



Statewide Parent
Advocacy Network

Empowering families,
professionals, and others
interested in the well-being
and education of children
and youth

*In this fact
sheet:*

- *When should students become involved in IEP meetings?*
- *What can students with special needs contribute to this process?*
- *How can families and teachers prepare students ?*
- *What tools are available to help students do this?*
- *What happens when a student turns 18?*
{ and more }

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Students in special education have the right to be involved in developing their IEPs and to make decisions at age 18.

Rights of Students in the IEP Process

Students with disabilities have a say in what is in their IEP (Individualized Education Program) including placement, related services, and goals. This is a process that begins based on the individual student's strengths, needs, and interests, but no later than age 14, and continues through graduation and transition to adult life.

When should students become involved in the IEP meetings?

Transition planning begins with the IEP that will be in place for the school year that the student turns age 14, or younger if determined appropriate by the IEP team. Beginning with the IEP that will be in place for the school year that the student turns age 16, or younger if determined appropriate by the IEP team, the IEP must include a statement of the student's strengths, interests and preferences as well as post-secondary goals related to training, education, employment, and independent living. Students should be involved in the IEP process as early as possible, with the goal of leading their IEP meeting.

What can students with special needs contribute to the process?

Students with disabilities know their strengths and what makes it easier or harder for them to learn. They are a critical member of the team in crafting any needed accommodations, modifications, and supportive services. Students offer a unique perspective and also remind the team it's not about what the district or parent wants but what the child needs. It is much more effective talking with, rather than merely about, the student.

How can families and teachers prepare students?

At home, parents can give their children the opportunity for choices as early as possible. At school, teachers can also foster independence by offering choices and self-paced coursework as applicable. It is important also for the family and teacher themselves to prepare for the meeting. If all parties are best prepared, they will be equally contributing members to the process.

What tools are available to help students do this?

A good starting point for students and all members of the team is the Positive Student Profile. This document takes a strengths-based approach but also addresses learning challenges. It is essential to include positive information in the process as often only deficits are discussed.

(continued on page 2)



The role of self-advocacy

Participating in the IEP process is a way for students in special education to advocate for themselves. They know themselves best, including strengths and challenges. The students have a vested interest and will feel like they have contributed and have some control. Based on the individual child, the student and their family can decide together how much help s/he needs to make decisions. This will help best prepare the student to make decisions as independently as possible in the future.

Learn more:

Federal regulations governing student participation in the IEP process can be found at

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap33-subchapII.pdf>.

New Jersey State regulations governing student participation in the IEP process can be found at

<http://www.state.nj.us/education/code/curren/title6a/chap14.pdf>.

Go online for answers to these questions:

Is my child ready to participate in his IEP meeting?

What are alternatives to guardianship?

How does shared-decision making work?

What are Centers for Independent Living and how can I find the one in my county?

The Positive Student Profile focuses on the whole child, not just academics, and can be found at

www.spannj.org/START/Sharing%20Your%20Childs%20Strengths/Positive%20Student%20Profile.pdf.

Another great tool is Student Preparation for the IEP. This document is also strengths-based and includes sections and what makes it easier, or harder, for the student to learn. The Student Preparation for the IEP is found at

www.spanadvocacy.org/content/tools-family-educator-collaboration-iep-process-0.

There are also forms for Parent Preparation for the IEP at www.spanadvocacy.org/content/tools-family-educator-collaboration-iep-process as well as an IEP Meeting Checklist for Families at

www.spanadvocacy.org/sites/default/files/files/IEP%20MEETING%20CHECKLIST%20FOR%20PARENTS.pdf.

Lastly, there is a Teacher Preparation for the IEP form found at www.spanadvocacy.org/content/tools-family-educator-collaboration-iep-process-1 which helps educators determine student strengths.

Other resources to help engage students in their IEP process and prepare for effective transition to adult life can be found on SPAN's Transition landing page at www.spanadvocacy.org/content/transition-school-adult-life.

SPAN's Resources for Youth Empowerment webpage, created to support youth self-advocacy and self-determination, can be found at

www.spanadvocacy.org/content/youth-resources-empowerment, where you will find links to resources and guides for youth to begin conversations with parents and health care providers about medical decisions, healthcare, career opportunities, education, college, transportation, housing, and MUCH MORE!

What happens when a student turns 18?

The transfer of rights at the age of majority means that the student will have sole decision-making power and schools must notify students and their families of this beginning at least 3 years before the student turns age 18. It is important to note that students remain eligible, if needed, for special education until attainment of the 21st birthday by June 30 of that school year. For more information on graduation requirements, see SPAN's factsheet *Transition to Adult Life*. If appropriate, students can still include their families in decision-making after age 18. This can be done when the student puts this request in writing, or if families have decision-making abilities through a power of attorney or other legal document. It is not necessary – and strips the student of their basic civil rights - to seek guardianship in order for the family to continue to help with educational decisions. The latest information on this is updated regularly on the website of the National Resource Center for Supported Decision-Making as well as the RAISE National Transition TA Center.

Students in special education have the right to participate in their IEP development as early as possible and as comprehensively as they can to the best of their abilities.



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