

PARENTS

RIGHTS

UNDER IDEA



# BRIEF HISTORY OF IDEA

- The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.
- 1975 Congress enacted the Education for all Handicapped Children Act – ancestor to the Individual Disability Education Act (IDEA)
- Federal grant money allotted to each state to educate children with disabilities with the condition that states would comply with goals and procedures set forth in the legislation

# HISTORY CONT.

The last amendments were enacted in 2004 and effective in July of 2004.

- Foundation of legislation remains the same:
  - Ensuring access to a Free Appropriate Public Education (FAPE)
  - Ensuring the child's and their parents rights are protected
  - Assistance to states, educational service agencies, localities, and Federal agencies to provide for the education

# Disabilities Recognized under IDEA

- ADD/ADHD
- Autism
- Deaf-Blindness
- Deaf-Hearing Impairment
- Developmental Delay (Early Childhood)
- Emotional Disability
- Intellectual Disability (Includes Down Syndrome)

# Disabilities Cont.

- Neurological Impairment (CP, Epilepsy, Seizure Disorders)
- Orthopedic Impairment (Physical)
- Other Health Impairment (Medically Fragile, At Risk)
- Specific Learning Disability
- Speech Language Impairment
- Traumatic Brain Injury
- Visual Impairment (Including Blindness)

# Part B and Part C

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- Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C.
- Children and youth (ages 3-26) receive special education and related services under IDEA Part B.

# IDENTIFICATION

- Often referred to as “child find”
  
- Statewide ID system includes at least the following:
  - Public awareness program with preparation and dissemination by the lead agencies
  - Information provided to parents regarding the availability of early intervention services under Part C (DDS) (for children birth to 3)

# REFERRAL

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- Referral may be made by any individual with pertinent information about the child
- Referral may be made any time and should be in writing, dated, and copied for parent file



# REFERRAL CONT.

- Upon receipt of the referral request, the school notifies the parent of conference date within seven days
- Referral conference must be held within 21 days from the date of the referral request
- Referral conference must be attended by a minimum of three persons: principal or designee, the teacher directly involved with the education of the student, and the parent

# REFERRAL OUTCOMES

- Further testing/evaluation is necessary to determine eligibility. RTI may begin at this point.
- Not eligible for IDEA however may be eligible for other educational services such as Section 504
- Child determined not eligible for IDEA

# RESPONSE TO INTERVENTION

- Identification of child who struggles educationally and to ensure that child receives the appropriate instruction or intervention for success
- Universal or school – wide screening
- Progress monitoring

# RESPONSE TO INTERVENTION CONT.

- High-quality, research-based instruction and interventions
- Requests for referral for special services can be made any time and regardless of where your child is in the RTI process
- Determination of eligibility as a student with specific learning disability (placement in special education or 504 services)

# EVALUATION

- To determine a possible disability which adversely affects educational performance and possible needs for special designed instruction
- Evaluation must be completed within 60 calendar days of the referral conference decision notification to the parents

# EVALUATIONS CONT.

- Appropriate evaluation includes:
  - Information from the school
  - Information from the home
  - Information from significant community sources
- Types of evaluations:
  - Comprehensive
  - Specialized
  - Initial
  - Independent
  - Specific Learning
  - Re-evaluations

IEP: The process and the document that outlines what a free appropriate public education (FAPE) in the least restrictive environment (LRE) is for an individual child.

# IEP

- Document containing a written statement of the educational programs designed to meet the individual needs of the child
  - Set reasonable, **measurable** learning goals
  - Services that the public agency (school) will provide
- TEAM
  - Parents, child (when appropriate), educational teacher, principal/designee, and others



# The IEP Team includes:

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- The student's parents;
- At least one regular education teacher;
- At least one of the student's special education teachers;
- A representative of the school district (usually the LEA or principal) who is qualified to provide, or supervise providing, specially designed instruction;

## IEP team (cont)

- An individual who can interpret how the information from evaluations can impact the child's instruction;
- Individuals who have knowledge or special expertise regarding the child, including related service personnel;
- The student, whenever appropriate

# Components of the IEP

1. A statement of the student's present levels of academic achievement and functional performance, including:
2. A statement of measurable annual goals, including academic and functional goals.
3. A statement about how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making will be provided.

## Components (cont)

4. A statement of the special education and related services and supplementary aids and services.
5. An explanation of the extent that the student will **not** participate with typical students in the regular classroom.
6. A statement of any individual appropriate accommodations that are necessary to measure academic achievement and functional performance on state and district-wide assessments.

# RELATED SERVICES

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- Occupation therapy, Physical therapy, Speech Language therapy
- Transportation
- Assistive technology
- Supportive services
- Others

# Consideration of Special Factors

- Generally when writing the IEP, the team must take into account the student's strengths, parent's concerns for enhancing their child's education, the results of the most recent evaluation, and the student's academic, developmental, and functional needs.
- In addition, there are special factors that must be considered. . .

# Specific Services and Modifications

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- The IEP team must include a statement of the special education and related services and supplemental aids and services to be provided.
- Once a service has been specifically written into the IEP, then additional information must be included in the IEP.

# Reviewing, Revising and Amending

- The IEP must be reviewed at least annually, but it can be reviewed more frequently if necessary.
- The IEP team can meet and review the IEP as necessary to address concerns or make amendments as needed.



# Extended School Year Services

- Extended School Year:
  - ▣ Factors Team Must Consider
    - Regression and Recoupment
    - AYP, lack of Progress towards Goals and Objectives

# Transition Services

- Transition services must be included in the first IEP that will be in effect at the time the student turns 16.
- Transition services are a coordinated set of activities that facilitate moving the student from school to post-school activities smoothly.

# DUE PROCESS

- Disagreement
- Mediation
  - Forms completed and submitted
  - Requested by parent(s) or school
- File complaint
  - Forms completed and submitted
- Fair hearing

# Copies are Important!

- Never leave an IEP meeting without:
  - ▣ A copy of the IEP (if changes are made)
  - ▣ Copies of anything you've signed
  - ▣ A copy of the conference decision
  - ▣ A positive attitude

# Thank you for your participation!



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