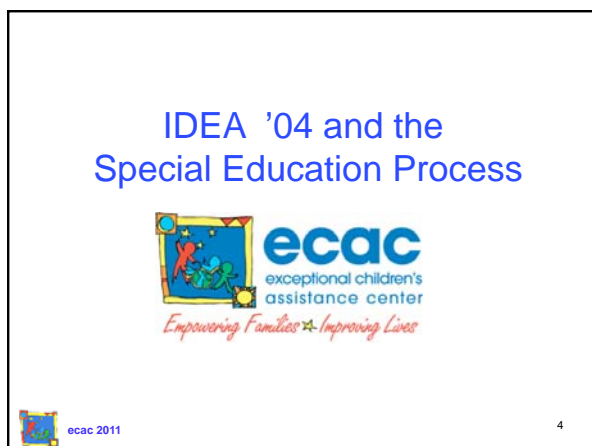
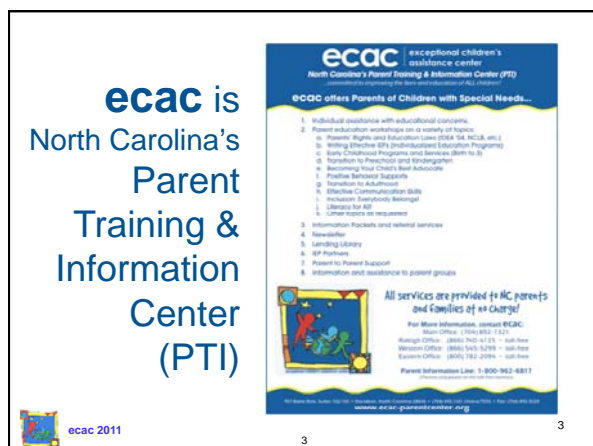
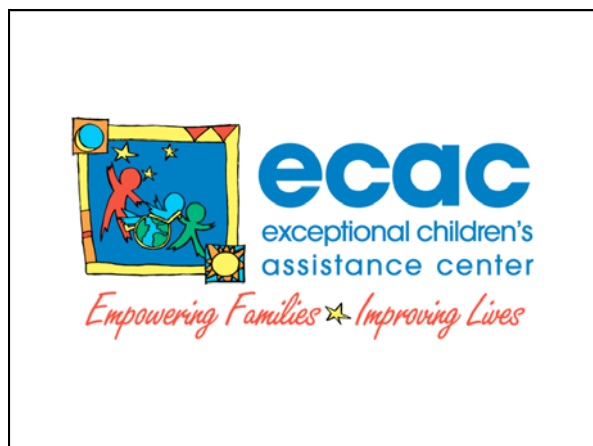


## IDEA and the Special Education Process



# IDEA and the Special Education Process

## IDEA '04

The Individuals with Disabilities Education Improvement Act of 2004 was first referred to as: P.L. 94-142: Education of the Handicapped Act

...opening new doors to high expectations and improved educational outcomes for ALL children!



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## Purpose of IDEA '04

"To ensure that all children with disabilities have available to them a...

**free appropriate public education** that emphasizes special education and related services designed to meet their unique needs and prepare them for *further education, employment and independent living.*"



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## 6 Principles of IDEA

1. All children will be served - no child in **need** of special education will be excluded, even children with the most severe disabilities
2. Children will be tested **fairly** to determine if they will receive special education services – using non discriminatory testing tools
3. FAPE (Free Appropriate Public Education, **including the Individualized Education Program - IEP**)



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## Principles of IDEA

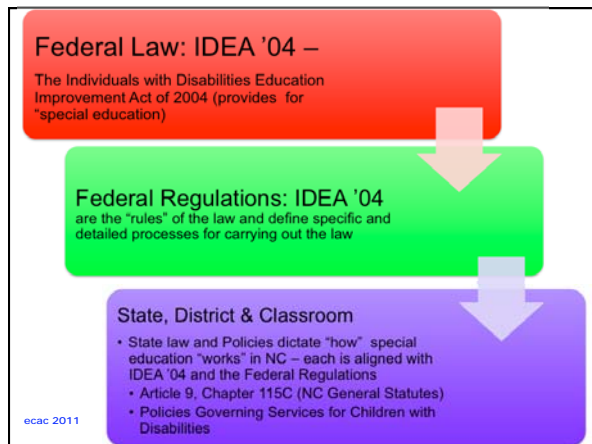
4. Children with disabilities will be educated with children who do not have disabilities and have access to the general curriculum in the *least restrictive environment*
5. The decisions of the school system can be challenged by parents (Due Process)
6. Parent and Student participation in planning and decision making



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## IDEA and the Special Education Process



Each state is required to provide parents with a written and full explanation of their legal rights under IDEA

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### NC Procedural Safeguards

- describe Parent rights and child's rights to have the special education process conducted in a specific way - notifying parents in writing for each step and explaining how they can dispute any action that the school is proposing to take

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There is evidence throughout IDEA and the Regulations that the United States Congress... intended for parents and schools to work TOGETHER!

Both the actual law and the Regulations mandate and describe specific ways to do so. The IEP Team is a primary example for working together!

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## IDEA and the Special Education Process

### Let's talk about the Special Education Process



While simple, the special education process has lots of steps and specific requirements for parents and schools districts/educators.



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### The Special Education Process

1. Referral
2. Evaluation / Assessment
3. Eligibility Determination
- 4. IEP (Individualized Education Program)**
5. Placement in the Least Restrictive Environment
6. Annual Review



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### To be eligible for Special Education supports and services

Students **MUST:**

- have a disability which has an educational impact

**AND**

- need Special Education



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### What is Special Education?

"specially designed instruction at no cost to parents, to meet the unique needs of a child with a disability..."



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## IDEA and the Special Education Process

### Step 1: Referral for services

- A teacher, parent, or other involved person can request that a student be evaluated for special education services:
  - If a parent makes a verbal request for referral, school personnel **MUST** assist her/him, as needed, in completing a written referral
- Parents **MUST** give written consent to evaluate
- Parents **MUST** be given a copy of Procedural Safeguards - explaining their rights under Federal and State Law



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### A copy of the Handbook on Parents' Rights

- Must be given to the parents at certain times:
  - One time per school year
  - Upon initial referral or parents' request for evaluation
  - Upon receipt of a State Complaint and upon receipt of Petition for Due Process
  - Upon request by a parent
  - Upon any revision to the content



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### Step 2: Evaluation / Assessment

– is an information gathering *process* that leads to decisions about:

- Eligibility for special education
- IEPs
- educational placements
- specific interventions
- measuring progress



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AFTER A HASTY SPECIAL EDUCATION PLACEMENT FOR BEHAVIOR PROBLEMS, SCHOOL OFFICIALS WERE EMBARRASSED TO LEARN THAT MARTY REALLY DID HAVE ANTS IN HIS PANTS.



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# IDEA and the Special Education Process

## Initial Evaluation

- Within 90 days of receiving written referral:
  - conduct evaluation(s) to determine if the child is eligible for special education
  - If your child is found eligible, an IEP must be written and services must begin
- Screenings for instructional purposes are NOT considered to be an evaluation



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## Evaluation

- No single test can be used to determine if the child is a child with a disability under IDEA.
  - Child must be assessed in all areas related to their needs or suspected disability – not eligibility category
  - Evaluations must be comprehensive enough to identify **all** of the child's special education and related services needs
- Must look at functional developmental and academic information
- Must be given in the child's native language and by trained and knowledgeable personnel



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## Evaluation

- Team must review existing evaluation data on the child, including:
  - Evaluations and information provided by the parent
  - Current classroom-based, local, or State assessments, and classroom observation
  - Observations by teachers and related service providers



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## Reevaluation Process

- Is a process to determine whether your child continues to need special education services
- Must occur every 3 years
- May occur more often as requested by the **child's parent or teacher**
- Must occur before determining
  - any change in eligibility category
  - that a child is no longer eligible for services except for students graduating with a regular diploma - then a Summary of Performance must be provided



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## IDEA and the Special Education Process

### Independent Educational Evaluations (IEE)



- Parents have the right to **request and receive** - at public expense - an IEE of their child if they disagree with the evaluation of that was conducted by the school district
  - *Limit of one IEE for each evaluation the LEA conducts*



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### Step 3: Eligibility Determination

- Child must meet criteria in one of 14 categories of eligibility & NEED specialized instruction
  - Each category has specific required screenings and evaluations - (see DPI website for forms and instructions)
- Team must review and consider all existing data - evaluations, classroom observations, **including information provided by the parent**, etc.



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### Step 3: Eligibility Determination

- A copy of the evaluation report and documentation of determination of eligibility **MUST** be provided to the parent at no cost!



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### Step 4: The IEP *Individualized* Education Program



- Written statement that is developed, reviewed and revised in a meeting and is:
  - designed to meet the unique needs of a child with a disability
  - includes statements of the child's present levels of **academic achievement and functional performance** including how the child's disability affects the child's involvement and progress in the general education curriculum



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## IDEA and the Special Education Process

The process of designing and defining a Free Appropriate Public Education (FAPE) for a student happens primarily through writing an IEP.




A cartoon showing a man and a woman standing next to a massive, towering stack of papers. The man says, "NO, IT'S 'INDIVIDUAL EDUCATION PROGRAM.'" and the woman replies, "YOU'RE KIDDING!". Below them, a caption reads: "MRS. SNIPPETT HAD LONG THOUGHT I.E.P. STOOD FOR 'INCREDIBLY EXCESSIVE PAPERWORK'."

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### What's in an IEP

#### Individualized Education Program




- Measurable goals, objectives and benchmarks\*
- How progress will be measured and reported, including report cards
- Description of special education, related services, supplementary aids and services,
- Explanation of the extent, if any, that the child will not participate with non-disabled children
- Transition statements, beginning at age 14 and
- Appropriate, measurable post-secondary goal at 16

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### IEPs also contain:



- A statement of the Parents concerns - *any concerns!*
- Special Factors such a behavior concerns, child's language needs (limited English proficiency), need for instruction in Braille, communication needs for a child who is deaf or hard of hearing and
- Assistive Technology needs


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### Who is on the IEP Team?

(pssst... they are the experts!)

- Parent(s)
- Not less than one Regular Education AND not less than one Special Education teacher *of the child*
- School district representative who is knowledgeable about the general curriculum & availability of resources
- Evaluation Team member who can interpret evaluation results



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## IDEA and the Special Education Process

### Who is on the IEP Team?

(pssst... they are the experts!)

- Student - wherever appropriate
- If Transition will be discussed, a representative of any other agency likely to provide or pay for services
- Others as invited by parent or school - must have knowledge or special expertise about the child
- At the request of the parent of a child transitioning from Early Intervention, the Part C Service Coordinator must be invited



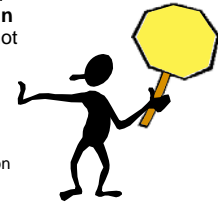
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### IEP Team Member Attendance

- Some members may be excused if the parent and the LEA **agree in writing** that their attendance is not necessary when their area of curriculum or related services is not being discussed....caution!
  - those members include everyone except the parent(s) and other person that has been invited! That would make for an interesting IEP meeting!



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### About the IEP Meeting



- Must be held at a mutually agreeable time and location
- Must be an adequate timely notice for parents to *participate* including: the purpose, time, location of the meeting and who will be in attendance
- Provide for alternate means of participation such as conference call

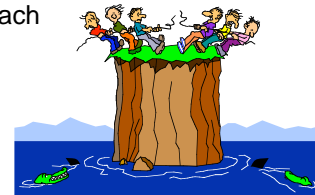


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### Did ya' know...

- There is NO voting at IEP meetings. The goal is to reach consensus!



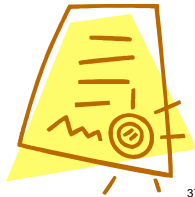
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## IDEA and the Special Education Process

### And....

- Parents **MUST** be provided with a copy of their child's IEP - draft or final version.....
  - don't leave school without it!



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### Step 5: Placement in the LRE

- Placement is the amount of special education, supplementary aids and services provided to a student through an IEP.
- Placement is based on the IEP and is NOT a location!



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### Step 5: Placement in the LRE



- Placement decisions are made by the IEP Team and must be in line with the LRE requirements of IDEA '04!



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- "To the maximum extent possible, children with disabilities are educated with children who are non-disabled; and Special classes, separate schooling, or other removal 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."



\$300.114 – 300.120



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## IDEA and the Special Education Process

### Least Restrictive Environment

- The child is educated in the school that he or she would attend if non-disabled **and if**
- the child cannot be educated there, he or she is educated in the school or program as close to the child's home as possible.
- A child cannot be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education classroom



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### Confidentiality & Access to Records



- Your school district must allow parent(s) to inspect and review any educational records relating to their child - that are kept or used by the district under IDEA *without unnecessary delay &*
- *Before any meeting about an IEP or any impartial hearing about discipline & in no case more than 45 days after a request*

For more information...see FERPA



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### Confidentiality & Access to Records



- Your school district may charge a fee for copies but it must be a reasonable fee that parents are able to pay
- Your school district *may not* charge parents for looking for and getting the records

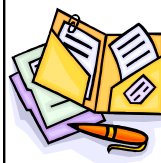


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### Keep and organize...



- All of your child's records in a way that **works** for you, including:
  - Current and past IEPs
  - Report cards and evaluations/assessments
  - Copies of letters or notes written by you or your child's teachers, etc.
- Ask for copies in plenty of time - teachers are busy too!



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## IDEA and the Special Education Process

### Reminder....



- Periodically review your child's records at school
- If you find information that is inaccurate, misleading or violates your child's privacy rights, can ask that it be changed or removed.
- If request is denied, ask to provide information into the record that explains the situation
- Ask for a hearing to resolve issue



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### Conflict may happen along the way ...

- when there is confusion or a misunderstanding of the roles and responsibilities;
- when effective communication is lacking; or
- when there is a genuine fundamental disagreement about services and programs



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### If you get stuck, ask.....

- Is there enough data to make a good decision?
- What other data or information do we need?
  - Have you shared all available information with the Team **in writing** ? (Diagnosis, educational impacts, changes, reports, etc.)
- Who else should be included in this discussion?
  - Consultants, last year's teacher(s), service providers, central office personnel, etc.



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### If you get stuck.....



- Ask for a trial period if you would like to try something new that the other IEP Team members are not willing to commit to at this time.
- Try to identify the reasons for the "refusal" or resistance
  - Can the Team address that barrier?
- Make sure discussion is accurately and thoroughly documented in writing
- Remember you can always have another meeting



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## IDEA and the Special Education Process

### Resolving Disagreements

Facilitated IEP Meeting  
Mediation  
State Complaints  
Due Process



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Our message to parents and families:

**YOU** are an  
**EQUAL PARTNER**  
in Your Child's  
Education!!



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How can you reach us?



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Suites 102/103

Davidson, NC 28036

800-962-6817 toll free

704-892-1321

[www.ecac-parentcenter.org](http://www.ecac-parentcenter.org)

[ecac@ecacmail.org](mailto:ecac@ecacmail.org)

Raleigh office: 866-740-4135 toll free

Asheville office: 866-545-5299 toll free

Wilmington area: 800-782-2094



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