Basic Rights & Strategies

Presented by: Christine Riley
Cape Cod Advocate



Agenda

The Law

Federal and State Special Education Laws

Additional Federal and State Education laws

Disability-Related/Civil Rights Laws

Steps in the IEP Process

Referral/Evaluation/Eligibility

IEP Development

Placement

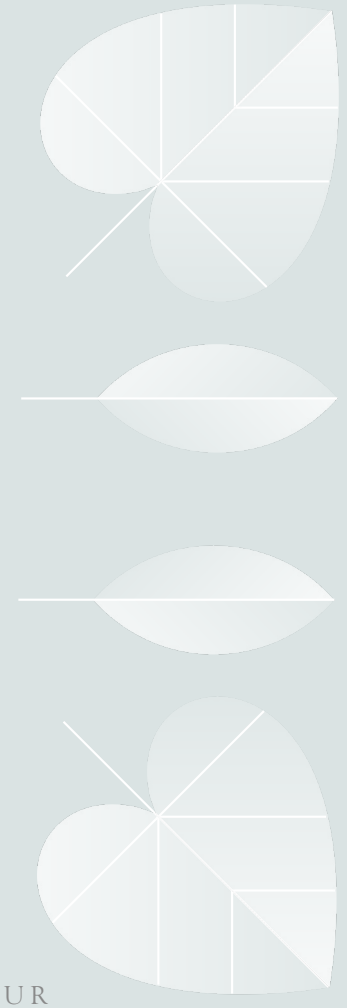
Resolving Differences

Resources



Civics Lesson

- A law or statute is passed by the legislative branch and signed by the executive branch of government.
- Once signed, the overseeing department develops regulations to implement the law.
- School districts create policies and practices which must be in keeping with the law and in compliance with regulations.



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Special Education Laws

Federal

Individuals with Disabilities Education Improvement Act (IDEA 2004)

http://idea.ed.gov/download/final regulations.html

State

Massachusetts Special Education law

Previously referred to as "Chapter 766"

http://www.doe.mass.edu/sped/

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IDEA 2004
Guiding Principles

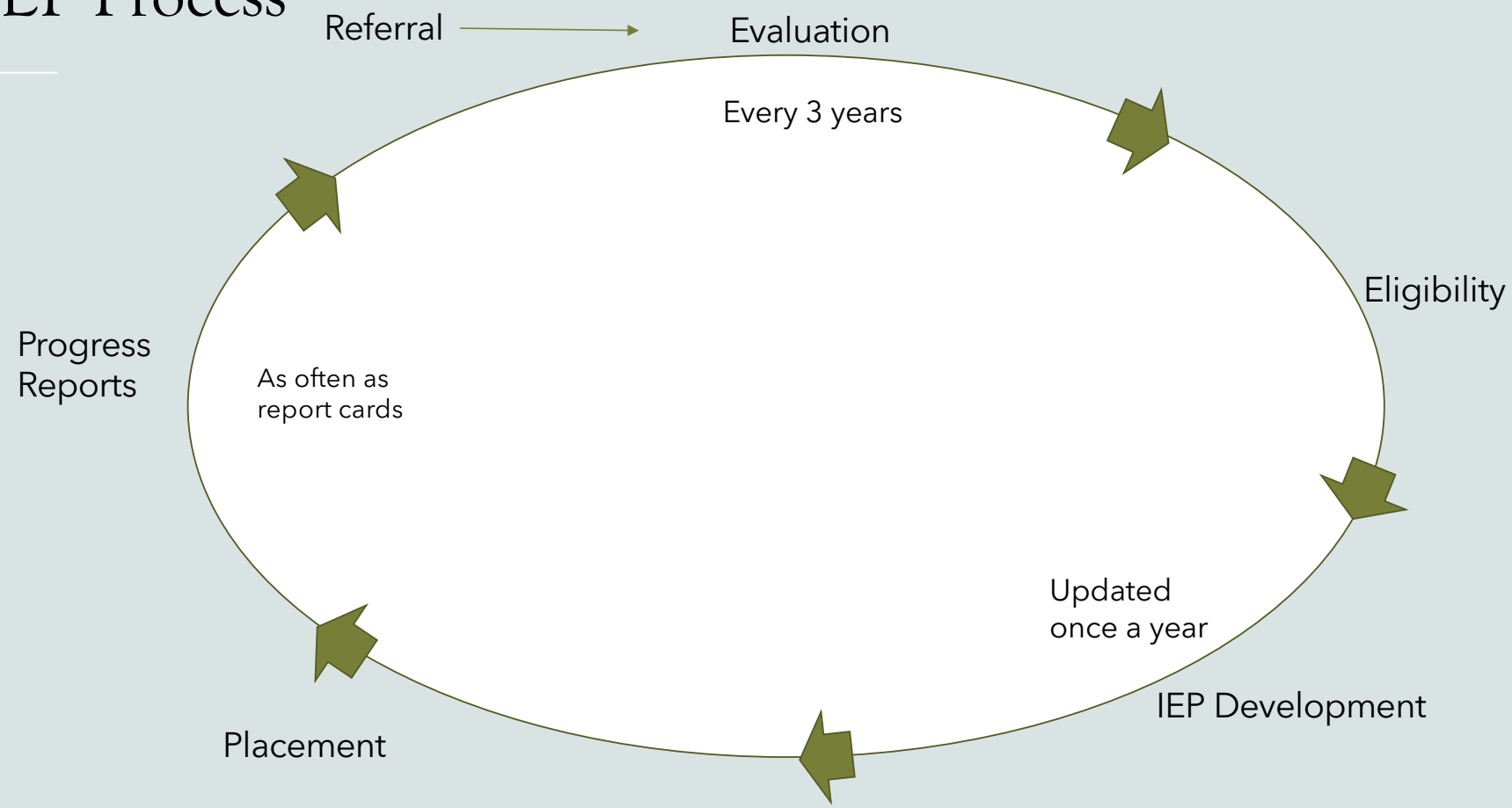
- Parent and Student Participation
- Appropriate Evaluation
- Individualized Education Program (IEP)
- Free and Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Procedural Safeguards (Due Process)

No Child Left Behind Every Child Succeeds Act

- Created state-wide assessment system (MCAS)
- Requires scientifically based research for teaching and High Qualified teachers
- Provides local control of funding and curricula
- Encourages parent and professional partnerships

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IEP Process


Referral
Evaluation
Every 3 years
Eligibility
Updated
once a year
IEP Development
Placement
Progress
Reports
As often as
report cards

Timelines

Referral: Anyone (including parents) can identify a child as possibly needing special education and related services

Consent: Within 5 school days of receipt of a referral, the school district notifies the parent and asks for written permission to evaluate

Evaluation: Within 30 school days of consent, credentialed trained specialists complete the evaluation

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Consent to Evaluate

Within 5 days of referral, the school district provides a Consent to Evaluate form –

TYPE OF ASSESSMENTS: ***A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. [Check yes or no for each assessment.]***	**RECOMMENDED**	
	YES	**NO**
Assessment in All Areas Related to the Suspected Disability(ies) – describes the student's performance in any area related to the child's suspected disability(ies). List recommended assessment(s): _____ – _____ _____ __		
Educational Assessment – includes the history of the student's educational progress in the general curriculum and includes current information on the student's performance.		
Observation of the Student – includes the student's interaction in the student's classroom environment or in a child's natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student's education.		
Psychological Assessment – describes the student's learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student's education and, with written consent, may include a home visit.		

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The Evaluation Period

Parents have an opportunity to meet with special education liaison to discuss:

- Concerns and/or information about the child
- Reasons for the referral
- Who the evaluator will be
- Scope of the evaluation
  - *Agree to some or all of the proposed assessments*
  - *Ask for additional assessment*
  - *Ask the school to accept an outside evaluation*



Evaluation data drives the eligibility process

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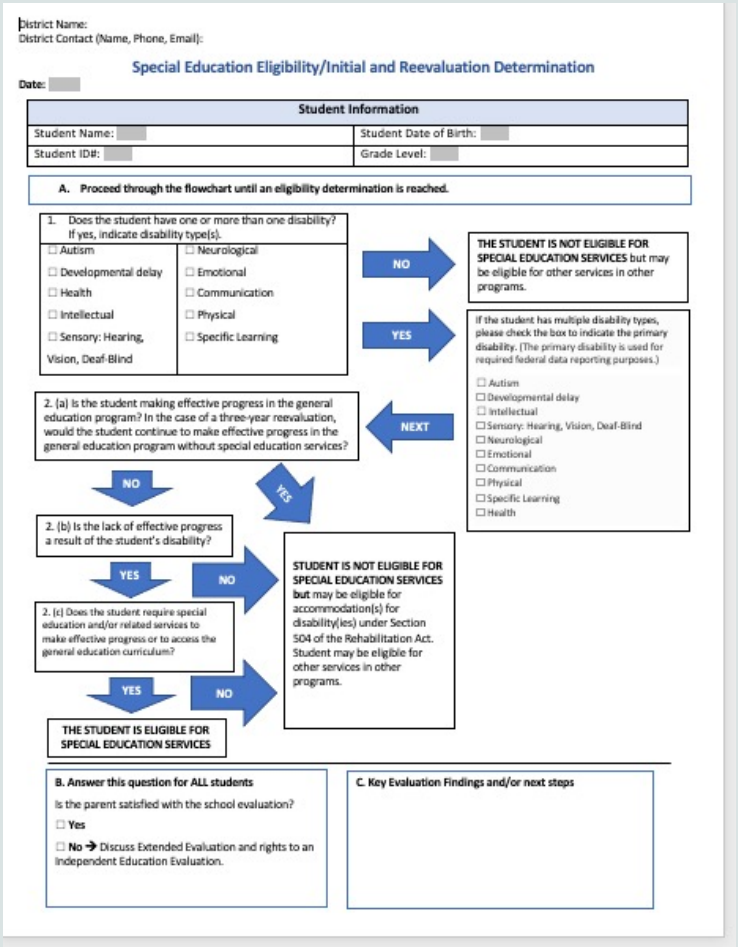
Eligibility Meeting

Within 45 school days from the signing of the consent, a meeting is scheduled to discuss report findings and to determine eligibility

Who attends the meeting?

- *Parents*
- *The Student, when appropriate (age 14)*
- *Regular Education Teacher*
- *Special Education Teacher*
- *Someone who is qualified to interpret evaluation results*
- *A district representative who is knowledgeable about available resources and who can commit funds*
- *An Advocate*

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District Name:
District Contact (Name, Phone, Email):

Special Education Eligibility/Initial and Reevaluation Determination

Date:

Student Information	
Student Name:	Student Date of Birth:
Student ID#:	Grade Level:

A. Proceed through the flowchart until an eligibility determination is reached.

1. Does the student have one or more than one disability? If yes, indicate disability type(s).

☐ Autism	☐ Neurological
☐ Developmental delay	☐ Emotional
☐ Health	☐ Communication
☐ Intellectual	☐ Physical
☐ Sensory: Hearing, Vision, Deaf-Blind	☐ Specific Learning

NO → **THE STUDENT IS NOT ELIGIBLE FOR SPECIAL EDUCATION SERVICES** but may be eligible for other services in other programs.

YES → If the student has multiple disability types, please check the box to indicate the primary disability. (The primary disability is used for required federal data reporting purposes.)

☐ Autism
☐ Developmental delay
☐ Intellectual
☐ Sensory: Hearing, Vision, Deaf-Blind
☐ Neurological
☐ Emotional
☐ Communication
☐ Physical
☐ Specific Learning
☐ Health

NEXT ← 2. (a) Is the student making effective progress in the general education program? In the case of a three-year reevaluation, would the student continue to make effective progress in the general education program without special education services?

NO → 2. (b) Is the lack of effective progress a result of the student's disability?

YES → 2. (c) Does the student require special education and/or related services to make effective progress or to access the general education curriculum?

YES → **THE STUDENT IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES**

NO → **STUDENT IS NOT ELIGIBLE FOR SPECIAL EDUCATION SERVICES but** may be eligible for accommodation(s) for disability(ies) under Section 504 of the Rehabilitation Act. Student may be eligible for other services in other programs.

YES → **STUDENT IS NOT ELIGIBLE FOR SPECIAL EDUCATION SERVICES but** may be eligible for accommodation(s) for disability(ies) under Section 504 of the Rehabilitation Act. Student may be eligible for other services in other programs.

B. Answer this question for ALL students

Is the parent satisfied with the school evaluation?

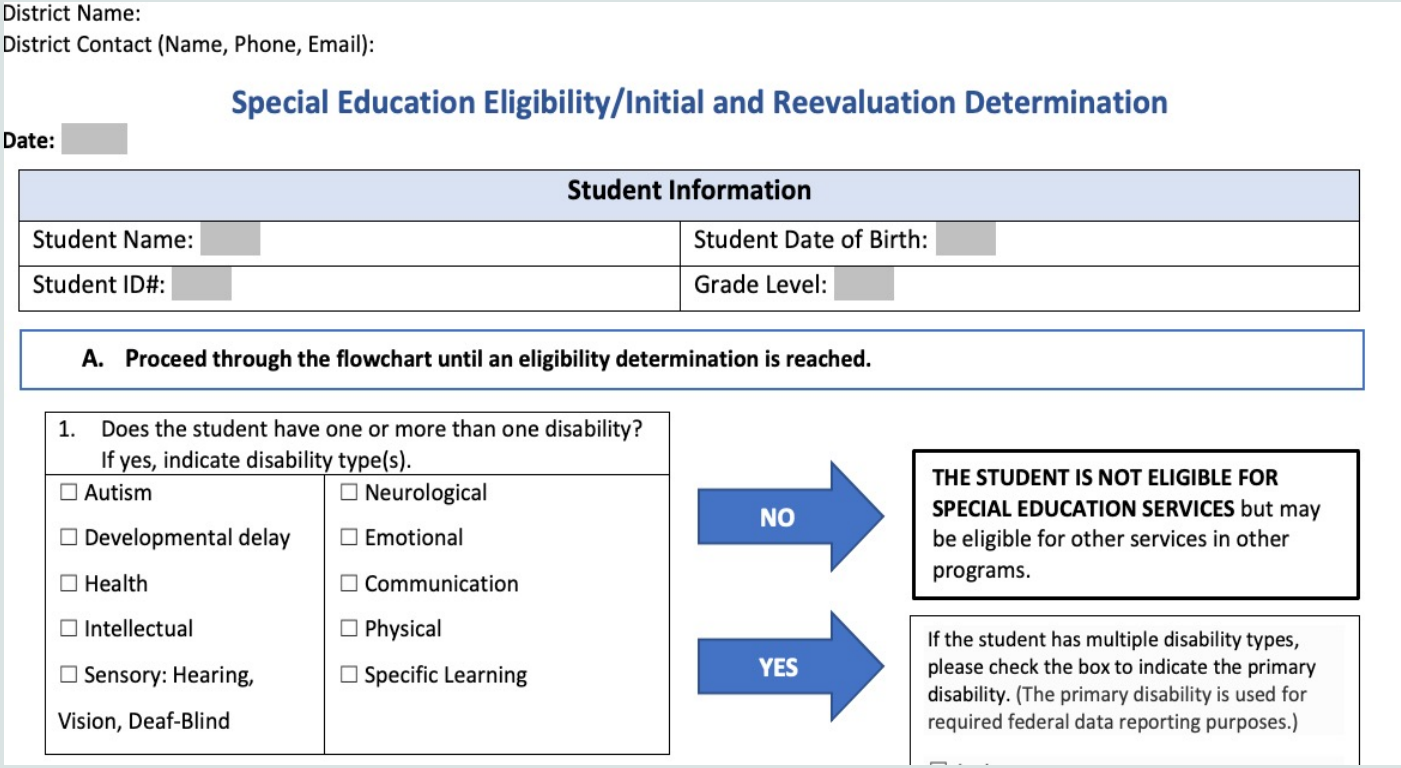
☐ **Yes**

☐ **No** → Discuss Extended Evaluation and rights to an Independent Education Evaluation.

C. Key Evaluation Findings and/or next steps

Eligibility Flow Chart

Question 1



District Name:
District Contact (Name, Phone, Email):

Special Education Eligibility/Initial and Reevaluation Determination

Date:

Student Information	
Student Name:	Student Date of Birth:
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A. Proceed through the flowchart until an eligibility determination is reached.

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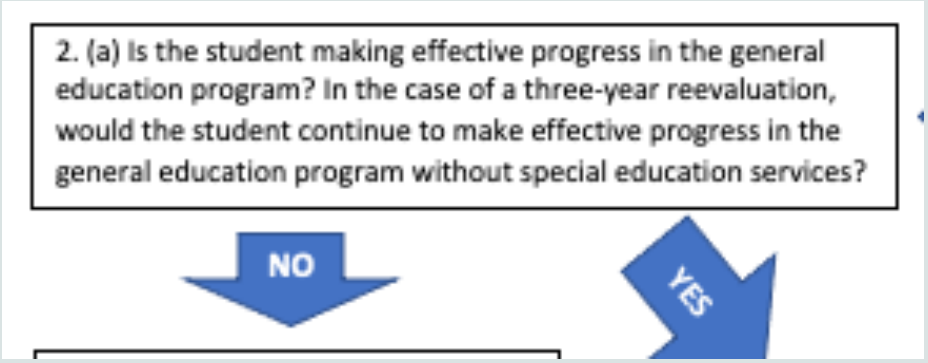
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YES → If the student has multiple disability types, please check the box to indicate the primary disability. (The primary disability is used for required federal data reporting purposes.)

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Question 2 (a)



Is the child making effective progress in school?

Effective progress is documented growth

In knowledge and skills (including social/emotional skills)

With or without accommodations

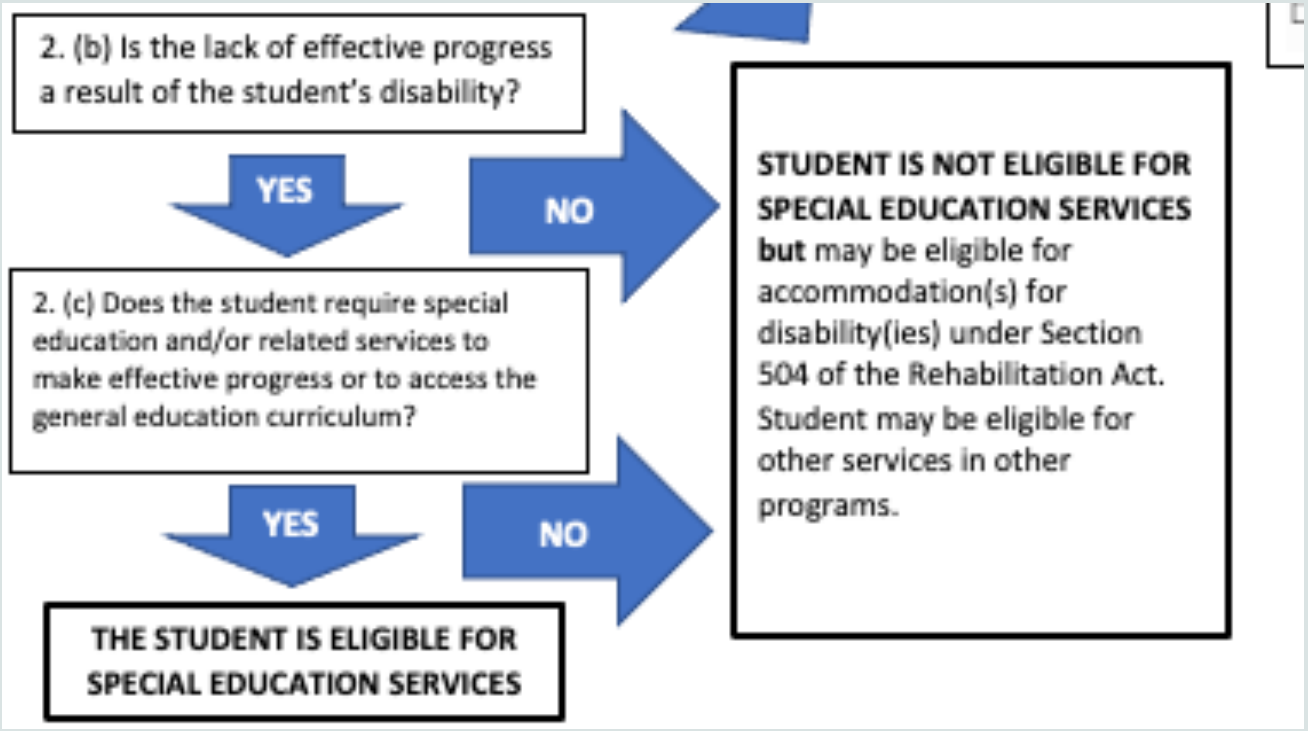
According to the chronological age and development expectations

According to the individual educational potential of the child

According to the MA Curriculum Frameworks

PQA = consider the last 12 calendar months

Question 2 (b) & (c)

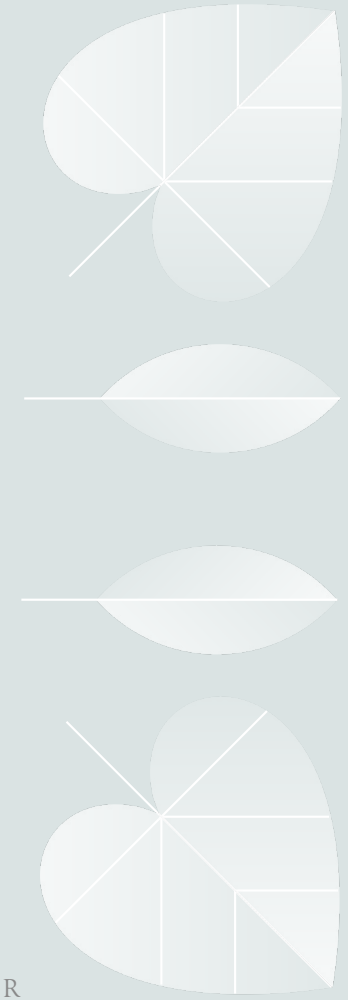


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Eligibility Determination

An IEP is developed that

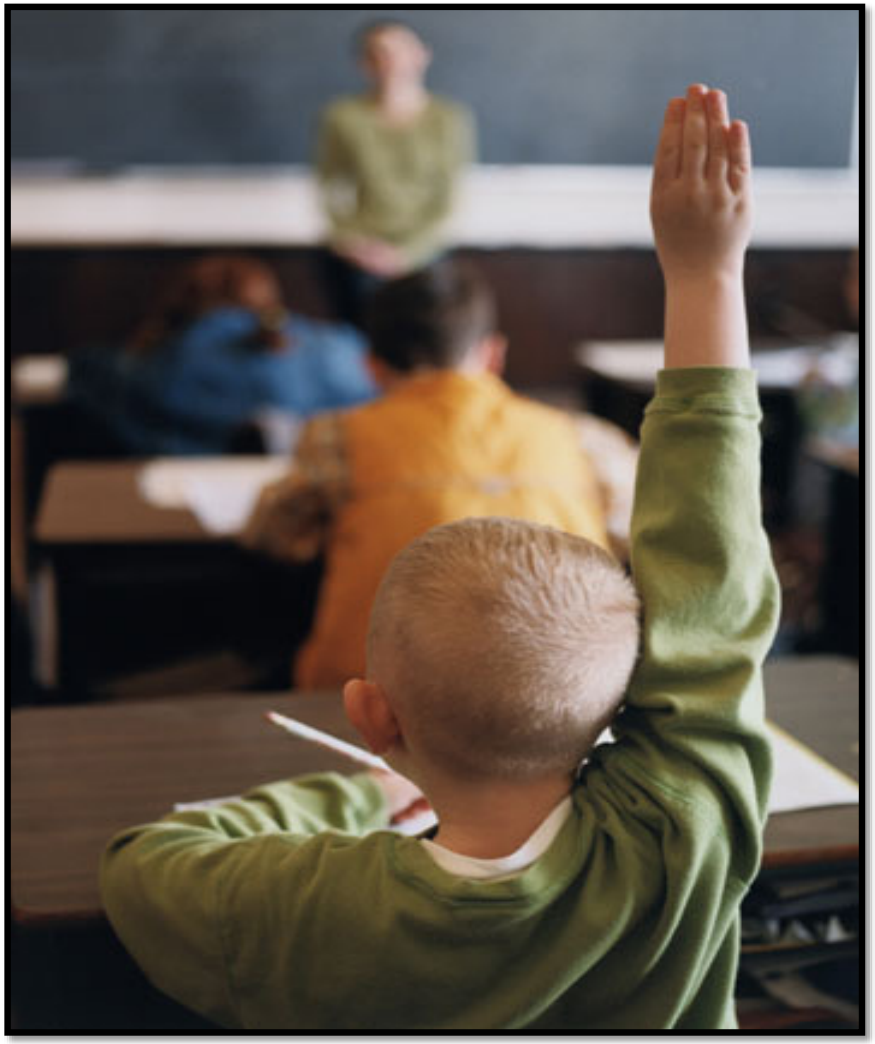
* Is individually tailored to the student
* Describes in detail the special education and related services the district will provide to meet the student's individualized needs



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If the child is not found eligible

- Parents are notified in writing within 10 school days
- The school district may agree that the child has a disability and offer a Section 504 plan
- Parents can reject finding of no eligibility then request an independent evaluation and re-determination of eligibility
- A child dropped from an IEP has stay-put rights if parents request mediation or a hearing



Your child has been found eligible

- Student/Parent Concerns
- Student & Team Vision
- Student Profile
- Present Levels of Academic Achievement & Functional Performance

  Academics

  Behavioral/Social/Emotional

  Communication
- Transition Planning
- Accommodations/Modifications
- Goals
- Service Delivery
- State or District Wide Assessments
- ESY delivery grid
- Additional Information
- Response Section
- Placement

Student/Parent Concerns

- The Foundation and the guiding influence for the IEP and much more student-focused

  Consider:

  - What are the areas that need to be addressed this year
  - Which skills should be stronger
  - Academic Strengths

    Good reading comprehension

    Excellent creative writing skills

Student & Team Vision

Ages 3 – 13

This year, I want to learn:

By the time I finish (elementary or middle school), I want to

While I am in high school, I want to:

After I finish high school, my education or training plans are:

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Student & Team Vision

Age 14 – 22

While I am in high school, I want to:

After I finish high school, my education or training plans are:

After I finish high school, my employment plans are:

After I finish high school, my independent living plans are:

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Additional Team Vision and Student Profile

Team Vision

In response to the student's vision, this year:

In response to the student's vision, in 5 years:

Student Profile

Disability Categories

English Language Learner

Assistive Technology

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Present Levels of Academic Achievement & Functional Performance

- Academics

  Current Performance

  - Last year's data
  - New special ed assessment results
  - MCAS results
  - Grades and observations
  - Tutoring info, etc.

  Strengths, Interests and Preferences

  Impact of student's disability

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Present Levels of Academic Achievement & Functional Performance

- Behavioral/Social/Emotional

  Summaries of previously complete assessments

  Strengths, interest areas

  Impact of the disability

  - Bullying
  - Social Skills
  - Behavior Support Plan

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Present Levels of Academic Achievement & Functional Performance

- Communication

  Summaries of previously completed assessments

  Strengths, interest areas

  Impact of the disability

    - AAC devices

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Transition Planning

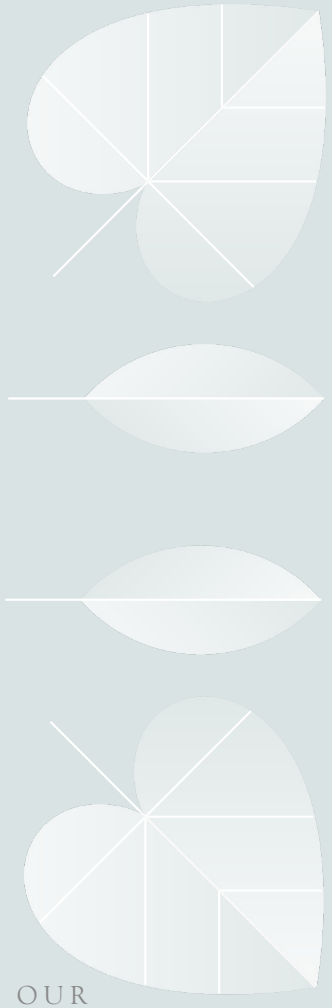
- Completed for students 14 – 22

  If student is 13 at time of writing IEP and will be turning 14 during the IEP period, this portion of the plan is completed

  Graduation date

  Planned course of student

  - Credit deficient



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COMMUNITY & INTERAGENCY INFO

IDENTIFYING POST-SECONDARY SERVICE AGENCIES

TRANSFER OF RIGHTS

(TURNING 18)

688 REFERRAL





Accommodations v Modifications

Accommodations

- Changes within the learning environment – allowing access to the same information
- Extended time for testing
- Preferential seating
- Voice recognition software
- Enlarged Font

Modifications

Changes **what** is taught

- A change in what a student is expected to learn and/or demonstrate
- While a student may be working on modified course content, the subject area remains the same as the rest of the class

Goals & Objectives

- These goals should relate to the student's unique needs and promote student participation and progress in the age-appropriate activities in the least restrictive environment

To ensure a goal is measurable

Baseline Data

Targets a specific skill

Identifies the criteria for measuring progress

Method

Schedule

Who is responsible

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Service Delivery Grid

- a/k/a The Game Plan

What are the total service delivery needs of this student?

Include: related services, program modifications and supports (positive behavior supports, teacher/parent training)

Indirect Services

Direct Services (in general ed classroom)

Direct Services (other settings)

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Service Delivery Grid

SERVICE DELIVERY FOR EXTENDED SCHOOL YEAR SERVICES

Describe the specially designed instruction, related services, and supports that the student needs during extended school year to receive a free appropriate public education.

Goal Number(s)	**Type of Service**	**Provided by** List job title	**Location**	**Frequency/Duration** __ × __ minutes per ___- day cycle	**Start Date**	**End Date**
A. Consultation (Indirect Services to School Personnel and Parents)						
B. Special Education and Related Services in General Education Classrooms (Direct Service)						
C. Special Education and Related Services in Other Settings (Direct Service)						

Statewide Assessments (MCAS page)

Especially important to review accommodations and amend IEP accordingly

Accommodations that are typically provided during a school assessment, should be provided for MCAS

Types of participation:

Standard, with accommodations or alternative assessment

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ESY Service Delivery Grid

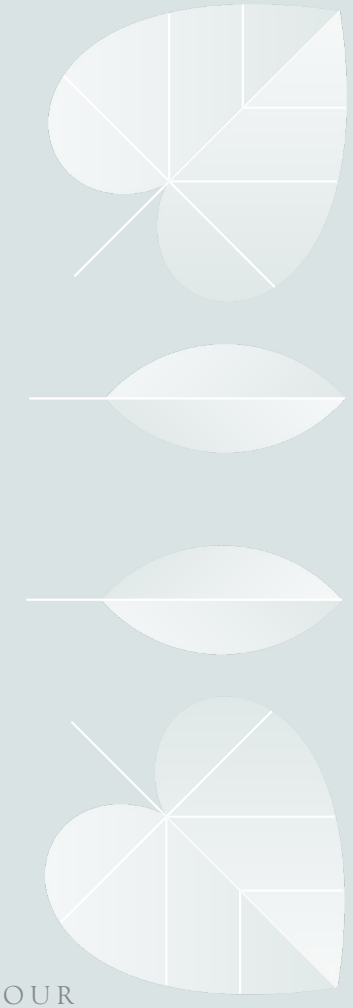
- Looks just like the academic year progress report, the difference:

  specifically related to services provided over the summer

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Additional Information

- Not sure where to include student-specific information in the IEP? Add it to additional information section!



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Placement

- Program before placement
- Individually determined, based on IEP
- First consideration must be general education with supplemental services and supports
- Must be in the “least restrictive environment” (LRE)
- LRE: “to the maximum extent appropriate children with disabilities are educated with children who are not disabled.”

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Required action

- Parents decide: Parents need to respond to the proposed IEP services and placement within 30 calendar days of the receipt of the IEP

- Services begin: If parents agree with the proposed IEP, the services begin immediately, once it is signed and returned to the district

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Required Action

- Parent Options – Within 30 Days
  - IEP
    - *Accept the IEP as developed*
    - *Reject the IEP as developed*
    - *Reject portions of the IEP*
    - *Request a meeting to discuss rejected IEP*
  - Placement
    - *Accept Placement*
    - *Reject Placement*



TIPS:

You can reject the lack of services

Portions not rejected are accepted & implemented

You may reject an IEP at any time

Do not reject your first IEP in full – accept something

No stay put rights on IFSP

After services begin

Progress reports: Parents receive progress reports as frequently as report cards

Annual review: At least annually the team reviews and rewrites the IEP

Reevaluation: Every three years the school re-evaluates the child unless the parent and school agree that re-evaluation is not necessary

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Modifying the IEP

Amend or modify IEP: Parents and school districts may agree to change an IEP without a meeting, after the annual IEP meeting, without redrafting the entire IEP.

Parent consent is still required for all changes to the IEP and must be in writing.

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Resolving differences

Independent Educational Evaluations (IEE)

If the parent disagrees with the Team about eligibility, program, placement or services, the parent should request an IEE in any or all areas assessed.

- *Parents need to request the IEE within 12-16 months of the school's evaluation*
- *Only one IEE in each area each year*



Resolving differences

Independent Educational Evaluations

If the parent requests an IEE

Within 5 days the district either:

Agrees to pay or

Initiates a hearing to show their evaluation was comprehensive and appropriate

The parent chooses an independent evaluator. The school district only required to pay the rate set by the state.

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Resolving differences

IEE Team Meeting

Within 10 days of submission, the Team is reconvened

to consider the results and

discuss how to include the results in the IEP

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Resolving Differences

Appeals

At the BSEA there are number of options to consider:

Facilitated Team Meeting

Mediation (can be requested at any time)

Advisory Opinion

Resolution Meeting & Hearing

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Resolving Differences

If the IEP process is not followed or Services are Not provided as agreed

Contact the

Massachusetts Department of Elementary and Secondary Education

Program Resolution Services

781-338-3700

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Resources

Massachusetts Department of Education

http://www.doe.mass.edu

Federal for Children with Special Needs

http://www.fcsn.org

617/236-7210

Thank you

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