

# Education for Students with Disabilities: The Basics & Beyond



Disability Rights Education & Defense Fund

Disability Rights Education &  
Defense Fund (DREDF)

[www.dredf.org](http://www.dredf.org)

# Zoom Tips

- **Questions?** Raise your hand during the presentation. We will have a breakout session, and will **TRY** to answer all your questions
- **Technology Problems:** **If for any reason our technology fails, we will send the presentation AND information about a reschedule within 3 business days**
- **Evaluations!** We very much value and **need** your feedback. Please complete polls! These questions help us improve our trainings and fulfill requirements set by the U.S. Dept. of Education

**We very much appreciate your feedback!**

**For individual questions please contact us at 510-644-2555 x 5227 or  
IEPhelp@dredf.org**

# DREDF

Disability Rights Education & Defense Fund

- Unique alliance of people with disabilities and parents of children with disabilities
- National law and policy center dedicated to protecting and advancing disability civil and human rights
- Disability rights are civil rights
- **VISION:** a just world where all people live full and independent lives free of discrimination
- Educate legislators and policy makers on issues (such as IDEA, ADA) affecting rights of people with disabilities

**\*We don't represent individual families or students. The members of the PTI are not lawyers.**

# Parent Training and Information Centers

- PTI are places where families can get help to understand their child with a disability and the education rights and learn to use them effectively
- PTIs offer **free** trainings for parents of children with disabilities, youth and community members
- There is a PTI in every state and territory in the United States
- To find a PTI near you, visit the:

[Center for Parent Information Resources](#)

- The PTI at DREDF now serves 32 counties! [DREDF Region 5 Flyer 2020](#)

## To Contact us:

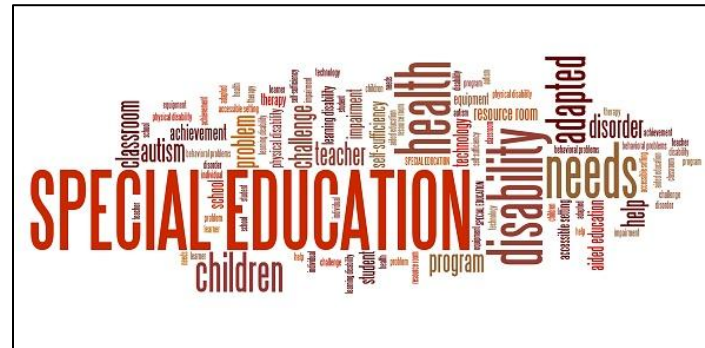
- 800-348-4232 or
- 510-644-2555 x 5227
- [iephelp@dredf.org](mailto:iephelp@dredf.org) (Email)



# Training Objectives

## UNDERSTAND:

- Laws that protect students with disabilities
- 6 Core Principles of Special Education (IDEA) law
- Cycle/Timelines of Special Education
- Advocacy tips. How can you participate effectively?



# Defining Terms:

**Child Find:** Schools have a LEGAL OBLIGATION under federal law to locate and evaluate children with disabilities who may need services and support

**Compensatory Education:** Services the public school provides to make up for failures to follow law or implement the IEP, intended to put the student back where they would be but for these failures

**FAPE:** Free, appropriate, public education --cornerstone of 504 and IDEA in education settings

**LRE:** Least Restrictive Environment. The place student stays unless THEY need pull out to meet goals based on THEIR individual goals and needs.

**IEP:** Individualized Education Program

**Parent:** Whoever holds education rights for the child. Foster parent, guardian, kinship caregiver, even Court Appointed Special Advocate may be this person

**Public School:** Includes regular, charter, county operated, juvenile hall or non-public school where a public school has placed a child through an IEP (they must monitor child's progress and remain responsible for child's education). Called the **Local Education Agency--LEA**

**Special Education:** Not a "place"--package of supports, services, specially designed instruction delivered TO student in LRE so they can make meaningful educational progress based on appropriately ambitious goals. INDIVIDUALIZED to unique needs of child/youth. 3-22 or regular diploma in CA

**Procedural Safeguards:** Specific rights under the Individuals with Disabilities Education Act (IDEA). Individuals serving as surrogate parents and students aged 18 (CA) receiving special education services are also entitled to these

# FERPA

## Family Educational Rights & Privacy Act

- Federal Education Privacy Law
- Applies to all students at school
- Timeline in CA: **5 business days of getting your WRITTEN request**

**So--What is it? FERPA Protects Student Privacy. Parent or Student 18 or older can:**

- **Look at/review** “any and all” records the district or charter school keeps
- **Correct records:** Did they get it wrong? Is there another side to the story?  
Exp: Discipline or special education assessments got important info wrong



# Section 504 of the Rehabilitation Act of 1973

- Federal **Civil Rights Anti-Discrimination** Law\
- Protects **ALL PEOPLE** with a disability that impairs one or more major life activities (learning, moving, focusing...)\
- NO discrimination allowed in **ANY** program that receives federal money
- In education, **“504 Plan”** removes barriers to learning and provides equal opportunities for student to participate
- Applies during Independent Study/Independent Study Program options  
Accommodations and supports may need adjusting through team meetings





# Section 504

If a student attends a school or program that receives ANY federal money, they are protected by Section 504

The **PURPOSE** of the 504 Plan is to “level the playing field” so students with disabilities can participate and benefit from education like everyone else

- How does Section 504 help students?

504 protects students who qualify because it provides them with a Free and Appropriate Public Education (**FAPE**) so they aren't **discriminated against** because of their disability (left out, punished, denied access)

- A **504 Plan** is designed to accommodate the student's disability so that his/her needs are met as **adequately as the needs of students without disabilities**
- Not just for public school, also applies to college, work, community activities

# Section 504

## Important:

- Eligibility: A medical diagnosis NOT required but can be helpful. You don't have to accept delays while school tells you to "go get" a MEDICAL diagnosis. Schools don't diagnose--they evaluate. This means they are responsible for gathering information and doing any testing, records review and observation they need to make a decision. You have important information to share during process
- Not just a consolation prize for not qualifying for an IEP



# Sample 504

## Accommodations

**INDIVIDUALIZED:** One size does NOT fit all. What are THIS student's barriers and how do we remove them?

Plans can include accommodations AND regular or special education support and services if needed to create access:

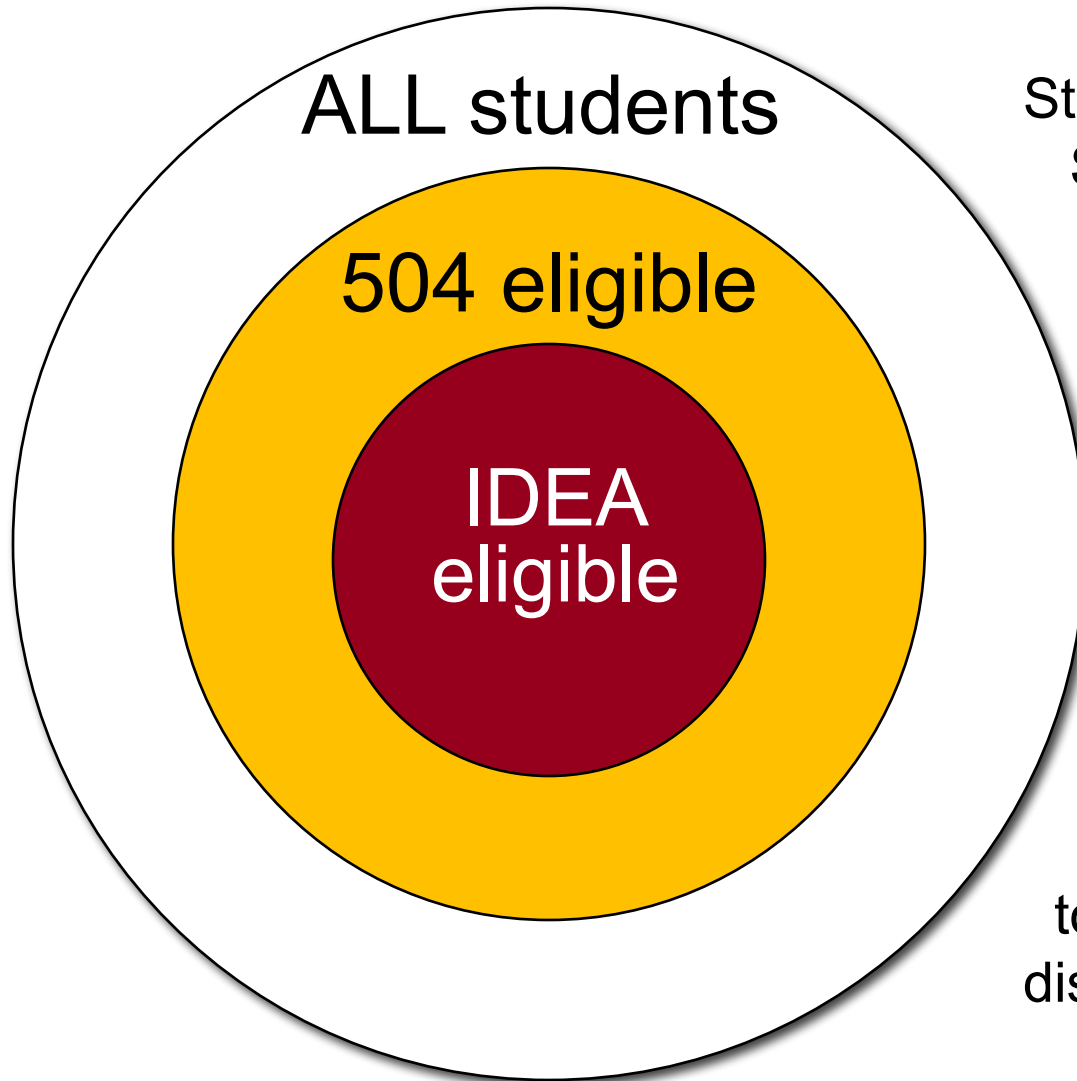
Examples:

- **Time:** More time to complete assignments; scheduled breaks/pass to library
- **Health:** Nursing care. Nut-free lunch table. Diabetes care/support. School reintegration plan after healthcare crisis
- **Service:** Related services (Speech, behavior support, OT, counseling, etc.)
- **Environment:** Distraction free room for testing, alternative location when outside air quality is poor at lunch, standing desk, sensory toolkit
- **Assistive Technology (AT):** Text to voice, voice to text, noise cancelling headphones, audiobooks, calculator, enlarged print, computer and software access, training, consultation for parents)

# Individuals with Disabilities Education Act (IDEA): Special Education

- A Federal **Education** Law / 1975
  - Students must fit at least 1 of 13 categories of disability (not medical)
  - And students also need **specialized** support and instruction to benefit from education
- Evaluations demonstrate – student cannot benefit from public schooling without specialized instruction and support***
- Provides an “**IEP**”:  
Individualized **E**ducation **P**rogram
    - specially designed instruction
    - supportive related services
    - Individualized to meet unique needs

# 504 & IDEA Relationship



Students eligible for Special Education under IDEA are protected by **504** and **IDEA**

A Student receiving special education may **also** need accommodations to prevent discrimination

# IDEA 6 Core Principles

1. Appropriate Evaluation/Assessment.
2. Free & Appropriate Public Education (**FAPE**)
3. Individualized Education Program (**IEP**) - **one size doesn't fit all!**
4. Least Restrictive Environment (**LRE**) - **Priority should be inclusion/keeping ALL students together**
5. Parent (and student as appropriate) participation/consent in the decision-making process
6. Procedural Safeguards (Rights)



# Cycle of Special Education



# Assessments

- First building block of a strong IEP
- Information gathered in variety of ways
  - Informal and formal/comprehensive
  - Exp: observations, class work, report cards, testing
- Districts/Charters must assess in all areas of suspected disability
- Parents need to provide informed consent (get your questions answered)
- Parents have a right to challenge each assessment (IEE)
- Focus on educational “identification” not medical “diagnosis”





# Independent Educational Evaluation - IEE at Public Expense

- When Parent disagrees with or challenges any evaluation/assessment district/charter has conducted
- The parent only has to state that they disagree but not required to explain why. It is helpful to state that the District Assessment is inaccurate, incomplete and incorrect
- The District must respond without “unnecessary delay.”FUND or FILE”
- District must provide their criteria and a list of providers. Parent has a right to select the provider who meets the District’s criteria
- District must pay for the cost of the IEE or file for a Hearing to defend their Assessment. **There is no third option!**



# IEP: Present Levels Of Performance

## Educational, Academic AND Functional performance\*

- How disability affects student involvement and progress in the general curriculum
- For Pre-School age children, how disability affects participation in learning activities
- \*Educational performance is a BROAD term specifically selected by Congress
- PLOP is **NOT** limited to Academic Performance (comprehensive assessment identifies ALL areas of need: functional, social/emotional, health, communication, behavior, etc)

**TIP: Parents play a big role in establishing PLOP!**

# IEP: S.M.A.R.T Goals

**SPECIFIC:** clear descriptions of the knowledge and skills that will be taught

**MEASURABLE:** how is the progress going to be measured you can count or observe it.

**ACTION WORDS:** “student will be able to...”

**REALISTIC / RELEVANT:** to child’s unique needs that result from the disability (not just academics)

**TIME-LIMITED:** what does the child need to know and be able to do after 1 year of special education? Monitored at regular intervals

# Least Restrictive Environment (LRE)

The IEP must state how much of the school day student will or will not learn with and participate with students without disabilities **AND WHY\***

- **The law is based on the idea** that students with disabilities learn with non-disabled peers
- General Education. Typical classes. Independent Study. Interacting with non-disabled peers

**Research shows that Inclusion benefits everyone**

# Time for Q&A



# Parent Consent

**\*\* IEPs are LEGALLY-BINDING documents!\*\***

Sign in that you are an IEP participant, but...

- Before **CONSENTING** (AGREEING TO SIGN) the IEP:  
Ask for copies of the IEP & other documents

**Take your time and REVIEW CAREFULLY. Request explanation, clarification, translation etc, and/or, contact your PTI for help!**

- **ASK YOURSELF:** “Would I sign any other legally-binding document without adequate time for a thorough review?”
- **KNOW THAT:** Parents/Guardians can:  
Agree to “parts” of an IEP so they can be implemented.  
Attach “**Parent Exceptions to the IEP**” outlining disagreements
- **NEVER SIGN ANY DOCUMENT UNTIL YOU FULLY UNDERSTAND IT—  
YOUR SIGNATURE IS LEGAL AUTHORIZATION!**



**TIP:** An efficient way to sign: print, sign or take a picture of a document, and email back to the school district/charter

[What to Double-Check on Your Child's IEP](#)

# Options When the IEP Team Can't Agree

- Get input from others who know about your child/situation (therapist, doctor, social worker, etc) in writing to share or invite them to next meeting
- Ask to meet with administrators or write them and ask for their help/intervention
- Call your Parent Training and Information Center for more help/options
- You have important rights--find out your options. Focus on resolving problem with the team/school whenever possible but know your next steps
- Ask for reasons why something is refused **IN WRITING (PRIOR WRITTEN NOTICE)**

# Prior Written Notice (PWN)

- When district **proposes or refuses** to do something that involves the child's identification, assessments, placement, or FAPE.  
Parent is required to receive PWN. **ASK FOR IT!**
- PWN must include:
  - (1) Description of action proposed or refused
  - (2) Explanation of why school proposes or refuses to take that action
  - (3) Each evaluation, procedure, test, report, etc. the school used as a **BASIS**
  - (4) Copy of the parent's rights to challenge the action or inaction
  - (5) Sources of advocacy assistance for parents
  - (6) Other options the school considered and why they were rejected
  - (7) Other reasons for the school's action or inaction

Tip: Watch out for one size fits all or blanket PWN



# Documenting Issues/Problems

**“If it was never written, it was never said and will never be done.”**

- Document any issues you are experiencing at home.  
Behavior/Attendance/Discipline concerns
- Collect videos, work products and other examples to share with team
- Be proactive and reach out to key administrators in writing to share concerns/request alternative dispute resolution
  - Document conversations, emails, texts and calls:  
Date. Time. Who/title. Contact info  
What was discussed. What is understood  
What is expected result. Follow up in writing



# New CA Requirement: Emergency Section in the IEP

## SB 98:

- Newly eligible students must have IEPs that include emergency section
- Existing IEPs must have an emergency section added no later than next regular IEP meeting
- Should be developed together with families/youth and individualized
- Plans must be implemented anytime schools closed more than 10 days in an emergency
- [See DREDF Special EDition](#)



# Alternative Dispute Resolution (ADR)

## Informal means to resolve disputes

- Write an effective **letter**. Create evidence and advocate FOR solutions
- Involve key stakeholders/**decision-makers**:  
Superintendent; SpEd Director; school board member
- **SELPA “Facilitated IEP”**: Neutral facilitator runs IEP
- **District level “Local/Uniform Complaint”**
- **“Mediation-Only” Request** -Office of Administrative Hearings (OAH) will send a FREE Mediator **BEFORE** filing any formal Due Process complaint FAST: in 15 days:  
[www.documents.dgs.ca.gov/oah/forms/2006/se/mor.pdf](http://www.documents.dgs.ca.gov/oah/forms/2006/se/mor.pdf)
- Call your PTI for options

# Williams Complaints

You can also file complaints related to other issues, such as illegal school fees and what are known as **Williams complaints**

Are school facilities are clean and safe?

**Do students have access to instructional materials**

Are teachers appropriately credentialed?

Always best to bring issues to attention of superintendent's office first, to try to resolve together

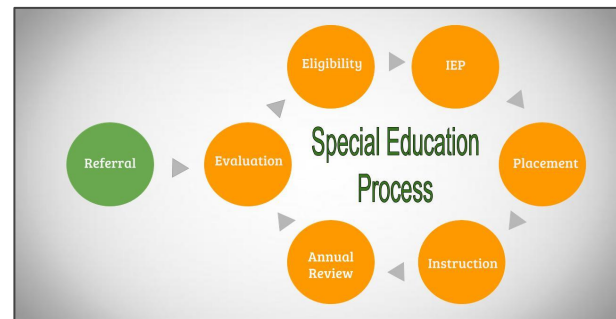
**Remember: IN WRITING**

See [ACLU Williams Complaints Information](#)



# Parent Training and Information Centers

- To find a PTI visit the [Center for Parent Information Resources](#)
- PTI are places where families can get help to understand their disabled child's education rights and learn to use them effectively
- PTIs offer free training for parent and youth with disabilities
- No family is ever turned away
- They are required by the Department of Education



# **Family Participation: Get involved! Be a Leader!**

- **NOTHING ABOUT US WITHOUT US!**
- Join your Community Advisory Committee (CACs)

Every school district/Charter school must have a Community Advisory Committee on Special Education. The purpose of the group is to provide input from parents and others about how to improve Special Education for everyone. The members are primarily parents of children with disabilities

**Check your school district/charter school website or contact your Special Education Administrator to find how to join the CAC!**

**NOTE: Now more than ever parents need to partner with educators so all students with disabilities receive meaningful educational benefit, appropriately ambitious goals and a free APPROPRIATE public education**

# Q&A - Evaluations

Please take some time to fill out the evaluation/poll while we answer your questions



# Thank you for supporting our work!

DREDF is dedicated to improving the lives of people with disabilities through education, training, legal advocacy, public policy and education development. Your gift makes it possible for us to continue to advance and protect the civil right and human rights of disabled people, including students with disabilities

Every contribution is appreciated. Donate online: <https://dredf.org/support-our-work/> or text to give: 243725; DREDF

You are welcome to donate by mail: DREDF 3075 Adeline Street, Suite 210, Berkeley, CA 94703

DREDF is a non-profit, tax exempt charitable organization under Section 501 ©(3) of the Internal Revenue Code. Donations are tax-deductible



# DREDF Resource Links

- Special Education Rights and Responsibilities (SERR)  
<https://serr.disabilityrightsca.org/>
- DOWNLOAD DREDF Training Materials & Publications!  
[www.dredf.org/special\\_education/trainings.shtml](http://www.dredf.org/special_education/trainings.shtml)  
[www.dredf.org/publications/publications.shtml](http://www.dredf.org/publications/publications.shtml)  
[www.dredf.org/special\\_education/special\\_ed\\_resources.shtml](http://www.dredf.org/special_education/special_ed_resources.shtml)
- DREDF: [www.dredf.org](http://www.dredf.org)
- CDE Special Education: [www.cde.ca.gov/sp/se](http://www.cde.ca.gov/sp/se)
- Disability Rights CA (DRC): [www.disabilityrightsca.org](http://www.disabilityrightsca.org)
- OSEP: [www.osepideasthatwork.org](http://www.osepideasthatwork.org)
- OCR: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>
- Wrightslaw: [www.wrightslaw.com](http://www.wrightslaw.com)

# Where to get help



DREDF provides information and training to parents/guardians of school-age children with disabilities (up to age 26), and professionals who serve these students and their families. To see the Northern California counties that we serve, visit <https://dredf.org/special-education/students-k-12/>

Contact us to request help from an **Education Advocate!**

**Phone:** 510.644.2555 ext. 5227  
**Toll Free:** 800.348.4232  
**Fax:** 510.841.8645  
**Email:** [iephelp@dredf.org](mailto:iephelp@dredf.org)  
**Website:** [www.dredf.org](http://www.dredf.org)  
**Facebook:** [www.facebook.com/dredf.org](http://www.facebook.com/dredf.org)