



Individualized Education Programs: Know Your Rights

What is an Individualized Education Program (IEP)?

An IEP is a plan to meet the education needs of a child with a disability. The New York City Department of Education (DOE) makes the IEP, with your help. IEPs can include many different accommodations for a child. Some common ones are special classroom placements, therapy, counseling, extra time for tests, and transportation to and from school.

What is the process for getting an IEP?

There are several steps to get an IEP. The IEP must be requested, the child must be evaluated, and the IEP team must meet. This team will include the parent or guardian, a variety of DOE officials, and any other people who will be helpful. After the IEP team meets, an IEP will be written. The IEP must be reviewed at least once every year, although you can request a review in writing at any point. Every child who has a disability that affects their learning must have an IEP in effect when the school year starts.

How do I start the process?

To start the IEP process, the first step is to write a letter to your child's school. This letter should be sent by certified mail. In the letter, ask that your child receive special education services. If your child attends a charter school, private school, or preschool, you should also send the letter to the Committee on Special Education Chairperson (CSEs) at your child's school. A list of CSEs can be found at the end of this document. You should keep a copy of the letter and proof that it was delivered. Also, if the school believes your child has a disability, the school is required to refer your child for an evaluation to see if an IEP is needed. This requirement is called the "child find" rule.

What happens after I write the letter?

Your child will be evaluated by the DOE to test the child's academic, social, and physical abilities. Be sure to ask for copies of the evaluations. For more information on the evaluation process, please see MFY's *School Evaluations* fact sheet.

When the evaluations are done, the school will schedule the IEP meeting. At this meeting, you will discuss your child's needs with the rest of the team. After the meeting, this team will make the IEP for your child. You must be notified of the IEP meeting, in writing and in your native language, before the meeting can occur.

Who must attend the IEP meeting?

- you
- a district representative (which can be the principal of your child's school)
- a special education teacher
- a general education teacher
- a counselor, social worker, or school psychologist.

How do I prepare for the IEP meeting?

Before the meeting, you should request copies of any evaluations done on your child. You have the right to free copies of these results. You should make sure you read them before the meeting. You should also bring any useful documents that might help the team make a good IEP. For example, you should bring recent medical records, therapy notes, schoolwork that shows your child's abilities, or anything else that you think might be useful. If you wish, you can request that a "parent member" be present as well. This is a parent who can assist parents/guardians of students with disabilities.

Can I bring someone to the IEP meeting?

You can bring anyone to the IEP meeting who knows your child well. This might include a grandparent, doctor, therapist, attorney, or any other advocate.

What happens during the IEP meeting?

During the IEP meeting, you and the other IEP team members will discuss your child's abilities and needs. You will discuss the evaluations and your child's progress. You will consider options for classroom placement and services. The team will also listen to any concerns you may have. ***While they must listen to you and consider your input, the IEP team might not give you everything you want for your child.***

What are the common results of the IEP meeting?

If this is your child's first IEP, the child will be given a disability classification. After your child is classified, the IEP will set the services your child will receive.

If this is not your child's first IEP, it is common that there will be changes to the old IEP. These changes can add or remove services. If you do not want changes to be made, make sure you say so at the meeting.

You have the right to a free written copy of your child's IEP. The IEP should be given in your primary language. If you disagree with the IEP, you can try to have it changed. If the IEP team or school refuses, you can file for an impartial hearing. You should speak with a lawyer about this process.

What changes if my child is a teenager?

When your child is a teenager, the IEP team will prepare for the **transition** process. The school should make a plan to prepare your child to leave school and be ready for life afterwards. Some common examples are more services, education in new subjects, or new activities outside the school. The specifics of the plan will depend on your child's needs and abilities. You should start thinking about transition when your child is 14 or 15 years old. The transition plan must be in the IEP when your child turns 16.

What are my child's and my rights during this process?

If disagree with the DOE's evaluation, you have the right to a second opinion. This is called an **independent educational evaluation (IEE)**. If you want the DOE to pay for the IEE and the DOE refuses, the DOE will file for an impartial hearing. At this hearing, the DOE will have to show that their evaluations were adequate. A lawyer can help you with the hearing process. You can also pay for a new evaluation. If you do, you can show the DOE the results.

Your child has the right to be placed in the **least restrictive environment (LRE)**. LRE means that your child should be placed in as close to a general education classroom as possible.

What happens after the IEP meeting?

If you agree with the IEP, then the DOE will place your child in a school. They will assign a school that they think will work for your child. This placement must be a proper **functional grouping**. This means that your child's classmates' ages and grade levels should be within three years of each other. Before agreeing to the placement, you should visit the school. If you can, visit on a school day to see the students in class. The school must provide all of the services in the IEP. If the school cannot provide the IEP services, you should not accept it. If you are satisfied after the visit, you can agree to the placement. After this, your child can register and start attending school.

If there is a problem, you can reject the placement. If the DOE agrees, they will give you another choice. If they refuse, then you may need to seek an impartial hearing. A lawyer can help you get a hearing for a new placement.

How often are IEPs reviewed?

The IEP must be reviewed every year. This will usually mean another meeting similar to the first IEP meeting. After this, an updated IEP will be written. You still have the right to a free written copy. Every three years the IEP team must do a **triennial**. This is an overall review of your child's progress. It will be more in-depth than the other meetings. ***Your child must always be given new evaluations before the triennial. However, it is usually a good idea to request a new evaluation before every IEP meeting.*** You can see MFY's *School Evaluations* fact sheet for more information.

If you are unhappy with your child's progress, you can change the IEP. You can do this at the annual IEP meeting. If you want to change the IEP sooner, you can also request an earlier meeting. You should do this in a letter. Save a copy of this letter for your records. Just like the first time, you will attend this meeting. You can bring anyone to this meeting who might be helpful, including an attorney.

Committees on Special Education

CSE 1

For Districts: 7,9,10
Fordham Plaza, 7th Floor, Bronx, NY 10458
Phone: (718) 329-8001; Fax: (718) 741-7928/7929
Chairperson: Steven Birkeland

CSE 2

For Districts: 8,11,12
3450 East Tremont Ave., 2nd Floor, Bronx, NY 10465
Phone: (718) 794-7420 Español: (718) 794-7490; Fax: (718) 794-744

Chairperson: Tricia DeVito

CSE 3

For Districts: 25,26
30-48 Linden Place, Flushing, NY 11354
Phone: (718) 281-3461; Fax: (718) 281-3478
Chairperson: Esther Morell

CSE 3

For Districts: 28,29
90-27 Sutphin Boulevard, Jamaica, NY 11435
Phone: (718) 557-2553; Fax: (718) 557-2620/2510
Chairperson: Esther Morell

CSE 4

For Districts: 24, 30
28-11 Queens Plaza N., 5th Floor, Long Island City, NY 11101
Phone: (718) 391-8405; Fax: (718) 391-8556
Chairperson: Chris Cinicola

CSE 4

For District: 27
Satellite Office 82-01 Rockaway Blvd. 2nd Floor, Ozone Park, NY 11416
Phone: (718) 642-5715; Fax:(718) 642-5891
Chairperson: Chris Cinicola

CSE 5

For Districts: 19, 23, 32
1665 St. Marks Avenue, Brooklyn, NY 11233
Phone: (718) 240-3557/3558; Fax: (718) 240-3555
Chairperson: Geraldine Beauvil

CSE 6

For Districts: 17, 18, 22
5619 Flatlands Avenue, Brooklyn, NY 11234
Phone: (718) 968-6200; Fax: (718) 968-6253
Chairperson: Arlene Rosenstock

CSE 7

For Districts: 20, 21
415 89th Street, Brooklyn, NY 11209
Phone: (718) 759-4900; Fax: (718) 759-4970
Chairperson: Amine Haddad

CSE 7

For District: 31
715 Ocean Terrace, Building A, Staten Island, NY 10301
Phone: (718) 420-5790; Fax: (718) 420-5787
Chairperson: Amine Haddad

CSE 8

For Districts: 13, 14, 15, 16
131 Livingston Street, 4th Floor, Brooklyn, NY 11201
Phone: (718) 935-4900; Fax: (718) 935-5167
Chairperson: Cherry Kang

CSE 9

For Districts: 1, 2, 4
333 7th Avenue, 4th Floor, New York, NY 10001
Phone: (917) 339-1600; Fax: (917) 339-1450
Chairperson: Nicholas Chavarria

CSE 10

For Districts: 3, 5, 6
388 West 125th Street, New York, NY 10027
Phone: (212) 342-8300; Fax: (212) 342-8427
Chairperson: Jane O'Connor

Charter Schools

All Districts
One Fordham Plaza, 7th Floor, Bronx, NY 10458
Phone: (718) 329-8001; Fax: (718) 741-7928/7929
Chairperson: Mariama Sandi

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for NYC residents; it is NOT legal advice.**