

Ohio parents seek advocates as schools see uptick in individualized education plans



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Gaige Sprague was failing his seventh-grade general education class at Jackson Middle School in South-Western City Schools.

The teacher didn't know he was in an individualized education program (IEP) until parent-teacher conferences midway through the first semester of the 2020-2021 school year, his mom Amanda Sprague said.

"For a teacher not to know that he had an IEP was extremely frustrating," she said.

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His grade then jumped to a B- in less than 24 hours after the teacher went back and regraded his assignments.

"You could have the best, well-written IEP, but until you get the teachers and the staffing to buy into that and actually follow it, it doesn't do a bit of good," said Sprague, 40, of Grove City.

Nationally, there are more than 7 million students on IEPs, which are designed to help students who need special education, but the process to get an IEP correctly implemented can be challenging for families. That has led some parents to seek an advocate to help them along the way.

What is an IEP?

An IEP is a legal document that is made for each public school child who needs special education instruction, support and services.

“(An IEP is) a whole child approach to make sure we are coming up with goals and objectives to address the child’s needs and coming up with other supportive services to help that child learn,” said Kristin Hildebrant, a senior attorney at Disability Rights Ohio, a nonprofit organization.

Many steps must take place before a student gets an IEP under the federal Individuals with Disabilities Education Act (IDEA).

The student must be identified as potentially needing special education and must be evaluated to determine if they are eligible for services.

To be eligible, a student’s school performance must be “adversely affected” by a disability in one of the 13 categories: specific learning disability, autism spectrum disorder, emotional disturbance, speech and language impairment, visual impairment, deafness, hearing impairment, deaf-blindness, orthopedic impairment, intellectual disability, traumatic disability, multiple disabilities, or other health impairments, such as attention-deficit/hyperactivity disorder (ADHD).

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Next, the IEP meeting is scheduled and the IEP is written afterward by the IEP team. Services for the students are provided and progress is measured.

An IEP needs to be reviewed by the IEP team — which consists of the parents, school and district staff — at least once a year and the student is reevaluated every three years.

“(IEPs) are helpful in that they support students who have a known deficit in certain areas and grow that area of deficit so that they can access the curriculum the same as their peers and hopefully, increase their ability in the curriculum in the district,” said Gretchen Adams, the owner of Ohio Special Education Advocacy.

But it can sometimes be hard for schools to provide the accommodations a student needs, said Mark Weiker, a co-founder of the Columbus law firm Albeit Weiker LLP who specializes in school law.

“Sometimes it’s just a matter of practicality that they can’t provide it because they can’t find a therapist or they can’t find someone who can do reading intervention twice a week. They can’t find somebody to provide the service the students need,” Weiker said.

"Unfortunately for the school, that's not an excuse," Weiker said. "Under the law, they still have the obligation, but as a practical matter it's very difficult."

An uptick in IEPs, but not in due process decisions

There has been an increase in IEPs in Ohio and nationwide.

In 2017-2018 the number of students ages 3-21 who received special education services under IDEA was 6.9 million, or 13.7% of all public school students, according to the National Association of Special Education Teachers (NASSET).

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In 2020-2021, the same age range receiving special education services under IDEA was 7.2 million, or 15% of all public school students.

In Ohio, there were 268,283 students with IEPs during the 2017-18 school year and there are 271,003 students with IEPs in the 2020-21 school year (the most recent year data was available), according to Ohio Department of Education data.

All Franklin County school districts saw an uptick in IEPs during those years, according to ODE data. Upper Arlington had the biggest percentage increase at 2.7%.

More IEPs are a result of more children being "identified and classified as having a disability," said Roger Pierangelo, co-executive director of NASSET.

That is often happening through state testing.

"That is a data point to determine if a child might not be functioning at grade level, and these data points in a district can assist whether or not they need to suspect a disability, which kicks off the possible IEP process," Adams said.

At the same time, there has been a decrease in special education undergraduate majors at Ohio State University, dropping from 149 in fall semester 2018 to 78 this past fall semester.

And despite the increase in IEPs in local school districts, there also hasn't been an increase in due process decisions, which is a formal way to resolve IEP disputes with a school.

“Due process is really the last thing that we would contemplate,” said Hildebrant of Disability Rights Ohio. “Due process is a very time-consuming and expensive endeavor, and it also is not good for the relationship that families have with schools because special education is supposed to be a collaborative process.”

Due process begins when a written complaint is filed against the school. Then there is a resolution session or it goes to mediation.

If an agreement isn't reached, the dispute goes to a due process hearing, which is similar to a courtroom trial where evidence is presented and witnesses testify before a hearing officer, who ultimately makes a decision about the case. This decision can be challenged in court.

A majority of the requests for due process are resolved before they go to a hearing, Weiker said. Only about 10-15% of his cases go to due process.

Columbus City Schools, Hilliard City Schools, Dublin City Schools, Grandview Heights Schools and Reynoldsburg City Schools were the only Franklin County school districts that had due process case decisions in the last 10 years (January 2012 to December 2022), according to the state Department of Education.

Hilliard had two (both in 2018), Reynoldsburg had one in 2018, Grandview Heights had one in 2016 and Dublin had one in 2012, according to ODE.

Columbus City Schools had 82 due process complaints during that same time frame, but only five ended up leading to a due process decision (two in 2014 and three in 2016).

'You need to find an advocate who can help you.'

Moria Wegelin, 42, got an advocate to help get an IEP for her fourth-grade daughter.

“It is an intimidating process ... I think a lot of the process... is daunting,” said the resident of Stow, located in Summit County.

Wegelin said it took her daughter's entire second-grade school year to get an IEP, which was finalized on the last day of school.

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“It’s our first time pursuing this and dealing with this process, so I don’t know why it took so long,” Wegelin said.

Disability Rights Ohio has a special education fellow program that helps central Ohio families through the IEP process that receives about 200 requests a year. Statewide, the nonprofit group receives about 600 special education requests a year.

“Communication breaks down,” Hildebrant said. “Services aren’t provided. That’s typically when a parent will call us when they’ve asked for something and the school has said no or the school has not responded to them.”

Sprague first contacted Disability Rights Ohio about getting a special education parent advocate when her son was in the fifth grade at South-Western's Park Street Intermediate after he got suspended for fighting because students were making fun of him in the bathroom.

“IEP meetings are a joke, especially if you don’t have people with you who understand IEPs. And being a young mom and having your first experience with IEPs, you don’t know what to expect,” she said, “unless you have an advocate with you who understands it.”

Her son, who got his first IEP going into preschool, has a slew of diagnoses: ADHD, sensory processing disorder, oppositional defiant disorder, disruptive mood dysregulation disorder, intermittent disorder, conduct disorder, and generalized anxiety disorder.

Sprague said she has thought about pulling her son from South-Western schools and putting him in a more specialized school, but the cost is a barrier.

“You need to get the school district to admit that they can’t get give him the education that he needs and deserves so they’ll pay for it,” she said.

She said she was anxious about his transition to Grove City High School but his experience has been good so far and they have been accommodating with his IEP.

His IEP says he gets twice the amount of time for assignments, shortened assignments and multiple breaks if needed. He can also redo a test one-on-one if he scores less than 70%. He has two study halls and he eats lunch in one of the study halls because there are fewer students and it's more structured.

“He can have time to decompress from the rest of the overstimulation to get him through the rest of the day,” Sprague said.

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Her son even made the honor roll for the first 10 weeks of his freshman year for the first time ever, and Sprague attributes that to his IEP.

“They’ve given him the confidence to be wanting to actually go to school,” Sprague said.

Her advice for parents starting the IEP process: reach out and ask for help.

“Don’t just take what the school tells you and live with it. You need to find an advocate who can help you,” Sprague said. “You need to make sure they are doing what’s best for your child and listening to you.”

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