# SPECIAL EDUCATION & ADVOCACY

#### Protecting the Parent/School Relationship!

### MY WHO

## Andrea Marwah

- Naperville, IL Resident
- Mother to Samantha (23), Julia (21) and Andrew (18)
- Wife to Ajay
- Special Education Advocate
- Trainer ~ ISD Outreach
- Executive Director ~ IL Hands & Voices
- Past Commissioner ~ Naperville Advisory Commission on Disabilities
- National ASTRa Trainer for Hands & Voices Headquarters

# MY WHY

## Samantha

- 23 years old
- Age 2 diagnosed with EVAS, mild/moderate progressive HL -fitted with HA's (goes through 4 sets)
- Age 6 CI #1
- Age 7 CI #2
- Fully mainstreamed through public HS
- Just graduated from RIT with her BS in MIS. Working her first professional job.
- Communicates using listening and spoken language and some ASL

What you need to know about the laws that protect a child with a disability!!!



Please note I am not an attorney, the information provided in this session is for education purposes only.

If you feel you require legal advice, first start with an advocate, if necessary, they will advise you to contact an attorney who specializes in IDEA, special education law.

Many Laws Protect the Child with a Disability

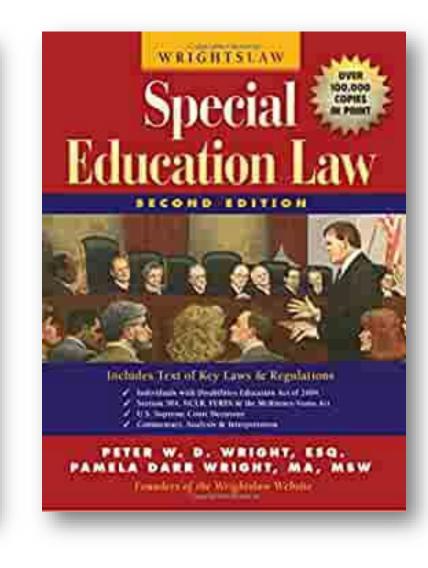
# GOOD READS

#### Optimizing Outcomes for Students who are Deaf or Hard of Hearing

**Educational Service Guidelines** 

Third E dition National Association of State Directors of Special Education, Inc.





Individuals with Disabilities Education Act

### PRESIDENT GERALD FORD SIGNING A NEW LAW

Parents with handicapped children are optimistic about this change.









# IDEA WEBSITE:

https://sites.ed.gov/idea/

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

## Individuals with Disabilities Ed



IDEA! As written the law ensures that your school or any governing agency provide your child 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..."

## WHAT DOES THE IDEA ENSURE?





#### Fart B. Assistance for All Children with Disabilities

Part B includes provisions related to formula grants that assist states in providing a free appropriate public education in the least restrictive environment for children with disabilities ages three through 21.

- View indexed IDEA Part B Statute
- View printable IDEA Part B Statute

#### Part C. Infants and Toddlers with Disabilities

Part Cincludes provisions related to formula grants that assist states in providing early intervention services for infants and toddlers birth through age two and their families.

- <u>View indexed IDEA Part C Statute</u>
- View printable IDEA Part C Statute

#### Part D. National Activities to Improve Education of Children with Disabilities

Part D includes provisions related to discretionary grants to support state personnel development, technical assistance and dissemination, technology, and parent-training and information centers.

- View indexed IDEA Part D Statute
- View printable IDEA Part D Statute

# WHAT ARE THE DIFFERENCES?

IFSP (birth to 3)

Individual Family Service Plan OR Individualized Family Service Program

(also know as Part C and birth to 3)



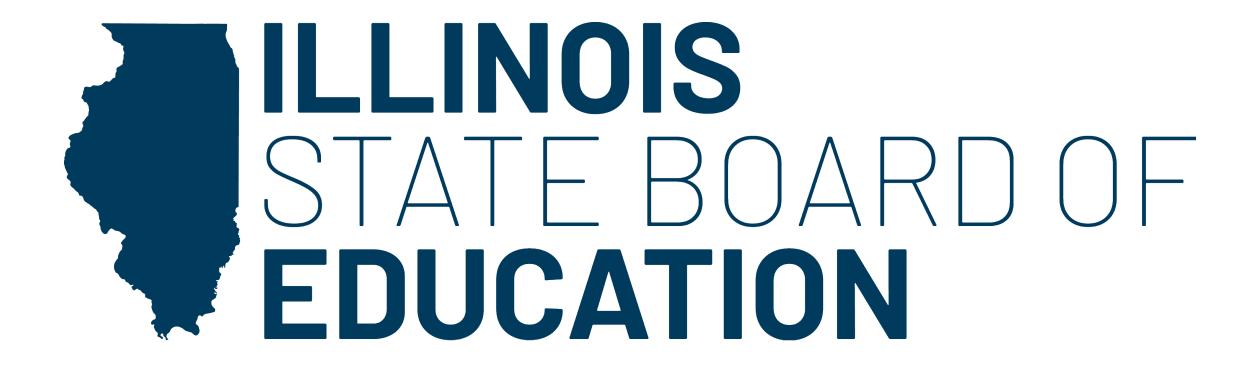
WHAT ARE THE DIFFERENCES?

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IEP (3 to 21)

Individual Education Plan OR Individualized Education Program

(also known as Part B)



FAMILIARIZE YOURSELF WITH THE YOUR STATE BOARD OF EDUCATION



## REHABILITATION ACT OF 1973

Shall

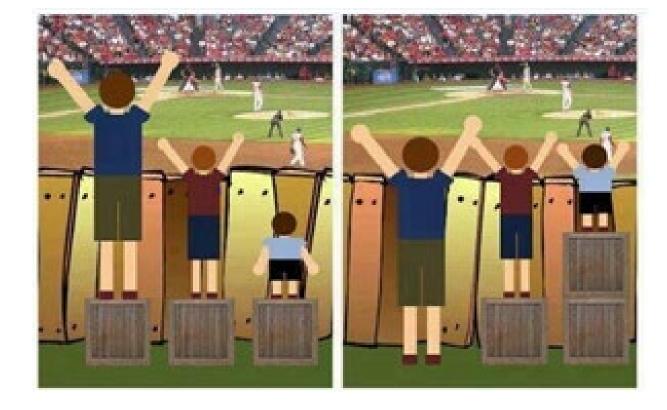
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504 PLANS

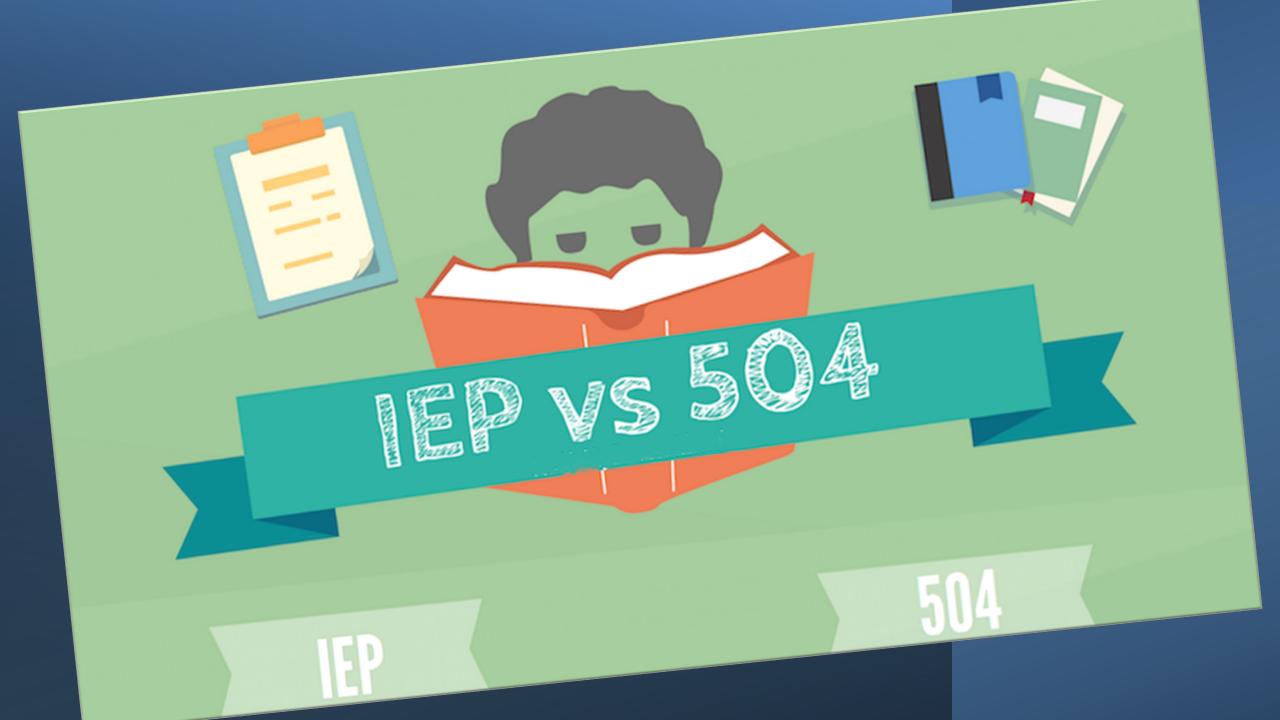
- School 504
- College/University 504
- Workplace 504



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 <u>access</u>.



## WHAT ARE THE DIFFERENCES?

#### IDEA (PLAN)

- Individual plan
- Meets unique needs
- Qualifies under specific disabilities
  - Must affect the child's educational performance, requiring specialized instruction.
- Developed by a team that includes parents, general education teacher, anyone who can interpret results, and district rep.
- PLOP
- Goals and benchmarks
- Social and emotional well being

#### REHAB ACT 504 PLAN (ACCESS)

- Change of environment
- Covers kids with LD, attention issues and disabilities
  - Must interfere with child's ability to learn in the general education classroom.
- Developed with parent, general and special educator and principal
- Accommodations

IEP: covered by an education law (IDEA); applies only to students who qualify for "special education services" in a core curriculum area; governed by strict procedures and timelines; parent involvement is mandated; schools receive additional federal funding for students receiving special ed services.

Both plans cover accommodations and modifications to the school environment and classroom materials, adaptive technology, and related services. 504 Plans: covered by a civil rights law (Rehabilitation Act); applies to all students with qualifying disabilities; follows an informal process; parent involvement not mandated; schools do not receive additional federal funding for services to qualifying students.

# WHEN TO SWITCH

Some schools feel that if a child is academically strong, they are no longer in need of an IEP.

Is this true?

What do you think?

Here's my take ...

# SELF ADVOCATE

#### • What is Self-Advocacy?

Self-Advocacy is learning how to speak up for yourself, making your own decisions about your own life, learning how to get information so that you can understand things that are of interest to you, finding out who will support you in your journey, knowing your rights and responsibilities, problem solving, listening and learning, reaching out to others when you need help and friendship, and learning about self-determination.

#### • Why is Self-Advocacy Important?

So that you have the knowledge needed to succeed and are given the chance to participate in decisions that are being made about your life.

# SELF DETERMINATION

- It is about the whole person. It has so much to do with the individual and who he/she will become in life.
- Let us the development of an individual to find energy, expend on that energy and stick with the plan one has for life and work.
- Let the second s
- □ It is beneficial in both short- and long-term goal planning.
- Most importantly for our group of students is that being self-determined encourages students to understand that some goals can be reached independently, while also realizing that sometimes one needs to seek out others when they need help.



F	Fine motor
U	Gross motor
Ν	Mobility
С	Behavior
Т	Interpersonal relationships
Ι	Executive functioning
0	Communication
Ν	<ul> <li>articulation, receptive/expressive, social skills, oral-motor, voice, fluency</li> </ul>
Α	Self care
L	<ul> <li>could include understanding disability, how can you care for your disability if you don't understand it</li> </ul>

## WHAT DOES THE LAW SAY:

§300.34 Related services.

(a) *General. Related services* means transportation and such <u>developmental</u>, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes...

Section 1414 (d) (3)

(3) Development of IEP

(A) In general

In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider-

(i) the strengths of the child;

(ii) the concerns of the parents for enhancing the education of their child;

(iii) the results of the initial evaluation or most recent evaluation of the child; and

(iv) the academic, <u>developmental</u>, and <u>functional</u> needs of the child.

## 504 LINKS

504 Law and Policy: <u>https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504</u>

Frequently asked questions: <u>https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-</u>

discrimination/frequently-asked-questions-section-504fape

Hidden Disabilities information: <u>https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504/hidden-disabilities</u>

## ADA IS FOR SPECIAL EDUCATION CHILDREN TOO!!!

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".





WEBSITE:

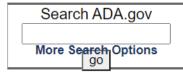
www.ada.gov

A

U.S. Department of Justice, Civil Rights Division



#### Information and Technical Assistance on the Americans with Disabilities Act



Law / Regulations Design Standards	Technical Assistance M	aterials Enforcement
New on ADA.gov	ADA Information Line	Featured Topic: Long COVID
United States v. Dr. Umaima Jamaluddin, MD Consent Decree (posted 2/17/22)	The U.S. Department of Justice provides information about the ADA through a toll-free ADA Information Line. 800-514-0301 (voice) 800-514-0383 (TTY)	13. Department of Half Mana Borclas Other to change Market and the All Angel Control of All Angel Control Market and All Angel Control of All Angel Cont
United States v. Dr. Chibuike Anucha, MD, PC Consent Decree (posted 2/17/22)		Atheugh many paper will COVE-19 get stellar within wells, notes paper contrast to opportunity any paper stellar within a different paper stellar within a stellar stellar within a stellar 19, paper Ter stellar threes was mill. Program within this contribution are summations used Tampiadamin. "This contribution stellar ather stellar and any paper stellar Tampiadamine." This contribution is an approximate and any paper stellar three three to be stellar of the term of the stellar and three materials and it frames within the stellar three paper stellar three terms and the stellar stellar stellar stellar stellar stellar stellar three paper stellar stellar stellar stellar stellar stellar stellar stellar stellar stellar three stellar stellar three stellar stellar three stellar stellar three stellar stellar three stellar st
Ballot Drop Box Accessibility Technical Assistance (posted 2/15/22)		An (\$25), "Section 10 of 4 for the humanitypics or ext strill (States the Striv) work foods. Next of ext strings and string and strings that the strings and stri
United States v. Uber Technologies, Inc. U.S. Opposition to Motion to Dismiss (posted 2/14/22)	Introduction to the ADA	Note that the second
Unified Judicial System of Pennsylvania Letter of Findings (posted 2/2/2022)		
Meijer, Inc. Settlement Agreement (posted 2/2/2022)	COVID-19 and the ADA	Guidance on When "Long COVID" May Be a Disability Under the ADA, Section 504, and Section 1557
The Kroger Co. Settlement Agreement (posted 1/28/22)		
A.A. v. Bimestefer Statement of Interest (posted 1/18/22)		ADA.gov Updates
	File an ADA Complaint	Sign up for e-mail updates from ADA.gov

# Equal vs. Appropriate

- The IDEA provides a child with an appropriate public education
- The ADA provides individuals with disabilities an equal access
- Appropriate vs. Effective



## WHAT DOES THE LAW SAY:

ADA Title II/III Effective Communication:

The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities.

When choosing an aid or service, title II entities are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability. The state or local government must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden.

Public Schools are a title II entity | Private Schools are a title III entity.

https://www.ada.gov/resources/effective-communication/

# FERPA

The Family Educational Rights and Privacy Act or FERPA provides certain rights for parents regarding their children's education records. This guide provides general information on a parent's rights under FERPA. Your procedural safeguards ensure your FERPA Rights are known to you. There is a guide in the share drive.





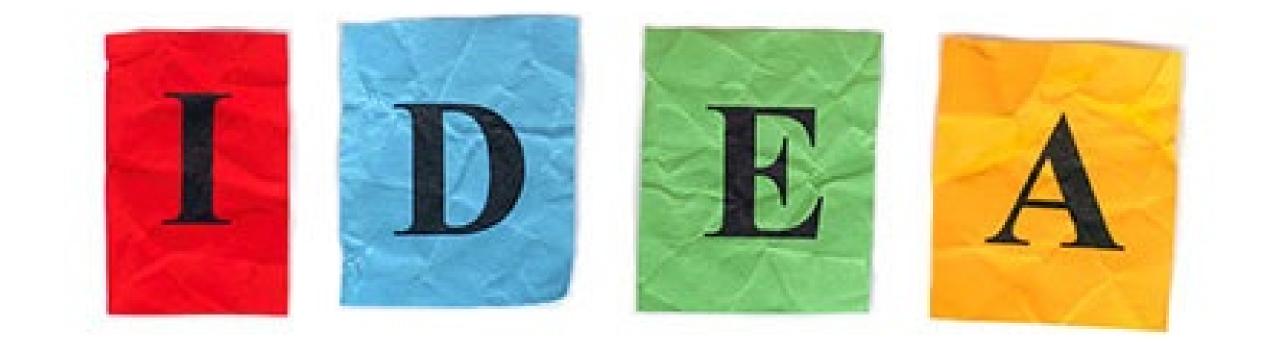
U.S. DEPARTMENT OF EDUCATION A Service of the Student Privacy Policy Office's Privacy Technical Assistance Center

# CHILD FIND

- Covers Children birth to 21, including home schooled and privately placed.
- Child Find is a component of the Individuals with Disabilities Education Act (IDEA) that requires states to have a comprehensive system to locate, identify, and refer as early as possible all children with disabilities.
- Child find does not require schools to evaluate every child, parents CAN challenge the decision.
- Referrals can come from both parents and professionals, when EI transitions a child from EI to EC that is done under the child find component /guidelines of IDEA.



# TODAYS FOCUS



## THE LAW STATES:

A child with a disability has the right to a "FREE APPROPRIATE public education" that includes "SPECIALLY DESIGNED instruction... To meet the (child's) UNIQUE NEEDS..."



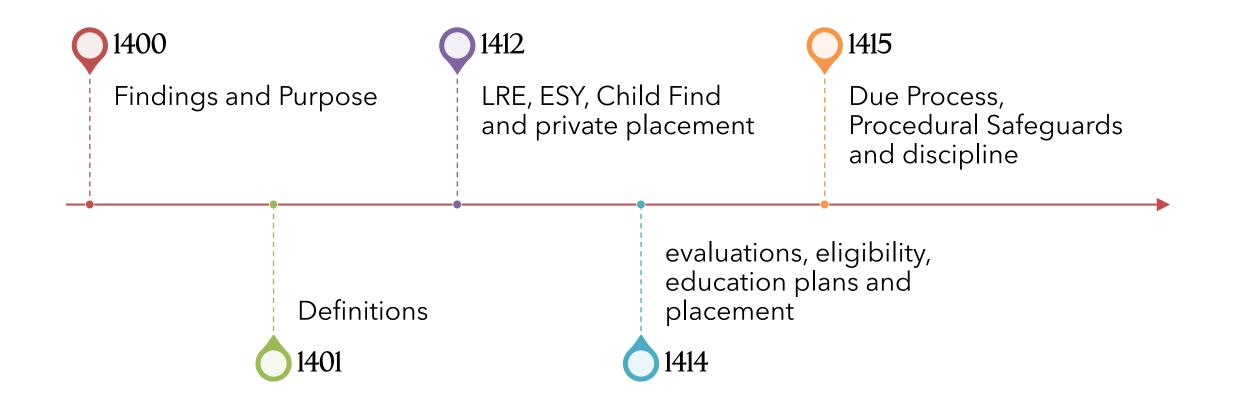
# STEPS IN THE IEP PROCESS

- Pre-Referral notice … This could be Child Find, EI, Parent, Etc.
- 2. Referral official....
- 3. Identification.... Often called Domains
- 4. Eligibility....
- 5. Development of the IEP. ...
- 6. Implementation....
- 7. Evaluation and Reviews

# LET'S TALK IN TERMS OF BASEBALL!!



## IDEA SECTIONS



### IDEA SECTION 1400 Findings and Purpose of the Law the *why*....



"to ensure that all children with disabilities have available to them a free appropriate public education that emphasized special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living" and " to ensure that the rights of children with disabilities and parents of such children are protected"

#### READ AND RE-READ BEFORE YOU QUOTE THE LAW...

### Section 1401 (30)(A) and (C)

Special Learning Disability.

(A) In General. The term 'special learning disability' means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations.



## BE CAREFUL WHEN READING THE LAW!!!

(C) Disorders not included. Such term does not include a learning problem that is primarily the result of vision, hearing, or motor disabilities.....

Be careful with the law, although at first glance this section seemed to apply to students with hearing loss, as you read further it did not. If you or your clients are going to quote the law, read the entire section...

## IDEA SECTION 1401



#### Definitions of the Law Defines the needs and what this law is about. The what...

#### Section **1401** (3)(A)(i)

(3) Child With A Disability

- (A) In General. The term 'child with a disability' means a child –(i) hearing impairments (including deafness), visual
  - impairment (including blindness) plus many more....
  - (ii) who, by reason thereof, needs special education and related services.

# ACRONYMS YOU MUST KNOW!!!

# 





## ACRONYMS

IDEA - Individuals with Disabilities Education Act IEP-Individualized Education Plan IFSP - Individualized Family Service Plan 504 Plan- Rehabilitation Act - Section 504 ADA - Americans with Disabilities Act EI - Early Intervention ISP - Individual Service Plan LEA - Local Education Agency (school district) FM/RM/DM- Remote Microphone HAT - Hearing Assistive Technology LSLS- Listening and Spoken Language ASL- American Sign Language DHH- Deaf and Hard of Hearing **HI-Hearing Impairment TC-** Total Communication LRE- Least Restrictive Environment

AAP - American Academy of Pediatrics ABR - Auditory Brainstem Response ACD - Assistive Communication Device ADA - Americans with Disabilities Act ALD - Assistive Listening Device ASDC - American Society for Deaf Children ASHA - American Speech - Language Hearing Association ASL - American Sign Language A-V - Auditory Verbal AVT - Auditory Verbal Therapy BAHA - Bone-Anchored Hearing Aid BOA - Behavior Observation Audiometry BTE - Behind the Ear CASE - Conceptually Accurate Signed English CC - Closed Captions CFC - Child & Family Connections CDC - Center for Disease Control CHS - Chicago Hearing Society CI - Cochlear Implant CIL - Centers for Independent Living **CMV** - Cytomegalovirus CODA - Child of Deaf Adult dB - Decibel DHH - Deaf and Hard of Hearing DSC - Designated Service Coordinator DSCC - Division of Specialized Care for Children DM - Digital Modulation assistive listening device DT-H - Developmental Therapist - Hearing EHDI - Early Hearing Detection & Intervention EI - Early Intervention **<u>EITP</u>** - Early Intervention Training Program ENT - Ear, Nose & Throat or Otolaryngologist FHSR - Foundation for Hearing and Speech Resourd FM - Frequency Modulation assistive listening devi GBYS - Guide By Your Side HA - Hearing Aid HIPAA - Health Insurance Portability and Accounte HV - Hands & Voices IATP - Illinois Assistive Technology Program aka " IDEA - Individuals with Disabilities Education Act IDHHC - Illinois Deaf and Hard of Hearing Commis IEP - Individual Education Plan IFSP - Individual Family Service Plan ILHV - Illinois Hands & Voices ILSB - Illinois Sound Beginnings ISBE - Illinois State Board of Education ISD - Illinois School for the Deaf ISRC - Illinois Service Resource Center ISVI - Illinois School for the Visually Impaired JCIH - Joint Commission on Infant Hearing LRE - Least Restrictive Environment LSL - Listening and Spoken Language NAD - National Association of the Deaf NCHAM - National Center for Hearing Assessment and Managements NCSA - National Cued Speech Association OAE - Otoacoustic Emission Part B - section of IDEA Law for age 3 - 22 with disabilities Part C - section of IDEA Law for age birth - 3 ROE - Regional Office of Education SEE - Signed Exact English TC - Total Communication pertaining to Language TOD - Teacher of the Deaf TTY - Telecommunication Device for the Deaf VP - Video Phone

WARNING ACRONYMS AHEAD

Illinoissoundbeginnings.org

### IDEA SECTION 1412

Least Restrictive Environment (LRE) Extended School Year (ESY)

#### Child Find

Private Placement (ISP)

Assessments





#### WHAT IS LEAST RESTRICTIVE ENVIRONMENT?

In general.--To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and 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 regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

MOST **INCLUSIVE** 

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 LEAST hospital NUMBER OF instructional RESRICTIVE **STUDENTS** program

MOST

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

**GREATEST** #

OF STUDENTS

Special education owns the child's education process

The Special Education Continuum





WHAT IS ESY? "Each public agency must ensure that extended school year services are available as necessary to provide FAPE, Extended school year services must be provided only if a child's IEP Team determines, on an individual basis that the services are necessary for the provision of FAPE to the child."

This should not be mistaken for LEA summer schools offered for general education students.



ESY (Extended School Year) Checklist / Decision Discussion Points

Student:

Grade level: \_\_\_\_ Disability Category(ies)

\_\_\_\_\_ Spring case manager \_\_\_\_ Related Services: Fall case manager: Did the student qualify for ESY in the previous school year? YES NO Not known Did the student attend ESY in the previous school year? YES NO Not known

1. Is the student achieving passing grades in the regular education program, if applicable? Comments:

2. Is the student currently experiencing success in meeting the goals and objectives of the IEP? Comments:

3. When reviewing past IEP's (if available), has the child been successful at meeting IEP goals over time, or have goals been repeated over time? Explain below, if needed.

<ol><li>At the start of the current school year,</li></ol>	vas the teacher able to begin instruction at the level indicated by the current IEP in critical skills areas? (	
Complete and attach the ESY regression/recoupment	of skills data form)	

5. Was the student working on new critical skills indicated by the current IEP by the beginning of the second six-week grading period?

6. Does this student routinely display a loss of critical skills following interruptions in instruction during the regular school year, i.e. winter break and spring break (document on the ESY regression/recoupment of skills data form) ?

7. Were there mitigating circumstances that may have led to the student temporarily not meeting goals/objectives? If yes, Explain:

Are there any other individual circumstances that make the provision of ESY services critical so that this child can learn or participate in school activities upon return to school?

8. Have general education teachers given input on the child's progress (if applicable)?

9. Does the parent/guardian witness a loss of skills over the course of school breaks? What are examples the parent can provide?

10. What else is significant about the nature and severity of the child's disability? Could ESY services markedly slow the rate of degeneration anticipated due to a student's mental condition?

#### ISU DEVELO THIS TOOL

- Not available to public
- Walks through the • decision process of ESY
- Helpful tool that you can • use to prepare for the ESY discussion.

### PRIVATE PLACEMENT

Private placement has 2 different meanings:

Placed by parent
 Placed by school



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 ...

### EVALUATIONS

- We'll talk more about evaluations this afternoon.
- Important to know what evaluations are being conducted and what they are looking for.
- Baselines must be determined in all areas of need.





WHAT HAPPENS IF A CHILD IS NOT FOUND ELIGIBLE BUT SHOULD BE?

- Questions to ask:
  - -Was there a comprehensive language assessment?
  - -Does the child realize the impact of their disability?
  - -Have we determined the child's self-advocacy strengths?
  - -Is the child able to express their needs relating to their disability?

### TOOLS THAT CAN HELP

- Expanded Core Curriculum, are we truly diving deep for these kids?
- NASDE Optimizing Outcomes for Students who are DHH
- Self Advocacy Inventory
- Social and Emotional Needs, are we diving deeper -FUNCTIONAL GOALS, I'll remind you in the next couple slides

#### REMEMBER, WHEN TEAMS ARE DEVELOPING AN IEP, THEY MUST:

Section 1414 (d) (3)

(<u>3</u>) Development of IEP

(A) In general

In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider-

(i) the strengths of the child;

(ii) the concerns of the parents for enhancing the education of their child;

(iii) the results of the initial evaluation or most recent evaluation of the child; and

(iv) the academic, <u>developmental</u>, and <u>functional</u> needs of the child.

"Functional" means nonacademic, as in "routine activities of everyday living." This definition should help all IEP team members understand that the purpose of the IEP is to prepare children with disabilities for life after school.

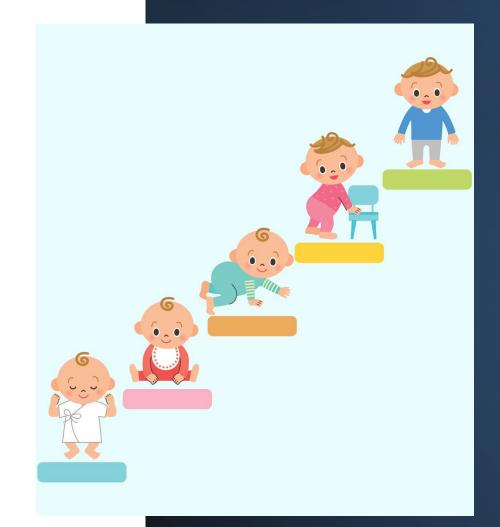
## FUNCTIONAL

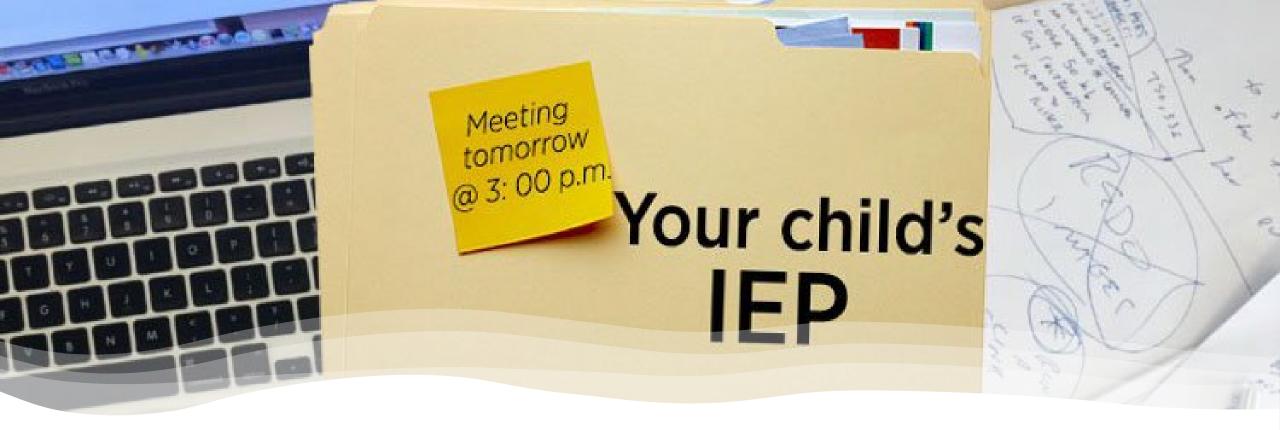
- Fine motor
- Gross motor
- Mobility
- Behavior
- Interpersonal relationships
- Executive functioning
- Communication (articulation, receptive/expressive, social skills, oral-motor, voice, fluency
- Self-care (could include understanding disability; how can you care for your disability if you don't understand it)

### DEVELOPMENTAL

Developmental Areas:

 Physical
 Cognitive
 Communication
 Social/Emotional
 Adaptive

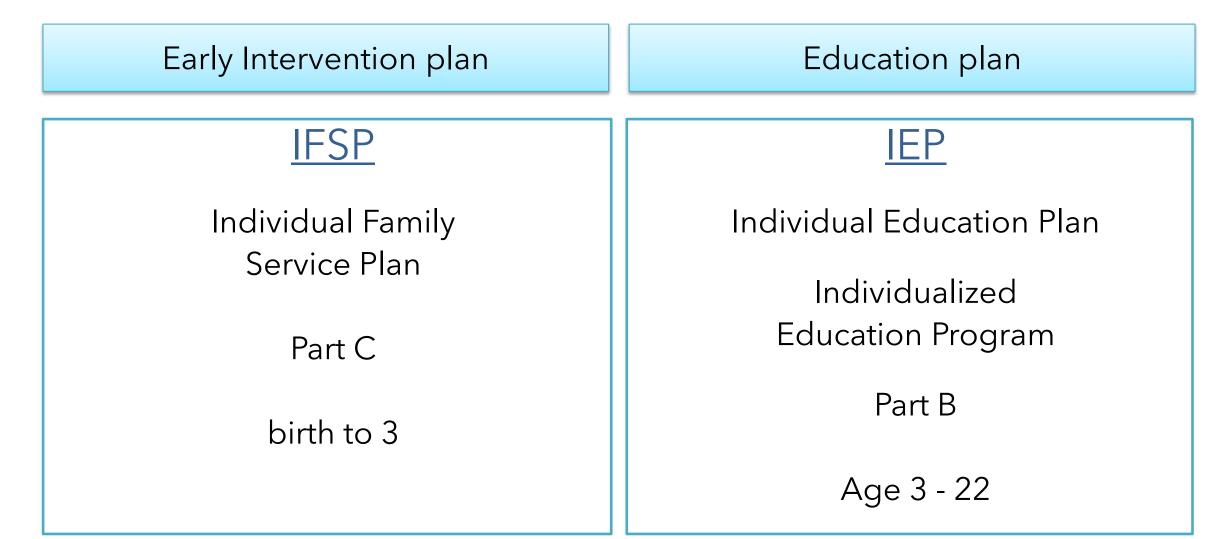




#### THE IEP

Part c is the IFSP, this training is IEP training but IFSP's are important to understand as well.

### IDEA PLANS



## IEP'S (THE PHYSICAL DOCUMENT)

#### □ 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

# 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/student
- When appropriate, the child/student

## IEP DEVELOPMENT

Section 1414 (d) (3) <u>Statute/Regs Main</u> » <u>Statute</u> » <u>Subchapter II (Part B)</u> » <u>1414</u> » <u>D</u> » 3 (3) Development of IEP (A) In general

In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

- (i) the <u>strengths</u> of the child;
- (ii) the <u>concerns</u> of the parents for enhancing the education of their child;
- (iii) the <u>results</u> of the initial evaluation or most recent evaluation of the child; and
- (iv) the <u>academic</u>, <u>developmental</u>, and <u>functional</u> needs of the child.



### LET'S TALK IEP "EDUCATIONAL PLACEMENT"

Placement is not a place, it's an individually designed program.

## PLACEMENT IS NOT A BUILDING



### REMEMBER LEAST RESTRICTIVE ENVIRONMENT?

In general.--To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and 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 regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

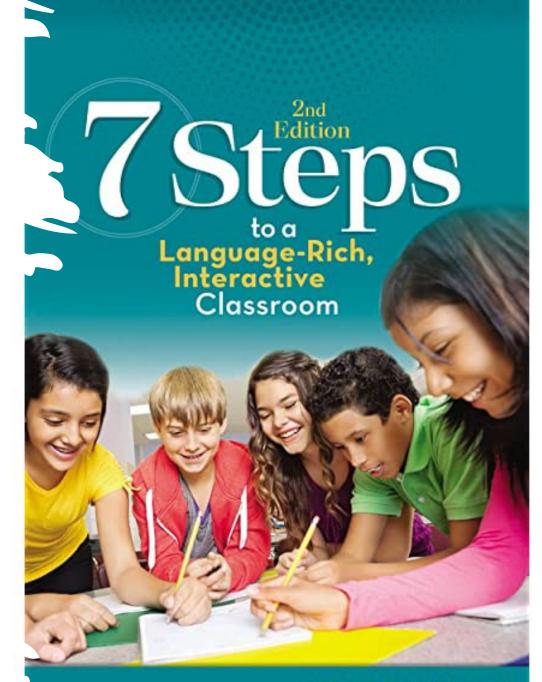


Students Who are Deaf/Hard of Hearing

These student pose a unique challenge to the traditional Least Restrictive Environment definition. With students who are deaf or hard of hearing we need to consider their communication needs when determining placement.

# Language Rich Environment

- There are books out there!
- Teams do not need to re-create the wheel
- Deaf Expert input in what Language rich is
- Ensuring it extends through the entire school day and beyond



# IDEA, PART B SECTION 1414 (D) (3) (B)



(i) in the case of a child whose **behavior** impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(ii) in the case of a child with **limited English proficiency**, consider the language needs of the child as such needs relate to the child's IEP; (iii) in the case of a child who is **blind or visually impaired**,

provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation that it is not appropriate for the child; (iv) consider the communication needs of the child, & in the case of a child **who is deaf or hard of hearing**, consider the child's language and full range of needs, including opportunities for direct instruction in the child's language & communication mode

(v) consider whether the child needs assistive technology devices and services.

# SPECIAL CONSIDERATIONS - DHH

### Section 1414 (d) (3) (B)

Consideration of Special Factors

(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;

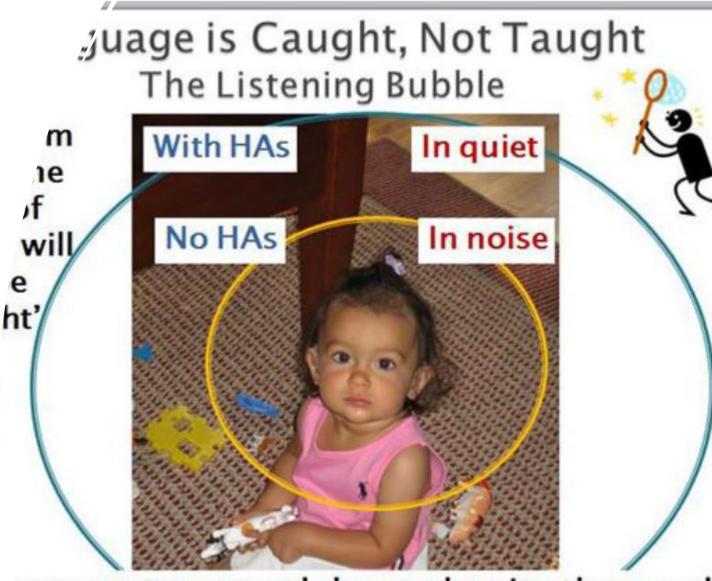


# SPECIAL FACTOR: CONSIDERATIONS

- Language and Communication needs
- Direct communication with peers and professional personnel
- Academic level
- Full range of needs
- Direct instruction
- Assistive communication services and devices

"CHILD'S LANGUAGE AND COMMUNICATION NEEDS"

- We need to consider ALL their language needs
- We must consider different settings
- We must consider what languages and other methods are used



earn most new words by overhearing them spok ext of something that interests them. Missed language means language and social delays.

**"OPPORTUNITIFS** FOR DIRECT COMMUNICATION WITH PEERS AND PROFESSIONAL PER SONNEL IN THE CHILD'S LANGUAGE AND COMMUNICATION MODF"

With who?

Are we placing kids in the right classes?

Don't buy into "we do that for all kids" statements

"DIRECT INSTRUCTION IN THE CHILD'S LANGUAGE AND COMMUNICATION MODE"

#### Proficient staff

In service that is effective

Technology experience of teachers

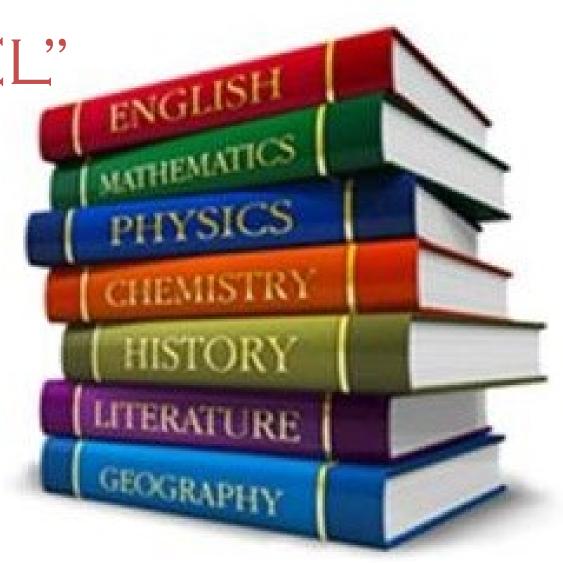
Is there enough in service time?

Is the child's team working as a team

Considering auxiliary staff in training and in service

# "ACADEMIC LEVEL"

- Consider the entire year
- General Education
- The WHOLE child
- Qualified Staff to meet these challenges



# "FULL RANGE OF NEEDS"

- After school
- Whole school activities
- School activities outside of school
- Home needs
- Every school hour





WHAT CAN BE OFFERED TO SCHOOLS TO ENSURE PROFICIENT STAFF?

- What does your state offer in terms of education
- Behavior supports
- Online Itinerant
- Continuing Ed for entire team

# ASSISTIVE TECHNOLOGY

#### Assistive Technology 34 CFR300.6

- Assistive Technology Service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes-
  - Evaluation including functional assessment
  - Provide acquisition of device
  - Selecting device
  - Coordinate use of other therapies, interventions, or services with the AT
  - Training/TA in use of device
  - Training/TA for professionals

# IDEA Assistive Technology Requirements 20 U.S.C. 1400(c)(5)(H)

(H) Supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities.

#### Assistive Technology 34CFR 300.105 (a)(2)

• On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

# NEEDS WITH HAT'S

- What kind and different environments
- Who is the building expert
- Back up
- o Home use
- Access to peers
- Announcements
- o Incidental Classroom Chatter



# QUESTIONS TO CONSIDER:

#### 1. Present level of performance

- ✓ What are this student's academic needs?
- ✓ What is this student's level of educational achievement?

#### 2. Measurable annual goals, benchmarks/short-term objectives.

- ✓ What are appropriate goals for this student?
- ✓ What are appropriate short-term objectives for this student?

3. Statement of special education and related services and supplementary aids and services

- ✓ What special education services does this student need?
- ✓ What related services does this student need?
- ✓ What supplementary aids and services does this student need?

# QUESTIONS TO CONSIDER:

What Is Appropriate for Students who are Deaf and Hard of Hearing

#### 1. Communication needs

- ✓ What does this student need in order to communicate?
- ✓ Does this student use residual hearing efficiently with or without amplification?
- ✓ Does this student need training in specific communication mode?

#### 2. Language and communication mode

What is this student's proficiency in spoken English? (other spoken language?)
What is this student's proficiency in written English? (other written language?)
What is this student's proficiency in manual communication? (signed English?, ASL?)



#### 3. Academic level

✓ What academic skills does this student have?

#### 4. Full range of needs

✓ What other needs does this student have that will affect academics, socialization, and emotional development?

✓ What are the social and emotional implications of an educational placement for this student?

✓ What are the specific needs of this student based on age?

5. Opportunities for direct instruction and communication with peers in the child's language and communication mode

- ✓ Can the student communicate directly with the teacher?
- Can the student communicate directly with other staff in the school?
- Can the student communicate directly to peers?



# EDUCATIONAL AND COMMUNICATION NEEDS

#### 1. Communication-driven program

✓ Is communication a central concern in the development of this student's individualized education program (IEP)?

#### 2. Appropriate communication development opportunities

✓ What opportunities are available for communication development for this student?

✓ What opportunities are available for communication development for others in the educational environment (peers, teachers, staff)?



4. Communication access for academics

- ✓ How will the student communicate with the teacher?
- ✓ How will the student communicate with peers?
- ✓ How will the student communicate with teachers and staff to participate as a "citizen" of the school?

#### 5. Deaf and hard of hearing role models

✓ Are deaf and hard of hearing role models available for the student who is deaf or hard of hearing? Peers? Teachers and staff?

6. Access to extracurricular and other important school activities
 ✓ Will this student have an opportunity to participate freely in activities of interest? How?



# ACCOMMODATIONS & MODIFICATIONS

- Accommodations work around the disability to overcome a challenge, so the student has access.
- Accommodations adjust <u>HOW</u> information is delivered, and/or HOW the student shows what he knows in class, on tests.
- Not a change in content of what is supposed to be learned.
- Can be situational or by subject.

Modifications changes <u>WHAT</u> a student is expected to learn:

- Based on Data
- Discussed at IEP meeting
- A modification is a change in curriculum or change in how learning is measured.
- Educators and parents should weigh the impact of choosing a modification, as it could impact what a child is expected to be taught

## MODIFICATION EXAMPLES

- Reduced or different: assignments, classwork
- Specialized, Supplemental, or Alternative curriculum at student's level
- Simplified or reduced vocabulary/concepts.
- Covering concepts at a slower pace, with more practice
- Alternate Grading or Alternative Tests



# ACCOMMODATION EXAMPLES

- Setting/Environmental preferential seating front (prefer flexible seating)
- Peer Notetaker or Peer Buddy
- Frequent teacher checks understanding
- TEST: Extra time for Tasks/Tests

  - Reword questions or directions
    No Oral Test or spelling test in sentences, testing in quiet area
- Interpreting/Transliterating
- Visuals (write on board, pictures)
- Captioning
- HAT System



- Reduce distraction (background noise)
- DHH teacher to in-service all staff on accommodations
- Reduce visual distraction
- Extra processing time
- Real time captioning (HS)
- Repeat/rephrase as needed
- Noise/reverberation reduction
- Flashing alarm system/buddy system for emergencies
- Don't forget accommodations during assembly's or field trips.



# SETTING

**•ITINERANT SERVICES** 

•SPEECH-TO-PRINT TRANSCRIPTION SERVICES

COTEACHING

•EDUCATIONAL AUDIOLOGY SERVICES

 SPEECH AND LANGUAGE SERVICES

•PSYCHOLOGY SERVICES

•SOCIAL WORK SERVICES

SPOKEN COMMUNICATION CLASSES

PROVIDED AT
 CLUSTER SITES

PLACEMENT

> •PROVIDED AT CLUSTER SITES

SIGN LANGUAGE

INTERPRETING SERVICES

# SETTING

**•ITINERANT SERVICES** 

•SPEECH-TO-PRINT TRANSCRIPTION SERVICES

•EDUCATIONAL AUDIOLOGY SERVICES

 SPEECH AND LANGUAGE SERVICES

•PSYCHOLOGY SERVICES

•SOCIAL WORK SERVICES

SPOKEN COMMUNICATION CLASSES

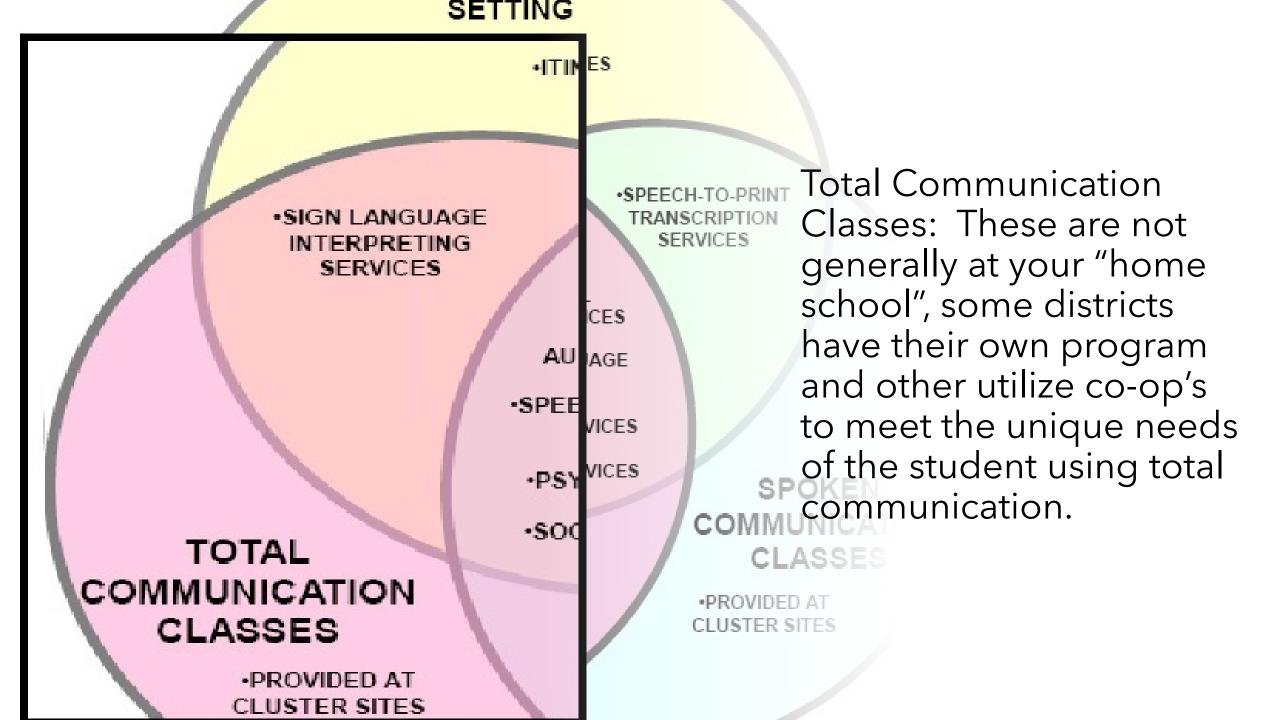
PROVIDED AT
 CLUSTER SITES

•SIGN LANGUAGE

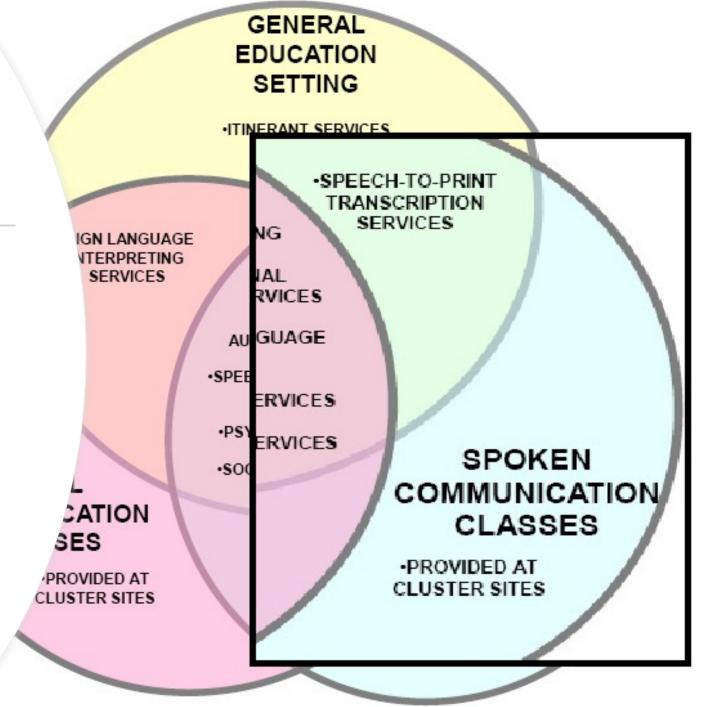
COMES DOWN TO APPROPRIATE

NOW IT

PROVIDED AT
 CLUSTER SITES



Spoken Communication Classes: These are language rich programs in spoken language. Sign language is not provided in these placements.



STATE FUNDED SCHOOL FOR THE DEAF

**Residential Placement.** Most states have a state-run school for the deaf. Illinois State School is in Jacksonville. Every student with a disability category of Deaf or Hard of Haring should be offered attendance at the IL State School for the Deaf. This school is a bilingual English and ASL language school. Check your state guidelines regarding this. Check the laws in your state.

# MORE ~ IDEA LAW

#### PROCEDURAL SAFEGUARDS

Parents should receive a copy 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 State 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.

# IEP'S MUST BE FOLLOWED!!!

If they are not being followed there are steps that can be take.

# 10 Key Procedural Safeguards These are federal, your State likely added more

## Notice of Procedural Safeguards

- You must receive a copy of the procedural safeguards at annual IEP's, Request for Evaluation, Change in Eligibility, etc.
- READ them, they do change from time to time when your state makes a change.

## Parent Participation

- You have a legal right to participate in all meetings about your child, including IEP's
- You may call a meeting at any time
- You may ask for all materials that may be considered, prior to meetings

## Access to Educational Records

- You have the right to review and seek clarification on all written records about your child.
- You can also ask that corrections be made
- These rights are also protected under FERPA (Family Education Rights and Privacy)
- Make sure you know your state law regarding psychological rights to information – it may be more limited than the education records.

#### <u>Confidentiality of Information</u>

- The school must protect your child's confidentiality. This includes personal information, such as your child's name, address, social security number and other personal details. There are some exceptions, though, again FERPA defines those exceptions
- When schools send IEP documents they should be encrypted, not just sent over the web – that is not protecting their personal information, there's a lot in those IEP documents that are simply sent over email.

# Informed Consent

• Before evaluating your child or providing special education services for the first time, the school must inform you of what's involved. You must give your permission in writing before the school can move forward.

# KEY 6

## Prior Written Notice

- The school must give a parent notice if they intend to make any changes to your child's school program. It must tell you what it proposes, how they determined this change (what measures) and why they are making this change.
- This also is something you can ask for if your school denies a request for evaluation.

#### Key 7

#### <u>Understandable Language</u>

- When the school provides written notice they must provide it in a language level and dialect that the family can understand.
- IEP documents should also be translated into your family language although this is more of a civil rights legal requirement.

#### KEY 8

#### The right to an IEE

- Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and
- Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
- 2 choices by district
  - YES
  - DUE PROCESS
- Parents can still obtain and IEE but not at public expense.

#### Key 9

#### Stay Put Rights

 If you disagree with a proposed change to your child's IEP services or placement, you can file mediation or due process and the "stay put" protection keeps your child's current IEP in place while you and the school work things out.

#### Key 10

#### **Dispute Resolution Options**

1.Discuss with teacher, administrator, team...2.Some states have state sponsored IEP facilitation3.Mediation through your district4.Due Process



#### Quick Guide to Special Education Dispute Resolution Processes for Parents of Children & Youth (Ages 3-21)

This guide is not intended to interpret, modify, or replace any iDEA Part B procedural safeguards or requirements of federal or state law. State regulations associated with these processes vary widely. Parents are encouraged to contact their state educational agency or parent center for more information.

Processes	IEP Facilitation Not required by the IDEA; availability varies by state	Mediation	Resolution Meeting	Written State Complaint	Due Process Complaint/ Hearing Request	Expedited Hearing Request & Resolution Meeting
How the Processes Differ	An optional early resolution process where an impartial facilitator assists the IEP team with communication and problem solving.	A voluntary process that brings people together with a mediator, who helps them communicate with each other and resolve their disagreements.	A meeting that takes place after a parent files a due process complaint/hearing request but before a due process hearing takes place.	A written document used to communicate that a public agency (e.g., school district) has not followed the IDEA, and to request an investigation.	A process used to resolve a formal complaint made by a parent or public agency (e.g., school district), who are together referred to as "the parties."	A special type of due process complaint/ hearing request available only in certain situations that relate to a student's discipline and placement.
What Issues & When Used	Used when a parent and school district are unable to agree on important issues related to a child's IEP, or when a meeting is expected to address complex issues or be controversial.	Available anytime there is a disagreement between parents and educators about special education and/or related services.	Used to resolve issues listed in a due process complaint/hearing request. The meeting must occur unless the parent and school district agree in writing not to have the meeting, or to use the mediation process instead.	Available anytime there is a concern about a particular child or an issue that affects children system-wide.	Used to resolve disagreements relating to the identification, evaluation, educational placement or provision of a free, appropriate public education (FAPE) to a child who needs or is suspected of needing special education and related services.	Used when parents disagree with a school district's discipline-related decision that affects their child's placement, or whether the child's behavior is related to his or her disability. A school district may use this process if it believes that a child's behavior could be dangerous to the child or others.
Who Initiates	A parent or school district may request IEP facilitation. A state educational agency may also recommend this, as an alternative to a more formal process.	A parent or school district may request mediation. A state educational agency may also recommend this, as an alternative to a more formal process.	The school district must hold a resolution meeting within 15 <u>calendar</u> days of receiving notice of a parent's due process complaint/hearing request.	Any person or organization may file a written state complaint	A parent or school district may file a due process complaint/hearing request.	A parent or school district may file an expedited due process complaint/hearing request
Outcome or Desired Result	An IEP that is supported by the team members and benefits the child.	A signed, legally enforceable, written agreement	A signed, legally enforceable, written agreement that resolves issues listed in the due process complaint/hearing request.	A written decision that includes findings and conclusions, and lists reasons for the final decision. Must also include actions required to address the needs of the child or children related to the complaint	A written decision with findings of fact and conclusions of law, which may order specific activities to be carried out	A written decision with findings of fact and conclusions of law, which may order the child to be provided with a specific educational placement.
Process Distinctions	IEP facilitation is an early dispute resolution option that is not required by the IDEA. IEP facilitation allows all members of the team the chance to participate fully, since the facilitator serves as the meeting leader.	Mediation discussions are confidential. Mediation is a flexible process – participants may influence the process, and ultimately determine the outcome.	Resolution meetings only occur after a due process complaint/hearing request is filed. The resolution meeting occurs unless the parent and school district both agree in writing not to have the meeting, or go to mediation instead.	This is the only dispute resolution option open to any person or organization, including those unrelated to the child. The final decision may include corrective actions that are child-specific or relate to system-wide issues.	A formal record of the hearing (a written or electronic transcript) must be made and provided to the parent. The decision is appealable in state or federal court The prevailing party may attempt to recover attorneys' fees in a separate court action.	See Due Process Complaint/Hearing Request
Benefits	May build and improve relationships among IEP team members. Sometimes, team members feel better heard when a facilitator is involved. Can help resolve disagreements more quickly than other options. Keeps decision-making with team members who know the child best The IEP team maywork together more effectively and efficiently.	Discussions are confidential – what is said in mediation can't be used as evidence in a due process hearing or civil lawsuit. A more flexible, less adversarial alternative to other dispute resolution options, like due process complaints/hearing requests. Sometimes, participants work with the mediator to design the process; in some cases, they may be allowed to select the mediator to gether. Can help resolve disagreements more quickly than other options.	Provides a chance for the parent and school district to work together to resolve issues prior to a due process hearing. Keeps decision-making with the parent and school district who know the child. The school district may only bring an attorney to the resolution meeting if the parent chooses to bring an attorney. The parent or school district may cancel a resolution a greement within 3 <u>business</u> days of the agreement being signed.	A written decision must be issued no later than 60 <u>calendar</u> days after the complaint was received, unless the timeline is extended. A written state complaint is relatively easy to file.	From the date that the complaint is filed until the decision is final, your child stays in his or her current educational placement, unless you and the school district agree oth erwise – this is called "pendency" or "stay-put" The decision is legally binding on the parties. The state educational agency is responsible for ensuring the decision is followed, unless it is appealed.	This process is intended to quickly address decisions concerning a student's discipline and placement
Considerations	Parents and the school district must agree to use IEP facilitation. For the process to be successful, everyone at the meeting needs to respect the role of the facilitator and he willing to participate.	Mediation is voluntary, so the parent and school district must both agree to participate. Whether there is resolution of the issues, or an agreement is created depends upon	Discussions at the resolution meeting are not confidential, and you cannot be required to sign a confidentiality form to participate in the meeting. Parents and the school district may choose	The person or organization filing the complaint must provide facts to support the problems listed in their complaint. This process does not require those involved to try resolving the dispute	The decision is made by a hearing officer or administrative law judge who is not involved in the child's education. The decision is legally binding, even if you disagree with the outcome.	The expedited hearing timeline is based or <u>school</u> days, and the resolution meeting period is based on <u>calendar</u> days. It is important to keep timeline differences in mind, especially during or close to times
		the participants.	to sign a confidentiality agreement or	collaboratively. Mediation remains available		when school is not in session, such as

Are the evaluations used comprehensive enough?

# CHALLENGING AN IEP DECISION

Has the team considered the IDEA's special factors?

Has the team determined what happens when the supports are taken away?

Are the correct people at the table to make these decisions?

# TIMELINES

Always double check these, there are statutes that regulate the requirements.



Request for Evaluation 14 SCHOOL days to respond

Complete evaluations and hold IEP meeting

60 SCHOOL days to test and hold meeting

Provide Prior Written Notice of Eligibility

Within 10 SCHOOL days after eligibility meeting

Finalize the IEP

Within 30 CALENDAR days of being found eligible

Respond to IEP meeting request 10 C

10 CALENDAR days

Reevaluation At least every 3 years, but not more than 1 time per year

Stay Put Within 10 CALENDAR days of proposed change

Provide records upon request Within 10 BUSINESS days after being asked

Ask for a Due Process Hearing Wit

Within 2 CALENDAR years

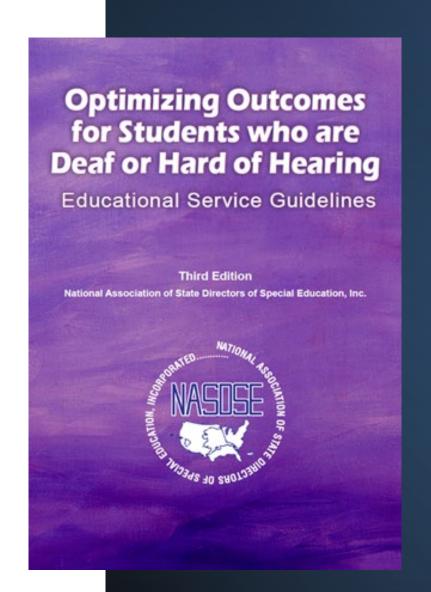
School submits request for hearing officer to State BOE

Within 5 CALENDAR days of being asked

Respond to due process request Within 10 CALENDAR days of being asked

Respond to request for an IEE Without unreasonable delay

- Essential principals to optimize education of children who are DHH
- Federal Laws and Policy
- Early identification and intervention
- Evaluation and eligibility
- Goals, services and placement
- School environment access and accommodations
- Post secondary transition
- Personnel
- Implementation of a DHH program



#### NASDSE GUIDELINES CHECKLIST "Families as Critical Partners"

- 1. Are specific strategies used to include parents in all levels of planning and decision making for their children?
- 2. Are parents' preferences and choices valued throughout educational planning?
- 3. Are specialized activities and programs available for parents?
- 4. Are parent counseling and training services provided routinely through the IEP to assist parents to support their child?
- 5. Are parents and families involved in discussions about a student's eligibility for obtaining a regular diploma, or lack thereof, at IEP meetings before and during high school?
- 6. Are specific strategies used to include parents of children who are deaf of hard of hearing in general school activities?



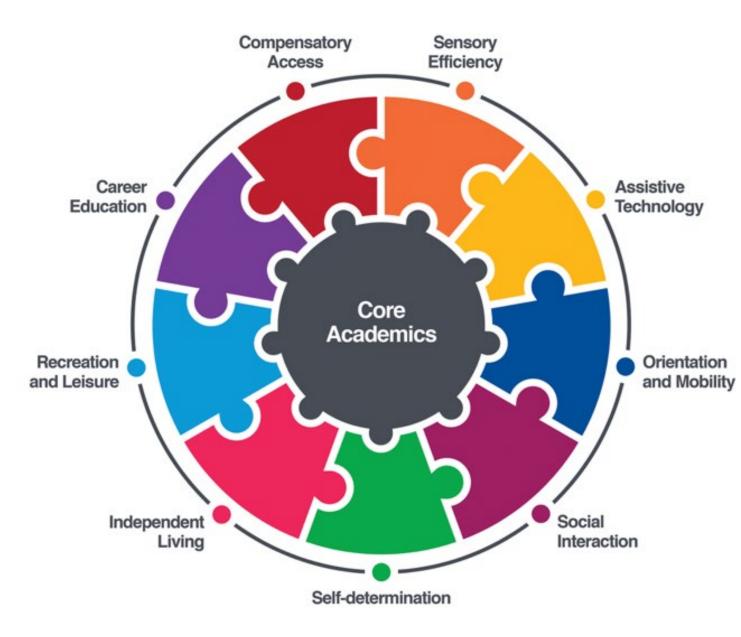


#### Supporting Success For Children with Hearing Loss

#### https://successforkidswithhearingloss.com/

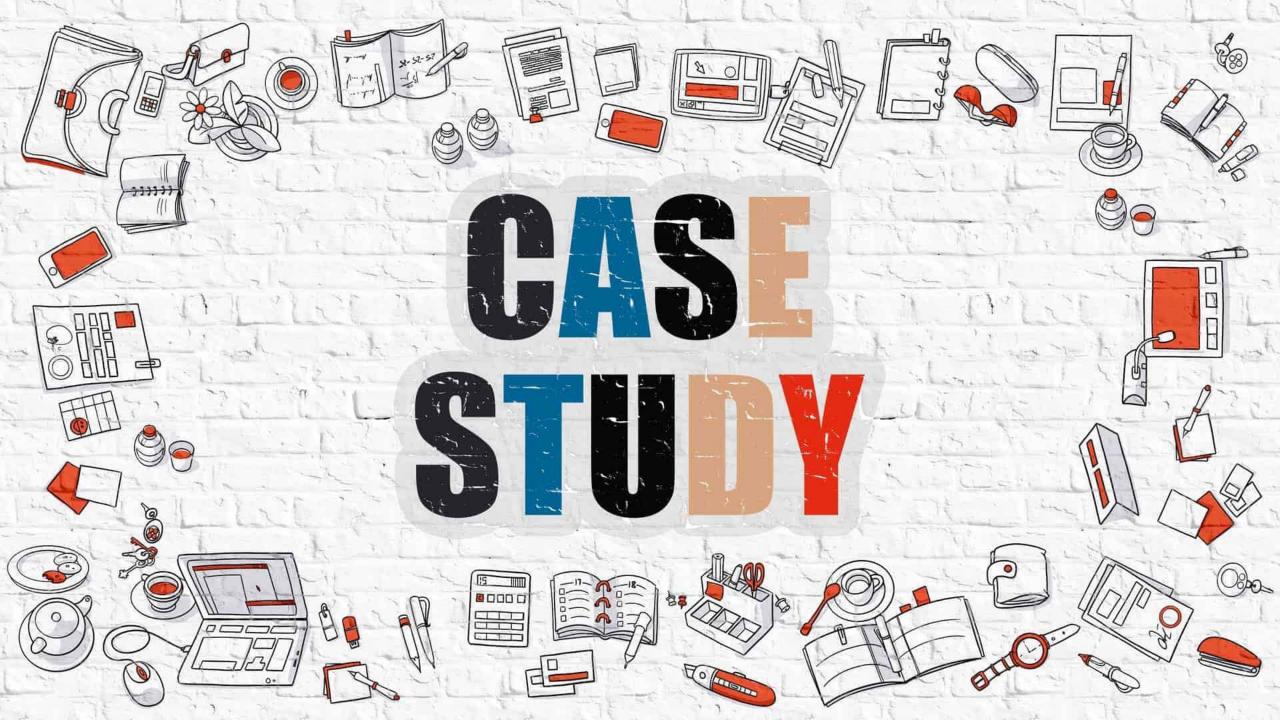
# Expanded Core Curriculum

- IA had the first, many deaf ed teams use them, other states have them also
- Expand on the core curriculum specific to the needs of students who are DHH
- Great resource to utilize when recommending goals and services



# LAW & LEGISLATION CONGRATULATIONS!!

you now know enough of the law to speak about it with more confidence



## CASE #1 - MICHAEL

Michael is a 2<sup>nd</sup> grader that is placed in the mainstream with supports. His disability categories are HI and OHI (ADHD). He has current direct minutes with an OT, PT, SLP, ToD and has a dedicated 1:1 due to his behaviors. He has an active BIP.

Michaels case manager recently send a draft of the IEP that indicated consult only for ToD time in the draft.

The parents reached out to me and I recommended

## CASE #1 - MICHAEL

The district told the parents that they provided the PWN in the draft as that is allowable in IL.

Draft does not indicate that there is a change, the change has just been drafted.

What is missing?

What can the parents do?

What should the next steps be?

## CASE #2 - ILYANA

Ilyana is a 9<sup>th</sup> grade student who is deaf. She is placed in the mainstream with a sign language interpreter all day. She communicates with spoken English and ASL but is difficult to understand. She received direct services from a ToD and SLP.

At the most recent IEP Ilyana (at age of transition) asked if she could look at DHH programs because she feels it is difficult to communicate with her peers.

The school team works up some strategies that will help Ilyana make friends.

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At the most recent IEP Ilyana (at age of transition) asked if she could look at DHH programs because she feels it is difficult to communicate with her peers.

The school team works up some strategies that will help Ilyana make friends.

Parker is a 6<sup>th</sup> grade student who is deaf and has other disabilities including Cerebral Palsy and is cognitively at a very young age. She has been outplaced by her district since 3 years old. Her disability categories are Deafness and multiple disabilities. She received ½ of her school day with a ToD 1:1 and is in a cross categorical SPED class the rest of the day with an interpreter. She also has a dedicated 1:1 for her physical needs.

The district asked why she needs an interpreter, prompting the serving school to assess her ASL skills. The serving school agreed that she doesn't use an interpreter in a traditional manner and since her 1:1 knows some sign there is not a need for an interpreter. However, the team that works with Parker day to day stated that she does use the interpreter. The 1:1 aid does know ASL but she is constantly making sure that Parker (who has CP) is safe and cannot manually communicate with her.

Part of the assessment recommendations was for the interpreter to break down the language, she was simply interpreting (define educational interpreting). The administrators agreed that she no longer needs an interpreter. The school team that works with Parker disagreed.

What is wrong here?

Who is making the decisions?

What tools could we use in this case? What was not being done correctly? Update on how this case panned out:

# BASICS ON UNDERSTANDING TEST RESULTS...



# TESTING DEFINED

Often professionals and parents use these words interchangeably, but they are quite different.

#### Evaluation

Evaluation is the procedures used by qualified personnel to determine a child's initial and continuing eligibility, under this part, consistent with the definition. EVERY 3 YEARS evaluation. ELIGIBILITY!

#### Assessment

Assessment means on-going procedures used by qualified personnel to identify the child's unique strengths and needs and the intervention services appropriate to meet the needs of the student. This can be for the purpose of progress monitoring and annual IEP planning.

# Assessment

 Classroom-Based Assessments
 District-Wide Assessments
 State Academic Assessments
 State Assessment of Language Proficiency
 Annual IEP update assessments
 Assessment Accommodations



Completed by a multidisciplinary Team

Completed every 3 years

Completed when a new disability is diagnosed

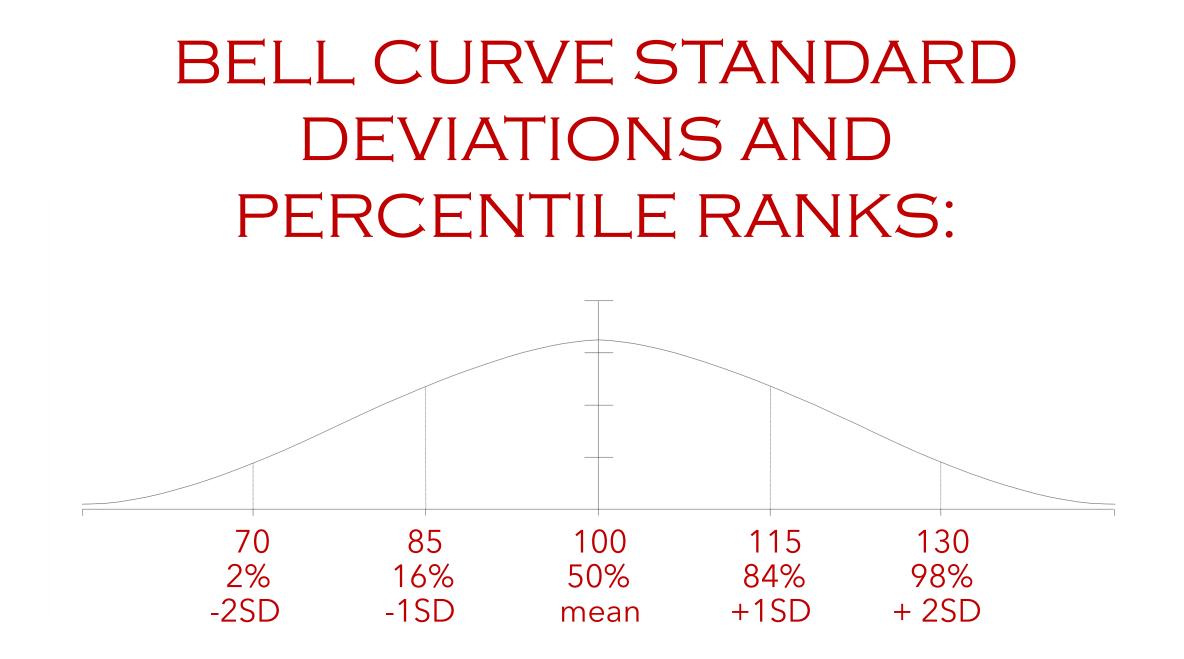


# HOW TESTS ARE REPORTED:

- Age equivalent scores
- Grade equivalent scores
- Standards scores
- Percentile ranks
- Raw score
- Composite scores

#### FAMILIARIZE YOURSELF WITH THE





# ASSESSMENTS



Classroom-Based Assessments District-Wide Assessments State Academic Assessments □ State Assessment of Language Proficiency Assessment Accommodations

## ASSESSMENTS

- <u>https://successforkidswithhearingloss.com/our-top-assessments-to-use-with-students-who-are-dhh/</u>
- <u>https://www.handsandvoices.org/astra/docs/09-</u> <u>common%20assessments.pdf</u>
- <u>https://www.ndcs.org.uk/information-and-</u> <u>support/professionals/assessments/</u>
- <u>https://www.rmtcdhh.org/resources/assessment-tools</u> Indiana
- <u>https://www.in.gov/health/cdhhe/files/IDEAL-List-of-Tools-and-Assessments.pdf</u>

# LET'S TALK ADVOCACY



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

# HOW TO ADVOCATE FOR A CHILD WHO HAS A DISABILITY

"Unless someone like you cares a whole awful lot, Nothing is going to get better. It's not." - Dr. Seuss, The Lorax

# GOOD READS

#### WRIGHTSL

#### From Emotions to Advocacy Second Edition

OVER 100,000 COPIES IN PRINT



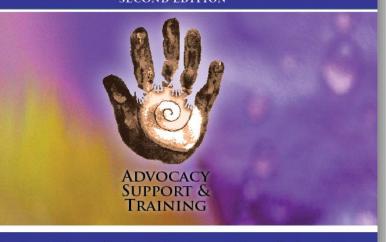
Revised and Updated with Information About: The Individuals with Disabilities Education Act of 2004 The No Child Left Behind Act of 2001

The Special Education Survival Guide

Pam Wright and Pete Wright Founders of the Wrightslaw Website

# EDUCATIONAL

ADVOCACY For Students Who Are Deaf or Hard of Hearing SECOND EDITION



#### The Hands & Voices Guidebook

Cheryl DeConde Johnson Janet DesGeorges Leeanne Seaver with Lisa Kovacs and Sara Kennedy



## TO ADVOCATE IS TO SUCCEED

Our child need our strength to ensure they are getting the proper education. Do you have the tools to provide this?

# 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*.

#### REMEMBER THIS ALWAYS . . .

YOU HAVE THE RIGHT TO A "FREE APPROPRIATE PUBLIC EDUCATION" THAT INCLUDES "SPECIALLY DESIGNED INSTRUCTION...TO MEET THE (CHILD'S) UNIQUE NEEDS..."





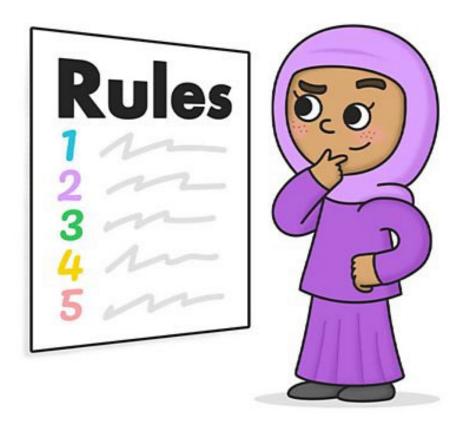
#### UNDERSTANDING THE PARENTS' ROLE AND THE SCHOOLS POSITION

## THE PARENTS ROLE:



How does advocating make a parent feel?

## LEARNING THE RULES OF THE GAME:



When you begin to advocate, expect to feel anxious and insecure. As an outsider, you do not know how problems are solved and how decisions are made. As with new job jitters, your anxieties are caused by the fear of the unknown. During your first school meetings, expect to feel insecure and anxious. These jitters are normal reactions to your new role and unfamiliar environment. As you gain experience, you will know what to expect and you will feel less anxious.

#### DEALING WITH STRESS AND RESPONSIBILITY:

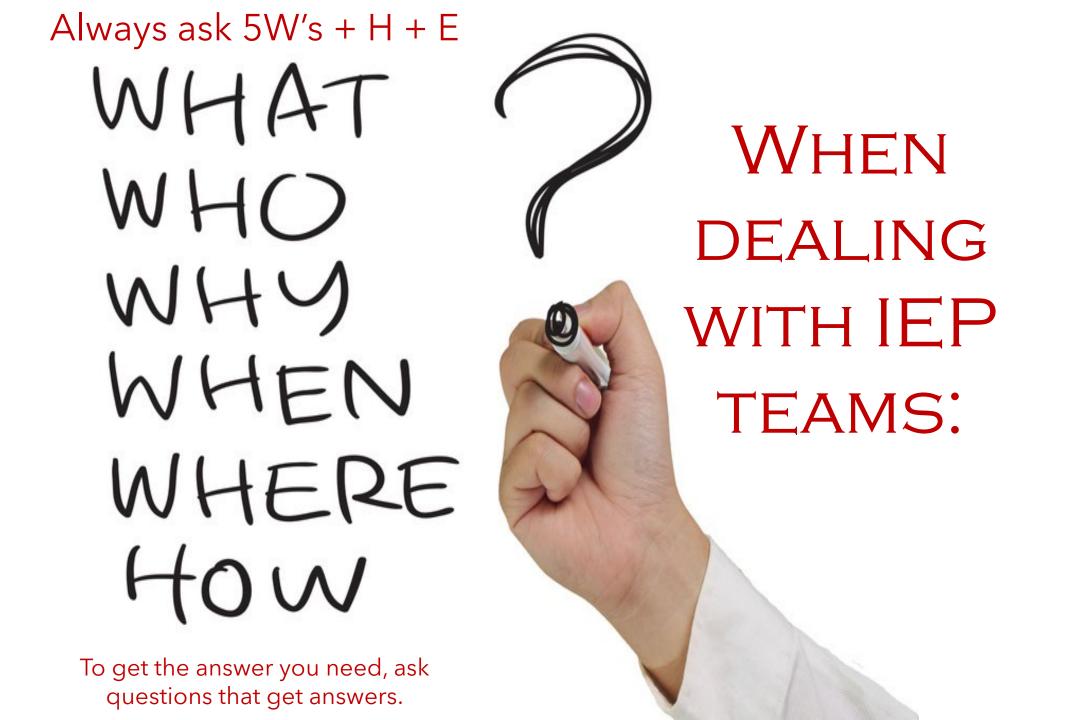


"Raising a special needs child can be overwhelming. If you are not careful, special education can consume your life. *Many parents* drive themselves until they are exhausted and burned out."



#### WE WANT WHAT IS BEST! RIGHT?

This is what every parent truly wants for their child. Let's face it, appropriate to a parents is best.



#### THIS STATEMENT SHOULD GIVE YOU AN IDEA OF THE STRESS A PARENT FACES

Maybe this will become, like, a cool thing, living with your parents.

If your child does not receive an appropriate education and master the skills necessary to be an independent, self-sufficient member of the community, you will deal with the outcome."

WHAT IS THE ROLE OF THE PARENT?

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



#### PARENTS ARE EVERYTHING TO THEIR CHILD!

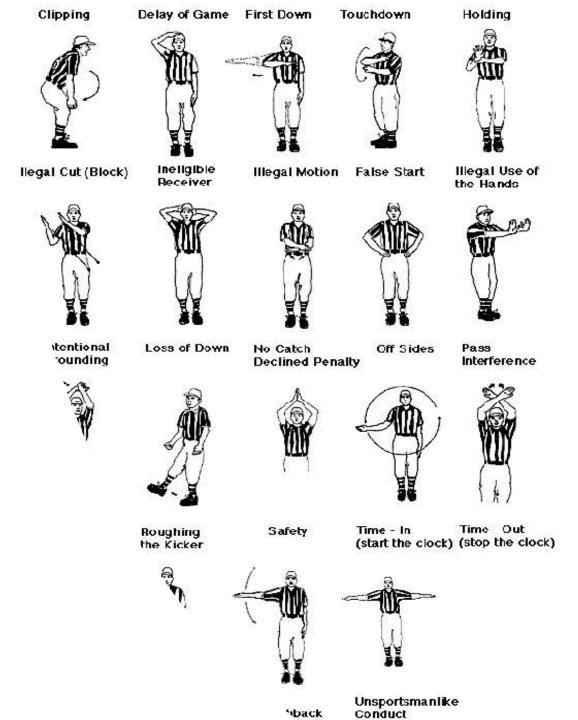


"You are your child's role model! You must work hard and persevere. In return your child will learn to work hard and persevere as well"

Pete Wright FETA '06

#### KNOWING THE RULES OF THE GAME:

- You are on time for meetings
- You are prepared for meetings
- You present your concerns and your problems in writing.
- Keep an open mind, you will learn from your experiences.



## KEEP WRITTEN RECORDS:

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- If it is NOT written, it did NOT happen
- If a statement was NOT written down, it did NOT happen.
- Make all your requests in writing.
- Document support testimony



#### METHODS FOR KEEPING RECORDS:

#### Contact log

Journal

Calendar

Telephone Calls

# THE SCHOOLS POSITION



## THE PUBLIC SCHOOL:

 "Public schools offer a standardized curriculum that children are expected to learn."

Pete Wright, FETA 2006

 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..



#### "We can't make exceptions"

o "One size fits all"

Individualized programs

# 10 REASONS WHY SCHOOLS SAY

- 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

## SO...

## EVERYTHING ISN'T PERFECT?



Image: redbubble.com



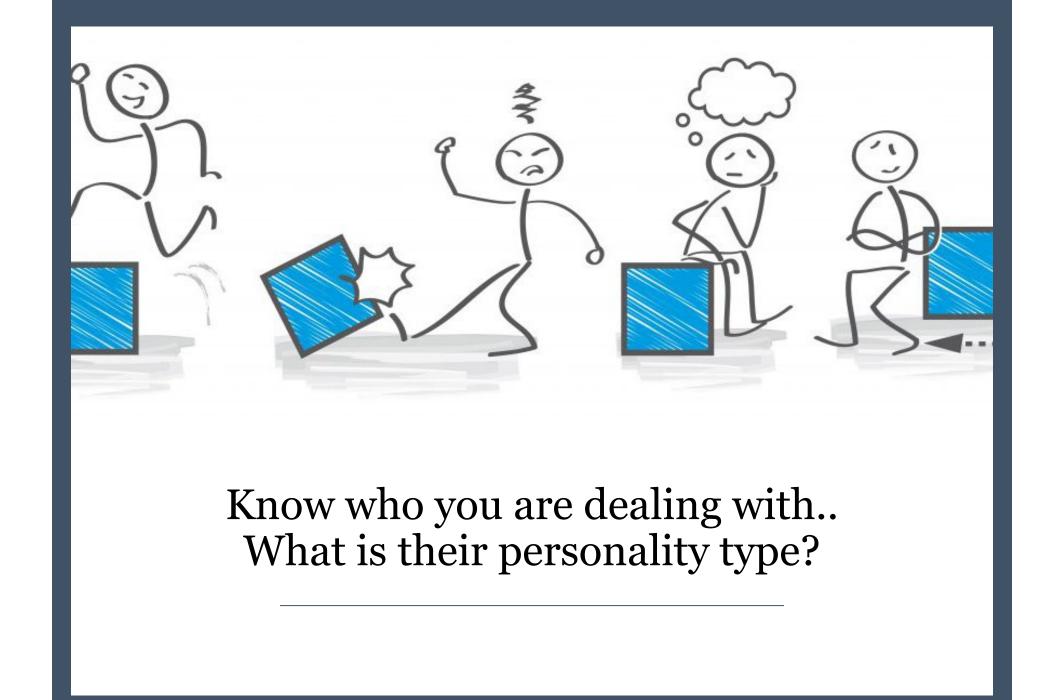
Pick Your Battles



#### LEARNING TO BE EFFECTIVE:



- Control your emotions!
- Ask questions
- Be willing to work together with your district and be willing to state just that.



#### COMMUNICATING!



WHY DC PARENTS 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 & Intimidation
- Loss of Trust



# FEELING DEVALUED

Devalue: reduce or underestimate the worth or importance of.

- When you are lied to
- When important information is withheld from you
- When you are patronized
- When you sense hidden issues or agendas

**A**FEW FACTORS THAT MAY LEAD TO CRISIS:

The school makes a unilateral (one sided) decision or predetermination

Team members ignore information from others

The decision or action may harm the child

## CONTROL YOUR EMOTIONS!!

7.



- Keep them under control
- Be careful about revealing emotions to school personnel
- Plan your time thinking, planning and preparing! NOT throwing adult TANTRUMS.

## LISTEN & SPEAK!!

- People do not like being interrupted.
- When you ask a question, don't answer it.
- Give everyone the opportunity to say their part.
- Don't yell or patronize.



"My pitch was going great until I let my guard down and somebody managed to squeeze a word in edgewise!"

# TAKE TIME OUT FOR YOURSELF

#### REMEMBER A CHILD IS A CHILD FIRST!!





KEEP CALM THE BEST IS YET TO COME





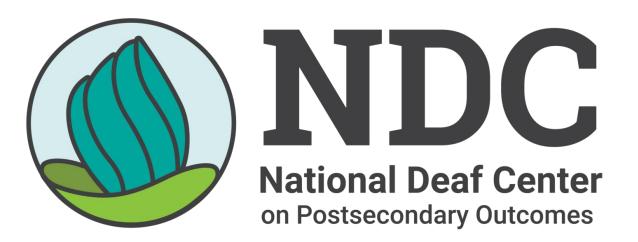
#### https://www.parentcenterhub.org/

National Dissemination Center for Children with Disabilities (NICHCY).'s New Website Home



### https://handsandvoices.org/fl3

The H&V Family Leadership in Language & Learning Center



#### https://nationaldeafcenter.org

Great for older students into college.

A PARENT'S GUIDE TO DEAF AND HARD OF HEARING EARLY INTERVENTION RECOMMENDATIONS

#### <u>https://www.handsandvoices.org/resources/pubs/Final 8-30-</u> 2017.pdf

EHDI Parent to Parent Committee – Early Intervention Part C

#### TODAY'S INFORMATION CAN BE FOUND HERE:

<u>https://drive.google.com/drive/folders/1i4ac8s6UuNSJl</u> <u>SaE8aa2PknCVUN\_KTBQ?usp=sharing</u>