****

**DC AP SESSION 4 TABLE OF CONTENTS:**

**INCLUSIVE EDUCATON**

|  |  |
| --- | --- |
| Table of Contents | Pages |
| Session Four Agenda | 3 |
| Objectives: Competencies & Skill Sets  | 5 |
| Homework: Community Involvement & Homework Sheet | 7 – 9 |
| Long-Term Project Assignment | 11 |
| DCAP Session 5 Field Trip Information | 13 |
| List of Education Resources | 15 – 26 |
| NCLD’s IDEA Parent Guide | 27 |
| IDEA Overview | 29 – 44 |
| ADA / IDEA / 504 Comparison  | 45 – 50 |
| IEP Team Members | 51 – 54 |
| You & Your Student’s IEP Meeting | 55 – 58 |
| What is Inclusion | 59 |
| Benefits of Inclusive Education | 61 |
| IEP | 63 – 66 |
| Glossary of Education Terms for People with Disabilities  | 67 – 72  |
| Events |  |
|  |  |

**SESSION 4 AGENDA: INCLUSIVE EDUCATION**

|  |  |
| --- | --- |
| Time | Topic |
| 12:00 PM – 12:45 PM | Working Lunch – Discussion on Sessions 1-3 / Review Session 3 Homework / Review Session 4 Packet* What have we learned?
* What can DC AP do better?
* Community Involvement: What events did you attend?
 |
| 12:45 PM - 1:00 PM | Break  |
| 1:00 PM – 2:30 PM | Local DC Inclusive Education Panel with SchoolTalk DC |
| 2:30 PM – 2:45 PM | Break |
| 2:45 PM – 3:00 PM  | Videos on Student-Led Individualized Education Program |
| 3:00 PM – 4:30 PM | National Perspective on Inclusive Education – Speaker Sue Swenson |
| 4:30 PM – 5:45 PM  | Individualized Education Program (IEP) Jeopardy <https://jeopardylabs.com/play/iep-jeopardy-game>  |
| 5:45 PM – 6:00 PM  | Break |
| 6:00 PM – 7:00 PM  | Dinner* Work with teams on Long-Term Project Assignment
* Information on Session 5 Field Trip / Logistics
 |
| 7:00 PM – 7:30 PM  | Homework Review & Long-Term Project Activity / Q&A |
| 7:30 PM – 8:00 PM | Complete Evaluations & One-on-One Assistance |

**SESSION 4 OBJECTIVES – COMPETENCIES & SKILL SETS**

**Inclusive Education, IDEA, & Early Intervention**

**Competencies**

Partners will begin to understand:

* The concept of inclusive education and its benefits to all students
* How to be effective in IEP/504 meetings
* The histories and basic concepts of IDEA and Section 504
* Parent and children rights under special education law
* What Early Intervention Services are and how to access them
* How to engage students in the IEP process

**Skill sets**

Partners will begin to learn:

* How to respectfully negotiate
* How to achieve results in meetings
* How to think creatively to achieve goals

**SESSION 4 HOMEWORK – COMMUNITY INVOLVEMENT**

There are 3 sections in this assignment. Please write up your answers on the Community Involvement Hand-In Sheet and be prepared to turn it in at our next session on September 13th.If you have any questions or need any assistance, call or email Carly Fahey (202-822-8405 x122) faheyc@iel.org or Jessica Fuentes-Diaz (202-822-8405 x144) fuentesdiazj@iel.org.

**Section 1: Use Your Resources**

Review your resource packet and select one of the resources of interest to you. Answer the Section 1 questions about the resource on the Community Involvement Hand-in Sheet.

**Section 2: Explore the Community**

There are many events in the community that are relevant to disability advocacy. Pick one (or more!) events to attend from the event section of the packetand answer the Section 2 questions about it on the Community Involvement Hand-in Sheet.

**Section 3: Prepare for What’s Ahead**

Next month’s topic is on *Integrated Employment*. **Select one national employment data statistic and one local employment data statistic from either of the links below**. Answer the Section 3 questions about it on the Hand-in Sheet.

**National Employment Data**

<http://www.dol.gov/odep/topics/DisabilityEmploymentStatistics.htm>

[http://www.disabilitycompendium.org/docs/default-source/2015-](http://www.disabilitycompendium.org/docs/default-source/2015-compendium/annualreport_2015_final.pdf)  [compendium/annualreport\_2015\_final.pdf](http://www.disabilitycompendium.org/docs/default-source/2015-compendium/annualreport_2015_final.pdf)

**DC Employment Statistics**

<http://www.disabilitystatistics.org/StatusReports/2013-PDF/2013-StatusReport_DC.pdf>

<http://disabilityplanningdata.com/site/state_population_table.php?state=washingtondc>

**SESSION 4 HOMEWORK – COMMUNITY INVOLVEMENT**

**Homework Sheet**

You will hand in this form at Session 5 on Friday, September 13, 2019.

**NAME:**

**DATE:**

Please write up the answers to the questions you have selected. This must be handed in at the next DC AP session - Friday, September 13th. If you have any questions or need any assistance, call or email Carly Fahey (202-822-8405 x122) faheyc@iel.org or Jessica Fuentes-Diaz fuentesdiazj@iel.org.

**Section 1: Use Your Resources**

Choose at least one article or resource in the packet and answer these questions:

1. Which resource did you select?
2. How does the information in this resource add to what you learned in class?

1. How will you use this information in your advocacy work?

**Section 2: Explore the Community**

1. Which event did you attend?
2. What did you learn at this event?
3. Did you testify, ask questions, or talk to anyone at the event? If yes, what did you talk about?
4. Would you be interested in going to another event like this one?

Yes or No.

**Section 3: Prepare for What’s Ahead**

1. Which national statistic did you select that you might use in a report or testimony on employment of individuals with disabilities in the US?
2. Which DC statistic did you choose on employment of residents with disabilities?
3. What is the date the DC statistic was published or posted? What is the time period during which the data was collected?
4. What is the date the national statistic was published or posted? What is the time period during which the data was collected?
5. What is the name of the organization or author of the DC statistic?
6. What is the name of the organization or author of the national statistic?
7. Do you think the information is accurate?

Yes, No, or Not Sure.

Why or why not?

**SESSION 4: LONG-TERM PROJECT ASSIGNMENT**

**NAME:**

This must be handed in at the next DC AP session - Friday, September 13th. If you have any questions or need any assistance, call or email Carly Fahey (202-822-8405 x122) faheyc@iel.org or Jessica Fuentes-Diaz fuentesdiazj@iel.org.

All projects should have been approved by now. As you move forward you may find that your plans are bigger than you thought and this project may take longer than you thought. If that is the case, there are two things you can do:

1. Narrow the scope of your project work OR
2. Keep the current plan and identify the initial steps in accomplishing your goal. This can be Part 1 of the Long-Term Project to be completed in November and presented in December. You will need to discuss this approach with Carly or Jessica and outline both Phase 1 and Phase 2 to show how the project will be completed and when following graduation.

**REMEMBER:**

Your project must:

* Have the potential to impact a group of people.
* Bring about some change.
* Show a result, whether it is a final result or one stage.

**Answer the following questions and turn this in by September 13th:**

What is your Long-Term Project Assignment about?

Has your project changed in any way since it was approved? Yes or No.

Have you discussed this change with your advisor? Yes or No.

What work have you already done on your Long-Term Project?

What difficulties, if any, have you run into so far?

What you are going to do about these difficulties?

What appointments are you planning to set up next?

**DC AP FIELD TRIP – City Council Visit**

**Date:** Friday, September 13, 2019

**Time:** 1:00PM – 4:00PM.

The John Wilson Building

**Address:** 1350 Pennsylvania Ave NW, Washington, DC 20004

Meeting Point: Outside the main entrance.

If you have trouble locating the building, please call Carly at 850-345-8325.

**Remember**: Bring a Government ID.

We are not meeting at IEL at 12PM. No lunch or transportation provided.

**SECURITY POLICIES**

Before entry into the building, visitors are screened by a magnetometer, and all items that are permitted inside the building are screened by an x-ray device.

The following items are strictly prohibited:

* Any bag larger than 14″ wide x 13″ high x 4″ deep
* Aerosol containers
* Any pointed object (i.e., knitting needles, letter openers) Note: pens and pencils are permitted.
* Cans and bottles
* Electric stun guns, martial arts weapons or devices
* Food or beverages of any kind
* Guns, replica guns, ammunition, and fireworks
* Knives of any size
* Mace and pepper spray
* Non-aerosol spray (prescriptions for medical needs are permitted)
* Razors and box cutters



**SESSION 4 – LIST OF EDUCATION RESOURCES**

This resource packet is divided into subject areas and most contain a local and national section. The subject areas are: rights and laws, early childhood, education (K-12), special education, transition and postsecondary, family resources, and information & news.

**RIGHTS & LAWS**

**Center for the Study and Advancement of Disability Policy (CSADP)**

The Center for the Study and Advancement of Disability Policy (CSADP) provides public education, leadership development and training, technical assistance and information dissemination, and conducts action-research and analysis of public policy issues affecting individuals with disabilities and their families.

Website: <http://www.disabilitypolicycenter.org>

Email: Bobby.Silverstein@ppsv.com

Phone: 202-466-6550

**Children’s Law Center**

Now celebrating its 20th anniversary, the Children’s Law Center (CLC) helps more than 5,000 children and their families tackle seemingly insurmountable problems each year – including 1 of every 8 of the poorest children in the city’s poorest neighborhoods. CLC multiplied this impact by partnering with hundreds of pro bono lawyers, pediatricians and city leaders. As a result of our advocacy both in and out of the courtroom, more District children are on the path to a better education, good health and a stable, loving family.

Website: <http://www.childrenslawcenter.org/content/about-us>

Phone: 202-467-4900

**Education Law Resource Center**

The Center provides information to help parents and educators to better understand legal requirements and meet individual student needs. Topics include special education, physical restraints, and the No Child Left Behind law.

Website: <http://www.edlawrc.com>

Email: edlawrc@tds.net

**Families Have Rights**

A booklet for families.

Phone: 202-727-6436

**Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) aligns IDEA with the No Child Left Behind Act (NCLB), helping to ensure equity, accountability and excellence in education for children with disabilities. The Office of Special Education Programs (OSEP) has developed 19 topic briefs related to high-interest areas of IDEA 2004, including all relevant statutory language around that topic, the citations and cross-references to other, related briefs.

Website: <http://idea.ed.gov/>

**Wrightslaw**

Site for accurate, up-to-date information related to advocacy for special education and special education law.

Website: <http://www.wrightslaw.com>

Phone: 877-529-4332

**EARLY CHILDHOOD**

**LOCAL**

**Bright Beginnings**

This is a program for homeless infants, toddlers and preschoolers in DC.

Website: <http://www.brightbeginningsinc.org/>

Phone: (202) 842-9090

**DC Early Intervention Program – DC EIP**

The DC Early Intervention Program ensures compliance with the federal requirements of Part C (programs for children ages birth through the 3rd birthday) of the IDEA of 2004. Part C programs serve infants and toddlers with disabilities or at risk of disabilities. DC EIP provides information on early childhood development, screening and referral for early intervention services, Child Find programs and information on Part C of the Individuals with Disabilities Education Act, IDEA

Website: <http://osse.dc.gov/service/dc-early-intervention-program>

Email: osse.dceip@dc.gov

Phone: 202-727-3665

**Developmental Evaluation Clinic (DEC)**

This clinic provides diagnostic services to babies who were born prematurely. These babies are followed at regular intervals up until two years of age to monitor development and determine any need for early intervention services. They accept payment from many common insurance companies, sometimes Medicaid (depending on type) or you can pay for services.

Website: <http://gucchd.georgetown.edu/67633.html>

Email: godfrey2@georgetown.edu

Phone: 202-444-8569

**The Division of Early Learning**

The Division of Early Learning is part of OSSE and provides leadership and coordination to ensure that all District of Columbia children, from birth to kindergarten entrance, have access to high quality early childhood development programs and are well prepared for school.

Website: <http://osse.dc.gov/service/early-learning>

Phone: 202-727-6436

**Interagency Coordinating Council, ICC**

The ICC’s purpose is to assist the Mayor and the Office of the State Superintendent of Education (OSSE) in its role as the lead agency in the development and implementation of a District-wide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with developmental delays and disabilities.

Website: <http://seo.dc.gov/service/dc-interagency-coordinating-council>

Email: osse.dcicc@dc.gov

Phone: 202-741-6412

**NATIONAL**

**The Office of Head Start**

The Office of Head Start (OHS) promotes the school readiness of young children from low-income families through local programs. Head Start and Early Head Start programs support the mental, social, and emotional development of children from birth to age 5. Read more about our history and services, explore more information, and find a program by selecting a topic area below.

Website: <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/teaching/Disabilities>

**EDUATION K-12**

**LOCAL**

**DC Association for Special Education**

DCASE is an alliance of nonpublic and charter schools that provide special education services to students from the District of Columbia. Members are dedicated to improving educational opportunities for all DC students with disabilities.

Website: <http://dcase.org/>

Email: lott@dcase.org (Lisa Ott, Executive Director)

Phone: 202-615-3070

**DC Public Schools – DCPS**

The shared goal of the thousands of people -- staff, students, and families -- is to make DCPS the highest performing urban school district in the nation, and to once and for all close the achievement gap that separates low-income students and students of color from their higher-income and white peers. DCPS is committed to a reality where all DCPS schools, without exception, will offer engaging instruction. School facilities will be safe, clean, and modern. And, the central office that supports schools will be efficient, transparent, and responsive. DCPS will attract, support, reward, and retain high-performing educators, and will help to build an informed and empowered parent population that will act as a driving force for change.

Website: [http://dcps.dc.gov/DCPS/About+DCPS/Who+We+Are](http://dcps.dc.gov/DCPS/About%2BDCPS/Who%2BWe%2BAre)

Phone: 202-478-5738 or 202-442-5885

Special Education Programs & Resources Guide for Families: <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Family%20Programs%20and%20Resources%20Guide18-19.pdf>

**Information Sheet for DCPS from the Children’s Law Center** <http://www.childrenslawcenter.org/sites/default/files/attachments/resources/2.%20CLC%20Education%20Advocacy%20Tip%20Sheets%20and%20Info%20Sheets.pdf>

**DC Public Charter School Board**

The goal of DC PCSB is to ensure that students and families in Washington, DC have access to quality public charter school education. We do that by setting tough academic standards, using a comprehensive charter application review process and effective oversight, providing meaningful support and actively involving parents, school leaders, the community, and policy makers. Before PCSB permits a public charter school to open, the nonprofit proposing to run it must commit – in writing – to the contribution it will make to DC’s educational landscape. If the nonprofit fails to meet its goals, we hold it accountable.

Website: <http://www.dcpcsb.org>

Email: dcpublic@dcpcsb.org

Phone: 202-328-2660

**Learn DC**

LearnDC is a one-stop source for information and resources about education that create opportunities for DC students in college, careers and life. It is a collaborative initiative led by the Office of the State Superintendent of Education (OSSE).

Website: <http://www.learndc.org>

Email: info@learndc.org

**SchoolTalk DC**

SchoolTalk is a DC-based non-profit organization that brings special education dispute prevention and early dispute resolution programs to DC schools. We work with school personnel and the parents or guardians of special education students to help ensure that everyone works collaboratively toward the goal of securing Free and Appropriate Public Education (FAPE) for students with disabilities.

Website: <http://www.schooltalkdc.org>

Phone: 202-907-6887

**NATIONAL**

**SWIFT: Schoolwide Integrated Framework for Transformation**

SWIFT is a national K-8 center that provides academic and behavioral support to promote the learning and academic achievement of all students, including students with disabilities and those with the most extensive needs. Check out the SWIFT library of resources to support schools as they explore, prepare, launch, and sustain approaches to include and welcome all students.

Website: <http://www.swiftschools.org/>

Email: swift@ku.edu

**Federal Resources for Educational Excellence**

Hundreds of education resources supported by agencies across the US Federal government.

Website: <http://www.free.ed.gov/>

**Math and Reading Help**

Math and Reading Help for Kids is a directory of hundreds of original articles, tips, and resources centered on the topic of children's learning. Although the articles in this site are primarily written to help parents make informed decisions about their child's education, there is also a comprehensive Just for Kids section containing dozens of articles written for a younger audience.

Website: <http://mathandreadinghelp.org>

**Parent Teacher Association – PTA**

For a listing of PTA contacts in each school, check this website.

Website: <http://dcps.dc.gov/page/parent-organizations>

Phone: 202-719-6613

**U.S. Department of Education**

Access to comprehensive information on education and educational policy in the United States, including special education.

Website: <http://www.ed.gov>

**SPECIAL EDUCATION**

**LOCAL**

**DCPS Office of Specialized Instruction**

The Office of Specialized Instruction aspires to be recognized and respected as a leader in urban special education. They are determined to ensure that students with disabilities become successful adults holding good jobs, living independently and engaging in the community. An important component of achieving these goals is ensuring that schools are inclusive schools that can serve the needs of all students.

Phone: (202) 442-4800

**DCPS Special Education Critical Response Team (CRT)**

Help for parents at (202) 442-5400

**Information on Related Services**

A listing of most common related services provided in DC Public Schools.

Website: <http://dcps.dc.gov/page/academic-programs-and-inclusion>

**Family Programs and Resources Guide**

Website: <http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Family%20Programs%20and%20Resources%20Guide%20SY15-16_0.pdf>

**For supports in mental health, try this link below.** [http://dcps.dc.gov/DCPS/In+the+Classroom/Special+Education/Full+Service+Schools](http://dcps.dc.gov/DCPS/In%2Bthe%2BClassroom/Special%2BEducation/Full%2BService%2BSchools)

**DC Special Education Cooperative**

The Co-op fills a unique community need in DC by working with teachers, school leaders, and across charter schools to improve educational services for students with disabilities. By pooling resources between independent charter schools, the Co-op also acts as a “central office” for DCPCS spread throughout the city serving a diverse range of students. We provide services in four activity areas: Training & Technical Assistance to schools through information sharing, staff mentoring, and strategic planning; Professional Development & Training for special and general educators on program development, staffing, legal and regulatory issues, and parent communication; Administrative Services such as securing Medicaid reimbursements for student needs; Advocacy & Collaboration at the state and local level, across schools, families and the community through meetings and public forums.

Website: <http://specialedcoop.org>

Email: info@specialedcoop.org

Phone: 470-222-3309

**DC Secondary Transition: Planning for Postsecondary Success: The Best Me I Can Be**

The Best Me I Can Be is a film that highlights the efforts of DC students, parents, and schools to increase the involvement of youth with disabilities in their Individualized Education Programs (IEPs) and prepare them to take a more active role in planning for their futures. The five film modules show how involving students in the IEP process increases student engagement, empowers students to achieve their goals, and prepares youth to successfully transition to adulthood. The Student-led IEP Online Toolkit supplements the film and is aligned with the five film modules. The toolkit provides detailed instructions, tools, and resources for students, teachers/schools, and parents.

Website: <http://osse.dc.gov/multimedia/best-me-i-can-be>

**Local School Advisory Team – LSAT**

This is a group of elected and appointed members that exists for every DCPS school. The team, formerly called Local School Restructuring Teams, consists of parents, teachers, non-instructional school staff, a community member, and in some cases students, to advise the principal on matters that promote high expectations and high achievement for all students.

Website: <http://dcps.dc.gov/page/local-school-advisory-teams-lsat>

**NATIONAL**

**Benefits of Inclusive Education**

Website: <http://www.pbs.org/parents/inclusivecommunities/inclusive_education2.html>

Phone: 888-232-7733

**Council for Exceptional Children**

The largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted.

Website: <http://www.cec.sped.org/>

Email: service@cec.sped.org

Phone: 1-888-232-7733

**Center for Parent Information and Resources**

Parent centers help families obtain appropriate educational services for their children, provide training and information on a variety of topics, and connect children with disabilities with community resources.

Website: <http://www.parentcenterhub.org/>

Phone: 973-642-8100

**Education Resources Information Center (ERIC)**

Access to more than 1.2 million pieces of information related to education of individuals with developmental disabilities or those who are gifted. National network co-sponsored by U.S. Department of Education and Office of Educational Research and Improvement.

Website: <http://www.eric.ed.gov>

**Gentle Teaching**

Non-violent approach to teaching children and adults with special needs.

Website: <http://www.gentleteaching.com>

**A Glossary of Special Education terms**

Website: <http://www.kidstogether.org/glossary.htm>

**IDEA: Individuals with Disabilities Education Act**

Website: Information and resources related to IDEA. <http://www2.ed.gov/about/offices/list/oii/nonpublic/programs2.html>

**IEPs and 504 Plans: What's the Difference?**

Website: <http://www.drcnh.org/IDEA504.pdf>

**The IEP Team Members**

Website: <http://www.readingrockets.org/article/211/>

Email: readingrockets@weta.org

**Making Inclusion a Reality**

<http://www.pbs.org/parents/inclusivecommunities/inclusive_education5.html>

**National Association of School Psychologists**

This link is for resources for families. Other selections on site include reports, journal articles, etc. related to IDEA and other educational issues, as well as advocacy information.

Website: <http://www.nasponline.org/families/index.aspx>

Phone: 866-331-NASP

**National Dissemination Center for Children with Disabilities**

Provides information on disabilities and disability-related issues for families, educators, and other professionals. Their special focus is children and youth (birth to age 22).

Website: <http://www.parentcenterhub.org/nichcy-resources/>

Please note: NICHCY is a great resource, but their funding ended in September 2013. Their legacy resources are now housed at the Center for Parent Information and Resources.

**National Institute for Urban School Improvement**

Extensive library of resources, research, publications and online sites related to inclusive education.

Website: <http://www.inclusiveschools.org>

**Office of Special Education Programs in U.S. Department of Education**

Information related to IDEA and its interpretation and implementation. Site offers policy information, research and statistics.

Website: <http://www.ed.gov/about/offices/list/osers/osep/index.html?src=mr>

**Positive Behavior Supports**

Website: <http://www.spannj.org/publications/positive_behavior_supports.htm>

**Sensory Processing Disorder Foundation & Resource Center**

Current information resources related to sensory integration issues.

Website: <http://www.spdfoundation.net/resources/>

Phone: 303-794-1182

**Special Education Resources on the Internet**

A collection of Internet accessible information resources of interest to those involved in the fields related to special education.

Website: <http://seriweb.com/>

**Supports, Modifications and Accommodations for Students**

Website: <http://www.parentcenterhub.org/repository/accommodations/>

**Vision Building**

Website: http://www.kidstogether.org/vision.htm

**What is School-wide Positive Behavioral Intervention and Supports?**

Website: <https://www.pbis.org/school/swpbis-for-beginners/pbis-faqs>

**What is Inclusion?**

Website: <http://kidstogether.org/inclusion.htm>

**TRANSITION & POSTSECONDARY EDUCATION**

**LOCAL**

**Adult and Family Education**

Adult and family education programs are designed for individuals who:

* Are 16 years of age and older and not enrolled in school nor required to be enrolled in school; ·
* Do not have adult basic or adult secondary education skills;
* Do not have a high school diploma or GED; and/or
* Need to improve their ability to speak, read, or write the English language.

Website: <http://seo.dc.gov/service/adult-and-family-education>

Email: osse@dc.gov

Phone: (202) 741-5531

**DCPS Transition**

DCPS has implemented a number of initiatives to meet the diverse needs of students with disabilities and provide them with the opportunity to improve job skills, earn credits to graduate and to learn the advocacy skills needed to achieve their dreams. This website was developed to help young adults with disabilities in the DC area answer these questions and plan for their future. We hope that these success stories and local resources will help ALL teens and young adults achieve their dreams. They offer a list of DC area resources that includes information on local university Offices for Disability Support Services.

Website: <http://www.dctransition.org>

**Guide to Adult Education Services**

This is a list of classes and programs to assist with adult education, GED, and employment services in DC.

Website: <http://seo.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Guide%20to%20Adult%20Education%20Services%202011%20.pdf>

Phone: (202) 741-5531

**Think College!**

Think College is a national organization dedicated to developing, expanding, and improving inclusive higher education options for people with intellectual disability. With a commitment to equity and excellence, Think College supports evidence- based and student-centered research and practice by generating and sharing knowledge, guiding institutional change, informing public policy, and engaging with students, professionals and families.

Website: <http://www.thinkcollege.net/>

**NATIONAL**

**The National Center on Secondary Education and Transition (NCSET)**

NCSET coordinates national resources, offers technical assistance, and disseminates information related to secondary education and transition for youth with disabilities in order to create opportunities for youth to achieve successful futures.

Website: <http://www.ncset.org/default.asp>

Phone: 612-624-5659

**National Technical Assistance Center on Transition (NTACT)**

NTACT’s purpose is to assist State Education Agencies, Local Education Agencies, State VR agencies, and VR service providers in implementing evidence-based and promising practices ensuring students with disabilities, including those with significant disabilities, graduate prepared for success in postsecondary education and employment.

Website: <http://transitionta.org>

Phone: 704-687-8606

**FAMILY RESOURCES**

**LOCAL**

**Advocates for Justice**

This is the Parent Training and Information Center (PTI) for DC. They provide help, resources and training to families of children with disabilities in DC.

Website: <http://www.aje-dc.org/>

Phone: 888-327-8060

**Flamboyan Foundation**

Flamboyan aims to help families play the five most important research-backed roles that drive student success. The roles parents play in their children’s success are: setting high expectations, monitoring performance and holding children accountable, supporting learning at home, guiding children’s education through college, and advocating for them.

Website: <http://flamboyanfoundation.org/focus/family-engagement/>

Phone: 202-315-2410

**Parent and Family Resource Centers – PRCs**

The Parent and Family Resource Center was created to provide learning opportunities for parents, provide workshops, and training, and provide access to DCPS and community resources.

Website: [http://dcps.dc.gov/DCPS/Parents+and+Community/Parent+and+Family+Resource+Centers](http://dcps.dc.gov/DCPS/Parents%2Band%2BCommunity/Parent%2Band%2BFamily%2BResource%2BCenters)

Email: Sarah.Johnson@dc.gov

Phone: 202-442-5036

**NATIONAL**

**Family and Advocates for Parental Education (FAPE)**

The Families and Advocates Partnership for Education (FAPE) project, funded by the U.S. Department of Education, was created to improve the educational outcomes for children with disabilities. <http://www.fape.org>

**Families Creating a Vision and Building Inclusive Lives for Their Children**

Ideas and how-to’s for families.

<http://www.dds.ca.gov/ConsumerCorner/docs/FamiliesCreatingVision_English.pdf>

**Family Education Network**

A host of articles, tips, and expert advice on every aspect of parenting including parenting and educating children with special needs.

<http://www.familyeducation.com>

**Kids Together**

This website has a wealth of information about inclusion of children with disabilities in schools and communities.

<http://www.kidstogether.org/kidstogether.htm>

**PACER Center**

This organization in MN has lots of information on children with disabilities as well as publications, newsletters, webinars and web resources.

<http://www.pacer.org/>

**Peak Parent Center**

This Colorado Parent Training and Information Center (PTI) has a good website with information, publications, newsletters, web resources and webinars.

<http://www.peakparent.org/about.asp>

**INFORMATION & NEWS**

**National**

**Disability Scoop**

This online weekly newsletter is a great source for developmental disability news. <http://www.disabilityscoop.com/>

**Special Education News**

Round-up of recent articles related to special education. Organized by interest. <http://www.specialednews.com/>

**Education Week on the Web**

Online compilation of timely articles on education in America, including special education section.

<http://www.edweek.org>

**National Center for Learning Disabilities**

**IDEA Parent Guide**

NCLD has created the IDEA Parent Guide to help you become an informed and effective partner with school personnel in supporting your child’s special learning and behavioral needs.

Use this guide to understand:

* How the federal law, the Individuals with Disabilities Education Act (IDEA), generally works in most states;
* What the law requires to determine whether your child has a learning disability;
* What is new to IDEA since Congress last updated the law in 2004;
* What questions you should ask and what information you should prepare in order to be a full and active advocate for your child, and
* What resources are available to you.

NCLD’s IDEA Parent Guide PDF:

<https://www.ncld.org/wp-content/uploads/2014/11/IDEA-Parent-Guide1.pdf>

**IDEA OVERVIEW**

The Individuals with Disabilities Education Act is in the United States Code (U.S.C.) at Volume 20, beginning at Section 1401. This book is based on the United States Code although it does include references to various Sections within the Act. The Individuals with Disabilities Education Act of 1997 is divided into four parts.

The U. S. Department of Education is responsible for issuing the special education regulations. The IDEA Regulations are published in Volume 34 of the Code of Federal Regulations (C.F.R.), beginning at Section 300. Appendix A to the Regulations includes 40 questions and answers about IEPs and transition services.

The regulations about early intervention programs for very young children is in Volume 34 of the Code of Federal Regulations beginning at Section 303.

Parents, advocates, attorneys, and educators will refer most often to Part A and Part B, Sections 1400, 1401, 1412, 1414, and 1415 and the corresponding regulations that relate to these sections.

**Part A: General Provisions, Definitions and Other Issues**

Part A is titled “General Provisions, Definitions and Other Issues” and begins with “Congressional Find- ings and Purpose.” Part A is very important because it discusses the purpose of the special education law. Part A also includes definitions of terms that are used in the statute.

**Part B: Assistance for Education of All Children with Disabilities**

Part B is titled “Assistance for Education of All Children with Disabilities” and includes funding, state plans, evaluations, eligibility, due process, discipline and other areas relating to direct services. Section 1414 is about evaluations, eligibility, and IEPs. Section 1415 describes the procedural safeguards for children and their parents, including the requirement about “Prior Written Notice,” Mediation, Due Process Procedures, “stay put,” and discipline issues. Section 1419 includes procedural information about grants to states that have pre- school programs for children as young as two years of age.

**Part C: Infants and Toddlers with Disabilities**

Part C is “Infants and Toddlers with Disabilities” and begins with “Findings and Policy” at Section 1431. The term “at-risk infant or toddler” is defined as an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided. Part C requires a comprehensive child find system and individual family service plans (ISFP) that are similar to IEPs in Part B.

**Part D: National Activities to Improve Education of Children with Disabilities**

Special education methods and techniques are often criticized for not being based on research and best practices. At the beginning of the IDEA statute is this statement from Congress:

However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.” 20 U.S.C. § 1400(c)(4)

Part D focuses on the need to improve special education programs, preparing personnel, disseminating in- formation, supporting research, and applying research findings to education. Part D is called “National Activities to Improve Education of Children with Disabilities” and includes two subparts. Subpart One is “State Pro- gram Improvement Grants for Children with Disabilities.” Subpart Two is “Coordinated Research, Personnel Preparation, Technical Assistance, Support, and Dissemination of Information.”

**Definition: IDEA Child**

What is the definition of a child who requires special education services under IDEA? The United States Code, i.e., the Individuals with Disabilities Education Act of 1997, at 20 U.S.C. § 1401(3) explains that a ‘child with a disability’ means a child-

(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as ‘emotional disturbance’), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) who, by reason thereof, needs special education and related services.

The key term is “who, by reason thereof, needs special education and related services.” What is the legal definition of special education?

**Definition: IDEA Special Education**

At 20 U.S.C. § 1401(25), the law defines special education:

The term ‘special education’ means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including -

(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other set- tings; and

(B) instruction in physical education.

The law is clear that special education is not limited to traditional special education classes. Special education should include a range of services designed to meet the unique needs of children with disabilities. Special education may include “instruction conducted in the classroom,” intensive structured programs in residential facilities, one-to-one tutoring, remediation, and 40+ hour programs of Applied Behavioral Analysis (ABA) therapy for young autistic children.

The term “free appropriate public education” means “special education and related services that . . . are provided in conformity with (an) individualized education program (which is) . . . a written statement . . . that includes a statement of the child’s present levels of educational performance . . . measurable annual goals, including benchmarks or short-term objectives, . . . a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and . . . for school personnel. . .” 20 U.S.C. § 1414(d)(1)(A)

The child’s special education program must be reviewed at least once a year. An appropriate special education program provides the child with educational benefit so the child may become an independent functioning member of society.

**Summary**

The Individuals with Disabilities Education Act (IDEA) requires public schools to locate and identify children with disabilities who may be in need of specialized education. These children will “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 employment and independent living; (and) . . . to ensure that the rights of children with disabilities and parents of such children are protected . . .” 20 U.S.C. § 1401(d)

The statute includes specific requirements about eligibility for services, components of the Individualized Educational Program (IEP), IEP team members, review of the child’s IEP, prior written notice, members of eligibility and IEP teams, and comprehensive procedural requirements related to disputes and complaints.

Remember - law is always changing and evolving. To understand the law, you need to read the statute, the regulations, and cases that have interpreted the statute and regulations.

**SUMMARY OF MAJOR CHANGES IN THE REGULATIONS**

The following is a summary of the major substantive changes in these final regulations from the regulations proposed in the NPRM prepared by the U. S. Department of Education (the rationale for each of these changes is discussed in the Analysis of Comments and Changes section of this preamble).

**SUBPART A--GENERAL**

**Definitions**

* The definition of **child with a disability in §300.8** has been revised as follows:

(1) Section 300.8(b) (Children aged three through nine experiencing developmental delays) has been changed to clarify that the use of the term **“developmental delay”** is subject to the conditions described in §300.111(b).

(2) The definition of other health impairment in §300.8(c)(9)(i) has been changed **to add “Tourette Syndrome”** to the list of chronic or acute health problems.

* The definition of **excess costs in §300.16** has been revised to clarify that the computation of excess costs may not include capital outlay and debt service. In addition, a new “Appendix A to Part 300--Excess Cost Calculation” has been added to provide a description (and an example) of how to calculate excess costs under the Act and these regulations.
* The definition of **highly qualified special education teacher in §300.18** has been revised, as follows:

(1) Section 300.18(b), regarding requirements for highly qualified special education teachers in general, has been modified to clarify that, when used with respect to any special education teacher teaching in a charter school, highly qualified means that the teacher meets the certification or licensing requirements, if any, set forth in the State’s public charter school law.

(2) A **new §300.18(e), regarding separate “high objective uniform State standards of evaluation” (HOUSSE)**, has been added to provide that a State may develop a separate HOUSSE for special education teachers, provided that any adaptations of the State’s HOUSSE would not establish a lower standard for the content knowledge requirements for special education teachers and meets all the requirements for a HOUSSE for regular education teachers. This provision also clarifies that a State may develop a separate HOUSSE for special education teachers, which may include single HOUSSE evaluations that cover multiple subjects.

(3) Section 300.18(g) (proposed §300.18(f)) (“Applicability of definition to ESEA requirements; and clarification of new special education teacher”) has been revised as follows: (1) the heading has been revised, and (2) the language changed to clarify when a special education teacher is considered “new” for some purposes.

(4) Section 300.18(h) (proposed §300.18(g)) has been modified to clarify that the highly qualified special education teacher requirements also do not apply to private school teachers hired or contracted by LEAs to provide equitable services to parentally-placed private school children with disabilities under §300.138.

* The definition of Indian and Indian tribe in §300.21 has been changed to clarify that nothing in the definition is intended to indicate that the Secretary of the Interior is required to provide services or funding to a State Indian tribe that is not listed in the Federal Register list of Indian entities recognized as eligible to receive services from the United States, published pursuant to Section 104 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a-1.
* The definition of parent in §300.30 has been revised to substitute “biological” for “natural” each time it appears in the definition, and to add language clarifying that to be considered a parent under this definition a “guardian” must be a person generally authorized to act as the child’s parent, or authorized to make educational decisions for the child.
* The definition of related services in §300.34 has been revised as follows:

(1) Section 300.34(a) (General) has been modified to (A) add the statutory term “early identification and assessment of disabilities in children,” which was inadvertently omitted from the NPRM, (B) combine “school health services” and “school nurse services,” and (C) remove the clause relating to a free appropriate public education under “school nurse services” because it duplicates the clause in §300.34(c)(13).

(2) Section 300.34(b) has been changed to (A) expand the title to read “Exception; services that apply to children with surgically implanted devices, including cochlear implants,” and (B) clarify, in new paragraph (b)(1), that related services do not include a medical device that is surgically implanted, the optimization of that device’s functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

(3) A new §300.34(b)(2) has been added to make clear that nothing in paragraph (b)(1) of §300.34 (A) limits the right of a child with a surgically implanted device (e.g., a cochlear implant) to receive related services, as listed in §300.34(a), that are determined by the IEP Team to be necessary for the child to receive FAPE; (B) limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or (C) prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly, as required in

§300.113(b).

(4) The definition of interpreting services in §300.34(c)(4) has been changed to clarify that the term includes

(A) transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell for children who are deaf or hard of hearing, and (B) special interpreting services for children who are deaf-blind.

(5) The definition of orientation and mobility services in §300.34(c)(7) has been changed to remove the term “travel training instruction.” The term is under the definition of special education, and is defined in §300.39(b)(4).

(6) The definition of school nurse services in 300.34(c)(13) has been expanded and re-named school health services and school nurse services. The expanded definition clarifies that “school nurse services” are provided by a qualified school nurse, and “school health services” may be provided by a qualified school nurse or other qualified person.

* A definition of scientifically based research has been added in new §300.35 that incorporates by reference the definition of that term from the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq. (ESEA).
* With the addition of the new definition in §300.35, the definitions in subpart A, beginning with the definition of secondary school, have been renumbered.
* The definition of special education in §300.39 (proposed §300.38) has been revised to remove the definition of vocational and technical education that was included in proposed §300.38(b)(6).
* The definition of supplementary aids and services in §300.42 (proposed §300.41) has been modified to specify that aids, services, and other supports are also provided to enable children with disabilities to participate in extracurricular and nonacademic settings.

**SUBPART B--STATE ELIGIBILITY**

**FAPE Requirements**

* Section 300.101(c) has been revised to clarify that a free appropriate public education (FAPE) must be available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course, and is advancing from grade to grade.
* Section 300.102(a)(3), regarding exceptions to FAPE, has been changed to clarify that a regular high school diploma does not include an alternative degree that is not fully aligned with the State’s academic standards, such as a certificate or a general educational development credential (GED).
* Section 300.105, regarding assistive technology and proper functioning of hearing aids, has been re-titled “Assistive technology,” and proposed paragraph (b), regarding the proper functioning of hearing aids, has been moved to new §300.113(a).
* Section 300.107(a), regarding nonacademic services, has been revised to specify the steps each public agency must take, including the provision of supplementary aids and services determined appropriate and necessary by the child’s IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.
* Proposed §300.108(a), regarding physical education services, has been revised to specify that physical education must be made available to all children with disabilities receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.
* A new §300.113, regarding routine checking of hearing aids and external components of surgically implanted medical devices, has been added, as follows:

(1) Paragraph (a) of §300.113 requires each public agency to ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

(2) A new §300.113(b)(1) requires each public agency to ensure that the external components of surgically implanted medical devices are functioning properly. However, new §300.113(b)(2) has been added to make it clear that, for a child with a surgically implanted medical device who is receiving special education and related services, a public agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

**Least Restrictive Environment**

* Section 300.116(b)(3) and (c) regarding placements, has been revised to remove the qualification “unless the parent agrees otherwise” from the requirements that (1) the child’s placement be as close as possible to the child’s home, and (2) the child is educated in the school he or she would attend if not disabled.
* Section 300.117 (Nonacademic settings) has been changed to clarify that each public agency must ensure that each child with a disability has the supplementary aids and services determined by the child’s individualized education program (IEP) Team to be appropriate and necessary for the child to participate with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

**Children With Disabilities Enrolled by Their Parents in Private Schools**

* Section 300.130 (definition of parentally-placed private school children with disabilities) has been revised to clarify that the term means children with disabilities enrolled by their parents in private, including religious, schools or facilities, that meet the definition of elementary school in §300.13 or secondary school in §300.36.
* A new §300.131(f), regarding child find for out-of-State parentally-placed private school children with disabilities, has been added to clarify that each LEA in which private (including religious) elementary schools and secondary schools are located must include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.
* Section 300.133, regarding expenditures for parentally-placed private school children with disabilities, has been revised, as follows:

(1) A new §300.133(a)(2)(ii), has been added to clarify that children aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in §300.13.

(2) A new §300.133(a)(3) has been added to specify that, if an LEA has not expended for equitable services for parentally-placed private school children with disabilities all of the applicable funds described in

§300.133(a)(1) and (a)(2) by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.

* Section 300.136, regarding compliance related to parentally-placed private school children with disabilities, has been revised to remove the requirement that private school officials must submit complaints to the SEA using the procedures in §§300.151 through 300.153.
* Section 300.138(a), regarding the requirement that services to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, has been modified to clarify that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements in §300.18
* Section 300.140, regarding due process complaints and State complaints, has been revised to make the following changes:

(1) Section 300.140(b)(1) (proposed §300.140(a)(2)), regarding child find complaints, has been changed to clarify that the procedures in §§300.504 through 300.519 apply to complaints that an LEA has failed to meet the child find requirements in §300.131, including the requirements in §§300.301 through 300.311.

(2) A new paragraph (b)(2) has been added to provide that any due process complaint regarding the child find requirements (as described in §300.140(b)(1)) must be filed with the LEA in which the private school is located and a copy of the complaint must be forwarded to the SEA.

(3) A new §300.140(c), regarding State complaints by private school officials, has been added to clarify that

(A) any complaint that an SEA or LEA has failed to meet the requirements in §§300.132 through 300.135 and

300.137 through 300.144 must be filed in accordance with the procedures described in §§300.151 through 300.153, and (B) a complaint filed by a private school official under §300.136(a) must be filed with the SEA in accordance with the procedures in §300.136(b).

**Children With Disabilities Enrolled by Their Parents in Private Schools When FAPE is at Issue**

§300.148 Placement of children by parents if FAPE is at issue.

* A new §300.148(b), regarding disagreements about FAPE, has been added (from current §300.403(b)) to clarify that disagreements between a parent and a public agency regarding the availability of a program appropriate for a child with a disability, and the question of financial reimbursement, are subject to the due process procedures in §§300.504 through 300.520.

**State Complaint Procedures**

* Section 300.152(a)(3)(ii) (proposed paragraph (a)(3)(B)) has been revised to clarify that each SEA’s complaint procedures must provide the public agency with an opportunity to respond to a complaint filed under
* §300.153, including, at a minimum, an opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506.
* Section 300.152(b)(1)(ii), regarding time extensions for filing a State complaint, has been revised to clarify that it would be permissible to extend the 60-day timeline if the parent (or individual or organization if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency agree to engage in mediation or to engage in other alternative means of dispute resolution, if available in the State.
* Section 300.152(c), regarding complaints filed under §300.152 and due process hearings under §300.507 and §§300.530 through 300.532, has been revised to clarify that if a written complaint is received that is also the subject of a due process hearing under §§300.507 or 300.530 through 300.532, or contains multiple issues of which one or more are part of a due process hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process hearing must be resolved using the time limit and procedures described elsewhere in the State complaint procedures. A new paragraph (c)(3) also has been added to require SEAs to resolve complaints alleging a public agency’s failure to implement a due process hearing. This is the same requirement in current §300.661(c)(3).
* Section 300.153(c), regarding the one year time limit from the date the alleged violation occurred and the date the complaint is received in accordance with §300.151, has been revised by removing the exception clause related to complaints covered under §300.507(a)(2).

**Methods of Ensuring Services**

* Section 300.154(d), regarding children with disabilities who are covered by public benefits or insurance, has been revised to clarify that the public agency must (1) obtain parental consent each time that access to the parent’s public benefits or insurance is sought, and (2) notify parents that refusal to allow access to their public benefits or insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

**Additional Eligibility Requirements**

* Section 300.156(e), regarding personnel qualifications, has been revised (1) to add “or a class of students,” to clarify that a judicial action on behalf of a class of students may not be filed for failure of a particular SEA or LEA employee to be highly qualified, and (2) to substitute the word “employee” for “staff person,” to be more precise in the rule of construction in new §300.18(f) (proposed §300.18(e)).
* Section 300.160 (participation in assessments) has been removed, and the section has been designated as “Reserved.” Participation in assessments is the subject of a new notice of proposed rulemaking issued on December 15, 2005 (70 FR 74624) to amend the regulations governing programs under Title I of the ESEA and Part B of the IDEA regarding additional flexibility for States to measure the achievement of children with disabilities based on modified achievement standards.

**Other Provisions Required for State Eligibility**

* Section 300.172, regarding access to instructional materials, has been revised: (1) to make clear that States must adopt the National Instructional Materials Accessibility Standard (NIMAS), published as Appendix C to these final regulations; (2) to establish a definition of “timely manner,” for purposes of §300.172(b)(2) and (b)(3) if the State is not coordinating with the National Instructional Materials Access Center (NIMAC), or §300.172(b)(3) and (c)(2) if the State is coordinating with the NIMAC; (3) to add a new §300.172(b)(4) to require SEAs to ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials; and (4) to add a new §300.172(e)(2) to clarify, that all definitions in §300.172(e)(1) apply to each State and LEA, whether or not the State or LEA chooses to coordinate with the NIMAC.
* A new §300.177 has been added to include a provision regarding “States’ sovereign immunity.” That provision, which has been added to incorporate the language in section 604 of the Act, makes clear that a State that accepts funds under Part B of the Act waives its immunity under the 11th amendment of the Constitution of the United States from suit in Federal court for a violation of Part B of the Act.

**SUBPART D--EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS**

**Parental Consent**

* Section 300.300, regarding parental consent, has been revised, as follows:

(1) Paragraph (a) of §300.300, regarding consent for initial evaluation, has been changed to provide that the public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must, after providing notice consistent with §§300.503 and 300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation. A new paragraph (a)(1)(iii) has been added to require a public agency to make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.

(2) Section 300.300(a)(3), regarding a parent’s failure to provide consent for initial evaluation, has been changed to clarify, in a new paragraph (a)(3)(ii), that the public agency does not violate its obligation under

§300.111 and §§300.301 through 300.311 if it declines to pursue the evaluation.

(3) Section 300.300(b), regarding parental consent for services, has been modified by a new paragraph (b)(2) that requires a public agency to make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services.

(4) Section 300.300(c)(1), regarding parental consent for reevaluations, has been modified to clarify that if a parent refuses to consent to a reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures in §300.300(a)(3), and the public agency does not violate its obligation under §300.111 and §§300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.

(5) A new §300.300(d)(4) has been added to provide that if a parent of a child who is home schooled or placed in a private school by the parent at the parent’s expense, does not provide consent for an initial evaluation or a reevaluation, or the parent fails to respond to a request to provide consent, the public agency (A) may not use the consent override procedures (described elsewhere in §300.300), and (B) is not required to consider the child eligible for services under the requirements relating to parentally-placed private school children with disabilities (§§300.132 through 300.144).

(6) A new §300.300(d)(5) has been added to clarify that in order for a public agency to meet the reasonable efforts requirement to obtain informed parental consent for an initial evaluation, initial services, or a reevaluation, a public agency must document its attempts to obtain parental consent using the procedures in

§300.322(d).

**Additional Procedures for Evaluating Children With Specific Learning Disabilities (SLD)**

* Section 300.307 (Specific learning disabilities) has been revised, as follows:

(1) Proposed paragraph (a)(1) of §300.307, which allowed a State to prohibit the use of a severe discrepancy between intellectual ability and achievement for determining if a child has an SLD, has been removed, and proposed paragraph (a)(2) of §300.307 has been redesignated as paragraph (a)(1).

(2) Section 300.307(a)(2) (proposed paragraph (a)(3)) has been changed to clarify that the criteria adopted by the State must permit the use of a process based on the child’s response to scientific, research-based intervention.

* Section 300.308 (Group members) has been changed to require the eligibility group for children suspected of having SLD to include the child’s parents and a team of qualified professionals, which must include the child’s regular teacher (or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age) or for a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. These are the same requirements in current §300.540.
* Section 300.309 (Determining the existence of a specific learning disability) has been revised, as follows:

(1) Paragraph (a) of §300.309 has been changed (A) to clarify that the group described in 300.306 may determine that a child has a specific learning disability if the child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of eight areas (e.g., oral expression, basic reading skill, etc.), when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards; and (B) to add “limited English proficiency” to the other five conditions that could account for the child’s learning problems, and that the group considers in determining whether the child has an SLD.

(2) Section 300.309(b) has been changed to clarify (A) that, in order to ensure that underachievement in a child suspected of having an SLD is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§300.304 through 300.306, data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel, and (B) to replace (in paragraph (b)(1)) the term “high quality research-based instruction” with “appropriate instruction.”

(3) Section 300.309(c) has been changed to provide that the public agency must promptly request parental consent to evaluate a child suspected of having an SLD who has not made adequate progress after an appropriate period of time when provided appropriate instruction, and whenever a child is referred for an evaluation.

* Section 300.310, regarding Observation, has been revised, as follows:

(1) Paragraph (a) of proposed §300.310 has been revised (A) to remove the phrase “trained in observation, and

(B) to specify that the public agency must ensure that the child is observed in the child’s learning environment.

(2) A new §300.310(b) has been added to require the eligibility group to decide to (A) use information obtained from an observation in routine classroom instruction and monitoring of the child’s performance that was done before the child was referred for an evaluation, or (B) have at least one member of the group described in§300.306(a)(1) conduct an observation of the child’s academic performance in the regular classroom after the child has been referred for an evaluation and parental consent is obtained. Paragraph (b) of proposed §300.310 has been redesignated as new §300.310(c).

* Section 300.311 (Written report) has been renamed “Specific documentation for the eligibility determination,” and has been revised, as follows:

(1) Section 300.311(a)(5), regarding whether the child does not achieve commensurate with the child’s age, has been modified and expanded to add whether the child does not achieve adequately for the child’s age or to meet State-approved grade-level standards consistent with §300.309((a)(1), and (A) the child does not make sufficient progress to meet age or to meet State-approved grade-level standards consistent with §300.309(a)(2)(i), or (B) the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with §300.309(a)(2)(ii).

(2) Proposed §300.311(a)(6), regarding whether there are strengths or weaknesses or both in performance or achievement or both relative to intellectual development, has been removed.

(3) A new §300.311(a)(6) has been added to clarify that the documentation must include a statement of the determination of the group concerning the effects of visual, hearing, or motor disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency on the child’s achievement level.

(4) A new §300.311(a)(7) has been added to provide that if the child has participated in a process that assesses the child’s response to scientific, research-based intervention, the documentation must include the instructional strategies used and the student-centered data collected, and documentation that the child’s parents were notified about (A) the State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided, (B) strategies for increasing the child’s rate of learning, and (C) the parents’ right to request an evaluation.

**Individualized Education Programs**

* Section 300.320 (Definition of IEP) has been revised in paragraph (a)(5) to replace “regular education environment” with “regular class,” in order to be consistent with the language in the Act.
* Section 300.321(e), regarding attendance at IEP Team meetings, has been revised to clarify that the excusal of IEP Team members from attending an IEP Team meeting under certain circumstances, refers to the IEP Team members in §300.320(a)(2) through (a)(5).
* Section 300.322, regarding parent participation, has been revised to: (1) include, in §300.322(d), examples of the records a public agency must keep of its attempts to involve the parents in IEP meetings; (2) add a new
* §300.322(e), which requires the public agency to take whatever action is necessary to ensure that the parent understands the proceedings of the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English; and (3) redesignate paragraph (e) as paragraph (f) accordingly.
* Section 300.323(d) has been revised to require public agencies to ensure that each regular teacher, special education teacher, related services provider, and any other service provider who is responsible for the implementation of a child’s IEP, is informed of his or her specific responsibilities related to implementing the child’s IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the child’s IEP. These are the same requirements in current §300.342(b)(3)(i) and (b)(3)(ii).
* Section 300.323(e), regarding IEPs for children who transfer public agencies, has been revised to: (1) divide the provision into three separate paragraphs (§300.323(e), (f), and (g)) for purposes of clarity and improved readability (e.g., transfers within the same State, transfers from another State, and transmittal of records); (2) adopt “school year” in lieu of “academic year” as the term commonly used by parents and public agencies; and (3) adopt other modifiers (e.g., “new” and “previous”) to distinguish between States and public agencies that are involved in transfers by children with disabilities.
* Section 300.324(a)(4), regarding changes to an IEP after the annual IEP meeting for a school year, has been restructured into two paragraphs, and a new paragraph (a)(4)(ii) has been added to require the public agency to ensure that, if changes are made to a child’s IEP without an IEP meeting, that the child’s IEP Team is informed of the changes.
* Section 300.324(b), regarding the review and revision of IEPs, has been changed to include a new paragraph (b)(2), to clarify that, in conducting a review of a child’s IEP, the IEP Team must consider the same special factors it considered when developing the child’s IEP.

**SUBPART E--PROCEDURAL SAFEGUARDS**

* Section 300.502, regarding independent educational evaluations, has been revised, as follows:

(1) A new §300.502(b)(5) has been added to make clear that a parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

(2) Section 300.502(c) has been changed to clarify that if a parent obtains an independent evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the public agency must consider the evaluation, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child.

* Section 300.504 (Procedural safeguards notice) has been revised, as follows:

(1) Paragraph (a)(2) of §300.504 has been changed to add that a copy of the procedural safeguards notice must be given upon receipt of the first due process complaint under §300.507 in a school year, as well as upon receipt of the first State complaint under §300.151 through 300.153.

(2) A new §300.504(a)(3) has been added to provide that the notice must be given to the parents of a child with a disability in accordance with the discipline procedures in §300.530(h).

* Section 300.506(b), regarding the requirements for mediation, has been revised by (1) removing the provision about the “confidentiality pledge,” in proposed paragraph (b)(9), because it is no longer required under the Act, and (2) changing paragraph (b)(8), regarding the prohibition against using discussions that occur in the mediation process, to clarify that “civil proceedings” includes any Federal court or State court of a State receiving assistance under this part.
* Section 300.509, regarding model forms to assist parents and public agencies in filing due process complaints and parents and other parties in filing State complaints, has been revised to add, with respect to due process complaints, “public agencies,” and with respect to State complaints, “other parties,” as well as parents, and to clarify that (1) while each SEA must develop model forms, the SEA or LEA may not require the use of the forms, and (2) parents, public agencies, and other parties may either use the appropriate model form, or another form or other document, so long as the form or document meets, as appropriate, the requirements for filing a due process complaint or a State complaint.
* Section 300.510 (Resolution process) has been revised, as follows:

(1) Section 300.510(b)(1), regarding the resolution period, has been changed to state that a due process hearing “may occur” (in lieu of “must occur”) by the end of the resolution period, if the parties have not resolved the dispute that formed the basis for the due process complaint.

(2) A new §300.510(b)(3) has been added to provide that, except where the parties have jointly agreed to waive the resolution process or to use mediation (notwithstanding §300.510(b)(1) and (2)), the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

(3) A new §300.510(b)(4) has been added to provide that if an LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, and documented using the procedures in

§300.322(d), the LEA may, at the conclusion of the 30-day resolution period, request that a hearing officer dismiss the parent’s due process complaint.

(4) A new paragraph (b)(5) of §300.510 has been added to provide that, if the LEA fails to hold the resolution meeting within 15 days of receiving notice of a parent’s due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timelines.

(5) A new §300.510(c) (Adjustments to the 30-day resolution period) has been added that specifies exceptions to the 30-day resolution period (e.g., (A) both parties agree in writing to waive the resolution meeting; (B) after either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or (C) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process). Subsequent paragraphs have been renumbered accordingly.

(6) Paragraph (d)(2) of §300.510 (proposed paragraph(c)(2)), regarding the enforceability of a written settlement agreement in any State court of competent jurisdiction or in a district court of the United States, has been expanded to add the SEA, if the State has other mechanisms or procedures that permit parties to seek enforcement of resolution agreements, pursuant to a new §300.537.

* Section 300.513(a) (Decision of hearing officer) has been revised by (1) changing the paragraph title to read “Decision of hearing officer on the provision of FAPE,” and (2) clarifying that a hearing officer’s determination of whether a child received FAPE must be based on substantive grounds.
* Section 300.515(a), regarding timelines and convenience of hearings and reviews, has been revised to include a specific reference to the adjusted time periods described in §300.510(c).
* Section 300.516(b), regarding the 90-day time limitation from the date of the decision of the hearing to file a civil action, has been revised to provide that the 90-day period begins from the date of the decision of the hearing officer or the decision of the State review official.
* Section 300.518 (Child’s status during proceedings) has been revised by adding a new paragraph (c), which provides that if a complaint involves an application for initial services under this part from a child who is transitioning from Part C of the Act to Part B and is no longer eligible for Part C services because the child has turned 3, the public agency is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services under §300.300(b), then the public agency must provide those special education and related services that are not in dispute between the parent and the public agency.
* Section 300.520(b), regarding a special rule about the transfer of parental rights at the age of majority, has been revised to more clearly state that a State must establish procedures for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the child’s eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child’s educational program.

**Discipline Procedures**

* Section 300.530(d)(1)(i), regarding services, has been revised to be consistent with section 615(k)(1)(D)(i) of the Act, by adding a reference to the FAPE requirements in §300.101(a).
* Section 300.530(d)(4), regarding the removal of a child with a disability from the child’s current placement for 10 school days in the same school year, has been revised to remove the reference to school personnel, in consultation with at least one of the child’s teachers, determining the location in which services will be provided.
* Section 300.530(d)(5), regarding removals that constitute a change of placement under §300.536, has been revised to remove the reference to the IEP Team determining the location in which services will be provided.
* A new §300.530(e)(3), has been added to provide that, if the LEA, the parent, and members of the child’s IEP Team determine that the child’s behavior was the direct result of the LEA’s failure to implement the child’s IEP, the LEA must take immediate steps to remedy those deficiencies.
* Section 300.530(h), regarding notification, has been changed to specify that, on the date on which a decision is made to make a removal that constitutes a change in the placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in §300.504.
* Section 300.532 (Appeal) has been revised, as follows:

(1) Paragraph (a) of §300.532, regarding the conditions in which the parent of a child with a disability or an LEA may request a hearing, has been modified to clarify that the hearing is requested by filing a complaint pursuant to §§300.507 and 300.508(a) and (b).

(2) Section 300.532(b)(3) has been changed to more definitively provide that if the LEA believes that returning the child to his or her original placement is substantially likely to result in injury to the child or others.

(3) Section 300.532(c)(3), regarding an expedited due process hearing, has been adjusted to provide that unless the parents and an LEA agree in writing to waive a resolution meeting, or agree to use the mediation process described in §300.506, the resolution meeting must occur within seven days of receiving notice of the due process complaint, and the hearing may proceed within 15 days of receipt of the due process complaint unless the matter has been resolved to satisfaction of both parties.

(4) Proposed §300.532(c)(4), regarding the two-day timeframe for disclosing information to the opposing party prior to an expedited due process hearing, has been removed.

* Section 500.536(a)(2)(ii) (proposed §300.536(b)(2)) has been revised to remove the requirement that a child’s behavior must have been a manifestation of the child’s disability before determining that a series of removals constitutes a change in placement under §300.536. Paragraph (a)(2)(ii) has also been amended to reference the child’s behavior in “previous” incidents that resulted in the series of removals.
* A new §300.536(b) has been added to clarify that the public agency (subject to review through the due process and judicial proceedings) makes the determination, on a case-by-case basis, whether a pattern of removals constitutes a change in placement and that the determination is subject to review through due process and judicial determinations.
* A new §300.537 (State enforcement mechanisms) has been added to clarify that notwithstanding §300.506(b)(7) and §300.510(c)(2), which provide for judicial enforcement of a written agreement reached as a result of a mediation or resolution meeting, nothing in this part would prevent the SEA from using other mechanisms to seek enforcement of that agreement, provided that use of those mechanisms is not mandatory and does not delay or deny a party the right to seek enforcement of the written agreement in a State court of competent jurisdiction or in a district court of the United States.

**END OF IDEA 2004 REGULATIONS: SUMMARY OF CHANGES**

**DC AP SESSION 4: ADA, IDEA, & 504 Comparison**

**ADA and School**

ADA mandates that reasonable accommodations must be provided to eligible students “to perform essential functions of the job.” In other words, a school is required to provide a student with disabilities with those accommodations that help him or her learn most effectively. The requirements this law sets for schools is similar to the expectations set in Section 504 of the Rehabilitation Act of 1973. Unlike Section 504 and IDEA, ADA does not make schools responsible for the free and appropriate education of all children. However, the protections that are guaranteed by ADA apply to public and private schools equally. These protections do not extend to organizations controlled by religious groups.

**Section 504 of the Rehabilitation Act of 1973 - An Overview**

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public or private, that receive federal financial assistance. The law does not provide funding for special education or related services, but it does permit the federal government to take funding away from programs that do not comply with the law.

**How does an individual qualify as disabled under Section 504?**

There is no specific mention of learning disabilities in Section 504, however the law defines a person as disabled if he or she:

* has a physical or mental impairment which substantially limits one or more major life activities,
* has a record of such an impairment, or
* is regarded as having such an impairment.

Under the regulation, learning is considered a major life activity. As a general rule, if a child is eligible for services under IDEA, he or she qualifies for protection under Section 504. However, not all students covered by Section 504 are eligible for IDEA related services. Section 504 has much broader definitions of disability and so it pertains to many more people.

**What does an evaluation involve?**

For school-age children, If parents (or guardians) believe their child should qualify for protections under Section 504, they should contact their child’s school about an evaluation. The law mandates that an evaluation must include a variety of assessment tools that will accurately demonstrate the child’s specific areas of educational need. The evaluation process should also consider various other factors, such as teacher recommendations, physical condition, social and cultural background, behavior and any independent evaluations. Evaluation and service decisions are made by a multi-disciplinary team of people familiar with the child, who understand the means of evaluation and the special service options. Section 504 requires the use of evaluation procedures that ensure that a child is not misclassified, unnecessarily labeled as having a disability or incorrectly placed. The child must be re-evaluated periodically.

**What happens if a child is eligible for services under Section 504?**

If a child is considered disabled under Section 504, school district personnel must create a Section 504 plan. If that child isalso eligible for services under IDEA, then in most cases the Individualized Education Program (IEP) will take the place of a Section 504 plan. Some school districts use a separate form.

In order to determine what kind of services would be most appropriate for a child, a team of regular and special education teachers, as well as the school principal, will meet to consider the child’s disability, how it affects the child’s education and what services would be most helpful. Parents (or guardians) should be present for all planning sessions regarding their child.

**What services are available under Section 504?**

Section 504 clearly states that a free and appropriate education must be made available to all qualified students with disabilities. The educational needs of students with disabilities must be met as adequately as the needs of students without disabilities. A child may be placed in regular education classes with accommodations such as a tape recorder, extended time for test taking or special services such as after school tutoring. Modifications in academic requirements and expectations may also be considered. In each case, the individual educational needs of the child should be addressed in the least restrictive environment (LRE) possible.

**A COMPARISON of ADA, IDEA, and Section 504**

Content adapted from: <http://dredf.org/advocacy/comparison.html>

The Americans with Disabilities Act of 1990 (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 represent three attempts to improve the living conditions of those with disabilities.

**Type and purpose**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| A civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations. | An education act to provide federal financial assistance to State and local education agencies to guarantee special education and related services to eligible children with disabilities. | A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance. |

**Who is protected?**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| Any individual with a disability who: (1) has a physical or mental impairment that substantially limits one or more life activities; or (2) has a record of such impairment; or (3) is regarded as having such an impairment. Further, the person must be qualified for the program, service, or job. | Children ages 3-21 who are determined by a multidisciplinary team to be eligible within one or more of 13 specific disability categories and who need special education and related services. Categories include autism, deafness, deaf-blindness, hearing impairments, mental retardation, multiple disabilities, orthopedic impairments, other health impairments, serious emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, and visual impairments | Any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. |

**Provides for a Free Appropriate Public Education (FAPE)**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| Not directly. However,(1) ADA protections apply to nonsectarian private schools, but not to organization or private schools, or entities controlled by religious organization;(2) ADA provided additional protection in combination with actions brought under Section504. Reasonable accommodations are required for eligible students with a disability to perform essential functions of the job. This applies to any part of the special education program that may be community-based and involve job training/placement. | Yes. A FAPE is defined to mean special education and related services.Special education means "specially designed instruction at no cost to the parents, to meet the unique needs of the child with a disability..." Related services are provided if students, require them in order to benefit from specially designed instruction. States are required to ensure the provision of "full educational opportunity" to all children with disabilities. IDEA requires the development of an Individualized Education Program (IEP) document with specific content and a required number of participants at an IEP meeting. | Yes. An "appropriate" education means an education comparable to that provided to students without disabilities. This may be defined as regular or special education services. Students can receive related services under Section 504 even if they are not provided any special education. Section 504 does require development of a plan, although this written document is not mandated. The Individualized Education Program (IEP) of IDEA may be used for the Section 504 written plan.Many experts recommend that a group of persons knowledgeable about the students convene and specify the agreed- upon services. |

**Funding to implement services**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| No, but limited tax credits may be available for removing architectural or transportation barriers. Also, many federal agencies provide grant funds to support training and to provide technical assistance to public and private institutions. | Yes. IDEA provides federal funds under Parts B and C to assist states and local education agencies in meeting IDEA requirements to serve infants, toddlers and youth with disabilities. | No. State and local jurisdictions have responsibility. IDEA funds may not be used to serve children found eligible under Section 504. |

**Procedural safeguards**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| The ADA does not specify procedural safeguards related to special education; it does detail the administrative requirements complaint procedures, and consequences for noncompliance related to both services and employment. | IDEA requires written notice to parents regarding identification, evaluation, and/or placement. Further, written notice must be made prior to any change in placement.The Act delineates the required components of the written notices. | Section 504 requires notice to parents regarding identification, evaluation and/or placements. Written notice is recommended. Notice must be made only before a "significant change" in placement.Following IDEA procedural safeguards is one way to comply with Section 504 mandates. |

**Evaluation & placement procedures**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| The ADA does not specify evaluation and placement procedures: it does specify provision of reasonable accommodations for eligible activities and settings. Reasonable accommodations may include, but are not limited to, redesigning equipment, assigning aides, providing written communication in alternative formats, modifying tests, redesigning services to accessibility locations, altering existing facilities, and building new facilities. | A comprehensive evaluation is required. A multidisciplinary team evaluates the child, and parental consent is required before evaluation. IDEA requires that reevaluations be conducted at least every 3 years. For evaluation and placement decisions, IDEA requires that more than one single procedure or information source be used; that information from all sources be documented and carefully considered; that the eligibility decision be made by a group of persons who know about the student, the evaluation data, and placement options; and that the placement decision serves the student in the least restrictive environment. An IEP meeting is required before any change in placement. | Unlike IDEA, Section 504 requires only notice, not consent, for evaluation. It is recommended that district obtain parental consent. Like IDEA evaluation and placement procedures under Section 504 require that information be obtained from a variety of sources of the area of concern; that all data are documented and considered; and that decisions are made by a group of persons knowledgeable about the student, evaluation data, and placement options. Section 504 requires that students be educated with their non- disabled peers to the maximum extent appropriate. Section 504 does not require a meeting for any change in placement. |

**Due process**

|  |  |  |
| --- | --- | --- |
| **ADA** | **IDEA** | **504** |
| The ADA does not delineate specific due process procedures.People with disabilities have the same remedies that are available under the Title VII of the Civil Rights Act of 1964, as amended in 1991. Thus, individuals who are discriminated against may file a complaint with the relevant federal agency or due in federal court. Enforcement agencies encourage informal mediation and voluntary compliance. | IDEA delineates specific requirements for local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a child. | Section 504 requires local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a student. It requires that parents have an opportunity to participate in the hearing process and to be represented by counsel.Beyond this, due process details are left to the discretion of the local education agency.It is recommended that districts develop policy guidelines and procedures. |

**DC AP SESSION 4: IEP TEAM MEMBER**

Content adapted from <http://www.readingrockets.org/article/211/>

**The IEP Team Members**

Parents/guardians/family members and teachers as well as other professionals are required by law to be involved in writing a student's IEP. Find out about the members of an IEP team and the roles they play.

By law, certain individuals must be involved in writing a student's Individualized Education Program. These are:

* the student, as appropriate
* the student's parents
* at least one of the student’s special education teachers or providers
* at least one of the student's general education teachers (if the student is, or may be, participating in the regular education environment)
* a representative of the school system
* an individual who can interpret the evaluation results
* representatives of any other agencies that may be responsible for paying for or providing transition services (if the student is 16 years or, if appropriate, younger)
* other individuals who have knowledge or special expertise about the student

Note that an IEP team member may fill more than one of the team positions if properly qualified and designated. For example, the school system representative may also be the person who can interpret the student’s evaluation results.

These people must work together as a team to write the student's IEP. A meeting to write the IEP must be held within 30 calendar days of deciding that the student is eligible for special education and related services.

Each team member brings important information to the IEP meeting. Members share their information and work together to write the student's Individualized Education Program. Each person's information adds to the team's understanding of the student and what services the student needs.

**Parents/Family Members/Guardians**

Family members are key members of the IEP team. They know the student very well and can talk about the student's strengths and needs as well as their ideas for enhancing the student’s education. They can offer insight into how the student learns, what his or her interests are, and other aspects of the student that only a parent/family member can know.

They can listen to what the other team members think the student needs to work on at school and share their suggestions. They can also report on whether the skills the student is learning at school are being used at home.

**Teachers**

Teachers are vital participants in the IEP meeting as well. At least one of the student's regular education teachers must be on the IEP team if the student is (or may be) participating in the regular education environment. The regular education teacher has a great deal to share with the team. For example, he or she might talk about:

* the general curriculum in the regular classroom
* the aids, services, or changes to the educational program that would help the student learn and achieve
* strategies to help the student with behavior, if behavior is an issue

The regular education teacher may also discuss with the IEP team the supports for school staff that are needed so that the child can:

* advance toward his or her annual goals
* be involved and progress in the general curriculum
* participate in extracurricular and other activities
* be educated with other children, both with and without disabilities

Supports for school staff may include professional development or more training. Professional development and training are important for teachers, administrators, bus drivers, cafeteria workers, and others who provide services for students with disabilities.

The student's special education teacher contributes important information and experience about how to educate students with disabilities. Because of his or her training in special education, this teacher can talk about such issues as:

* how to modify the general curriculum to help the student learn
* the supplementary aids and services that the student may need to be successful in the regular classroom and elsewhere
* how to modify testing so that the student can show what he or she has learned
* other aspects of individualizing instruction to meet the student's unique needs

Beyond helping to write the IEP, the special educator has responsibility for working with the student to carry out the IEP. He or she may:

* work with the student in a resource room or special class devoted to students receiving special education services
* team teach with the regular education teacher
* work with other school staff, particularly the regular education teacher, to provide expertise about addressing the student's unique needs

**Extra information: The regular education teacher as part of the IEP team**

Appendix A of the federal regulations for Part B of IDEA answers many questions about the IEP. Question 24 addresses the role of the regular education teacher on the IEP team. Here's an excerpt from the answer:

"...while a regular education teacher must be a member of the IEP team if the student is, or may be, participating in the regular education environment, the teacher need not (depending upon the student's needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. For example, the regular education teacher who is a member of the IEP team must participate in discussions and decisions about how to modify the general curriculum in the regular classroom to ensure the student's involvement and progress in the general curriculum and participation in the regular education environment.

"Depending upon the specific circumstances, however, it may not be necessary for the regular education teacher to participate in discussions and decisions regarding, for example, the physical therapy needs of the student, if the teacher is not responsible for implementing that portion of the student's IEP.

"In determining the extent of the regular education teacher's participation at IEP meetings, public agencies and parents should discuss and try to reach agreement on whether the student's regular education teacher that is a member of the IEP team should be present at a particular IEP meeting and, if so, for what period of time. The extent to which it would be appropriate for the regular education teacher member of the IEP team to participate in IEP meetings must be decided on a case-by-case basis."

**The individual who can interpret evaluation results**

Another important member of the IEP team is the individual who can interpret what the student's evaluation results mean in terms of designing appropriate instruction. The evaluation results are very useful in determining how the student is currently doing in school and what areas of need the student has. This IEP team member must be able to talk about the instructional implications of the student's evaluation results, which will help the team plan appropriate instruction to address the student's needs.

**The school system representative**

The individual representing the school system is also a valuable team member. This person knows a great deal about special education services and educating students with disabilities. He or she can talk about the necessary school resources. It is important that this individual have the authority to commit resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

**Others with knowledge or special expertise**

The IEP team may also include additional individuals with knowledge or special expertise about the student. The parent or the school system can invite these individuals to participate on the team.

Parents, for example, may invite an advocate who knows the student, a professional with special expertise about the student and his or her disability, or others (such as a vocational educator who has been working with the student) who can talk about the student's strengths and/or needs.

The school system may invite one or more individuals who can offer special expertise or knowledge about the student, such as a paraprofessional or related services professional. Because an important part of developing an IEP is considering a student's need for related services, related service professionals are often involved as IEP team members or participants. They share their special expertise about the student's needs and how their own professional services can address those needs.

Depending on the student's individual needs, some related service professionals attending the IEP meeting or otherwise helping to develop the IEP might include occupational or physical therapists, adaptive physical education providers, psychologists, or speech-language pathologists.

**Transition services agency representative**

When an IEP is being developed for a student of transition age, representatives from transition service agencies can be important participants. Whenever a purpose of meeting is to consider needed transition services, the school must invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

This individual can help the team plan any transition services the student needs. He or she can also commit the resources of the agency to pay for or provide needed transition services. If he or she does not attend the meeting, then the school must take alternative steps to obtain the agency's participation in the planning of the student's transition services.

**The student**

And, last but not least, the student may also be a member of the IEP team. If transition service needs or transition services are going to be discussed at the meeting, the student must be invited to attend. More and more students are participating in and even leading their own IEP meetings. This allows them to have a strong voice in their own education and can teach them a great deal about self-advocacy and self-determination.

Küpper, L. (Ed.) with Kohanek, J. (production). (July, 2000). A Guide to the Individualized Education Program. Office of Special Education and Rehabilitation Services, Office of Special Education Programs: U.S. Department of Education.

**You and Your Student’s Individualized**

**Education Program (IEP) meeting**

**What is an IEP?**

* An Individualized Education Program (IEP) created specifically for the student based on their strengths and areas of concern.
* The IEP meeting is where this will be discussed and created. It must be at a time that is mutually convenient for family members and school personnel, and a translator must be provided for parents who speak a language other than English.
* An IEP contains measurable goals to work toward in school programs.
* An IEP states the placement of your child (general education classroom with supports, pull-out for help from special education teacher, a class for students with disabilities, or a school just for students with disabilities). Placement is based on the “least restrictive environment” for the student, which is often being included in the typical classroom, with supports, for the majority of the day. This placement should always be considered for the student.
* An IEP lists related services to be given, such as occupational, physical or speech therapy, orientation and mobility teachers, sign language interpreter, psychological counseling, adaptive PE or music therapy, and where they will be given.
* An IEP lists amount of time per week that special education services will be provided, who will give those services, and where those services will be given (pullout or in classroom).
* It is a meeting mandated by law – The Individuals with Disabilities Education Act (IDEA).
* Family members are to be a vital part of the IEP team, which also consists of the student, if appropriate, special education and general education teachers who will/do work with the student, any related service personnel such as physical, occupational and speech therapists, vision teachers, a person who is authorized to commit resources and programs for the school district, a person who can interpret any assessments completed on the student, and anyone else who the family or student asks to come.

This is a very important meeting for you and your student. This is where you meet with educators and school administrators to discuss and decide on the student’s education plan for the school year, and how services will be provided. It can be a little intimidating for family members and for the student, but as you learn more about what services are available for students with disabilities, his/her rights, and how to develop an effective plan, you will become more confident. We have some tips that will help!

**Before the meeting even starts, you should:**

1. Remember that special education is a service, not a place.
2. Make sure you have all the necessary paperwork, such as any previous IEPs, any notes, assessments or tests from professionals that may be relevant to the student’s
3. educational needs, and pertinent information from other schools or states if you have moved.
4. Request a copy of the proposed IEP goals (these are only proposed or draft goals until the whole team agrees which goals are most appropriate for the student), and current assessments from teachers and therapists. Ask to have this at least 3 days before the meeting so you have time to think about it, and change or add any goals you think are important. If you do not have the goals in time to really review them, you might want to reschedule the meeting.
5. Remember that you are a very valuable member of the IEP team, and that you are the expert on your student.
6. Check to make sure that each proposed goal is achievable, can be measured, and is clear (if not, ask questions!). Goals have to include measures so you and the school know how your child is progressing and when the goals have been reached, when progress is reported.
7. Find out who will be attending the meeting, and let the school know if you are bringing anyone, such as a family member, friend, professional, advocate, or someone who works with/knows the student outside of school.
8. Try to bring an advocate or support person with you to help you. Bringing someone with you is very helpful in order to give you support, and remind you of anything you may have forgotten to talk about. Always discuss your goals and desires with this person before you go to the meeting.
9. Make sure the IEP team has scheduled enough time for the meeting, so you do not feel rushed. If you have a lot to talk about or have disagreements with the proposed plan, you can ask for a longer meeting or two meetings, one to go over your concerns and a second meeting to complete the formal plan.
10. Know what is very important to you, and what you are willing to compromise on – this will show you are willing to negotiate and work with the school team. It will help to make a list to remind yourself of all the points you want to make.
11. Know that you can ask, in writing, for an IEP meeting anytime you feel the team needs to meet. This is especially important when you are concerned about the plan; you can agree to try certain approaches and then ask to meet again in a couple of months. This way you can review progress and any difficulties and reassess if the plan is working, or it needs some adjustment, or whether it needs to be dropped for a more appropriate goal.

**During the meeting tips:**

1. Go into the meeting with a positive attitude, assuming that everyone there wants the best for the student. Bringing goodies never hurts and can relax everyone.
2. School personnel will be dressed in business attire, so you probably want to dress in something that makes you feel confident.
3. Do not sit across from the school team, sit next to them--it creates a friendlier environment and will make you feel less intimidated.
4. Start by sharing your dreams for the student, as well as your nightmares. Share your vision of what you want your student’s life to look like now and in the future, as an adult. If the student is able, let him/her explain their dreams for the future to the team. This will not take very long, and will help the IEP team to see how goals can help to achieve those dreams and avoid those nightmares.
5. Make sure the student’s strengths are talked about and not just areas of concern/weaknesses. All students learn differently and your student’s strengths will include his/her learning styles.
6. Always ask questions if you do not understand something. You can repeat back what you think you heard for clarification. Invite the team to ask you any questions they may have. The team will work better if everyone feels comfortable.
7. Show the other members of the team respect, and expect them to respect you.
8. Thank anyone who has been helpful to you or the student.
9. As proposed goals are read, tell about any changes you wish to be made, or any other goals you think are important, and why. Ask how progress will be reported to you. The report card alone may not give you detailed information on the student’s IEP progress.
10. If you find your emotions are getting the best of you or you feel overwhelmed, you can ask for a short break to relax, refresh, and get ready to continue.
11. Remember that you are all there to develop a plan to help the student, and keep the meeting focused on that.
12. Make sure the designated note taker includes your input into the notes. You should read over the notes yourself before you agree to or sign the document.
13. Remember that a signed IEP is a legal document, and must be followed.
14. The IEP should have information about who is responsible for working on each goal for the student. Each service the student will receive must be listed in the IEP, including who will be making any needed adaptations and modifications, the frequency and duration of services, timelines for accomplishing goals, how each goal will be monitored, who will do this, and how the progress will be evaluated.
15. Any statements about lack of funding or the school not having the staff for that is not an acceptable reason for not providing a needed service for the student. While staffing may be a problem, ask the team how this problem will be resolved, when it will be resolved, and what they plan to do in the meantime. If a school cannot provide a service that is needed then they may need to send the student to a private provider, such as a therapist, at the school’s expense, or to another school that can provide the service.
16. Any assistive technology the student needs, or a behavior plan, transition goals and extended school year services (such as summer school) must be written into the IEP.
17. As the meeting ends, you will be asked to sign that you agree with the IEP. Read it completely yourself (or have your advocate read it to you) BEFORE you sign anything. Be sure your input is written there. If you do not agree with it, you should not sign it. If you do not sign, they will schedule another meeting within 10 days to see if everyone can come to agreement. You can also ask to take a copy home for a couple of days so you can reread it and think about it before you sign.
18. If you sign, they should make a copy of each page for you to take home (at no charge to you). If they cannot do this, they should send it to you within a few days.

**After the meeting:**

1. Put the new IEP in a file or notebook so you can always find it.
2. If someone was especially helpful, send them a note of thanks. This is not only good manners, it helps build relationships.
3. If the student was at the meeting, talk to him/her about it.
4. Use the IEP to help keep track of progress. The IEP goals and progress toward them are the basis for your child’s report card.
5. Remember that the IEP must begin being implemented within 10 days of the document being signed.
6. Ask for a meeting with any of the personnel working with the student if you have concerns or questions.
7. Offer to help the teacher or the school if you can. This not only helps the school/teacher, it helps the student child to see that their education is important to you.

**WHAT IS INCLUSION**

Content from: Kids Together, INC. Nonprofit 501(C)3. Information & Resources for Children & Adults with Disabilities.

Inclusion is part of a much larger picture then just placement in the regular class within school. It is being included in life and participating using one's abilities in day to day activities as a member of the community.

It is being a part of what everyone else is, and being welcomed and embraced as a member who belongs. Inclusion can occur in schools, churches, play- grounds, work and in recreation.

Human beings, regardless if they happen to have a disability or not, have basic needs that must be met in order to feel fulfilled. The basic needs of food, water and shelter are necessary for us to exist. It's also easy to see that when you don't eat right or exercise it can adversely effect your health and capacity to function in other areas of your life. Having meaning and purpose to what you do and who you are, provides inspiration. Feeling useless or doing things that are meaningless, decreases motivation and self-esteem. A sense of belonging, being loved, having relationships and friendships with others enriches our lives. Feelings of loneliness and alienation can have a negative impact in all areas of our lives. Education helps meet the need to learn and grow and not remain stagnant, but as with any of our needs, if we focus on one at the expense of the others it does not maximize the overall quality of life. When all these needs are met in an integrated way, each area adds strength in the ability to achieve fulfillment in the other areas. Inclusion is about meeting all those needs, and maximizing a person's overall quality of life.

In school, inclusion does not occur by placement in the regular class alone, rather it is a desired end-state. It must be created with proper planning, preparation and supports. The goal of inclusion is achieved only when a child is participating in the activities of the class, as a member who belongs, with the supports and services they need. Inclusion is "not" a trade-off of supports and services for placement in the regular class and is not a trade- off of achievement of individual goals. No matter where a child with a disability is placed, an Individualized Education Plan (IEP) must be developed around the child's needs. The IEP objectives must continue to be met in the regular class. The same applies to the related services a child needs, they must continue to be provided for in the regular settings.

The fundamental principle of inclusive education is the valuing of diversity within the human community.... When inclusive education is fully embraced, we abandon the idea that children have to become "normal" in order to contribute to the world.... We begin to look beyond typical ways of becoming valued members of the community, and in doing so, begin to realize the achievable goal of providing all children with an authentic sense of belonging. (Kunc 1992, pp. 38-39).

Inclusion in school requires a shift in the paradigm, instead of getting the child ready for the regular class, the regular class gets ready for the child. It's not a decision of zero or one hundred percent, but whatever balance that can be achieved to maximize meeting all of a child's needs. The regular class is not looked at as how it is, but how it "can be".

Adaptations are made to the materials, the curriculum and/or the expectations of the activities for the individual child, maintaining achievement of all individual and academic goals. The purpose isn't simply social or academic, but to meet all of a child's needs together wherever possible.

Through inclusive education children with disabilities remain on a path that leads to an adult life as a participating member of society. Meeting all their needs together increases their ability to achieve academic and physical growth to their potential, and it enhances their overall quality of life.

Inclusive education teaches all children teamwork and how to interrelate and function together with others of different abilities. They learn to value diversity, see the ability of others to contribute, and it gives children a sense of unity.

Written by Colleen F. Tomko

Material Copyrighted 1996 Kids Together, Inc.

This material may be copied for non-profit use only. (May be linked but not copied on to other websites)

Please notify us of your intentions.

**BENEFITS OF INCLUSIVE EDUCATION**

Content from: Kids Together, INC. Nonprofit 501(C)3. Information & Resources for Children & Adults with Disabilities.

The benefits of inclusive education are numerous for both students with and without disabilities.

**Benefits of Inclusion for Students With Disabilities**

1. Friendships
2. Increased social initiations, relationships and networks
3. Peer role models for academic, social and behavior skills
4. Increased achievement of IEP goals
5. Greater access to general curriculum
6. Enhanced skill acquisition and generalization
7. Increased inclusion in future environments
8. Greater opportunities for interactions
9. Higher expectations
10. Increased school staff collaboration
11. Increased parent participation
12. Families are more integrated into community

**Benefits of Inclusion for Students Without Disabilities**

1. Meaningful friendships
2. Increased appreciation and acceptance of individual differences
3. Increased understanding and acceptance of diversity
4. Respect for all people
5. Prepares all students for adult life in an inclusive society
6. Opportunities to master activities by practicing and teaching others
7. Greater academic outcomes
8. All students needs are better met, greater resources for everyone

There is not any research that shows any negative effects from inclusion done appropriately with the necessary supports and services for students to actively participate and achieve IEP goals.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

From Kids Together <http://www.kidstogether.org/inclusion/benefitsofinclusion.htm>

**Tips for getting what your student needs**

Prepare for meetings - AVOID "SURPRISES"

Find out who will be attending:

* Make sure key people are attending.
	+ regular, and special education teachers, therapist, etc.
* Ask for a person trained on inclusion and adaptations to facilitate the meeting.
* It is legally required that parents receive a written invitation to IEP meeting
	+ Meetings should be held at mutually convenient (a/k/a mutually inconvenient) times.

Ask exactly what the meeting will cover

* Get to know you meetings can end up being evaluations and IEPs
* Talk to individual staff about what will be covered in meetings

Make sure enough time is allotted

* Be sure there are start and finish times, and that key people will be attend entire time.
* Some IEP's are broken up into several shorter meetings.
* For a student with significant needs, planning can take 16 hours or longer
	+ Total time should not be limited, keep rescheduling if not finished in the session's time limits

Get copies of reports or evaluations that will be discussed, prior to the meeting

* Nothing can throw off your ability to think clearly then having people over analyze your student.
* Many professional's have not shifted to using strength based evaluations
* Listening to reports that describe what is wrong with your student, what he or she can't do, and how that compares to others can be very emotionally overwhelming.

Plan to make the meeting festive, bring food, color and music

* You’re not planning a funeral, your planning for your student's success, make it fun!

Prepare a vision statement for your student's future

* Refer to the vision during all of your planning

Write a draft version of the IEP

* Plan on collaborating with the team
* Include family, friends and others who know your student to help you prepare

Write priorities

* Decide what services, or supports etc. you feel you must get for your student
* Decide which areas you may be willing to compromise if needed.

Organize copies of laws, information and resources that address your student's needs

* Include State and Federal laws covering special education services
* Have copies of interpretations of the laws
	+ Example in Pennsylvania - BEC's or Basic Education Circulars
* Bring resources and information on assistive technology that may help your student succeed
* Provide information on inclusion, adaptations and trainings
* Phone numbers for support or clarification
	+ Education Law Center, Consult Line, advocates, Protection & Advocacy etc.

**At IEP meetings**

Never go to a meeting alone!

* Take an advocate, an informed parent, family member, friend or neighbor
* Sometimes meetings can end up emotional, unclear or even out of compliance, Its good to have others on your side to help listen, clarify and support you
* If possible spouses should always attend together
* The student should always attend when appropriate

Reschedule if the key people are not present or there are other surprises

* Let everyone know you asked ahead of time for this information
* To be productive you need the right people and information to plan
* Simply pick up your things and tell them to reschedule when it can be done right

Begin IEP meetings by reading your student's vision statement

* Hand out copies of your vision, if possible include a photo
	+ This helps everyone get on the same page
* Goals need to be based on achieving this vision, not deficits nor life skills.

Have the facilitator write notes on large flip chart paper

* This way everything discussed is clear and visible to all participants.
* Begin with one sheet for each area
	+ Example: reading, math, social, self-help, behavioral.
	+ Draw a vertical line and begin by listing strengths on the left
	+ Needs and goals can be listed on the right, use as many sheets as needed.

Be clear in describing what you want and why

* You can expect more collaboration when others understand exactly what it is you are asking of them and why.
* Don't just describe a service or device, tell how it will help your student learn and progress
* Give a clear visual picture of what you think a situation will look like with your student having this.

Be a good listener

* Allow others to finish what they are saying, even if you disagree
* Repeat back a summary of what they said to avoid miscommunication
* Once they agree that you understand them, then go ahead and state your views.

Get issues out in the open

* Don't play mind games, get anything and everything that concerns you out on the table.
* Most people can't read minds, be upfront, confront the issues and be proactive.
* If you think that a teacher or school doesn't want your student in the regular class, tell the team this.
* You'll be surprised how much relief you'll feel by getting the issues out.
* Begin your statements with 'I feel", "I think" etc. to help open up lines of communication.

Avoid arguing over issues that are not leading to planning your student's success

* Don't get drawn into other issues such as funding, training, etc. first write an appropriate IEP
* Jot a note to place in front of you at the meeting, "Does this topic lead toward my student's success.
* Glance at this note throughout the meeting and if you find a topic isn't appropriate interrupt and ask to get back to planning for your individual student's success.

Take a break

* If information is overwhelming, emotional or confusing take a ten-minute break.
* Use this time to reorganize, refresh, energize, make phone calls,
* collaborate with others helping you attend the meeting.
* Decide if you can go on or need to reschedule.

Insist on positive language used to describe your student

* Parents are team members and have a right to suggest terminology used.
* Reports need to state what your student "can do" and then what is expected
* IEP's are for individuals, comparative information to others is not needed.
* For evaluations have the language rephrased positively, or file a dissenting opinion.

Every service and support needed for your student must be written in the IEP

* IEP's are legally binding contracts. If its not in there they don't have to provide it.
* If told something doesn't have to be in writing, explain, you are protecting your student's rights.
* IEP's must be implemented in reasonable time, usually considered 10 days, including providing assistive technology that is listed
* You could allow flexibility to show that you are willing to work with the team, but don't get taken advantage of.

Have periodic planning meetings written into the IEP

* Plan on the front line staff, those working directly with your student, to meet regularly.
* Start out with weekly meetings and if all is going well move to bi- weekly, then monthly.

Behavior plans must be a part of the IEP

* If a student's behavior interferes with his or her learning, a behavior plan is required
* Have training and supports for staff included in the IEP.

Review the IEP before accepting it

* Be sure the goals are realistic, achievable, objective, measurable and academic in nature.
* Make sure all areas are addressed, including extended school year, transition and supports.
* Check that if assistive technology needed there is full time access and it is written into the goals.

The system never determines your student's program

* What your student needs is not determined by what is available, its based only on your student.
* You don't have to accept statements like, we don't have the funding, training, or staff for that.
* Special education is a service, not a place. Services follow the student.
* It doesn't matter what is being done for any other student, you are only planning for you own.
* If the team will not write down something your student needs, you must be given a Notice of Recommended Education Placement

Get it in writing, who is responsible for implementing each part

* Who is going to coordinate all team members in addressing your student's goals?
* Who will be making adaptations and modifications, scheduling trainings, ordering devices?
* Who will be looking at daily class activities and determining what it will look like for your student?

Before people leave schedule any necessary follow-up meetings

When all goes well, (It can happen!) give positive reinforcement to team members

* Thank everyone for attending, and working toward your student's success.

Written by Colleen F. Tomko, copyright 1998

This material may be copied for non-profit use only. (May be linked but not copied on to other websites)

From Kids Together <http://www.kidstogether.org/IEP.htm>

**DC AP SESSION 4: GLOSSARY OF EDUCATION TERMS FOR**

**PEOPLE WITH DISABILITIES**

Content available at:

<http://www.ndss.org/Advocacy/Advocacy-101/Glossary-of-Terms/> and [http://dc.gov/DCPS/In+the+Classroom/Special+Education/Common+Terms+in+Special+Education](http://dc.gov/DCPS/In%2Bthe%2BClassroom/Special%2BEducation/Common%2BTerms%2Bin%2BSpecial%2BEducation)

**IDEA: THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

IDEA is a critically important civil rights law guaranteeing education to all children with disabilities, was passed in 1975. Prior to its passage one million children with disabilities were not permitted to attend school in the US and several million children with disabilities were receiving inadequate education. Hallmarks of the law are the mandate for a free and appropriate education for students with disabilities (FAPE) through the provision of special education and related services, due process guarantees and other important safeguards for students and families, the requirement that education be delivered in the least restrictive environment (LRE) , and a clearly defined role for parents in the design of the student's educational program through participation in the development of an annual individualized education program (IEP). This law is periodically reviewed and revised by Congress through a reauthorization process.

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

The Individuals with Education Act (IDEA) defines FAPE as "free appropriate public education". This means the child receives special education and related services provided at public expense, under public supervision and direction, and without charge, that the special education delivered include an appropriate preschool, elementary school or secondary school education that meets the standards established by a State education agency and is delivered in conformity with the requirements of the child's Individualized Education Program (IEP). IDEA requires that a student with a disability be provided FAPE in the least restrictive environment (LRE).

Special education and related services that:

* Are provided at public expense, under public supervision and direction, and without charge;
* Meet the standards of the State Educational Agency, including the requirements of this party
* Include an appropriate preschool, elementary school, or secondary school education; and are provided in conformity with an Individualized Education Program

**LEAST RESTRICTIVE ENVIRONMENT (LRE)**

LRE is a core component of the Individuals with Disabilities Education Act (IDEA), which provides that a student with a disability must receive a free appropriate public education (FAPE) with non-disabled peers to the maximum extent appropriate. The LRE provisions of IDEA require that the general education classroom be considered by the IEP team before consideration of more restrictive placements, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. This legislative language creates a strong presumption that the appropriate placement for students with disabilities is in the general education classroom and that schools must provide the necessary supports for this placement to be successful.

**ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)**

The Elementary and Secondary Education Act (ESEA), passed in 1965 as part of President Lyndon Johnson's "War on Poverty," called for the creation of equal education opportunities for disadvantaged children. It established school system accountability for students and provided federal funding for elementary and secondary education. This extensive piece of legislation also provides funds for professional development, instructional materials, educational programs, and the support and encouragement of parental involvement in the education of their child. The most recent reauthorization of ESEA was called the No Child Left Behind Act of 2001 (NCLB).

**ESEA FLEXIBILITY REQUESTS**

In 2011, the US Department of Education started permitted states to apply for a waiver for some of the key provisions in NCLB. The application is called an ESEA Flexibility Request and contains details about how schools will be held accountable for the college and career readiness of its students and how teachers and principals will evaluated. Civil rights and disability advocates have concerns about the impact these waivers will have on school accountability for the academic performance of the disadvantaged students who are the focus of NCLB.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

The term ‘individualized education program’ or ‘IEP’ refers to a written statement for each child with a disability that is developed, reviewed, and revised in accordance with federal law. The IEP guides a special education student’s learning. It is created for children between the ages of 3 and 22. It describes the amount of time that the child will spend receiving special education services, any related services the child will receive, and academic/behavioral expectations.

The IEP team meets at least once a year to talk about the child’s progress and make any needed changes to the plan.

**IEP TEAM**

The IEP Team, or Individualized Education Program Team, is a group of individuals including:

* The child, if appropriate.
* The parent(s)(or other guardian) of the child;
* At least one general education teacher of the child;
* At least one special education teacher;
* A representative of the Local Education Authority (LEA) who is qualified to provide, or supervises the provision of, specially designed instruction to meet the unique needs of children with disabilities, and is knowledgeable about the general curriculum and the availability of resources of the LEA;
* An individual who can interpret assessment results and the related instructional implications;
* Other individuals, at the discretion of the parent or the LEA, who have knowledge or special expertise regarding the child, including related services personnel, if appropriate; and

The IEP team is responsible for identifying and evaluating children with disabilities, developing, reviewing, or revising an IEP for a child with a disability, and determining the placement of a child with a disability in the least restrictive environment (LRE).

**INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)**

IFSP is a written, legal document required by the Individuals with Disabilities Education Act (IDEA) that is developed and reviewed annually by a multidisciplinary team, including the parents of a child who receives early intervention services. The IFSP identifies the measureable results or outcomes to be achieved, the services necessary to meet the unique needs of the child and the family, the natural environments in which services will be provided and the identification of a service coordinator.

**SPECIAL EDUCATION COORDINATOR (SEC) OR IEP CASE MANAGER**

The point of contact for all special education matters at a DCPS school. SECs and IEP case managers are responsible for identifying children who may have a disability and for organizing all meetings related to special education. At some DCPS schools, a child’s teacher serves as his or her IEP case manager.

**STUDENT SUPPORT TEAM (SST)**

Each school has a core group of professionals that leads the work around all areas of student support in the building. This group of core professionals is known as the Student Support Team. The group includes, but is not limited to, administrators, guidance counselors, mental health professionals, nurses, math and literacy coaches, and attendance counselors. As individuals, these professionals serve as resources for teachers and suggest targeted strategies and interventions in their area of expertise. As a group, they meet regularly to collaborate and address more complex cases of individual children who require targeted support.

**FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) AND BEHAVIOR INTERVENTION PLAN (BIP)**

An FBA is a process used for students who have behavioral or emotional problems believed to be interfering with their educational progress or the progress of other students. During this process, the child’s IEP team identifies specific challenging behavior, the purpose of that behavior, and whether the behavior is interfering with the child’s educational progress. The FBA leads to the development of a Behavior Intervention Plan (BIP) plan to teach acceptable alternative behavior. The BIP focuses on teaching new behaviors and skills, but also can require:

* Modification of the school or classroom environment and activities;
* Adaptation of curriculum and instructional delivery; and
* Changes to the teacher-student relationship that has been promoting undesirable behavior.

**INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

An independent educational evaluation is an evaluation of a child that is done by a qualified examiner who does not work for DCPS. According to IDEA, parents have the right to an IEE administered at public expense when a parent disputes the results of the school’s evaluation.

**PRIOR NOTICE OF PLACEMENT (PNOP) OR PRIOR WRITTEN NOTICE (PWN)**

According to IDEA, parents must be notified in their native language before a school district makes or denies any changes to a child’s IEP. This includes before a child is evaluated, moved to or out of non-public placement and before changes in services are made. The purpose of this notice is to give parents an opportunity to respond to the proposed changes before they occur.

**DC COMPREHENSIVE ASSESSMENT SYSTEM (DC CAS)**

The District of Columbia Comprehensive Assessment System, (DC CAS), assesses students on reading and math in grades 3-8 and 10, science in grades 5 and 8, biology in high school, and composition in grades 4, 7 and 10. If a child receives special education services, his or her IEP team will decide whether the child requires accommodations and/or modifications to take the DC CAS.

**DC COMPREHENSIVE ASSESSMENT SYSTEM – ALTERNATE ASSESSMENT PORTFOLIO (DC CAS-ALT)**

The DC CAS-Alt is for students with severe cognitive disabilities who are unable to participate in the general assessment (DC CAS) even with accommodations and/or modifications. The DC CAS-Alt is a portfolio assessment that teachers administer over the course of the year, focusing on required state standards.

**EARLY INTERVENTION SERVICES**

Individuals with Disabilities Education Act (IDEA) requires states to provide early intervention services to children under three years of age who are experiencing developmental delays or has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. Some states have elected to extend these services until age 5. The services are designed in the Individualized Family Service Plan (IFSP) to meet the child's needs in the areas of physical, cognitive, communication social/emotional or adaptive development. These services are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees and are supposed to be delivered in the child's natural environment (e.g. home or childcare setting). Examples of services include, but are not limited to, family training, counseling, speech and language therapy, occupational therapy, assistive technology devices and transportation services.

**OFFICE OF STATE SUPERINTENDENT OF EDUCATION (OSSE)**

The Office of the State Superintendent of Education is the state education agency for the District. As a result, OSSE sets statewide policies, provides resources and support, and ensures accountability for all public education in the District.

**REHABILITATION SERVICES ADMINISTRATION (RSA)**

RSA, a division of the DC Department on Disability Services, provides services to adults whose disabilities are a barrier to finding and maintaining competitive employment. In partnership with DCPS, RSA can begin working with DCPS students as early as age 14 to begin the process of determining whether their disability will be a barrier to finding and maintaining competitive employment.

**INCLUSION**

Inclusive education is an approach to the delivery of education based on ensuring that students with disabilities are not educated separately from their non-disabled peers. A student with disability in inclusive education receives special education and related services as defined in the student's IEP in the student's neighborhood school and in general education classes comprised of age appropriate peers and where instruction provides access to the core academic curriculum studied by non- disabled peers. Many studies show the benefits of inclusion for students with disabilities and their non-disabled peers.

**INDEPENDENT LIVING**

One of the purposes of the Individuals with Disabilities Education Act (IDEA) is to prepare students with disabilities for independent living, which means living in the community with the opportunity to be as self-sufficient as possible. People with disabilities are the best experts on their own needs, having crucial and valuable perspective to contribute and deserving of equal opportunity to decide how to live, work, and take part in their communities, particularly in reference to services that powerfully affect their day-to-day lives and access to independence.

**ADVOCACY**

A political process by an individual or a group which aims to influence public- policy and resource allocation decisions.

**LOBBYING**

A form of advocacy where a direct approach is made to legislators on an issue which plays a significant role in modern politics.

**REAUTHORIZATION**

This term refers to the process by which Congress periodically reviews and prescribes changes, additions, and deletions to existing statutes. The intent of this process is to adjust current programs to meet the nation’s changing needs.

**SYSTEMS CHANGE**

Systems change is the development of new policies, programs, use of resources, and service delivery by a community or governmental unit (school district, local, state or federal government, etc.). Effective systems change is built on broad stakeholder involvement in such improvement and typically involves a variety of agencies, organizations, and advocates.

**TRANSITION**

Transition by students with disabilities refers to the movement from one program or setting to another. Such transitions include services for infants and toddlers to preschool, then to elementary school, middle school and high school. Planning for the transition from school to postsecondary education, employment and independent living should start early in the child’s life. The requirement for the age transition services must start varies by state, but must start no later than age 16.

**UNIVERSAL DESIGN FOR LEARNING (UDL)**

A scientifically valid framework for guiding educational practice that accommodate individual learning differences by providing flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged. UDL reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

**EVENTS**