



Special Education

Ten Tips for Advocating for Your Child



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Today we will cover (as time allows):

- The legal basics
- IEP vs. 504 Plans and Modifications vs. Accommodations
- How to read an IEP
- Evaluations and the IEP Process
- Data, goal writing and PLPs
- Inclusion and placement decisions
- Challenging behaviors
- Recovery Services
- Options for conflict resolutions
- Working with the IEP team



1) Understand the legal basics.

Section 504

- Part of the Rehabilitation Act of 1973, which is American legislation that guarantees certain rights to people with disabilities
- Prohibits discrimination based upon disability
- Anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

Individuals with Disabilities Education Act (IDEA)

- Originally enacted by Congress in 1990 to ensure that children with disabilities receive a **Free Appropriate Public Education**, just like other children.
- Has been updated many times, and as recently as 2014
- Ensures special education and related services to all eligible children



A child with a disability has a right to an education 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 the difference between IEPs and 504 Plans, and Accommodations vs. Modifications



Individual Education Plan (IEP)

- A legally binding document
- Describes the education services a student who is qualified for special education will receive.
- Specific to each student and tailored to his/her individual needs.
- Includes present levels of performance, goals in all qualified areas, a service matrix, and any accommodations the student needs to access their learning.
- Brings federal funds to the school to support that student

Modifications will only appear on an IEP and change **WHAT** is being taught or learned.

Examples

- *Complete different homework problems or test questions than peers*
- *Create alternate projects or assignments*
- *Learn different material (such as continuing to work on multiplication while classmates move on to fractions)*
- *Get graded or assessed using a different standard than other students*

504 Plan

- For a student who doesn't qualify for special education but still requires reasonable accommodations to access learning.
- Does not include goals
- Student led
- No data is collected and progress is not tracked

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

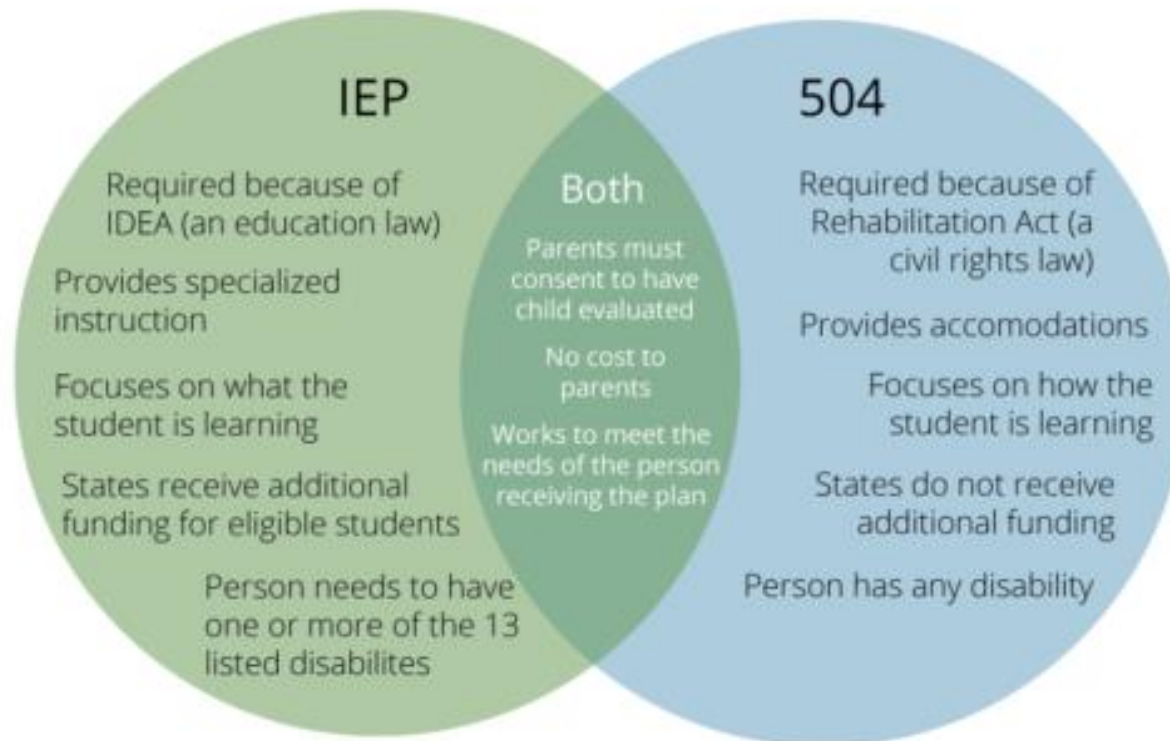
Examples

- *Hear instructions spoken aloud*
- *Record a lesson, instead of taking notes*
- *Get class notes from another student*
- *Dictate answers to scribe who writes/types*
- *Capture responses on an audio recorder*
- *Take a test in a small group setting*
- *Take more time to complete a project*
- *Use an alarm to help with time management*

****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.**

I.D.E.A.

IEP vs. 504 Plan



Section 504

3) Know how to read an IEP.

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)



4) Understand evaluations and the IEP process.



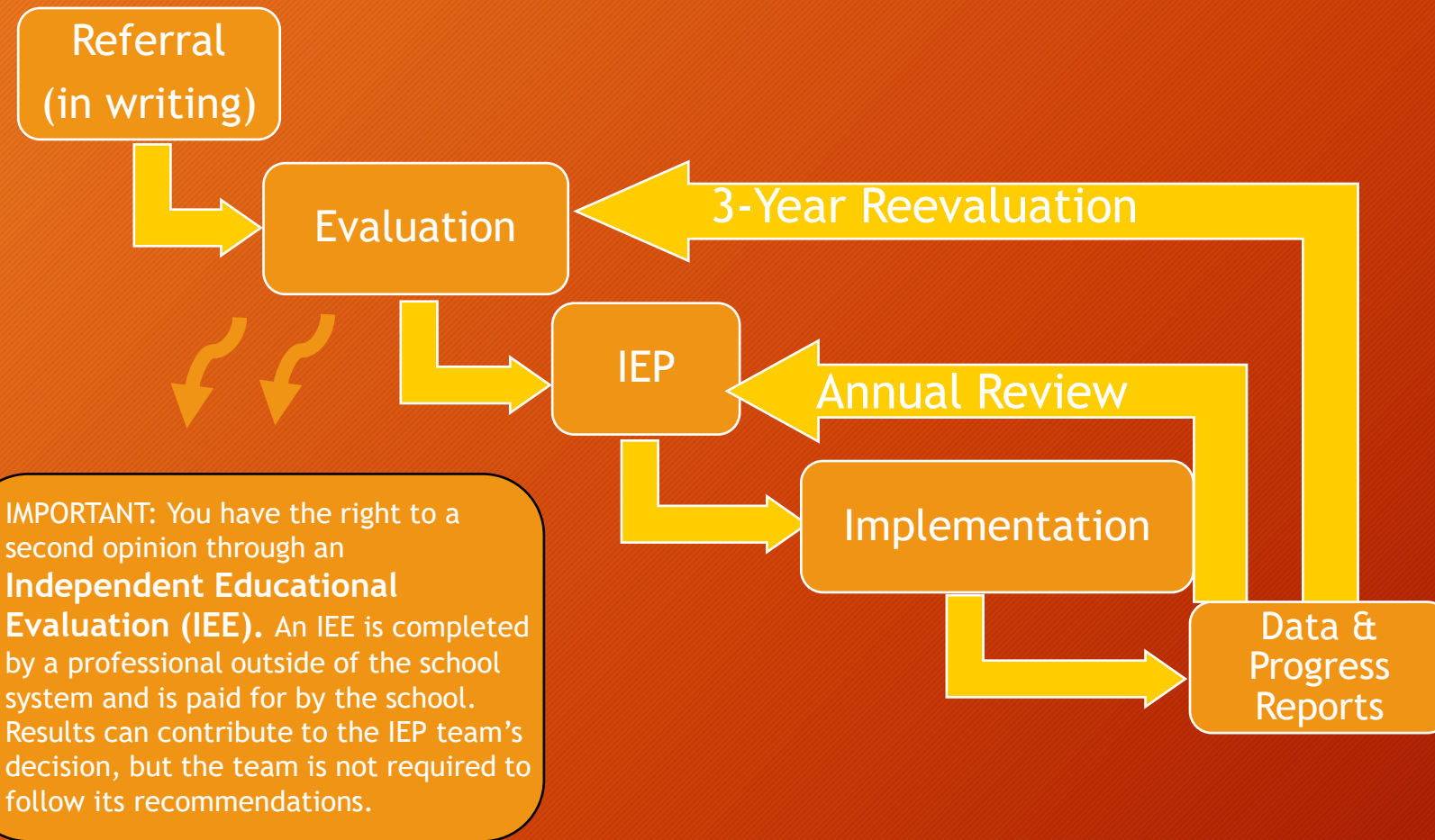
Evaluations...

...are usually completed by School Psychologist with input from others, including parents, teachers (general and special-education) and OT, PT, SLP therapists

...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, “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.

- Self-contained programs 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.
- 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) Understand Recovery Services

Many of our students did not learn and make the progress they would have made if this had been a more typical school year. Some students lost skills they worked years to master.

RECOVERY SERVICES exist to assist the student in achieving the level of progress on IEP goals that was expected if the pandemic hadn't happened



Washington's Roadmap for Special Education Recovery Services: 2021 & Beyond - OSPI, 2021

- All IEP teams should consider the need for recovery services
- Eligibility determined based on expected versus actual progress
- Not minute for minute
- Individualized
- Who, when, where, how: IEP team decisions (that includes YOU)
- Shouldn't take place when other learning is supposed to take place
- Think in terms of years, not months
- Students 16+ may be entitled to vocational Recovery Services
- Even students who are 22 may be entitled to Recovery Services

9) Know your options for conflict 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 Citizen 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.

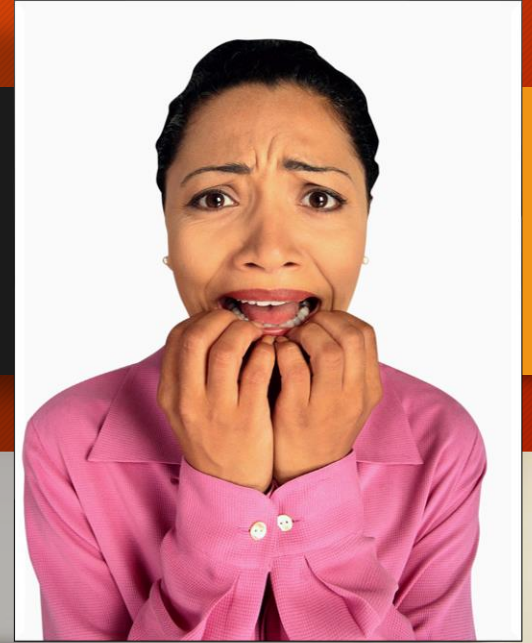
Notice of Refusal - explains what the district believes the parent is asking for and why the district is refusing to provide it

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.

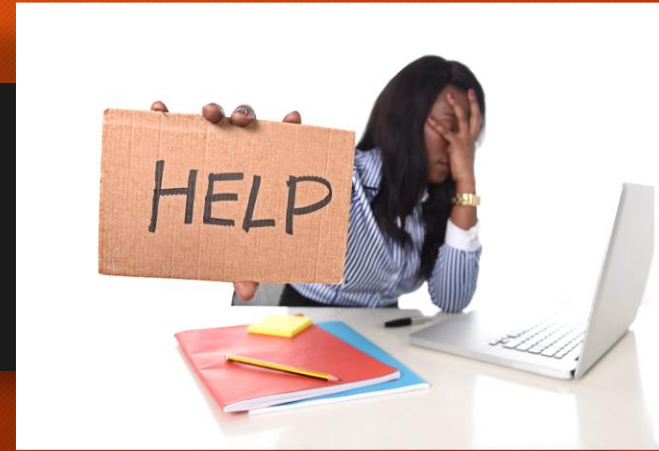
10) Be thoughtful when working with the IEP team.

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
- **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



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