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Advocating for Kids at School

Our Time Together

01 Overview

02 What is special education?

03 Terminology

04 Evaluation

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08 Questions?

- Associate Professor of Special Education
- Family educator
- Inclusive early childhood educator
- Early interventionist
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I’m Jen Newton



Raise your hand if

You are currently or have in the past supported a kid receiving services and supports under IDEA?

Lower your hand

You or someone you are close to received services and supports under IDEA when in school.

Lower your hand

You feel confident supporting kids and families in navigating assessment and IEP development and implementation.


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01

Overview

What is special education?

- A SET OF SERVICES that students receive to support their academic and social progress at school
- The specific services that a child receives are based on that child's unique needs
- The child gets the services wherever they need them.
- Special education is different for every child, because every child's needs are different.

Special education is not a place a child goes

Labels and Language

ARE:

- Access to services and supports
- Fluid
- Socially constructed
- Limited

ARE NOT:

- For placement decisions
- Fixed
- Indicators of specially designed instruction and supports

So many acronyms

Here are a few of the most common.

When the team or the paperwork uses acronyms you do not know, ASK.



There are two federal laws governing public education.

02

Education Laws


IDEA
Individuals with
Disabilities Act


EVERY STUDENT
SUCCEEDS ACT
(ESSA)

Four Federal Outcomes of IDEA

Equality of Opportunity

Independent Living

Economic Self Sufficiency

Full Participation

This is important because you will see this language on the IEP

IDEA’s Primary Principles

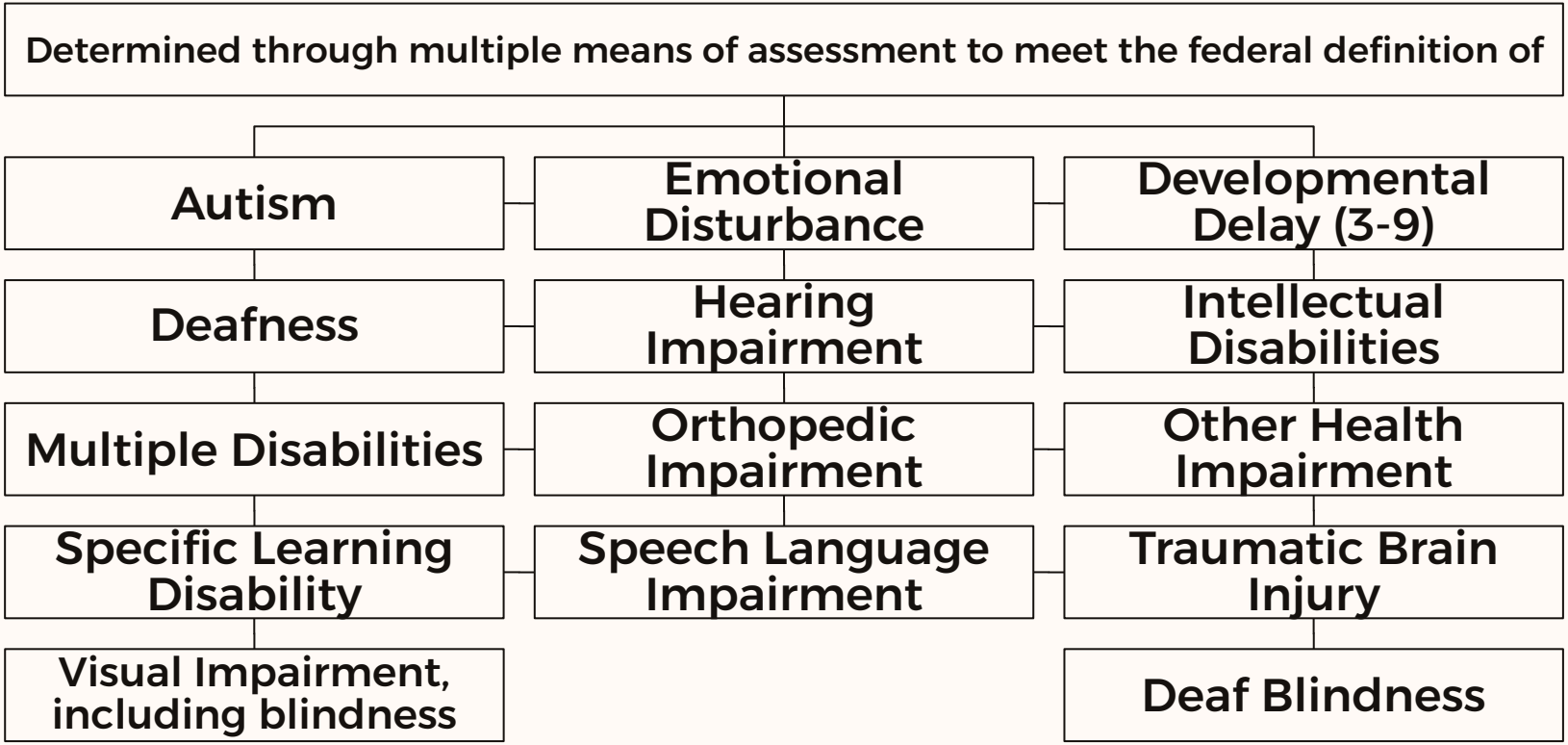
- Zero Reject
- Free Appropriate Public Education (FAPE)
- Appropriate, Non-Discriminatory Evaluation
- Individualized Education Program (IEP)
- Least Restrictive Environment (LRE)
- Parent Participation
- Procedural Safeguards

Two Critical Points

Disability only requires an Individualized Education Program when the disability ***impacts access to the general education curriculum.***

The lack of high quality instruction or learning languages other than English cannot be criteria for eligibility for special education services and supports.

A “Child with a disability”



Evaluation

If a child needs support at school

A child's grown up can request an evaluation

- In writing
- Identify specific concerns
- Request an evaluation for special education services

School can request the child's grown ups consent to an evaluation

- The school will send a letter seeking consent to evaluate the child for special education services.
- The child's grown ups has the right to consent or the right to refuse consent.

If the district refuses your request to evaluate:

Reasons for refusal must be provided in writing

“Response to intervention” cannot be used as a reason not to evaluate

Request a meeting

Meet in person to discuss your request, your rights, and your child’s needs.

File a Due Process Complaint

If the district won’t budge, file a complaint claiming that they were wrong to deny the request and that denying the request is a violation of your right to request an evaluation under IDEA

Talk to an advocate or lawyer

Resources on https://teachingisintellectual.com/engage/drowning-in-alphabet-soup/

Once an evaluation is initiated

Multiple assessments and the child's growns up participate

Evaluation Team Report (ETR)

- Report must be provided to the child's grown ups within 30 days of completion and prior to the meeting
- The child's grown ups can invite advocates or anyone they want to attend the ETR meeting

Individualized Education Program (IEP)

- If the evaluation team finds the child meets the criteria for special education services, another meeting will be scheduled to develop the IEP
- If the evaluation team finds the child does not meet the criteria for special education services, the team may or may not offer a 504 plan

Eligibility categories determine access to services and supports – not placement or services.

Individualized Education Program (IEP)

01. Present levels

- Student strengths
- Student needs
- Parent concerns
- Assessment data
- Impact of disability

02. Measurable Goals

- Who
- Will do what
- To what level
- In what context
- Measured how

03. Specially Designed Instruction

- Type of service
- Provided by who
- Addressing which goal
- For how much time

04. Assistive Technology

- What kind
- In what context
- For how long
- Supported by who

05. Least Restrictive Environment (LRE)

- Where will the student receive services and supports

06. Related Services

- Speech therapy
- Occupational therapy
- Physical therapy
- Adaptive PE

07. Accommodations

- Supports student receives to allow better access to curriculum, i.e. calculator, audiobooks, screen readers, typing, etc

08. Modifications

- Changes to the curriculum to allow the student to show what they know and participate more fully, i.e. doing every other math problem

Parents' Rights with Regard to IEPs

Agree

You do not have to sign

If you do not agree with something in the IEP at the meeting, you do not have to sign it

Dispute

You can call a meeting at any time

You are a full member of the IEP team and as such can call a meeting of the team at any time

504 or IEP?

504 plans are not educational plans!

504s are GREAT for environmental supports

Teaching is Intellectual	IEP	504
Governing Law	Individuals with Disabilities Act	Section 504 of the Rehabilitation Act
Ages Eligible	3 through 21	Lifetime
Eligibility Criteria	Student must qualify in one of the 13 categories of disability, AND disability affects the child's ability to access curriculum.	Student must have a disability AND the disability affects the student's participation in daily life activities
Written Plan	Does require a written plan with required components followed specific timelines	Does not **require** a written plan
Evaluation	Initial evaluation required using standard assessment tools. Student must be re-evaluated and requalified every three years	Does not specify evaluation procedures; simply states "periodic" evaluation
Parent Involvement	Parents are required to be part of the IEP team from evaluation, through each part of the process	School must get permission to do evaluation. School can create a plan without parent participation.
Resolving Disagreements	Procedural safeguards, due process outlined by law	Limited

Teaching is Intellectual	IEP	504
Curriculum	Must include specially designed instruction to meet student's unique educational needs	Curriculum is not customized for the student. The student completes the same curriculum as students without disabilities.
Annual Review	The law requires that a plan must be reviewed at least once a year, the child's grown ups can request a review at any time	The law does not require the school to review annually
Goals	Goals must be written, measurable, and reviewed annually	No goals or progress monitoring
Accommodations	Accommodations can be made to academics, curriculum, assessments, environment, and more to support student success	Accommodations can be made to students' schedule and environment to support their success
Modifications	Students can have modified assignments and/or curriculum	Students can have modified assignments but not curriculum
Funding	Schools are provided federal and state funding	No additional funding is provided to support students

Least Restrictive Environment (LRE)

LRE

01

IDEA prioritizes the general education setting and proximity to non-disabled peers

02

It's not a place. It's a principle to guide planning.

03

It should NOT be determined by a student's eligibility criteria

04

A continuum including supplementary aids, services, and supports

05

Separate classes, schools, or removal from the general education class should only happen when a child's "disability" under IDEA is so severe that "supplementary aids and services can't provide the child with an appropriate education."

Take Away Points

01	02	03	04	05
You have the right to request an evaluation and get one for your child	You have the right to be notified and consent to or not to consent to services	You are an equal member of your child's team	You have the right to disagree with the school	Special education is services and supports – **NOT A PLACE**
06	**07**	**08**	**09**	**10**
504 plans do not provide legal protections if they are not being followed or implemented	If a child's access to the general education curriculum is impacted by their disability, they need an IEP	You have the right to an Independent Education Evaluation (IEE)	You have the right to bring anyone you want to your child's ETR or IEP meetings	You have a right to request and read all of your child's educational records and documentation

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All Resources