



A PARENT'S GUIDE TO A PERSONAL EDUCATION PLAN (PEP) FOR YOUR CHILD

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FOREWARD

Acknowledgements

This Guide is designed to serve as a tool to help parents and guardians throughout North Carolina become informed about the law that requires schools to develop a Personal Education Plan (PEP) for children experiencing academic problems. As outlined in this guide, parent involvement and advocacy is critically important to ensure that their student succeeds in school.

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Disclaimer

The information in this manual is provided as a matter of public service and is for informational use only. The information does not constitute legal advice and should not be used as such. Parents, guardians, and other users of this manual are strongly urged to confer with legal counsel when problems occur with school officials and the PEP process. A list of legal and advocacy resources is included in the Appendix to this manual.

TABLE OF CONTENTS

1. Introduction	4
2. Parent’s Take Note—New Law on Grade Retention.....	4
3. Every Child Considered to be “At Risk of Academic Failure” has the Right to a Personalized Education Plan (PEP).....	5
4. Frequently Asked Questions and Answers about Personal Education Plans (PEP) and the PEP Process	6
5. Your Role in Making the PEP Work for Your Child	13
6. What You Can Do if You Encounter Problems in the PEP Process.....	18
7. Conclusion	19
Appendix	20
a. Education Legal Advocacy Organizations	21
b. Personal Education Plan (PEP) Law.....	22
c. Example of a Parent Request for a PEP for Their Child.....	23
d. Sample Invitation Letter from School.....	24
e. Example of a Personal Education Plan	25

INTRODUCTION

“In every child who is born, under no matter what circumstances, ... the potentiality of the human race is born again.”
James Agee, *Let Us Now Praise Famous Men*

Like other parents and child caretakers, you want a high quality education for your child. You know that a good education leads to a better paying job. You understand that success in school means your son or daughter will be better equipped to raise and support a healthy and happy family. You also recognize that quality schooling means your child will be able to make wise life choices and effectively function in our rapidly changing, competitive and technical world.

But you also realize that sometimes your child may have problems in school. Your son or daughter may not do well on tests. They may get lower grades than they are capable of achieving. Your child may struggle with their school work. Problems in school can lead to behavior problems that can result in suspension from school. Children who have academic or behavior problems are at greater risk of dropping out of school and not continuing their education. When a child displays one or more of these signs, they are considered to be at risk of academic failure or an “at risk” student.

What many parents do not realize is that “at risk” children possess a very important education right--a right that has the potential to improve their education. North Carolina has a state law requiring schools to provide extra help to students who are struggling academically. Under this law, children have the right to a Personal Education Plan also known as a “PEP.” If properly understood and used, this law offers schools and parents a powerful tool that can improve educational opportunities for children.

This Guide is designed to inform you, other parents, and guardians of this important law. It will also offer practical tips and suggestions for using the law to promote your child’s education. Armed with knowledge about the law, and effective methods for advocating for your child’s education rights, you will be better equipped to promote and protect your child’s education and future.

Parents Take Note: New Law on Grade Retention

Parents should be aware that there is a new law that requires 3rd grade students be held back if they are not proficient in reading at the end of the 3rd Grade. The new law takes effect in the 2012-13 school year and has very important implications for many North Carolina students and their parents. This publication incorporates some, but not all, of the changes made by this law. School districts should notify parents of the new law and its potential impact on their child. For further information about this new law please contact the organizations noted at the end of this publication.

Every Child Considered To Be “At-Risk of Academic Failure” Has the Right to a Personal Education Plan (PEP)

The PEP Law

A law passed by the North Carolina legislature provides a powerful tool for parents who wish to advocate for a quality education for their child. The law is known as the Personal Education Plan Law or “PEP Law.” This law requires schools to develop a Personal Education Plan (PEP) for every child considered to be at risk of academic failure, also known as “at risk students”. A PEP is a plan that includes education strategies customized and designed to improve an individual student's academic performance in school and to bring them to grade level proficiency.

In order to be an effective advocate for your child, you should be familiar with the PEP Law and understand how the law should work to benefit your child. In addition, you should understand how to effectively advocate for your child under the law.

The PEP Law in a Nutshell

1. Beginning in kindergarten, and in each school year after that, schools are required to identify students who are considered to be “at risk of academic failure.” Schools must identify “at risk” students early in the school year.
2. “At risk” students are those who are not at grade level according to End of Grade (EOG) and End of Course (EOC) tests or students who are struggling academically in other ways.
3. Schools should work with parents or caretakers to determine which educational services are necessary to improve the academic performance for each at risk student.
4. Schools and parents should then develop a customized PEP for each student.
5. The PEP should include proven educational strategies such as tutoring, mentoring, coaching, smaller classes, afterschool instruction or summer school.
6. Education services for a child under a PEP are free including transportation services that may be necessary.
7. The PEP must be in writing.
8. The PEP must include a method for monitoring a student’s progress.
9. Once the PEP is developed, parents and the school monitor the educational services to see if they are working.
10. If the PEP is not working, it must be revised and adjustments made to the plan.

The above summary does not address all aspects of the PEP Law. To become more familiar with the law, you may be interested in reviewing the specific language in the PEP Law. **The text of the PEP Law is reproduced in the Appendix to this Guide.**

Frequently Asked Questions and Answers about Personal Education Plans (PEPs) and the PEP Process

Because the PEP Law contains legal and technical terms that are not always easy for parents to understand, the following answers to frequently asked questions may be useful in order to better understand how the law works.

What is a Personal Education Plan (PEP)?

A PEP is a plan that includes education strategies customized and designed to improve an individual student's academic performance in school and to bring him or her to grade level proficiency. A PEP should be in writing and include a description of the academic problems faced by the student, a specific plan for improving the academic performance of the student and a detailed commitment of focused instruction, services and targeted resources (e.g., individual tutoring, after school instruction, smaller classes) that have been shown to improve student performance in school. The PEP must also include a plan for monitoring the success or failure of the education strategies in the PEP.



Which Students Are Eligible for a PEP?

Under the PEP Law, schools are required to develop a Personal Education Plan (PEP) for every student who is considered to be “at risk of academic failure” beginning in kindergarten until graduation from high school. Schools do not have a choice in deciding whether to develop a PEP for at risk students—the law requires it. The PEP Law also allows schools to identify at risk students beginning as early as public school preschool for 4 year olds. For this reason, even though they are not required, PEP’s would be a good idea for at risk pre-school students.

Which Students Are Considered to be “At Risk of Academic Failure?”

There are several ways schools and parents can determine which students are eligible for a PEP. Here are some examples of situations in which students should be considered for a PEP.



- ⇒ A student scores, or is at risk of scoring, at level I or II (not proficient) on End-of-Grade (EOG) or high school End-of Course (EOC) tests.
- ⇒ An elementary or middle school student is not at grade level in reading or math.
- ⇒ A student fails, or is at risk of failing, examinations that may be required for graduation.
- ⇒ A student is not performing well in the classroom on tests and quizzes administered by teachers.
- ⇒ A student is excessively absent from school.
- ⇒ A student receives poor classroom grades.
- ⇒ A student is repeatedly short-term suspended or long-term suspended.
- ⇒ A student shows other signs of academic failure, such as behavior problems or persistent health problems.

Why is the PEP Important?

- The PEP is an important roadmap that outlines strategies that will be used to improve a student’s academic performance.
- It should result in extra attention and additional resources for an at risk student.
- Unlike regular class time, the PEP is customized for each student and will likely be different from the PEP of any other student.

- The PEP documents the efforts of the teacher and school to support students who are below proficiency in reading, writing, math and other important subjects. This is especially important if your child is subject to grade retention; you may be able to challenge the quality of services provided to help your student reach proficiency.

Who Should Start the PEP Process?

The PEP process can be started in two ways:

1. In most cases, the process is started by the student's school. The school should notify parents that their child is at risk of academic failure and a PEP is being developed for the child.
2. You, as the parent or caretaker, may also start the PEP process by asking your child's teacher or principal to develop a PEP. If you wish to start the PEP process you should consider sending a letter to the school requesting a PEP. Be sure to keep a copy for yourself. A sample parent letter to school officials requesting a PEP is included in the Appendix to this manual.



What if the School Refuses to Develop a PEP for My Child?

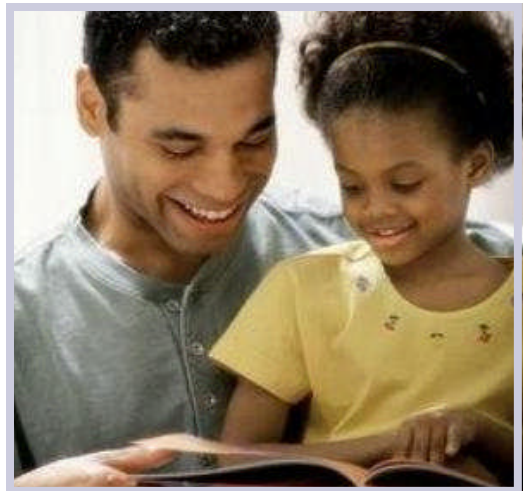
The PEP Law clearly states that any student considered to be at risk of academic failure has the **right** to a PEP. If you believe your child is at risk of academic failure, and if the school refuses to create a PEP for your child, follow the steps outlined in the concluding section of this Guide entitled: **“What Parents Can Do If They Encounter Problems in the PEP Process.”** Do not wait until your child takes the EOG or EOC tests at the end of the school year.

When Must the School Identify and Develop a PEP for My Child?

The PEP Law requires schools to identify at risk students and develop the PEP early in the school year. For most students Identification must occur no later than the end of the 90th day of school (the first quarter), or after a teacher has had up to nine (9) weeks of instructional time with a student. For students in kindergarten through the 3rd Grade, the law requires schools to test their reading skills within 30 days of school starting. The law clearly intends that schools and teachers not wait for the results of state end-of-grade and end-of-year tests before they develop a PEP for a student.

What Kinds of Things Must Be Included in a PEP?

1. A diagnosis or determination of the student's educational or learning problems. This should include identification of the student's strengths and weaknesses.
2. Specific education programs, strategies or teaching methods that will be used to address the student's learning problems. The educational strategies in the PEP must support the regular instruction the student receives in the classroom, plus educational assistance different from the student's regular instruction. Examples of educational strategies include: coaching, mentoring, tutors, Saturday school, extended days, or a summer reading camp.
3. A description of how the student's progress under the PEP will be measured. This should include clear benchmarks and target dates that will show if the PEP is working.
4. A method for monitoring and reviewing progress on the PEP to make sure it is working and a plan to ensure communication between parents and teachers.
5. Signatures of the parties making the PEP. This normally would include teachers. In many cases it may also include parents and even students.



Who Is Involved in Developing the PEP and Can Parents Be Involved in the Process?

The PEP Law specifically requires schools to give notice of the PEP process and a copy of the PEP to the student's parent or guardian. The Law also makes it clear that parents are to be included in the implementation and ongoing review of the PEP. Parents may also have responsibilities for activities at home to help the student improve. These activities can be included in the PEP.

Ideally, PEPs should be developed cooperatively by teachers, other school staff and parents. These are the people who know the student, his or her background, their academic challenges and their educational needs. The purpose of the PEP Law is to bring all of the people together who know the student and his or her needs. The team can then share information as they put together a PEP that recognizes the student's strengths and weaknesses. A PEP Team composed only of school officials will miss having input and information from the person who knows the student best—you, the child's parent. The intent of the PEP Law is to have parents included as a team member during the planning phase.

Does a Legal Guardian or Custodian Have the Same Right to Participate in the PEP Process as a Parent?

Yes. A child's legal guardian, caregiver or custodian should be involved in the PEP process in the same way they would if they were a child's natural parent.

Can Students be Included in Developing Their PEP?

Middle and high school students should be involved in crafting their own PEP. The PEP will often include responsibilities and activities for the student. In turn, this will give students ownership over the strategies and interventions under their PEP.

Are Forms Used in the PEP Process?

The PEP Law does not tell schools that they must use a particular form in developing a PEP. Local school districts can design their own forms. When designing their PEP forms and process, local school officials must make sure the PEPs are customized to reflect the unique learning problems faced by each student. The PEP also must include the specific educational strategies necessary to improve academic performance. Parents should look on-line at the school district's website or contact their local school district to get a copy of its PEP policies and any forms used to implement the PEP Law. **An example of a PEP is included in the Appendix.**



Can My Child's Report Card Serve As a PEP?

The law allows a school to use a student's report card as a PEP but only if it provides all the information required in a PEP. In practice, combining a PEP with a student's report card is a problem because the report card often will come later in the school year, after at risk students should be identified. If the school attempts to use a report card as the PEP, parents should insist that it contain all of the diagnostic information, educational strategies, and a detailed plan typically found in a regular PEP.

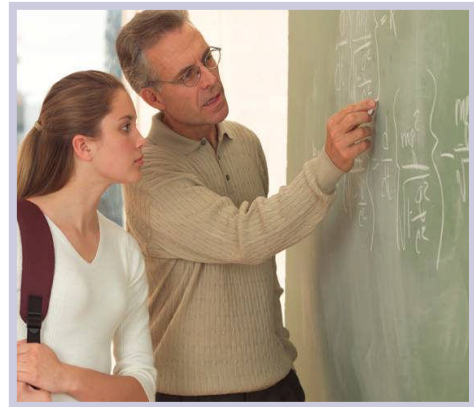
Is a PEP the Same Thing as an Individual Education Program (IEP) for Special Education Students?

No. A PEP and an IEP are two different documents required by two separate laws. A PEP is a Personalized Education Plan written for a student considered to be at risk of academic failure as judged by test scores or other indicators of educational success. A PEP describes a student's strengths and weaknesses, specific teaching methods

and strategies to improve the student's educational performance, and monitoring strategies. In contrast, an IEP (Individualized Educational Program) is part of North Carolina's special education law covering children with disabilities. It is written for a student taking into account the student's specific disabilities. It describes the special education and related services that the student needs because of their disability. What this means is that some students can have a PEP. Others may have an IEP. Or, in some instances, students considered to be at risk of academic failure who also have a disability may have both a PEP and an IEP.

Can Students Whose Native Language is Not English Have a PEP?

Yes. Students whose primary language is not English are referred to as Limited English Proficient (LEP) Students. LEP students should receive specific education services to help them learn English. This kind of education is referred to as English as a Second Language (ESL) instruction. If an LEP student is also having difficulty in math or other subjects, they should also have a PEP that offers focused instruction in those subjects.



If a Student's Parent Does Not Speak or Read English Should the School Provide Assistance in Interpreting and Understanding the PEP Process?

Yes, so they may fully understand and participate in the PEP process, parents who don't speak English should be offered translation and interpretation assistance.

Are Students Who Attend Charter Schools Eligible for a PEP?

Yes. Charter schools are public schools and "at risk" students who attend these schools have the same rights to a PEP as other students.

Do Parents Have to Pay for Education Services or Transportation Their Child Needs Under a PEP?

No. Your child's school is required to provide all academic services free of charge. This includes things like tutoring, summer school, mentoring, coaching or afterschool classes. If the educational services your child needs require transportation to and from school outside of the regular school hours or school year, parents may not be charged for transportation. Educational services under a PEP do not need to take place at the child's school. For example, after school instruction may be offered at a local community center such as a YMCA. When this happens, the school should still cover the cost of transportation necessary for the child to participate in the program.

The PEP Law Says At Risk Students Must Get “Focused Intervention” and “Accelerated Activities.” What Do These Terms Mean?

In order to help at risk students “catch up” academically, they will need extra educational help directed to meet their unique needs. This means, for example, that a 3rd Grade student who is only reading at the 2nd Grade level may need a one-on-one tutor to help him bring his reading up to grade level or extra instruction time each day. In some cases the tutoring or extra instruction may need to be offered before or after school or on the weekend so the student can catch up as quickly as possible.

The PEP Law Mentions “Evidenced-Based Practices.” What Does This Mean?

“Evidenced-based strategies” are educational instruction methods used by your child’s school that have been successfully tried and shown to improve student learning. In other words, the practices and strategies contained in a PEP must have been tested by educators and shown to have a substantial likelihood of working to improve your child’s education.

What Are “Performance Benchmarks” for Students?

When your child’s PEP is developed, the school should write down a set of goals or benchmarks to be used to determine if the PEP is working. A benchmark is a way of keeping track of a student’s progress under a PEP. By including benchmarks in the PEP, your child and the school can be sure that the PEP is working.

An example of a “benchmark” from a PEP for a 3rd Grade student who is reading at the 2nd Grade level might read as follows:

“By the end of December, Thomas will be reading at the 3rd Grade level according to the End of Grade Test for Reading.”

Or

“By the end of December, Thomas will progress from a Diagnostic Reading Assessment (DRA) level 20 to a DRA level of 30.”

Who Monitors the Implementation of the PEP?

Success of a PEP requires educational approaches and strategies different than what the student already receives in the regular classroom. To measure success, frequent monitoring of the PEP is essential. It is not sufficient to just of the school year and not have made any progress. To avoid this situation, those who develop the PEP (teachers, parents and sometimes students) should monitor its implementation and determine if the interventions are working. If there has not been an im-

provement in the student's performance, the PEP should be revised. Parents should be involved in any changes made to the plan. Monitoring should occur about every nine weeks.

What Happens When My Child Goes to Middle or High School?

The law requires that a transition team composed of teachers from the “sending school” and the “receiving school” be formed to assist students with a PEP in transitioning from elementary school to middle school, and from middle school to high school. Parents should also be involved in this process.

What Happens to the PEP After It Is Put Into Effect?


Once a student's PEP is has been developed, educational services should quickly begin. As the school year progresses, the student's PEP should be continuously monitored, revised and updated until s/he reaches proficiency. This means it may be passed from teacher to teacher through the grades. However, once the student has reached proficiency and the PEP is no longer needed, the PEP is filed in the student's permanent record for future reference and can provide documentation for future questions that may arise. It also helps future teachers know what strategies were successful with the student. Parents must be notified of any change to the PEP, including a decision to end the PEP if the student is determined to be proficient.


YOUR ROLE IN MAKING THE PEP WORK FOR YOUR CHILD

The right to a meaningful PEP designed to improve education belongs specifically to each child. However, because of age and legal status, children are not in a good position to advocate for themselves. Children need adult advocates to ensure that their rights are promoted and protected. The best advocate for your child is, of course, you--the parent.












How can you serve as an advocate for your child's right to the opportunity for a sound basic education? Below are some tips, strategies and resources that can aid you as you advocate for your child.


-  **Be Informed.** Review this Guide to fully inform yourself about the law and your child's rights.

 **View the PEP Process as Positive for Your Child.** In many cases, your child's school will contact you to tell you your child has academic problems and could benefit from a PEP. This may be based on low test scores, poor grades or observations made by your child's teachers. When this happens, you should view the PEP process as a positive development—one that can aid your child to succeed in school.

 **Things to Consider When Contacted by School Officials About a PEP for Your Child.**


-  Most school districts have a written policy on PEP's. Ask to see a copy of the policy or get a copy on-line.
-  Carefully review the policy before meeting with school officials.
-  Tell school officials that you want to be actively involved in developing a PEP.
-  When you meet with school officials, ask them to clearly explain why they feel your child needs a PEP. Ask them to tell you about any diagnostic evaluations that may have been done on your child. And, make sure they give you examples of how they know your child is at risk of failing.
-  Ask school officials to explain the specific academic or teaching strategies that they believe can help your child.
-  If you have suggestions of education programs that can aid your child, offer them to school officials.
-  If you don't understand something, don't be afraid to ask questions.
-  Discuss the situation with your child before and after meeting with school officials.
-  Be polite, but if you believe all or part of your child's PEP is not in your child's best interest, clearly express your concerns. Don't be afraid to ask for more information or changes in the PEP.



 **Consider Contacting Your Child's School to Start the PEP Process.** If your child needs academic help, and the school does not contact you, you have the right to start the PEP process. This may happen if your child's test scores are low but not low enough to trigger the PEP process. In other cases, your child may appear to be doing OK in school but because you know your child best, you see signs that he or she is struggling academically. When this happens, be prepared to contact the school and start the PEP process.


Things You Can Do to Start the PEP Process.

- ☞ Schedule a meeting with your child’s teacher and/or school principal to discuss the academic challenges facing your child.
- ☞ Before the meeting, put your request for a PEP in writing. Give the request to school officials and keep a copy for your records. An example of a parent request for a PEP is included in the Appendix.
- ☞ In your request, be specific in describing the academic problems you are seeing in your child.
- ☞ Put in writing what you want to see accomplished and what you believe your child needs to improve academically. Be as specific as possible. For example, if your child is having a difficult time with math, consider requesting academic help such as a one-on-one mathematics tutor or extra help with math at the end of the regular school day.
- ☞ Put in writing the academic goals or benchmarks that you would like to see met for your child. These goals should be specific, have a timetable and show that the PEP for your child is working. An example of a goal or benchmark might be: “Justin will be reading at grade level by the end of the year.”

 **Remember, You Have Valuable Information About What Your Child Needs.** You know more about his or her needs than anyone else. This intimate knowledge can be extremely important in developing the PEP and putting together an academic improvement plan for your child. Your voice should be heard, along with teachers and school officials, before the final PEP is developed.


- ☞ Family history, medical history, and health care needs;
- ☞ A description of your child’s learning strengths and weaknesses;
- ☞ A description of what you want your child to learn, outlining short-term and long-term goals;
- ☞ Methods that have been successful for communicating with your child at home, or ideas that could help support the teacher in the school setting;
- ☞ Comments and feelings about those strategies and situations you think are questionable or problematical for your child; or
- ☞ Information about other community services or your child’s caregivers which could impact your child’s education.




 **Prepare for a PEP Meeting.** You should be allowed to participate in developing the PEP for your child. If for some reasons the school refuses to

allow you to attend a PEP planning meeting, consider contacting the central office of your school district to demand a meeting. Always prepare for a PEP meeting with school officials. You may find it helpful to prepare for the meeting by writing out notes of things you want to discuss to take to the meeting.

- ☞ Topics you would like discussed in the meeting;
- ☞ Your questions;
- ☞ What you believe your child needs;
- ☞ What you want to see included in the PEP;
- ☞ Realistic academic goals for your child during current the school year.

 **Fully Participate in the PEP Meeting.** Here are some suggestions of what you can do to fully participate in your child's PEP planning meeting:


- ☞ Introduce yourself to everyone present and ask that you be introduced to the other persons at the meeting;
- ☞ Know the purpose of the meeting and what the team expects as a result of the meeting;
- ☞ Openly share your concerns and information that might help in developing the PEP;
- ☞ If you don't understand something, ask for clarification;
- ☞ If you need time to think about something or to collect more information on a topic; ask to have that discussion postponed; and
- ☞ Know what will happen after the meeting and what steps will take place next.


 **Concluding the PEP Meeting.** As the PEP meeting concludes, make sure there is a common understanding in these areas:

- ☞ The name of the key person responsible for the implementation of the PEP;
- ☞ The goals in the PEP;
- ☞ The resources (tutors, transportation, etc.) required in the PEP are available;
- ☞ The method for monitoring and evaluating your child's progress and the person or persons responsible for the monitoring have been clearly decided;
- ☞ The date to review progress on your child's PEP;




- ☞ Confirm that you will be given a copy of the PEP Plan as soon as it is drafted or revised; and
- ☞ Do not sign the PEP unless you are satisfied with the plan (**See Section “What You Can Do If you Encounter Problems with the Pep Process”** below).


 **Talk to Your Child About the PEP.** A key role for parents is to talk with their child about their responsibilities under the PEP. The extent of your child’s responsibilities will depend on your child’s age and the PEP. Parents should stress that the PEP is a way of helping them in school. Consider setting goals for your child that are consistent with the PEP.

 **Support Your Child’s PEP at Home.** The more that parents, teachers and schools work cooperatively, the more successful the child’s PEP and education will be. You can help by:

- ☞ Providing learning experiences in everyday life that will reinforce the formal learning taking place in your child’s school;
- ☞ Talking with your child about school, discussing both learning and social activities;
- ☞ Supporting the teacher’s expectations and the classroom routines and expectations by reinforcing such behavior at home;
- ☞ Providing incentives and rewards for your child’s academic improvement; and
- ☞ Communicating regularly with teachers, particularly if there is concern about your child’s progress.

 **Monitor Your Child’s Progress.** If your child has a PEP, monitor reports from the school to see how your child is progressing. Some of the things you should consider are listed below. If these reports indicate ongoing or new academic problems, you should contact your child’s teacher or school principal.

- ☞ Grades on regular report cards;
- ☞ Results on classroom tests;
- ☞ A report of progress on the goals set out in the PEP;
- ☞ Results of EOG or EOC tests; and
- ☞ Your personal observations at home of how your child is doing academically.

 **Keep Records About the PEP for Your Child.** You should keep important educational records for your child. This is especially the case for records about your child’s PEP. Take notes during telephone and face-to-face meetings, save emails, and ask for people’s full names and contact information when communicating by phone or by email. In addition, keeping less formal examples of your child’s academic progress, such as homework papers,

artwork, and writings, may be useful in establishing patterns and documenting both abilities and challenges.

WHAT YOU CAN DO IF YOU ENCOUNTER PROBLEMS IN THE PEP PROCESS

Problems Parents May Encounter

It is possible that you may encounter problems as you participate in the PEP process for your child. Some examples of problems that may arise include:

- ✓ A parent requests a PEP for their child but the school believes a PEP is not necessary;
- ✓ The parent believes their child should receive a specific type of educational service as part of a PEP (e.g., one-on-one tutoring) but the school says it will not or cannot afford to offer that service;
- ✓ A child did not have a PEP sufficient to enable them to pass the 3rd Grade , End-of-Grade reading test and the student is retained in the 3rd Grade;
- ✓ A child has a PEP but he or she is not progressing as expected in the PEP;
- ✓ A parent is not allowed to participate in the PEP process;
- ✓ A parent is told that their disabled child cannot have both a PEP and an IEP;
- ✓ The PEP is created and filed away and never monitored;
- ✓ The PEP does not include meaningful diagnostic testing of the student to determine his or her learning needs.

Suggestions for Parents

Here are suggestions for steps you may wish to take to deal with problems you may encounter.

- ☞ Consider contacting one of the education legal advocacy groups listed in the Appendix for advice on how to best advocate for your child.
- ☞ Contact your child's school and ask for a meeting with your child's teacher or principal to try and resolve your concerns. Put your request in writing and keep a copy for your records. Make sure you have a clear plan for telling the Principal about your concerns and what you want.
- ☞ If a meeting with the principal/teacher does not resolve the matter, then contact your local school district's central office and ask to meet with the Superintendent or Assistant Superintendent assigned to PEP issues. Put your request in writing and keep a copy for your records. Make sure you have a clear plan for telling the Central Office about your concerns and what you want.

- ☞ If the central office does not agree to your request, you have the right to appeal that decision to your local school board. Write a letter to the school board stating that you want to appeal the superintendent's decision. The school board should schedule a meeting or hearing where you can present your concerns. If you attend a school board hearing, make sure you have a clear plan for telling the school board about your concerns and what you want.
- ☞ If the school board hearing does not fully address your concerns, you have the right to take your case to court. In most cases you will need a lawyer to assist you with this process. Contact one of the education legal advocacy organization listed below.
- ☞ Contact the State Department of Public Instruction and ask to speak with the administrator in charge of PEP's for the State of North Carolina. The number to call is: 919-807-3300.

CONCLUSION

This booklet is designed to inform you and other parents about the PEP Law and what you can do to advance the education of your child. The PEP Law is a powerful education tool. It was created to help ensure that a high quality education is offered to every child. To make the PEP Law work, you will need to understand the PEP process. You must be prepared to start the PEP process if your child's school does not do it. You must participate in the PEP planning process so you can provide your views and opinions about your child's needs and the education strategies that will improve his or her education. Once the PEP is developed, you must be prepared to monitor your child's progress. Most importantly, throughout the entire PEP process, you must be prepared to advocate for your child's educational interests.

As you advocate for your child, keep in mind that developing and implementing a PEP involves a partnership between schools and parents. It is a process that matches the unique learning styles and needs of each child with proven education strategies. When schools and families work cooperatively together, the result is a high quality education for all of our children.



APPENDIX

a. Education/Legal Advocacy Organizations	21
b. Personal Education Plan (PEP) Law	22
c. Example of a Parent Request for a PEP for Their Child.....	23
d. Sample Invitation Letter from School.....	24
e. Example of a Personal Education Plan	25

Education Legal Advocacy Organizations

Legal Aid of North Carolina (LANC) with offices across North Carolina
224 S. Dawson St.
Raleigh, NC 27601
866-219-5262
For a list of LANC offices go to: <http://www.legalaidnc.org>

Advocates for Children's Services
A Statewide Project of Legal Aid of NC
201 W. Main St., Suite 400
Durham, NC
919-226-0052
www.legalaidnc.org/acs

N.C. Central University
School of Law
Clinical Legal Education Programs
Durham, NC
919-530-7166
www.nccu.edu/law/clinic

North Carolina Justice Center
Education and Law Project
224 S. Dawson St.
Raleigh, NC 27601
919-856-2570
www.ncjustice.org

Children's Law Clinic
Duke University Law School
Box 90360
Durham, NC 27708-0360
(919) 613-7169
Toll Free: (888) 600-7274
www.law.duke.edu/childedlaw

Personal Education Plan (PEP) Law

N. C. Gen. Stat. § 115C-105.41. Students who have been placed at risk of academic failure; personal education plans; transition teams and transition plans.

(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative units shall identify students who are at risk for academic failure and who are not successfully progressing toward grade promotion and graduation, beginning in kindergarten. Identification shall occur as early as can reasonably be done and can be based on grades, observations, diagnostic and formative assessments, State assessments, and other factors, including reading on grade level, that impact student performance that teachers and administrators consider appropriate, without having to await the results of end-of-grade or end-of-course tests. No later than the end of the first quarter, or after a teacher has had up to nine weeks of instructional time with a student, a personal education plan for academic improvement with focused intervention and performance benchmarks shall be developed or updated for any student at risk of academic failure who is not performing at least at grade level, as identified by the State end-of-grade test and other factors noted above. Focused instructional supports and services, reading interventions, and accelerated activities should include evidence based practices that meet the needs of students and may include coaching, mentoring, tutoring, summer school, Saturday school, and extended days. Local school administrative units shall provide these activities free of charge to students. Local school administrative units shall also provide transportation free of charge to all students for whom transportation is necessary for participation in these activities.

Local school administrative units shall give notice of the personal education plan and a copy of the personal education plan to the student's parent or guardian. Parents should be included in the implementation and ongoing review of personal education plans. If a student's school report card provides all the information required in a personal education plan, then no further personal education plan is mandated for the student.

Local school administrative units shall certify that they have complied with this section annually to the State Board of Education. The State Board of Education shall periodically review data on the progress of identified students and report to the Joint Legislative Education Oversight Committee.

No cause of action for monetary damages shall arise from the failure to provide or implement a personal education plan under this section.

(b) Local boards of education shall adopt and implement plans for the creation of transition teams and transition plans for students at risk, as defined by the State Board of Education, to assist them in making a successful transition between the elementary school and middle school years and between the middle school and high school years.

Example of a Parent Request for a PEP for Their Child

Date: _____

Your name: _____

Your full mailing address: _____

Name of the School Principal: _____

School's mailing address: _____

Dear Principal _____:

I am writing to request that the school develop a Personalized Education Plan for my child, _____ . His/her date of birth is _____ .

I am concerned about [his/her] educational progress because [he/she]:

- Is not proficient (below level III) on End-of-Grade (EOG) tests.
- Is not proficient (below level III) on End-of-Course (EOC) tests.
- Is not performing well in the classroom or on classroom tests.
- Is excessively absent from school.
- Is having other problems that affect their education (Describe other signs of academic fail-

Because I believe my child is at risk of academic failure, I am requesting that the school conduct a diagnostic evaluation and develop focused educational interventions, as required by the Personal Education Plan (PEP) Law.

Please contact me within _____ days to schedule a time so I may meet with the team that will be conducting the diagnostic evaluation of my child. Because my child needs educational help, I would like the PEP to be developed as soon as possible.

I look forward to hearing from you soon. I can be reached at the following phone numbers and/or email: _____.

Thank you for your time.

Sincerely,

Your name and signature

Sample Invitation Letter from School

_____ Public Schools Personal Education Plan Invitation to Conference

(Date Sent)

Dear Parent:

For a child to receive the education he/she needs, it is important for the school, the child, and the parents to work together. We are requesting a conference to review (your child's name) _____ academic record, to discuss ways to meet the academic needs of your child and develop or change the Personal Education Plan (PEP).

The conference is scheduled for (date) _____, at (time) _____, at (place) _____. If this time is inconvenient, we will be happy to reschedule the meeting. Please call (phone) _____.

Sincerely,

Teacher

Principal

Please check one, sign, and return this form to the school:

- Yes, I will be present for the Conference.
- I cannot meet at this time. I will contact the school in order to arrange another time.
- I cannot meet at this time. Please contact me to arrange another time.

Phone: (____) _____

Parent/Guardian Signature: _____

Date Returned to school _____

**Example
Douglas County Schools
Personal Education Plan**

Student Name: Joseph Student	DOB: 6/14/02	Grade: 5	NCWISE#	Date: 9/12/11	Type of Parent Contact: Date: 9/1/11 <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Face-to-Face <input type="checkbox"/> Email <input type="checkbox"/> Letter
Teacher Name: Martha Teacher		School: Lincoln Elementary		Retention(s) - Specify Grade Level(s):	
Hearing Screening: Date: 2/01/09 Right <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail Left <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail		Vision Screening: Date: 2/01/09 <input checked="" type="checkbox"/> Pass () Fail Far: R 20/ L 20/ Both 20/ Near: R 20/ L 20/ Both 20/		Attendance History (days absent): S K 6 1 4 2 5 3 5 4 0 5	
Area(s) of Concern and Interventions					
Language Arts: Baseline Performance (RR/SR/CR/EOG): Student is at Level II (Not proficient) on 4 th End of Grade (EOG) Tests for Reading and Writing.	Mathematics: Baseline Performance (Perf. Assm/CRT/EOG): According to EOG in Math, student is at the 5 th Grade Level.	Behavior: Baseline Performance Tends to lose focus; fails to respond to teacher requests.	Other Concerns: Medical _____ Motor Skills _____ Speech/Language _____ Organization _____ Other _____		
Area Of Concern: Phonemic Awareness _____ <input checked="" type="checkbox"/> Word Identification <input checked="" type="checkbox"/> Sight Word <input checked="" type="checkbox"/> Reading Vocabulary <input checked="" type="checkbox"/> Reading Fluency <input checked="" type="checkbox"/> Reading Comprehension Reading Retail _____ Other _____	Area Of Concern: Number Sense _____ Basic Math Facts _____ Computation _____ Patterns _____ Problem-Solving _____ Word Problems _____ Probability/Data _____ Algebra Patterns _____ Other _____	Area Of Concern: <input checked="" type="checkbox"/> Noncompliance <input checked="" type="checkbox"/> Motivation <input checked="" type="checkbox"/> Attention span Peer relationships _____ Withdrawn/moody _____ Overactive _____ Verbally aggressive _____ Physically aggressive _____ Other _____	Classroom Interventions: 1. NONE 2. _____ 3. _____		
Classroom Interventions: 1. Small group instruction--45 min. a day 2. Weekly spelling list 3. Practice Reading high freq. word list with peer assistance daily--15 minutes	Classroom Interventions: 1. NONE 2. _____ 3. _____	Classroom Interventions: 1. Estab. system for rewards and consequences 2. Confirm student understands assignments 3. Seat student near teacher 4. Daily note home to parents	Classroom Interventions: 1. NONE 2. _____ 3. _____		
Additional Comments/Information/Observations:					
Regarding behavior, based on class work, grades and teacher observations, Joseph fails to complete his assignments half of the time and fails to follow class rules two times each day					
Describe Parental Concerns/Involvement in Plan Development: Parent fully participated in the development of the PEP. Parent noted that Joseph likes school and is eager to learn. Parent is aware of Joseph's reading/writing challenges and feels these problems may be contributing to his lack of focus at school and behavior concerns. Parent is committed to assist him at home.					
				Intervention Start Date: 9/12/11 Review Date: 11/7/11	

<p>Student Name: Joseph Student</p> <p>Teacher Name: Martha Teacher</p>	
<p>Student's Strengths: Very Creative Asks good questions Enjoys math Wants to learn when focused</p>	<p>Problem Definition for Targeted Area(s) of Concern (in observable terms): Based on 4th grade EOG test and 5th reading assessments, Joseph is reading below grade level. According to writing assessment and review of written work, he is writing below grade level in his ability to express his thoughts clearly and to use appropriate writing mechanics.</p>
<p>Baseline Data (assessment information used and results): 4th Grade End-of-Grade (EOG) Reading Comprehension Test shows student at Level 2 (Not Proficient) and 4th Grade District writing assessment shows student at Level 2 (Not Proficient)</p>	<p>Goal Statement(s) (in observable terms): 1. Student will read independently two end of 4th grade passages and answer written questions with 75% accuracy by November 2011. 2. Student will write independently one paragraph with a topic sentence and at least 3 supporting details with no more than one error in punctuation by November 2011. 3. Student to follow class rules 9 out of 10 times by November 2011.</p>
<p>Accommodation(s)/Intervention Plan Description (in observable terms):</p> <p><u>School/Teacher Responsibilities:</u></p> <ol style="list-style-type: none"> 1. Provide small group tutoring in reading comprehension and written language 30 minutes daily three times a week. 2. Read a list of high frequency words with a peer buddy for 10-15 minutes daily. 3. Modify student's weekly spelling list. 4. Allow extended time for writing assignments. 5. Select books for take-home reading that are on student's reading level. 6. Send daily note home. <p><u>Parent Responsibilities:</u></p> <ol style="list-style-type: none"> 1. Maintain regular contact with teacher through at least one note weekly. 2. Make sure student is not tardy and attends school. 3. Assist nightly with homework and reading on student's reading level. 4. Expect daily note home and provide appropriate rewards and consequences. 	<p>Person(s) Responsible: Lincoln Elementary School Martha Teacher Mary Student (Parent)</p>
<p>Signatures: <u>Mary Student</u> <u>Parent</u> <u>9/12/11</u> <u>Date</u></p> <p><u>Student (optional)</u> <u>Date</u></p>	<p>Intervention Start Date: 9/12/11</p> <p>Review Date: 11/7/11</p> <p><u>Martha Teacher</u> <u>Teacher</u></p>

Student Name:	DOB:	Grade:	NCWISE#	Date:
Teacher Name:	School:	Type of Parent Contact: Date: _____ Telephone _____ Face-to-Face _____ Email _____ Letter _____		
Data/Results Following Intervention (anecdotal information and assessments used with results): Intervention Plan Review Date: _____				
Evaluation of Intervention Effectiveness: Date of Next Meeting: _____				
Decision: _____ Continue Intervention _____ Modify Intervention (see modifications below) _____ Discontinue Intervention _____				
Modification(s) to Intervention (if applicable):				
Signatures: _____ Parent _____ Date _____ Teacher _____ Date _____ Student (Optional) _____ Date _____				
Student Name:	DOB:	Grade:	NCWISE#	Date:
Teacher Name:	School:	Type of Parent Contact: Date: _____ Telephone _____ Face-to-Face _____ Email _____ Letter _____		
Data/Results Following Intervention (anecdotal information and assessments used with results): Intervention Plan Review Date: _____				
Evaluation of Intervention Effectiveness: Date of Next Meeting: _____				
Decision: _____ Continue Intervention _____ Modify Intervention (see modifications below) _____ Discontinue Intervention _____				
Modification(s) to Intervention (if applicable):				
Signatures: _____ Parent _____ Date _____ Teacher _____ Date _____ Student (Optional) _____ Date _____				