

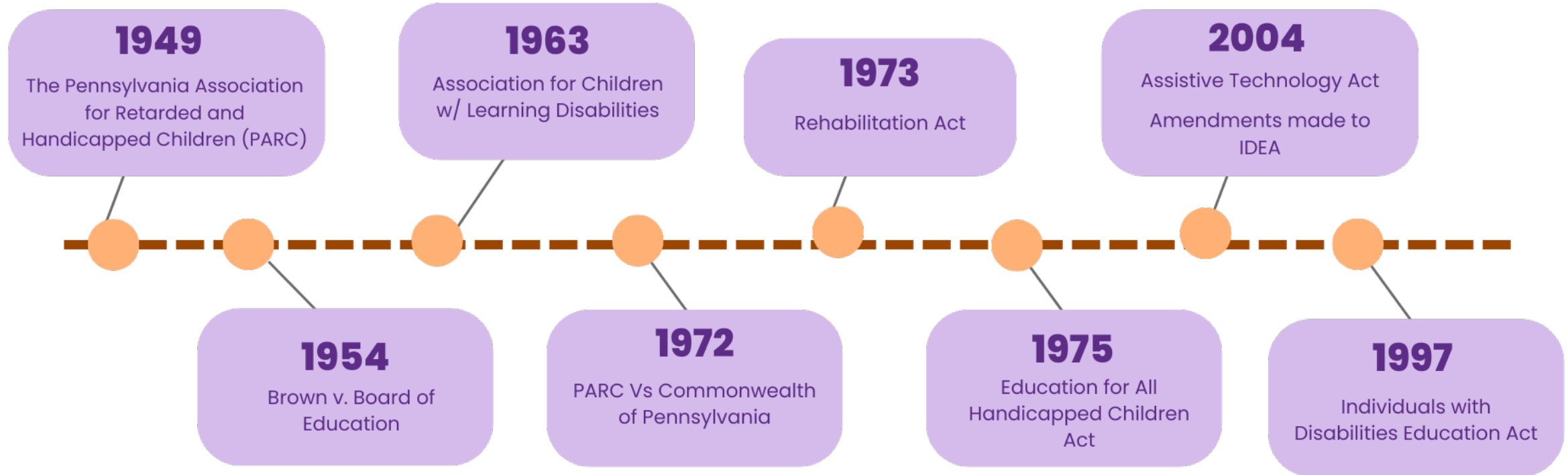
# **FOUNDATIONS OF SPECIAL EDUCATION ADVOCACY**

What Families Need to Know

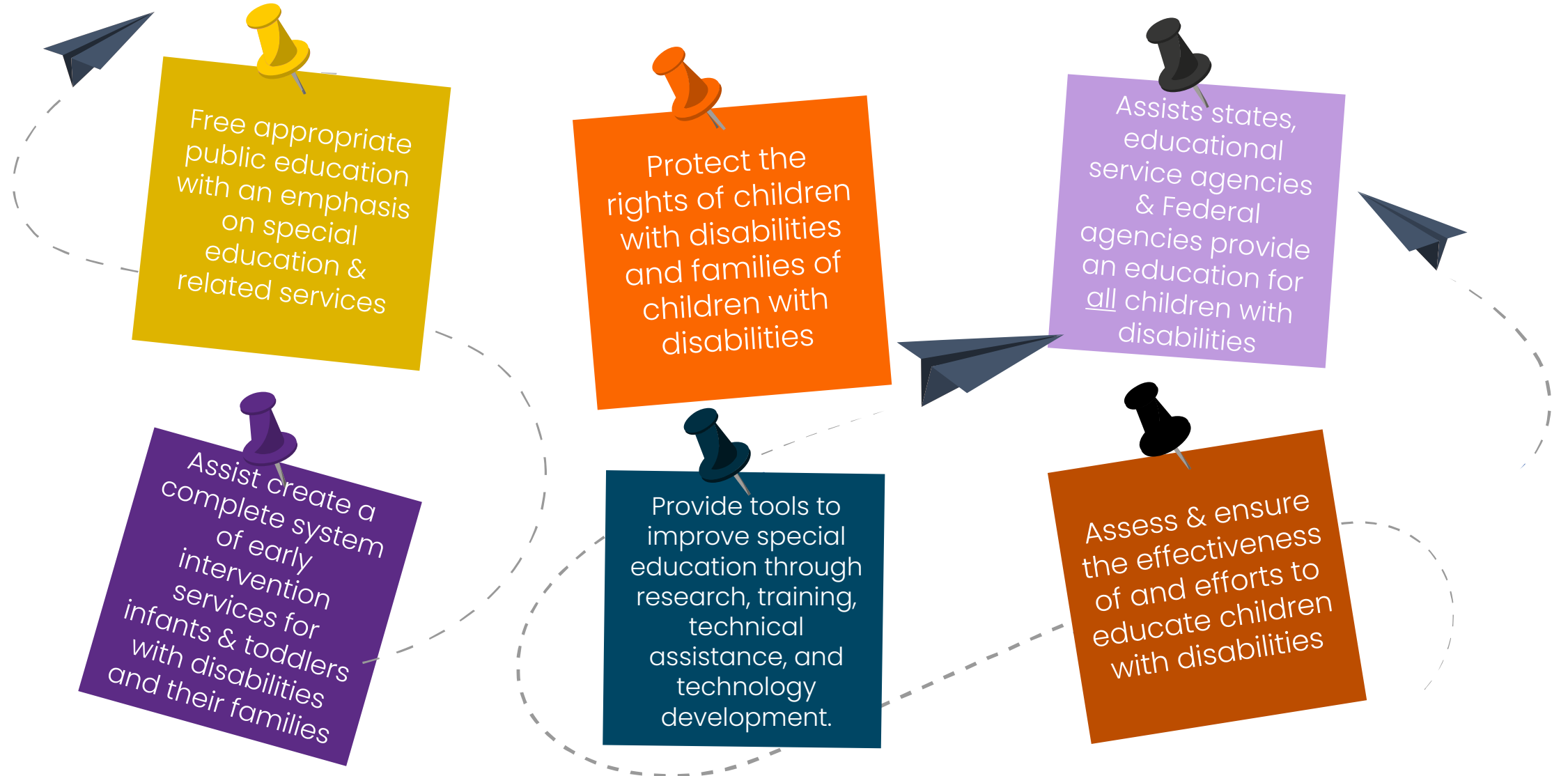


# **Individuals with Disabilities Education Act (IDEA)**

# The Path to IDEA



# Individuals with Disabilities Education Act



# What is Child Find?

- Part B of The IDEA includes the Child Find Mandate
- This requires all school districts to identify, locate, and evaluate all children with disabilities throughout their school career





# Early Intervention & the Local Intermediate Unit

# Early Intervention & the LIU



## Part C of the IDEA

Early Intervention services for children birth to age 3; Individual Family Support Plan (IFSP) is developed after eligibility is determined



## Part B of the IDEA

The local intermediate unit creates Individual Education Programs (IEPs) after determining eligibility



## Supports & Services

Helps identify & create supports/ services



## Transition to School-Aged Services

Aids the family with integrating into their educational career



# Placement & Important Acronyms



# F.A.P.E

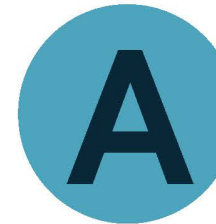
## Free Appropriate Public Education

- All students are entitled to a free appropriate public education
- If a school cannot provide “FAPE” to a student, the school is required to put services in place or change the placement of the individual to achieve FAPE to the best of their ability



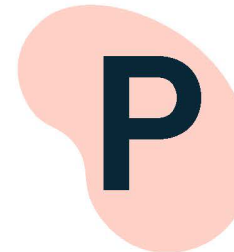
### is for free.

Free means the government pays for the education of students with disabilities. There’s no cost to families. However, families do have to pay the same extra school fees — for example, sports and club fees — that all students pay.



### is for appropriate.

Appropriate means that kids who qualify get an Individualized Education Program (IEP) with services to meet their unique needs. Others may get a 504 plan that gives equal access to learning.



### is for public.

Public means supervised by the public school. An IEP team — teachers, parents, and others — decides what services and support the student gets. In a few cases, the government may pay for kids with disabilities to attend private school.



### is for education.

Education can include special education. It can also include related services, like speech therapy, counseling, or even transportation. The goal is for kids to make progress in school and be prepared for the future.

# L.R.E.

## Least Restrictive Environment

### What does this mean?

“Children with disabilities... are educated with children who are nondisabled...”

“ [The]removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

# F.E.R.P.A.

## Family Education Rights & Privacy Act



- A federal law that governs the access to educational information and records by public entities such as potential employers, publicly funded educational institutions, and foreign governments
- Families or eligible students have the right to inspect and review the student's education records maintained by the school
- Families or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading



# Evaluations & Reevaluations

# Evaluations



Prior to receiving special education services, a child must be evaluated



Evaluations help identify supports needed for the child to succeed



These supports could include changes to instruction or implementation of new



If you think that your child may need special education services, you can request an

# How to Request an Evaluation

## Who Should Receive This?

- Principal
- Special Education Director
- Student's Teacher

## What Info Should I Include?

- Basic information
  - Name of your child
  - Date of request
  - Your contact info
- Reason for request
  - Child's strengths
  - Child's needs
  - Briefly describe educational/behavioral concerns

# How to Request an Evaluation cont.

## What's Next?

- PTE within 10 days
  - Permission to Evaluate
- Evaluations take 60 calendar days (excluding summer)
- Creating an IEP takes another 30 days

## No PTE?

- Request a NOREP/ PWN
  - Notice of Recommended Educational Placement/ Prior written notice
- This form explains the school's denial or approval requests
- Remember: You have the right to challenge any refusal to evaluate your child

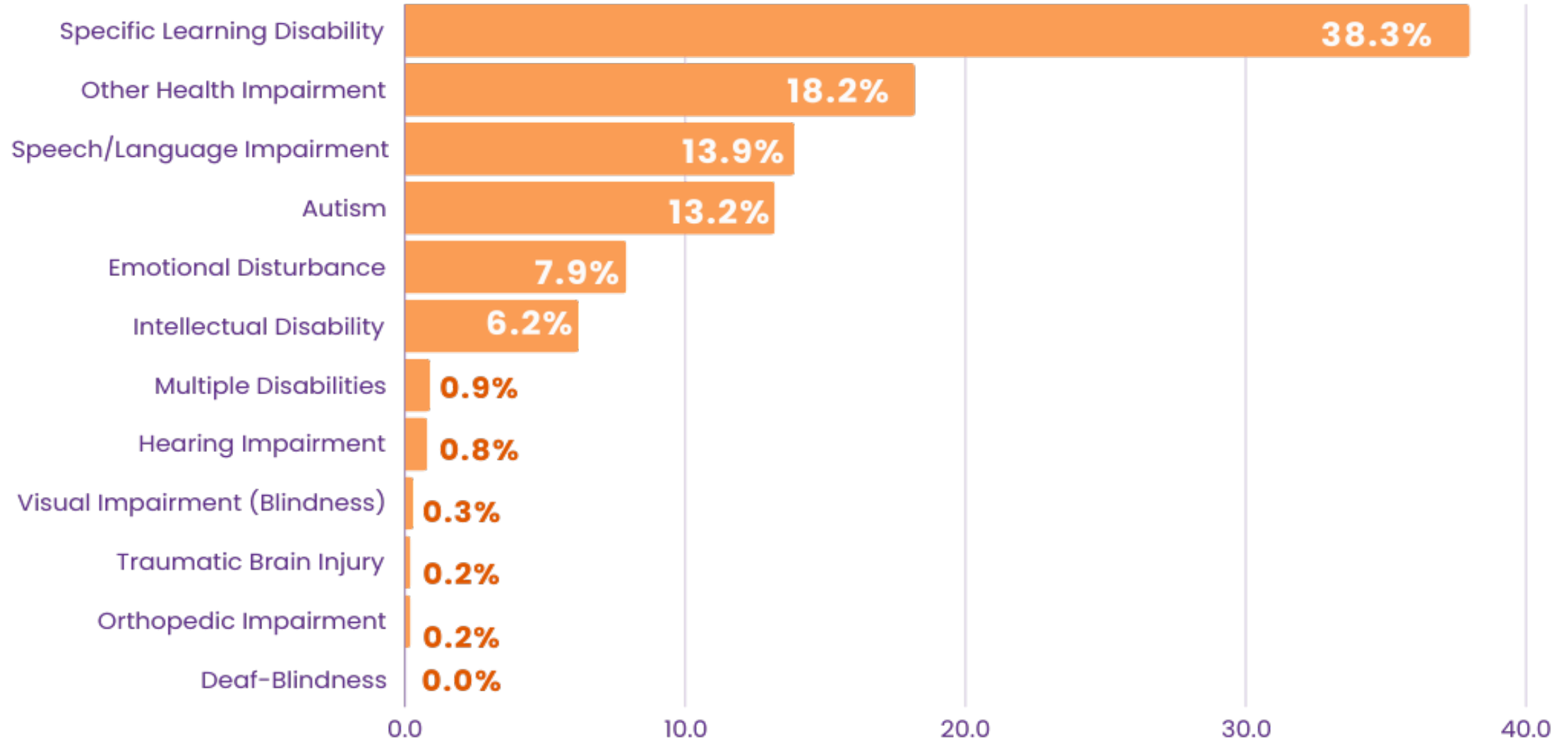
# IMPORTANT

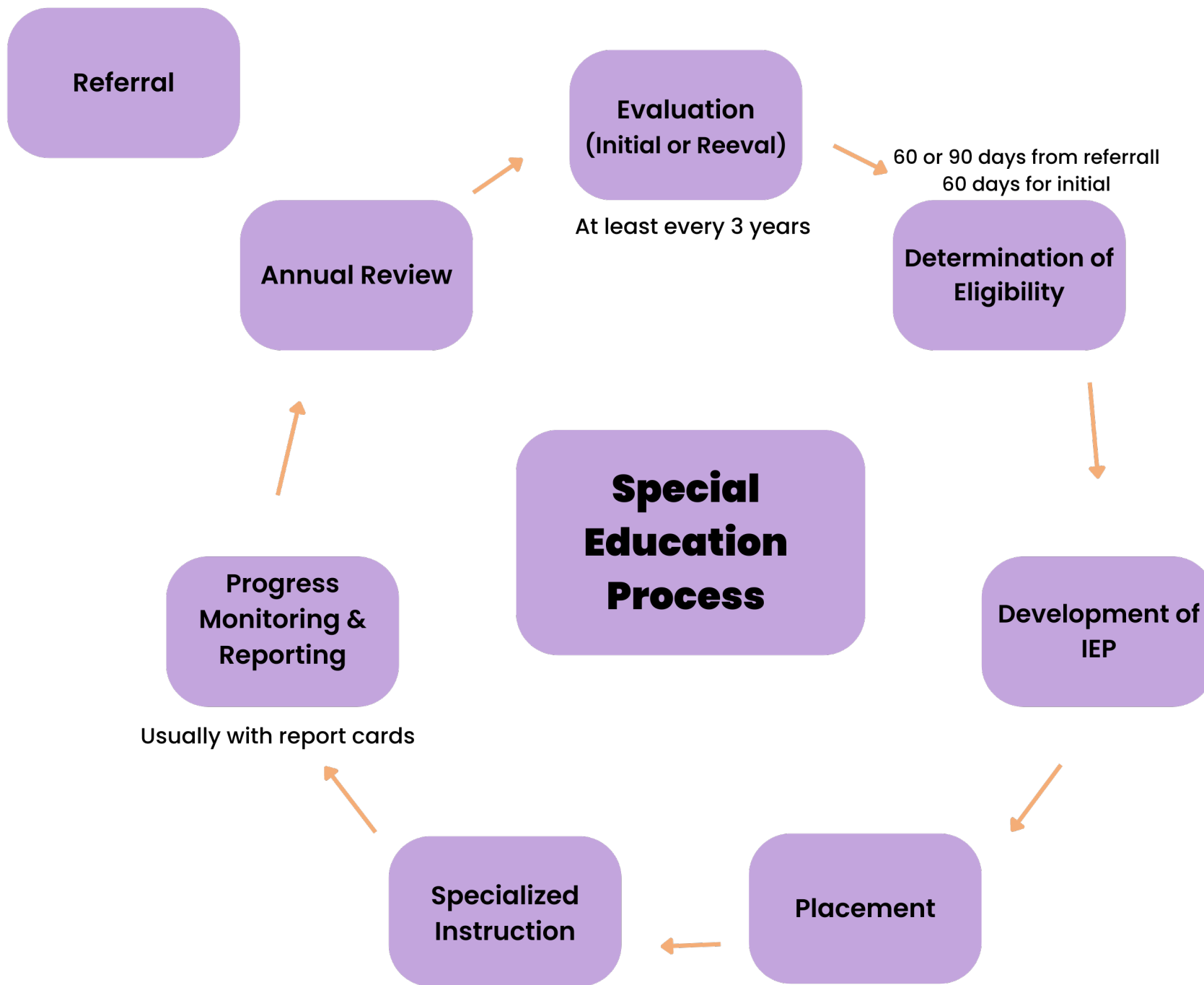
Every child who receives special education must be reevaluated AT LEAST every 3 years unless:

- 1) The school and the family agree that the reevaluation is not necessary, a records review is necessary
- 2) If the child has an intellectual disability - reevaluation must occur at least every 2 years
- 3) If the school believes that the child is no longer eligible for special education services, reevaluation must occur before the child's IEP/services are removed
- 4) The family requests a reevaluation based on a lack of progress or changed needs



# Disability Categories for Special Education Eligibility in PA







# Individual Education Program

# Individual Education Programs

## What is an IEP?

- Individual Education Program
- Developed in collaboration between a school and the family of a student who qualifies for Special Education
- Ensures a student receives specialized instruction/related services

## Who is the IEP Team?

- School personnel
  - One Regular Education teacher
  - One Special Education teacher
  - LEA Representative
  - Someone who can interpret & explain reevaluations
- The child's family
- Any person who has expertise or knows the child
- The child starting @ 14

# Key Parts of an IEP

<b>Present Levels of Performance</b>	<b>Objectives &amp; Goals</b>	<b>Related Services</b>	<b>SDIs</b>	<b>Parent Input/Concerns</b>
Details the child's current academic & functional performance	Describes current annual goals	Details additional services provided to the child	Details the services & aids to be provided	Where a family's concerns are recorded – Parent Concerns Letters
Describes how the child's disability affects their involvement/progress in Gen Ed	Describes how the child's progress towards goals will be measured	Examples include Speech and language services, OT & PT, and transportation	Includes program modification/support for school personnel	Where families can place (in writing) their concerns for their child's education



**Notice of Recommended  
Educational Placement or Prior  
Written Notice  
(NOREP / PWN)**

**NOTICE OF RECOMMENDED EDUCATIONAL PLACEMENT/PRIOR WRITTEN NOTICE**  
**(ANNOTATED)** School Age

**ANNOTATION:**  
 The purpose of this notice is to summarize for the parents the recommendations of the Local Education Agency (LEA) for the child's educational program and other actions taken by the LEA.

Child's Name:

Date:

Name and Address of Parent/Guardian/Surrogate:

*For LEA Use Only*  
 Date of Receipt of Signed  
 NOREP/PWN

**ANNOTATION:**  
 For LEA Use Only Box: Record the business date this form is delivered to the LEA. This will act as documentation that the parent responded to the NOREP/PWN.

Dear \_\_\_\_\_,

This is to notify you of the school's action regarding your child's educational program.

1. Type of action taken:

- Proposes initial provision of special education and related services (For this action, the school may not proceed without your written consent in Section 8 of this document.)
- Refusal to initiate an evaluation (Must issue *Procedural Safeguards Notice*)
- Proposes to change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE)
- Refusal to change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE)
- Change of placement for disciplinary reasons (Must issue *Procedural Safeguards Notice*)
- Due process hearing, or an expedited due process hearing, initiated by school/district
- Graduation from high school
- Exiting special education
- Exiting high school due to exceeding the age eligibility for a free appropriate public education (FAPE)
- Refusal to change the identification, evaluation or a free appropriate public education (FAPE)
- Extended School Year (ESY) services
- Response to request for an independent educational evaluation (IEE) at public expense
- Other

**ANNOTATION:**  
 This is a list for the LEA to use to communicate to the parents the proposed actions to be taken. All actions listed require Prior Written Notice, except the first action, (i.e., *Proposes initial provision of special education and related services*), which requires parental consent. When selecting the first action, the LEA may not proceed without the written consent of the parents in Section 8 of this notice. An initial evaluation may NOT be conducted without parental permission. Permission is requested using the *Permission to Evaluate - Consent Form*. In the reevaluation process, if the parent requests additional data and the LEA disagrees with the request, the LEA would issue the NOREP/PWN with an explanation of the reason for

education supports that are being recommended. Following are the options available to the IEP team:

Amount of Special Education Supports\*

Itinerant  
Supplemental  
Full Time

Type of Special Education Supports\*\*

Learning Support  
Life Skills Support  
Emotional Support  
Deaf or Hard of Hearing Support  
Blind or Visually Impaired Support  
Speech and Language Support  
Physical Support  
Autistic Support  
Multiple Disabilities Support

\* Select only one of the Amount of Special Education Supports

\*\* Select one or more of the Type of Special Education Supports

You have rights and protections under the law described in the *Procedural Safeguards Notice*. If you need more information or want a copy of this notice, you may contact:

Name and Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

#### 8. PARENTAL CONSENT

Directions for Parent/Guardian/Surrogate: Please check one of the options, sign this form, and return it within 10 calendar days. In circumstances when this form is NOT completed and parent consent is NOT required, the school will proceed as proposed after 10 calendar days.

- I request a meeting to discuss this recommendation with school personnel
- I approve this action/recommendation.
- I do not approve this action/recommendation.\* My reason for disapproval is:

I request: (Contact the Office for Dispute Resolution at 800-222-3353 for additional information)

- Mediation
- Due process hearing

\*If you do not approve the action/recommendation(s), your child will remain in the current program/placement only if you request a due process hearing or mediation through the Office for Dispute Resolution. If you do not request Due Process or Mediation through the Office for Dispute Resolution, the LEA will implement the action/recommendation(s).

#### SIGN HERE:

Parent's Signature

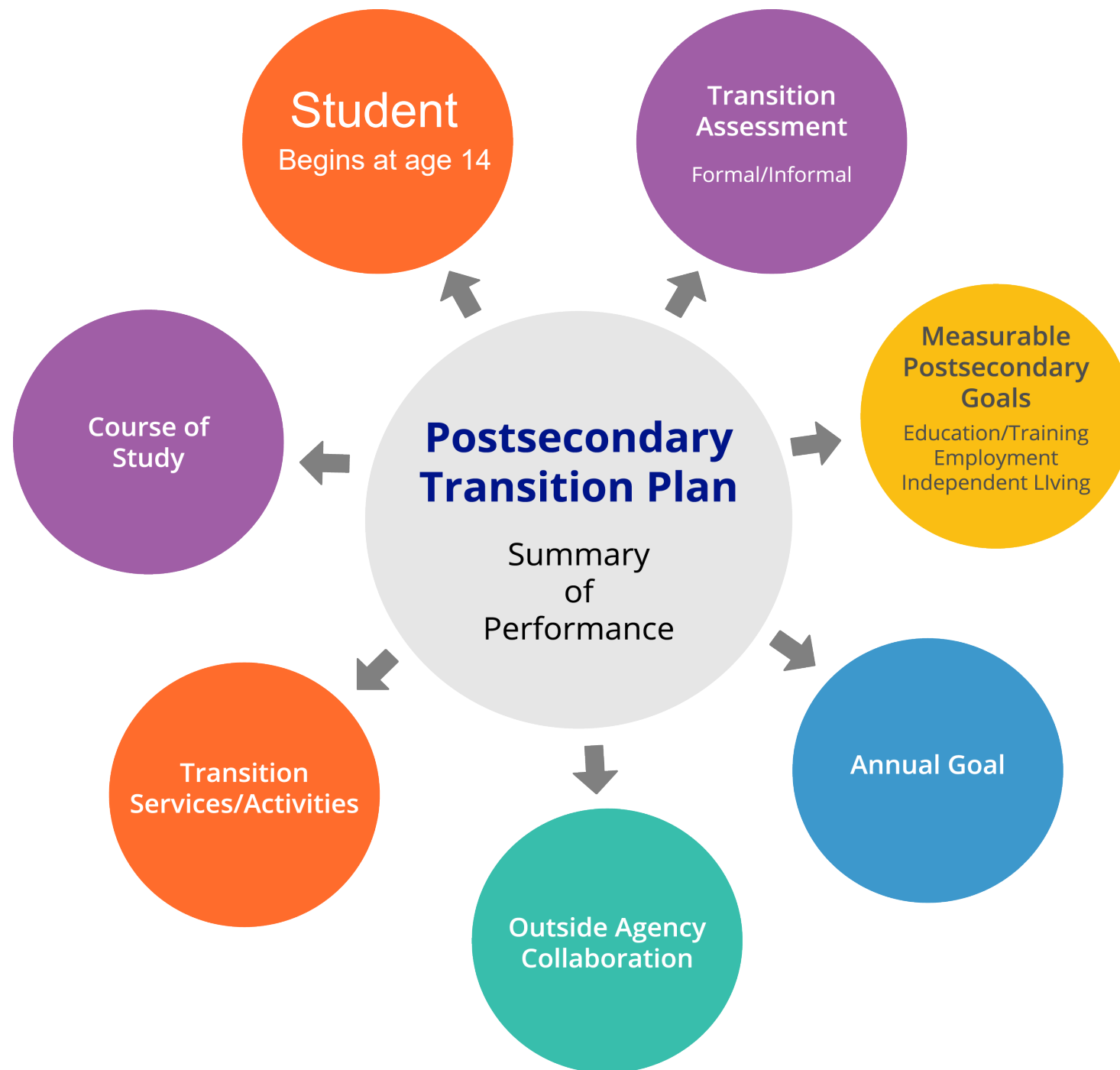
Date

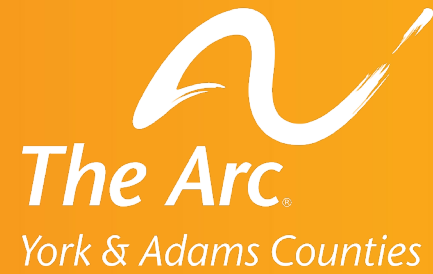
Daytime Phone

#### ANNOTATION:

Parents are to select the appropriate option indicating their approval or disapproval of the proposed action.







# Section 504 vs IEPs

## IEPs

- Provides SDIs
- Schools required to include parents
- Procedural Safeguards included
- Annual meetings w/ revisions

## Both

- Free for parents
- Should meet child's needs
- Requires a disability and evaluations

## 504s

- Any disability
- Parental Input not required
- School can change plan at any time w/o parental input
- Not a special education program



# Dispute Resolution

# Parental Rights in Procedural Safeguards

Your child and you have inherent rights under the IDEA as families and guardians such as:

- To a fair and accurate evaluation of your child
- To understand every document you sign
- To know and understand your rights in the language you understand best
- To pursue other options if you disagree with your LEA
- To receive Prior Written Notice and NOREPs when applicable

- To be a member of the team that develops your child's education program and to attend meetings about that program
- To refuse to consent
- To see and keep private your child's education records
- To special protections in school discipline
- To know your rights if your child attends a private school

# Dispute Resolution

If at any time any of the following points occur, then families have the right to seek a form of dispute resolution

- If the family believes that the IEP offered to them by the Local Educational Agency (LEA) does not meet the child's needs
- The family disagrees with the recommended educational placement
- If there is any important point on which the family/guardian(s) and the LEA disagree (related to evaluation, identification, FAPE, or educational placement)

# Options for Dispute Resolution

Families can seek out the following available services for resolution:

- A form of conflict resolution done by an independent and neutral third party that is free, voluntary, and can be done without requesting a formal hearing to come to a mutually beneficial agreement between the family and LEA

Mediation

- An official hearing that relies on a Hearing Officer to render the final decision. Due Process is similar to a court trial in that two parties bring forward arguments and evidence to their side of the case, allowing the hearing officer to render a decision.

Due Process

# Dispute Resolution Resources

The Department of Education has a State Complaint and Dispute Resolution website where a direct complaint can be filed against the school district for rights violations and corrective actions:

- [www.education.pa.gov/K-12/Special%20Education/Complaints](http://www.education.pa.gov/K-12/Special%20Education/Complaints)

The Office for Dispute Resolution (ODR) provides the resources for families and educational agencies to resolve educational disputes through mediation and due process hearings:

- <https://odr-pa.org/parent-resources/consultline-information/>



You can contact ConsultLine by calling 800-879-2301, emailing [consultline@odr-pa.org](mailto:consultline@odr-pa.org), or you can request that ConsultLine call you by filling out the [online request form](#).



# Tips for Advocacy

# Building Relationships & Communicating

## Introduce Your Child

- Email the teacher and introduce yourself and your child
- Make a “snapshot” of your child, including their strengths and places of growth
- Allow your child to give input; ask them what they want the school to know

## Go Up the Ladder

- When discussing concerns, speak to the teacher first
- When requesting an IEP meeting, it is beneficial to email the principal, teacher, and special education teacher together
- When should I reach out to the Special Education Director or Superintendent?

# STUDENT INFORMATION <<<<<<<<<

**Name**

**Family Information**



**Student Input**

- Strengths**
- - 
  - 
  - 
  - 
  -

- Needs**
- - 
  - 
  - 
  - 
  -

**Important Info to Share**

**Outside Supports/Services**

# Tips on Building Relationships & Communicating

## Everything in Writing

Follow up every phone call and in-person meeting with an email; utilize family concern letters to keep track of your thoughts

## Focus on Your Child

Retell incidents from your child's point of view; rephrase sentences: "My child did not receive [SERVICE], which she should as per her IEP"

## Be Professional

Focus on solutions rather than the problems; remember – a family can often set the tone for a meeting

## Don't Be Shy – Ask Questions!

Do not wait for the IEP team to contact you; if you have concerns, you may call for an IEP meeting at any time



**Questions?**



**Thank You!**