

IDEA & Advocacy:

Protecting the Parent/School Relationship



Learning Enough To Make a Difference In the family/professional relationship

THE LEGAL STUFF!!!



Basic legal information you should know..

IDEA website:

www.idea.ed.gov



U.S. Department of Education, Office of Special Education Programs' (OSEP's)

Building the Legacy: IDEA 2004



Part B

(ages 3-21)

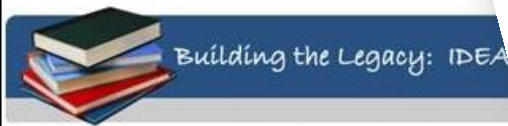
[Click Here to Enter](#)



Part C

(ages birth-2)

[Click Here to Enter](#)



Welcome to the U.S. Department of Education, Office of Special Education Programs' (OSEP's) IDEA website.

This site was created to provide a "one-stop shop" for resources related to IDEA and its implementing regulations, released on August 3, 2006. It is a "living" website and will change and grow as resources and information become available. When fully implemented, the site will provide searchable versions of IDEA and the regulations, access to cross-referenced content from other laws (e.g., the No Child Left Behind Act (NCLB), the Family Education Rights and Privacy Act (FERPA), etc.), video clips on selected topics, topic briefs on selected regulations, links to OSEP's Technical Assistance and Dissemination (TA&D) Network and a Q&A Corner where you can submit questions, and a variety of other information sources. As items are completed and added to this site, we invite you to grow and learn with us as we implement these regulations.

News

Dispute Resolution: Q and A document released by OSEP
This [memo](#) and [question and answer document on dispute resolution](#) were released in July 2013 and they provide guidance on mediation, State complaint procedures, due process complaints and hearing procedures, the resolution process and expedited due process hearings. This Q and A updates three previous memoranda as well as a previous Q and A document.

Part B of the Individuals with Disabilities Education Act Notice of Proposed Rulemaking

The new regulations for Part B of IDEA on parental consent for accessing public and private insurance were published on Thursday, February 14, 2013 and were effective on March 18, 2013.

Download as a [PDF](#).

New Non-regulatory Guidance Document regarding when a State or local educational agency seeks to use a child's or parent's public benefits or insurance (e.g., Medicaid) to pay for Part B services was Posted on 6/13.

You can download this file in PDF format [here](#).

- Browse Major Topics
- Alignment with the No Child Left Behind Act
 - Discipline
 - Disproportionality
 - Early Intervening Services (EIS)
 - Evaluation and Reevaluation
 - Funding
 - Highly Qualified Teachers (HQT)
 - Identification of Specific Learning Disabilities
 - Individualized Education Program (IEP)
 - Monitoring and Enforcement
 - National Instructional Materials Accessibility Standard (NIMAS)
 - Part C Option
 - Private Schools
 - Procedural Safeguards
 - Secondary Transition
 - Statewide and Districtwide Assessments

- Check These Out
- Regulations
 - Statute
 - Training Materials
 - Model Forms
 - Video Clips
 - Webcast

Search

Entire Site

GO

- Helpful Links
- TA&D Network
 - IDEAdata.org
 - Assessment Tool Kit
 - Q&A Corner (Click here to submit question)
 - Event Calendar
 - Document Archive

IDEA 2004: Building the Legacy

Part C (birth - 2 years old)

- Home
- Statute
- Regulations
- Q&A Corner
- Major Topics

The Individuals with Disabilities Education Act (IDEA), is a United States federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities.

Welcome to the U.S. Department of Education, Office of Special Education Programs' (OSEP's) Part C of the IDEA website.

This site was created to provide a "one-stop shop" for resources related to Part C of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, announced on September 6, 2011. It is a "living" website and will change and grow as resources and information become available. When fully implemented, the site will provide searchable versions of IDEA and the regulations, access to cross-referenced content from other laws (e.g. the Head Start Act, the Family Education Rights and Privacy Act (FERPA), etc.), webinars on selected topics, non-regulatory guidance, links to OSEP's Technical Assistance and Dissemination (TA&D) Network, a Q&A Corner where you can submit questions, and a variety of other information sources. As items are completed and added to this site, we invite you to grow and learn with us as we implement these regulations.

On September 6, 2011, the U.S. Department of Education announced the release of the final regulations for the early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA). These final regulations will help improve services and outcomes for America's infants and toddlers with disabilities and their families.

Part C is a \$436 million program administered by States that serves infants and toddlers through age 2 with developmental delays or who have diagnosed physical or mental conditions with high probabilities of resulting in developmental delays.

The final Part C regulations incorporate provisions in the 2004 amendments to Part C of the IDEA. Additionally, the final regulations provide States with flexibility in some areas, while ensuring State

News

→ **Announcing two new IDEA Part C Training Curriculum modules:**
[Module 8 | The Transition Process and Lead Agency Notification to the LFA and SEA](#)

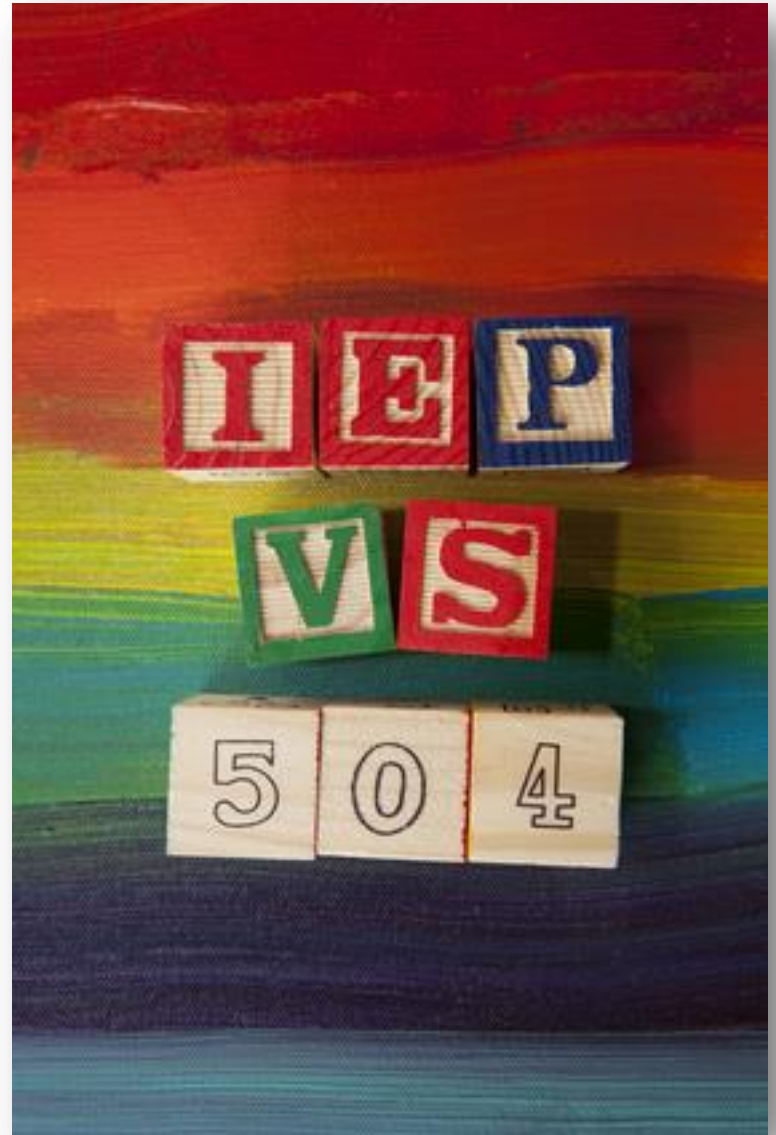
[Module 9 | Development of the Transition Plan](#)

→ **Non Regulatory Guidance and Supporting Documents for the new Part C regulations**
[Click here](#) for materials from the November 16, 2011 Part C regulations training. Read these documents as you prepare your applications and revise your policies.

→ **Posny remarks on IDEA Part C Final Regulations**
[Click here](#) to view the September 26, 2011 video of OSERS Assistant Secretary Alexa Posny's remarks on the Individuals with Disabilities Education Act (IDEA) Part C

NEED TO KNOW

*What is the difference?
When should we switch?
Why should we switch?
Why should we NOT switch?*



504

someday your child may be on one



<https://www.disability.gov/rehabilitation-act-1973/>

(From the Rehabilitation Act of 1973)

~ birth to 21 in public institutions ~

ACCESS ONLY!!!

Rehabilitation Act of 1973

Civil Rights

Community Life

Education

Emergency Preparedness

The [Rehabilitation Act of 1973](#) (often just called the “Rehab Act”) prohibits discrimination on the basis of disability in programs run by federal agencies; programs that receive federal financial assistance; in federal employment; and in the [employment practices of federal contractors](#). The standards for deciding if [employment discrimination](#) exists under the Rehabilitation Act are the same as those used in [Title I of the Americans with Disabilities Act](#). Like the ADA, the Rehab Act has several sections to it.

[Rights for People with Disabilities](#) - October 10, 2016

- [Webinar on Working with a Mentor to Find Employment — October 26](#) - October 7, 2016
- [Labor Department Releases September Employment Numbers](#) - October 7, 2016
- [Hurricane Preparedness Tips & Information](#) - October 5, 2016
- [Five States Receive Grants to Help Prepare Students with Disabilities for College, Employment](#) - October 5, 2016

increase the employment of people with disabilities by companies that do business with the Federal Government. If you believe you have been discriminated against in hiring or employment by a federal contractor, you have the right to file a complaint.

- [Section 504](#) of the Rehab Act makes it illegal for federal agencies, or programs or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate against qualified individuals with disabilities. Requirements under Section 504 include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each federal agency has its own set of Section 504 regulations that apply to its programs. For example, through Section 504 and the ADA, the U.S. Department of Health and Human Services works to make sure that [doctor’s offices, clinics and medical equipment are accessible](#) to people with disabilities. Another federal agency, the [U.S. Department of Education](#), makes sure that students with disabilities get the kinds of educational services they need to succeed in school. An award-winning documentary film, “[The Power of 504](#),” documents the events that led to the signing of Section 504 into law.

- [Section 508](#) requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. An [accessible](#) information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may



To be eligible for protection under Section 504, the child must have physical or mental impairment. The impairment must substantially limit at least one.... Major life activity including....hearing, speaking....

The person with a 504 Plan has fewer rights and protections than a child who receives services under the IDEA.

504 DOES NOT provide individual education plans, only access.

ADA

is for children too!!!



www.ada.gov

Because it has a **legal definition**, the **ADA's definition** of disability is different from how disability is **defined** under some other **laws**. The **ADA** defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity.

New on ADA.gov

Miami University et al.
Consent Decree (10/17/16)

University of California at Berkeley | PDF
Letter of Findings (10/3/16)

City of NY and Richmond University Medical Center | PDF
Statement of Interest (9/29/16)

Richmond City Sheriff's Office
Updates (posted 9/29/16)

Alvey v. Gualtieri (M.D. Fla. 2016)
Statement of Interest (posted 9/20/16)

30 Hop Restaurant
Consent Decree | Complaint (9/19/16)

Humboldt County, CA
Consent Decree | Complaint (posted 9/7/16)

City of Ecorse, Michigan
Settlement Agreement (posted 8/29/16)

John Longacre, et al
Complaint (posted 8/29/16)

McLean Hospital
Settlement Agreement (posted 8/29/16)

Vinarc, LLC
Settlement Agreement (posted 8/29/16)

Imperial Plaza Condominium
Settlement Agreement (posted 8/29/16)

Ball v. Kasich
Statement of Interest (posted 8/25/16)

**Georgia Network for Educational and Therapeutic Support /
U.S. v. Georgia (N.D. Ga. 2016)**
Complaint (posted 8/23/16)

**Final Rule Implementing ADA Amendments Act of 2008
(titles II and III) - Published in the Federal Register August 11,
2016 (posted 8/11/16)**

Harris County, Texas
U.S. Complaint (posted 8/04/16)

SANPRM Comment Period Extended
Closes October 7, 2016



U.S. v. Greyhound Lines, Inc.
Settlement Agreement

**Deadline to File
Claim is Nov. 10**

INTRODUCTION TO THE ADA

Publications and videos that answer these questions and more: What is the ADA? Who is a person with a disability? Who must comply with the ADA? Where can you call to ask questions about the ADA?

ADA ENFORCEMENT ACTIVITIES

The Department enforces the ADA through complaints, lawsuits, consent decrees, settlement agreements, and alternate dispute resolution (mediation).

ADA REQUIREMENTS AND TECHNICAL ASSISTANCE

Regulations, design standards, publications, video, and other media that provide information about

Featured Topics



**U.S. Attorney Program
for ADA Enforcement
Barrier-Free
Health Care Initiative**



File a Complaint

Instructions for filing a complaint with the Department of Justice and for requesting accommodations for the filing process

Find Information on ADA.gov

Topics of Interest on ADA.gov -- a list of links that lead directly to frequently sought-after ADA.gov information

Possible Search Terms for ADA.gov -- common ADA topics of interest that can be used in an ADA search

Search Page for the ADA

What is included in an IEP???

IEP's

Written statement for each child with a disability that is developed, reviewed, and revised in accordance with this sections.....

Present Level of Performance

Statement of Measurable goals

How progress to goals will be measured

Statement of educational related services and supplementary aids

Statement of accommodations

Date for the start of services

Who is included in an IEP???

Team

Parents

1 or more regular education teacher

1 or more special education teacher

Representative of local educational agency

Individual who can interpret test results

Other individuals with expertise regarding the child

When appropriate, the child

What does that acronym mean??

- Least Restrictive Environment (LRE)
- Extended School Year (ESY)
- Child Find
- Instructional School Plan (ISP)
 - *private placement by parents.*

You can find these in the IDEA law under section 1412 ...

MOST INCLUSIVE

GREATEST # OF STUDENTS

Student placed in general classroom; no additional or specialized assistance

Student placed in general classroom; the special education teacher in a consultative role provided assistance to classroom teacher

Student placed in general classroom for majority of school day, attends special education resource room for specialized instruction in area of need

Student placed in special education class for majority of school day; attends general class in subject areas consistent with capabilities

Student placed in full-time special education class in general education school

Student placed in separate school for children with special needs

Student educated through homebound or hospital instructional program

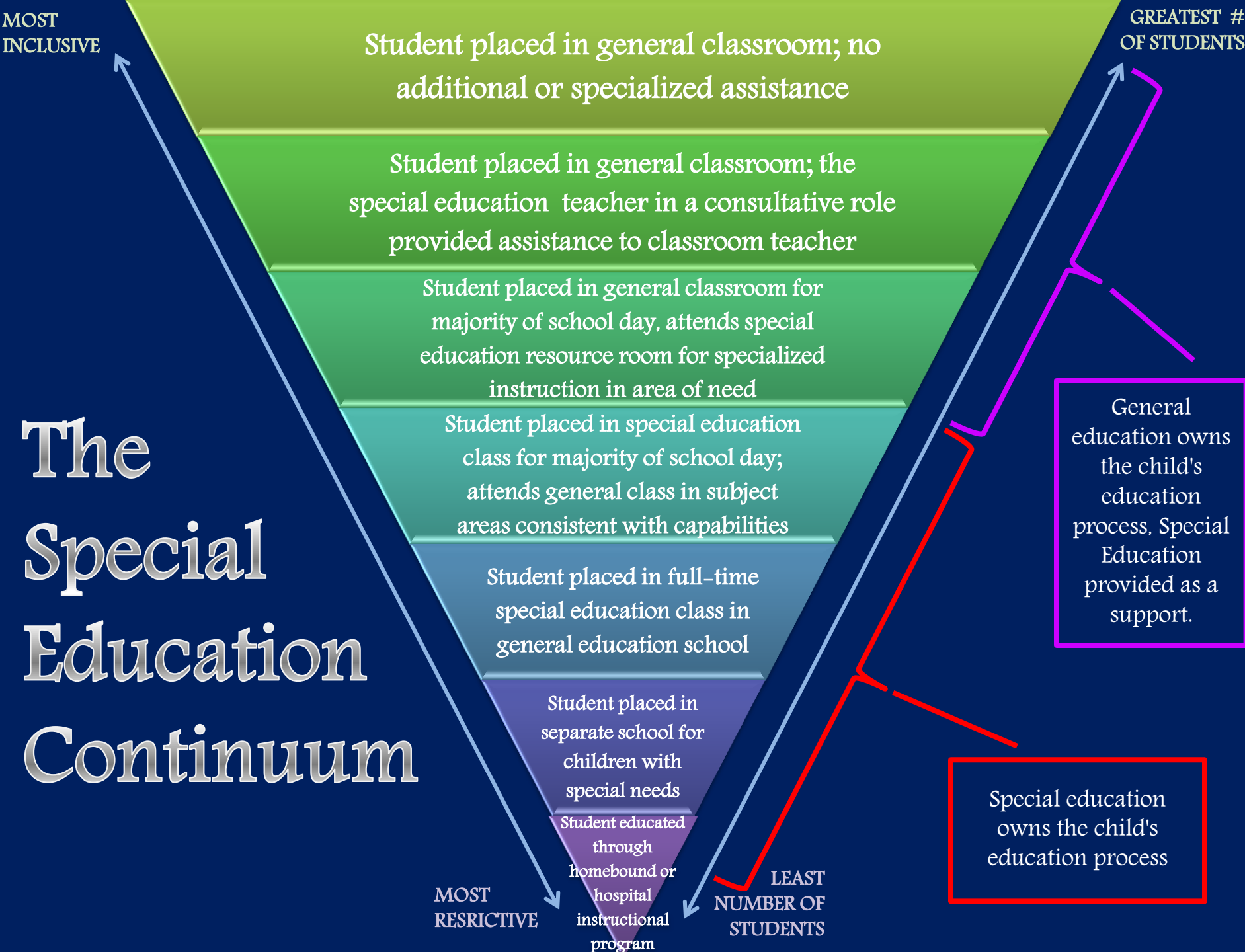
MOST RESTRICTIVE

LEAST NUMBER OF STUDENTS

The Special Education Continuum

General education owns the child's education process, Special Education provided as a support.

Special education owns the child's education process



More to know about IDEA Law???

- Evaluations

- Ask what types there are and ask for explanation of the ones they are doing with your child, ask about sub tests and sub test scatter.

- Eligibility

- There are legal requirements to eligibility, go to IDEA.ed.gov website to learn more.

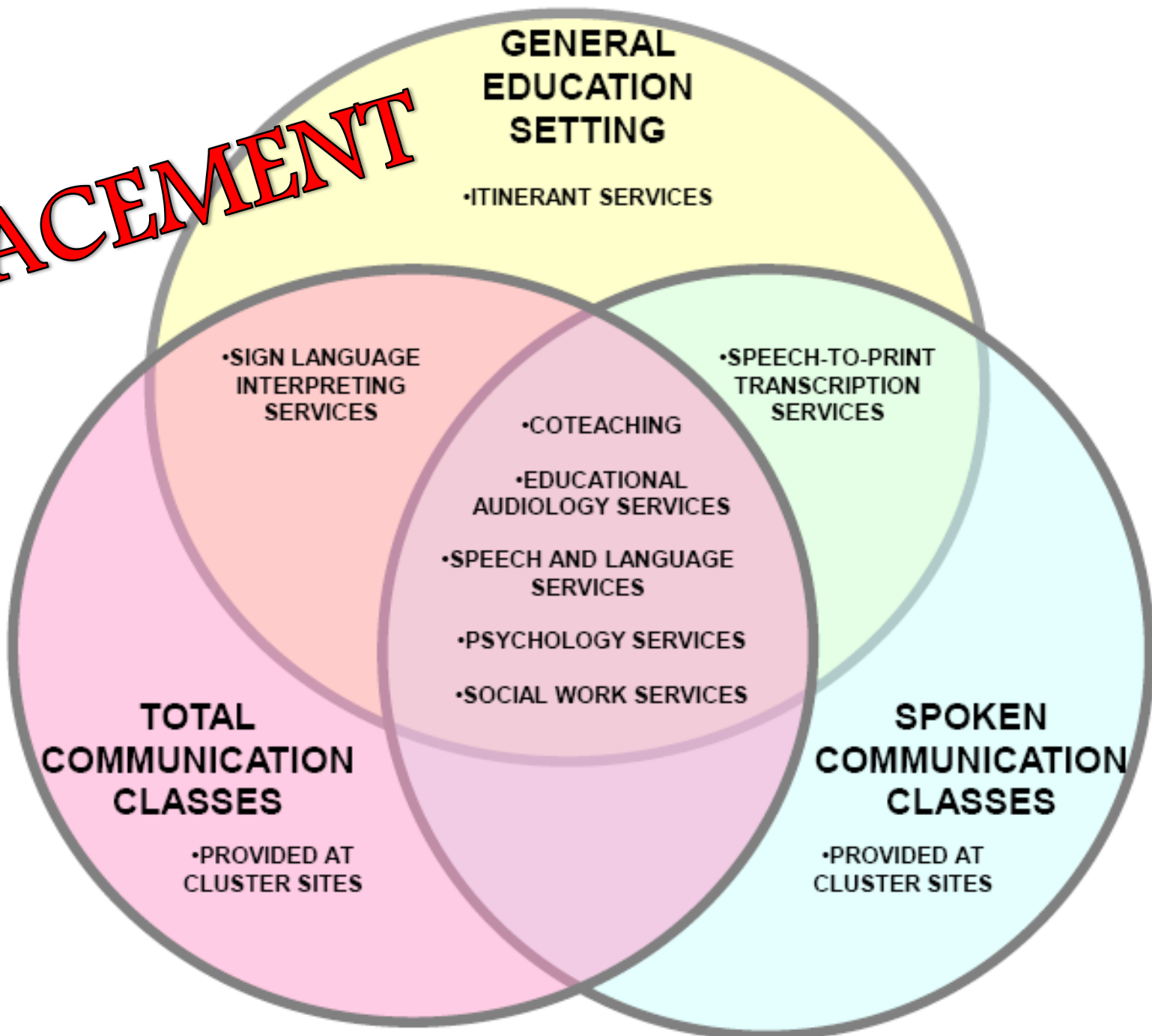
- IEP's

- The next step after eligibility and what that means.

- Placement

You can find these in IDEA law under section 1414 ...

PLACEMENT



More to know about IDEA law???

- Procedural Safeguards

- You should receive these every year. It is important for you to take the time to read them, this is YOUR protection. The rules of the law.

- Due Process

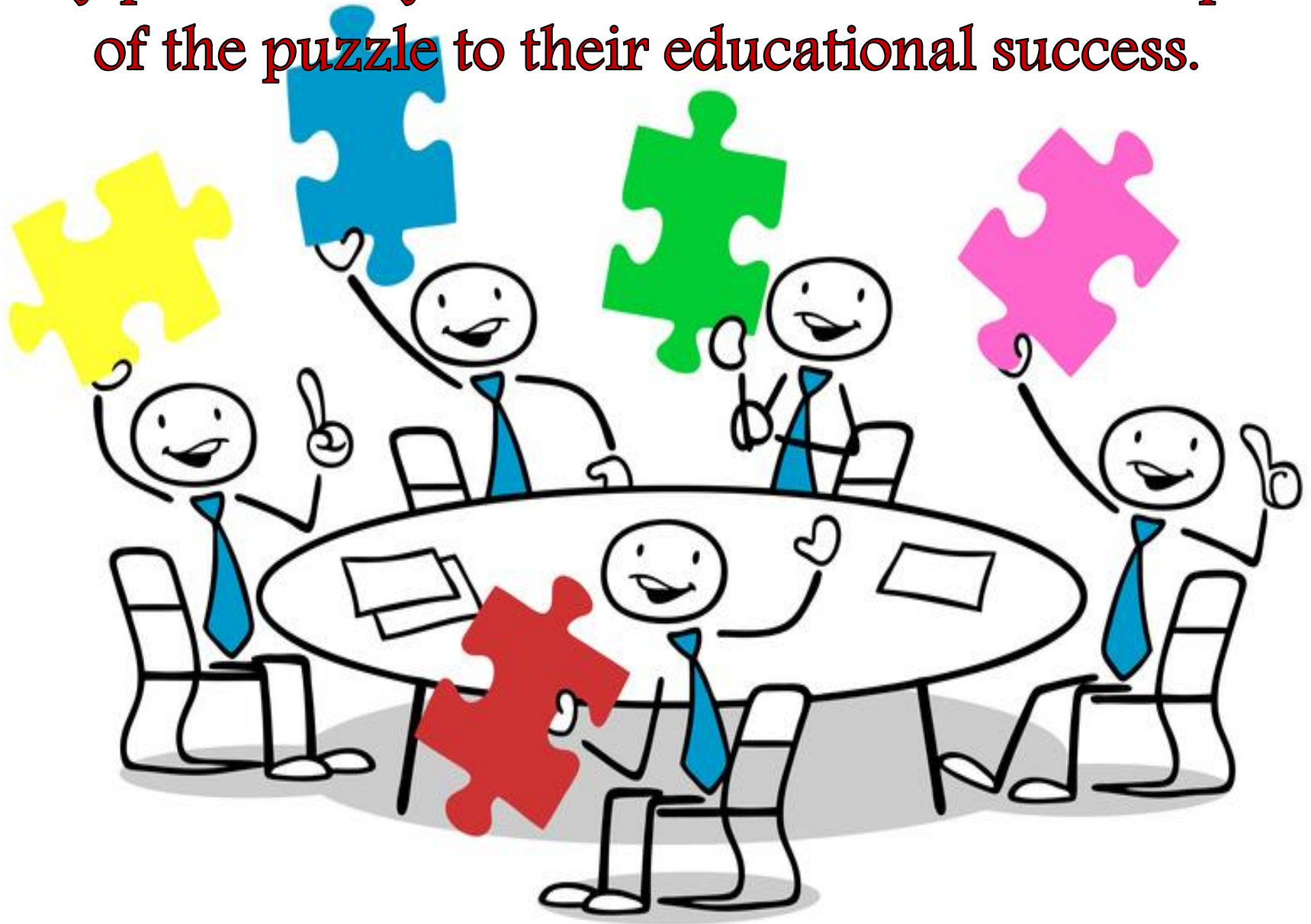
- This is something no one likes to talk about (well except an attorney) but that everyone should be aware of. The process starts with ISBE Mediation and moves to Due Process, this is when everything isn't coming together.

- Discipline

- Make sure you are aware that there are specific legalities for how discipline is handles in children who have psychological disorders or diagnosis.

You can find these in the IDEA law under section 1415 ...

Every person on your child's IEP Team holds a piece of the puzzle to their educational success.



understanding IDEA

Know enough of the law to speak on it. As a family member you are included in the IEP team and should be ready to advocate for your child, *correctly.*



So what does IDEA say?

As written the law ensures that the school or any governing agency provide children with disabilities with a “free appropriate public education” that includes “...special education and related services designed to meet [the child’s] unique needs and prepare them for further education, employment and independent living...”

How do parents feel at their IEP meeting?

- Anxious and insecure? Do you feel like an outsider, not knowing how problems are solved and how decisions are made.
- Scared the wrong decisions will be made and you won't even know it.
- Intimidated by all the “professionals” at the table.
- Unprepared, because you don't know what you don't know.

Always ask 5W's + H + E

WHAT
WHO
WHY
WHEN
WHERE
HOW



When
dealing
with IEP
teams:



To get the answer you need, ask questions that get answers.

Understanding the parents role and the schools position



The Schools Position



Understanding the School's Position

- “Public schools offer a standardized curriculum that children are expected to learn.”
- School districts have a chain of command, more frequently than not the person with the authority to make a decision, which is a special request, is not at your IEP meeting.

Power Flows from the TOP

- Teachers and parents do not have the authority to make decisions that involve a commitment of resources
- Teachers and parents have the legal right to make recommendations that are validated in some way.
- “Invisible” members that have the power to make decisions..

10 Reasons Why Schools Say NO!

1. Do not want to change
2. Do not want to make exceptions
3. Afraid of setting a precedent
4. Do not have a program
5. Committed to their one-size-fits all service
6. Believes the services are too expensive
7. Overwhelmed by the child's needs
8. Do not understand the legal requirements
9. Staff not trained to meet your child's needs
10. Does not have the staff to meet your child's needs

The Parents Role:



What is the role of the parent?

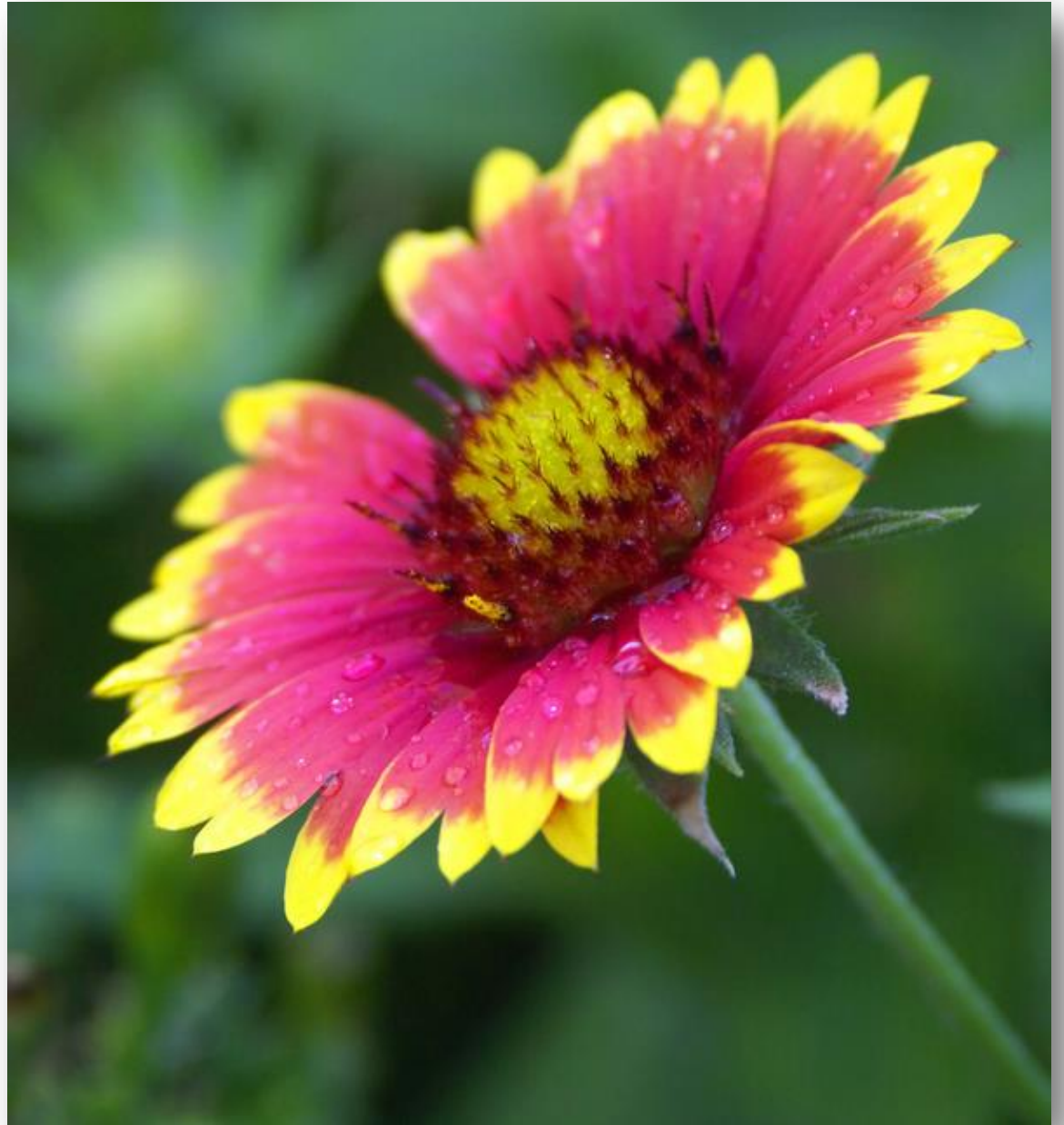
- To plan for their child's educational future
- To advocate for their child's educational future
- To manage their child's current education
- To maintain constant contact with their child's teachers and support educators

KNOWING the Rules of the Game:

- You are on time for meetings, these meetings are difficult to set up because of all the scheduling.
- You are prepared for your meetings, bring questions, new information, assessments, etc.
- Present your concerns and problems in writing.
- Keep an open mind, you will learn from each new experience.



This is
not a
perfect
process

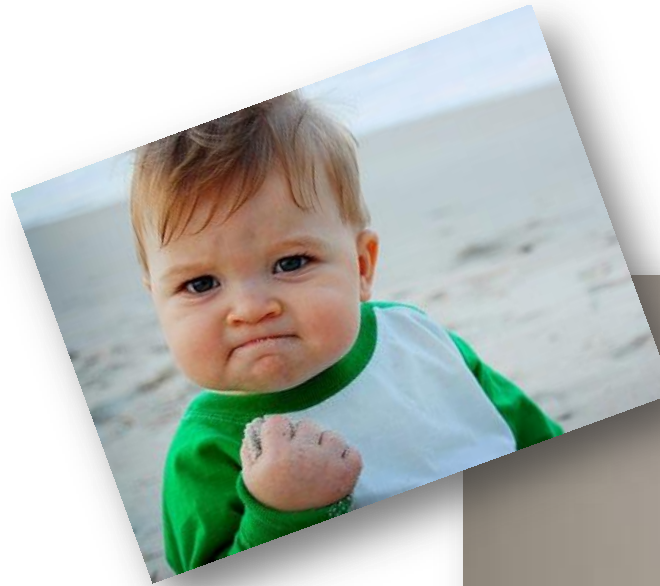


Pick Your Battles:



Be EFFECTIVE:

Control emotions!

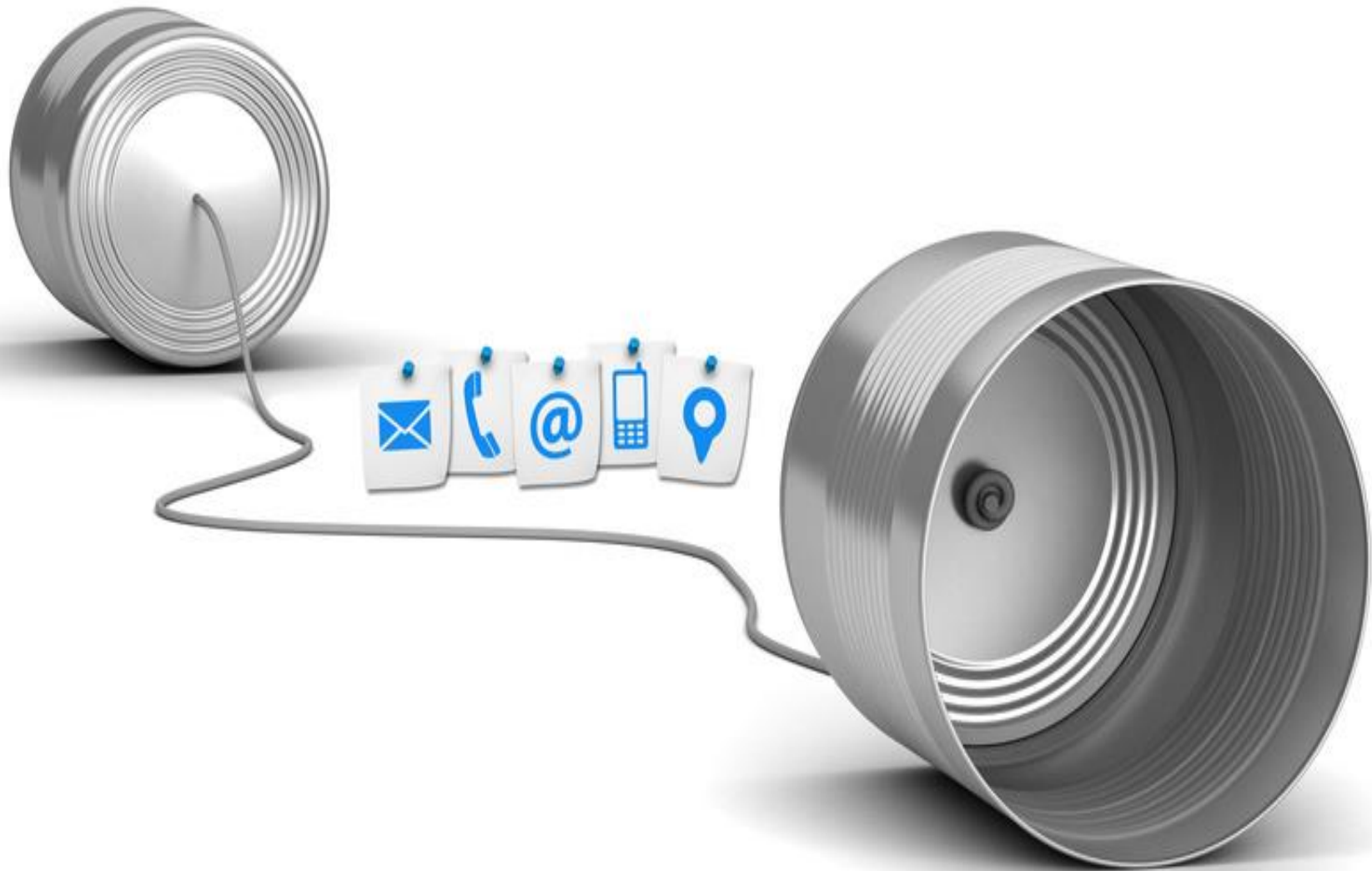


Ask questions



Work together





Why do parent communicate with the school?

- Request Information
- Request action
- Provide information
- Decline a request
- Express appreciation
- Build relationships
- Identify & solve problems
- Clarify decisions
- Motivate people

Common Parent School Problems:

- Different Views of the Child
- Lack of Information
- Lack of Options
- Hidden Issues
- Feeling Devalued
- Poor Communication and Intimidation
- Loss of Trust



**CONTROL
YOUR
EMOTIONS!!!**



Tips Regarding Controlling your Emotions.



- Be the professional you are!
- Plan your time thinking, planning and preparing!
NOT throwing adult
TANTRUMS.

Questions?

