

Presents "Overview of Special Education Law: IDEA, 504 & ADA"

KY-SPIN (Special Parent Involvement Network) Parent Training & Information (PTI) Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families, and professionals.



We do NOT: Act as Attorneys

We DO:

- Empower Families to Effectively Advocate for their Children
- Provide peer support to help families access needed information and resources
- Lend a listening ear

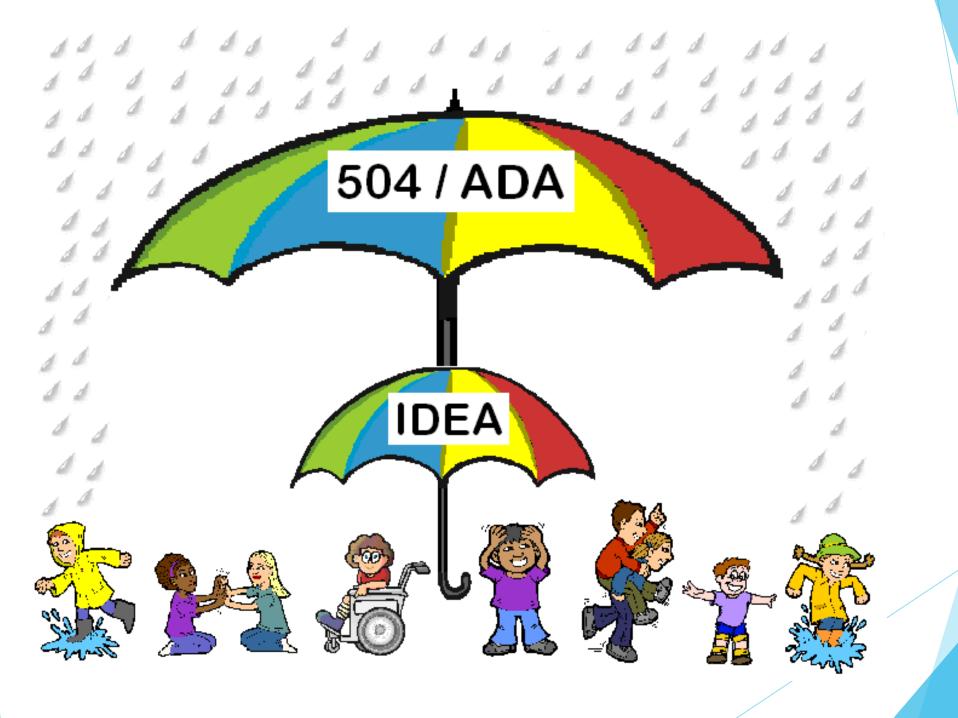


Today's Agenda

- Overview of Section 504, American with Disabilities Act (ADA) & Individuals with Disabilities Education Improvement Act (IDEA) 2004
- Overview of Special Education Process (IDEA Part B: ages 3-21) -Individualized Education Program (IEP)
- IDEA Procedural Safeguards

Overview of Section 504, ADA & Individuals with Disabilities Education Act (IDEA)

Students with disabilities receive appropriate educational services as a result of three primary laws.



Individuals with Disabilities

Education Act (IDEA) /

Section 504 of the

Rehabilitation Act / ADA



Kentucky Administrative Regulations (KAR)



State Law

For Children
Who Attend
KY Public
Schools

Local Policies and Procedures

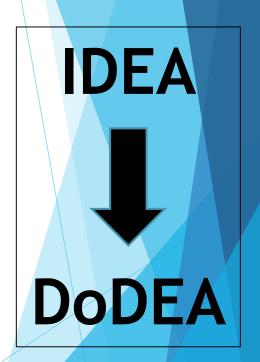


Public School District

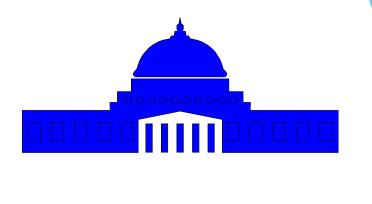
For Children Who Attend School on Base at Fort Knox or Fort Campbell in KY

Department of Defense Education Activity (DoDEA)

While the Department of Defense (DoD) has accepted IDEA 2004, there are separate requirements for requesting records and for the complaint process. Another important difference to note is that although IDEA lists 13 different disability categories, DoDEA lists 14.



Section 504 of the Rehabilitation Act of 1973

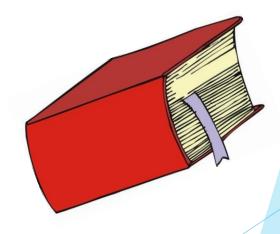


Civil Rights Law:

- Section 504 prohibits discrimination on the basis of disability
 - Applies to any agency receiving federal funds
 - No additional source of federal funding
 - Provides procedural safeguards

504 & ADA Definition of Disability

- Physical or Mental Impairment that substantially limits one major life activity
- Record/History of disability
- Perceived as a disability



Major Life Activities:

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below

- caring for oneself
- bending
- performing manual tasks
- speaking
- seeing
- breathing
- hearing
- learning

- eating
- reading
- sleeping
- concentrating
- walking
- thinking
- standing
- communicating
- lifting
- working

Individuals with Disabilities Education Act

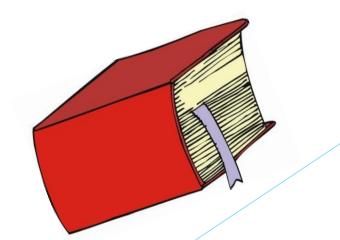


IDEA guides how states and school districts provide specially designed instruction and related services to more than six million eligible children with disabilities.

- Funded in part with federal dollars
- Part C Early Intervention / 0-3 (First Steps in KY)
- Part B Public school / 3-21

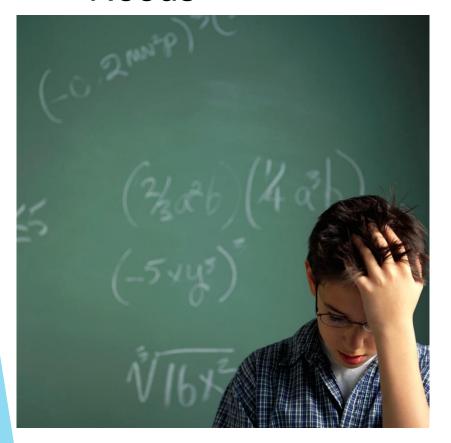
IDEA Definition of Disability

- Must meet criteria of one or more disability categories
- Must need specially designed instruction & related services



Eligibility

- Disability Categories
- Educational Needs



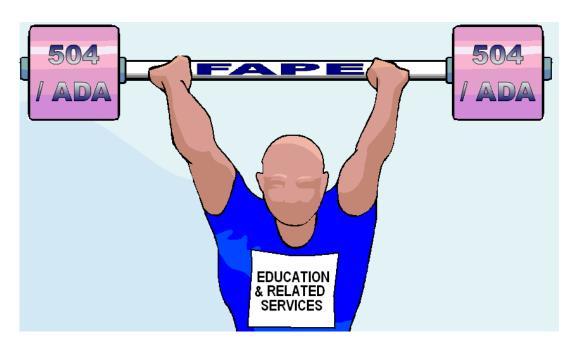
Federal IDEA	KAR Categories	
Autism Spectrum Disorder (ASD)	Autism	
Deaf-Blindness	Deaf-Blindness	
Development Delay (Ages 3 through 9)	Developmental Delay (Student is three (3) through eight (8) years of age. (Note: Eligibility for DD ends on the child's 9 th birthday.)	
Emotional Disturbance	Emotional-Behavioral Disability	
Hearing Impairment (including deafness)	Hearing Impairment	
Intellectual Disability	Mental Disability: Mild Mental Disability (MMD) or Functional Mental Disability (FMD)	
Multiple Disabilities	Multiple Disabilities	
Orthopedic Impairment	Orthopedic Impairment	
Other health Impairment	Other Health Impairment	
Specific Learning Disability	Specific Learning Disability	
Speech or Language Impairment	Speech Language Impairment	
Traumatic Brain Injury	Traumatic Brian Injury	
Visual Impairment including Blindness	Visual Impairment	

Eligibility Categories: DoDEA

- Autism Spectrum Disorder
- Deafness
- Deaf/Blindness
- Developmental Delay
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment, Including Blindness
- Multiple Disabilities

Free Appropriate Public Education

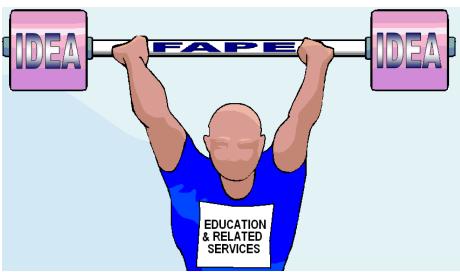
Section
504
defines
FAPE as:



"the provision of regular or special education or aids and services designed to meet the educational needs of individuals with disabilities to the same extent that the needs of non-disabled individuals are met."

Free Appropriate Public Education

IDEA defines FAPE as:



"special education and related services ...
provided at public expense, under public
supervision and direction and without charge;
meet the standards of the SEA; ...
in conformity with the individualized
education program ..."

In Kentucky the State
Educational Agency
(SEA) is the Kentucky
Department of Education
(KDE). The LEA is the
Local Educational
Agency which is your
local public school
district.

IDEA	504	ADA
Educational benefit Part B: Ages 3 thru 21	Equal access if federally funded	Equal access regardless of funding
Children who qualify under at least one of the 13 IDEA categories	All children who meet 504 definition of disability, including those who qualify under	All individuals who meet ADA definition of disability regardless of age
2 SERRE	IDEA	SCHOOLT

The Principles of IDEA

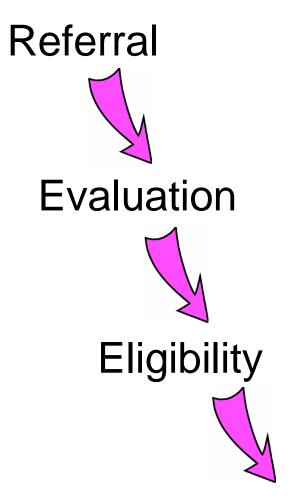
- Free Appropriate Public Education (FAPE)
- Appropriate evaluation
- Individualized Education Program (IEP)
- Parent & student participation
- Least Restrictive Environment (LRE)
- Procedural safeguards (Parent Rights)

For children who do not qualify under IDEA, but qualify under Section 504 a 504 plan will be written.

A 504 plan addresses the unique learning needs of student with a disability and provides reasonable accommodations so that student has **equal access** to school program and activities to meet their learning needs.

"Overview of Special Education Process (IDEA Part B: ages 3-21) – Individualized Education Program (IEP)"

IEP - Special Education Process





Re-Evaluation (Every 3 years)



Placement

Referral

Anyone who has knowledge of the child and suspects that the child may have a disability may make a referral.

The evaluation takes place once parental consent has been signed. The school has 60 school days from date parents sign consent.

707 KAR 1:320 Section 2. (3)

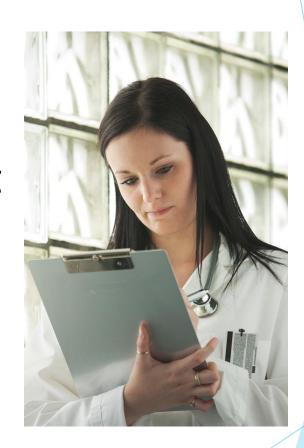


For DoDEA Schools they have 45 school days from the date that you sign the "Parent Permission to Assess" form.

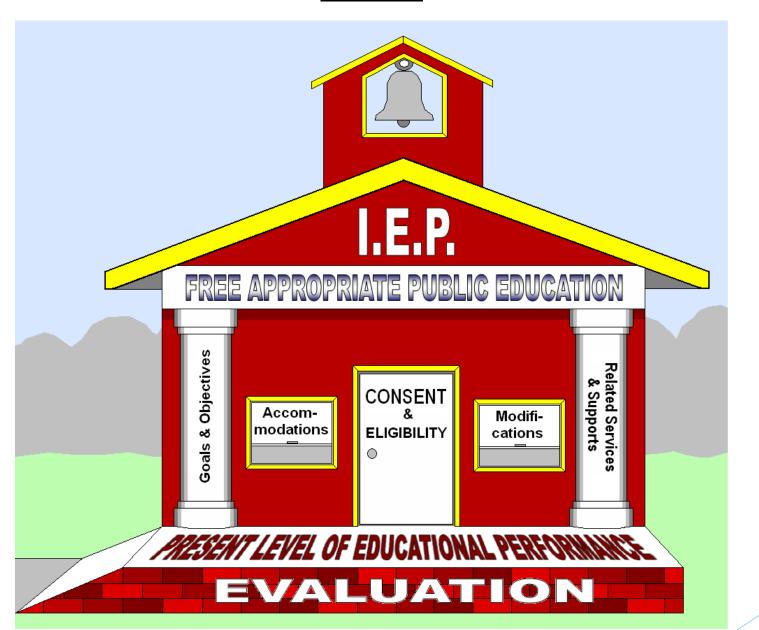
Evaluation

If you do not agree with evaluation results you have the right to request an <u>Independent Education</u>

<u>Evaluation (IEE)</u> at no cost to the family.



<u>IDEA</u>



IDEA requires that an IEP include:

A statement of the child's present levels of academic achievement and functional performance

IDEA 2004 614(d)(1)(A)

Present Level of Academic Achievement and Functional Performance:

How the disability affects the child's involvement and progress in the general curriculum.

Present Level of Academic Achievement and Functional Performance

Domains:

Communication Skills

Academic Performance

Transition Needs

Social and Emotional Status

Health,
Vision,
Hearing,
Motor
Abilities

Functional
Vision/Learning
Media Assessment

General Intelligence

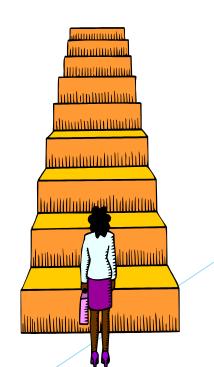
IDEA requires that an IEP include:

A statement of measurable annual goals, including academic and functional goals

IDEA 2004 614(d)(1)(A)

Goals should:

- identify skills the child will gain
- address all needs identified in the Present Level statement



IDEA requires that an IEP include:

A description of how the child's progress toward meeting annual goals will be measured and when periodic reports on progress will be provided

Writing Objectives or Benchmarks

Arrange skills in a sequence

- Modify the condition (increase difficulty)
- Modify performance criteria (increase expectation)



Objectives & Benchmarks

- IDEA 2004 removed requirement, except for students who take alternate assessments based on alternate achievement standards
- Kentucky Administrative
 Regulations A LEA's (Local
 Educational Agency County or
 Independent public school system)
 procedures may determine the use
 of benchmarks or short-term
 objectives for a child's IEP. [707
 KAR 1:320. Section 5(7)]

IDEA requires that an IEP include:

A statement of the special education and related services and supplementary aids and services to be provided to the child and a statement of the program modifications or supports for school personnel

Statement of Special Education

- Specially designed instruction
- Provided by a qualified special education teacher

Examples: Instruction in Braille, Instruction in Organizational Strategies, Instruction in Reading Comprehension Skills, etc.

Statement of Related Services

Definition under IDEA

"Developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education."

A related service is never a stand-alone goal, a related service supports a goal.

Related Services

Examples:

"Including but not limited to..."

- Communication device
- Transportation
- Occupational Therapy (OT),
 Physical Therapy (PT), Speech Therapy
- Suctioning
- Assisting in developing positive behavioral strategies



Accommodations

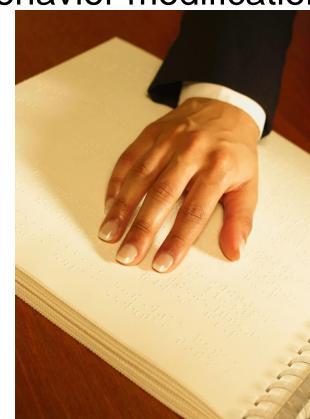
Including but not limited to...

- Readers
- Scribes
- Paraphrasing

Reinforcement and behavior modification

strategies

- Prompting/cueing
- Use of technology
- Manipulatives
- Braille
- Interpreters
- Extended time



Modifications

Usually a *modification* means a change in what is being taught to or expected from the student.

Examples:

- Making an assignment easier so the student is not doing the same level of work as other students is an example of a modification.
- Shortened assignments: Student still has to do same level/skill of work but not as much work as other students.

Accommodations

An **accommodation** is a change that helps a student overcome or work around the disability.

Example:

Allowing a student who has trouble writing to give his answers orally is an example of an accommodation. This student is still expected to know the same material and answer the same questions as fully as the other students, but he doesn't have to write his answers to show that he knows the information.

IDEA requires that an IEP include:

An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities

Least Restrictive Environment (LRE)

"To the maximum extent appropriate children with disabilities ... are educated with children who are not disabled."

IDEA 2004 614(d)(1)(A)

Removal from an inclusive setting with non-disabled peers ONLY when education with the use of supplementary aids and services cannot be achieved satisfactorily.

IDEA requires:

Section 300.324 (b)(1)(i) Reviews the child's IEP periodically, but **not less than annually**, to determine whether the annual goals for the child are being achieved;

An IEP/ARC (Admissions and Release Committee)
Meeting can be called at anytime by school or parents.

Section 300.324 (a)(4)

- (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.
- (ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

IDEA Procedural Safeguards

IDEA Procedural Safeguards



Every eligible student has equal protection under the law

The school must give parents a copy of the procedural safeguards every year

IDEA Procedural Safeguards

- Parent consent to evaluate and agree for their child to receive special education services
- Prior written notice of upcoming meeting or changes
- Access to records
- ► Independent Education Evaluation (IEE)
- Procedures for placement changes



IDEA Safeguards to Resolve Disputes

- Mediation: impartial meeting where a trained mediator will work to get the two sides to agree; written agreement is binding
- State Complaint: letter written to show what part of the law is not being followed, investigated by the state who will issue a written decision
- Due Process Hearing: a hearing officer will make a decision based on the facts she/he hears (mediation or resolution session has to be done before the hearing)
- Court Actions: a judge makes the decision

If you still have questions...



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Please complete our evaluation

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