IEP Process: Common Errors

School administrators play a critical role in ensuring the development and implementation of high-quality individualized education programs (IEPs) for every student with an eligible disability. To do so requires a thorough understanding of the IEP process itself, as well as knowledge of and adherence to three types of requirements that apply throughout that process: procedural, substantive, and implementation. The table below briefly overviews each of these requirements as outlined in the Individuals with Disabilities Education Act (IDEA).

> ### ⓘ FYI
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> IDEA is the law guaranteeing students with disabilities the right to a free appropriate public education (FAPE) that meets their individual needs.

Type	Description
Procedural requirements An IEP that meets procedural requirements could be considered a technically sound IEP.	Ensure that: • The IEP process (the *how* and *when* of IEP development) is followed. • The IEP contains all of the required information.
Substantive requirements An IEP that meets substantive requirements could be considered an educationally meaningful IEP. The *Endrew F*. ruling clarified a substantive standard.	Ensure that: • The content of the IEP (the *what* of IEP development) is sufficient to enable the student to make progress. • The student's progress is monitored. • Changes are made if the student's progress is not adequate.
Implementation requirements An IEP that meets implementation requirements could be considered to be providing FAPE.	Ensure that: • The instructional services and supports outlined in the IEP are provided as agreed upon during the IEP process. • When IEP changes are made, they are completed with parental involvement.

Schools and districts must adhere to these requirements to help ensure the implementation of technically sound and educationally meaningful IEPs and to provide FAPE. Failure to fulfill these requirements can result in poor outcomes for students, as well as potential legal ramifications for the school or district.

Amy of a number of serious errors can occur throughout the IEP process—during the planning stages for the IEP meeting, during the IEP meeting and the development of the IEP, and during the implementation of the services and supports outlined in the IEP. Of particular concern are those that inhibit parental participation, compromise a student's FAPE, or deprive the student of her educational benefit. Following are a few of the more common errors for the different stages of the IEP process.

> **ℹ FYI**
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> A procedural error that may occur at any point during the IEP process is **failure to involve parents**. The Supreme Court's decisions in *Hendrick Hudson Central School District Board of Education v. Rowley* (1982) and *Endrew F. v. Douglas County School District* (2017) emphasized the importance of the collaboration between school personnel and a student's parents throughout the IEP process— during the planning stages, development of the IEP, and the implementation of services and supports—evidence that this procedural right is vigorously protected by the courts.

Planning for the IEP Meeting

When they prepare for an IEP meeting, school administrators should make sure to avoid procedural and substantive errors, such as those described below.

Procedural Errors

- **Predetermining a student's placement or services:** *Predetermination* refers to situations in which school-based personnel on an IEP team make decisions (e.g., develop IEP goals, determine services and placement) prior to holding the IEP meeting. By doing so, they tacitly cut parents out of the decision-making process. School personnel can hold informal discussions before the IEP meeting, and they can come to the meeting with suggestions and opinions. What they cannot do is make final program or placement decisions until the actual meeting in which the student's parents are involved.

- **Failure to assemble an appropriate IEP team:** IDEA specifies the required members of a properly constituted IEP team. An IEP team that does not include the required members is not properly constituted and has failed to incorporate the expertise needed to develop a high-quality IEP.

Substantive Error

- **Failing to conduct a complete and individualized evaluation of a student's needs:** The importance of a complete, relevant, and thorough student evaluation cannot be overstated. The evaluation must address all areas of student need, even if the area does not seem to be related to a student's suspected disability. Consider this example: A student experiencing academic difficulties is referred for evaluation. A thorough evaluation should include vision and hearing screenings, even though the primary area of concern is academics. The student's screening results indicate possible hearing loss, something that might be contributing to her academic difficulties.

  Recall that the results of the evaluation lay the groundwork for the rest of the IEP. The present levels of academic achievement and functional performance (PLAAFP) statements are developed using the findings from the various assessments. The annual goals are based on the PLAAFP statements, and the services and supports follow. If a student's evaluation is incomplete, inaccurate, or outdated, the overall program developed for the student may well fail to provide FAPE.

During the Development of the IEP

The purpose of an IEP meeting is for the IEP team to work collaboratively to identify the special education services and supports that will be delivered to the student, based on her unique needs. This process produces a written record, the IEP, that formalizes these services and supports. During this stage of the process, the school administrator should take steps to avoid errors, such as those listed below.

Procedural Errors

- **Determining placement before programming:** Before determining placement, the IEP team must first gain a comprehensive picture of the student and develop her program (e.g., goals, services, and supports). Subsequently, "each child's educational placement must be determined on an individual case-by-case basis depending on each child's unique educational needs and circumstances, rather than by the child's category of disability" (IDEA Regulations, 34 C.F. R. §300.116(b)(2006)). In other words, only when the student's program has been determined can the team use that information to determine the placement in which a student's needs can best be met.

- **Failure to include required components in a student's IEP:** To restate, all of the IEP's components come together to create a cohesive program for the student. When components are missing, the quality of the IEP is compromised. This is an easily avoidable procedural error.

Substantive Error

- **Failing to include all of a student's educational needs in the PLAAFP:** The PLAAFP statements will become the basis of the annual goals and services and supports that will follow. Failure to develop PLAAFP statements that address each of a student's needs, as identified in the evaluation, not only constitutes a serious content problem but can also be considered a denial of FAPE.

- **Failing to write challenging, ambitious, and measurable annual IEP goals:** IDEA requires that IEP teams develop measurable goals that allow teachers and parents to monitor a student's progress and make educational adjustments when necessary. In *Endrew F.*, the U.S. Supreme Court ruled that students with disabilities should have the opportunity to meet challenging and ambitious annual goals.

- **Failing to provide special education services that address all of a student's educational needs:** These services must be designed to enable a student to make progress in light of her circumstances. In particular, the supplementary aids and services identified by the IEP team must help the student advance toward achieving her annual goals while being involved in and making progress in the general education curriculum. Moreover, the IEP team must clearly delineate the frequency, duration, and location of the services.

- **Placing students for reasons unrelated to their individual needs:** Placement decisions must be based on the student's individual needs as identified during the evaluation process. Further, the placement decision should only be made after the PLAAFP statements, annual goals, and services components of the IEP have been developed. Finally, IEP teams should not make placements based on factors such as disability category, the availability of educational or related services, or administrative convenience (i.e., logistics, space, or budgetary considerations).

- **Failing to adhere to the continuum of alternative placements:** IDEA requires that school districts have a range or continuum of placement options. This continuum must always be available and considered. The least restrictive environment (LRE) requirements stipulate that the removal of students with disabilities from the general educational environment should occur only when the nature or severity of the disability is such that instruction in general education settings (with the use of supplementary aids and services) cannot be satisfactorily achieved. However, the LRE requirement should not be interpreted to mean that all students should always be educated in the general education setting. At times, some students with disabilities require more intensive intervention that can be better provided outside of the general education classroom.

Implementing the IEP

The purpose of the implementation stage of the IEP process is to deliver the services and supports outlined in a student's IEP. During this stage, the school administrator should take steps to avoid errors, such as those listed below.

Substantive Error

- **Failing to monitor students' progress:** Monitoring the student's progress is essential to determining whether the student is adequately making progress toward meeting her goals and receiving FAPE. Without such monitoring, school personnel have no way to determine whether students are actually making progress. Progress monitoring is used to:

  - Assess a student's performance
  - Quantify her rate of improvement or responsiveness to intervention in light of the annual goals
  - Evaluate the effectiveness of the intervention
  - Adjust the student's instructional program as needed

Implementation Error

- **Failing to implement services and supports with fidelity:** Once the IEP is implemented, it is crucial that the instructional services and supports outlined in the IEP are provided with fidelity, or as agreed upon in the IEP. Because altering frequency, duration, or setting might severely impact the efficacy of a service or support, it is important that school administrators verify these aspects of implementation. Failure to do so might result in a denial of FAPE.