

Presents "Overview of Special Education Process (IDEA: Ages 3-21)"

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

- 1. Overview of IDEA (Individuals with Disabilities Education Act)
- 2. Overview of Special Education Process IDEA Part B: ages 3-21
- 3. A look at the IEP and parts of the IEP (Individual Education Program)
- 4. Transition Planning
- 5. Procedural Safeguards
- 6. Questions and Answers

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

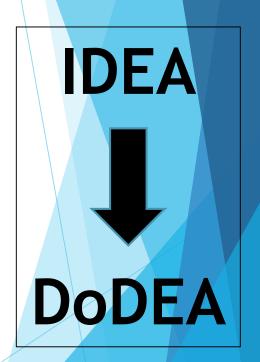


Public School District

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.

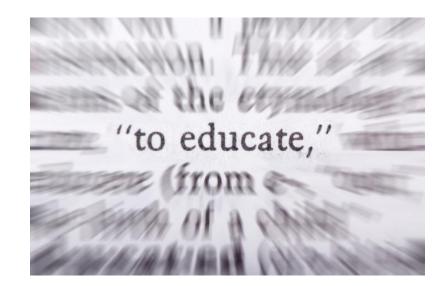


Individuals with Disabilities Education Act (IDEA)

- IDEA guides how states and school districts provide specially designed instruction and related services to 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



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)

Free Appropriate Public Education (FAPE)

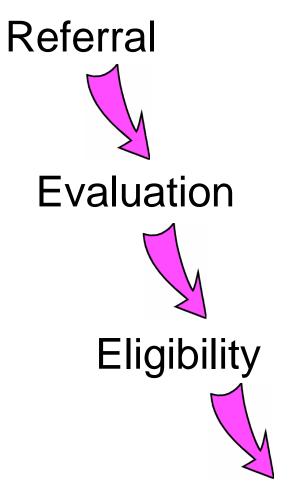
IDEA defines FAPE as:

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

In Kentucky the SEA is the Kentucky Department of Education. The LEA is the Local Educational Agency which would be your local public school district.

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

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

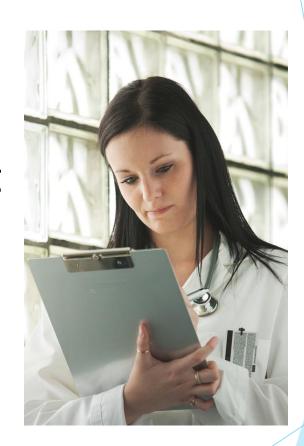
Requires consent and the results help the team to determine...

- Category of disability
- Whether the child needs specially designed instruction and related services
- The present levels of academic achievement and related developmental needs of the child
- Whether any accommodations or modifications are needed

Evaluation

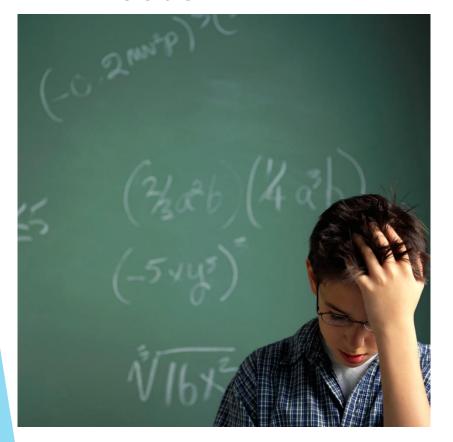
If you do not agree with evaluation results you have the right to request an <u>Independent Education</u>

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



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

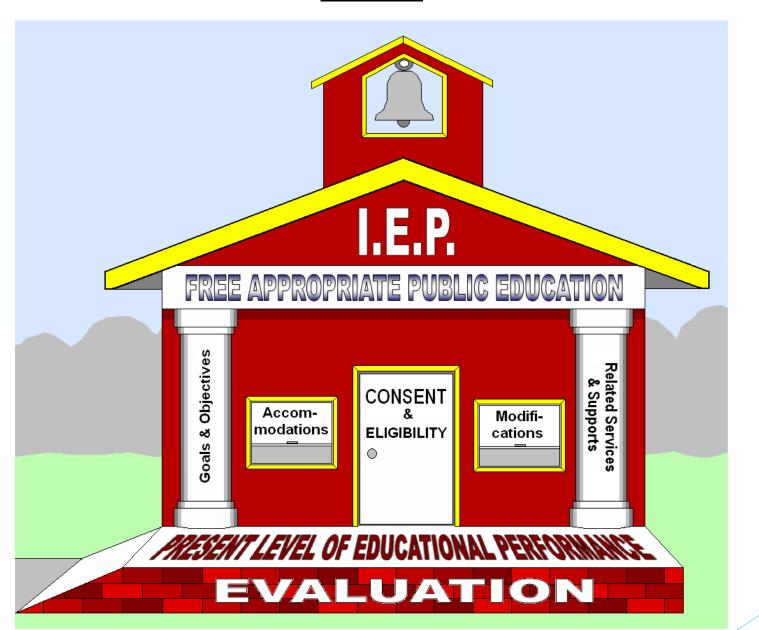
Individual Education Program (IEP)

From IDEA 2004, an IEP is: "a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614 (d)."

IDEA 2004 602 (14)



<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



Writing the Present Level of Academic Achievement and Functional Performance

Before the ARC/IEP Meeting:

- Ask for a draft of the Present Level of Performance
- Draft your own Present Level of Performance at the ARC/IEP Meeting:
- Bring a written list of current abilities, strengths, and areas of difficulty
- Give input on what your child is doing and can do now

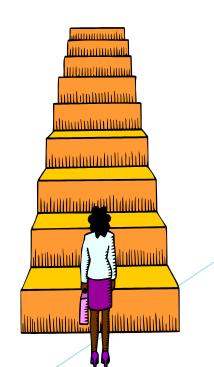
IDEA requires that an IEP include:

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

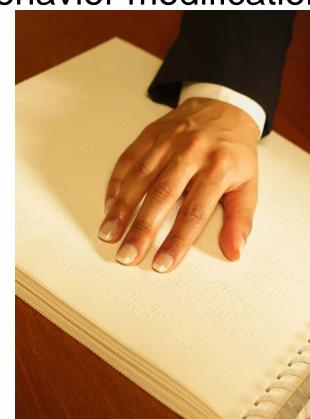
Including but not limited to...

- 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 that an IEP include:

The projected date for the beginning of the services described and the anticipated frequency, location, and duration of those services and modifications.



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

Periodic Reports

Progress on each goal and/or objective



At least Concurrent with report cards, but can be more frequent

Be specific in when you will receive progress reports & what the progress report will cover

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.

If it is part of your child's program it needs to be in writing in the IEP!

Anyone should be able to look at your child's IEP and be able to implement their program.

The IEP/ARC meeting summary needs to be an accurate account of what occurred in the meeting.

IDEA requires that an IEP include:

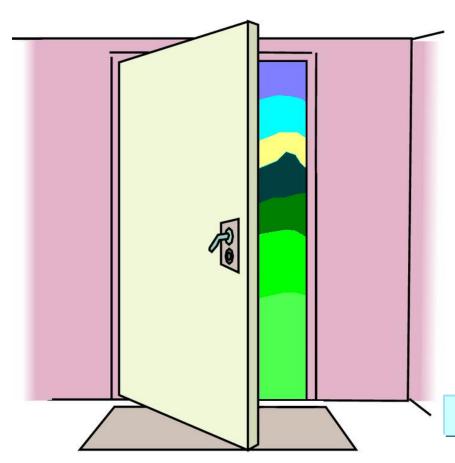
Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter...

- appropriate measurable goals based upon transition assessments which relate to: training and education; employment and independent living skills
- a list of transition services (including courses of study)
 needed to assist the child in reaching those goals, and...
- beginning not later than 1 year before the child reaches the age of majority (18 in KY & under DoDEA): a statement that the child has been informed of the rights that will transfer to them when they turn 18

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

Transition

School to Community



In KY a statement of transition service needs must be on every child's IEP beginning their 8th grade year, or has reached the age of fourteen (14) years

707 KAR 1:320 Section 4 (3)

In DoDEA
Schools
Transition
planning may
begin when
your child turns
14 years old.

Tips for Parents

Transition Planning

- Talk to your child about their hopes and dreams
- Think of creative ways to help them achieve those dreams
- Make a list of life skills that you know your child will need to work on to reach their goals



What Skills Should They Know?

- Communication skills
- Self-understanding, including strengths, needs and effects of disability
- Self-advocacy skills (using my voice; sticking up for myself; letting people know what I need)
- Goal setting skills
- Problem solving skills
- Social skills/friendship building
- Knowledge of their rights
- Ability to tell about their disability and request/utilize needed accommodations



The Special Education Cycle

Consent

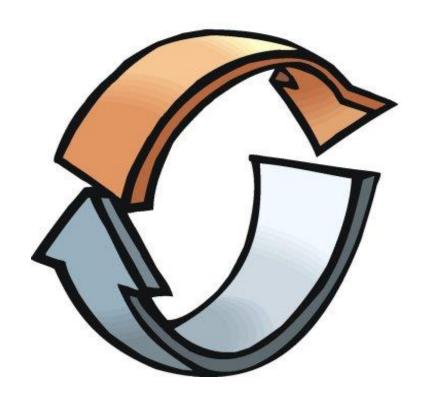
Evaluation

Written IEP

Placement

Annual IEP review

3 year re-evaluation



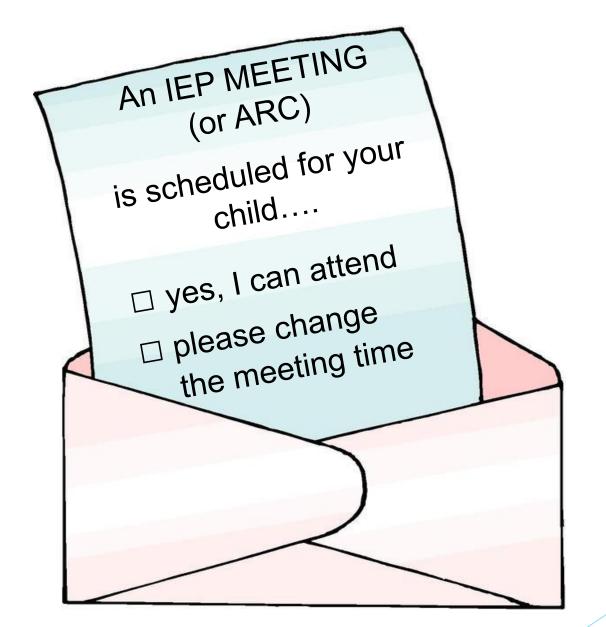
Critical IEP Team Members

- Parents <u>must</u> be invited
- Student if transition services are to be discussed, they <u>must</u> be invited
- Special education teacher and/or consultant
- Provider such as therapist or specialist
- Regular Education teacher if the student is or may be participating in an inclusive setting
- School system representative who is knowledgeable about and able to commit resources
- An individual who can interpret evaluation results
- Representatives from other agencies who may be providing transition services
- Interpreter if needed
- Other individuals who have knowledge or special expertise about the child

Parental Participation

- Is critical parents have information about their child that is important to share
- Is not required an IEP meeting can take place without the parents present if the school has tried numerous times to get the parent to participate and has been unsuccessful
- Participate in decision-making and development
 - of the IEP
- Identify strengths and needs
- Monitor progress

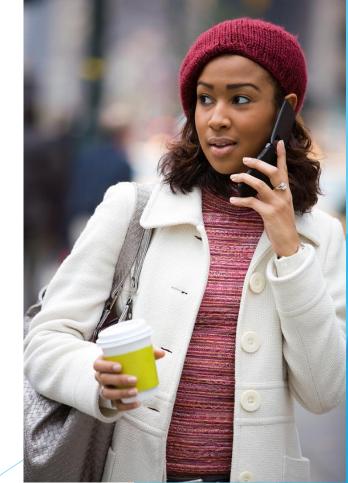
Individualized Educational Program



Alternative Participation

IDEA 2004 - for administrative, placement, or IEP meetings:

- "Such as video conferences or conference calls"
- Parent and district may agree to use videoconferences and conference calls and other alternative means of meeting participation



The IEP is not ... a lesson plan

The IEP is ...

legal and binding a living document



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 side 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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