

Red Flags!!



Parent: “I suspect that my child is experiencing difficulty in the school . . .”

Child Find – If a school sees or suspects that a student might have a disability, the school must assess them for free. The school may not put this off and wait until you ask.

Reference:

- IDEA 20 USC 1412 (a) (3)
- Federal Rule: 34 CFR 300.111
- California Rule: Ed Code 56301

Examples:

Student cannot read by the 2nd grade

Student elopes, hits, cries all day

Student isolates

Student misses excessive days of school

Why is this Important . . .

Each school/district should have Response to Intervention (MTSS), a process to intervene (RtI), and a process to discuss data (Student Study Team - SST), which is a regular education function.

MTSS: Multi-Tiered System of Supports

Response to Intervention (RtI)

Tier 1 – Each student is in Tier 1. Clear expectations, instructions. 80% of students.

Tier 2 – Students struggling. Small group instruction (reading and Math), extra assistance, monitored 3x per week for 8 wks., and review in SST.

Tier 3 – Student really struggling! 1:1 targeted INTENSIVE assistance.

NOTE: A school team may not use the MTSS process as a reason not to formally request the psycho-educational assessment once you write a request.

Recently I attended an IEP for a high school student and his parent. The student is entering high school as a 9th grader. His last IEP was a “transitional IEP ”which occurred early in the school year. It is now (3) weeks into his new school year. It was conducted over the phone and lasted approximately 10 minutes. It did not include school personnel from the next school (high school).

See any **RED FLAGS?**

When I reviewed his last IEP, the students’ name was incorrect. The dates were inconsistent with goals, benchmark review goals and dates, and annual goal “met” section. There was no baseline data (the section at the top lefthand corner. The “met” goals were dated a date one day before the day of our meeting . . . complicated explanation I know – I was confused at first myself.

RED FLAGS?

The school wrote into the comments that they had reviewed and discussed all educational options and services . . . yet there was no evidence of academic and functional behavior samples/data.

RED FLAGS?

Ultimately the school offered the same goals as the last school without assessing the students’ current levels. But blamed the parent for signing the goals. That was their offer of FAPE.

RED FLAGS?

REMEDIES



- Document everything in WRITING and cc the next highest superior. If you are emailing the school site personnel, cc the Principal. If you are emailing the Principal cc his/her Director. If it’s not in writing, it never happened.
- Request to see your child’s IEP at least 48 hours in advance of an IEP meeting. The new *draft* of the goals should include data/evidence to support if the goals were met or if they need to be revised and kept. REMEMBER: The IEP is a legal educational agreement that states that the goals will be implemented with fidelity. At times goals are not met and that is ok. But the service and time put into instructing a student may not be skipped over. Check the service minutes by asking your child if and when the SPED instructor has seen her/him.

- IMPORTANT: Sign the initial IEP. Services may not begin without an initial agreement. State any concerns and have them documented verbatim. After the initial IEP if you do not agree with the goals or placement only sign the sections that you agree with. A school team might say that services will be discontinued if you fail to sign. FALSE. Services must continue whether you are in agreement or not. However, the school may not implement new goals until there is agreement and you officially sign the IEP document.

Before going into an IEP know these “rights” (terms) They appear in your Procedural Rights packet – the one that no one goes over lol:

- Child Find
- Prior Written Notice (PWN)
 - A school/district must put in writing any “NO” in writing and provide evidenced-based reasons.
- The right to an Independent Education Evaluation (IEE)
 - If you disagree with any assessment, you may receive an outside evaluator to assess your child at the districts’ expense. NOTE: The district may recommend their own assessor but go with your own.
- You can record. Give them at least IEP 24hr notice in writing.
- The right to “STAY PUT” + Dispute
 - When a parent disagrees with a recommendation, the student stays put until there is resolution.
 - Ways to dispute without an attorney
 - Alternative Dispute Resolution (ADR) - Free
 - Mediation – Free
 - Due Process (research) – Free
 - Compliance Complaint (CDE) – procedural violations

Always stay clam and take your own notes. Once you receive the IEP, review the comments, academic and functional sections. Review the accommodations and recommendations sections. Whatever you sign is in place until the next IEP meeting.