

Working with Schools, Special Education and what you need to know

Presented by the SEA Group

The SEA Group

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Introduction

Special Education



- Numerous studies indicate anywhere between 23-47 % of U.S. children receive special education services at some point in their schooling.
- These services are detailed in what is called an Individual Education program (IEP).

Individuals with Disabilities Education Act (IDEA) 2004

- The primary purpose of the Individuals with Disabilities Education Act is to ensure that all children with disabilities receive a Free Appropriate Public Education, including special education and related services that are designed to meet their unique needs and prepare them for further education, employment and independent living.



What is an IEP?

- An IEP is mandated by the Individuals with Disabilities Education Act (IDEA).
- An IEP is a written statement for each child with a disability that is developed, reviewed at least annually, and revised in a meeting and is a legal compliance document.
- **MOST IMPORTANTLY, IT MUST BE INDIVIDUAL TO THE CHILD!**

What is a 504 Plan?

- A 504 plan is supported by the federal civil rights law, Section 504 of the Rehabilitation Act of 1973.
- A child may be eligible for **accommodations** under a 504 plan if he or she has a physical or mental health disability that limits one or more major life functions.
- A 504 plan is delivered in the regular education classes to level the playing field so that a student may achieve in that regular education environment alongside his or her peers.



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Free Appropriate Public Education

- Free Appropriate Public Education (**FAPE**) is an educational right of children with disabilities in the United States that is guaranteed by the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act.



Child Find

Child Find is a mandate that requires school districts to locate, identify, and evaluate children with disabilities within their attendance area, even children not yet 3 years of age.



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How do you know if a child needs Special Education?

- Is the student failing or doing very poorly academically?
- Is the student receiving many behavioral referrals?
- Is the student being suspended often?
- Does the student avoid school because it is “too hard” or “too boring”?
- Has the teacher mentioned concerns regarding the student's performance?
- If the answer is yes or maybe to any of these questions a referral should be made!

Who can request that?

- Anyone with a **suspicion** that a child may need special education services may refer a student for a comprehensive special education evaluation.
- This means anyone, you, me, the mailman, the butcher, the baker, and the candlestick maker!



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What happens once a referral is made?

- Within 15 business days of receiving the referral a consent to evaluate for will be sent to the **legal guardian** for signature.
- It is imperative that when referring, the address of the **legal guardian** be included.
- Under IDEA, a judge can appoint a surrogate parent for this purpose if necessary.
- If parents whereabouts are truly **unknown**, foster caregivers (long-term) or another suitable person may be designated by the school district as surrogate parents.

60 Days Rule

- IDEA allows **60 calendar days**, which includes school vacation days, weekends, and holidays for the evaluation to be completed and an initial IEP meeting to be held.
- The **60 days** begin on the date that the school district receives the parent/legal guardian consent to evaluate signature.



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IDEA Eligibility Categories

- Intellectual Disability (ID)
- Visually Impaired
- Specific Learning Disability (SLD)
- Traumatic Brain Injury (TBI)
- Orthopedically Impaired
- Hearing Impaired
- Emotional Behavioral Disability (EBD)
- Significant Development Delay (SDD)
- Other Health Impairment (OHI)
- Speech and Language (SPL)
- Autism (ASD)

IEP Team Member Must Haves

- Parents
- Special education teacher
- Regular education teacher
- Local Education Agency Representative (LEA)
- Someone to interpret instructional implications of evaluations

MAY HAVE:

School Psychologist, School Social worker, Speech Pathologist, Nurse, OT, PT therapist's.

Can Legal Guardians invite people to the IEP meeting?

- The parents/legal may bring **anyone** that they feel has knowledge of the child that will be valuable to the team. EG Pre-school teacher, daycare provider, outside specialists, relatives, foster caregivers, friends, or Educational Advocates !
- Remember though if a parent is not present, the representative can not enter the meeting without written consent.
- Come with as much documentation you have and remember that if it is not in **writing**, it did not happen.

Initial Evaluation IEP Meeting

- The team will gather all information.
- Consider each evaluation.
- Listen to all participants.
- Ask two questions:
 1. Does this child have a disability?
 2. Does this child need special education?

Finally make the appropriate decision!

Appropriate Decision

- If the answer to those two questions is yes than the team will go ahead and develop an IEP at that time.
- However, if anyone on the team feels they need more time it **MUST** be allowed!
- If the answer to those two questions is no, the parents/guardians may request an independent education evaluation at the school districts expense.
- Whoever is chosen to do this independent education evaluation must have equal or greater credentials and be within reasonable distance.
- If it is decided that the child has a disability but is not in need of special education a 504 referral should be considered.

IEP Development

Now the team develops an IEP to reflect and answer these questions:

- What is the students present level of academic and functional performance?
- Are there special factors that need to be considered? (FBA or PBIP)
- What should the student be capable of doing in the next 12 months? (goals)
- How will progress towards these goals be measured and reported?
- Where will these services take place? (Placement)

Least Restrictive Environment

- To the maximum extent appropriate for the disabled student and other students in the classroom.
- Begins with consideration of local neighborhood school and then moves along a continuum of placements if that one is not appropriate to meet the students needs.



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If the Parents/Guardians Accept the IEP

- Before the district may provide special education to the student for the first time, the Federal Law (IDEA) requires written consent.
- The school makes sure that the students IEP services are delivered as written Parents/Guardians are given a copy of the IEP.
- Each student's teachers and service providers have access to the IEP and should know his or her specific responsibilities for carrying out the IEP.
- This includes **accommodations, modifications, and supports** that are needed for the students **success!**

Special Education in the Virtual Platform

IEP Meetings

- All districts should be scheduling IEP meetings right away to develop an IEP that will describe what services will look like in a brick-and-mortar platform
- These plans are a working document, and must be reviewed more frequently to ensure that the student is making progress towards their IEP goals
- Schools are obligated to determine if a student requires additional services due to the school closure

Contingency Plan or Distance Learning plan

- Schools must develop a contingency plan/distance learning plan in the event there is a health emergency resulting in another school closure
- These plans must define what services and supports will look like in a virtual platform
- These plans **DO NOT REPLACE THE IEP!**
- These plans should include input from the family.
- Should be reviewed often to ensure its effectiveness.

Behavior

- Suspensions
- Expulsion
- FBA
- PBIP
- Manifestation



Suspension under IDEA

- Can be no more than 5 consecutive days unless a notice of expulsion has been sent.
- Can be no more than 10 cumulative days in a school year without compensatory services being offered.
- Compensatory services must be provided on the eleventh day.

understanding

behavior



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Discipline

- Function Behavior Assessment
- **FBA** (Functional Behavioral Assessment) is a method for **Identifying** the underlying cause/purpose of a behavior.
- It uses information in a way that helps the student develop new, appropriate replacement behaviors that are effective in helping the student attain what he wants/needs in an appropriate manner.
- Must take place when a student has been suspended for 10 days.
- Best practice is to do it whenever a pattern of inappropriate behavior is observed (do not have to wait for 10 days of suspension).
- Is the source of data collection for the development of the Positive Behavior Intervention Plan.

Discipline

- Positive Behavior Intervention Plan (PBIP)
- Is a written proactive plan that includes strategies to help reduce or prevent the likelihood of challenging behaviors from occurring.
- The student does not need to be receiving special education services in order to have a PBIP.
- For some students, simple interventions such as moving a desk in a classroom may make a huge difference.
- Should be reviewed every 6 to 8 weeks

Discipline

- There are certain behaviors for which a school system can change a student's placement to an "interim alternative educational setting" for up to 45 school days. This is so if the student carries a **dangerous weapon** to school or a school function, knowingly possesses, uses, sells or attempts to sell **illegal drugs at school** or at a school function, or has inflicted serious bodily injury upon another while at school or at a school function. (§1415(k)(1)(G))

Interim alternative educational setting

- An appropriate setting determined by the child's IEP team in which the child is placed for no more than 45 school days.
- This setting enables the child to continue to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the IEP.
- As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

Manifestation

Must take place within 10 school days

The Purpose of a manifestation meeting is to determine whether or not:

The incident in question had a direct and substantial relationship to the students disability

AND/OR

The conduct in question was the direct result of the district's failure to implement the student's IEP

Manifestation

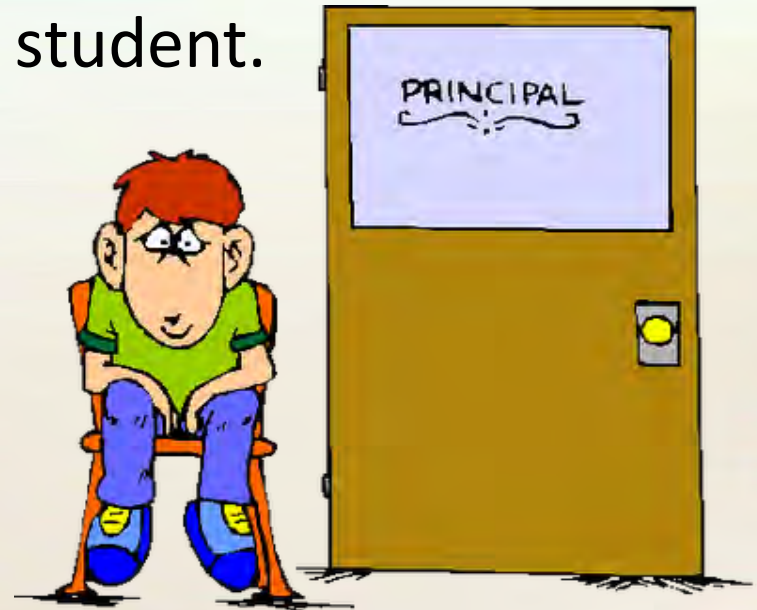
- If it is determined the behavior is a manifestation of the students disability the school may NOT expel the student and the student must be allowed to return to school at the end of suspension period.
- If it is determined that the incident in question is not a manifestation of the students disability, then the district can move forward with the expulsion.
- Because the manifestation determination is conducted in the context of an IEP meeting, guardians have the right to request a due process hearing if they disagree with the outcome.
- In other school districts they may exclude levels and call it a pre-expulsion hearing

Manifestation

- If the student knows right from wrong and understands it is wrong to violate the student code of conduct, doesn't that mean their misconduct was not a manifestation of their disability?
- No, the student may know their behavior is wrong but the misconduct might still be directly related to their disability.
- For example, the student's disability may limit their ability to control the behavior. Or, perhaps IEP services, such as counseling, were never provided, causing the student's behavior to escalate beyond the student's control.

Expulsions

- Can last through the students 21st birthday.
- No public or private school district is obligated to take a student who is expelled from another district.
- Exception for a special education student.



Educational Acronyms

- LEA-Local Education Agency Representative
- COH- Central Office Hearing
- FBA- Functional Behavioral Assessment
- PBIP- Positive Behavioral Intervention Plan
- FAPE- Free Appropriate Public Education
- IEE- Independent Education Evaluation

Tips

- Know the school rules.
- Know the behaviors common to the disability.
- Address the behaviors and school rules in the IEP.
- Always get everything in **WRITING!**

