School Ends IEP: “Disability No Longer Affects Education”?

I have an 8 year old in second grade who can now walk around after 80 different corrective surgeries. He has popliteal pterygium syndrome with his knees in a contracted position. His left leg is much shorter than the right. He is extremely tired when he walks for a long period of time. He also has a cleft plate and cleft lip so his speech can be difficult to understand.

The school removed him from an IEP because they said his physical disability no longer affects his educational performance.

Change of Placement

Removing your child from the IEP is a change of placement.

The school cannot unilaterally change placement without the entire team agreeing to it. Parents must be involved in placement decisions.

Your child’s disability category or label or severity of the disability – See more at: http://www.wrightslaw.com/blog/?p=5769#sthash.kVZJ6U9r.dpuf

Did you sign the IEP? You don’t have to.

You can disagree with the IEP. The school needs to provide you with a prior written notice letter explaining why they want to do this. 34 C.F.R. § 300.503.

IDEA 2004 requires the IEP team to formally and logically accept or reject any suggestions that a member of an IEP team makes.

Written Documentation

Did you request an evaluation in writing (including your consent to evaluate) or sign the school’s consent form? Once you have given consent, the school has to perform the evaluation in 60 days. Read more about Starting the Clock on School Evaluations.

Fatigue and speech do impact educational performance. Collect your data. Get documentation from your physicians that will help your cause.

Be sure you provide this information to the school. Document when this was done.
Write a letter to Special Ed Director and/or school board.

Time for a Complaint?

If you get no response from the school district, you may want to consider filing a State Complaint or, as a last resort, requesting Due Process.