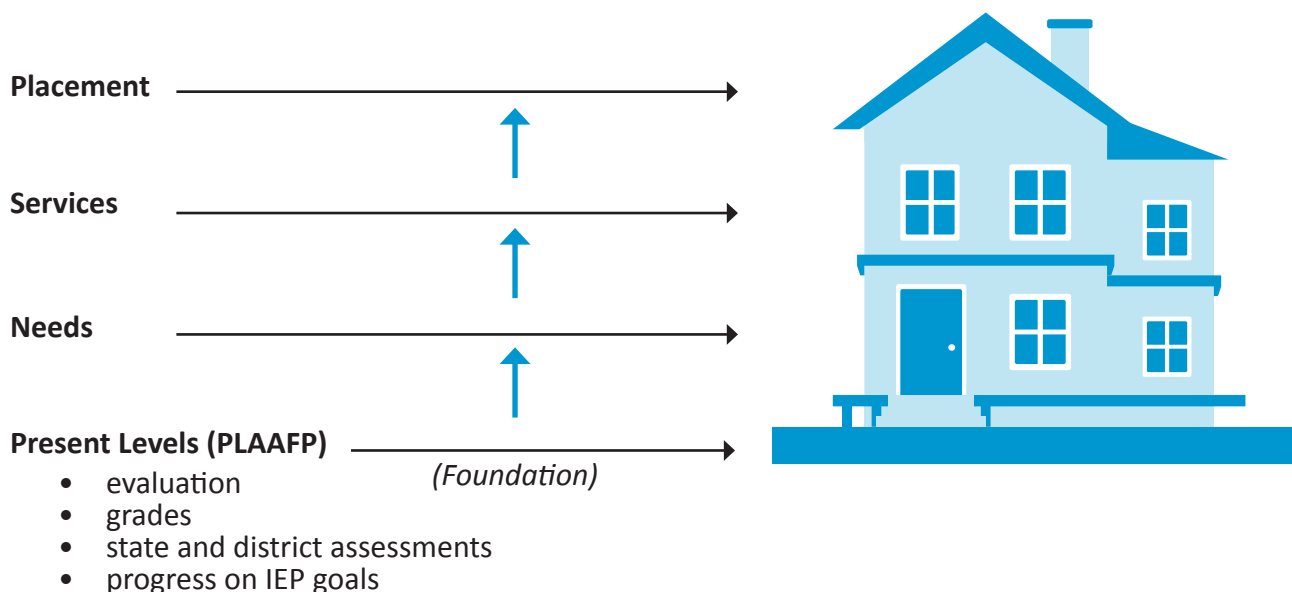
- Accomplishment of one or more IEP goals
- Insufficient progress on one or more goals
- Insufficient progress in the general education curriculum
- Availability of new evaluation information
- Availability of new information from parents to share with the IEP team
- Need for a change in the site or setting where the child receives special education instruction
- Change in the amount of special education needed to accomplish goals or objectives
- Team determination of a need for certain intervention procedures

Any time an IEP is revised, parents should request a new copy from the case manager.

In Summary

Because the special education process may seem complicated, it can be helpful to compare it to the building of a house. Just as the building of a house follows a logical order, beginning with a foundation and ending with the roof, so does the building of a special education program.

Your child's special education program is built from the *foundation* of a thorough examination of your child's **present levels of academic achievement and functional performance** (PLAAFP). The PLAAFP statement describes your child's educational needs gathered from sources, including special education evaluations, school assessments, progress on current IEP goals, and regular education grades. The PLAAFP will identify your child's **identified educational needs**, like the *first floor* of a house. This floor supports the *second floor*, **appropriate services**, to meet your child's needs. Once appropriate services have been determined, the IEP team can select the **placement** (special education and related services provided in the least restrictive environment) to meet your child's needs. It's the final piece of the building process, the *roof* that caps off the "house" of your child's special education program. Your child can receive the free appropriate public education (FAPE) to which they have a right when the IEP team follows this logical progression.



Appendix

FEDERAL REGULATIONS, AND MINNESOTA STATUTES AND ADMINISTRATIVE RULES

For a full list of federal regulations in the Individuals with Disabilities Education Act (IDEA); Minnesota Statutes; and Minnesota Administrative Rules, visit:

media.pacer.org/php/php-c311.pdf

DEFINITIONS

Academic standards: Grade-level learning expectations for all students. The Minnesota K-12 Academic Standards are statements adopted by the state that identify what all students in a particular grade are expected to know and be able to do by the end of the grade. Minnesota standards are set for areas such as English language arts (includes reading), math, science, social studies, the arts, and physical education. These are sometimes called “grade-level content standards,” and they guide educators in the choice of general education curricula used in each school district.

Academic achievement standards: Level of proficiency (or ability) students demonstrate about what they know and are able to do in the areas of reading, math, and science. In Minnesota, most students take the Minnesota Comprehensive Assessment (MCA) to see if the school is helping students become proficient on the state academic content standards in these areas. There are four levels of achievement: exceeds standards, meets standards, partially meets standards, and does not meet standards. For a student to meet proficiency on a particular state assessment, the student must receive an achievement level of meets or exceeds standards.

Accommodation: A change in class work or testing conditions to help students with disabili-

ties have access to learning and demonstrate their knowledge without lowering or changing the standard or the level of the class work or of a test. Examples include extended time for project completion, various types of assistive technology, and preferential seating.

Alternate academic achievement standards: Level of proficiency (or ability) on grade-level academic content standards that is less complex or modified in other ways to show developing skills and knowledge in the areas of reading and math. The alternative assessment, Minnesota Test of Academic Skills (MTAS), is available for students with cognitive functioning significantly below age expectations.

Appropriate: Suitable or fitting. The Individuals with Disabilities Education Act (IDEA) specifies the procedures for determining what is the appropriate education for an individual child with disabilities. Evaluations are done to identify the student’s needs. From those needs, the IEP team will determine the appropriate educational services so the student can make meaningful educational progress.

Assistive technology device: Any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of a child with a disability. Devices include those purchased commercially or those that are modified or customized, but exclude surgically implanted devices.

Assistive technology service: Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. This includes evaluation of the child for assistive technology needs; acquiring the device; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing the device; coordination of the device with other related services, such as therapy; training for the child and, if appropriate, the family, in use of the device; and training for educational and rehabilitation professionals

and others, including employers, in use of the device. Services on surgically implanted devices are excluded.

Consent: Saying yes or giving permission. Consent means that you understand and agree in writing to the activity, such as an evaluation plan or an IEP. Schools must give you all necessary information connected to an activity for which consent is needed in your native language or communication mode. Giving consent is voluntary, and you may change your mind, or revoke consent, at any time. However, if you do revoke your consent, the activity that took place between the time you gave your consent and revoked your consent remains legal.

Extended School Year: Required educational services usually offered during the summer for eligible children. It is not the same as summer school, which school districts may or may not offer to district students.

FAPE: Free appropriate public education, as defined in IDEA regulations.

General education curriculum: The curriculum that the school uses to teach children in the school district, including children who have disabilities and those who do not. The curriculum includes lessons, materials, and activities routinely used by the general population of students in the school and is aligned with state grade-level academic standards. The curriculum teaches the knowledge and skills the students need to meet the standards.

Individuals with Disabilities Education Act (IDEA): The federal law that guarantees the rights of children with disabilities to an appropriate public education program.

Individualized Education Program (IEP): The written plan that guides your child's special education services. The plan must:

- allow your child to advance appropriately toward meeting annual IEP goals

- allow your child to be involved in and progress in the general curriculum as much as is appropriate for your child
- guide the staff in providing services
- record the services the school district has committed to provide

Least Restrictive Environment (LRE): An educational setting for a child with disabilities that provides an appropriate program, including any necessary special supports, in as typical a school environment as possible.

Modification: A change in class work or testing conditions that lowers or changes the level of difficulty or focus of class work, homework, or of a test. The expectation is modified or changed.

Parent: A child's parent or a person acting in that role. The parent may be the biological or adoptive parent; a long-term foster parent, if parental rights have been terminated; a legal guardian; a person acting in the place of the parent, such as a grandparent; a surrogate parent; or the student age 18 and older. A legal guardian is a person appointed through court procedures. A surrogate parent is a person appointed by the school through special education procedures to represent the child in decisions involving special education services. Parents who do not have legal custody but whose parental rights have not been terminated retain their rights to receive information from the school, participate in program planning, and attend school conferences unless the court determines otherwise.

Related services: Any specially designed services that enable a student to benefit from special education instruction. Examples include psychological services, assistive technology, interpretive services, occupational therapy, physical therapy, audiology, and mobility training.

Special education: Instruction specially designed to meet the unique needs of a student with disabilities.

Supplementary aids and services: Any aids, services, or other supports that are provided in regular education classes or other education-related settings, including extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. Examples include paraprofessional services, large print textbooks, a sign language interpreter, and extra time to complete a project.

ABOUT PACER CENTER

PACER Center is an information, training, and advocacy center for Minnesota families who have children and young adults with disabilities. PACER's mission is to improve educational opportunities and enhance the quality of life for children and young adults with disabilities and their families.

PACER provides a variety of programs to assist families of children and young adults with disabilities. For more information, visit PACER.org.

Every child is unique and learns in different ways. If your child has been identified as needing special education services to support their learning at school, you play a major role in shaping the services your child receives.

This guidebook has been written for you — the parent, guardian, or surrogate parent of a child with disabilities who receives special education services in a Minnesota public school or charter school.

PACER's Guide to the Individualized Education Program (IEP) for Minnesota Parents is a resource that will help you understand the IEP and the importance of your participation in the IEP development process for your child.



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