



Special Education

Ten Tips for Advocating for Your Child



Today we will cover (as time allows):

- The legal basics
- What is an IEP?
- IEP vs. 504 Plans
- Evaluations and the IEP Process
- Data, goal writing and PLPs
- Inclusion and placement decisions
- Challenging behaviors
- The Advocacy Hierarchy
- Options for conflict resolutions
- Working with the IEP team



1) Understand the legal basics.



Section 504

Section 504 of the Rehabilitation Act of 1973 extended civil rights of students with disabilities. It allows for reasonable accommodations as necessary for each student for them to be able to access their education.

Individuals with Disabilities Education Act of 2004 (IDEA)

A federal law that guarantees a free and appropriate public education (FAPE) for eligible children and youth with disabilities. Was amended as recently as 2015.

Least Restrictive Environment (LRE)

According to the IDEA and in accordance with FAPE, LRE commonly refers to removing a student from the general education environment *as little as possible* by providing specially designed instruction and supplementary aids and services in the gen-ed classroom to the maximum extent appropriate for the student.



A child with a disability has a right to an education with his general education peers and is entitled to make substantial progress in his or her learning. Challenging and aggressive behavior, complex medical needs, *an international pandemic*, or unique learning requirements do not diminish those rights in any way.

2) Know what an IEP is.

Individualized Education Plan (IEP):

A legally binding contract that lays out the special education instruction, supports, and services a student needs to thrive in school. A parent is an equal member of the IEP team who has a right to request a meeting at any time.

All IEPs look different, but all should include the following:

- ✓ Present Levels of Performance
- ✓ Annual goals
- ✓ Special Education and related services, including supplementary aids and services
- ✓ Accommodations
- ✓ How much of the school day the child will be educated away from their nondisabled peers
- ✓ How often services will be provided, where they will be provided, how long they'll last (service matrix)



3) Know the difference between IEPs and 504 Plans



Individualized Education Plan (IEP): Will include accommodations, along with goals, service matrix and more

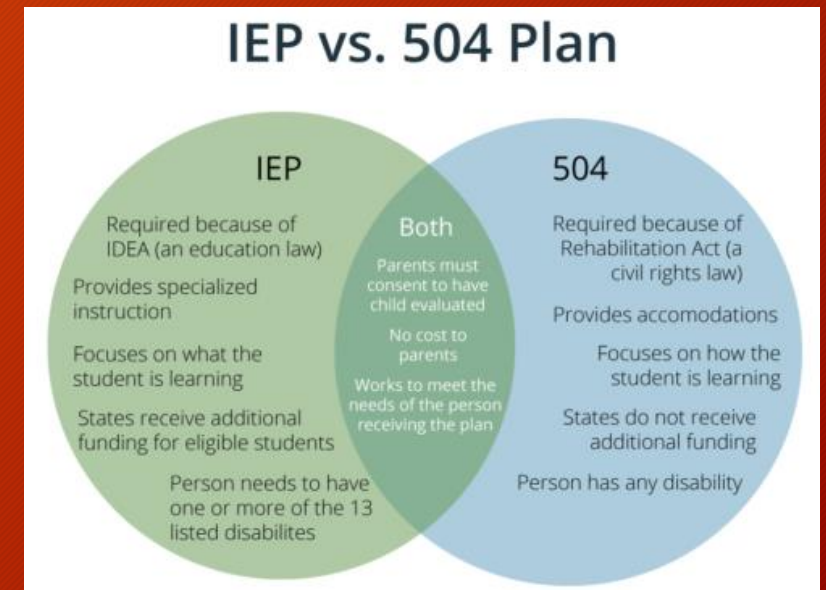


Modifications are changes to the general education curriculum, will only appear on an IEP and change WHAT is being taught or learned.

504 plan: a blueprint for how the school will support a student with a disability and remove barriers to learning. The goal is to give the student equal access at school.

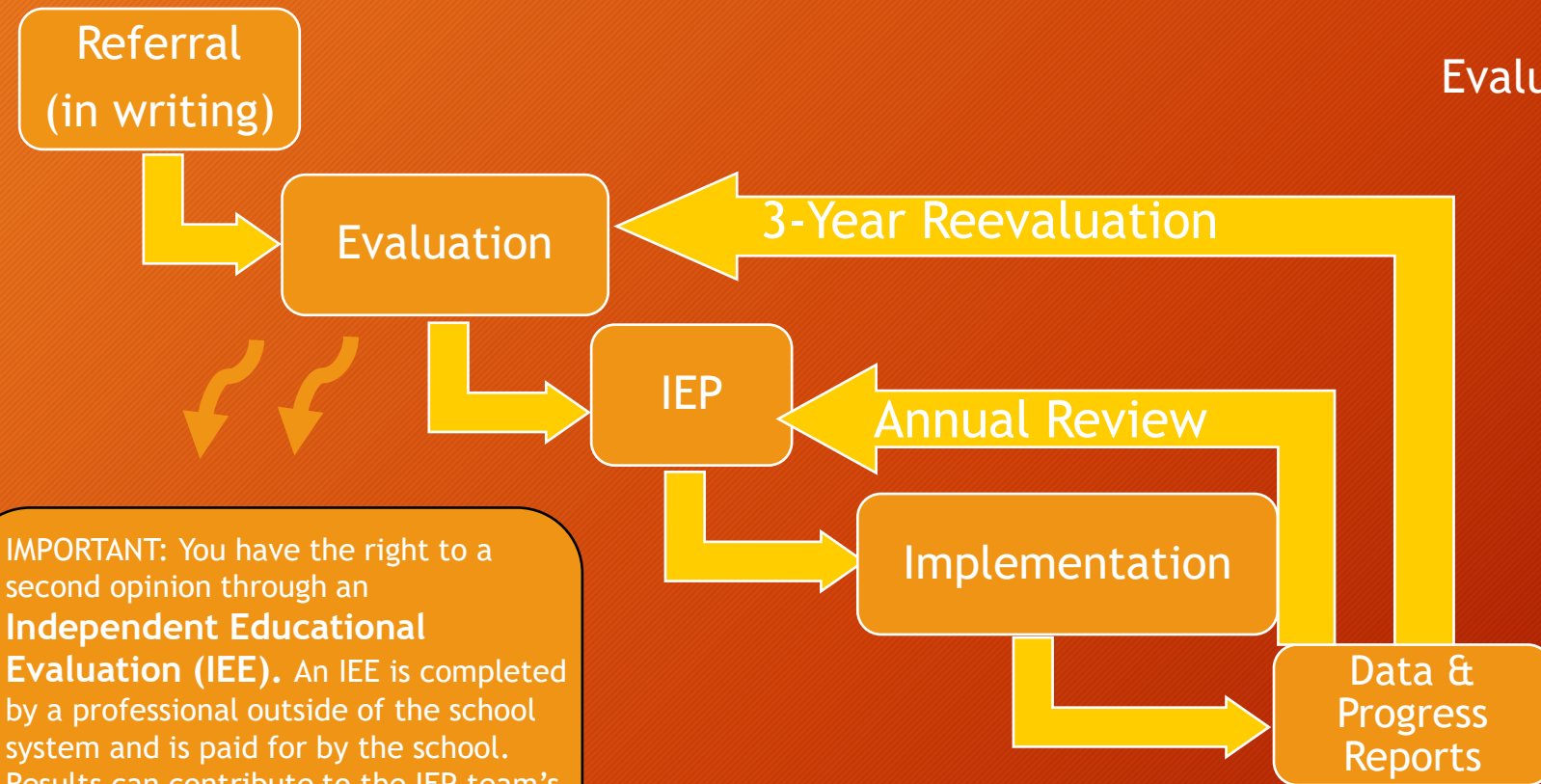


Accommodations appear on a 504 Plan or an IEP and change HOW the student learns or shares their knowledge.
(IEP and 504 plan)



**Note that *modifications* may take a student off the standard graduation track. It is important to discuss with the IEP team how adding modifications may change the type of diploma your student receives.

4) Understand evaluations and the IEP process.



IMPORTANT: You have the right to a second opinion through an **Independent Educational Evaluation (IEE)**. An IEE is completed by a professional outside of the school system and is paid for by the school. Results can contribute to the IEP team's decision, but the team is not required to follow its recommendations.

Evaluations:

- Usually completed by School Psychologist with input from others, including parents, teachers (general and special-education) and OT, PT, SLP therapists
- An important tool for IEP team members to learn about and further understand the student, including their strengths, challenges, and areas of growth.
- Must show “adverse educational impact” in order to be eligible for special education and related services.
- Determine “eligibility” category and services. You must be eligible in an area to have IEP goals in that area.
- May be done a maximum of once per year and a minimum of once every three years. Parents can request a re-evaluation at any time if they are seeking new and updated information about their student.

5) Learn to speak the language of data.

- Assessment data should be used to assist the IEP team in problem solving, goal setting and creating *Specially Designed Instruction (SDI)*.
- Any changes in the IEP should be informed with the use of data.
- Parents should expect to receive **quarterly progress reports** throughout the year that provide data and report progress on all goals included in the IEP.
- All goals included in the IEP should be SMART goals, so that progress can be easily and accurately measured and tracked. SMART goals are Specific, Measurable, Attainable, Realistic and Time-bound.
- Data on current goals should be collected frequently and be available to parents upon request. The IEP can include frequency of data collection if needed.



Present Levels of Performance

All IEPs and IEP meetings should begin by examining your student's Present Levels of Performance. It is based on all the information and assessment data previously collected via the evaluation process. It should include:

- the child's strengths and weaknesses
- what helps the child learn
- what limits or interferes with the child's learning
- objective data from current evaluations of the child
- how the child's disability affects his or her ability to be involved and progress in the general curriculum

Knowing a student's PLP is *critical* to creating relevant goals and effective accommodations.

6) Know how and when to discuss placement.



Five ways NOT to determine placement:

1. Prior to the IEP team agreeing on an appropriate IEP.
2. By diagnosis, labels or IEP category.
3. By academic performance, needed modifications to the curriculum, “severity” of disability, or level of support needed .
4. Lack of resources, administrative ease or difficulty in scheduling.
5. “We’ve always done it this way”.

Inclusive education is a legally supported, evidence-based best practice that shows improved outcomes for ALL students.

- Special education classrooms are required by law to be available as a “continuum of care” in each district and are meant to be used when general education has been unsuccessful.
- IDEA requires students to be placed in the least restrictive environment (LRE), and to the maximum extent appropriate, school districts must educate students with I/DD in the regular classroom with typical peers, unless the IEP requires another arrangement.
- Students have a right to attend the school they would attend if they were nondisabled, and in the case of the IEP requiring a different placement, then as close to their home as possible.
- Educational needs drive IEP goals and IEP goals drive placement.



7) Be a behavior detective.



- **Behavior is communication.** Consider a Functional Behavior Assessment (FBA) to learn more about the behaviors interfering with your student's learning.
- Once an FBA has been completed, a Behavior Intervention Plan (BIP) or Positive Behavior Support Plan (BPSP) may be created, and behavior goals may be added to the IEP. The BIP/BPSP should describe systematic strategies to address undesirable behaviors and promote desired behaviors, as well as agreed upon responses to undesired behaviors.
- Students with disabilities are not allowed to be suspended because of behavior that is a result of their disability. Closely track how often your child is being sent home early or suspended and contact the IEP team with any concerns.



Remember, schools are required to teach our children, regardless of challenging behaviors, and to keep all children safe while doing so. Being sent home or forced to learn in isolation due to challenging behaviors is not acceptable. If this happens, an IEP meeting and a revision/creation of a behavior plan may be in order.

8) Follow the Hierarchy



1. Know who the student's IEP Case Manager is.
2. Know who the decision makers are
3. If you aren't getting the answers you need, work up the "ladder"
4. Respect the hierarchy, don't jump ahead.

9) Know your options for dispute resolution.



- **Request Facilitation:** Facilitation is a voluntary process for parents and districts to meet to discuss their concerns with the help of a trained, neutral facilitator. There is no cost for the facilitation services.
- **Request Mediation:** Mediation is a voluntary process for parents and districts to meet to discuss their concerns with the help of a trained, neutral mediator (Sound Options). There is no cost to the parties. Neither party is required to participate in mediation.
- **File a Community Complaint:** Any citizen can file a complaint if something ON the IEP is not provided. OSPI can investigate allegations that occurred within the past year.
- **Request a Due Process Hearing:** If you need something in the IEP that the school is refusing to include. In a hearing, parents and districts appear before an independent administrative law judge. The parties present information and documents about the issues so the judge can reach a decision.
- **File an Office of Civil Rights (OCR) Complaint** - A formal, free complaint regarding discrimination including repeated patterns of exclusion for reasons related to disability (exclusion from field trips, disciplinary exclusion due to disability, repeated late bus arrival/pickup, exclusion from extracurricular activities and clubs, etc).

School Communication Requirements

The school team has **25 days** to decide whether to evaluate after a referral is made.

They have **35 days** to complete the evaluation after parents provide written consent.

They have **30 days** after eligibility is determined for an IEP meeting to be held.

Notice of Refusal - explains what the district believes the parent is asking for and why the district is refusing to provide it

Prior Written Notice - Ensures that any service being proposed for reduction or elimination, or any change to the IEP program, occurs with sufficient parent notification so that parents can challenge the decision and/or exercise “stay put” which ensures the student can receive existing services while the dispute is being worked out.

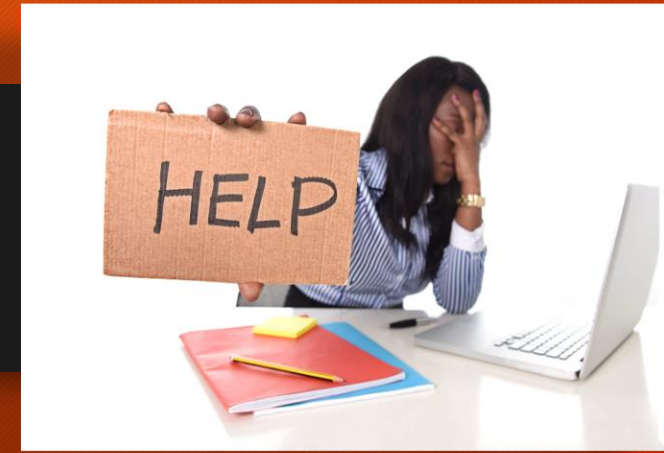
10) Be thoughtful when working with the IEP team.

Discussion

- Balancing relationships vs. advocacy
- Communication style
- Can we be friends?
- *Should* we be friends?



Additional Resources



- **Wrights Law** (www.wrightslaw.com) Extensive parent-friendly information about special education law and advocacy nation-wide.
- **US Department of Education IDEA website** (<http://idea.ed.gov/>) The federal government's website about the IDEA Act that dictates special ed law. Has extensive information about each area addressed in IDEA.
- **Office of the Superintendent of Public Instruction (OSPI) Special Ed Parent Liaison** (<http://www.k12.wa.us/specialed/families/assistance.aspx>) Available as a resource to parents in non-legal special education matters to answer questions, provide info/referral, and assist parents to understand the complaint process. Does not advocate on behalf on any one party.
- **WA State Governor's Office of the Education Ombuds (OEO)** (www.oeo.wa.gov) OEO can serve as a neutral third party between families in public schools and may attend IEP meetings on occasion
- **The Arc of King County IEP Parent Partner Program** (www.arcofkingcounty.org), provides phone consultation, and can occasionally connect trained and experienced IEP Parent Partners with parents and guardians needing support to navigate the special education system

Contact Information



Rachel Nemhauser
Director of Information and Family Support
The Arc of King County
RNemhauser@arcokingcounty.org
(206) 829-7046



Chanita Stone
Parent to Parent Coordinator
The Arc of King County
Cstone@arcokingcounty.org
(206) 829-7052